

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12526 of Arimentha Neely, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3101) to permit a rooming and boarding house (less than five persons) in the R-1-B District at the premises 1401 Emerson Street, N.W. (Square 2710, Lot 1).

HEARING DATE: November 16, 1977  
DECISION DATE: December 16, 1977

FINDINGS OF FACT:

1. The property is located at 1401 Emerson Street at the intersection of Iowa Avenue and 14th Street, N.W., and is in an R-1-B District.

2. The subject property is improved with a three story and basement structure that contains seventeen rooms including seven bedrooms on the first and second floors and a living room and kitchen on the first floor. There are two bathrooms in the house, one on the second floor and one in the basement.

3. By BZA Order No. 11330, dated August 28, 1973, the BZA granted permission to use the subject property for a period of three years as a personal care home for four persons.

4. The applicant, a retired school teacher, now seeks permission to use the subject premises for a rooming and boarding house for elderly persons who are able to care for themselves, for less than five persons, on all floors.

5. There are six children and one house keeper presently living in the subject property with the applicant. The Zoning Regulations permit in an R-1-B District, two roomers as a matter-of-right in addition to a family. The present eight persons are allowed to occupy the premises as a family of six unrelated persons living together as a single house keeping unit. One of the children and house keeper are considered as roomers.

6. The Municipal Planning Office submitted a report, dated November 29, 1977, at the direction of the BZA, after the application was heard. The report stated that the present occupancy is the maximum permitted by the Zoning Regulations and increasing the number of occupants by four elderly persons appears to be inappropriate for reasons of overcrowding and the diverse needs of the expanded occupancy.

7. There was no opposition to the application.

8. Advisory Neighborhood Commission 4C filed no report on the application.

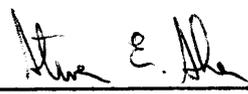
CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is a use variance, the granting of which requires the showing of a hardship related to the property. The Board concludes that the existing dwelling is so large that it is not reasonable to expect the applicant to maintain it as a single family dwelling without some kind of assistance. The Board notes that the applicant has had a foster care program and a personal care home operating in the premises in the past, with no record of complaints or opposition, and without apparent adverse effect. The Board concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent purpose and integrity of the zone plan. Accordingly it is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh and Leonard L. McCants to grant, Ruby B. McZier not present, not voting)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: \_\_\_\_\_

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 5 JAN 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.