

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12764, of the Discalced Carmelite Fathers of Washington, D.C., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from an apartment house (first and second floors) to a rooming and boarding house for senior citizens and for a special exception under Paragraph 3101.46 to permit a day care center for senior citizens both to be operated by SOME INC. in the R-3 District at the premises 150 Rhode Island Avenue, N.E., (Square 3539, Lot 801).

HEARING DATE: September 27, 1978

DECISION DATE: September 27, 1978 (Bench Decision)

FINDINGS OF FACT:

1. That part of this application pertaining to a special exception to permit a day care center for senior citizens at the subject location was advertised under Paragraph 3101.46. Said Paragraph is not pertinent to the subject matter. In determining this part of the application the Board considered it under Sub-section 7105.2, an extension of a non-conforming use. The first part of the application, to change a non-conforming use from an apartment house, first and second floors, to a rooming and boarding house for senior citizens, was heard under Sub-section 7104.2 of the Zoning Regulations. The Board notes that the requirements of the Zoning Regulations under both Sub-section 7104.2 and 7105.2 are the same. Accordingly, the evidence presented under Sub-section 7104.2 was considered in support of the relief sought under Sub-section 7105.2.

2. The subject property is located at 150 Rhode Island Avenue, N.E., and is in an R-3 District.

3. The subject property is improved with a two-story and basement building that is presently vacant. The last Certificate of Occupancy was issued January 14, 1960 for an apartment house, first and second floors.

4. The applicant now seeks permission from the Board to change the building to a rooming and boarding house for senior citizens with a day care center for senior citizens in the basement of the subject building. The applicant also seeks approval for the building of a ramp for the senior citizens according to the specifications of the architect's plans (Exhibit 17).

5. By BZA Order No. 12366, dated April 22, 1977, the Board granted the change of a non-conforming use from an apartment house, first and second floors, to a rooming and boarding house and the senior citizens day care center. The applicant failed to apply for a Certificate of Occupancy and the time has now expired. The relief for the ramp was not part of application No. 12366.

6. The Board determined that application No. 12366 be reinstated and the testimony of that public hearing, March 19, 1977 be incorporated in the subject public hearing.

7. The plans for the ramp have not been evaluated by the Zoning Administrator and the relief the applicant seeks before this Board, if any, is not known. While the Board has no objection to the ramp, the applicant is directed to submit the plans for such a ramp to the Zoning Administrator, for his initial determination as to whether Board action is required.

8. In the last years the subject building has been renovated and rehabilitated. No structural alterations were made to the building.

9. The applicant plans to house twenty senior citizens at this facility.

10. The subject residents will come from government, community and other facilities.

11. The rooming and boarding facility and the day care center will be operated by SOME (So Others Might Eat).

12. An apartment house and a rooming and boarding house are both Class II non-conforming uses in an R-3 District. A Class II non-conforming use may be changed to a use which is permitted in the most restrictive district in which the existing non-conforming use is permitted. Both non-conforming uses are first permitted in an R-4 District.

13. The day care center for the senior citizens will be located in the basement of the subject property. No other structure is involved in the extension of the non-conforming use.

14. The day care center will be a neighborhood facility as its members will essentially come from the neighborhood.

15. The Edgewood Civic Association recommended approval of the application on the grounds that it can live in complete harmony with the proposed use of the building.

16. A Monastery on adjoining property endorsed the proposed uses of the subject property.

17. Advisory Neighborhood Commission 5C filed no recommendation on the application.

18. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the requirements of Sections 7104 and 7105, change and extension of non-conforming uses, have been basically met. The proposed uses will be a neighborhood facility or the type of use which although not a neighborhood facility will not be objectionable. The uses will not affect adversely the present character or future development of the neighborhood. No deleterious external effects such as noise, or traffic is reasonably anticipated.

The Board further concludes that the uses herein can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the change of non-conforming use from an apartment house, first and second floors, to a rooming and boarding house for senior citizens and to permit a day care center for senior citizens, basement, is hereby GRANTED, SUBJECT to the CONDITION that no more than TWENTY (20) Senior Citizens shall be housed at this facility. The Board makes no determination as to the issue of the ramp, not having sufficient evidence before it to decide the matter.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Leonard L. McCants Charles R. Norris and Chloethiel Woodard Smith to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

03 NOV 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.