

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12913, of Children's Oncology Services of Metropolitan Washington, D.C. Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.49 to use the subject premises as a philanthropic institution to house the families of children being treated at area hospitals in an R-1-B District at the premises 1326 Quincy Street, N.E. (Square 3968, Lot 818).

HEARING DATE: April 11, 1979  
DECISION DATE: April 18, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject lot is located on Quincy Street between 13th and 14th Streets, N.E. The lot extends the total depth of the block from Quincy to Randolph Streets. It is known as 1326 Quincy Street, N.E., and is in an R-1-B District.

2. The subject lot contains approximately 68,000 square feet and is improved with a four story house of 10,000 square feet in area that was built in 1912. For a period of time, the house was used as a single residence used by the Catholic Education Press and most recently used as a residence for a religious community. The improvements have deteriorated over the years and its garden and landscaping are in an unkempt condition.

3. The area in which the subject site is located, is residential in character, and is developed with single family houses and some religious institutions on large sites. It is also 1.8 miles from Childrens Hospital.

4. The applicant proposes to use the subject property to provide temporary accommodations to children and their families visiting the D.C. area hospitals for the treatment of children, both on an out-patient and inpatient basis, suffering from certain tumor diseases such as cancer and leukemia and other illnesses.

5. The applicant was incorporated in the District of Columbia on May 24, 1978 as a non-profit, non-stock corporation whose purposes are to operate exclusively for charitable, educational, humanitarian and other related purposes. It has a tax exempt status recognized by the Federal Internal Revenue Service and the District of Columbia.

6. The applicant is substantially supported by contributions. The McDonald area family restaurants have pledged a minimum contribution over the next three years of \$150,000 toward the total cost of purchase and renovation of the subject property. The applicant has obtained a \$500,000 loan from the Riggs National Bank for the subject property. Over \$20,000 has been contributed for the proposed use of the subject property. No fee will be charged to any patient or family using the subject property.

7. The proposed use will not have any commercial activity and no goods, chattels, wares or merchandise will be commercially created, exchanged or sold on the premises.

8. The applicant purchased the subject property on February 15, 1979. It now intends to make interior structure improvements and alterations to meet fire, safety and health codes and to adapt it for the intended use. The only structural addition will be a rectangular housing extending from ground level to the third level and integrated into the Spanish roof on the east side of the house. It will house the new stairway and elevator which are needed for safety and for handicapped persons. The east side porch will be closed as this stairwell-elevator housing will be joined to the east side of the house. It will serve each of the levels.

The existing driveway and street entrance stairways, and walkways will be retained, from the Quincy Street side. The gravel driveway and parking area will be enlarged sufficiently to accommodate the number of automobiles present at any time which is anticipated to number not more than twelve. A patio with concrete paving will be constructed in the rear of the house, joining the garden level. A small children's playground and a picnic area will be placed in the tree covered rear lot. The existing basketball court on outdoor paving will be maintained.

The garden level will also contain a recreation room, twenty eight feet by eighteen feet and a ten feet by eight feet storage area with freezer equipment. There will be a mens room and womens room with dual wash basins and commodes. The first level will contain the family dining and living rooms, two sitting rooms and the main kitchen which can be used by individual families. There will be no formal food service by any chefs or cooks connected with the residence. Residents will not be boarded or served meals, but may use the facilities furnishing their own service. Also on this level a room and bath will be provided for a visiting manager. A visiting manager can supplement the administration during periods when the resident manager is unavailable.

The second level will contain eight bedrooms and a lounge and two and one half baths. The rooms are positioned so that they can be used as family suites if several adults and several children are together. The third level will contain eight bedrooms and two and one half baths, but no lounge will be provided. These rooms are configured similarly to the second level.

9. There will be a resident family in occupancy. It will have the only apartment in the building. The family will constitute the resident manager and will be responsible for the maintenance of the subject property.

10. There will be no medical facilities on the subject property. No treatment will be given.

11. The Office of Planning and Development, by report dated April 6, 1979, recommended that the application be approved on the grounds that the proposed facility will provide a needed amenity and it is not likely to affect the surrounding neighborhood adversely. The Board so finds.

12. The Brookland Civic Association, the North Michigan Park Civic Association and a neighboring resident testified in favor of the application on the grounds that such a proposed use would be beneficial to the District of Columbia, that it would serve not only the immediate neighborhood but the entire District of Columbia, that the proposed use can be considered residential and that the subject property would now be rehabilitated and cease being an eyesore to the neighborhood. There was also a letter from the president of Children's Hospital, National Medical Center, recommending approval of the application. The Board concurs with the opinions expressed by the neighborhood, associations and individuals.

13. By letter of April 4, 1979, the Chairperson of Planning and Development of Advisory Neighborhood Commission 5A reported that the ANC would not support the application since the subject neighborhood has been saturated by every manner of institutions. The ANC was not opposed to the proposed use or the applicant itself.

14. The individuals who represented the aforementioned Brookland Civic Association and the North Michigan Park Civic Association are Commissioners of ANC-5. They testified that the letter of April 4, 1979 was not the true position of the ANC. The Board advised that by statute it is required to give great weight to the issues and concerns expressed by the ANC and requested that a letter be submitted stating the firm position of the ANC.

15. Advisory Neighborhood Commission 5A, by letter of April 16, 1979, signed by the Chairperson, reported that in the wake of community interest to have the subject establishment in the area, the ANC renders a decision in favor of the application. The ANC further commented that this decision did not affect the sentiments expressed in the aforementioned April 4th letter.

16. The application was opposed by the president of the National Open University who had attempted to acquire the subject property to establish an institution of higher learning. It's application, BZA No. 12357, was denied by the Board by final Order dated August 24, 1977. The basis of the opposition was over-saturation of the neighborhood with people coming and going whether the proposed use would serve the District, questionable unguaranteed financing for a long period and that the property should be available for all persons to purchase.

The Board finds that the opposition was under the impression that the applicant had not purchased the subject property which in fact it had on February 15, 1979. A seller has the freedom to offer its property to anyone and select a purchaser who meets its terms. There is no question of financial security. Finding of Fact No. 6 affirms this. All parties in favor of the application, the Office of Planning and Development, individuals and neighborhood associations anticipate no adverse affect on the neighborhood as to the number of people coming and going. It is clear that the proposed use will not serve only persons from the District of Columbia, but that is not a basis for granting or denying the application. The Board finds that the opposition's position is contrary to the majority view of the immediate neighborhood and that such positions are not substantiated by the facts of record in the case.

#### CONCLUSIONS OF LAW:

The applicant seeks a special exception which requires the applicant to show that it meets the requirements of the Zoning Regulations. Based on the record the Board concludes that the applicant has substantially complied with the requirements of Paragraph 3101.49 and Sub-section 8207.2 of the Zoning Regulations. The applicant is an eleemosynary institution, no goods, chattels, wares or merchandise will be commercial created exchanged or sold on the subject property. Finding of Fact No. 8 establishes that the property will be used residentially and that the parking facilities are adequate for the intended use. No adverse impact is anticipated.

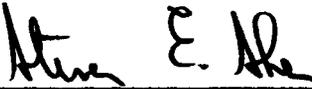
As to the special exception, the Office of Planning and Development, the ANC, neighboring associations and individuals have recommended the granting of the application. The sole opposition, as discussed in Finding of Fact No. 15, has no merit.

The Board concludes that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and it will not affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh to GRANT, Theodore F. Mariani to GRANT by PROXY, Leonard L. McCants not present, not voting).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 22 MAY 1979

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.