GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13504 of William F. and Phyllis Biscoe, 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 of four units to a rooming and boarding house (Group Home) for eight girls, ages fourteen to eighteen years, in an R-2 District at the premises 4400 Eads Street, N.E., (Square 5131, Lots 56 and 57).

HEARING DATE: May 20, 1981
DECISION DATE: May 20, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of Eads and 44th Streets, N.E. and is known as premises 4400 Eads Street, N.E. It is in an R-2 District.

2. The site is located at the edge of an area zoned R-2. The area across the street from 44th Street, to the west, is zoned R-5-A. The subject area is developed mainly with a mix of single family detached, semi-detached and apartment houses.

3. The site is improved with a two-story apartment building containing four units. The YWCA of the National Capital Area proposes to use the property as a Group Home for eight teenage girls, ages fourteen to eighteen years, who have been adjudicated as persons in need of supervision (PINS). The YWCA had previously operated a Group Home at 636 East Capitol Street, but was forced to relocate since the landlord intended to sell the building. The program discontinued pending approval of the subject application.

4. The upstairs apartments will have the kitchens removed and will be used as sleeping quarters. The first floor apartment on the left will be used as a kitchen, dining room and laundry room. The first floor apartment on the right will be used as office space. There will be no structural alterations made.

5. The residents of the Group Home all attend school during the day in the neighborhood. During the summer they are employed on jobs, are enrolled in programs or act as volunteers. They are under twenty-four hour supervision. None of the residents will drive cars. Visiting hours are all scheduled and for the week-ends only.

6. The existing non-conforming apartment use now located in an R-2 zone is first allowed as a matter of right in an R-5-A zone. The rooming and boarding house as proposed is first allowed as a matter of right in an R-4 zone. The Board of Zoning Adjustment may approve a change in a Class II non-conforming use to a use permitted in the most restrictive district in which the existing non-conforming use is permitted.

7. The Office of Planning and Development, by report, filed May 13, 1981, recommended that the application be approved. It reported that the existing non-conforming use is allowed as a matter of right in an R-5-A zone whereas the proposed use is allowed as a matter of right in an R-4 zone, so that there will be a decrease in the degree of non-conformity on the subject property if this application is approved. The number of teenage residents that will be served in the proposed facility will not be excessive. The proposed facility is not likely to adversely impact the surrounding area and it will serve a social need in the District of Columbia. Office of Planning and Development recommended that this application be approved. The Board so finds.

8. Advisory Neighborhood Commission - 7D by letter of February 13, 1981, recommended approval of the application on the grounds of the needed service provided for teenage girls by the lessee. Councilmember Hilda Mason, the Greater Northeast Civic Association, the Director of the Social Services Division of the Superior Court of the District of Columbia, the D.C. Commission for Women and individual residents of the immediate neighborhood endorsed the application on the grounds of the purpose, goals and accomplishments of the YMCA Tower. The Board concurs.

9. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking a special exception, the granting of which requires proof that the applicant has complied with the requirements of Sub-section 7104.2 of the Zoning Regulations and that the relief 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. The Board concludes that the applicant has met the burden of proof. As found in Finding No. 7 the proposed use will be a decrease in the degree of non-conformity. The proposed use is a neighborhood facility and will be a type of use which will not be objectionable. The Board notes the enthusiastic support for the application on behalf of residents of the area, the neighboring civic associations, the ANC and other civic associations. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Douglas J. Patton and Connie Fortune to GRANT).

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

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 JUN 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.