

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13651, of the Archdiocese of Washington, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 3102.3) to use all floors of the subject premises as an eleemosynary institution to include a food service program and catering in an R-2 District at the premises 1018 Monroe Street, N.E., (Square 3881, Lot 5).

HEARING DATE: January 20, 1982
DECISION DATE: February 3, 1982

FINDINGS OF FACT:

1. The subject site is located on the north side of Monroe Street between 10th and 12th Streets, N.E., in the Brookland section and is known as premises 1018 Monroe Street, N.E. It is in an R-2 District.
2. The lot consists of 7,500 square feet of land area with fifty feet of street frontage, and is developed with a large detached structure of residential design.
3. The subject site is adjacent on the east, west, and north to detached housing. South of the site across Monroe Street is the old Brookland Public School and St. Anthony's Church. Twelfth Street, 200 feet east of the site, is a low-density commercial corridor with convenience shopping. Approximately 800 feet west of the site is the Brookland Metrorail Station. The site is in an R-2 District that extends north to Otis Street, west to Ninth Street, and south to Rhode Island Avenue. A C-2-A District along 12th Street begins 100 feet east of the site.
4. The BZA in Order No. 8908, issued November 9, 1966, granted permission for the subject site to be used as a philanthropic institution by the Anchor Club, a social and recreational center for the mentally restored. It is supported wholly by contributions. In BZA Order No. 10136, issued November 4, 1969, the Board granted permission to construct a two story and basement rear addition to the structure.
5. The existing use of the subject building is as a private club for the Anchor Club of the Archdiocese of Washington. As such it is used Saturday and Sunday from noon to 8:00 P.M., Wednesday and Friday evening from 6:00

P.M. to 9:00 P.M. and Monday through Friday from 9:00 A.M. to 4:00 P.M. as a place for the mentally restored to learn independent living and socialization skills. The mentally restored are taught these skills and supervised by six mental health professionals. At all times that the club is in operation, the mentally restored are supervised and engaged in meaningful activities as part of a deinstitutionalization court order. One mental health professional, a single person, lives at the premises for the purpose of avoiding vandalism when the building is not used. Weekdays there are a maximum of eighteen mentally restored and six staff using the building. Weekends there are approximately forty mentally restored with two staff using the building.

6. The applicant now proposes to include a food service program and catering on the site. The proposed new use involves only one room, the kitchen, which measures 150 square feet. The side of the building where the kitchen is located is some thirty-five feet from the house on the adjacent lot. Commercial kitchen equipment was purchased with funds from the D.C. Government Department of Vocational Rehabilitation Services and installed with funds from the Anchor Mental Health Association. The kitchen is currently used to prepare two weekend meals, Saturday and Sunday, for the approximately forty people, and five weekday lunches for the approximately eighteen people who utilize the private club.

7. The Anchor Mental Health Association has a food services training unit with a professional food services supervisor. Last year this unit, which trains the mentally restored to learn skills necessary to obtain competitive employment in the community, prepared lunches for St. Anthony's High School located at 1001 Lawrence Street, N.E., using their kitchen and also using this same kitchen prepared lunches for the staff and mentally restored persons of Anchor Services Workshop located at 804 Rhode Island Avenue, N.E.

8. The proposed new use of the kitchen at 1018 Monroe Street, N.E., would allow the food services training unit, a professional supervisor working with no more than five mentally restored at any one time, to utilize the commercial kitchen at 1018 Monroe Street, N.E., to prepare food to be catered at other locations. No one would enter or leave the building except the supervisor of this program and the no-more-than five mentally restored benefiting from the training program. The catering aspect would not be a daily occurrence. The applicant's van, a 1979 Dodge Maxi-van, as well as any delivery vehicle, would enter and exit from the private driveway on the property of 1018 Monroe Street, N.E., and park in the rear of the building. The catering use for food preparation would be on an occasional basis.

The most optimistic projection at this time is for a twice monthly catered event. The public may request the catering service.

9. The Office of Planning and Development by report dated January 8, 1982, recommended that the application be approved. It reported that the proposed use does not constitute an introduction of a new use, as envisioned by the Zoning Regulations, but is only a modification of a previously approved use. The introduction of commercial kitchen appliances and a small food service training program associated with occasional catering would have a negligible impact on the neighborhood and would not signify a substantial intensification of this facility. The Board, for reasons discussed below, does not concur in the the OPD recommendation.

10. The record was left open at the end of the public hearing for the applicant to submit recommendations from the adjoining property owners and for the ANC to submit a report.

11. The owner of the adjacent premises 1022 Monroe Street advised by letter of January 21, 1982 that he had no objection to the relief requested. The occupants of the adjacent premises at 1014 Monroe Street are students who felt unable to sign for the owner who could not be reached.

12. Advisory Neighborhood Commission 5A, by letter of January 19, 1982, advised that the ANC did not take a formal vote on the application but conducted a telephone poll in which a majority of the Commissioners opposed the application. The Board is required by statute to give great weight to the issues and concerns of the ANC when the recommendation is reduced to writing. The Board finds that no such written recommendation is available to address in this application.

13. The previous approval granted by the Board was for a philanthropic institution. Such a use is no longer permitted as a special exception in an R-2 District. The subject use as thus a non-conforming use.

14. The applicant proposes to intensify the existing non-conforming use, and therefore must seek a use variance. The applicant presented no testimony or evidence that the site is affected by any extraordinary or exceptional situation or condition. The applicant further demonstrated no hardship upon the owner which arises out of the property.

15. The applicant is now making reasonable use of the property as described in Finding of Fact No. 5.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a use variance, the granting of which requires a showing through substantial evidence of a hardship upon the owner arising out of some unique or exceptional condition in the property so that the property cannot be used for purposes for which it is zoned. The Board further must find that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board concludes that there is no hardship inherent in the property itself. The structure is now used, through the Board's permission, as a private club for the mentally restored. The facilities therein are used privately for the rehabilitation of its members. What the applicant now proposes is to introduce a commercial venture in which the general public may participate, regardless how minimally, into a private dwelling in an R-2 District, a district designed to protect one family semi-detached dwellings from invasion by denser types of residential development to say nothing about invasion of commercial ventures. The Board is not unaware of the need for the applicant's proposed services for the mentally restored and their merit. It is the Board's opinion that a commercial venture be confined to a commercially zoned district. The Board further concludes that the relief cannot 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 ORDERED that the application is DENIED.

VOTE: 4-0 (Connie Fortune, William F. McIntosh, Douglas J. Patton and Charles R. Norris to DENY; John G. Parsons not voting, not having heard the case).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JUN 22 1982

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."