

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14147 of the Boys and Girls Club of Greater Washington, pursuant to Sub-section 8207.2 of the Zoning Regulations, for special exceptions under Paragraph 3102.44 and Sub-paragraph 3102.445 to use the subject premises as an emergency shelter for ten residents (boys), ages six through thirteen years, and to permit such shelter within 500 feet of another community based residential facility with five or more residents in an R-4 District at premises 1201 Harvard Street, N.W., (Square 2853, Lot 139).

HEARING DATE: June 20, 1984

DECISION DATE: July 11, 1984

FINDINGS OF FACT:

1. The subject site is located on the north side of Harvard Street, midway between 11th and 13th Streets and is known as 1201 Harvard Street, N.E. It is zoned R-4.

2. The subject site is improved with a three-story plus basement brick row dwelling.

3. The site contains 2,436.5 square feet of lot area with 16.66 foot frontage on Harvard Street and a depth of 146.25 feet. The site abuts a fifteen feet public alley to the north.

4. The subject premises is currently used as an emergency shelter for four boys, aged six to thirteen, operated by the applicant. An emergency shelter housing no more than four persons is permitted as a matter-of-right in the R-4 District.

5. The applicant proposes to expand the population of the existing facility from four to ten. The age group of the boys to be served will remain the same.

6. An emergency shelter for five to fifteen persons, exclusive of staff, requires special exception review and approval by the Board pursuant to Paragraph 3102.44 and Sub-section 8207.2 of the Zoning Regulations.

7. The Zoning Regulations require that two on-site parking spaces be provided to serve the proposed use. There is a parking credit of one space for the subject premises.

The applicant is therefore required to provide only one on-site parking space.

8. The subject site has access to the rear yard through the existing fifteen foot public alley. The applicant proposes to provide four off-street parking spaces at the rear of the site.

9. The applicant testified that fifty percent of the staff at the subject site use public transportation. The total number of staff at present is eight full time and four part time, providing twenty-four hour coverage at the facility, seven days a week. There will be no increase of staff if the requested special exception is granted. Only two staff persons are present at the site at one time. The use generates very few visitors to the site and the residents are too young to drive. The proposed parking is therefore adequate to provide staff and visitor parking. The Board so finds.

10. The proposed facility is operated pursuant to a contract with the department of Human Services and has been inspected and approved as meeting all code and licensing requirements for the existing population of four. The premises are very large and the increased population will better utilize the existing space and better address the demand for the proposed type of facility in the area.

11. The proposed facility is designed to provide a home like environment for up to ten residents at one-time with a projected turnover of between ninety and 100 residents per year with an average stay of thirty to forty days. Residents are abused or neglected children who are brought to by a social worker who will park at the rear of the site. Meals and laundry services are provided at the subject premises and supplies are purchased and delivered to the site in the applicant's van in much the same manner as would occur for a single family use of the premises. Trash is removed from the site by a private company approximately twice per week.

12. The applicant provides van service to transport the residents to doctor/dentist appointments and all off-site activities. The van will use the off-street parking to the rear of the site. The residents are enrolled in local public schools and will walk to those schools or use public transportation as necessary.

13. The residents are closely supervised at all times and must meet strict curfews. Evening weekend and summer activities include tutoring sessions, library visits, job programs, trips to museums, bike rides, hikes, picnics and other Boys and Girls Club activities. All activities are supervised by staff.

14. The Board may approve more than one community based residential facility in a square or within 500 feet only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood adverse impact on the neighborhood.

15. The immediate neighborhood of the subject site is generally zoned R-4 and is characterized by row dwellings of similar bulk and style. One block west of the subject premises in an R-5-C District encompassing the Columbia Heights Village Apartments. To the north of that R-5-C District is a varied commercial strip running along 14th street. The Columbia Heights Metro Station is planned for the intersection of 14th and Irving Street, N.W.

16. A community residence facility is currently located at 1238 Harvard Street, N.W., in the same square as the subject premises and within 500 feet. That facility serves five to ten residents, aged thirteen to sixteen years, with eight full-time and four part-time employees. The facility is operated pursuant to contract with the Department of Rehabilitation.

17. The Department of Rehabilitation also has a facility located at 1308 Girard Street for ten residents, aged thirteen to eighteen. This facility is approximately 800 feet or two and one half blocks from the subject premises.

18. The applicant argued that because of the difference of program activities, program outline and ages of the residents, the proposed facility would not have an adverse impact on the neighborhood.

19. The applicant previously operated an emergency shelter hear by at 2539 13th Street, N.W. The applicant desired to upgrade its facility and purchased and completely renovated the subject premises in January 1984. The applicant was unaware of the existence of any other community residential facility at the time of purchase.

20. The Office of Planning by memorandum dated June 13, 1984, recommended denial of the application. The Office of Planning noted the existence of two facilities within the same block and a third existing facility within 500 of the subject premises. The Office of Planning further noted that applications for Certificate of Occupancy's for three additional community residential facility's have been filed for proposed facilities within 500 feet of the subject premises. The Office of Planning was of the opinion that such a high concentration of institutional residences in the area is contrary to the intent and purpose of the R-4 District which is designed to stabilize areas where existing housing stock is being converted to higher density residential uses.

21. There were no written responses submitted to the record by the Department of Transportation, Human Services or Corrections.

22. By letter dated June 26, 1984, the applicant indicated that of the facilities identified in the Office of Planning report only those facilities identified in Finding of Fact Nos 16 and 17 are currently in existence.

23. A resident of the subject square appeared at the public hearing in support of the application and submitted a letter to the record dated June 27, 1984. That support was based on her observation of the existing facility. It was her opinion that the applicant provides a family-like environment for its residents, the premises are well cared for and the use will have no adverse impacts on the community.

24. The record contains two letters in support of the proposed facility, indicating that the superior program and community concern of the applicant are highly commendable. One of the letters in support was from the SMD ANC commissioner.

25. ANC 1B made no recommendation on the application.

CONCLUSION OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes, that the applicant is seeking special exceptions the granting of which requires substantial evidence of compliance with the requirements of Paragraph 3102.44. The Board concludes that the applicant has so complied. There is adequate on-site parking provided. The facility meets all applicable code and licensing requirements. The number and age of the residents and the program offered to those residents is not likely to adversely impact on the neighborhood because of noise, traffic, operations or the number of similar facilities in the area. The cumulative impact of the facilities within 500 feet will be negligible as the facilities are substantially separated and different in age groups and program activities. The Board further concludes that the application can be granted as in harmony with the generate purpose and intent of the Zoning Regulations and that the relief sought will not tend to adversely affect the use of neighboring property. Accordingly it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of FOUR YEARS from the date of the order.
2. The applicant shall provide four parking spaces on-site.

3. Operation of the facility shall be limited to the applicant only.
4. Trash shall be removed by a private company twice a week.
5. Meals and laundry service shall be provided on the subject premises.
6. All supplies shall be delivered to the facility by van. The van shall be parked at the rear of the facility.
7. The number of residents shall not exceed ten.

VOTE: 4-0 (Charles R. Norris, Walter B. Lewis, William F. McIntosh and Carrie L. Thornhill to grant; Douglas J. Patton 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:

14 SEP 1984

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 CONSUMER AND REGULATORY AFFAIRS.

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