

Government of the District of Columbia

ZONING COMMISSION



Application No. 14678 of Mary E. Watson, pursuant to 11 DCMR 3108.1, for special exceptions under Sub-sections 732.1 and 358.8 to allow a community residence facility for more than 25 persons, first through fourth floors, in a C-2-A District at premises 3439-41 - 14th Street, N.W., Square 2836, Lot 141).

HEARING DATE: September 30, 1987

DECISION DATE: October 7, 1987

FINDINGS OF FACT:

1. The site is located on the east side of 14th Street, N.W., between Meridian Street to the north and Newton Street to the south. The site is located in the C-2-A District.

2. The site is rectangularly shaped and consists of 3,960 square feet of land area. The site is developed with two row dwellings of brick construction. The northernmost dwelling has a metal fire escape balcony on its exterior rear wall.

3. Abutting the site to the north is a semi-detached dwelling in the C-2-A District. Across Meridian Street to the north, there is a Mom and Pop corner grocery store followed by other retail and service uses in the C-2-A District. To the east of the site, there is a fifteen foot wide public alley followed by the rear yards of row dwellings in the R-4 District. To the south of the site, there are several uses including residentially occupied row dwellings, funeral home, real estate/tax service, and a Mom and Pop grocery store in the C-2-A District. Across 14th Street to the southwest of the site is Fire Engine Company No. 11 in the C-2-A and R-4 Districts. Immediately across 14th Street to the west of the site, there is a Giant grocery store and an accessory parking lot in the C-2-A District.

4. A community based residential facility (CBRF) of 13 residents is operating at premises 3441 - 14th Street, N.W. A rooming house for nine persons was the previous use of the structure known as premises 3439 - 14th Street.

5. Pursuant to 11 DCMR 3108.1, the applicant is seeking special exceptions under Sub-section 732.1 and 358.8

to expand the CBRF to a facility with more than 25 persons by incorporating the structure previously used as a rooming house. The applicant proposes to operate a facility of 31 residents

6. Three staff will work at the site in addition to cleaning staff who will be employed at the site as necessary. There is no other property containing a CBRF for five or more persons in the same square or within 500 feet of the site.

7. The residents of the facility do not operate automobiles. They are either bused or take public transportation to different social service activities, etc. There is ample room at the rear of the site to accommodate five regulation size parking spaces. These spaces will be available to the two full-time employees (live-in cook and resident supervisor) and visitors to the facility. The parking spaces can be accessed by way of the 15 foot wide public alley. Restricted curb parking is available along 14th Street.

8. The facility receives its residents from a variety of services including the District Government Mental Health Agency and Saint Elizabeths.

9. The Service Facilities and Regulations Administration is charged with the licensing and monitoring of the facility for compliance with health and safety codes.

10. It is not anticipated that the facility will generate more noise than a typical residence would. The applicant has received no complaints about noise or operations of the existing facility.

11. By memorandum dated September 15, 1987, the Office of Planning (OP) recommended approval of the application for 25 residents. OP reported that it is of the opinion that the site can accommodate 25 persons and that it does not anticipate any negative parking or traffic impacts to result. The Board concurs.

12. Advisory Neighborhood Commission 1A did not submit a report on the application.

13. A neighbor of the site submitted a letter to the record and another neighbor testified in opposition to the application on grounds that there is not adequate police and fire protection for the facilities and the area is becoming saturated with CRF's. The Board does not concur and notes that a fire station is located in the immediate vicinity of the site.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Sub-section 3108.1 and Sub-sections 732.1 and 358.8 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof.

There is no other property containing a CRF for five or more persons in the same square or within 500 feet of the subject site. Residents of the facility do not operate automobiles and there is space for parking five cars at the rear of the site which is accessed by a public alley. The Service Facilities Regulations Administration is charged with the licensing and monitoring of the facilities for compliance with health and safety codes. The facility will not have an adverse impact on the neighborhood. The existing facility has generated no complaints with regards to noise or traffic problems and it is not anticipated that such problems will arise by the proposed expansion. However, the Board further concludes that the applicant has not met the burden of proof to justify an increase from 25 to 31 residents.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and it will not affect adversely the use of neighboring property.

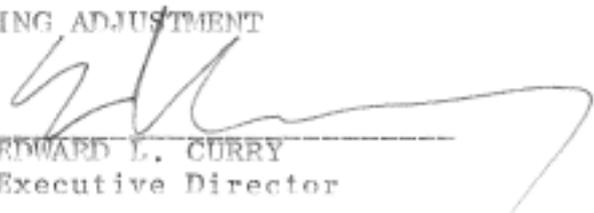
Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Operation of the facility shall be limited to the applicant.
2. The number of residents shall not exceed twenty-five.
3. The applicant shall provide five on-site parking spaces for the employees and visitors.

VOTE: 4-0 (Maybelle T. Bennett, Paula L. Jewell, and Charles R. Norris to grant; Carrie L. Thornhill to grant by proxy; William F. McIntosh not voting, not having heard the case).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

DEC 22 1977

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "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.

14678order/KATE32