

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14714, of William T. Brawner Co., Inc., pursuant to 11 DCMR 3108.1, for a special exception under Section 303 to establish a community residence facility for fifty residents (Sub-section 303.8) in an R-4 District at premises 1949 - 4th Street, N.E., (Square 3615, Lot 47).

HEARING DATE: March 23, 1988
DECISION DATE: April 4, 1988

FINDINGS OF FACT:

1. The subject property is located in an R-4 District at 1949 - 4th Street, N.E., (Square 3615, Lot 47).

2. The property consists of a vacant eighteen-unit apartment building which once housed approximately seventy-eight tenants. The applicant's certificate of occupancy permits it to operate the building as an apartment house.

3. Most of the buildings in the area are two and three-story residential row houses. The neighborhood is plagued by a high incidence of crime and drug abuse.

4. The applicant intends to lease the property to RAP, Inc., which will use it as a community based residential facility for fifty persons. The facility will provide housing and counseling to former drug-abusers and criminal offenders who have completed one year of rehabilitation at RAP's Forest Haven Facility and are ready to re-enter the community. The rehabilitation and reentry stages are presently conducted in the same building at Forest Haven, but have occasionally been conducted in separate buildings.

5. No community based residential facility is located in Square 3615 or within five-hundred feet of the proposed facility.

6. No more than seven or eight employees will be working at the facility at any one time.

7. Residents would be permitted to have cars only when absolutely necessary.

8. An average of six persons are expected to visit the facility every day. The facility will not sponsor open houses.

9. RAP will install a rear entrance and make other changes to ensure that the building meets all applicable code requirements.

10. The facility will be located near a recently approved housing apartment complex run by So Others Might Eat (SOME). The facility will be near other buildings which presently host programs administered by Unwed Mothers and the Busy Bee Community Organization.

11. The facility will be supervised at all times and will be subject to frequent security checks. Visitors will be required to sign a log when they enter the facility, and residents will be required to adhere to strict daily schedules.

12. RAP expects to house fifteen residents at the facility. Although RAP believes that the demand for its program will increase, the Board finds that the objectives of RAP and the District could be easily achieved by a facility for thirty-six residents.

13. The subject property is under the jurisdiction of Advisory Neighborhood Commission (ANC) 5B, which voted to oppose the facility because of its proximity to similar programs and the resulting burden on parking, population density, and the residential character of the neighborhood. The Board empathizes with the ANC's concerns, but finds that the proposed use will not cause noticeable increases in traffic or population density. The impact, if any, will be less than that produced by a matter-of-right use under the existing certificate of occupancy. The Board also finds that the proximity is not so great as to have a noticeable impact on the character of the neighborhood.

14. Several civic leaders and RAP graduates appeared at the hearing to support the proposed facility because it will provide proven means to reduce the incidence of crime and drug abuse in the neighborhood.

15. A resident of 1928 4th Street, N.E., appeared at the hearing to oppose the proposed facility because of the congestion it is likely to create. Several other residents signed a petition opposing the application. The Board finds that the facility will have little impact on traffic, parking, or population density. The impact, if any, will be less severe than that which would result from a matter-of-right use permitted by the present certificate of occupancy.

16. The Office of Planning (OP) reported that the Office of Community Based Residential Facilities does not oppose the applicant's proposal. OP supports the proposed facility because it will not have an adverse impact on the neighborhood, but recommends that the Board limit its approval to allow the community to assess the future impact

of the proposed facility and the recently approved SOME facility. The Board concurs with OP's findings, but thinks the combined impact will be too small to justify frequent reassessment.

CONCLUSIONS OF LAW AND OPINION:

The applicant is requesting a special exception pursuant to Sub-section 3108.1 to establish a community based residential facility for fifty people. To qualify for the special exception, the applicant must show that it has satisfied the requirements of Section 303 and that the exception is consistent with the general purpose and intent of Zoning Regulations and Maps and will not adversely affect the use of neighboring property.

Based on the foregoing Findings of Fact, the evidence of record and the conditions herein imposed, the Board concludes that the applicant has satisfied all the requirements of Sub-section 3108.1 and Section 303. No other community based residential facilities are located in the block or within five-hundred feet of the proposed facility and that no off-street spaces are necessary to ensure adequate parking. The proposed facility will meet all applicable codes and will not have an adverse impact on the neighborhood, but need accommodate no more than thirty-six residents to achieve its objectives. The facility is also consistent with the intent and purpose of the Zoning Regulations and Maps and will not adversely affect the use of neighboring property.

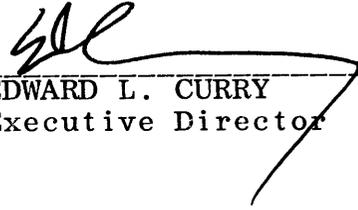
The Board has accorded to the ANC the "great weight" to which it is entitled. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Approval shall be for a period of THREE YEARS.
2. The number of residents shall not exceed thirty-six.
3. The premises must be supervised twenty-four hours per day.
4. The maximum number of employees on the premises at any given time shall not exceed six.
5. The exterior of the premises shall be maintained in a neat and orderly appearance and a safe and clean condition.
6. No more than five residents shall be permitted to own automobiles.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: JUL 22 1988

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.

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