

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14907 of the Bureau of Rehabilitation of the National Capital Area, Inc., pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Sub-section 357.1 for an adult rehabilitation home and a variance to allow an increase from 28 to 35 persons in an adult rehabilitation home in an R-5-B District at premises 1301 Clifton Street, N.W., (Square 2866, Lot 51).

HEARING DATE: December 14, 1988

DECISION DATE: January 4, 1989

FINDINGS OF FACT:

1. The property is located at the northwest corner of the intersection of 13th and Clifton Streets and is known as premises 1301 Clifton Street, N.W. It is zoned R-5-B.

2. The property is developed with a three and one-half story row house type structure which is currently occupied as an adult rehabilitation home facility with 28 residents and thirteen staff.

3. The surrounding area is developed primarily with row dwellings and apartment houses. The Clifton Terrace Apartments are located across Clifton Street to the south. There are other apartment houses located between 13th and 14th Streets on the north side of Clifton Street. The frontage to the north along 13th Street is developed with row house type structures. Cardoza High School is located to the southeast of the site across 13th Street.

4. The applicant proposes to increase the existing population of the facility by seven residents and one staff member.

5. The existing facility for twenty-eight residents and twelve staff members has existed at the subject site in excess of eight years and was established prior to the adoption of the current restrictions regarding community based residential facilities.

6. The facility is operated under contract with the D.C. Department of Corrections. The proposed increase will help to alleviate the existing critical shortage of housing for persons under the custody of the D.C. Department of Corrections.

7. There are no other community residential facilities for five or more residents in the same square within 500 feet of the subject premises.

8. The average stay for residents of the facility is sixty days. Residents are strictly monitored and are generally at work during weekdays. The facility is well maintained.

9. There are no on-site parking spaces provided. The applicant indicated that the number of staff at the site at any one time ranges from two to six. The average number of visitors is two per day. On-street parking has been adequate to meet the demand generated by the facility.

10. The applicant has received complaints regarding noise generated by radios and telephones from a resident of the adjacent row house. The applicant has banned the use of radios on the premises.

11. The Office of Planning, (OP) by memorandum dated December 6, 1988, recommended approval of the application. The OP was of the opinion that the proposed increase is not excessive and is not likely to have an adverse impact on the area.

12. By memorandum to the Director of the Office of Planning, dated November 9, 1988, the D.C. Department of Human Services supported the Department of Corrections efforts to establish more adult rehabilitation homes.

13. By memorandum to the Director of OP, dated October 6, 1988, the D.C. Department of Corrections (DOC) indicated that the applicant has maintained a good neighbor relationship with the residents of the community and has complied with the conditions of their permit. The DOC has no objection to the increase in residents and recommends issuance of the Certificate of Occupancy.

14. By memorandum to the Director of OP, dated October 6, 1988, the D.C. Metropolitan Police Department (MPD) indicated that the facility would be monitored by members of the Third District for any increase in criminal activity in the immediate area. The MPD recommended favorable consideration of the application.

15. By memorandum to the Director of OP, dated November 3, 1988, the D.C. Department of Public Works (DPW) indicated that the proposed increase in residents should not significantly impact the traffic conditions that already exist in this neighborhood. The DPW offered no objection to the proposed increase in occupancy.

16. Advisory Neighborhood Commission 1B made no recommendation regarding the application.

17. The owner of the adjacent property at 1303 Clifton Street appeared at the public hearing in opposition to the application. The opposition was generally based on the following:

- a. The adverse impact on adjacent property due to noise and smoking by residents.
- b. The impact of the facility on property values and existing criminal activity in the area.
- c. The ability of the applicant to adequately monitor and control residents of the facility.
- d. The existing shortage of on-street parking in the area.
- e. The incompatibility of the density of the facility as compared with the density of adjacent and nearby structures.

18. In addressing the issues and concerns of the opposition, the Board finds that the facility has existed at the subject site for many years and does not appear to have created any significant adverse impacts on the neighborhood. The Board further finds that the proposed increase in the number of residents is not excessive and will have a minimal impact on existing conditions in the area.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires the applicant to demonstrate substantial compliance with the requirements of 11 DCMR 357.1 and 3108.1. The Board concludes that the applicant has met the requisite burden of proof. There is no other community residence facility for five or more persons in the same square or within 500 feet of the subject premises. On-street parking, public transportation and existing traffic conditions will not be significantly affected by the proposed increase. The property will meet all applicable code and licensing requirements. There is a critical shortage of facilities to provide services of the type offered at the subject facility to meet program goals and objectives of the District of Columbia Government. The proposed increase is not likely to significantly impact existing conditions in the neighborhood. However, the Board concludes that approval should be for a limited period to allow the Board to monitor

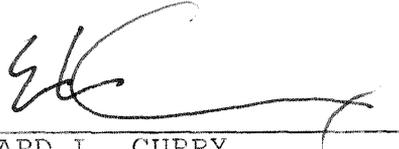
the impact of the facility on adjoining and nearby properties.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and map and will not tend to affect adversely the use of neighboring property in accordance with said regulations and map. Accordingly it is ORDERED that the application is GRANTED, SUBJECT to the CONDITION that approval shall be for a period of FOUR YEARS.

VOTE: 4-0 (Charles R. Norris, John G. Parsons, Paula L. Jewell and William F. McIntosh to grant; Carrie L. Thornhill not voting, not having heard the case).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 12 1989

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS 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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14907

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated MAY 12 1989, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Decatur W. Trotter
1301 Clifton St., N.W.
DC 20009

Larry Ewers
1205 Clifton St., N.W.
DC 20009



EDWARD L. CURRY
Executive Director

MAY 12 1989

DATE: _____