

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15229 of the National Baptist Memorial Church, pursuant to 11 DCMR 3107.2, for a variance from the off-street parking requirements (Sub-section 2101.1) for a 14-room boarding house, basement through the second floor, in an R-5-C District at premises 1501 Columbia Road, N.W., (Square 2671, Lot 817).

HEARING DATE: February 14, 1990
DECISION DATE: April 4, 1990

ORDER

The application was scheduled for the public hearing of February 14, 1990. Proper notice of the application was given based on the information provided and relief requested by the applicant at the time the application was filed, namely for a variance from the parking requirements for a 14-room boarding house. During the course of the public hearing, opposition to the application questioned whether the proposed use, as described in the applicant's testimony, met the definition of "boarding house" as contained in the Zoning Regulations. The opposition contended that the proposed facility, as described, would more appropriately be defined as an emergency shelter. Counsel for the applicant argued that the requested relief was based on the determination of the Zoning Administrator as contained in the memorandum dated August 9, 1989.

At the end of the public hearing, the Board left the record open and directed staff to refer the matter to the Zoning Administrator's office for determination as to whether the proposed facility met the requirements of the Zoning Regulations relative to a "boarding house". By memorandum dated March 14, 1990, the Zoning Administrator responded that based on review of the applicant's statement of existing and intended use, as well as review of the definitions within DCMR 11 (D.C. Zoning Regulations) and DCMR 22 (Public Health and Medicine), the proposed operation is beyond the scope of a "boarding house" as defined in the Zoning Regulations. It was the opinion of the Zoning Administrator, based on the material presented by the applicant, that the proposed use lends itself more to an "emergency shelter". There were no responses to the memorandum from the Zoning Administrator by any parties to the application.

The Board concludes that the present application can not go forward. The establishment of an emergency shelter in lieu of a boarding house constitutes a substantial change in the type of zoning relief required and the burden of proof upon the applicant. Therefore, appropriate notice of the application in its present circumstances has not been given. It is therefore ORDERED that the application is DISMISSED as not properly before the Board.

VOTE: 4-0 (Paula L. Jewell, Maybelle Taylor Bennett, William F. McIntosh and Charles R. Norris to dismiss; 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: JUN 8 1990

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."

15229order/BHS21

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BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15229

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated JUN 8 1990, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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Tedd Miller, Chairperson
Advisory Neighborhood Commission 1-A
3511 14th Street, N.W.
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EDWARD L. CURRY
Executive Director

DATE: JUN 8 1990