

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15451 of the Abraham and Laura Lisner Home for Aged Women, Inc., pursuant to 11 DCMR 3108.1, for special exceptions under Sections 219, 303 and 304 to increase the number of beds of a health care and community residence facility from 81 to 110 and under Sub-section 303.8 to allow a community residence facility for more than 15 persons in an R-2 District at premises 5425 Western Avenue, N.W., (Square 1663, Lot 804).

HEARING DATE: February 13, 1991
DECISION DATE: February 13, 1991 (Bench Decision)

DISPOSITION: The Board GRANTED the application by a vote of 4-0 (Paula L. Jewell, Sheri M. Pruitt, Charles R. Norris and Carrie L. Thornhill to grant; Lloyd D. Smith not present, not voting).

FINAL DATE OF ORDER: February 22, 1991

MODIFICATION ORDER

The Board granted the application by its final order dated February 22, 1991. On December 20, 1991, counsel for the applicant requested the Board to waive the requirements of 11 DCMR 3335.3 to accept the applicant's request for a modification of the Board's original approval of the application more than six months after the final date of the Board's order. In support of the motion for waiver, counsel for the applicant argued that the applicant was unaware that the projected resident load of 110 was incorrect in that the number of beds in the existing facility would be reduced from 56 to 51 and the number of beds in the new wing would be 60, for a total resident load of 111. The applicant did not become aware of the discrepancy in the number of beds until December 1991. The Board waived its rules to accept the filing of the motion for modification of the Board's original approval.

In support of the request for modification, counsel for the applicant argued that the number of beds was accidentally miscounted through an administrative oversight. In addition, counsel argued that the addition of one bed to the approved facility would not impose any adverse impact on the community in terms of traffic, parking or other conditions. There was no opposition to the motion for modification.

Upon review of the motion, the record in the application, and its final order, the Board concludes that the proposed modification is minor in nature and does not substantially alter the overall project as approved by the Board. No additional zoning relief is required. The material facts relied upon by the Board in approving

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the application are still relevant. It is therefore ORDERED that the MODIFICATION is GRANTED, SUBJECT to the CONDITION that the number of beds shall not exceed 111. In all other respects the order of the Board dated February 22, 1991 shall remain in full force and effect.

DECISION DATE: January 8, 1992

VOTE: 3-0 (Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

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

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER:

JAN 30 1992

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.

15451Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 30 1992 a copy of the order entered on that date in this matter was 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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MADELIENE H. ROBINSON
Acting Director

DATE: _____

15451Att/bhs