

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15592 of the Coalition for the Homeless, pursuant to 11 DCMR 3108.1, for reconsideration of Board Order No. 15102 to allow a senior citizens day program to be operated using the same facilities and concurrent with the operation of an approved emergency shelter or, in the alternative, a special exception under Section 334 to establish a temporary community service center for a senior citizens day program to be operated in conjunction with an approved emergency shelter in a C-2-A District at premises 455-57 Florida Avenue, N.W., (Square 3094, Lot 80).

HEARING DATE: October 16, 1991
DECISION DATE: October 16, 1991 (Bench Decision)

SUMMARY ORDER

The Board has determined that the application is properly before it as a special exception under Section 334 for a temporary community service center.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 1B. ANC 1B, which is automatically a party to the application, did not submit written issues and concerns relative to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 334. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief 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 Zoning Regulations and Map. It is

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

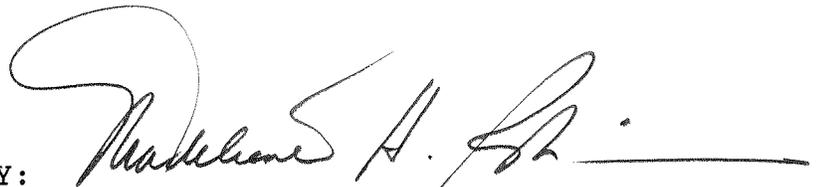
1. Approval shall be for a period of THREE YEARS.
2. The program shall serve a maximum of twenty-two clients of the same sex.
3. The number of staff for the program shall not exceed four.
4. The hours of operation of the program shall be between 7:00 A.M. and 5:00 P.M.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

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: NOV 21 1991

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.

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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.

15592Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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BZA APPLICATION NO. 15592

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 21 1991 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:

Judith L. Dobbins
Deputy Executive Director
Coalition for the Homeless
1234 Massachusetts Avenue, N.W.
Suite C-1015
Washington, D.C. 20005

Iris Woodridge
1235 Van Buren St., N.W.
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J.C. Desmukes
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Scott Roberts
1900 - 3rd Street, N.W.
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Tony Norman
57 Randolph Place, N.W.
Washington, D.C. 20001

Sarah Etheredge
6832 Stonybrook Lane
Alexandria, Virginia 22306

Stanley Mayes, Chairperson
Advisory Neighborhood Commission 1B
519 Florida Avenue, N.W.
Washington, D.C. 20001

A large, stylized handwritten signature in black ink, appearing to read "Madeliene H. Robinson".

MADELIENE H. ROBINSON
Acting Director

DATE: NOV 21 1991

15592/bhs