

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application Nos. 15720, 15721 and 15722 of Joan Sutton, pursuant to 11 DCMR 3107.2 and 3108.1, for a variance to allow an adult rehabilitation and substance abusers home of more than twenty persons (Subsection 357.1), and special exceptions under Section 357 and Subsection 358.7 to allow three adult rehabilitation and substance abusers homes totaling 120 persons to continue within the same square as other community-based residential facilities with five or more persons in an R-5-A District at premises 2840, 2850 and 2908 Langston Place, S.E. (Square 5741, Lots 130, 132 and 866).

HEARING DATE: September 30, 1992
DECISION DATE: September 30, 1992 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 8B and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 8B. ANC 8B, which is automatically a party to the application, filed a written statement of issues and concerns in support of 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 variance from the strict application of the requirements of 11 DCMR 357.1 and a special exception pursuant to 11 DCMR 357 and 358.7. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in 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 3107 and 3108; that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Board further concludes that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and that the requested relief will not tend to affect adversely

the use of neighboring property in accordance with the 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 SEVEN and ONE HALF YEARS from the date of expiration of the previous ORDER, that is from June 13, 1991.
2. The facilities shall meet all applicable regulatory and licensing requirements.
3. The number of residents shall not exceed the following:

 Square 5711, Lot 313 (2840 Langston Place, S.E.) -
 42;

 Square 5741, Lot 863 (2908 Langston Place, S.E.) -
 36; and

 Square 5741, Lot 130 (2850 Langston Place, S.E.) -
 42.
4. Off-street parking shall comply with the provisions of Chapter 21 DCMR 11.
5. The applicant shall cooperate fully with liaison representatives of the Department of Corrections and the Metropolitan Police Department.
6. The applicant shall continue to meet with the Hope Village Advisory Board on a regular basis.
7. The applicant shall adhere to the community security plans and other plans set forth in a letter dated November 23, 1988, Exhibit No. 29 in the record of BZA Application No. 14876.
8. The applicant shall maintain in good condition, the landscaping as specified in the letter dated December 30, 1988, Exhibit No. 31 in the record of BZA Application No. 14876.

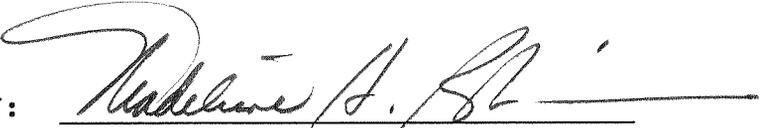
Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

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VOTE: 3-0 (Sheri M. Pruitt, Paula L. Jewell and Carrie L. Thornhill to grant; Angel F. Clarens and John G. Parsons 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 6 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 SUPPLEMENMTAL 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.

15720/21/22Order/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15720, 15721 & 15722

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 6 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:

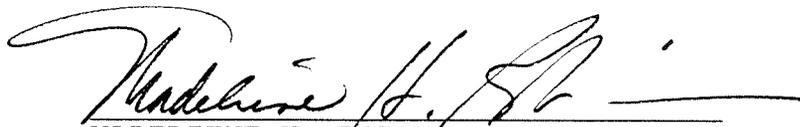
Donald M. Temple
2101 S Street, N.W.
Washington, D.C. 20008

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3320 Stanton Road, S.E.
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Richard Hill, Chairperson
Advisory Neighborhood Commission 8B
2027 Alabama Avenue, S.E.
Washington, D.C. 20020


MADELIENE H. ROBINSON
Acting Director

DATE: _____

15720-21-22Att/bhs