

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15876 of the Children's Oncology Services of Metropolitan Washington, D.C., Inc., as amended, pursuant to 11 DCMR 3108.1 for special exception under Section 2516 to allow two or more principal structures on a single subdivided lot for a theoretical lot subdivision and construction of a structure on property used as a temporary shelter for families with children being treated for serious illnesses in D.C. area hospitals (Ronald McDonald House) in an R-1-B District at premises 1326 Quincy Street, N.E. (Square 3968, Lot 17).

HEARING DATES: December 15, 1993 and March 9, 1994
DECISION DATE: April 6, 1994

ORDER

SUMMARY OF EVIDENCE OF RECORD:

1. The subject application was originally advertised to include a special exception under Subsection 2116.5 to allow open parking spaces to be located in the front yard. The original application also requested a variance from the rear yard requirement. However, the applicant has revised the application to reorient the front entrance to Randolph Street, effectively placing the parking lot in the rear yard and eliminating the need for a rear yard variance.

2. The property which is the subject of this application is known as 1326 Quincy Street, N.E. It is located on Quincy Street between 13th and 14th Streets, extending the full depth of the block from Quincy Street back to Randolph Street N.E. The property is zoned R-1-B.

3. The subject lot is 68,000 square feet in area with a frontage of 201.8 feet along Randolph Street to the north and a frontage of 251.8 feet along Quincy Street to the south.

4. The lot is improved with a four-story, 10,000 square foot house, built in 1912. An addition of 2,800 square feet was made to the house in 1986. The land to the north and east of the main building is improved with a wooden deck, patio area, basketball court, children's playground, garden and paved parking area.

5. The subject site is located adjacent to two other developed properties. The Franciscan Monastery Hall is located to the east of the site, and a two-story dwelling owned by the Montfort Missionaries is located to the west of the site.

6. The area in which the property is located is characterized by single-family detached residences on large lots, several religious institutions and residences housed in single-family dwellings converted to accommodate such uses.

7. There have been two prior Board of Zoning Adjustment (BZA) applications related to the subject property. In BZA Application No. 12913, dated April 18, 1979, the Board granted a special exception to establish the use of The Ronald McDonald House within the R-1-B District when the applicant first acquired the property. In BZA Application No. 14423, dated May 14, 1986, the Board granted a variance to allow the construction of the addition to the main building.

8. The subject property is owned by Children's Oncology Services of Metropolitan Washington, D.C., Inc., the applicant. This organization was formed as a nonprofit corporation in 1978 for the sole purpose of acquiring, owning and operating The Ronald McDonald House for the Washington Metropolitan area. The Ronald McDonald House provides temporary housing for children and their families seeking treatment for life-threatening diseases, such as cancer and leukemia, on an in-patient or out-patient basis in area hospitals. Only a nominal charge of \$10.00 per night is made for families, and that small fee is waived routinely in cases of need. Fifty percent (50%) of the families making use of services of The Ronald McDonald House are military personnel whose children are being treated at Walter Reed Army Medical Center or the Bethesda Naval Hospital. Presently, The Ronald McDonald House operates a 22-bedroom facility in the main building which consists of 10,000 square feet of area. There are four full-time staff members and 60 regular volunteers.

9. Recently, the Manufactured Housing Institute offered to donate to the applicant a prefabricated one-story building of approximately 1,500 square feet in area. The building would be used for the following:

- i. a classroom/meeting room for the educational programs conducted at the facility;
- ii. offices for current staff to alleviate crowding at the main building; and
- iii. one to two bedrooms for guests and their families, particularly guests who are bone marrow transplant patients and those with compromised immune systems, who may need to be relatively isolated from the general population.

10. The applicant proposes a theoretical subdivision of the single lot into two lots. One lot would be located along the eastern and southern portion of the property and would consist of 48,040 square feet of land area. This lot would contain the developments currently existing at the site. The second lot would be located on the north-western edge of the property and would contain 19,960 square feet of land area. The applicant proposes to erect the new prefabricated structure on this lot.

11. The Zoning Regulations require that the applicant provide 12 parking spaces on-site. The existing parking lot is located on the larger lot to the south of the proposed site for the new building. This parking lot is not striped.

12. As part of the project, the applicant will reconfigure the existing parking area to provide 13 parking spaces to bring the lot into compliance with the requirements of the Zoning Regulations. The one additional space will be located on the new smaller lot.

13. The applicant stated that the parking spaces will be adequate for the proposed use because there are no plans to increase the staff of the facility. There is also sufficient parking for guests.

14. At the public hearing, the Board requested information from the applicant about the plans with regard to use of the space below the grade of the structure. The applicant stated that the prefabricated building will rest on piers and along much of its perimeter a non-load bearing wall will enclose the space beneath the building. The applicant stated that there are no plans to use this non-habitable space for any purpose of occupancy other than, potentially, for the storage of lawn or maintenance equipment.

15. A number of concerns were raised by the following parties to the application: Advisory Neighborhood Commission 5A, the Office of Planning, and an opposing neighbor.

Advisory neighborhood Commission (ANC) 5A submitted a written statement dated March 3, 1994 and appeared at the hearing to testify in opposition to the application. The ANC raised issues relating to: a. grading, b. parking, c. the use, d. fumes, e. noise, and f. impact on the community.

Grading/Drainage. The ANC-5A representative stated that the subject site is situated on a hill and the slope of the land is to the rear of the existing buildings toward Randolph Street to the north. Water run-off is severe and building more structures will exacerbate this problem.

Responding to the ANC's concerns about the grading of the site. The applicant's civil engineer testified about the proposed changes that will be made to the site. He stated that the disturbed area on the site is limited. There are two trees that are located on an island in the center of the parking lot. There is a retaining wall along the northern edge of the existing parking area near where the new handicapped space will be located. There is also a serpentine curb along the edge of the existing parking lot. Currently, the grading rises slightly from Quincy Street to about the middle of the existing island, then it drops off very slightly until it gets to the back of the parking lot. Then it drops fairly steeply on the portion of the lot to the north. The engineer further stated that along the western side of the lot near where the building will be located, the land slopes off very steeply from the subject lot to the adjoining property at 1302 Quincy Street. He stated that on the adjoining property, there is also a retaining wall in the area where the ground slopes even more steeply.

The engineer testified that the proposal is to remove the trees and the retaining wall. A new curb will be built closer to the property on the west. The lot will be regraded very gently toward the north to the back corner of the parking lot. The land will be raised to a point where it no longer drains toward the adjoining lot, but drains out to the east to the edge of the new building. It will then go to the north and drain toward the play area on the applicant's lot.

The engineer testified that a wall will be placed along the western edge of the property, eight feet away from the property line. The wall will increase in height as it proceeds from south to north. At the northwest corner of the wall, the wall will be five feet tall.

The engineer testified that water drains toward the property to the west over an area that measures approximately 1,500 square feet. With the proposed changes, that area should be reduced to about 850 square feet. Only about 56 percent of the current drainage flow will move in that direction after the regrading plan. The engineer stated that water drainage to the north is over an area measuring approximately 6,500 square feet. The proposal is to reduce this area to 360 square feet, where only six percent of the drainage will flow in that direction. Finally, the engineer testified that the effect of the regrading plan is to redirect the water flow to the interior of the subject site without impacting on nearby properties.

The applicant stated that no complaints about drainage were made by the adjoining property owner and the ANC failed to demonstrate how other properties would be affected. The applicant stated that the proposed regrading plan will serve to benefit any

area properties that are affected by the grading of the site. If the application is not granted, the proposed changes cannot be made.

Parking. The ANC representative stated that there is no adequate appropriately located and screened off-street parking for all persons using the facility.

The applicant's representative maintains that there are no plans to increase the number of staff persons or volunteers at the facility. Therefore, there is adequate parking to meet their needs. With regard to the guests, the applicant stated that the Ronald McDonald House is not adding families to the number it currently serves. It is simply reconfiguring the rooms to better accommodate the guests. She pointed out that 50 to 60 percent of the families do not have transportation. Many are brought here by air-vac. She also noted that the facility has two vans that are used to transport guests on errands, and to and from the hospital.

Finally, the applicant noted that one additional space will be created on the site, making the parking more than adequate to serve the facility.

The ANC-5A representative stated that the parking lot located on the site has a serious impact on the adjoining neighbors. This issue was also raised by one of the residents at the Montfort Missionaries, located at 1302 Quincy Street. He stated that the Montfort Missionaries facility houses up to ten priests. He noted that a portion of the structure in which they reside rests close to or on the property line shared with the subject site. This is an enclosed porch which is part of the dining room used by the residents. He stated that there are other rooms located along the eastern side of the property near the parking lot. These include the kitchen, dining room and upstairs bedrooms.

This adjoining neighbor stated that he does not oppose the mission of the Ronald McDonald House, however, he is concerned about the effect that the closeness of the parking lot has on the enjoyment of his property. He raised issues related to fumes, light and noise.

Fumes. The adjoining neighbor testified that currently the cars park parallel to the curb located along his property line. When the cars are started, fumes from the cars can be smelled by the residents in his house. He stated that with the proposed striping of the lot, cars will park perpendicular to his site, bringing their exhaust pipes closer to the property thereby worsening the exposure to fumes.

Responding to this concern, the applicant testified that because of the layout of the parking area, persons using the lot

are likely to pull into the parking spaces rather than back in. This will move the fumes farther away from the adjoining property than the current parallel parking conditions.

Lights. The adjoining neighbor testified that because of the proximity of the parking lot, the residents of his house are disturbed by light shining into the house from the cars' headlights. This is especially disturbing late at night when the residents on the east side of the house are asleep.

Noise. The adjoining neighbor testified that the residents of his house are adversely affected by the noise from cars on the lot and by conversations among persons going to or coming from their cars on the lot. The witness noted that the crises faced by residents of the Ronald McDonald House do not occur only at certain hours of the day. He stated that the disturbances from the parking lot occur very late at night and early in the morning hours. This is problematic for him.

The applicant stated that problems related to light and noise can be somewhat alleviated by buffering the adjacent property from the parking lot. The applicant noted that at present the parking area is unscreened and the problems discussed by the adjoining neighbor will not be remedied if the application is denied. The applicant pointed out to the Board that the adjoining neighbor's property is nonconforming in that it provides no side yard. Therefore, the applicant believes that the Board should balance the burden that the respective parties should bear in accommodating this nonconformity. The applicant believes that its proposal to buffer the parking lot and move it back nine feet from the adjacent lot will adequately meet the neighbor's concerns.

Use of the Site. ANC-5A expressed concern about whether the applicant's present facility meets all applicable code and licensing requirements. The ANC representative asked whether patients with contagious diseases are housed in the facility; whether medical staff is available to administer medication; and whether contaminated waste is disposed of properly.

The applicant testified that no medical services are provided at the house except that, at most parents will administer chemotherapy drugs or other types of medicine to their children. The applicant stated that all medical treatment occurs at the hospital and contaminated waste materials are disposed of in the same manner used by hospitals.

Outdoor Noises. The ANC representative stated that the Ronald McDonald House has a number of parties and picnics at the site during the summer and those in attendance create a great deal of noise. Also, residents of the facility create a lot of noise while using the outdoor play area. The ANC maintains that the

noise that comes from the property has a severe impact on the community.

The applicant's representative testified about the events held at the site. The applicant stated that the Ronald McDonald House hosts an annual family reunion, usually held on a Sunday afternoon in June. Approximately 100 to 150 families attend this event. Ronald McDonald entertains the children and music is provided.

The applicant testified that about twice a month during the summer, groups come to the facility to have barbeques for the children and their families. Alcoholic beverages are not allowed and the entire event is over by dark.

The applicant is of the view that the noises that emanate from the site are life noises - the sounds of children enjoying Ronald McDonald or the music. She feels that these noises are a necessary ingredient of life. She expressed pleasure with the fact that the children have these events because for many of them, it may be their last chance to enjoy themselves. This is why they are at the facility. The applicant believes that it is not so detrimental to the community for neighbors to hear these sounds two or three times a month during the summer.

The witness who resides adjacent to the site at 1302 Quincy Street testified that he would prefer to have the children's playground located where the parking area is because children do not play at three o'clock in the morning and the noise that they make is not considered a disturbance to him. He testified that the facility hosts large events about three times a year. There are cook-outs many evenings but they vary in terms of the number of people in attendance. This witness did not express a concern about the noise from these events.

Location of Trash Receptacle. In its official report, OP conditioned its approval on having the trash dumpster located on the applicant's property and properly screened. The dumpster is currently located on public property to the right of the driveway on Quincy Street. It is readily visible from the street.

Responding to OP's concerns, the applicant proposes to relocate the dumpster to an area within the property line adjacent to the paved parking area behind the existing mature foliage.

Traffic. The applicant stated that the proposal should not have a negative impact on traffic because the staff will not be increased and no additional persons will be coming to the site as a result of the proposal. The purpose of the expansion is to accommodate existing functions and staff in new space.

By memorandum dated December 8, 1993, the Department of Public Works (DPW) commented on the traffic conditions at the site.

DPW stated that the site is zoned R-1-B and is located on the north side of Quincy Street between 13th and 14th Streets N.E. The site is served by several metrobus routes which operate on Quincy and 14th Streets. These routes link the site to the Brook-land MetroRail Station. DPW noted that most of the families that utilize the facility are in the military and arrive in the area from overseas for the treatment of their children. They do not have their automobiles with them and the Ronald McDonald House provides them with van service to the area's hospitals. Additionally, the applicant provides about 14 parking spaces to accommodate staff and guests of the facility.

DPW stated that from a transportation standpoint, the proposed building will not have an adverse traffic impact, therefore, the department has no objection to the proposal.

Impact on Zone Plan. The ANC-5A representative testified that the ANC is opposed to an institutional use of this residential lot. The ANC representative stated that no environmental impact studies have been done to determine the effects of the proposed use on adjacent neighbors or on Randolph Street neighbors.

The adjacent neighbor also expressed concerns about the use of the site in relation to the general community. He pointed out that what the applicant refers to as institutional uses in the area happen to be residential uses occupied by persons affiliated with religious institutions.

The applicant maintains that the use will not impair the zone plan. The applicant stated that the property is located in the R-1-B zone district characterized by detached single-family dwellings on large lots, institutional and religious residences and other nonresidential facilities. For example, there are only eight other structures located in Square 3968, the land bounded by Quincy Street, Randolph Street, 13th Street and 14th Street, N.E. Three of these are owned and occupied by religious organizations. Four of the remaining structures face 13th Street, and because of the slope of the land in Square 3968, only the rooftops of those residences can be seen from the subject property. The closest residential neighbor to the subject property is located at 1317 Randolph Street, N.E. and its backyard abuts the site for the proposed prefabricated building. The Franciscan Monastery is located a short distance from the subject property at the eastern end of Quincy Street at its intersection with 14th Street N.E. The applicant believes that the proposed building will not compromise the character of the neighborhood because of the structures and uses in the neighborhood and for the reasons below.

The applicant pointed out that the structures on the subject property only occupy ten percent of the lot. The proposed location of the house on the lot will provide a significant buffer between it and the residences on adjoining property. The height of the building is low enough so that it will not visually impair the community. Also, the exterior of the proposed building will be harmonized with the distinctive stucco exterior and tile roofs of the existing buildings on the site. An adequate rear yard will be provided. Finally, the conditions proposed by OP which include landscaping, fencing, and relocation of the trash dumpster will help to minimize the visual effects of the use.

The Office of Planning stated that the location of the houses on adjoining properties is such that the proposed structure would not be in direct view and therefore would have no significant visual impact. OP is of the opinion that the proposed construction and provision of on-site parking spaces would not impair the intent, purpose, and integrity of the Zoning Regulations for the R-1-B District.

At the public hearing on this application, the Board and the parties discussed the most appropriate and effective means of buffering the property at 1302 Quincy Street from the parking lot use at the applicant's site. The applicant proposed to move the parking lot nine feet from the property line and to plant evergreen arborvitae trees along the western property line from the entrance to the front of the building. The Office of Planning recommended that the applicant be required to erect a six-foot high solid fence along the western edge as an additional visual separation between the two properties. Responding to this recommendation, the applicant requested that only one type of screening be required because it would be impractical to have both types along the boundary. The applicant expressed the following views with regard to screening. First, the natural growth and increased density of the landscaping will make it impossible to maintain the fence given the narrowness of the area available for planting and erection of the fence. Second, either method of screening will provide an equally effective barrier for noise and automobile headlamps and certainly better than is afforded there now. Arborvitae is routinely used for this same screening purpose where commercial facilities abut residential districts. Third, at the public hearing, the adjoining neighbor was reluctant to support the idea of locating a fence only a few feet away from the windows on the projecting part of the building at 1302 Quincy Street. Even though the further revision to the site plan has almost doubled the distance between the parking area and the property line, there is simply not enough room to have dual methods of screening in place.

Upon consideration of all of these factors, the applicant believes that its original landscaping proposal - a continuous boundary of Thuja occidentalis Emerald Green Arborvitae (5 1/2 - 6

feet) - is the most effective, natural and aesthetic method of screening the revised parking area.

The adjoining neighbor testified that a solid wood fence placed on the lot line next to his front yard would not be aesthetically pleasing. He expressed a preference for another option that would not have as much impact on the enjoyment of his property.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds as follows:

1. The applicant meets the applicable provisions of 11 DCMR 2516 "Exceptions to Building Lot Control (Residence Districts)".

2. The changes proposed to grading of the site will alleviate any potential drainage problems to nearby sites.

3. The parking spaces provided will be adequate to meet the needs of the facility.

4. No medical treatment occurs at the site.

5. All waste materials are disposed of properly.

6. Noises emanating from the site during summer outdoor events are not so frequent or disturbing as to deprive nearby property owners of enjoyment of their properties. The adjoining neighbor did not find these noises objectionable.

7. The trash dumpster will be relocated and screened to eliminate its visual impact on the public street.

8. The proposed use will not have an adverse impact on traffic conditions.

9. The design of the structure is compatible with other nearby properties.

10. The height of the structure is unobtrusive.

11. The location of the structure on the lot provides an adequate buffer from the front and rear of the property.

12. The close proximity of the 1302 Quincy Street structure to the lot line contributes substantially to the impact that the applicant's use has on the adjacent property.

13. The nine-foot setback and two forms of screening will be needed to adequately protect the adjacent property owner from all of the impacts associated with use of the parking lot.

14. There are a number of institutional/residential uses in the vicinity of the site.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and evidence of record, the Board concludes that the applicant is seeking special exception relief to create a theoretical lot subdivision to construct a temporary shelter for families with children being treated for serious illnesses in District of Columbia area hospitals (Ronald McDonald House) in an R-1-B District.

The granting of such a special exception requires a showing through a substantial evidence on the record that the application can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not adversely affect the use of neighboring property in accordance with the Regulations and Map. The applicant must also meet the requirement of 11 DCMR 2516 regulating theoretical lot subdivisions.

The Board concludes that the applicant has met its burden of proof. The Board is of the opinion that the proposed changes to the plan adequately address the issues raised by opponents to the application. The Board is also of the opinion that the proposal is in harmony with the zone plan for the R-1-B District and that it will not have an adverse impact on the community if the applicant complies with the conditions imposed.

Therefore it is hereby **ORDERED** that the application is **GRANTED, SUBJECT** to the following **CONDITIONS**:

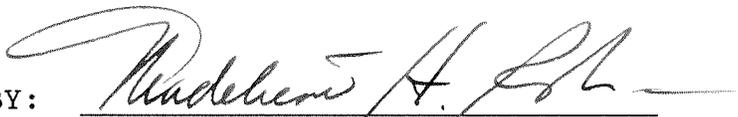
1. Construction shall be in accordance with the revised plans marked as Exhibit No. 33 of the record. The location of parking spaces and the dumpster shall be as shown on the revised plans marked as Exhibit No. 33B of the record.
2. The applicant shall construct a six-foot fence at the edge of the parking lot and shall plant evergreen shrubbery between the parking area and the property immediately west of the site. The shrubbery shall be five to six feet high at planting and shall form a solid hedge.
3. The applicant shall establish and maintain a community liaison program consisting of members of the facility, the ANC, and the neighborhood. Meetings of the liaison program shall occur a minimum of twice per year. Notice

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of such meetings shall be given to the ANC and the owners of property within 200 feet of the site. In addition, the applicant shall provide the ANC and adjacent neighbors with the name and telephone number of the appropriate person to contact on a 24-hour basis in case of problems with activities occurring on the subject site.

VOTE: 3-2 (Maybelle Taylor Bennett, Craig Ellis and Angel F. Clarens to grant; George Evans and Laura M. Richards opposed to the motion).

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

ATTESTED BY: 
MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER: JAN 3 1995

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, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15876/TWR/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15876

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JAN 3 1995 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:

George R. Keys, Jr., Esquire
Jordan and Keys
1400 16th Street, N.W.
Washington, D.C. 20036

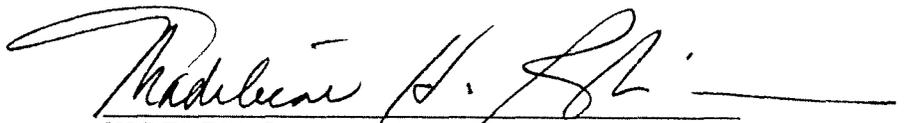
Graig Forsgren
3015 Williams Drive
Fairfax, Virginia 22031

Deborah Wargo
1326 Quincy Street, N.E.
Washington, D.C. 20017

David Murray
8100 Professional Place
Landover, Maryland 20785

Rev. Donald G. LaSalle
Montfort Missionaries
1302 Quincy Street, N.E.
Washington, D.C. 20017

Raymond S. Dickey, Jr., Chairperson
Advisory Neighborhood Commission 5-A
Slowe School Demountable
14th & Irving Streets, N.E.
Washington, D.C. 20017


MADELIENE H. ROBINSON
Director

DATE: JAN 3 1995