

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15897 of Unfoldment, Inc., pursuant to 11 DCMR 3108.1, for special exceptions under Subsection 357.1, 358.2, 358.3 and 358.7 to establish a youth rehabilitation home within the same square as an existing community based residential facility with seven or more persons (623 Mellon Street, S.E.), and within 500 feet of an existing community based residential facility with seven or more persons (254 Portland Street, S.E.) for a youth rehabilitation home of eight residents and nine rotating staff, basement through the second floor, in an R-5-A District at premises 546 Newcomb Street, S.E. (Square 5984, Lot 804).

HEARING DATE: November 10, 1993
DECISION DATE: December 1, 1993

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) 8C and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 8C. ANC 8C, which is automatically a party to this application, submitted written 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 special exception pursuant to 11 DCMR 357.1, 358.2, 358.3 and 358.7. No person or entity appeared at the public hearing in opposition to this 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 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting 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 this application is **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be for a period of **THREE YEARS**.
2. The total number of youths, ages eight to twelve years old residing in the home, shall not exceed six at any given time.
3. The maximum number of staff shall not exceed 16 (10 full-time and 6 part-time positions). The number of staff on the premises shall be sufficient to provide 24-hour supervision of the residents and to respond to emergencies at all times.
4. The maximum number of people (residents and staff) on the premises at any given time shall not exceed 18 except for occasional special events.
5. The grounds of the facility shall be kept free of refuse and debris and shall be properly maintained. Landscaping shall be maintained in good condition.
6. There shall be no loitering on the exterior of the premises by residents, employees and visitors. Outdoor activities for the youths shall be supervised by employees, as necessary, to limit noise impacts.
7. The applicant shall provide the residents of the area with the telephone number of an appropriate contact person who can be reached on a 24-hour basis so that residents can report any problems with any activity or conditions at the subject facility.
8. The applicant shall establish and maintain a community liaison program consisting of representatives of the facility, the ANC, and the neighborhood. The applicant shall conduct meetings of the community liaison group at least four times yearly. Notice of the meetings shall be given to the ANC and the owners of all property within 200 feet of the site. The applicant shall be responsible for keeping minutes of all meetings and providing quarterly reports to the Board at the time of filing an application for continuance of the special exception relief.
9. The applicant shall maintain three on-site parking spaces at all times.
10. Nighttime lighting shall be provided on the exterior of the premises but shall not shine onto neighboring properties.

11. Trash shall be picked-up from the premises weekly.
12. The facility shall meet the District of Columbia's fire, safety and health code requirements at all times.

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 appropriate in this case.

VOTE: 3-1 (Craig Ellis, George Evans and Angel F. Clarens to grant; Laura Marie 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: _____

DEC 29 1993

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.

15897Order/SS/bhs

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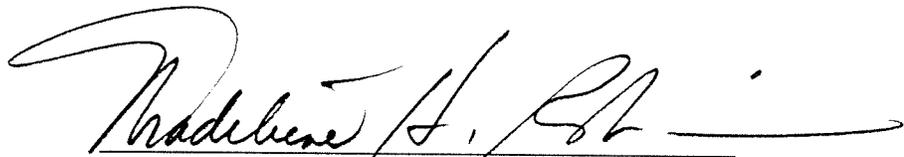
BZA APPLICATION NO. 15897

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on DEC 29 1993 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:

Unfoldment, Inc.
3825 S. Capitol Street, S.W.
Washington, D.C. 20032

Kemi Morten
2605 Wade Road, S.E.
Washington, D.C. 20020

William Lockridge, Chairperson
Advisory Neighborhood Commission 8C
3125 Martin Luther King, Jr., Avenue, S.E.
Washington, D.C. 20032


MADELIENE H. ROBINSON
Director

DATE: DEC 29 1993

15897/bhs