

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

DISPOSITION: The Board GRANTED the application with conditions by a vote of 3-1 (Craig Ellis, George Evans and Angel F. Clarens to grant; Laura M. Richards opposed to the motion).

FINAL DATE OF ORDER: December 29, 1993

MODIFICATION ORDER

The Board granted the application by its order dated December 29, 1993 subject to 12 conditions. Condition No. 2 provides that "The total number of youths, ages eight to twelve years old residing in the home, shall not exceed six at any given time." By letter dated April 11, 1994 the applicant requested that the application be modified to:

1. increase the ages of the youths residing at the youth rehabilitation home to ages 12 to 17 instead of ages eight to 12; and
2. increase the total number of youth to eight instead of six.

The applicant maintains that both modifications are minor, but requests that the Board consider the two requests separately if it finds that one of the proposed modifications is not minor. The applicant stated that officials at the Youth Services Administration have urged it to seek these modifications to meet contractual and court requirements.

The applicant stated that Advisory Neighborhood Commission (ANC) 8C, at its regularly scheduled meeting on April 6, 1994, unanimously adopted a resolution supporting these modification

requests and agreed to write a formal letter of support to the Board. However, no correspondence was submitted to the Board from ANC 8C related to the requests.

With regard to the request to modify the application to allow youths ages 12 to 17, the Board finds that the request is a minor modification as defined by the Board's rules. Subsection 3335.7 states that, "Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon in approving the application."

The Board is of the opinion that it is the intent of the Zoning Regulations to allow youth rehabilitation homes for youths of varying ages. Therefore the Board concludes that to grant this modification to increase the ages of the youth would be consistent with the Zoning Regulations and would not change the material facts relied upon by the Board in approving the application.

With regard to the request to increase the number of youths at the facility, the Board finds that such a modification is not minor as required by Subsection 3335.7. It is the opinion of the Board that to increase the number of youths would necessitate a reexamination of the application in light of the requirements of 11 DCMR 358 - Youth Care Homes and Community Residence Facilities. A record must be made on particular issues such as the size of the structure accommodating the increase, the effect on operations and its impact on the community.

In light of the foregoing, it is **ORDERED** that the modification to increase the ages of the youth to ages 12 to 17 is **APPROVED** and that the modification to increase the number of youths is **DENIED**.

DECISION DATE: May 4, 1994

VOTE: 3-1 (Craig Ellis, George Evans and Angel F. Clarens to grant the modification to increase the ages of the youth; Laura M. Richards opposed to the motion).
4-0 (Craig Ellis, George Evans, Angel F. Clarens and Laura M. Richards to deny the modification to increase the number of youths at the facility).

BZA APPLICATION NO. 15897
PAGE NO. 3

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

ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

MAY 18 1994

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.

15897Order/TWR/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15897

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 18 1994 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: MAY 18 1994

15897Att/bhs