

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15902 of Stephen Johnston, pursuant to 11 DCMR 3108.1, for special exceptions under Paragraph 732.1(d) and Subsection 358.7 to establish a substance abuser's home for women within 500 feet of another community based residential facility in a C-2-A District at premises 3601 14th Street, N.W. (Square 2827, Lot 83).

HEARING DATE: November 17, 1993
DECISION DATE: December 1, 1993

DISPOSITION: The Board GRANTED the application by a vote of 5-0 (Maybelle Taylor Bennett, Craig Ellis, George Evans, Laura M. Richards and Angel F. Clarens to grant).

FINAL DATE OF ORDER: December 28, 1993

MODIFICATION ORDER

The Board granted the application with conditions by its order dated December 28, 1993. In the original application, the Board allowed the applicant to establish a substance abuser's home for women and required the applicant to provide two on-site parking spaces at all times. In addition, the applicant was required to provide two parking spaces at the Washington Urban League located at 3501 14th Street, N.W.

On November 28, 1994, the Board received from the applicant a motion for modification of the Board's order. Pursuant to the Board's rules, all modification requests must be made within six months of the final date of the Board's order in the application. The subject modification request was received more than six months after the final date of the order. However, the Board determined to waive the six month filing requirement based on the applicant's pro se appearance before the Board and the apparent lack of familiarity with the Board's rules.

By letter dated November 18, 1994, the applicant requested that the Board modify its order to allow the facility to open with one on-site parking space and the remaining spaces off-site. The applicant expressed an urgency about opening the facility while funding is still available. The applicant indicated that there will be space on the subject site for four parking spaces after digging the back garden and pouring the concrete. However, this will take some time to complete.

With the modification request, the applicant submitted a letter dated October 10, 1994 written to the applicant from the El Sabor Latino Restaurant. In this letter the restaurant expressed its willingness to rent two parking spaces to the applicant while the applicant's on-site spaces are being prepared.

Upon consideration of the motion and supporting documents, the Board concludes that the proposed modification is minor in nature and does not substantially alter the overall project as initially approved by the Board. The Board notes that the parking arrangement proposed by the applicant is temporary, pending completion of work at the site.

The Board is of the view that the applicant should rent parking spaces at another establishment only if the other establishment is able to meet the parking requirements of its Board order or the Zoning Regulations without the spaces rented.

Based on the foregoing, it is hereby **ORDERED** that the **MODIFICATION** is **GRANTED** and that Condition No. 8 of the order is amended to read as follows:

8. For a period of one year from the date of this order, the applicant shall maintain one on-site parking space and shall provide three off-street parking spaces at another location(s) within the general area of the site. The applicant shall present to the appropriate District of Columbia officials evidence that off-street parking has been established elsewhere. After one year, the applicant shall provide and maintain two on-site parking spaces at all times. In addition, the applicant shall provide two off-street parking spaces at another location(s) within the general area of the site.

In all other respects, the order of the Board dated December 28, 1993 shall remain in full force and effect.

DECISION DATE: March 1, 1991

VOTE: 3-0 (Maybelle Taylor Bennett, Laura M. Richards and Craig Ellis to grant the **WAIVER** and **APPROVE** the **MODIFICATION**; Angel F. Clarens not present, not voting; Susan Morgan Hinton not voting, not having heard the case).

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

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ATTESTED BY:


MADELIENE H. ROBINSON
Director

FINAL DATE OF ORDER:

MAY 25 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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15902

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 25 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:

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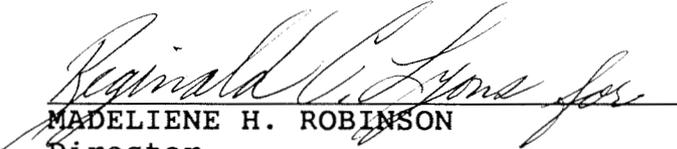
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Lenwood Johnson, Chairperson
Advisory Neighborhood Commission 1-A
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Washington, D.C. 20010


MADELIENE H. ROBINSON
Director

DATE: MAY 25 1995