

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No 15980 of the DePaul Foundation and Providence Hospital, pursuant to 11 DCMR 3108.1, for a special exception under Section 359 to establish a 240-bed skilled care nursing facility and 12 units for priests as a health care facility in an R-5-A District at premises 725 Buchanan Street, N.E. (Square 3894, Lots 18 and 819, and Parcel 135/102).

HEARING DATE: July 29, 1994  
DECISION DATE: July 29, 1994 (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) 5A and to owners of property within 200 feet of the site.

The site of this application is located within the jurisdiction of ANC 5A. ANC 5A, which is automatically a party to this application, submitted 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 special exception pursuant to 11 DCMR 359. 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. Construction shall be in accordance with plans marked as Exhibit No. 27A of the record except as modified by the conditions set forth herein.

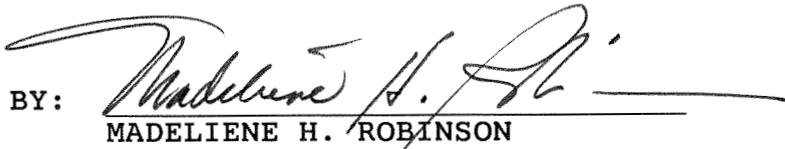
2. The applicant shall install a decorative wall or fence with gate along the Buchanan Street frontage, subject to ANC review and approval. The existing chain link fence along the west property line shall be maintained and supplemented by landscaping as shown on the landscaping plan marked as Drawing L-1-1 of Exhibit No. 27A of the record.
3. Landscaping of the entire site shall be provided as shown on the plans marked as Drawing L-1-1 of Exhibit No. 27A and shall be maintained in a healthy growing condition and neat and orderly appearance.
4. The front entrance to the facility shall be located on Varnum Street while the rear entrance of the facility will be located on Buchanan Street N.E. The Buchanan Street entrance shall be used for emergency vehicle access only. A gate shall be provided at this entrance and shall be kept closed at all times except as needed for emergency access.
5. During the construction phase, all construction equipment and vehicles shall be routed through existing roadways on the hospital grounds to avoid disruption of the adjacent residential community.
6. The applicant shall have the flexibility to increase the number of beds to 242.

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: 5-0 (Maybelle Taylor Bennett, Craig Ellis, Laura L. Richards, George Evans and Angel F. Clarens to grant).

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

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

AUG 22 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 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.

15980Order/SS/bhs

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15980

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on AUG 22 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:

Allison Prince, Esquire  
Wilkes, Artis, Hedrick & Lane  
1666 K Street, N.W.  
Suite 1100  
Washington, D.C. 20006

Honorable Harry Thomas, Sr.  
Councilmember for Ward 5  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

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

A handwritten signature in cursive script, appearing to read "Madeliene H. Robinson".

MADELIENE H. ROBINSON  
Director

DATE: AUG 22 1994

15980Att/bhs