

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16699 of Joan Sutton for Hope Village, pursuant to 11 DCMR § 3104.1 for a special exception under section 358 and from subsections 358.2, 358.7 and 358.8 to establish the Community Based Residential Facilities (CBRFs) in a square that has another CBRF with seven or more persons, to establish a CBRF in a square with more than one CBRF or within 500 feet of another, and to establish facilities with more than 20 persons at premises 2844, 2920 and 2912 Langston Place, S.E., (Square 5741, Lots 132, 851 and 866); and to continue a Community Based Residential Facility and increase the number of beds by one per room at premises 2908, 2840 and 2850 Langston Place, S.E., (Square 5741, Lots 130, 131 and 850); in an R-5-A District.

NOTE:

- **The Board amended the application to require use variance and special exception relief, pursuant to 11 DCMR §§ 3103.1 and 3104.1, to allow adult rehabilitation and substance abusers' homes at the site under § 357.1, and to allow a facility for more than 25 persons under § 358.8.**

HEARING DATE: April 17, 2001
DECISION DATE: May 1, 2001

SUMMARY ORDER

SELF-CERTIFIED APPLICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2 (Exhibit No. 8).

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register and by mail to the applicant, Advisory Neighborhood Commission (ANC) 8B, and to owners of all property within 200 feet of the property that is the subject of this application.

The subject property is located within the jurisdiction of ANC 8B. ANC 8B, which is automatically a party to this application, submitted a letter stating that the ANC voted on March 20, 2001, to unanimously support the application (Exhibit 52).

Based on the applicant's testimony and information submitted to the file, the Board determined that 2844, 2912 and 2920 Langston Place, S.E. have permanent Certificates of Occupancy for use of the properties as CBRFs. However, at premises 2908, 2840 and 2850 Langston Place, S.E., the applicant was approved under Order No. 16376 to use these properties

for 15 years. BZA Order No. 16376 was effective December 3, 1998 and will expire on December 3, 2013.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a use variance from the strict application of the requirements of 11 DCMR § 357.1, 358.8, and 3103.1.

The Board received a letter of opposition to the application and a community resident also testified in opposition. The major concerns of the persons were the proposed expansion of the facility would not benefit the community or the residents of Hope Village. The persons opposing the application indicated that while there is a tremendous need for the program, the community contributes significantly to supporting work release clients and should not have to house any more. Additionally, Woodland Terrace, across the street from the site, has significant social problems. Adding more clients to Hope Village would only exacerbate the problems at Woodland Terrace.

The Board made note of the opposition; however, determined that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size. The Board determined that there is no other reasonable alternative to meeting the needs of the clients who would be served. The applicant indicated that exhaustive efforts have been made to locate similar types of facilities in other parts of the city, and those efforts have been fruitless. The facilities have been in existence for over 10 years, a new use is not being established at the site. The Board finds that the addition of one client per bedroom, would not have a negative effect on the neighborhood, nor would it have adverse impacts on the Congress Heights neighborhood. The applicant is running a well-organized and developed program, as recognized by its accreditation from the American Correctional Association. Also, the applicant has in place a community liaison program. The Board encourages the applicant to develop a working relationship with those citizens who have expressed concern about the program.

The applicant received recommendations of approval from the DC Office of Planning (Exhibit 53), the Ward 8 Councilmember (Exhibit 50), the former Ward 8 Councilmember, Edyie Whittington (Exhibit 31), the Ward 8 School Board Member, William Lockridge (Exhibit 25), and many other Ward 8 residents.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, under 11 DCMR §§ 357.1, 358.8, and 3103.1, that there exists an exceptional or extraordinary situation or condition related to the property which creates an undue hardship for the owner in complying with the Zoning Regulations and Map, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that this application be **GRANTED**, **SUBJECT** to the following **CONDITION (S)**:

1. Approval shall be for 13 years, and shall run concurrent with BZA Order No. 16376.
2. The facilities must meet all applicable regulatory and licensing requirements.

3. The number of new beds shall not exceed 128; the total number of beds shall not exceed 360 after the increase.
4. The number of residents shall not exceed the following:

Address	Square	Lot	No. of Residents
2840 Langston Pl	5741	131	59
2908 Langston Pl	5741	850	55
2850 Langston Pl	5741	130	71
2844 Langston Pl	5741	132	69
2920 Langston Pl	5741	851	62
2912 Langston Pl	5741	866	44
Total			360

5. Off-street parking shall comply with the provisions of Chapter 21, 11 DCMR.
6. The facilities shall be operated by Hope Village, Inc.
7. The applicant shall cooperate with liaison representatives of the Department of Corrections and Metropolitan Police Department.
8. The applicant shall continue to work with the advisory committee established under BZA Order 16376, Condition No. 7.
9. The applicant shall adhere to the community security plans and other plans set forth in the letter dated November 23, 1988, Exhibit No. 29 in the record of Case No. 14876.
10. The applicant shall maintain in good condition, the plants and materials, which are specified in the proposal, which is attached to the letter dated December 30, 1988, Exhibit 31, in the record of BZA Case 14876.

Pursuant to 11 DCMR § 3101.6, the Board waived the requirement of 11 DCMR § 3125.3 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: 3-0-2 (Sheila Cross Reid, Anthony J. Hood, and Susan Morgan Hinton, AICP, to approve; Anne Mohnkern Renshaw and the third mayoral appointee not participating in the case, not voting.)

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

Each concurring Board member approved the issuance of this Order.


JERRILY R. KRESS, FAIA
DIRECTOR

FINAL DATE OF ORDER: MAY - 9 2001

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

BAB/5.7.01

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BZA APPLICATION NO. 16699

As Director of the Office of Zoning, I hereby certify and attest that on MAY - 9 2001 a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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Attestation Sheet - BZA Case No. 16699

Ellen McCarthy, Deputy Director
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JERRILY R. KRESS, FAIA
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