

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



April 1, 2011

Boy's Town of Washington, Inc.
Jeffrey C. Peterson, Executive Director
4801 Sargent Rd., NE
Washington, DC 20017

2011 APR -5 PM 1:48

Re: Review of Development Proposal for Determination of the Necessary BZA Relief

Dear Mr. Peterson:

This letter is in response to your request for guidance on the specific Board of Zoning Adjustment relief needed for Boys Town of Washington, Inc.'s (Boys Town) development proposal.

You have provided me a site plan detailing the proposed development, and explained to me that the development consists of the construction of one single-family dwelling, to be located as shown on the site plan (attached). This new house will be used as a youth residential care home, as such term is defined in Section 199.1 of the Zoning Regulations. Per our discussions, the subject dwelling will house no more than six (6) children and two staff, and will be nearly identical in size and configuration to the four existing homes that were approved by special exception in BZA Order No. 16531 issued December 21, 2000.

The current Certificate of Occupancy for the subject property (attached) authorizes the use of a Youth Residential Care Home (Buildings A-D), as per BZA Order No. 16531. A separate "short-term" youth residential care home (formerly termed an emergency shelter) is also operated on the Property under a separate certificate of occupancy. This separate home was approved in BZA Order No. 15805 on August 31, 1993, and was not addressed in BZA Order No. 16531.

In BZA Order No. 16531, the Board approved Boys Town's special exception request pursuant to Section 303 of the Zoning Regulations, for the construction of four new homes on the Property. In that case, the Board requested guidance from the then-Zoning Administrator, Michael Johnson to confirm the appropriateness of the self-certified relief. The Zoning

BOARD OF ZONING ADJUSTMENT
District of Columbia

1100 4th Street, S.W., 3rd Floor, Washington, DC 20024
Phone: (202) 442-4576 Fax: (202) 442-4871

CASE NO. 18226
EXHIBIT NO. 6

Board of Zoning Adjustment
District of Columbia
CASE NO.18226
EXHIBIT NO.6

Administrator agreed that relief pursuant to Section 303 was appropriate, and the Board confirmed, as follows:

“The Zoning Administrator concluded that Boys Town had sought complete and proper relief, since each proposed home would house not more than six youths. If the subject property had been subdivided so that each home was on a separate lot, each of the four homes could have been used as a youth residential care home as a matter of right. See 11 DCMR §300.3. The Zoning Administrator also noted that in adopting the community-based residential facilities to lessen their impact on, and to increase their compatibility with, neighboring properties and to provide alternatives to institutional settings. Accordingly, the Board processed the application as a special exception rather than a variance.”

I agree with the determinations made by the former Zoning Administrator and the Board, related to the Order No. 16531, and I believe the same rationale is applicable here. This is the most appropriate form of relief, given the circumstances, and also provides the Board, and the community, to evaluate the proposal under the very specific “youth residential care home” regulations, rather than relying on variance relief, theoretical subdivision, or some other provision not specifically related to youth residential care homes.

Therefore, Boys Town should proceed with a special exception application under Section 303, in effect modifying the existing approval under Order No. 16531, applying for a modification to add one additional youth residential care home housing no more than six children.

Please let me know if I may be of further assistance.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

Attachments

cc: Melinda Bolling, Esq.
Martin Sullivan, Esq.

File: Determination Ltr to Peterson re Boystown - 4801 Sargent Rd., NE 4-1-2011

2011 APR -5 PM 1:48