

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
JL Joel Lawson, Associate Director Development Review

DATE: March 31, 2015

SUBJECT: BZA Case No. 18969 - 3536 Minnesota Avenue, SE

I. OFFICE OF PLANNING RECOMMENDATION

Dr. Edward Fisher, MD and Mercy Outreach Ministry International, Inc. (Applicant) on the basis of a referral from the Zoning Administrator requested special exception review under § 217.1 to operate offices for a nonprofit organization in the R-3 zone at 3536 Minnesota Avenue, SE. On further review, the Zoning Administrator advised that the appropriate relief is a use variance pursuant to § 3103.2.

Office of Planning (OP) is supportive of the work of the non-profit office and recommends **approval** of the requested use variance.

II. LOCATION AND SITE DESCRIPTION

Address	3536 Minnesota Avenue, SE
Legal Description	Square 5419, Lot 22
Ward/ANC	7, 7F
Lot Characteristics	Level rectangular lot with a 10-foot wide alley to the rear.
Zoning	R-3: Designed for row dwellings.
Existing Development	Two-story building with a doctor's office on the first floor.
Historic District	Not within a historic District
Adjacent Properties	To the north: 2-story, single family dwelling; to the east, a triangular park; to the south, two-story apartment building; and to the west, 2 and - story apartments and rowhouses within the R-3 zone.
Surrounding Neighborhood Character	A mixture of single family detached, row houses and 2 and 3-story, garden apartments.



Site Location

Board of Zoning Adjustment
 District of Columbia



III. APPLICATION IN BRIEF

The subject building was originally a two-story residential building. The lower floor and basement were converted and has a Certificate of Occupancy (C of O) for a doctor's office. The second floor remained residential. An application has been submitted to convert the second floor from residential use to offices for a non-profit organization.

Background

The Applicant submits that the first floor and basement have been used as a doctor's office serving the immediate community for 43 years while the second floor was a residence. Over the years, the resident has been family or close family members of the Applicant who were trusted and provided security for the doctor's office. However, since 2014, there has been no other relative to occupy the residence.

The Applicant posits that even though he is a staple in the community and is well known, there have been incidents of thefts, break-ins and loitering on and in the vicinity of the property which is a threat to the operations. To try and solve the problem facing the doctor's office and also provide the needed services to the community, the upper floor was converted to an office to serve the non-profit that would help to provide security to the office and also provide services to help the residents of the community. The Applicant states that a majority of the services to be provided would entail staff interacting with persons off-site while some skills training would occur on site.

The Applicant states that the hours of operation would be between 10:00 am 4:00 pm, Mondays thru Friday while the doctor's hours are between 2:00 pm and 4:00 pm Tuesday and Thursdays. The doctor's office has two staff members and visiting physicians who attend from time to time to provide specialized patient education. The proposed nonprofit office would have two staff members and can accommodate a maximum of twelve persons for any onsite training.

Similar to the doctor's office, the majority of the persons to be served would be from the immediate neighborhood and community who would walk to the facility or would arrive by bus. Bus stops are located half a block both to the north and south of the property along Minnesota Avenue.

The property had operated with no onsite parking. The applicant states that there is an adequate amount of on-street parking near the property. There is a parking restriction until 9:30 am on Minnesota Avenue. The office hours are when residents in the community who work are away and would be closed prior to their return. Other streets have no restrictions and from observations there are multiple parking places around the block throughout the day and into the evening as well.

There are no commercial areas in the immediate vicinity of the site which could accommodate the proposed use. Locating the proposed services in the community would better serve the residents as they would walk to the facility and not have to incur a transportation cost.

IV. OP ANALYSIS

- **Uniqueness due to an extraordinary or exceptional situation resulting in an undue hardship to the owner**

The property has an existing doctor's office (permitted under current zoning) on the first floor which has been in operation for over 40 years and provides medical services to the community. The office has on-site security needs due to the nature of the use on the site, and over the last 40 years its security has been provided by a responsible person residing on the property. The Applicant has indicated that they have not been able to find a qualified residential tenant for the upper level. This has presented a hardship to the Applicant. Although a security system to protect the property is in place, the Applicant is not able to rent the space to provide a use that would complement the doctor's office and also help to provide a level of security internally, then the unit would remain vacant.

- **No Substantial Detriment to the Public Good**

The proposed non-profit office would not be a detriment to the public good as the building already contains a non-residential use permitted under zoning, and the proposed services that would be provided would be for the residents in the community. Most of the services would be provided off-site to minimize pedestrian or vehicular traffic to the site. The services provided are intended to empower the residents and help to better their life skills and in some cases prepare them for employment which would help to reduce crime and loitering in the area.

- **No Substantial Harm to the Zoning Regulations**

There would not likely be substantial harm to the Zoning Regulations in granting relief to allow the non-profit use as this is a somewhat unique circumstance that would not encourage other non-residential uses and would complement the existing doctor's office.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation (DDOT) filed a determination of no adverse impact from the proposed relief. No other departmental reviews had been filed at the time OP completed its report.

VI. COMMUNITY COMMENTS

The property is within ANC 7F. To date, the full ANC has not submitted a response to the proposed use; however, the Commissioner for Single Member District (SMD) ANC-7F06 has submitted a letter of support. The record has four letters of support.