GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16567 of Kenneth M. Robinson/Demeter Northwest, pursuant to 11 DCMR 3104.1, for a special exception under Subsection 732.1(d) to establish a community based residential facility for a substance abusers' home for ten women and their children and a rotating staff on the first through third floors in a DD/C-2-C District at premises 301 I Street, N.W. (Square 527, Lot 800).

HEARING DATE: April 18, 2000
DECISION DATE: April 18, 2000 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case is self-certified, pursuant to 11 DCMR 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission (ANC) 2C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to this application, submitted a written statement in support of the application.

As directed by 11 DCMR 3119.2, the Board 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 Subsection 732.1(d). No person or entity appearing as a party to this case testified in opposition to the application. 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 3104.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations. 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 the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

Board of Zoning Adjustment
District of Columbia
CASE NO.16567
EXHIBIT NO.23

#23

1. Approval shall be for **SEVEN (7) YEARS**. At the **FIFTH (5th) YEAR ANNIVERSARY**, the Applicant is to hold a meeting with Advisory Neighborhood Commission (ANC) 2C. The ANC is to provide a report to the Board.

2. The total number of individuals (women and children) residing in the home shall not exceed 24 at any given time. The number of pregnant or postpartum women participating in the substance abuse program shall not exceed ten at any given time, with up to two children each. The number of children under the age of seven shall not exceed 18 at any given time.

3. The maximum number of employees on-site shall not exceed 11 at any given time. The number of staff on the premises shall be sufficient to provide 24-hour supervision of the residents and to respond to emergencies at all times.

4. The Applicant shall identify a staff person to serve as a community liaison representative responsible for working with the community, including Advisory Neighborhood Commission 2C.

5. The grounds of the facility shall be kept free of refuse and debris and shall be properly maintained.

6. There shall be no exterior loitering on the premises by residents, employees and visitors. Outdoor activities for the children shall be supervised by residents and/or employees at all times.

7. The Applicant shall maintain two on-site parking spaces at all times.

8. The facility shall meet the District of Columbia's fire, safety and health code requirements at all times.

VOTE: 3-1 (Sheila Cross Reid, Anne Renshaw and Robert Sockwell to approve; Carol Mitten opposed to the motion.)

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: MAY 16 2000

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 3125.9 "NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

BAB/4.24.00

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16567

As Director of the Office of Zoning, I hereby certify and attest that on MAY 16 2000 a copy of the order entered on that date in this matter was mailed first class, postage prepaid, to each party who appeared and participated in the public hearing concerning the matter, and who is listed below:

Iverson O. Mitchell, III, Esquire
Speights and Mitchell
1819 Pennsylvania Avenue, N.W., Suite 560
Washington, DC 20006-3603

Lawrence L. Thomas, Chairperson
Advisory Neighborhood Commission 2C
First and Pierce Streets, N.W.
Terrell Junior High School
Washington, DC 20001

Michael Johnson, Administrator
Building & Land Regulation Administration
Dept. of Consumer and Regulatory Affairs
941 North Capitol Street, NE, Suite 2000
Washington, DC 20009

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director