Testimony at the Board of Zoning Adjustment Hearing
623 Mellon Street, SE
November 13, 2001

My name is Virginia Major, ANC Commissioner for SMD 8C-07. First I would like to state that I oppose the granting of the Variances requested which I feel would in essence allow the expansion of a Community Base Residential Facility that is already larger than what would be allowed under current law. This CBRF has a Certificate of Occupancy Permit for 14 persons. As of June 27, 2000, there were 11 patients and three onsite staff persons. The applicant is listed as one of the three onsite staff members and Ms. C. Williams was the licensed food handler. I feel the owner could meet her needs without the addition of a structure on the alley that can't help but affect the homes around it -- the lighting, the view, and the appearance of the area.

When this case first came to the BZA in 2000, I was serving as Chairperson of 8C and sent a letter dated September 12, 2000, to indicate that the application and thus, the letter from the Zoning Administrator did not address the fact that this facility was a business rather than a house occupied by a single family. This case is again before the Board, and based on information I have seen, it still does not address, nor even acknowledge, that this is a CBRF. The Section of the Code reads

2500.4. An accessory building in any district shall not exceed one (1) story of fifteen feet (15 ft.) in height, except as provided in 2500.5.

2500.5. In an R-1-A or R-1-B district, an accessory private garage may have a second story used for sleeping or living quarters of domestic employees of the family occupying the main building.

2500.6. A two (2) story accessory building allowed under 2500.5 shall not exceed twenty feet (20) in height, and shall not be located within the required rear yard. The two (2) story accessory building shall also be set back from all side lot lines for a distance equal to the minimum width of a required side yard in the district in which it is located.

Section 2500.6 is not included in the 2001 variance request, but it was the key variance request in the 2000 request. The 2000 request was returned to the Zoning Administrator because of the business nature of this property not the rear yard variance. I have not been able to see any changes in the plans for this structure from 2000. Is this section still applicable?

The letter the BZA sent to the ANC, July 26, 2001, states
"Application of Elaine Carrera, pursuant to 11 DCMR 3103.2 for a variance to allow an accessory garage structure in excess of 15 feet and one story in height under section 2500.4 and a use variance to allow the second floor of the accessory structure to be used exclusively as the applicant's living quarters under section 2500.5 in an R-5-A District at premised 623 Mellon Street SE(Square 5984, Lot 37.)"

The Zoning Administrator's letter to the BZA, dated March 27, 2001, states approval is required as

BZA
Case No. 16597
Exhibit No. 43

Board of Zoning Adjustment
District of Columbia
CASE NO.16597
EXHIBIT NO.43

follows:

> "*1. Variance relief for Section 2500.4 to allow an accessory structure in excess of 15 feet in height and one story in the single dwelling in the R-5-A Zone. (Section 3103.2)*
>
> *2. Variance relief from Section 2500.5 to allow 2nd floor unit used for other that domestic employee of the family occupying the main building in the single family dwelling in the R-5-A Zone. (Section 3103.2)*"

Perhaps there were some changes made between the March 27, ZA letter and the July 26, BZA letter to the ANC, but, I found no information in the file to explain the difference. The ZA's use variance would allow substantial more use of the unit including living quarters for patients, staff or a rental, than the use stated by the BZA, however, neither of the variance descriptions, address the fact that the property is not being used as a single family home. The requested Variance Relief address the "domestic employee" part of Section 2500.5, but does not address the "family occupying the main building" part. The key issue I believe is, the property is not a single family home but a business that provide service to about 11 non-related individuals. And as such requires a "Certificate of Occupancy Permit"and must meet specific requirements to operate as a business. This I believe is an essential part of this case.

With reference to the ANC input, ANC 8C did not discuss these variances at the small community meeting on August 16, 2001 – fewer that a dozen persons attended, and probably half of those in attendance were associated with the applicant. One neighbor of this project was not allowed to speak before one commissioner put a motion on the floor to approve the project and was challenged by another commissioner about the legality of such a motion. An uncontrollable "discussion" took place between the two men. The motion was carried and the neighbor later declined to speak.

The Chairperson's letter in your file relating this meeting, I believe, is inaccurate in two instances.

> *1. She indicated a special public meeting on August 16, 2001 was held and that commissioners voted 4 to 2 in support of the variance.*

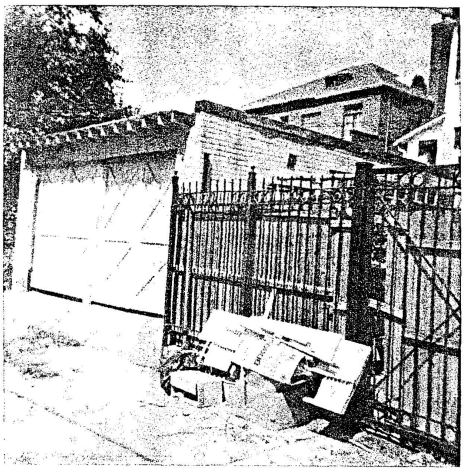
The Commissioners did vote 4 to 2, however, the meeting did not meet the requirements set forth in the ANC regulations for a meeting to be a Public Meeting. This was raised at the beginning of this meeting and was not included on the agenda to be addressed.

> *2. The last paragraph states "only one commissioner continues to challenge the BZA Codes to increase the height of the Garage for living quarters, which is separate from the house and is a community-based residential facility."*

Her own statement the commissioners voted 4 to 2 in support contradicts "the only one commissioner" part of her last paragraph.

I have attached some pictures taken in 2000 that show the garage and the surrounding alley and three pages from a 2000 Clinical Monitoring and Evaluation Division Report for Residential Facilities. Thank you for this opportunity to testify.

Virginia Major
3301 5th Street, SE
Washington, DC 20032



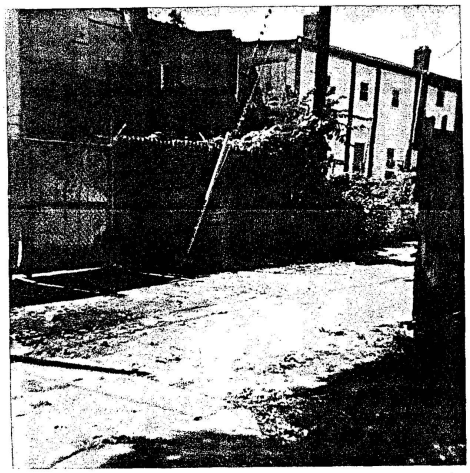
1823 Mellon (garage)



Alley from corner behind Mark Liquor



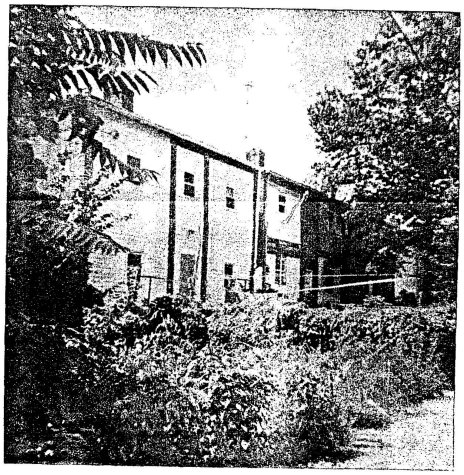
Back of Newcomb St



Back of house (1819) Newcomb St



Back of House directly across



View looking at houses on Newcomb

CLIINICAL MONITORING & EVALUATION DIVISION
REPORT FOR RESIDENTIAL FACILITIES

CRF DIRECTOR'S NAME Elaine Carrera
LICENSED NAME OF FACILITY Elaine Carrera
ADDRESS 623 Mellon Street SE ZIP CODE 20032
TELEPHONE # 563-3108 FAX #
LICENSE # 102 TYPE SR DATE ISSUED 10/8/99
EXPIRATION DATE 10/7/00 C of O #B138273 FACILITY CODE

CURRENT CENSUS:

	RESIDENCE CAPACITY (11) Female	Male	Either
Clients Registered with the CMHS	3	8	
Number of other Residents	~~0~~	~~0~~	
Number of Vacancies	~~0~~	~~0~~	

NAME AND POSITION OF ONSITE STAFF
Elaine Carrera
Evelyn Thomas
Cassandra Williams

DATE OF VISIT 6/29/00 TIME OF VISIT 9AM

SCHEDULED VISIT ✓ UNSCHEDULED VISIT____ VISIT BASED ON A COMPLAINT____

MONITORING TEAM MEMBERS
Edward DeLyon Jr.
Almon Brantley
Sandy Hassim

Commission on Mental Health Services--Clinical Monitoring and Evaluation Division
Community Services Administration – 4301 Connecticut Ave. NW, Suite 250 Washington D.C. 20008

CRF Address 623 Mellon St. SE Name of House Elaine Conner Date 6/29/00

Summary

Staff Records
1. Elaine Conner – CPR certification
2. Evelyn Thomas – CPR certification
3. Cassandra Wms. – CPR certification, Food Handlers

Admin. Records
1. Current fire drill forms were not available at the time of this review.

Score/Grade 72% C

Monitor Edward De Lapp Jr. CRF Representative + Elaine Conner Date 6/29/00

Follow up Notes (Used based on a complaint or to verify a corrective action was taken):

Medication Mgmt – follow up in 10 days.
Follow up visit made on 7-24-00 – 7-26-00
All medication deficiencies have been corrected as of 8-1-00

Monitor _____ CRF Representative _____ Date _____

Scoring and Summary

The Scoring is based on a grade as well as a numerical score based on a 100-point scale. The score received will determine the next follow-up visit. Each section is given a score, which then is used to tabulate the final score, as well as grade. Please note: **failing any critical indicator will cause that section to receive a zero and will prompt a follow-up visit within approximately 10 days or as needed to see if that area has been corrected.**

SECTION	SCORE
Consumer Rights	4
Life Safety –Environ.	4
Life Safety- Medical	0
Nutritional Services	4
Program Operation	3
Access-Linkages	2

Formula to compute percentage below:

Total 17 X 4 = 68 + 4 = 72 % Grade C Return in 90 days

90-100% – A or Excellent- return in 6months, 80-89% – B or Above Average return in 3 months, 70-79% –C or Average return in 3 months, 60-69% – D or Below Average, Below 60% F or Failed. Note: Any facility scoring below 70 is deemed unsuitable to accept new clients until a plan of correction is submitted and completed.