GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16630 of the Office on Aging/D.C. Government, pursuant to 11 DCMR 3104.1, for a special exception under Section 205 to allow the proposed construction of an elderly wellness day care center for more than 16 persons aged 60 years and older in an R-4 zone District at premises 3500 Martin Luther King, Jr., Avenue, S.E. (Parcel 243/47 in Square 6091)

HEARING DATE: October 24. 2000
DECISION DATE: October 24, 2000 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case is by a memorandum from the Division of Zoning of the Department of Consumer and Regulatory Affairs that specifies the zoning relief required by the Applicant

This Decision and Order arise from the Application of D.C. Office of Aging/D.C. Government for a special exception under Section 205 to allow the construction of an Elderly Development Center (wellness day care center) for more than 16 persons aged 60 years and older in an R-4 zone.

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) 8C and to owners of property within 200 feet of the site.

The subject property is located within the jurisdiction of ANC 8C, and specifically in Parcel 243/47, Square 6091. ANC 8C is automatically a party to this application. The ANC submitted a written report 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 from the strict application of the requirements of 11 DCMR Subsection 3104.1, Section 205. 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 purposes and intent of the Zoning Regulations and Map. The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without impairing the intent, purpose, and integrity of the zone plan as

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embodied in the Zoning Regulations and Map. It is therefore **ORDERED** that the application be **GRANTED.**

Pursuant to 11 DCMR 3101.6, the Board waived the requirement of 11 DCMR 3125.3 that findings of fact and conclusions of law accompany the order of the Board. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 5 – 0 (Sheila Cross Reid, Carol J. Mitten, Robert N. Sockwell, Rodney L. Moulden, and Anne Renshaw, to grant).

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

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director

FINAL DATE OF ORDER: DEC 11 2000

PURSUANT TO D.C. CODE SEC. 1-2531 (1999), 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 (1999), 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 DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBSECTION 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.

vce/16630

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16630

As the Director of the Office of Zoning, I hereby certify and attest that on DEC 11 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:

Virginia L. Major, Chairperson
Advisory Neighborhood Commission 8C
3125 Martin Luther King Jr., Avenue, S.E.
Washington, D.C. 20032

Virginia L. Major, Commissioner
Single Member District 8C-07
3301 5th Street, S.E.
Washington, D.C. 20009

Virgil L. Green, AIA
2000 14th Street, N.W., Suite #500
Washington, D.C. 20009

Toye Bello, Acting Zoning Administrator
Building and Land Regulation Administration
941 North Capitol Street, N.E., Suite 2000
Washington, D. C. 20009

ATTESTED BY: _____
Jerrily R. Kress, FAIA
Director

VCE