February 5, 2001

RECEIVED
D.C. OFFICE OF ZONING
2001 FEB -6 AM 8:33

via fax

Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street, N northwest
Suite 210 South
Washington, D.C. 20001

Re: Application No. 16655

Dear Sir:

Based upon the letter addressed to me dated January 18 (which I did not receive until today), the Memorandum from the Office of Planning to the D.C. Board of Zoning Adjustment dated February 2, and my conversation today with Steve Cochran of OP, I am writing to request that my hearing scheduled for February 6, 2001, be postponed since it appears that the application we filed for a rooming house/assisted living facility is not the correct one. When we initially filed the application, we were told by the Department of Consumer and Regulatory Affairs that this was the appropriate category. However, Mr. Cochran of OP indicated that the application should have been filed under a category for a Community Based Residential Facility. Please note that this application has been pending for more than one year. If, however, there is a need to change our filing, I am also requesting that the filing fee be waived.

I mentioned this information to Ms. Bailey in your office today and she indicated that I should still appear for the hearing today.

If you need to speak with me further, I can be reached at (301) 203-7501 or on my cellular (703) 629-0100.

Sincerely,

Delores Flowers

BZA
Case No. 16655
Exhibit No. 54

Board of Zoning Adjustment
District of Columbia
CASE NO.16655
EXHIBIT NO.54

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

January 18, 2001

Ms. Delores Flowers
601 Luxor Court
Fort Washington, MD 10744

Re: Board of Zoning Adjustment Application (BZA) No. 16655, 1313 Harvard St., N.W.
Probable Need to Re-file Under Different Section of Zoning Regulations
Call Mr. Paul Hart, Office of Zoning, 202-727-0348

Dear Ms. Flowers:

I am the case officer at the Office of Planning (OP) for your application for a parking variance at 1313 Harvard Street, N.W. OP gives technical advise to the Board of Zoning Adjustment (BZA) on these types of applications.

It appears that you have filed for your variance under an inappropriate part of the zoning regulations. Your application would more appropriately be considered under the requirements that apply to a Community Based Residential Facility (CBRF), rather than those applying to a Rooming House. I base this opinion on my review of the supporting documentation in your file, and on conversations I have had with staff at the Department of Consumer and Regulatory Affairs (DCRA, where you first applied for a certificate of occupancy) and staff at the Office of Zoning (OZ, where you filed your application for a variance).

Under Section 2101.1 of the Zoning Regulations, CBRFs require one parking space if 1-8 persons are housed and 2 parking spaces if 9-15 persons are housed. The parking requirements for CBRFs housing 16 or more people are determined by the BZA. Rooming houses, as you know, require 1 parking space, plus 1 for each rooming unit. Either way, you will still need BZA consideration for a parking variance, although you may not need as many as three spaces.

You have already filed with OZ and paid the filing fee. It may be possible for you to request that consideration of your case be delayed for up to 90 days. This would allow you to amend your application without paying an additional filing fee. It would also give OZ the legally required time to re-advertise you case under the appropriate sections of the regulations.

Paul Hart, at the Office of Zoning (202-727-0348), will be able to give you advice on the BZA process. He may also be able to give you assistance on what you would need to do at DCRA to file for an appropriate certificate of occupancy. I have already spoken to Mr. Hart. He will be expecting your call.

If you have any questions of the Office of Planning, please call me at 202-442-7607.

Very truly yours,

Stephen Cochran, AICP
Special Projects and Development Review Planner

C: Paul Hart, Sheri Pruitt, Otoye Bello, Vincent Valdes, Ellen McCarthy, Julie Wagner

DC OFFICE OF ZONING
441 4th Street, NW, Suite 210
(202)727.0364 Phone
(202)727.6072 FAX
bbailey@dcoz.dcgov.org

FACSIMILE TRANSMITTAL

TO: **Delores Flowers, FAX 301-203-7503**

FROM: Beverley A. Bailey

DATE: Monday, February 05, 2001

RE: Letter to the Board from the Office of Planning

- ☐ Urgent
- ☑ For Review
- ☐ Comment
- ☐ As Requested
- ☐ Your Information

Please find the above-identified information.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

D.C. RECEIVED
OFFICE OF ZONING
2001 FEB -5 AM 9:00

MEMORANDUM

TO: D.C. Board of Zoning Adjustment

FROM: Andrew Altman, Director

DATE: February 2, 2001

SUBJECT: Request for Deferral of Hearing:
BZA Application 16655 – 1313 Harvard Street

The Office of Planning (OP) requests that the Board of Zoning Adjustment (BZA) defer consideration of the above-cited case. Since OP filed its case report with the Board, additional information has been brought to our attention that strengthens our impression that the application was mis-filed in the first place.

The application requests a parking variance for a rooming house/assisted living facility. During the week of January 15, 2001 OP staff had spoken with staff at both the Department of Consumer and Regulatory Affairs and the Office of Zoning about the possibility that the applicant should actually have been filing as a community based residential facility (CBRF). On January 18, 2001 OP wrote to the applicant suggesting just such an approach. This letter is attached. The possibility of the applicant's filing under an inappropriate use-category was also noted in our report to the BZA dated January 26, 2001.

Application 16655 may eventually deserve consideration of its request for a parking variance. However, even though OP has already submitted a report on such a request, we ask the BZA to allow various District agencies additional time to consider:

1. Whether the facility for which the parking variance has been request should, in fact, have been filed as a CBRF;
2. Whether the first consideration by the BZA should be under Section 335.1 and/or Section 303.1, and;
3. If approved by the BZA under one of the above sections, whether a parking variance request should then be considered by the BZA under Section 2101.1.

For these reasons we ask the Board to delay consideration of Application 16655.

AA/sc

attachment

BZA
Case No. 16655
Exhibit No. 53