STATEMENT
BOARD OF ZONING ADJUSTMENT APPEAL CASE NUMBER 16791
FATHER FLANNAGANS BOYS AND GIRLS HOME
1308, 1310, 1312, AND 1314 POTOMAC AVENUE, S.E.
LOTS 134, 136, 137 AND 138 IN SQUARE 1045

The subject properties are zoned C-2-B commercial. Pursuant Title 11DCMR, the D.C. Zoning Regulations, single family detached, semi-detached, row dwellings, two unit flats, rooming and boarding houses, apartment houses, a youth residential home with six (6) residents, office and retail uses are permitted as a matter of right in the C-2-B residential/Commercial zone.

In accordance with Zoning Commission Order Number 725, ~~S~~ Case Number 90-15 (Text Ammendment - Fair Housing Ammendment Act) dated November 16, 1992, a youth residential home with not more than six (6) residents, not including resident supervisors or staff and their families and providing that the number of persons being cared for shall not exceed six (6). Under the current D.C. Zoning Regulations there is no requirement for a 500' radius to spacing to separate a residence from any other home with six (6) residents. The D.C. Zoning Regulations under Section 721.5 require youth residential homes with seven (7) to fifteen (15) to undergo a check for spacing requirements of 500' from another home with seven (7) to fifteen (15) residents. If a Reasonable Accommodation Request is submitted to the Director of the Department of Consumer and Regulatory Affairs, it is possible that no radius checks would be required for Community Based Residential Facilities if the individuals who will reside within the structue belongs to a protected class as defined by the U.S. Fair Housing Act. There is a Stipulated Agreement with the Department of Justice (U.S.) as a result of an Office of Adjudication Case, a Board of Zoning Adjustment Appeal Case and a District Court Case regarding 5620 Colorado Avenue, N.W. (The Samaritans Inn). The Director of DCRA has 30 days to reply to any Reasonable Accommodation Request Application.

The Zoning Administrators Office was right in approving building permits for four separate structures on four separate lots to house six (6) residents in each youth residential home.

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There are no provisions in the D.C. Zoning Regulations which would prohibit a youth residential care home with six residents to be placed on adjacent lot and to be constructed at the same time. Construction projects which are permitted as a matter of right by the same owner on adjacentlots are approved on a day to day basis by DCRA/ Building Permits Section. The Zoning Administrators Office must ensure that each building permit application, architectural plans and D.C. Builders Plat submitted for review meet all relevant D.C. Zoning Regulations subsections. I have reviewed all documents submitted to the Department of Consumer and Regulatory Affairs Permit Section to obtain a building permits B438336, B438337, B4338, and B4338335 which were issued on September 6, 2001. Each structure approved with a permit sits on its own separate lot which was approved under the subdivision process. There is no physical connection or communication between each structure. There is not one contiguous structure with 24 residents. You cannot physically walk on the interior from one house to another. You must exit in oder to get from one house to another. Each house on each lot must meet the use, setback(s), height, lot occupancy, FAR and off-street parking requirements of the D.C. Zoning Regulations. There is no required width of lot or lot area minimum requirement for the C-2-B commercial zone

The four dwellings (single family) under construction are the lowest density structures which are allowed to be built in the C-2-B zone. The property owner could have built more structures or row dwellings by using the R-4 zone lot requirements for row dwellingswith 18.0' widths and 1800 square feet of lot area for each lot and could have placed six (6) residents in each of approximately 16 row houses as a matter of right. The property owner could have also built an apartment house with a maximum floor area ratio of 3.5. The property could have been built with mixed use commercial residential office/ retail use for a maximum of 3.5 FAR with the commercial use not to exceed 1.5 FAR, or the owner could hve built 1.5 FAR with all retail or office use.

The Zoning Administrator complied with the D.C. Comprehensive Plan which specifies that all construction projects must comply with the D.C. Zoning Regulations and the D.C. Building Codes. There are two exceptions to this requirement, the Hurt Home located in Georgetown is exempt and existing D.C. City Government structures.

Review of construction documents indicate that the Zoning Administrator using the strict application of the D.C. Zoning Regulations and taking in consideration of the definition of family on page three of Zoning Commission Order Number 725 did not make an error in approving all construction documents to allow building permits number B438335, B438336, B438337, B438338 on September 6, 2001for 1308, 1310, 1312 and 1314 Potomac Avenue, S.E. The Zoning Administrators approval of

the building permits, in my professional opinion was consistent with what I would have done as a former Administrator.

Gladys Hicks 11/30/01

Gladys Hicks
Zoning Consultant