GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 16263 of The Washington Home, pursuant to 11 DCMR 3108.1, for a special exception under Section 219 to increase an existing health care facility from 189 to 201 beds in an R-1-B District at premises 3720 Upton Street, N.W. (Square 1825, Lot 818).

HEARING DATE: September 3, 1997
DECISION DATE: September 3, 1997 (Bench Decision)

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 3F and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 3F. ANC 3F, which is automatically a party to this application, submitted a written statement of issues and concerns in support of the application.

As a preliminary matter, the Board considered the applicant's appeal of the fee determination made by the Director of the Office of Zoning. The applicant was of the opinion that the fee should have been assessed based on the requested addition of 12 beds rather than the the total number of beds in the facility.

After discussing the issues, listening briefly to the Director regarding the Board's traditional assessment of fees in similar cases, and reviewing the specific rule governing the fee for the subject application, the Board upheld the Director's determination of the application fee.

As directed by 11 DCMR 3324.2, the Board has 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 219. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. 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 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested

BZA
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Exhibit No. 14

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO.14

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 is **GRANTED.**

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-1 (Susan Morgan Hinton, Laura M. Richards and Betty King to deny the appeal of the fee assessment; Sheila Cross Reid opposed to the motion).

VOTE: 4-0 (Laura M. Richards, Sheila Cross Reid, Betty King and Susan Morgan Hinton to grant the application).

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

ATTESTED BY: Madeliene H. Dobbins
MADELIENE H. DOBBINS
Director

FINAL DATE OF ORDER: SEP 15 1997

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 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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.

ord16263/JN/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

BZA APPLICATION NO. 16263

As Director of the Board of Zoning Adjustment, I certify and attest that on SEP 15 1997 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 this matter, and who is listed below:

Allison C. Prince, Esquire
Wilkes, Artis, Hedrick and Lane
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006

Sandra Lee Long
2801 New Mexico Avenue, N.W.
Washington, D.C. 20007

Scott Strauss, Chairperson
Advisory Neighborhood Commission 3F
3400 International Drive, N.W., #2J21
Washington, D.C. 20008

Madeliene H. Dobbins

MADELIENE H. DOBBINS
Director

DATE: SEP 15 1997

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health

State Health Planning and Development Agency

September 20, 2001

Ms. Camille R. Bash, CPA, MBA
Vice President of Finance and CFO
The Washington Home
3720 Upton Street, N.W.
Washington, D.C. 20016

Re: Proposal by Hospice of Washington to Increase Inpatient Hospice Beds by Four (4) Beds – Certificate of Need Registration No. 00-3-5

Dear Ms. Bash:

The D.C. State Health Planning and Development Agency (SHPDA) has approved your application for a Certificate of Need (CON) as referenced above. A statement of findings and the Certificate of Need are enclosed.

Please note that any person may request reconsideration of the review decision within 30 days of this decision. The SHPDA may grant a reconsideration request upon demonstration of "good cause", as defined in D.C. Code § 32-362 Section 13(b) and Certificate of Need Regulations 22 DCMR Section 4312.

Thank you very much for your cooperation during the review period. If you have questions concerning this matter, please do not hesitate to contact me.

Sincerely,

Andrew Schamess, M.D.
Acting Director

Enclosures

cc: Herbert Weldon
Denise Pope
Michael Johnson