BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Appeal of Decision by DCRA to issue buildings permits)
to Father Flanagan's Boy's Home)
construct single family dwellings at 1308, 1310, 1312 and) No. _____
1314 Potomac Ave., S.E. (Square 1045, Lots 134, 136, 137, 138))
_____)

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Attachment to Form 125

This is an Appeal of Southeast Citizens for Smart Development, Inc. of Building Permits ## B446916, B446917, B446918, and B446919, issued on July 8, 2002 to Father Flanagan's Boy's Home to construct three one-family dwellings at 1308, 1310, 1312, and 1314 Potomac Ave., S.E.

Manner in which Appellant is aggrieved, allegation of error, and relevant sections of zoning regulations:

Appellant Southeast Citizens for Smart Development, Inc. ("SCSD") is a nonprofit corporation organized to facilitate community involvement and education in planning of neighborhood development in Ward 6. SCSD is composed of and represents numerous persons who reside and/or own property within the immediate area of the Community Based Residential Facilities (CBRFs) proposed by Boys Town at Potomac and Pennsylvania Ave., S.E , including persons who reside within 200 feet of the proposed development.

Building permits were initially issued for the four two-story residences with cellars for use by Father Flanagan's Boys Home as a CBRFs in September 2001, based on determination by then-Zoning Administrator Michael Johnson that the four residences each constituted a separate CBRF for six youths, which were each entitled to matter-of-right zoning approval. Notwithstanding the issuance of the BZA Order in Appeal No. 16791 of Southeast Citizens for Smart Development, Inc. and ANC 6B, dated June 21, 2002, which found that the four two-story residences constituted a single CBRF, these building permits were never revoked, nor was a "stop work" order issued..

To the contrary, on July 8, 2002, the Director of the D.C. Department of Consumer and Regulatory Affairs (DCRA), by and through the Building and Land Regulation Administration (BLRA), issued four new building permits to Boys Home, based on an amended building permit application indicating that the proposed use of the buildings was as a "one-family dwelling." These buildings, however, do not conform the zoning regulations

Specifically, the BZA Order in Appeal No. 16791 found that the two-story residences presently under construction by Father Flanagan's Boys Home at 1308, 1310, 1312, and 1314 Potomac Ave., S.E. constituted a single CBRF. In reaching this conclusion, the BZA noted several ways in

BZA
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Exhibit No. 2

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which the buildings did not comply with zoning requirements applicable to single family detached dwellings in the C-2 district. First, the BZA order noted that three of the four buildings lacked the 8-foot side yard required by zoning regulations 11 DCMR §§ 405.9 and 775.2. Second, the BZA Order noted that none of the lots have access to their required parking spaces from a public street or alley, or from a private driveway under the ownership or control of the particular lot, as required by 11 DCMR § 2117.4, and some are not on the same lot with the residences that they are intended to serve, as required by 11 DCMR § 2116.1.

Because the residences to be constructed at 1308, 1310, 1312, and 1314 Potomac Ave., S.E. do not comply with the side yard and/or parking requirements applicable to one-family dwellings, the Director of DCRA and the BLRA erred in issuing building permits to Father Flanagan's Boys Home. Members of SCSD are aggrieved by this unlawful action, and believe that these nonconforming residences will adversely affect their use and enjoyment of their homes.

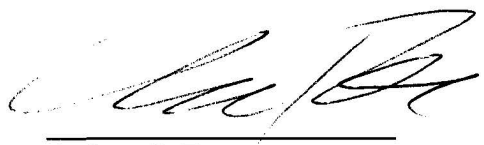
CERTIFICATE OF SERVICE

I hereby certify that, on August 1, 2002, a copy of the foregoing Appeal was served by mail on:

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