CAPITOL HILL RESTORATION SOCIETY
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BZA No. 17043
700 Constitution Ave., NE
Square 895, Lot 76
Zone: R-5-B
Hearing Date: 29 July 2003

July 23, 2003

Board of Zoning Adjustment,
Room 210
441 4th Street, NW
Washington, DC 20001

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The Board of Zoning Adjustment should grant this appeal.

This appeal is from the decision of the Zoning Administrator to issue two Certificates of Occupancy (CO 51289 and CO 51290), the first for a community based residential facility with 117 beds and 25 parking places, and the second for hospital with 60 beds and 60 parking spaces.

Discussion.

Appellant Stanton Park Neighborhood Association alleges two errors:

(1) The Zoning Administrator erred in requiring only 25 parking spaces for a community based residential facility with 117 beds. (CO 51289)

(2) The Zoning Administrator erred by requiring a total of only 85 parking spaces, disregarding Board of Zoning Adjustment orders 15542 and 16407, which specified 176 and 276 parking spaces respectively.

The community based residential facility.

The zoning regulations specify off-street parking requirements for facilities that house up to 15 persons, a number allowed as a matter of right in an R-5 zone. The off-street parking requirement for larger community based residential facilities is determined by the Board of Zoning Adjustment. (Sec. 2101.1)

Total parking spaces required.

Certificates of Occupancy 51289 and 51290 require a total of 85 off-street parking places, half as many as the 176 required by BZA order 15542. (If BZA order 16407 is in effect, and there is some question that it is, the number of parking spaces is less than a third of the 276 required by that order.)

BZA
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Board of Zoning Adjustment
District of Columbia
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BZA order 15542 in 1991 granted a special exception whose purpose was to change the use of Capitol Hill Hospital from an acute care facility to a geriatric care facility. The order approved a facility with 130 beds, 250 staff, and 176 off-street parking spaces. In 1991, order 16470 approved a larger facility with 162 beds, 340 employees, and 276 off-street parking spaces.

Conclusion.

We believe that the Zoning Administrator erred:

(1) By determining the number of parking spaces for a residential care facility having more than 15 beds instead of referring the matter to the Board of Zoning Adjustment. As a result, neighbors and neighborhood groups have not been able to present their views about the impact, present and future, of the facility on street parking in the vicinity of the facility.

(2) By reducing the number of off-street parking spaces specified in either BZA order 15542 or order 16407, even though the geriatric residential use remained the same. We believe that only the Board of Zoning Adjustment can modify the orders as long as a geriatric residential facility continues to operate on these premises.

Therefore, we believe that the Board should reverse the decision of the Zoning Administrator to grant CO 51289 and CO 51290.

We are pleased to submit these views for your consideration.

Lyle R. Schauer
Zoning Committee Chair