

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Fikremariam Mengesha
7410 Eastern Avenue, NW (Square 3178E, Lot 115)

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of Fikremariam Mengesha (the “**Applicant**”), owner of the property located at 7410 Eastern Avenue, NW (Square 3178E, Lot 115) (the “**Property**”). The Property is located in the R-2 Zone District and is currently improved with a one-story (+ basement) building (the “**Building**”). The Applicant is proposing to use the existing Building for a health care facility treating those who require medical inpatient rehabilitation for various neurological and orthopedic injuries and conditions, as well as long-term issues such as dementia. While this type of use is commonly associated with a Continuing Care Retirement Community, those uses are limited to 60+ years of age per the Zoning Regulations. The proposed use does not have an age limit—therefore this is not considered a Continuing Care Retirement Community. The use is licensed under the Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983 and are therefore fall under the definition of a “Health Care Facility” per the Zoning Regulations.¹

A health care facility is a matter of right use in the R-2 zone if it is limited to 8 residents. Subtitle U-203.1(j) permits special exception approval for a health care facility between 9 and 300 persons. The proposed use will have 14 beds; accordingly, the Applicant is requesting special exception approval pursuant to U-203.1(j). Due to the topography at the side and rear, the Applicant cannot feasibly access parking from the side and rear alleys. There is an existing curb cut along Eastern Avenue and the Applicant is seeking to have two legal parking spaces in that existing driveway space.² Accordingly, the Applicant is requesting special exception relief from C-710.1(c) in order to locate the parking spaces in between the building façade and the front lot line.

¹ Defined as: **Health Care Facility**: A facility that meets the definition for and is licensed under the District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code §§ 32-44-501*et seq.*)

² The Applicant will coordinate with DDOT in order to maintain the existing curb cut.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to Subtitle X-901.2, C-710.1(c) and U-203.1(j).

III. WITNESSES

The Applicant anticipates that Alexandra Wilson from Sullivan & Barros will lead the presentation and that Mr. Aaron Eyob from the ownership team available for questions.

IV. BACKGROUND.

A. Description of the Property Location and Surrounding Area.

The Property is located in the R-2 zone district. It is currently improved with a one story + basement detached building. Abutting the Property to Eastern Avenue which serves as the boundary between Maryland and DC. Abutting the Property to the south is a public alley. Abutting the Property to the west is a public alley. Abutting the Property to the east is a detached single-family dwelling (7408 Eastern). The area is primarily made up of low-density single-family uses.

B. Proposed Use.

The Applicant is not proposing to modify the existing Building footprint nor increase the size of the existing Building. The Building will be adapted for this use as shown in the plans. The Applicant is proposing care for those needing post-acute care or nursing stay to transition back to their prior level of care or independent living. Most of the patients seeking this care have experienced surgery, a stroke, or some other sort of debilitating setback. Some are expected to make a recovery and return to independent living or their living situation before the incident. Some, like those with dementia, will require longer-term care. The Applicant is proposing 24-hour nursing care and anticipates 2-3 staff members present at one time. One parking space is proposed and only one is required.

V. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.

A. General Special Exception Criteria.

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property. The proposed use is residential in

nature and is appropriate in this location given the quiet nature of the use which is to promote and facilitate restful recovery and get residents back to independent living, if possible.

B. Requirements of Subtitle U-203.1(j).

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

The proposed use is defined as a "health care facility" under the Zoning Regulations. When limited to only 8 residents, it is considered a matter-of-right use. The regulations permit up to 300 residents via special exception. The Application meets the requirements of U-203.1(j) as follows:

(1) In R-Use Group A, there shall be no other property containing a health care facility either in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the property;

The property is not in R-Use Group A.

(2) In R-Use Groups B and C, there shall be no other property containing a health care facility either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the property;

There are no properties containing health care facilities within a radius of five hundred feet (500 ft.) from any portion of the property.

(3) There shall be adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility;

The Applicant is proposing two parking spaces. The occupants are not expected to have cars given the nature of the facility. There will be limited visitors and a limited number of staff members (2-3 staff members) per shift. There is on-street parking available near the Property. There are several bus stops nearby. Accordingly, there shall be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.

(4) The proposed facility shall meet all applicable code and licensing requirements;

The proposed facility will meet all applicable code and licensing requirements.

(5) The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area; and

The proposed density is still quite limited considering that a health care facility for up to 300 residents is permitted via special exception. And the nature of the use is such that it will be a quiet use with limited visitors.

C. Application Satisfies the Specific Special Exception Criteria for the Parking Location Requirements of 11-C DCMR 710.3

Pursuant to C-710.3, the Board of Zoning Adjustment may grant full or partial relief from the requirements of this section to locate surface parking spaces anywhere on the lot upon which the building or structure is located if approved as a special exception pursuant to Subtitle X, Chapter 9, and subject to the applicant's demonstration to the Board's satisfaction that:

(1) It is not practical to locate the spaces in accordance with Subtitle C § 710.2 for the following reasons: (A) Unusual topography, grades, shape, size, or dimensions of the lot; (B) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets; (C) Traffic hazards caused by unusual street grades; or (D) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties; and

It is not practical to locate the spaces in accordance with C-710.2 given the topography along the alley at the side and rear of the Property. The Applicant has included photographs clearly demonstrating the existing conditions. There is an existing curb cut and driveway in the front of the Property. Accordingly, the only appropriate egress is from the front of the Property, which will provide direct access to the parking spaces.

(2) The accessory parking spaces shall be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the building or structures that they are designed to serve; and

Maintaining the existing parking configuration and adding a space will create convenient parking for the staff and any guests of the facility.

(3) The Board of Zoning Adjustment may impose conditions as to screening, coping, setbacks, fences, the location of entrances and exits, or any other requirement it deems

necessary to protect adjacent or nearby property. It may also impose other conditions it deems necessary to assure the continued provision and maintenance of the spaces.

VI. CONCLUSION.

For the reasons stated above, this Application meets the requirements for special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros, LLP
Date: December 2, 2024