

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
441 4th Street N.W. # 200
Washington, DC 20001**

**APPLICATION OF
COMMUNITY WORKS LLC
3328 5th Street SE
Washington, DC 20032**

Building Owner: Richard White 1811 Altamont Place Forestville, MD 20747

Subject: BZA Special Exception (Square 5972, Lot #0036, R-2 Zone)

**BURDEN OF PROOF
STATEMENT OF THE APPLICANT**

I NATURE OF RELIEF SOUGHT

This statement and the accompanying documents are submitted on behalf of Community Works, LLC, to the Board of Zoning Adjustment for the property located at 3328 5th Street SE, Square 5972, Lot 0036 (hereinafter referred to as “the Property”). The purpose of this submission is to support the application for special exception relief, in accordance with Subtitles X Chapter 9 (203.1 e), to enable an increase in occupancy beyond the currently permitted by-right level. This request arises due to occupancy restrictions imposed due to another facility owned by the applicant within a radius of 500 feet/1000 feet from any portion of the lot. The Property is located in Ward 8, ANC 04, and zoned as R-2. It is an interior record lot measuring 5,317 sq ft in land area. Abutting the property to the north is 3324 5TH ST SE, which is also owned by the applicant and is currently a community-based institutional facility serving 12 occupants. Abutting the property to the south is 3340 5TH ST SE which is a single-family dwelling. The area is made up of mixed uses, including a number of apartment buildings as well as single-family uses and institutional and educational uses.

II JURISDICTION OF THE BOARD

The Board of Zoning Adjustment (the “Board”) has jurisdiction to grant the relief requested according to Subtitles X & 901.2 of the Zoning Regulations.

III PROPOSED PROJECT DESCRIPTION

Applicants propose to increase the occupancy load from the current by-right load of 6 persons to 15 persons for an existing community residential facility in an existing structure with developmental, cognitive, and mental health disabilities.

IV. APPLICANT SATISFIES THE BURDEN FOR SPECIAL EXCEPTION RELIEF

The Applicant seeks special exception relief in accordance with Subtitle X, Chapter 9, section 203.1(e). This request addresses the regulatory stipulations concerning the proximity of another facility located within a radius of 50 feet to 100 feet. According to Subtitle X-901.2(a), the Board has the discretion to grant special exception relief when a facility is situated in close proximity to another facility in the vicinity. This provision is intended to allow for flexibility in development while maintaining the integrity of zoning regulations. The Applicant believes that granting this relief will serve the public interest and enhance local services without compromising the community’s overall welfare.

Pursuant to D.C. Code &6-641.07(g)(2) and 11 DCMR X &901.2, the Board is authorized to grant a special exception where it finds the special exception:

Current Zone R-2 Regulation Proposed Relief

Number	Type of Relief	Zoning Sections	Reason[or Basis]
1	Special Exception	U-202.1 (h) U-203.1 (e) X-901.2	Proposed resident count is above the amount allowed as a matter of right

Subtitle X § 901.2

The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The property is located in the R-2 zoning district; the R-2 zone is “intended to provide areas predominantly developed with semi-detached houses on moderately sized lots that also contain some detached dwellings.” The proposed scope of the property will have the structure remain as a detached dwelling and will not change the size of the lot. The neighboring properties are also detached or semi-detached dwellings on moderately sized lots.*
- (b) Will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The granting of the special exception will also not tend to adversely affect the use of neighboring properties. The proposed scope to have the resident count above the amount allowed as described in Subtitle U § 203.1(E) will have no impact on neighboring properties of same design and housing. A similar number of persons are staying at the abutting property permanently as is typical of some of the neighboring buildings.*
- (c) Will meet such special conditions as may be specified in this title.*

Subtitle U § 202.1(H)

Emergency shelter of not more than four (4) persons, not including resident supervisors or staff and their families.

The primary purpose of an emergency shelter is to provide temporary housing for the homeless for short-term stays. This exception is to request (15) persons who will be staying at the property permanently until they are ready to relocate. The property is to be designated as a community-based institutional facility, as the duration of stay is typically much longer than in an emergency shelter.

Subtitle U § 203.1(E)

Community-based institutional facilities subject to the following conditions: (1) The use shall house no more than fifteen (15) persons, not including resident supervisors or staff and their families; (2) In the R-2, R-3, R-10, R-13, and R-17 zones there shall be no other lot containing a community-based institutional facility use in the Subtitle U-8 same square or within a radius of five-hundred feet (500 ft.) from any portion of the lot; and (3) In all other R-Use Groups A, B, and C there shall be no other lot containing a community-based institutional facility use in the same square or within a radius of one thousand feet (1,000 ft.) from any portion of the lot;

Conclusion:

The existing building located at 3328 5th St SE Washington, DC 20032 allows a maximum of 6 people by right and is requesting to enlarge the person's count to 15. The four neighboring properties on the same side of the street are all listed as multi-family buildings and direct neighbor 3324 5TH ST SE is already classified as a community-based institutional facility. This property would be within a radius of five-hundred feet (500 ft) and is requesting a Special Exception from this subtitle. All other properties within the vicinity are listed as single-family dwellings. The applicant is not proposing to modify the existing building footprint or not increase the size of the existing building. The applicant is proposing a case for those needing post-acute care to transition back to their prior level of care or independent living.

Respectfully submitted,

Toya King

Toya King

Community Works LLC

Project Manager