

**BEFORE THE BOARD OF ZONING ADJUSTMENT  
OF THE DISTRICT OF COLUMBIA**

**Application of Bridges 2 Psychological Services & Consultation, LLC  
639 Atlantic Street SE**

**APPLICANT’S HEARING STATEMENT**

This Hearing Statement (“Statement”) outlines the existing and proposed use of the property and the manner in which the application (“Application”) complies with the specific tests and burden of proof for the special exception sought in this application before the Board of Zoning Adjustment (BZA)

**NATURE OF RELIEF SOUGHT**

This is an application pursuant to 11 DCMR Subtitle X, Chapter 10, § 1000.1 for use variance from the provisions of Subtitle U, Chapter 2, §201.1 to permit the establishment of a medical office at the subject premises.

As set forth under Subtitle X, Chapter 10, §1001.4 (a), applicant requests use variance relief in order to permit use not otherwise permitted as a matter of right or by special exception in the underlying zone district within which subject property is located.

A medical office use is not permitted either as a matter of right or by special exception in the R-2 zone district within which subject property is located

## **SUMMARY OF APPLICATION**

The applicant seeks use variance relief from the Use Provisions pursuant to 11 DCMR Subtitle X, Chapter 10 §201.1 to establish a medical office use at subject premises.

Applicant contemplates adaptive use of the premises which has historically been used as a Community-Based Residence Facility (CBRF) as that term was defined in the 1958 Zoning Regulations with limited interior alterations to comply with related construction codes requirements affecting the proposed change of use.

## **JURISDICTION OF THE BOARD**

The application is properly before the BZA. The Board is authorized to grant the requested special exception and variance under § 8 of the Zoning Act, DC Official Code § 6-641.07 (g) (2) (2001), as further set forth in 11 DCMR, Subtitle X, Chapter 10, § 1000.1.

As set forth under § 1000.1, the Board is authorized to grant variances where a property demonstrates three characteristic elements:

1. The subject property must demonstrate a unique physical characteristic of shape or size, exceptional narrowness or shallowness which existed as of the time of the original adoption of the Zoning Regulations, or that there exists exceptional topographical conditions or other extraordinary or exceptional situation or condition of property;
2. That the physical characteristic(s), or extraordinary or exceptional situation or condition of the property makes the strict application of the Zoning Regulations result in undue hardship to the owner of the property;

3. That the Board is able to grant the variance without substantial detriment to the public good and without substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

In accordance with the provision set forth under Subtitle X, Chapter 10, §1002.1 (b), “an applicant for a use variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property”

### **PROPERTY LOCATION AND DESCRIPTION**

The property is located in the Southeast quadrant at 639 Atlantic Street

The subject property is located in Square 6162, Lot 0127, according the records of the DC Surveyor.

The subject property is improved with a single-family detached dwelling and comprises approximately eight thousand, two hundred and fifty square feet (8,250 ft<sup>2</sup>)

The applicant proposes to make adaptive use of the existing building for the purpose of a medical office, use not permitted as a matter of right in the R-2 zone district within which the subject property is located.

The tenant under lease intends to use the subject property for purposes of offices which cater to the outpatient counseling of the handicapped

### **STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF**

Applicant seeks use variance relief to establish a medical office use in the existing structure which has been historically used as a CBRF for the physically and mentally challenged, or the handicapped as that term is defined.

As more specifically outlined below in this Pre-hearing Statement and as will be further attested in the course of the hearing, the applicant contends that the application complies with the three provisions as follows

**EXTRAORDINARY OR EXCEPTIONAL SITUATION OR CONDITION OF PROPERTY/UNIQUE PHYSICAL CHARACTERISTIC OF SHAPE OR SIZE**

Applicant contends that the subject property demonstrates both an extraordinary or exceptional situation or condition of property and unique physical characteristic of shape or size for its zone district of location.

As aforementioned, the subject property is located with the R-2 zone district and is flanked in proximity by the RA-1 zone district, which permits multiple dwellings or apartment houses.

The subject property comprises lot area of 8,250 ft<sup>2</sup>, lot size uncommon in its zone district of location, which surpasses the minimum lot dimensions prescribed for the R-1-A zone district.

The subject property is not only the largest lot in its Square of location devoted to a single-family dwelling use, it is also uniquely the only detached dwelling in its street of location. All other properties are improved with single-family semi-detached dwellings situated on smaller lots on average twenty-five feet wide. The width of the subject property is 75 feet.

Applicant also contends that the subject property also demonstrates an extraordinary or exception situation or condition of property by virtue of the history of the use of the

subject property for purposes of CBRF or residence facility for the handicapped, use which required unique retrofit of the interior of the building to include wider corridors than required for a private home; commercial grade fire alarm systems; handicapped bathrooms and toilets; commercial sprinkler systems; exit signs, interior and exit doors with self-closing hardware et cetera.

Applicant contends that notwithstanding that the zoning regulations deem this type of residence facility a residential use, the minimum requirements of the life safety codes deems the occupancy of the building an institutional use.

### **UNDUE HARDSHIP UPON THE OWNER OF PROPERTY**

The applicant contends that the peculiar location of the subject property, given its unique physical characteristic amongst apartment houses, and semi-detached single-family dwellings is anomalous.

Applicant further contends that the foregoing and the history of the institutional use of the subject property combine to make the subjected property unsuitable for the purpose of a private home.

The applicant will testify to the fact that the subject property has attracted no interest from potential lease for purposes of a private home and that the only interest is the tenant under lease to occupy the premises for purposes of a medical/counseling office for the providing out-patient services to clients with physical and mental handicap.

Therefore, the undue hardship upon the owner is that the strict application of the zoning regulations would result in the inability of the owner to lease the premises out for the purpose which the market dictates; thereby rendering the premises potentially unoccupied.

The cost to reconfigure the subject premises to conditions conducive to use as a single-family dwelling is prohibitive and then the unique characteristics attributable to the subject property militates against the attractiveness of its use and occupancy as a single-family dwelling or a private home

**SUBSTANTIAL DETRIMENT TO PUBLIC GOOD AND SUBSTANTIAL IMPAIRMENT OF INTENT, PURPOSE AND INTEGRITY OF THE ZONE PLAN**

That the Board is able to grant the variance without substantial detriment to the public good and without substantial impairment of the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The proposed occupancy of the subject property for purposes of a medical/counseling out-patient services is not inconsistent with the historical use of the premises as an institution.

The applicant contends that the proposed use is less intensive than the historical use of the subject premises and is not likely to result in increase adverse impact on neighboring properties.

The proposed office will serve neighborhood clients in close proximity to the subject property, hence will not result in increase traffic impact or affect street parking. The subject property features an on-premise parking area which will accommodate four automobiles.

Applicant has set forth above how the application meets the three-prong burden of proof for the granting of the requested relief

For all the foregoing reasons, the applicant respectfully requests that the requested relief be granted.

**Witnesses**

1. Angelina Dickerson