

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: July 6, 2018

SUBJECT: BZA Case 19783: Request for special exception relief pursuant to Subtitle X § 901.2 and Subtitle U § 420.1 to allow community based institutional facility

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle X § 901.2:

- U § 420.1(a), Community Based Institutional Facility

Subject to the following conditions which OP extracted from the application and which have been discussed with the applicant, to minimize potential impacts of the proposal on the surrounding neighborhood:

1. No more than ten clients shall be housed on the property at any one time, and for no longer than ninety days.
2. Clients shall be monitored daily and not permitted to loiter within the neighborhood or play loud music.
3. The facility shall be monitored twenty-four hours a day, seven days a week.
4. Clients shall not be permitted to drive.

II. LOCATION AND SITE DESCRIPTION

Address	4212 Livingston Road, S.E.
Applicant	Beyond Light, Inc.
Legal Description	Square 6219, Lot 15
Ward, ANC	Ward 8, ANC 8D
Zone	RA-1
Lot Characteristics	Four-sided polygon-shaped lot with no alley access
Existing Development	Two-story plus basement semi-detached one-family dwelling
Adjacent Properties	North and South: Semi-detached dwellings East: Low-rise apartment buildings West: Across Livingston Road, Oxon Run Park

Surrounding Neighborhood Character	Low to moderate density residential
Proposed Development	Conversion of a one-family dwelling to a community-based institutional facility for up to ten clients

III. OP ANALYSIS

i. Subtitle U Chapter 420 SPECIAL EXCEPTION USES (RA)

420.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

(a) Any use or structure permitted under Subtitle U § 320 except as modified by this section;

320.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to any applicable provisions of each section:

(a) Any use or structure permitted under Subtitle U § 203 subject to any modification by this chapter.

203.1 The following uses shall be permitted as a special exception in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:

(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;

The application proposes to house no more than ten participants at a time, not including 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 same square or within a radius of five-hundred feet (500 ft.) from any portion of the lot; and

Not applicable. The subject property is located within the RA-1 zone.

(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;

Not applicable. The subject property is not located within an R zone.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The application proposes to locate a short-term residential facility for no more than ten clients at a time within a residential zone that includes a mixture of low-rise apartment

buildings and semi-detached structures, as permitted by special exception within the Zoning Regulations.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

The application proposes no more than ten clients at a time to be housed within a former one-family residence. No building construction is proposed, maintaining the structure's appearance as a residence. As described in the application, clients would not be permitted to drive, loiter within the neighborhood or play loud music, but would be monitored twenty-four hours a day, seven days a week. For a semi-detached structure located within a residential neighborhood with no alley access or off-street parking, these rules would serve to minimize any impact the use would have on surrounding properties.

IV. COMMENTS OF OTHER DISTRICT AGENCIES

No comments were received from other District agencies as of the filing of this report.

V. COMMUNITY COMMENTS

The applicant submitted a list of ten home owners within 200 feet of the subject property, all opposed to the application (Exhibit 10), and there is one letter of opposition (Exhibit 27).

No comments from ANC 8D had been filed to the record as of the filing of this report.

Attachment: Location Map

