

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - October 14, 1970

Appeal No. 10562 Jack and Harold Pollin, appellants

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on October 28, 1970:

EFFECTIVE DATE OF ORDER - January 27, 1971

ORDERED:

That the appeal for permission to occupy 2,577 square feet of office space on the first floor of the apartment building at 1330 Massachusetts Avenue, N. W., lot 856, Square 247, for the Truck Trailer Manufacturers Association, a nonprofit organization, be granted.

FINDINGS OF FACT:

1. The subject property is located in an S-P District.
2. The space which the subject organization proposes to occupy is within space in the subject building approved by the Board for professional office use in B.Z.A. Appeal No. 7196.
3. The Board has approved occupancy in the subject building for other nonprofit organizations in B.Z.A. Appeals No. 7196, 8310, 8523, 8553, 8611, 8704, 8832 and 9735.
4. Appellants have submitted, pursuant to the Order in B.Z.A. Appeal No. 10334, the following documents as evidence that the subject organization qualifies as a nonprofit organization:
 - (a) Articles of Incorporation for the subject organization;

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(b) By-laws for the subject organization;

(c) Copy of ruling of the Internal Revenue Service granting the organization exemption from the Federal Income Tax on the basis of its nonprofit status.

5. The applicants comply with the parking requirements of the Zoning Regulations.

6. The Department of Highways and Traffic has no objection to the granting of this appeal.

7. No objection to the granting of this appeal was registered at public hearing.

8. Applicant also requested that the Zoning Administrator be authorized to determine the qualifications of nonprofit organizations to occupy space previously approved by the Board for S-P office use.

OPINION:

The Board is of the opinion that permission for the proposed occupancy is in keeping with the intent and purpose of Section 41 of the Zoning Regulations.

We are further of the opinion that the proposed use will be harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to adversely affect the use of neighboring property.

Nonprofit organizations may occupy that portion of the premises approved for S-P office use by the Board without approval of this Board provided that the Zoning Administrator determines that they qualify as nonprofit organizations under the definition contained in the Zoning Regulations by the submission of the following evidence to him:

(a) Articles of Incorporation of Charter.

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(b) By-laws or statement of purposes of the organization.

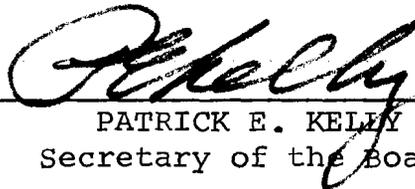
(c) Letter of exemption from the Internal Revenue Service showing that the organization qualifies under Section 501(c)3 of the Internal Revenue Code or the equivalent section for exemption under the District of Columbia code.

(d) These conditions shall not apply to local or Federal governmental agencies and authorities in that they are prohibited from the use of S-P office space.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

BY: _____


PATRICK E. KELLY
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.