

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - December 9, 1970

Appeal No. 10616 1776 Massachusetts Avenue Associates, appellant.

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 December 15, 1970.

EFFECTIVE DATE OF ORDER - January 5, 1971

ORDERED:

That the appeal for permission to permit non-profit organization (National Reading Center Foundation) to occupy space in SP office building at 1776 Massachusetts Avenue, N.W., lot 78, Square 158 be conditionally granted.

FINDINGS OF FACT:

1. The subject property is located in an SP District.
2. This Board approved the erection of the subject SP office building with occupancy by offices for chanceries, non-profit organizations, labor unions and professional persons in BZA Appeal No. 10076.
3. The National Reading Center Foundation proposes to occupy space on the 7th and 8th floors of the subject building.
4. The Board finds that the National Reading Center Foundation qualifies as a non-profit organization on the basis of the Articles of Incorporation and the letter opinion of counsel for the Foundation (Exhibit No. 7). The organization is newly formed and the final adopted by-laws and Certificate of Tax Exemption from the Internal Revenue Service are not available at this time.
5. The proposed office space will be used as general office use with approximately 25 employees. The office hours will be from 9:00 a.m. to 5:00 p.m.
6. The applicants provide adequate parking spaces for the building.

7. No objection to the granting of this appeal was registered at public hearing and no letters of opposition are contained in the record.

8. Applicant also requests that the Zoning Administrator be authorized to determine the qualifications of non-profit organizations to occupy space within this building.

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 in 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.

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

- (a) Articles of Incorporation of Charter.
- (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 SP office space.

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CONDITIONS:

(a) Applicants upon adoption of the By-laws of the Foundation and the obtaining of the Exemption ruling from the Internal Revenue Service shall file copies of the same with the Board.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of this Order have been violated.

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.