

Before the Board of Zoning Adjustment, D. C.

Appeal No. 11817, of John Hopkins University, pursuant to Sections 8102 and 8206 of the Zoning Regulations, from the Zoning Administrator's withholding of a Certificate of Occupancy for the use of the premises 1904 and 1900 T Street, N. W., known as lots 37 and 38, Square 109, by the Community of the Whole Person as a Church.

HEARING DATE: February 19, 1975

DECISION DATE: February 25, 1975

FINDINGS OF FACT:

1. The Zoning Administrator refused to issue a Certificate of Occupancy to the "Community of the Whole Person" on May 22, 1975, determining that the Community of the Whole Person's proposed use is not that of a church.
2. A church use is permitted as a matter of right in any zone district of the District of Columbia.
3. A church is not defined by the Zoning Regulations of the District of Columbia, and is referred to only as a place of worship.
4. Webster's unabridged dictionary defines a church as a place of worship.
5. The Board finds that applicant made an attempt to file an appeal during the month of July, 1974 and actually filed the appeal on October 23, 1974.
6. The applicant testified, that members of the Community of the Whole Person ascribe to the, "conviction that man's search for meaning is best answered in interpersonal relationships, and hereby incorporates itself to provide an opportunity for persons to intergrate body and

mind and ground themselves in reality." (TR 37)

7. Dr. Ron Aaron, a professional psychologist engaging in psychotherapy privately, testified that he is a pastoral counselor of the Community of the Whole Person. He also stated that "we are a dedicated group of people searching for our spirits", and that this "search" is accomplished by meditation, direct physical contact with the body (bioenergetic exercises) and the goal is to "release the muscular tensions which deaden our body." (TR 45)

8. Dr. Aaron stated that these activities enable the individual to bring previously repressed feelings and sensations to the surface of their consciousness for expression.

9. Techniques to regain contact with their spirit, prevent entrapment of their ego.

10. The organization proposing a church use in this application was denied a use variance to permit a psycho-physical synthesis treatment center at 5510 16th Street, Northwest, in Order No. 11148, dated November 1, 1972. The use as described in application No. 11148, consisted of therapeutic massage, bio-feedback, and deconditioning. This being treated as proposed and as it actually operated, provided private psychiatric and psycho-therapeutic treatment to groups of eight (8) to ten (10) patients.

11. Dr. Aaron testified that the community trains pastoral counselors, who counsel members or anyone at their option.

12. Dr. Aaron also testified that 50% of the Communities financial resources are obtained by charging fees for "pastoral" counseling to individuals, for which he receives \$12.00 compensation per session, and groups for which he is paid \$20.00 per session. (TR. 74-75)

13. The Board finds that the applicant, Community of the Whole Person, makes use of a concept called de-conditioning to dissolve fears of people. (p. 71)

14. In addition, the other activity of the proposed use, are soft touching (massages) hard touching (slaps) which produce screams and utterances as a result of psychic and physical pain.

15. Dr. Aaron asserted that psychology is merging with religion because they have similar goals.

16. Dr. Aaron testified that windows of rooms used for counseling at the subject property, are boarded up to cushion noise which is created when members of the Community yell and scream in order to release psychic and physical pain.

OPINION:

In deciding the issue of this case, as whether or not the proposed use is a church within the meaning of the Zoning Regulations, it is necessary to determine from the facts if those activities proposed are activities of a church, pursuant to a manner of worship. Based upon the fact that the Community of the Whole Person pursues activities designed to reach the self, to free fears, and the spirit, as represented by the applicant by means of massage techniques (soft touching and hard touching), meditation, deconditioning with individual and group meetings to free the inner self, the Board is of the opinion that these activities are of such a nature, that the proposed use is a type of psychological treatment center rather than a church use. Because the objectives of the applicant are directed mainly to each individual as opposed to a deity, we feel that the activities involved are in the nature of treatment rather than worship.

CONCLUSIONS OF LAW:

The Board concludes that the Zoning Administrator's determination not to issue a Certificate of Occupancy for

the proposed use was a proper action. Based upon the record, the Board concludes that the Zoning Administrator interpreted the Zoning Regulations in a strict manner which is the Cardinal Rule of Zoning Law and his function. The applicant while calling itself a church, uses a body of knowledge known to psychology as the basis for religious worship. The rituals of the use in question appear to be solely based on adaptations of clinical psychological techniques which the Board concludes has no nexus with the worship of a deity. in as much as the proposed use is directed to freeing the inner spirit and fears of a very personal nature. The Board concludes that the use in question is not a church within the meaning of the Zoning Regulations.

VOTE: 4-1 (Mr. Klauber dissenting)

ORDERED: It is hereby ordered that the appeal be DENIED. and the Zoning Administrator's Decision is upheld.

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

ATTESTED BY _____


STEVEN E. SHER
Acting Secretary to the Board

FINAL DATE OF ORDER: **FEB 19 1976**