

Before the Board of Zoning Adjustment, D. C.

Application No. 11924 of East Washington Heights Baptist Church, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit the use of reconstituting and preparing food for delivery as a community service as provided by Section 3101.413 of the regulations, in the R-1-B Zone, at the premise 2200 Branch Avenue, S.E., known as Lots 816 and 817, Square 5667.

HEARING DATE: May 21, 1975

DECISION DATE: May 27, 1975

FINDINGS OF FACT:

1. Applicant requires a special exception to permit the proposed use of reconstituting and preparing food for delivery as a community service in the church's kitchen facilities located in the R-1-B Zone.
2. The testimony of the witnesses at Public Hearing indicates a conflict in opinion as to whether the applicant complies with Section 3101.413 of the Zoning Regulations. Said section requires the proposed program to be conducted by a church congregation or group of churches.
3. The uncontested testimony of witnesses stated that East of the River Meals on Wheels Association, Inc., a non-profit corporation, is charged with day-to-day operations of the program. In conjunction with the corporation the applicant is donating its kitchen facilities, contributing financially to the program and encouraging its congregation to participate in the program. A member of applicant's church council has been appointed general chairman of the proposed program.
4. The program coordinator testified that a single church cannot support such a program alone in this day and age. Therefore, the corporation and the volunteers participating in the program are members of various congregations recruited through an ecumenical cooperative effort of various churches in the community including: East Washington Heights Baptist Church, St. Francis Xavier, St. Luke's Lutheran Church of the Holy Comforter, Forest Memorial, Mt. Calvary Catholic Church, Hilcrest Baptist, St. Timothy's Episcopal Church and others.

5. The proposed program is a non-profit organized service to reconstitute and deliver food purchased from commercial distributors. As a community service the food is distributed to elderly, handicapped and shut-in persons who would have to be institutionalized without food support from the community. Recipients pay only for the food received and donations are collected for those unable to pay.

6. The program requires use of only the kitchen facilities and one storage room on the subject property for preparation of the food and packaging.

7. Delivery of the semi-prepared food to the applicant requires only one incoming truck per week and subsequent distribution is accomplished by fewer than ten (10) volunteers in their private automobiles.

8. A memorandum dated May 16, 1975 from the Zoning Division of the Municipal Planning Office and subsequent testimony state that both the subject site located at the intersection of Branch Avenue and Alabama Avenue and adjacent streets can accommodate additional traffic generated by the use without creating adverse noise and traffic impacts on the surrounding residential area.

9. A pool of approximately two hundred volunteers including kitchen staff and drivers participate in the program on a rotating basis. The program coordinator is the only paid person.

10. There are no signs or displays at the subject site advertising the proposed program.

11. There was no opposition raised to this application.

12. The memorandum and testimony of the Zoning Division of the Municipal Planning Office recommend approval of the application if the Board finds the proposed program is conducted by a church congregation or group of churches pursuant to Section 3101.413.

CONCLUSIONS OF LAW:

Upon consideration of the above findings of fact and the evidence of record the Board concludes that the proposed program is church conducted pursuant to Section 3101.413. Applicant is going to operate the program in conjunction with East of the River Meals on Wheels Association, Inc., a non-profit corporation composed of volunteers from various community church congregations. Therefore the program is church directed, managed and controlled. More than 75% of the staff volunteer their time and service to the non-profit program with one (1) coordinator being paid out of a pool of approximately two hundred volunteers. The program requires no signs or displays to indicate its location on the exterior of the building at the site and it will be conducted within the existing church building. A minimum amount of traffic and noise will be generated by the program which will not become objectionable in the residential district. The Board finds that the special exception permitting the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

ORDERED :

It is hereby ordered that the application be GRANTED for a PERIOD OF THREE (3) years at which time it may be renewed at the discretion of the Board upon the filing of an application pursuant to zoning regulations.

VOTE :

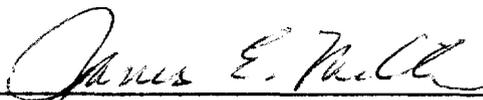
3-1-0 (Lilla Burt Cummings, Esq. dissenting and  
Mr. Klauber not voting, not having heard the case.)

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

Application No. 11924

Page 4

ATTESTED By:

  
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JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER:

*6/20/75*

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 DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE **DATE OF THIS ORDER.**