

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C. .

HEARING DATE: April 21, 1976  
DECISION DATE: May 3, 1976

FINDINGS OF FACT:

1. Appellant appeals the decision of the Zoning Administrator that the proposed YMCA, at 17th Street and Rhode Island Avenue, N. W., is a private club within the meaning of the Zoning Regulations.
2. The subject property is located in a SP Zoning District.
3. The YMCA of the City of Washington was incorporated by an Act of Congress in 1864.
4. The YMCA located at 1736 G Street, N.W. is registered with the IRS as a non-profit organization.
5. The YMCA, located at 1736 G Street, N.W., is exempt from the payment of Sales Taxes in the District of Columbia.
6. The YMCA was organized and operated for common avocational purposes, including educational and recreational. This is reflected by its programs and activities.
7. Goods, services, food and beverage are sold on the premises only to members and their guests. The fact that the YMCA proposes to make some of its facilities available for the betterment and welfare of the general public of the Metropolitan area as well as for its members, does not alter its principal use. The YMCA activities available are such to maintain the membership.
8. Appellant contends that it will be aggrieved since the proposed building will inundate the surrounding neighborhood with massive daily influx of persons and cars.
9. Appellant further contends that the subject YMCA is not a non-profit organization since allegedly twenty percent (20%) of its income would be derived from non-members and this income would be used to subsidize other YMCA's; that the YMCA is a business entity orgnizaed for profit that would operate from a SP District.

10. The Dupont Circle Citizens Association and the North Dupont Community Association supported the appeal.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the evidence in support of appellant's contention is not persuasive. The Board further concludes that the YMCA has satisfied all the requirements of Section 1202, Definition of Private Club and also that appellant has failed to prove that it will be aggrieved by the decision of the Zoning Administrator. Accordingly, it is ORDERED that the Appeal is DENIED and the decision of the Zoning Administrator is UPHELD.

VOTE:

4-0 (Leonard L. McCants, Esq., William F. McIntosh, William S. Harps (by proxy) and Ruby B. McZier, Esq. (by proxy)).

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

ATTESTED By:



ARTHUR B. HATTON

Executive Secretary

FINAL DATE OF ORDER:

5-13-77