

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12563, of NUV-1, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.45 to permit a community center in the R-4 District at the premises rear of 77 U Street, N.W., (Square 3117, Lot 48).

HEARING DATE: January 18, 1978
DECISION DATE: February 1, 1978

FINDINGS OF FACT:

1. The subject property is located at the premises, rear of 77 U Street, N.W., in the center of the square bounded by U and V Streets and North Capitol and First Streets, N.W. The site has no frontage on any public street. It is in an R-4 District.

2. The subject Lot 48, is approximately 64,240 square feet in area. The lot is an alley lot which is surrounded by row dwellings. A one story brick structure formerly used as a warehouse by the C&P Telephone Company and a metal quonset hut are located on the lot. Both have been vacant since 1974. The lot is bordered by a twenty foot alley on the south and fifteen foot alleys on the remaining three sides. The property is accessible from two alleys on V Street and two on U Street.

3. The brick structure has approximately 7600 square feet of floor area and the quonset hut has approximately 2,000 square feet of area.

4. The last certificate of occupancy, B-14452, dated February 10, 1959, authorized automobile storage in quonset huts under conditions of BZA Order No. 5660.

5. The C&P Telephone Company used the property for storage purposes until 1974. The property has been vacant since that time. In 1976 C&P's offer to donate the property to the District was refused for lack of funds and staff to maintain and operate the property.

6. The applicant, NUV-1, is a non-profit corporation duly registered as such in the District of Columbia. NUV-1 officers are residents of the neighborhood and the corporation was formed for the purpose of establishing and operating a multi-use community arts center at the subject site.

7. The applicant, proposes to provide programs and services for area youths primarily between the ages of 5 and 15 years. Planned programs include music, art, dance and theatrical arts instruction, home improvement and crafts programs and recreational outdoor sports activities. The dominant program will be the arts and crafts. Outdoor sports will be of a nature wherein minimal noise is anticipated.

8. The idea for the community center arose from the concern of neighborhood residents over the lack of adequate recreation space and organized activities for neighborhood youths.

9. The applicant receives assistance from the Howard University Theater, the Cultural Arts Alliance of the Smithsonian and a number of other community organizations. The subject buildings were donated by the Chesapeake and Potomac Telephone Co. The George Hyman Construction Co., has provided management assistance and has contributed the work of the general trades in renovating the premises.

10. The proposed community center will also house the local ANC office and will provide instruction and activities for senior citizens in the neighborhood.

11. The applicant has indicated that the center will be open from 10:00 am to 10:00 pm daily. The organizations has contacted the Community Relations Division of the D.C. Police Department for assistance in the supervision of recreational activities. The applicant has estimated that a maximum of one hundred seventy-five people would be on the premises at any one time. It was indicated that large gatherings might occur, primarily on weekends.

12. There will be no articles of commerce for sale on the subject premises.

13. The Center has been named the Crispus Attucks Community Club for the Arts after the first black soldier to be killed in the American Revolutionary War.

14. The Municipal Planning Office, by report dated January 12, 1978, recommended approval of the application on the grounds that the proposed community center will be serving residents of the immediate area and no significant traffic is anticipated as a result of the use. The MPO also noted that the center has the support of a large number of neighborhood residents and that the proposed use is significantly more beneficial than its prior use as a warehouse. Further, the MPO was of the opinion that the neighboring properties will not be adversely affected by the operation of the center and the Board so finds.

15. Advisory Neighborhood Commission 5C, by report of January 16, 1978, on record, recommended approval of the application on the grounds that it felt that the amount of interest shown by the residents in the application toward a coordinated and comprehensive plan of development is a model which demonstrates the will of concerned residents of ANC 5C to stabilize and improve the area in which they reside and also, that the project stands out as a program which is definitely and sorely needed.

16. There were many letters, of record, in support of the application.

17. The Bloomingdale Civic Association, Inc., by letter of January 15, 1978, stated that to clarify the record, it had not endorsed the proposal for a community center nor had it endorsed the subject application.

18. At the public hearing, there were several residents of the area immediately adjacent to the subject property who raised certain issues for clarification purposes. The issues comprised the question of increased noise for the adjoining property owners, some of whom are senior citizens, the control of lighting on the outside facilities, the hours of operation of the center, the supervision and control of the youths in the various programs, the effect of the community center on their property taxes and whether the granting of the application constitutes a rezoning of the subject area. No rezoning of the property is involved, as that is not within the jurisdiction of the Board. And the Board finds that the other concerns expressed by the residents can be addressed by attaching appropriate conditions to the granting of approval.

CONCLUSIONS OF LAW:

The Board concludes that the proposed center meets the requirements of Paragraph 3101.45 of the Zoning Regulations. The Board concludes that the special exception can be granted without an adverse impact on the use of neighboring properties and that it is in harmony with the general purpose and intent of the Zoning Regulations if the use of the property is strictly controlled. The Board notes that the property faces the backs of many rowhouses in the subject square, and that strict control of the center must be maintained to assure that reasonable use of surrounding properties is continued. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of TWO YEARS, which may be renewed at the discretion of the Board upon the filing of a proper application.
- b. The outdoor area of the center shall be surrounded by a chain link fence a minimum of six feet in height
- c. Any outdoor activity in the center shall be terminated by 10 o'clock p.m.
- d. All activities, including indoor and outdoor activities, shall be terminated by midnight.
- e. Any lighting used to illuminate the outdoor area of the center shall be directed at the surface of that area and shall not be directed at surrounding properties. All such lighting shall be extinguished by 10 o'clock p.m.
- f. The applicant shall be responsible for keeping the area free of debris and trash.
- g. The applicant shall be responsible for maintaining any landscaping to be provided in a healthy growing condition.
- h. The applicant shall be responsible for seeing that noise emanating from the center does not interfere with reasonable use of surrounding properties.
- i. The Board reserves the right to direct revocation of the Certificate of Occupancy upon a proper showing of violation of the above conditions.

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VOTE: 4-0 (William F. McIntosh, Charles R. Norris, Chloethiel
Woodard Smith and Leonard L. McCants to GRANT).

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 16 MAR 1978

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 HOUSING AND COMMUNITY DEVELOPMENT
WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER