

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13095 of The American University, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 for further processing under a campus plan to construct a satellite earth terminal on the campus in an R-5-A District at the premises Massachusetts and Nebraska Avenues, N.W., (Square 1600, Lot 810).

HEARING DATE: November 28, 1979
DECISION DATE: December 5, 1979

FINDINGS OF FACT:

1. The property is located in an R-5-A District on the campus of The American University, located at Massachusetts and Nebraska Avenues, N.W. The subject site is located near the western side of the campus adjacent to the Communications Center.

2. The applicant requests permission to modify the approved campus Master Plan so as to affect the shape and placement of projected Building B and to provide for the construction of a receive-only satellite earth terminal. The Corporation for Public Broadcasting has agreed to furnish and install on the subject campus, a satellite ground terminal for use by the University's educational radio broadcast station WAMU-FM. The proposed facility is designed to significantly benefit the University's educational radio broadcast station and its listening audiences by increasing program choices and providing a higher quality of audio service. The site location for the proposed facility is designated by a defined satellite geo-stationary orbit. As a result of this factor and the design of the earth terminal it is necessary to construct the facility in a location currently designated for construction of an addition to the existing Communications Center pursuant to the approved campus Master Plan.

3. The American University was established by a Special Act of the Congress of the United States approved February 24, 1893. It is an accredited University and authorized to confer degrees, and qualifies as a University under the Zoning Regulations.

4. The Board approved a campus plan for The American University pursuant to BZA Order No. 11646, dated September 3, 1974.

5. The subject satellite earth terminal or antenna will consist of 4.5 meter diameter parabolic dish approximately fifteen feet in height mounted on a manually adjustable supporting structure. The height of the terminal above the base of the structure will not be over twenty-five feet. The site for the structure is approximately thirty by thirty feet. The site which will be surrounded by a seven foot high chain link fence is located adjacent to the university's existing radio and television building and radio tower. To the east of the proposed terminal there are trees or foliage. There are no dormitories or living facilities in the area of the proposed terminal.

6. Phase II of the Campus Master Plan projected the construction of an addition to the existing Communications Center. This expanded structure will accommodate the University's radio stations and all instructional and office facilities for the academic programs of the Communications Department. The capacity of this center will be approximately 500 persons, in a building approximately 125 ft. by 125 ft, with an area of 50,000 square feet. The proposed modification as to the shape and placement of the center will not measurably alter the Campus Master Plan.

7. The applicant testified that the proposed terminal will have no impact on the proposed addition to the Communications Center.

8. The location of the satellite earth terminal is within the campus boundaries of The American University.

9. There will be no increase in the number of students, faculty or academic staff as the result of the proposed use.

10. The proposed facility is substantially removed from any nearby residences. There will be no noise that will affect residents.

11. The proposed facility does not emit any radio signal and will not interfere with the television and radio reception of nearby residents.

12. As required under Paragraph 3101.46 the application was referred to the Office of Planning and Development and the Department of Transportation.

13. By report dated November 19, 1979, the OPD recommended that the application be approved. The OPD noted that the redesign of Building B (Communications Center) to make room for the proposed terminal represents a minimal deviation which will not significantly alter the character of the approved Master Plan nor create any objectionable impacts on the neighboring properties. The applicant has informed the staff that the terminal operates noiselessly, and that its installation will not increase the university's student enrollment, effect the existing traffic situation, or in any way adversely effect the use of neighboring properties. The Board so finds.

14. No report was received from the Department of Transportation.

15. ANC-3D, by letter of November 21, 1979, reported as follows:

"This is to inform you that ANC 3-D voted at its regular meeting November 15 to support the application of American University for an amendment to its campus plan to construct a satellite earth terminal adjacent to the Communications Building on campus, if the final plans for the terminal and Communications Building conform to those described by the University spokesmen and attorneys at a meeting of the Spring Valley --Wesley Heights Citizens Association on November 14. That is, the satellite communications "disc" will be located at the foot of the present TV/radio tower on campus, no more than 15 feet in height and 20 some feet in diameter, only receiving (not transmitting) microwaves, no health or safety hazard to anyone, and not visible to neighboring residences. Accordingly, the proposed addition to the Communications Building on the campus plan would be relocated on the other side of the structure, causing no ill effects (parking, etc.)

If any of the above conditions should not be met in the University's final plans, then ANC 3-D would oppose the changes proposed.

The Board concurs with the position of the ANC.

16. The Spring Valley--Wesley Heights Citizens Association by letter of November 11, 1979 reported that it voted unanimously to support the application with the understanding that the dish-shaped antenna is for receive-only signals.

17. There was no opposition to the application.

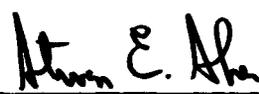
CONCLUSIONS OF LAW

Based on the record, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 3101.46 of the Zoning Regulations in that the proposed use is so located that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students or other objectionable conditions. The Board further concludes that the proposed earth terminal is not inconsistent with the approved campus plan. The Board notes that the application complies with all of the conditions specified by the Advisory Neighborhood Commission, and the Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (William F. McIntosh, Charles R. Norris, Connie Fortune, Walter B. Lewis 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: _____

9 JAN 1980

UNDER SUB-SECTION §204.3 OF THE Z ONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.