

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13490 of Arnold L. Yochelson, et al., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 3103.3) to continue to operate a Community Service Center (Neighborhood Housing Services) in an R-3 District at the premises 1308 V Street, S.E., (including accessory use of the garage), (Square 5774, Lots 237-240) and to continue to operate a tool lending library at the premises 1314 V Street, S.E., (Square 5774, Lot 831).

HEARING DATES: June 10, July 22, and September 23, 1981  
DECISION DATE: November 4, 1981

FINDINGS OF FACT:

1. The subject application was first scheduled for the public hearing of June 10, 1981 at which time the Board was advised by the staff that proper notice to the affected Advisory Neighborhood Commission had not been given. Notice had been sent to ANC 8C instead of ANC 6C, in which the subject site is located. The Chair ruled to continue the application until July 22, 1981 by which time ANC 6C would have been duly notified.

2. At the public hearing of July 22, 1981 the hearing was continued to September 23, 1981. The lessee was not prepared to go forward. The Executive Director of the subject Neighborhood Housing Services had changed since previous cases. The new Executive Director was unfamiliar with the prior Orders of the Board as to the operation of the community service center at 1308 V Street and the tool lending library at 1314 V Street, S.E. The Executive Director was also unaware that previously both uses had been granted by the BZA as special exceptions and not use variances as they are now being processed. On August 10, 1978, the zoning of the subject premises was changed from R-5-A to R-3. Accordingly, the relief can not be granted as a special exception but only as a use variance.

3. Premises 1308 V Street is located at the northeast corner of the intersection of 13th and V Streets, S.E. Premises 1314 V Street is located on the north side of V Street between 13th and 14th Streets, S.E. Both premises are in an R-3 District.

4. Premises 1308 V Street is on a site that measures 96.0 feet in width and 130.0 feet in depth. It is presently improved with a detached two-story structure, and accessory garage in the rear yard. No structural changes have been made to the present facilities. The garage provides three parking spaces.

5. The property presently serves as the office of Neighborhood Housing Services. Such use has been in existence since 1975. The continued use was approved for a period of three years in BZA Order No. 12590, dated March 30, 1978.

6. The Neighborhood Housing Services is a non-profit organization serving primarily the Anacostia area of the city. No part of the net income inures to the benefit of any private individual. The NHS offers assistance to homeowners by making home improvement loans, offers counseling to renters interested in buying homes, operates a home repair workshop and assists neighborhood organizations in planning for the neighborhood. The applicant directly serves the needs of the surrounding neighborhood by providing such services.

7. The Neighborhood Housing Services had a staff of seven employees, four of whom lived in the community. Most of the applicant's clientele is from the surrounding neighborhood and walks to the center. The staff because of budget problems has now been reduced to three.

8. The hours of operation are from 10 a.m. to 6 p.m.

9. Premises 1314 V Street is presently improved with a detached one story structure. The site measures 19.90 in width and 130.0 feet in depth. The building has been substantially renovated by Neighborhood Housing Services, Inc., to serve the community as a tool lending library. No structural changes to the building have been made. The structure is tiny in comparison to its lot area. It contains about two average sized rooms.

10. The tool library was established under a grant from the Department of Housing and Community Development. It lends various hand and power tools to residents of the Anacostia area without charge.

11. The library has been operated by a full time manager and assistant manager. The hours of operation were aimed at maximizing service to the community, and ranged from 12 noon to 9:00 p.m.. on weekdays and from 9:00 a.m. to 2:00 p.m. on Saturdays.

12. The subject tool library use was last approved by BZA Order No. 12640, dated May 10, 1978. The approval

expired on March 3, 1981 concurrently with the temporary community service center at 1308 V Street.

13. The NHS has received permission from the owner of premises 1314 V Street to continue to lease the premises. At the time of the public hearing the lending library had received no funding and it is uncertain whether the use will be continued.

14. The predominant uses surrounding the sites are comprised of single family residences. There is a church across from the site on 13th Street and another church, vacant land and a fire station across from the sites on V Street.

15. There was much support for the application including petitions of some 140 persons, the neighboring Emmanuel Episcopal Church and St. Teresa's Church, the Frederick Douglas Community Improvement Council of Anacostia, Inc., the abutting property owners at 1312 V Street and witnesses at the public hearing. The support was based on the services the NHS provided for the community, the lack of traffic impact, and the cleanliness of the sites. The Board concurs.

16. Advisory Neighborhood Commission 6C, by letter of October 6 1981, recommended approval of the application on the grounds that the location of NHS is convenient to residents and the structure's appearance and grounds are well maintained. The ANC reported that the parking is no problem, and if needed, the grounds could accommodate more parking than the needs of the staff. With respect to the occupancy of a residential unit, the ANC concluded that NHS has contributed to the community more units than it uses. The ANC concluded that the contributions of NHS to this community far out weigh any negative aspects, and further, no negative aspects were identified by the ANC. The Board so finds.

17. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

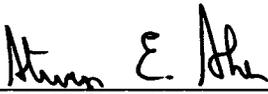
Based on the record, the Board concludes that the applicant is seeking a use variance the granting of which requires evidence of a hardship that is inherent in the property itself so that the property cannot be used for the purposes for which it is zoned. The Board notes that the subject uses came into being by Orders of the Board and were so continued. In the interim the property was rezoned so that the requested relief must come by way of a use variance and not a special exception. The Board is of the opinion that the lending library because of its small size could not be returned to residential use without substantial

renovations or rebuilding. The site at 1308 V Street while not being used residentially is certainly serving residential property in the most positive way. The Board concludes that to attempt to restore this property to residential use would create a hardship upon the owner. The subject use was a legal use until the zoning changed when the use became non-conforming. There was no testimony that there were offers to purchase the property for residential uses. The Board further concludes that based on the strong community support for the application it can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED in its entirety SUBJECT to the CONDITION that the operation of both premises is restricted to the Neighborhood Housing Services.

VOTE: 5-0 (Walter B Lewis, Charles R. Norris, Douglas J. Patton and Connie Fortune to grant, William F. McIntosh to grant by proxy).

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

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: JAN 11 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING 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.