

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13792 of the D.C. Council on Clothing for Kids, Inc., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.45 to operate a community clothing center in an R-4 District at the premises 2728 Sherman Avenue, N.W., (Square 2858, Lot 27).

HEARING DATE: July 14, 1982
DECISION DATE: July 14, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the west side of Sherman Avenue between Fairmont and Girard Streets, N.W., in an R-4 District at the premises known as 2728 Sherman Avenue, N.W.

2. The subject property is presently improved with a two-story basement brick rowhouse. The property is adjoined by row houses. The general character of the area is residential.

3. The Council on Clothing for Kids is a non-profit organization that was established on October 12, 1973. It embraces the voluntary efforts of more than fifty community businesses and agencies that are concerned about greater involvement in assisting needy school children. The major goal of the Council is to plan and coordinate city-wide efforts in the solicitation of unlimited resources of new and used clothing that children may wear with dignity. Such resources enable more children to meet their classes daily, improve self-concept, and encourage greater academic achievement.

4. The subject premises will serve as the center for the Council on Clothing for Kids in which meetings of the Council will be held periodically, clothing collected will be housed and stored, volunteers will be engaged in sorting, mending, conditioning, and boxing clothing to be transferred to schools and/or agencies for distribution, and children referred from neighborhood schools will be serviced in obtaining needed clothing.

5. The Center will be operated four hours a day, Monday through Friday. The center may be open for short periods on weekends upon special request, and the need for volunteers to prepare clothing for distribution. There will be little need for the use of the building during evenings.

6. The Board initially approved the subject operation in BZA Order No. 11483, dated September 25, 1973, for a period of three years. It has subsequently been approved for a further three years in BZA Order Nos. 12392 and 13347. After BZA Order No. 13447, dated December 11, 1980, was issued, approving the use for three years, the applicant failed to obtain a Certificate of Occupancy within the required six months period. On March 16, 1982, the Zoning Administrator advised the applicant that it was operating without a valid Certificate of Occupancy and that it must file with the BZA for approval of its operation. The applicant apologized to the Board for its carelessness. It explained that repairs were being made to the structure and the application for the new Certificate of Occupancy was inadvertently overlooked.

7. The Center services the immediate vicinity as well as the entire District of Columbia.

8. There was no opposition to the application.

9. Advisory Neighborhood Commission 1B made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking a special exception the granting of which requires compliance with Paragraph 3101.45 of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The Center is not organized for profit but exclusively for the promotion of the social welfare of the neighborhood in which it is proposed to be located. The center offers no articles of commerce for sale therein. It has not and is not likely to become objectionable in a residence district because of noise or traffic and the use will be reasonably necessary and convenient to the neighborhood in which it is located. The Board further concludes that the relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that approval shall be for a period of THREE YEARS from the date of this order.

VOTE: 5-0 (Douglas J. Patton, William F. McIntosh,
Connie Fortune, Lindsley Williams and Charles
R. Norris to grant)

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

