

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14418, 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 continue 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: May 21, 1986
DECISION DATE: May 21, 1986 (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, N.W.

2. The clothing center is known as the Children's Boutique. It is in a five-room house that the Council has occupied since October, 1973.

3. The applicant is a non-profit organization whose sole purpose is to provide adequate clothing so that children may attend school regularly. The applicant serves approximately 5000 children annually from the District of Columbia, Maryland and Virginia.

4. The premises serve as the center for the Council on Clothing for Kids. Meetings of the Council are held periodically, clothing is collected, isolated, mended, conditioned and boxed by volunteers. The clothing is then transferred to schools and/or agencies for distribution. The 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 operation in BZA Order No. 11483, dated September 25, 1973. It has subsequently been approved in BZA Order Nos. 12392, 13347 and 13792. The last Order of the Board expired on October 12, 1985.

7. The Office of Planning (OP in a report dated, May 14, 1986, recommended approval of the application. The OP found that the applicant has met the requirements of Paragraph 3101.45. They noted that the center will generate a small amount of traffic that will not be objectionable to the area. Further, the OP found that the noise generated by the center will be no more than noise generated by a single family house. The OP also found that the location and use is convenient to the schools and neighborhood which benefit from the center's endeavors.

8. The Advisory Neighborhood Commission (ANC) 1B filed an untimely report, dated May 15, 1986. The Board waived its rules and allowed the report to be filed. The ANC recommended that the application be expeditiously granted because of the benefits of the clothing program and the apparent lack of community opposition.

9. The Board is required by law to give "great weight" to the issues and concerns of the ANC when those issues and concerns are reduced to writing in the form of a report. The Board concurs with the issues and concerns of the ANC and its recommendation.

10 . There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking a special exception the granting of which requires the proposal meet the requirements of Paragraph 3101.45 and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property.

Paragraph 3101.45 allows for a community center building, park, playground, swimming pool, or athletic field operated by a local community organization or association, provided that: it 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; it offers no articles of commerce for sale therein; it is not likely to become objectionable in a residence district because of noise or traffic; and, the use will be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

The Board concludes that the applicant has met its burden of proof. The Center is not organized for profit. The Center offers no articles of commerce for sale therein. As noted by the OP 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 which it is located. The Board further concludes that it has afforded the ANC the "great weight" to which it is entitled.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that approval shall expire on October 12, 1990, a period of five years from the date of expiration of the previous approval.

VOTE: 4-0 (Charles R. Norris, Patricia N. Mathews, William F. McIntosh, Carrie L. Thornhill to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

AUG 15 1986

FINAL DATE OF ORDER: _____

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 CONSUMER AND REGULATORY AFFAIRS.

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