

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14420, of George Washington University, as amended pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to continue the use of the site as a tennis court in an R-5-C District at premises 2125-35 F Street, N.W., (Square 80, Lot 55).

HEARING DATE: May 21, 1986  
DECISION DATE: May 21, 1986 (Bench Decision)

FINDINGS OF FACT:

1. At the public hearing, the applicant moved to amend the application. The applicant intended not to use the site for a basketball court. The site would be limited to tennis only. The Chair granted the amendment.
2. The tennis courts are located at 2125-35 F Street, N.W., Square 80, Lot 55. The site is located in the R-5-C District.
3. The Board previously approved use of the site for a one year period in BZA Order No. 14188, dated January 14, 1985, as a basketball and tennis facility. The facility was constructed and is operated in accordance with the conditions of that Order. In addition, the basketball backboards were removed by George Washington University because of use by unauthorized persons. The area surrounding the site remained unchanged since the Board last heard this application. The operation and maintenance of the site remains unchanged.
4. The prior Order specified that hours of operation should not exceed 9:00 A.M. through 8:00 P.M. daily. The university complied with this condition by operating from 9:00 A.M. until 6:00 P.M. on Monday through Fridays, 11:00 A.M. until 6:00 P.M. on Saturdays and 1:00 P.M. until 6:00 P.M. on Sundays.
5. George Washington University (GWU) is now requesting permanent use of this site as a tennis court.
6. The Office of Planning submitted a written report dated May 6, 1986, recommending that the Board reaffirm its conditional approval of the subject application, absent of

time limitation. The Office of Planning's recommendation was based on the applicant's compliance with the conditions imposed by the previous Order and, based on conversation with the ANC representatives about the apparent lack of adverse impact generated by the outdoor sports facility.

7. By resolution dated May 13, 1986, The Foggy Bottom and West End Advisory Neighborhood Council (ANC) 2A, supported extension of the special exception to the applicant for an additional four years if the applicant agreed to use the site only as tennis courts and to administer the site under the conditions that had prevailed during the past year and which were undertaken with the agreement of ANC - 2A.

8. 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 recommendation. The Board concurs with the recommendation of the ANC 2A except with regard to the time limitation. The Board ordered that there be no time limit.

9. One person complained about a 12 foot fence constructed by the applicant for the tennis courts. The fence makes access to the side of her house very difficult. The applicant agreed at the public hearing that the mesh between the posts would be removed by the University anytime the neighbor needed access.

10. All opposition was related to the basketball court use. No one opposed the tennis court use.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking a special exception, the granting of which requires that the proposal meet the requirements of Paragraph 3101.46 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 3101.46 of the Zoning Regulations provides that a college or university which is an academic institution of higher learning, including a college or university hospital, dormitory, fraternity or sorority house proposed to be located on the campus of a college or university, is permitted as a special exception in a residential district, provided that:

- A. Such 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;
- B. The applicant shall submit to the Board a plan for developing the campus as a whole, showing the location, height, and bulk, where appropriate, of all present and proposed improvements, including, but not limited to buildings, parking and loading facilities, screening, signs, streets, and public utility facilities, and a description of all activities conducted or to be conducted therein, and of the capacity of all present and proposed campus development;
- C. Within a reasonable distance of the college or university campus, the Board may also permit the interim use of land or improved property with any use which the Board may determine is a proper college or university function; and,
- D. Before taking final action on an application for such use, the Board shall have submitted the application to the District of Columbia Office of Planning and the District of Columbia Department of Public Works for review and report.

The Board concludes that George Washington University is an accredited university, is authorized to confer degrees, and qualifies as a university under the Zoning Regulations; that Paragraph 3101.462, concerning the floor area ratio of buildings and structures, is not pertinent to this application and that no interim use of land or improved property is concerned in the subject application.

The proposed sports facility will operate between the hours of 9:00 A.M. and 8:00 P.M. Because the facility is not intended for use after dark, there will be no lights provided. At closing, the entrance gate to the site will be locked to prevent unauthorized use. University personnel located at the Smith Center at 22nd and G Streets, N.W. will supervise use of the site. Individuals wishing to use the facility will be required to schedule their use through Smith Center personnel. In addition to students, residents of the community will be permitted to use the proposed sports facility.

The proposed site is located on the periphery of the GWU campus within campus boundaries approved by the BZA in Appeal No. 10403. The approved campus plan depicts dormitories, administrative offices, athletic facilities, and parking facilities occupying peripheral sites. The

Illustrative Site Plan (Exhibit 2C of Appeal No. 10403) identifies the site as a Phase III undesignated site. The post hearing Land Use Plan submitted by the University, and later adopted as part of the approved plan, also does not designate a specific use for the site. The Board submitted the application to the Office of Planning and Department of Public Works as required by the regulations.

In summary, the Board concludes that the applicant has meet the criteria as listed in the Zoning Regulations. The Board has taken into consideration the recommendation of the Office of Planning. The Board has given "great weight" to the issues and concerns of the Foggy Bottom and West End Advisory Neighborhood Council. It is, accordingly, ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

- a. Operation of the facility shall be limited to the applicant.
- b. The hours of operation of the facility shall not exceed from 9:00 A.M. until 8:00 P.M. daily.
- c. The gates shall be closed and locked at all hours that the facility is not in operation.
- d. The facility shall be enclosed with a twelve-foot high chain link fence.
- e. The facility shall be landscaped in accordance with the plan marked as Exhibit No. 20 of the record.
- f. No lights shall be provided on the subject site.
- g. The entrance to the facility shall be located at the southwest corner of the site.
- h. Use of the facility shall be limited to tennis.

VOTE: 4-0 (Patricia N. Mathews, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant; Paula L. Jewell not present, not voting).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER:           AUG 15 1986          

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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