

PUBLIC HEARING--March 17, 1965

Appeal #8088 Veterans of Foreign Wars of the United States, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on March 24, 1965:

**ORDERED:**

That the appeal to extend nonconforming philanthropic use to include 660 square feet on third floor by the National Association of Government Engineers at 200 Maryland Ave. N.E., lot 845, square 757, be denied.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's property has a frontage of 114.42 feet on Maryland Ave. and 141 feet on 2nd Street being a corner lot. The lot contains an area of 9697 square feet of land and is improved with a five-story office building which was permitted by this Board on August 20, 1957, as a philanthropic organization for the Veterans of Foreign Wars of the U. S. which was a use permissible on that date. The use is now nonconforming under new regulations approved May 20, 1958. The organization was chartered by Congress and among its objects and purposes it perpetuates memorials of our dead and assists veterans and orphans and widows of veterans, said services being free of charge to veterans.

(2) On November 25, 1964, in appeal #7986 this Board denied permission to utilize space in this building by the President's Railroad Commission; the President's commission on Status of Women; the President's Task Force on Management Relations; automatum training; the Bureau of Employment and Compensation Office of Civil Defence.

(3) Appellant contends that the requested use is similar to numerous other uses within 300 feet of the premises. He stated that the organization is composed of Government employed engineers, and that the Association would promote public understanding plus interest of the members.

(4) The Capitol Hill Southeast Citizens Association and the Capitol Hill Restoration Society opposed the granting of the appeal.

OPINION:

The Board is of the opinion that this organization does not qualify under the definition of a philanthropic or eleemosynary institution as defined by the Zoning Regulations prior to 1958 which reads as follows:

"Philanthropic or Eleemosynary Institution: A place of asylum supported wholly or substantially by endowment or contribution; also any non-profit institution or organization which ministers to human needs, or has as its primary purpose the furtherance of charitable or religious objectives or benevolent purposes of public benefit; provided that no such organization or institution shall be construed as a philanthropic or eleemosynary institution under the regulations if its primary purpose or effect is the promotion of special benefits for its membership."

It is the opinion of the Board that although the organization will develop public understanding of work performed by Government Engineers, its primary purpose is to further the interest of the members of the organization.