

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- December 15, 1965

Appeal No. 8523 Jack and Harold Pollin, Appellants.

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on December 22, 1965.

EFFECTIVE DATE OF ORDER -- March 22, 1966.

ORDERED:

That the appeal for permission to permit the American Gear Manufacturer's Association, a non-profit organization, to occupy approximately 1,678.25 square feet on the second floor of premises 1330 Massachusetts Avenue, NW., an apartment house known as Thomas House, located in an SP District, lot 856, square 247, and the request for provision in the Board's Order permitting the Zoning Administrator, District of Columbia, upon proper findings, to permit occupancy of the subject property by other non-profit organizations and professional persons, be granted in part.

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

(1) The American Gear Manufacturer's Association is a non-profit organization in accordance with the Zoning Regulations as shown by its By-Laws, and as evidenced by its tax exemption status.

(2) This Board in its Order in BZA Appeal #7196 granted professional office use for the cellar, first, and second floors at premises 1330 Massachusetts Avenue, NW., the subject property. The space permitted to be occupied by the American Gear Manufacturer's Association.

(3) The applicants have applied the 5.5 FAR factor in computing these areas of the building and have provided additional off-street parking spaces as required to serve the office space used by the American Gear Manufacturer's Association. Thomas House contains in addition to office space, 205 apartment units and 105 parking spaces.

(4) The proposed SP office use within the cellar, first and second floors of the apartment building will be in harmony with existing uses on neighboring and adjoining property as may be seen from an inspection of the photographs of the neighborhood.

(5) The Board finds that the use will not create dangerous or otherwise objectionable conditions and the property owners have provided adequate off-street parking spaces.

(6) No neighborhood property owner will be adversely affected because the proposed office uses will be located in their entirety within the area indicated and no part of such use will be visible from the street or neighboring property.

(7) The Director of the Department of Vehicles and Traffic has not objected at the hearing to the granting of this appeal.

(8) The applicants have on a number of occasions appeared before this Board to seek approval for occupancy of its building at 1330 Massachusetts Avenue, NW, by various non-profit organizations and professional persons.

(9) The Board has previously provided that the Zoning Administrator be authorized to permit other SP non-profit organizations and other professional persons to occupy space within an SP building, as shown by its Order in Appeal #6541, in which the Board granted the identical relief sought here. In addition, in the Board's Order in Appeal #7236, the Board authorized the Zoning Administrator to permit, upon proper showing, occupancy of the SP building constructed by the American Psychological Association at premises 1200 - 17th Street, NW, lot 809, square 160.

OPINION:

We are of the opinion that granting of the applicants' request to permit the American Gear Manufacturer's Association, a non-profit organization, to occupy approximately 1,678.25 square feet of the second floor of premises of 1330 Massachusetts Avenue, NW, located in an SP District is in keeping with the letter, intent, and purpose of Article 41 of the Zoning Regulations.

We are further of the opinion that granting the applicants' request to permit the Zoning Administrator, upon proper findings to permit occupancy of the subject property by other non-profit organizations and professional persons would relieve the applicants from an unnecessary hardship and eliminate the need for repeated applications to the Board of Zoning Adjustment for this approval.

We are further of the opinion that the Board does not have the authority to delegate its responsibilities and must maintain jurisdiction over the use of the subject premises by non-profit organizations. Therefore, the request to permit occupancy through the Zoning Administrator must be denied.