GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORADUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman, Director

Office of Planning

DATE: November 5, 2001

SUBJECT: Waiver of Rules for Late Submittal of Final Report on Case No. 16786
1240 Wylie Street, NE – The Fishing School

The attached Final Report concerning the application for Case Number 16786 is being submitted less than 7 days prior to the Board of Zoning Adjustment's consideration of the item. The Office of Planning respectfully requests that the Board waive its rule and accept the report into the record.

BZA
Case No. 16786
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16786
EXHIBIT NO.23

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Andrew Altman
Director

DATE: October 17, 2001

SUBJECT: BZA Application 16786 - Request for special exception relief proposed by the Fishing School for property at 1240 Wylie Street, N.E. to continue operating an existing community service center

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APPLICATION

Application of the Fishing School for:

Special exception relief pursuant to 11 DCMR §3104.1 for a Community Service Center, §334.1 for the continuation of an existing special exception use for a period of ten years.

For the property at 1238, 1240, and 1242 Wylie Street, N.E., Square 1003, Lots 72 and 173. The property is in the R-4 residential zoning district.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the application.

BACKGROUND

The application states that the Fishing School has been operating at the site on Wylie Street since 1990. Prior to that, it states that the house on Lot 173 had been used for legally drug activities and Lot 72 was littered with trash and debris. In 1992, the Board of Zoning Adjustment (BZA) granted a three-year special exception use to the Fishing School under application no. 15681. In 1998, the BZA approved variances for minimum lot area, minimum lot width, and allowable percentage of lot occupancy for the Fishing School (application no. 16361), allowing it to expand its operations on Lot 173. It also granted a three-year special exception for the use, permitting up

to 35 students per day and four full time equivalent staff members. The current application seeks a ten-year extension of the special exception use.

AREA DESCRIPTION

The property is located in Square 1003, Lot 72 and Lot 173, in the northeastern quadrant of the District. The neighborhood is characterized by row houses with a limited amount of semi-detached housing. Commercial uses can be found one block to the south on H Street N.E. The property sits on the north side of Wylie Street and just west of 13th Street N.E. Several of the structures on the block are in deteriorating condition.

EXISTING ZONING

The Fishing School is located in the R-4 residential district. C-2-A commercial zoning prevails just to the south on either side of H Street and there are a few small areas of C-2-A and C-M-1 zoning along Florida Avenue to the north and northeast of the property. A small area of R-5-B residential zoning lies immediately to the east, bounded by Florida Avenue and 13th Street N.E.

R-4 Residential District

The R-4 zoning district is designed to include those areas primarily developed with row houses for either single-family use or row houses that have been converted for two or more residential units.

ZONE	Matter of Right Uses	BZA Approved Uses (special exceptions)	Height	Floor Area Ratio Max.
R-4	Single family detached and attached, row dwellings and flats; child day care(15), health clinic, museum, church, public schools, youth care home	Group homes, private stables, community centers, parking lots, emergency facilities, rehab homes, universities, commercial antennas	40 feet	1.8

Special Exception Relief:

It is the Office of Planning's position that the applicant has satisfactorily provided support for a special exception under the requirements of Section 334 of the Zoning Regulations. The Fishing School has demonstrated that their continued operation will be in harmony with the general purpose of the Zoning Regulations and will not tend to adversely affect adjacent properties.

Specifically, the zoning ordinance defines criteria for special exceptions for community centers as follows:

> **334.1 A community service center to accommodate organizations created for the purpose of improving the social or economic well being of the residents of the neighborhood in which the center is proposed to be located which may include but not be limited to centers for job training, family counseling, consumer cooperatives, and such other facilities as are similar in nature and purpose,**

shall be permitted in an R-4 District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

The applicant, The Fishing School, is committed to improving the social and economic well being of the community. They have provided descriptions of their services and programs that fulfill this commitment. These include tutoring, literacy training, and teaching methods of securing and maintaining employment.

334.2 A community service center shall be located so that it is not likely to become objectionable to neighboring properties because of noise or other objectionable conditions.

The existing Special Exception, granted September 2, 1998 for a period of three years, restricts operations to the following hours: 10:00 A.M. – 8:00 P.M. Monday through Friday and 9:00 A.M. – 4:00 P.M. Saturdays during the school year, and 8:00 A.M. – 4:00 P.M. Monday through Friday during the summer break. OP believes that these hours of operation would limit any objectionable impacts on the neighborhood due to noise.

The Office of Planning has not heard any objections about the operation or physical condition of the school as it has operated under the existing BZA order.

334.4 The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located.

The Fishing School serves the broader neighborhood youth aged six to fourteen. Students currently walk, are dropped off by parents, or are brought to the Fishing School in the school's vans.

334.5 A community service center shall not be organized for profit, and no part of its net income inures to the benefit of any private shareholder or individual.

The application states that "the Fishing School has been determined by the Internal Revenue Service to have exempt status under Section 501 (a) of the Internal Revenue Code as a not-for-profit corporation as described in Section 501 (c)(3) of the Code."

The application is also required to meet the requirements of Section 3104.1 for Special Exceptions as follows:

"…. special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, …."

A non-profit Community Service Center is a permitted use as a special exception in the R-4 zone. The Fishing School fulfills the intent of the Zoning Ordinance and Zoning Map that allow uses that are compatible to residential areas to create a suitable residential environment.

COMMUNITY COMMENTS

It has been reported that the Advisory Neighborhood Commission (ANC) 6A voted to support the proposed special exception for the Fishing School, with no conditions. The ANC may submit their comments under separate cover to the BZA.

RECOMMENDATION

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the standards for special exceptions. OP concludes that the special exception can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

The Office of Planning recommends approval of the application with the following condition:

- That the limits currently in place regarding enrollment, staffing, and hours of operation be applied to the ten-year extension of the special exception use.

AA/jls$_{AICP}$