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August 6, 2004

VIA HAND-DELIVERY

District of Columbia Board of Zoning Adjustment
441 4th Street, N.W., Suite 210
Washington, D.C. 20001

Re: Case No. 17215

Dear Honorable Members of the Board:

Enclosed please find a revised Special Exception Application on behalf of the Roman Catholic Archbishop of Washington in conjunction with its affiliate, Victory Youth Centers, Inc., (the "Applicant") to allow the construction of a gymnasium/youth recreation center for use on the campus of St. Thomas More Church and School located at 4275 4th Street, S.E. (Square 6242, Lot 834). The Applicant seeks approval for the existing private elementary and middle school and approval for the construction of a proposed gymnasium/youth recreation center to be used by the church and school as well as by the community. We ask that you kindly accept the enclosed revised documents and replace the original submissions dated July 13, 2004, with the enclosed documents. Please replace the following documents in the original application:

1. A completed BZA Form 120 Application (Tab 1);
2. A completed BZA Self-Certification Form 135 (Tab 3); and
3. The statement of how the Applicant meets the burden of proof for special exception relief (Tab 7).

We believe this application is complete and acceptable for filing. We submitted the filing fee with our initial application on July 13, 2004. On behalf of the Applicant, we hereby request that the Board schedule a public hearing on the application as soon as possible. We are prepared to answer any questions or provide any additional information you may require.

Sincerely,

Megan Wallace

Megan M. Wallace

Enclosures

FDADB/43701/1/5032/1 8/6/2004 10:32 AM

BZA
Case No. 17215
Exhibit No. 21

Board of Zoning Adjustment
District of Columbia
CASE NO. 17215
EXHIBIT NO. 21

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Form 120 – Exhibit 1
(Revised 04/29/02)

Case No. 17215

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: See other side of application form for instructions

Pursuant to Sections §3103.2 - Use Variance, §3103.2 - Area Variance and/or §3104.1 - Special Exception of Title 11 DCMR- Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)	Square	Lot No(s).	Zoning Districts	Relief Being Sought Area Variance · Use Variance Special Exception	Section No(s).
4275 4th Street, S.E.	6242	834	R-5-A	Special Exception	206 & 334

Present use(s) of Property:	Church and private school
Proposed use(s) of Property:	Church and private school
Owner of Property:	Roman Catholic Archbishop of Washington — Telephone No: 301-652-6880
Address of Owner:	5001 Eastern Avenue, Hyattsville, MD 20782

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice: Application for special exception to allow the construction of a gymnasium/recreation center on an existing church and private school campus located at 4275 4th Street, S.E, in the R-5-A Zone District.

Estimated construction cost	$ 3,750,000	Advisory Neighborhood Commission Single-Member District(s)	8-D-02
Date:	7/13/04	Signature:	Megan Wallace (Applicant*)

* *The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.*

To be notified of hearing and decision:
(Owner or Authorized Agent*)

Name:	Megan M. Wallace, Esq.				
Address:	Furey, Doolan & Abell, LLP 8401 Connecticut Avenue, Suite 1100, Chevy Chase, MD 20815				
Phone No.:	301-652-6880	Fax No.:	301-652-8972	E-Mail:	mmw@fdalaw.com

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

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Form.135 - Side 1
(Revised 03/15/02)

Case No. 17215

ZONING SELF-CERTIFICATION FORM

Project Address(es)	Square	Lot(s)	Zone District(s)	ANC(s)/Single Member Dist.(s)
4275 4th Street SE	6242	0834	R-5-A	8D02

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☐ §3103.2 - Use Variance	☐ §3103.2 - Area Variance	☒ §3104.1-Special Exception
Pursuant to Subsections			§ 206 & 334

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

(1) the agent is duly licensed to practice law or architecture in the District of Columbia;
(2) the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and
(3) the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owner's Signature	Owner's Name (Please Print)
Theodore Cardinal McCarrick	Roman Catholic Archbishop of Washington
Agent's Signature	**Agent's Name (Please Print)**
Megan Wallace	Megan M. Wallace

Date	7/13/04	D.C. Bar No.	467614	or	Architect Registration No.	

OFFICE OF ZONING DETERMINATION

(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is:

☐	Accepted for filing.
☐	Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.
☐	Rejected for failure to comply with the provisions of ☐ DCMR Title 11 §3113.2; or ☐ DCMR Title 11 Zoning Regulations. Explanation _____

Signature _____ Date _____

Jerrily R. Kress, FAIA – Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front and back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.

2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	283,027 SF	NA	NA	No Change	None
Lot Width (ft. to the tenth)	1,157.3'	NA	NA	No Change	None
Lot Occupancy (building area/lot area)	10%	NA	60%	18%	None
Floor Area Ratio (FAR) (floor area/lot area)	0.19	NA	0.9	0.27	None
Parking Spaces (number)	80	62	NA	147	None
Loading Berths (number and size in ft.)	NA	NA	NA	NA	None
Front Yard (ft. to the tenth)	15.9'	15'	NA	32.9'	None
Rear Yard (ft. to the tenth)	63.0'	20'	NA	116.9'	None
Side Yard (ft. to the tenth)	40.0'	8'	NA	21.2'	None
Court, Open (width by depth in ft.)	NA	NA	NA	NA	None
Court, Closed (width by depth in ft.)	NA	NA	NA	NA	None
Height (ft. to the tenth)	30.0'	NA	40.0'	29.42'	None

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Before the Board of Zoning Adjustment
District of Columbia

In the matter of	:	
The Roman Catholic Archbishop	:	
of Washington	:	
(St. Thomas More Parish)	:	Case No. 17215
	:	
Applicant	:	

SATISFACTION OF THE SPECIAL EXCEPTIONS STANDARDS OF 11 DCMR §§ 3104, 206 AND 334

The Roman Catholic Archbishop of Washington ("Archdiocese of Washington" or "Applicant") in its proposed application requests relief to construct a gymnasium/youth center on the campus of an existing church and private elementary and middle school in the R-5-A District. Pursuant to 11 DCMR § 350.4, any use permitted in the R-4 District is permitted as a matter of right in an R-5 District subject to the requirements of §§ 353 and 410 which sections are inapplicable in this case. Ultimately, the Zoning Regulations refer the Applicant back to the uses permitted in the R-1 District. 11 DCMR § 201.1(b) permits a church or other place of worship in the R-1 District. 11 DCMR § 206 permits private schools or staff residences as special exceptions in the R-1 District. Finally, 11 DCMR § 334 permits community service centers as special exceptions in the R-4 District. The application fully satisfies the standards for special exception relief for a private school and a community service center in the R-5-A District, pursuant to 11 DCMR §§ 3104, 206 and 334.

I. Special Exception Standards (11 DCMR § 3104)

3104.2 In the case of a use that was originally permitted and lawfully established as a matter of right and for which the Zoning Regulations now require special exception approval from the Board of Zoning Adjustment, any extension or enlargement of that use shall require special exception approval from the Board.

The St. Thomas More School, a private Catholic elementary and middle school, was established in 1957, before the current Zoning Code was adopted on May 12, 1958. The school offers classes to pre-kindergarten through eighth grade students, including before and after school care. The school has a Certificate of Occupancy for 500 people with a current enrollment of approximately 200 students. In conjunction with Victory Youth Centers, Inc., the Archdiocese of Washington seeks to enlarge the uses on the campus by adding a gymnasium/youth center to be used by the church, school and the community. Thus, the Applicant seeks approval for the addition of the new building.

3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Office Code § 6-641.07(g)(2) ... to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions will be in harmony with the general

purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified in [Title 11 DCMR].

According to the Zoning Regulations, the R-5 Districts are General Residence Districts designed to permit flexibility of design by permitting in a single district all types of urban residential development if they conform to certain requirements. In addition, the R-5 Districts also permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive Residence Districts.

In this case, the Applicant seeks approval to expand its existing private school by building a gymnasium/youth recreation center that would serve the church and school, as well as the surrounding community. The school is, and the center will be, in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps as the campus is located in the more flexible R-5 District. The school already enhances the community in which it is located and the Applicant submits that the addition of the center will further enrich the neighborhood.

The campus is located in the Highland South community of the Congress Heights neighborhood in Ward 8. It is surrounded by apartment buildings, single family homes and row houses, including public housing facilities. The 2000 census tract information reveals that the neighborhood contains the city's highest level of welfare recipients, the lowest level of adult education, the lowest level of school literacy and the highest poverty rates. This center will not affect adversely the use of the neighboring property, but rather will provide a stable venue to enhance the recreational, educational and social experiences of the area's at-risk youth. As this project has received broad-based public and private support, the Applicant submits, almost in partnership with the District of Columbia government, that the placement of the center in this underserved community will greatly enhance the surrounding neighborhood.

II. Private School (11 DCMR § 206)

206.1 Use as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

206.3 Ample parking space, but not less than that required in Chapter 21 of this Title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

The Applicant submits that the school has operated at this site for almost 50 years without being objectionable to adjoining and nearby properties because of noise, traffic, number

of students, or otherwise objectionable conditions. In this case, the school is not proposing to increase the number of students beyond the building's capacity of 500 people nor is the school proposing any other changes to its facilities, operating hours or staff. Therefore, there will be no increase in the traffic burden in the neighborhood nor will there be an increase in noise level because of the school. Regarding the addition of the gymnasium/youth center, the gym will provide additional physical education/recreational space for students who have use of the center during the academic day.

11 DCMR § 2101 requires 2 parking spaces for each 3 teachers and other employees. The school currently employs 22 teachers and other employees, thus approximately 15 parking spaces are required. The School has 80 parking spaces on-site.

III. Community Service Center (11 DCMR § 334)

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 as a special exception in an R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

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.

334.3 No structural changes shall be made except those required by other municipal laws or regulations.

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

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

The Applicant proposes to build a gymnasium/youth center on its almost 6.5 acre campus which already includes a church, a private elementary and middle school, a rectory, a former rectory, a garage, and a storage facility. The gymnasium/youth center will be available to the students of the school during the school day and will be available to the parishioners of the church as needed. A gymnasium/youth center is generally associated with a church and school which serves its parishioners and students as well as the surrounding neighborhood and community. This center will be available to the community when not in use for the church and school. The parishioners and students, for the most part, are residents of the neighborhood.

The activities proposed for the new gymnasium/youth center will be conducted inside the new building and, thus, will not create any additional noise or other objectionable conditions. Though area youth may be employed, on a part-time basis, to sell concessions, there will not be a

kitchen in the center. The Applicant does not anticipate there will be more than 5 full-time employees for the center. The school has operated peacefully and successfully with its neighbors for many years. The Applicant contends that the addition of the gymnasium/youth center will only serve to increase the community's involvement with the school and its access to the site.

The gymnasium requires 1 parking space per 2,000 square feet. The proposed building is 23,041 square feet, thus 12 parking spaces are needed. As part of the proposed building, the Applicant will add an additional 67 off-street parking spaces, for a total of 147 on-site parking spaces. Thus, the Applicant will provide ample off-street parking.

Once the new building is complete, no additional structural changes will be necessary for the building to be used as a community service center.

As stated above, the site is located in the Highland South community of the Congress Heights neighborhood in Ward 8. It is surrounded by apartment buildings, single family homes and row houses, including public housing facilities. This center will be reasonably necessary and convenient to the neighborhood as it will provide a stable venue to enhance the recreational, educational and social experiences of the area's at-risk youth. The church and school anticipate using the center for recreational purposes and meeting space. When not in use by the church or school, the center will provide an essential venue for the surrounding community by providing a safe and supportive environment in which to nurture healthy socialization skills through sports, arts, music and other organized youth programs. During approved youth activities, area high school-aged youth may be employed, on a part-time basis, to monitor the youth center and, possibly, to sell concessions during league and tournament events. This project has received strong support from the immediately surrounding neighborhood as well as the Advisory Neighborhood Commission. The Applicant is hopeful that the placement of the center in this underserved community will greatly enhance the surrounding neighborhood.

Both the Archdiocese of Washington and Victory Youth Centers, Inc. are non-profit organizations that are recognized by the Internal Revenue Service as exempt from federal income taxation. No part of the net income of either organization inures to the benefit of any private stockholder or individual.