

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

_____)	
APPLICATION OF:)	
)	
Zeta Phi Beta Sorority, Incorporated)	BZA Case No. 20104
)	
for a Special Exception Under 11-U DCMR §)	Hearing Date: October 30, 2019
320.1(b) to allow for a community service use)	
in the RF-2 District at 1461 S Street, N.W.)	
(Square 206, Lot 25))	ANC 2B

APPLICANT’S PRE-HEARING STATEMENT
(Revised Relief Requested)

I.

Introduction

Zeta Phi Beta Sorority, Incorporated (“Zeta Phi Beta,” or the “Applicant”), submits this statement through undersigned counsel in support of its application for a special exception to allow for a community service use in the RF-2 District at 1461 S Street, N.W. (Square 206, Lot 25) (the “Property”). This application is made pursuant to 11-U DCMR § 320.1(b) of the Zoning Regulations. 11-U DCMR § 320.1(b) allows the community service use by special exception.

II.

Jurisdiction of the Board

The Board of Zoning Adjustment (“Board” or “BZA”) has jurisdiction to grant the requested special exception pursuant to D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) and 11-X DCMR § 901.2.

III.
Background and Description of Proposal

Zeta Phi Beta is headquartered at 1734 New Hampshire Avenue, N.W. where the sorority has office and event space. As further explained below, they are seeking this special exception to provide office space for those employees that work specifically on the District of Columbia-focused charity initiatives. Specifically, this will be the Stork's Nest Administrative office space.

Approximately five to six female staffers will work in the six-bedroom house and the hours of operation will be limited to 9:00 a.m. to 5:00 p.m. No events will be hosted at the Property.

IV.
The Applicant Meets the Standard for Special Exception Relief

(a) **Standard of Review and Compliance with Special Exception Standards under Subtitle X § 901.2**

(i) **The Special Exception Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Maps.**

This property has historically been used as a residence and is surrounded by residences. The special exception request will be in harmony with the general purpose and intent of the Zoning Regulations and Map to promote the public health, safety, morals, convenience, order, prosperity and general welfare. 11-A DCMR § 101.1. Because there is no proposed addition to the building, the community service use will not change or interfere with existing light and air. Similarly, because the residence will only be utilized by five or six sorority employees, the use will not allow undue concentration of population and the overcrowding of land. It also will not result in an uneven distribution of population, business and industry and use of land. *See* 11-A DCMR § 101.1.

(ii) The Special Exception Will Not Tend to Adversely Affect the Use of Neighboring Property in accordance with the Zoning Regulations and Maps.

The office use will not tend to adversely affect the use of neighboring property. 11-A DCMR § 101.1. As mentioned above, only five or six employees will use the space for office and administrative purposes so neighboring properties should remain unaffected.

The office use will not create any adverse effects with respect noise, trash removal, deliveries or hours of operation.

(b) **Compliance with Subtitle U § 320.1(b)**

Subsection 100.2 of Subtitle B defines “community service use” as “[a] not-for-profit use established primarily to benefit and serve the population of the community in which it is located.”

The Applicant is seeking this special exception to establish an office specifically tasked with organizing, funding and overseeing Zeta Phi Beta’s fundraising, charity and service efforts within the District. While the headquarters will continue to manage the Sorority’s national affairs, this location will be limited to the community service programs that benefit District residents. The Applicant’s representative will testify at the hearing as to the specific employees who will use the office space.

Section 320.1(b) of the Zoning Regulations allows community service use through special exception in the RF-2 District as set forth below.

320.1 The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to any applicable provisions of each section:

- (b) 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, subject to the following conditions:

The Property will house the Zeta Phi Beta employees that work exclusively on programs within the District. A few of these are outlined below and demonstrate satisfaction of the requirement that the center's purpose be the social and economic well-being of the residents in which the center is located.

Stork's Nest

Stork's Nest is a jointly owned trademark and partnership of Zeta Phi Beta and a March of Dimes foundation. It is an incentive-based prenatal health promotion program for low-income women that encourages women to make and keep prenatal appointments and participate in prenatal education classes. Stork's Nest was established in 1971 and the Zeta Phi Beta's D.C. Chapter (Beta Zeta) established the D.C. Nest on February 14, 1986 and has served over 10,000 D.C women in its 33-year history. The D.C. Nest is the oldest continually running and still operational Nest in the nation.

Stork's Nest partners with over 50 D.C. and national entities including the Washington Mystics, CareFirst, March of Dimes, Unity Health Care Services for DC, DC Mayor's Women's Initiative Program, local churches/ businesses/ schools/ agencies and D.C. residents.

The program aims at:

1. Increasing the number of healthy births by increasing the number of low-income women receiving adequate prenatal care and social services throughout their pregnancy.
2. Providing incentives (maternity and baby needs) for pregnant women who receive early and regular prenatal care.
3. Ensuring that prenatal education classes are available for pregnant women and their partners so that they can make informed health care and childcare decisions.

4. Providing accurate information about community resources that meet the physical and emotional needs of expectant mothers and their families.
5. Strengthening the family unit through Birth Equity activities.

Classes and informational sessions comprising the program include:

1. The Importance of Dad
2. Fitness, Diet & Exercising During Pregnancy
3. Fitness After Baby Is Born
4. Dental Care for Infants
5. Infant First Aid & CPR
6. Breast Feeding/ Lactation
7. Safe Sleep/ SIDS
8. Purple Crying
9. Hearing Screening
10. Respiratory Disorders & Care for Infants
11. Eating Healthy During Pregnancy
12. Caring For Your Baby
13. Postpartum Care

Clients for Stork's Nest are low-income, pregnant women who may need additional encouragement to obtain prenatal care. They may walk-in or be referred but must demonstrate that they meet the eligibility requirements.

This important and highly successful program has the support of Mayor Muriel Bowser and is a part of her National Maternal and Infant Health Summit.

D.C. Scholarship Programs

1. Women in STEM Book Scholarship – Awarded to a female student interested in the field of STEM who graduates from a D.C. high school with a GPA of at least 3.0 and enrolls in a four-year accredited institution of higher learning.
2. Theresa Drakeford Book Scholarship – Awarded to a female student who graduates from a D.C. high school with a GPA of at least 3.0 and enrolls in an Historically Black College or University (“HBCU”).

3. Norma J. Oliver Book Scholarship – Awarded to a female student enrolled in an accredited four-year college or university who is a D.C. resident.
4. Goddess of the Arts Book Scholarship – Awarded to a female student interested in the arts who graduates from a D.C. high school with a GPA of at least 3.0 and enrolls in a four-year accredited institution of higher learning.

(1) 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 Applicant has the full support of the community. The Applicant received support from the Zoning, Preservation and Development Committee of Advisory Neighborhood Commission 2B on September 4, 2019 and from the full ANC on September 11, 2019. The Applicant has submitted letters of support from adjoining property owners as well as a neighbor-requested petition in support (32 signatures in support) that resulted from the meet and greet that the Applicant hosted at the Property on August 7, 2019.

The Applicant has already responded to articulated neighbor concerns regarding a sump pump and landscaping and has replaced the cracked concrete near the carriage house.

No events will be hosted at the property and it will be used solely for administrative support purposes. Employees on site will primarily use public transportation so no parking or traffic impacts are anticipated.

At both the ZPD and full ANC meetings, the admiration and support for this organization was tangible. There will be no objectionable noises or conditions as a result of the proposed community service center.

(2) The use shall be reasonably necessary or convenient to the neighborhood in which it is proposed to be located;

The Property is uniquely situated to be particularly appropriate for the community service center. Not only is the Property located a mere .3 miles from the Applicant's headquarters at 1734 New Hampshire Avenue where large donations related to the D.C. charity efforts will be delivered and where fundraising events will be hosted, but is located on the African American Heritage Trail and once belonged to African American poet and playwright, Georgia Douglas Johnson. It is an especially appropriate location for this nearly 100- year old (in January of 2020) African American organization founded at Howard University.

It should also be noted that participants in Stork's Nest live in all eight Wards, but proximity to the main headquarters is critical for coordination of events that require a meeting/presentation and delivery space.

- (3) 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.

Zeta Phi Beta has submitted the 501(c) documentation to staff demonstrate its status as a non-profit.

V.
Conclusion

For the reasons stated above, the proposed application meets the standards for special exception relief under the Zoning Regulations. The Applicant therefore respectfully requests that the Board grant the application.

Respectfully submitted on October 16, 2019

By: 

Edward L. Donohue
117 Oronoco Street
Alexandria, VA 22314
703-549-1123
EDonohue@DonohueStearns.com