BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application of the Most Worshipful Prince Hall Grand Lodge
1902-1906 Vermont Avenue, NW
(Square 333, Lots 824, 825, 827)

PRELIMINARY STATEMENT OF COMPLIANCE WITH BURDEN OF PROOF

I. Background:

The Applicant, the Most Worshipful Prince Hall Grand Lodge, requests special exception approval from the Board of Zoning Adjustment (hereinafter, the "Board" or "BZA") in order to permit the continued operation of a parking lot on the Subject Property. A significant portion of the Subject Property has been operated as a parking lot continuously for approximately 29 years. At the public hearing, the Applicant will show that special exception is appropriate in the instant case, to permit the use of the Subject Property for open accessory parking use in an R-4 District.

Specifically, the Applicant seeks special exception approval under §2116.5 of the Zoning Regulations, which provides for off-site accessory parking in certain instances. As the Board is aware, in Application No. 16938 the Applicant previously requested special exception and area variance approval from the Board with respect to the accessory parking issue under §214 of the Zoning Regulations based upon the direction given by the Office of the Zoning Administrator. The Applicant has withdrawn that application from the Board's consideration and now returns to the Board with the more appropriate request for special exception relief pursuant to §2116.5.

Pursuant to §3113.8 of the Zoning Regulations, the Applicant will file its Statement of the Applicant with the Board no fewer than 14 days prior to the public hearing for the present Application. In said Statement, and at the public hearing, the Applicant will provide testimony to meet its burden of proof to obtain the Board's approval of the requested special exception. Following herein, as required by the Board's application process, is a summary statement indicating how the Applicant will meet said burden of proof.

II. Burden of Proof:

Case No. BZA 17099

Board of Zoning Adjustment
District of Columbia
CASE NO. 17099
EXHIBIT NO. 11

Pursuant to § 2116.5 of the Zoning Regulations, "open parking spaces accessory to any building or structure may be located anywhere on the lot upon which the building or structure is located, or elsewhere, except in the case of a one-family dwelling," as a special exception if approved by the Board of Zoning Adjustment under § 3104 and in accordance with §§2116.6 through 2116.9. The Subject Property is in compliance, as set forth herein:

1. Section 3104.1:

This section authorizes the Board to grant special exceptions as provided in the Zoning Regulations, where the Board determines such grant(s) of special exception to be in harmony with the intent and purpose of the zone plan and which does not tend to adversely impact the use of neighboring property.

As the Board is aware, a special exception use is a use predeemed compatible with other uses permitted in a particular zoning classification provided that the specific regulatory requirements are met.

The requested special exception relief is in harmony with the intent and purpose of the zone plan and will not adversely impact the use of neighboring property. The lot has operated compatibly with the adjacent uses along Vermont Avenue for approximately 29 years. Until such time as the Applicant is prepared to move forward with redevelopment of the Site, the Applicant proposes to continue operation of the parking lot, as previously approved by the Board of Zoning Adjustment on several occasions, with improved landscaping and screening than previously provided.

2. Section 2116.5:

Section 2116 requires generally that all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve, either in a garage or open lot. Subsection 2116.5 provides certain limited exception to the "parking on the same lot" requirement. Under this subsection, the Board may approve the location of accessory parking spaces for a certain building or structure to be provided elsewhere, so long as certain other enumerated requirements are met. These requirements are set forth in §§2116.6 through 2116.9. As will be demonstrated in its prehearing statement and at the public hearing, the Applicant's proposal complies with these requirements.

a. Compliance with Section 2116.6:

Subsection 2116.6 requires that the Board first determine that it is not practical to locate the parking spaces in accordance with §2116.2 for certain

enumerated reasons. As a preface, §2116.2 provides that the parking spaces provided shall be located either: (a) in a permitted garage or carport; or (b) on an open area of the lot, either within a rear yard, within a side yard, or elsewhere on the lot if accessory to a commercial or industrial use. Under §2116.6 the Board requires a showing that these locational requirements cannot be met on the basis of either: (a) unusual topography, configuration, size or slope of a property; (b) lack of an alley or other appropriate egress/ingress; (c) traffic hazards resulting from exceptional grade; **or** (d) the location of the spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer egress/ingress, and less adverse impact on neighboring properties.

Pursuant to paragraph (d) of §2116.6, the location of the parking spaces on the Subject Property to serve the nearby Most Worshipful Prince Hall Grand Lodge at 1000 U Street, NW, does result in a more efficient use of land, better design, safer egress/ingress and less adverse impact on neighboring properties than would providing parking elsewhere. As a matter of first instance, providing such parking on the Grand Lodge property, at Square 333, Lot 828, is not feasible as that lot is occupied 100 percent with the existing lodge building. There simply is no opportunity for the Applicant to provide sufficient parking spaces on that lot. As a result, the Applicant's proposal to provide parking on the Subject Property, which is unimproved and a significant portion of which has already been approved by the Board for parking use, is a more efficient use of land.

b. Compliance with Section 2116.7:

Under §2116.7, in those cases, as here, where accessory parking spaces are proposed to be provided elsewhere than on the lot they are intended to serve, the Regulations state a preference that the parking be provided on lots separated by no more than an alley from the primary lot. While the Subject Property and the Lodge building are separated by a number of other properties, at the same time the two properties are connected by the north-south alley running through Square 333, thus minimizing any potential for traffic congestion along Vermont Avenue, T or U Streets.

c. Compliance with Section 2116.8:

Subsection 2116.8 requires that the accessory parking spaces be located so as to furnish reasonable and convenient parking facilities for the occupants or guests of the buildings or structures which they are designed to serve. Again, the Application complies with this requirement in that the Subject Property is located within the same square as the Lodge building and is connected with the Lodge building by the public alley running north-south through Square 333.

d. Compliance with Section 2116.9:

Finally, §2116.9 provides the Board opportunity to impose conditions it might deem necessary to protect adjacent or nearby property as well as conditions to assure the continued provision and maintenance of the spaces. The Applicant is confident that its proposal represents an improvement over the existing condition of the parking lot utilizing a portion of the Subject Property. To that end, the Applicant has engaged the Advisory Neighborhood Commission, the Westminster Neighborhood Association and adjacent property owners in the improved design and screening for the parking lot

1085464_v1