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March 2, 2004

DENNIS R. HUGHES
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Hand Delivery

Board of Zoning Adjustment
441 4th Street, N.W.
Room 210 S
Washington, D.C. 20001

Re: BZA No. 17099
Most Worshipful Prince Hall Grand Lodge

Dear Members of the Board:

Enclosed please find an original and 20 copies of the Applicant's Statement in Support of the above-referenced application, scheduled for public hearing on March 16, 2004. Please be advised that the traffic analysis for the property conducted by O.R. George and Associates is being submitted under separate cover.

Thank you for your attention to this matter. Please do not hesitate to contact us should you have any questions or require further information.

Very truly yours,

HOLLAND &KNIGHT LLP

Dennis R. Hughes

Enclosures
cc: Karen Thomas, Office of Planning
Abdoulaye Bah, DC Department of Transportation
Phil Spalding, ANC 1B

BZA
Case No. 17099
Exhibit No. 27

Board of Zoning Adjustment
District of Columbia
CASE NO. 17099
EXHIBIT NO. 27

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Application of
Most Worshipful Prince Hall Grand Lodge

BZA Application No. 17099
Public Hearing: March 16, 2004
ANC 1B

STATEMENT OF THE APPLICANT

I.
Nature Of Relief Sought

This is an application pursuant to §3104.1 of the Zoning Regulations (Title 11, DCMR) for a special exception to permit open accessory parking spaces under §2116.5, in an R-4 District at premises 1902-1906 Vermont Avenue, NW (Square 333, Lots 824, 825, and 827)(the "Subject Property"). The Subject Property is presently improved with accessory parking pursuant to prior approvals of the Board of Zoning Adjustment ("BZA"). The Most Worshipful Prince Hall Grand Lodge (the "Lodge" or the "Applicant") requests permission to continue utilizing the Subject Property for open accessory parking to the Lodge's building located at 1000 U Street, NW (Square 333, Lot 37)(the "Masonic Temple"), which, because of its historic and non-conforming status, has no available parking.

II.
Jurisdiction Of The Board

The Board of Zoning Adjustment has jurisdiction to grant the special exception relief pursuant to §§3104.1 and 2116.5 of the Zoning Regulations.

III.
Exhibits In Support Of The Application

Before proceeding with the discussion of the merits of this application, the following additional materials are submitted:

Exhibit A:	Prior BZA Approvals of Parking Lot special exception for Subject Property (Orders No. 11664, 12215 (copy not located), 13675, 14732).
Exhibit B:	A portion of the Sanborn Atlas showing the Masonic Temple outlined in yellow and the Subject Property outlined in red.
Exhibit C:	A portion of the Zoning Map showing Square 333 outlined in red.
Exhibit D:	Photographs of the Masonic Temple, the Subject Property, and the surrounding area.
Exhibit E:	Proposed Parking Layout and Landscaping Plans.
Exhibit F:	Outline of testimony of Representative of Applicant.
Exhibit G:	Outline of testimony of Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.

IV.
Background Of The Case

A. The Applicant

The Lodge can trace its roots in the District of Columbia back more than 174 years, to its founding in 1825, as the first African-American Masonic order in the region. The Lodge has a membership of approximately 500, both men and women. A significant portion of the Lodge's membership is more than 50 years in age and lives in the District of Columbia. The Lodge is well recognized in the community for its many charitable activities. Notable among these activities are: the Lodge's adoption of/involvement with Garrison Elementary School (with members serving as

tutors, monitors, readers and field trip guides); youth computer training; youth mentoring in coordination with Americorps; conducting clothing drives, serving as hospital volunteers, establishing a college of masonry coursework program; contributing to the United Negro College Fund; and participating in the Bread of Life program.

The Lodge has served as an important role in the U Street community for the better portion of the 20th century, anchoring the neighborhood through many years of neglect and decay, even as it has enjoyed in recent years the neighborhood's dramatic commercial, cultural and residential revival. The Lodge meets, has its offices, and holds its organizational and community functions at the Masonic Temple at 1000 U Street, NW. The Masonic Temple was constructed in the 1920s to the design of noted architect Albert Cassell, and has been designated to both the District of Columbia Inventory of Historic Sites and to the National Register of Historic Places. The Lodge recently completed a significant restoration of the historic building at a cost of more than $1 million.

The six-story Masonic Temple contains approximately 65,000 square feet of gross floor area. Of this space, approximately 8,000 square feet are leased for general office use. The remainder of the building consists of organizational, social, and recreational space for its members, including a grand ballroom/assembly hall and a dining room, as well as administrative space. The Masonic Temple is utilized regularly in the evenings by a significant portion of the Lodge membership for such social, cultural and recreational purposes. A majority of these regular users utilize public transportation, in the form of both Metrorail and Metrobus, in order to access the Masonic Temple.

However, such public transportation options are not available to, or appropriate for, other members of the Lodge, and their guests, owing to such issues as advanced age, poor health, and distance and difficulty of travel, among other reasons.

In order to accommodate its membership, and because parking is not able to be provided on the Masonic Temple property which is almost entirely improved with the historic Masonic Temple, the Lodge has utilized other of its properties in Square 333 for accessory parking use by Lodge members while visiting the Masonic Temple. This accessory parking use was first approved as a special exception by the Board in 1974 (BZA No. 11664), and subsequently renewed in 1976 (BZA No. 12215), 1982 (BZA No. 13675), and 1988 (BZA No. 14732), which last approval expired in 1992 (Exhibit A). The Lodge continued to utilize the accessory parking lot without further approvals until 2003.

B. Nature of Application

The Applicant requests special exception approval from the Board in order to continue to provide accessory parking on the Subject Property for exclusive use by the members of the Lodge while visiting the Masonic Temple. The parking lot will contain 20 parking spaces, including 3 spaces dedicated for handicapped parking. With the exception of the special relief sought in the present application, the parking lot will comply in all respects with the applicable dimensional, landscaping, and locational requirements for parking lots set forth in Chapters 21 and 23 of the Zoning Regulations. As set forth in the parking and landscaping site plan drawings attached as Exhibit E, the Applicant proposes both to improve the condition of the existing parking arrangement and to provide appropriate landscaping and a larger landscaped buffer area to the north, consisting of Lots 824 and 825 and containing approximately 4,278 square feet.

C. Site and Vicinity Characteristics

As noted above, the Applicant owns several properties in Square 333, including the Masonic Temple property and the Subject Property. The Subject Property is located at the southeast corner of Square 333, at the intersection of Vermont Avenue and T Street, NW and is comprised of Lots 824, 825 and 827. The Subject Property measures approximately 122 feet along Vermont Avenue, and 103 feet along T Street. An excerpt of the Sanborn Atlas showing the proximity of the Subject Property to the Masonic Temple and neighboring properties is attached as Exhibit B. The Subject Property is located less than 200 feet from the Masonic Temple.

Square 333, which is bounded to the north by U Street, to the east by 10th Street[1] and Vermont Avenue, to the south by T Street, and to the west by 11th Street, contains both R-4 zoning (including the Subject Property) and ARTS/C-2-A zoning (including the Masonic Temple). (Please see Exhibits B and C). A twelve-foot wide L-shaped alley bisects Square 333, running from U Street to the north, along the west side of the Masonic Temple, down to the Subject Property, at which point the alley turns to the west and opens onto 11th Street. Photographs of the Subject Property, the Masonic Temple and the surrounding area are included as Exhibit D.

Abutting the Subject Property to the North in Square 333 is the Evans-Tibbs House at 1910 Vermont Avenue, which is listed in the District of Columbia Inventory of Historic Sites and the National Register of Historic Places. Further north in Square 333 are a number of rowhouse dwellings running from the Subject Property north to the Masonic Temple. Immediately east of the Subject Property, along T Street, NW, are a couple of residential properties owned by the Lodge.

[1] That portion of 10th Street located immediately adjacent to the Masonic Temple has been closed and improved with the African-American Civil War Memorial and entrance to the U Street-Cardozo Metrorail Station.

To the South of the Subject Property, across Vermont Avenue, are a number of residential buildings. West of the Subject Property, across Vermont Avenue, is a mixture of residential and institutional uses, including the Offices of the District Fire Department at 1923 Vermont Avenue.

D. Procedural History

As noted above, the Lodge has operated an accessory parking lot in Square 333 for nearly 30 years, involving a number of approvals by the Board. In the most recent application (No. 16938), the Lodge applied to the Board for both special exception and variance relief, under §§ 2116 and 214, respectively, to continue the accessory parking use. Application No. 16938 was withdrawn by the Applicant on August 11, 2003, pursuant to §3113.10 of the Zoning Regulations, before a final order was issued by the Board. Noting its position that it had applied to the Board for inappropriate relief in Application No. 16938, the Applicant made application to the Board on October 21, 2003, requesting only special exception under §2116.5 of the Regulations, which is before the Board in the present application.

V.
The Application Meets the Requirements for Special Exception Relief Under the Existing Zoning Regulations

As the Board is aware, a special exception use is a use that is predeemed compatible with other uses permitted within a particular zoning classification provided that the applicable specific requirements of the Zoning Regulations are met. In reviewing applications for a special exception, the Board's discretion is limited to determining whether the proposed exception satisfies the requirements set forth in the appropriate section. If the Applicant meets its burden, the Board must ordinarily grant the application. *First Baptist Church of Washington v. District of Columbia Board*

of Zoning Adjustment, 432 A.2d 695 (1981); *Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (1973). Through the exhibits, testimony and other evidence before the Board, the Applicant will establish that it complies with all applicable provisions under the Zoning Regulations and satisfies the appropriate special exception standards.

A. The Applicant Satisfies the Criteria of Section 2116 of the Zoning Regulations

Section 2116 requires generally that all parking spaces 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 exceptions 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, as set forth below:

1. Burden of Proof

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. (Emphasis added.)

2. Compliance with Subsection 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: (1) in a permitted garage or carport; or (2) on an open area of the lot, either within a rear yard, within a side yard; or (3)

elsewhere on the lot (if accessory to a commercial or industrial use). Under §2116.6, the Board requires a showing that these locational requirements set forth in §2116.2 cannot be met on the basis of either: (a) unusual topography, grades, shape, size or dimensions 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.

Consistent with paragraph (a) of §2116.6, the location of accessory parking spaces on the Masonic Temple Property to serve the Masonic Temple cannot be accomplished on the basis of the "unusual topography, grades, shape, size, or dimensions" of the Masonic Temple property. As a matter of first instance, providing such parking on the Masonic Temple property would not be feasible as that property is almost entirely occupied with the existing historic six-story building. Owing to the Masonic Temple property's limited size and its improvement with a non-conforming landmark building, there simply is no practical opportunity for the Applicant to provide parking spaces on the Masonic Temple. As a result, the Applicant's proposal to provide parking on the Subject Property, which is unimproved and has already been approved by the Board on a number of occasions for accessory parking use, offers a practical alternative to the Applicant consistent with §2116.6.

3. Compliance with Subsection 2116.7

Under §2116.7, in those cases, as here, where "accessory parking spaces are to be located elsewhere than on the lot upon which the building or structure they are intended to serve is located," the Zoning Regulations state a **preference** that the parking be provided on adjacent lots, or lots separated by no more than an alley from the primary lot. In the present case, it is well established

that there is no other closer location within Square 333 that the Applicant could utilize for accessory parking to the Masonic Temple. Please see Exhibit B. With the exception of the Subject Property, the entirety of Square 333, which is located within the Greater U Street Historic District, is improved with residential or commercial uses.

Furthermore, the Subject Property is located within very close proximity of the Masonic Temple, even if not immediately adjacent thereto. The Subject Property is located only approximately 175 feet from the Masonic Temple property. For all these reasons, the application satisfies §2116.7 both in letter and spirit.

4. Compliance with Subsection 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 it provides accessory parking within less than 200 feet of the Masonic Temple property. As reinforced in the expert traffic analysis conducted for the Subject Property by the firm of O.R. George and Associates and submitted under separate cover, there is a high level of parking usage in the immediate area at the Masonic Temple (85-90%) at all hours of the day, with limited parking availability. Further, the activities of the Lodge, occurring largely in the evening hours, coupled with the advanced age of a significant portion of the Lodge membership, indicate a need for convenient, reliably available off-street accessory parking for Lodge use. Compliance with this subparagraph is further reinforced by the fact that the Lodge has utilized the parking lot for nearly 30 years, without significant incident.

5. Compliance with Subsection 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. While the Applicant is confident that its proposal represents a significant improvement over the existing lot on the Subject Property (Please see proposed parking layout and landscaping plan at Exhibit E), the Applicant further asserts that the Application is consistent with the applicable provisions of Chapter 23, particularly §2303, as discussed below.

B. The Application Complies with Section 2303 of the Zoning Regulations

Section 2303 sets forth provisions to which parking lots in any district must conform. These standard provisions include: the paving of parking lots with bituminous concrete or brick materials, or equivalent to form an impervious surface (§2303.1(a)); design of lot such that no vehicle shall project over any building or lot line (§2303.1(b)); prohibition against any other use of a parking lot except for an attendant's shelter (§2303.1(c)); limitation on location of entrance/exit (§2303.1(d)); requirement that any lighting for a parking lot be arranged to confine the direct rays to the lot (§2303.1(e)); and requirement that lot shall be kept free of refuse and debris and that landscaping shall cover a minimum of five (5) percent of the total area of the parking lot and be maintained in healthy growing condition (§2303.1(f)).

As evident in the parking layout and landscaping plans submitted as Exhibit E; the application satisfies all of these requirements, including providing more than the five (5) percent minimum landscaping requirement. The proposed layout provides a planting area of approximately 564 square feet on Lot 827 and hedges and grass groundcover for the entirety of Lots 824 and 825

(4,278 square feet) for a total landscaped area of 4,842 square feet, where the entire Subject Property measures approximately 13,385 square feet. As a result, the Lodge is providing approximately 36 percent landscaping on the Subject Property, more than five percent of which will consist of trees and shrubs as required, consistent with §§ 2303.1(f).

Furthermore, §2303.2 requires that a parking lot located in an R-4 District be screened from all contiguous residentially-zoned property by a brick or stone wall or by evergreen hedges or evergreen trees that are thickly planted and maintained at least 42 inches in height. As set forth in the plans submitted at Exhibit E, the Lodge will improve the existing parking lot to comply fully with this provision, including the planting of a compliant hedge in Lot 825, immediately adjacent to the north-facing row of parking (identified as parking spaces Nos. 1-5 on the attached plans). The location of this hedge has been chosen to maximize the effects of the hedge to block headlight glare onto adjacent properties. Over and above the requirements of §2303.2, the Lodge also proposes to line the street-facing portions of the parking lot with evergreen hedges in order to minimize headlight glare to properties across Vermont Avenue and T Street and also to hide from view the low fence enclosing the Subject Property.

C. The Application Complies with Subsection 3104.1

As referenced in §2116.5, the Board's general authority to grant special exceptions is provided in §3104.1 of the Zoning Regulations. The Board is authorized to grant special exceptions where, in the Board's judgment, such special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

The Applicant has noted above that Square 333 is split-zoned, with the portion containing the Masonic Temple zoned ARTS/C-2-A and the Subject Property zoned R-4. According to the

table accompanying §3104.1, special exception controls over the location of parking spaces may be found in a number of locations within the Zoning Regulations, including §§ 2116.5 through 2116.9, as discussed above. In addition, the §332 provides that any uses permitted as special exceptions in more restrictive residential zones (R-1, R-2, R-3) shall be permitted in the R-4 District.

Furthermore, §331.1(b) provides that accessory parking spaces incidental to uses permitted in §§330 through 349 (that is, the R-4 District) shall be permitted, subject to the special provisions set forth in Chapters 21 and 23 of the Zoning Regulations. The Lodge's use of the Masonic Temple qualifies as "private club, lodge, fraternity house, sorority house", which is permitted in the R-4 District (as well as the less-restrictive C-2-A District, pursuant to §721) as a matter of right. Thus, because the Application satisfies the applicable requirements of Chapters 21 and 23, as established above, the accessory parking use requested in the R-4 District is in harmony with the purpose and intent of the Zoning Regulations and Map.

As a result of this consistency with the Zoning Regulations and Map, the accessory parking use does not adversely affect the use of neighboring property in accordance with the Regulations and Map. It is also the expert determination by O.R. George and Associates that the continued use of the Subject Property for accessory parking should not become objectionable to neighboring properties because of traffic generation and use as parking. Furthermore, the accessory parking use proposed is not a new use for the Subject Property but one that has been present for decades. Likewise, it is the absence of the parking lot that would present an adverse impact on neighboring properties, in that such absence increases the pressure on very limited street parking in this densely-populated and heavily-trafficked area. As noted above, the Masonic Temple contains approximately 65,000 square feet of meeting hall, lodge and office uses, generating a parking requirement of nearly 150 parking spaces were the Masonic Temple currently under construction.

However, because the Masonic Temple was constructed prior to the enactment of the Zoning Regulations, there is no requirement that parking be provided, and none is. Nevertheless, the demand for parking is still present as a result of the multitude of uses ongoing in the building.

VI.
Community Interests and Development Plans

Based upon compliance of the Application with §§ 2116.5, 3104, and 2303, the Applicant has established that approval by the Board of the requested special exception will not tend to adversely effect the use of neighboring property in accordance with the Zone Plan. At the same time, the Applicant appreciates that the U Street neighborhood is undergoing significant redevelopment and change, and that its relationship with its neighbors has deteriorated in recent years over the continued use of the Subject Property as an accessory parking lot. In efforts to improve relations, the Lodge has engaged in extensive dialogue in recent months with Advisory Neighborhood Commission ("ANC") 1B and with the Westminster Neighborhood Association ("WNA"), an organization representing a number of households to the south and east of the Subject Property. In fact, dialogue continues among the Lodge and these organizations in efforts to arrive at a consensus and agreement as to the future development of the Subject Property consistent with its residential zoning and compatible with development in the neighborhood. The Applicant hopes to present for the Board's consideration a formal agreement among the Lodge, ANC 1B and the WNA which: (1) establishes with reasonable specificity the Applicant's timeline for development of the Subject Property; and (2) enumerates standards to be imposed upon the Lodge's interim continued use of the Subject Property for accessory parking.

VII.
Witnesses

A. Representative of the Applicant.

B. Steven E. Sher, Director of Zoning and Land Use Services, Holland & Knight LLP.

VIII.
Conclusion

For all the reasons set forth above, the application meets the requirements for special exception approval pursuant to §§2116 and 3103.1 of the Zoning Regulations. The Applicant therefore requests that the Board grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By Whayne S Quin/DRH
Whayne S. Quin

Dennis R. Hughes

2099 Pennsylvania Avenue, NW,
Suite 100
Washington, D.C. 20006
(202) 955-3000

March, 2004

1740454_v2

A

Before the Board of Zoning Adjustment, D. C.

Application No. 11664, of Roger D. Washburn, et al, pursuant to Section 8207.2 of the Zoning Regulations, for a special exception to establish a private parking lot as provided by Section 3104.44 at premise 1902 Vermont Avenue, N. W. Lot 800, Square 333.

HEARING DATE: July 17, 1974
EXECUTIVE SESSION: July 23, 1974

FINDINGS OF FACT:

1. The subject property is located in the R-4 Zone.

2. Surrounding land uses include row dwellings, commercial and institutional uses, buildings along U Street, T Street, and 11th Street N. W. The lot on which the parking lot is proposed is bordered on two sides by residential buildings and to the rear by a public alley.

3. The proposed parking lot is immediately to the north of the Prince Hall Grand Lodge building located at 10th and U Streets, N. W.

4. The parking area is to be leased by the Most Worshipable Prince Hall Grand Lodge upon approval of this application.

5. The parking lot will be used by the members of the lodge after six in the evening. During the hours of 8:00 a.m. until 6:00 p.m. the lot will be used by the tenants of the lodge building.

6. The lot is presently vacant and in very poor condition. The lot will accommodate approximately sixteen cars.

7. The Department of Highways and Traffic offered no objection to the establishment of this parking lot.

8. The OPM staff recommended approval of the lot for one year with appropriate landscaping and screening.

9. Mrs. Ellen Epps Brown, President of the Northwest Citizens Association objected to the application on the basis that the property should be used for residential purposes.

CONCLUSIONS OF LAW:

The Board is of the opinion the establishment of this parking lot will not create any dangerous or otherwise objectionable traffic conditions. With proper screening and landscaping, we feel the present character and future development of the neighborhood will not be adversely affected.

In conclusion, the Board gave much consideration to the views of opposition but feel it is unwarranted because of the present condition of the lot and because this use is permitted by special exception.

ORDERED:

That the above application be CONDITIONALLY GRANTED for 2 years.

VOTE: 4-1 (Lilla Burt Cummings, Esq. dissenting.)

This Order shall be subject to the following conditions:

a. Permit shall issue for a period of two (2) years but shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.

b. All areas devoted to driveways, access lanes, and parking area shall be maintained with a paving of material forming an all-weather impervious surface.

c. An eight (8) inch coping shall be erected and maintained along each side of all driveways to protect the public space.

d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public spac

f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be main tained in a healthy growing condition and in a neat and orderly appearance.

g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is locate

h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranted that all direct rays of such lighting are confined to the surface of the parking lot.

The Board reserves the right to direct revocation of the occupancy permit upon a proper showing that any terms or conditions of the Order have been violated,

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY : James E. Miller
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: AUG 26 1974

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR BUILDING PERMIT IS FILED WITH THE DPEARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 13675 of Most Worshipful Prince Hall Grand Lodge, F & AM, PHA, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the operation of a private parking lot in an R-4 District at the premises 1902 Vermont Avenue, N.W., (Square 333, Lot 800).

HEARING DATE: February 17, 1982
DECISION DATE: March 3, 1982

FINDINGS OF FACT:

1. The subject property is located on the northwest corner of the intersection of Vermont Avenue and T Street, N.W., and is known as premises 1902 Vermont Avenue, N.W. It is located in an R-4 District.

2. By Order No. 12215, dated November 8, 1976, the Board approved the continuation of this parking lot for five years.

3. The subject lot is approximately 5,226 square feet in area and provides twenty-one parking spaces.

4. The parking lot is used by the members of the Most Worshipful Prince Hall Grand Lodge and tenants of that building which is located to the north of the site at 1000 U Street, N.W. It is not available for general public parking.

5. The hours of operation of the subject parking lot are from 8:00 A.M. to 12 Midnight. There is a guard on duty during the hours of operation and the lot is secured at midnight by a locked gate.

6. The applicant testified that the lot complied with al the conditions of BZA Order No. 12215. The Board so finds.

7. The subject lot is well maintained and the representative of the applicant testified that he has never received any complaints in reference to the subject lot. There is a sign on the attendant's shelter advising of the ownership of the lot.

8. The reord was left open at the end of the public hearing for referral of the application to the D.C.

Department of Transportation and the submission of the DOT report.

9. By memorandum dated March 2, 1982, the Department of Transportation advised the Board that it had identified no adverse traffic impact on the surrounding street system and had no objection to the continued use of this parking lot.

10. There was no report from Advisory Neighborhood Commission 1B on this application.

11. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3104.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The lot is reasonably necessary and convenient to the Most Worshipful Prince Hall Grand Lodge which it serves. The use of the lot does not result in dangerous or otherwise objectionable traffic conditions. There are no commercial advertising signs on the lot. The lot complies with the requirements of Article 74.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the following conditions:

A. Approval shall be for a period of FIVE years from the date of expiration of the previous certificate of occupancy which may be renewed at the discretion of the Board upon the filing of a proper application.

B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

D. No vehicle or any part thereof shall be permitted

to project over any lot or building line or on or over the public space.

E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune, Douglas J. Patton and Charles R. Norris to GRANT)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JUN - 4 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 14732 of the Most Worshipful Prince Hall Grand Lodge, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 213 to continue the use of an accessory parking lot, and a variance to allow accessory parking spaces to be located more than 200 feet from the area to which they are accessory (Sub-section 213.3) and a variance to allow accessory parking spaces that are not contiguous to or separated only by an alley from the use to which they are accessory (Sub-section 213.4) to continue to operate a 21 space private parking lot in an R-4 District at premises 1902 Vermont Avenue, N.W., (Square 333, Lot 800).

HEARING DATE: July 13, 1988
DECISION DATE: July 13, 1988 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 1B and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission (ANC) 1B. ANC 1B, which is automatically a party to the application, did not file a written statement of issues and concerns.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 213 and for a variance from the strict application of 11 DCMR 213.3 and 213.4. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108 and 3107, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Regulations and Map. It is therefore

ORDERED that the application is granted, subject to the following CONDITIONS:

A. Approval shall be for a period of five years from the date of expiration of the previous certificate of occupancy, namely from June 4, 1987.

B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

E. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

F. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (William F. McIntosh, Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to grant and waive the Rules; John G. Parsons not present, not voting).)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____
EDWARD L. CURRY
Executive Director

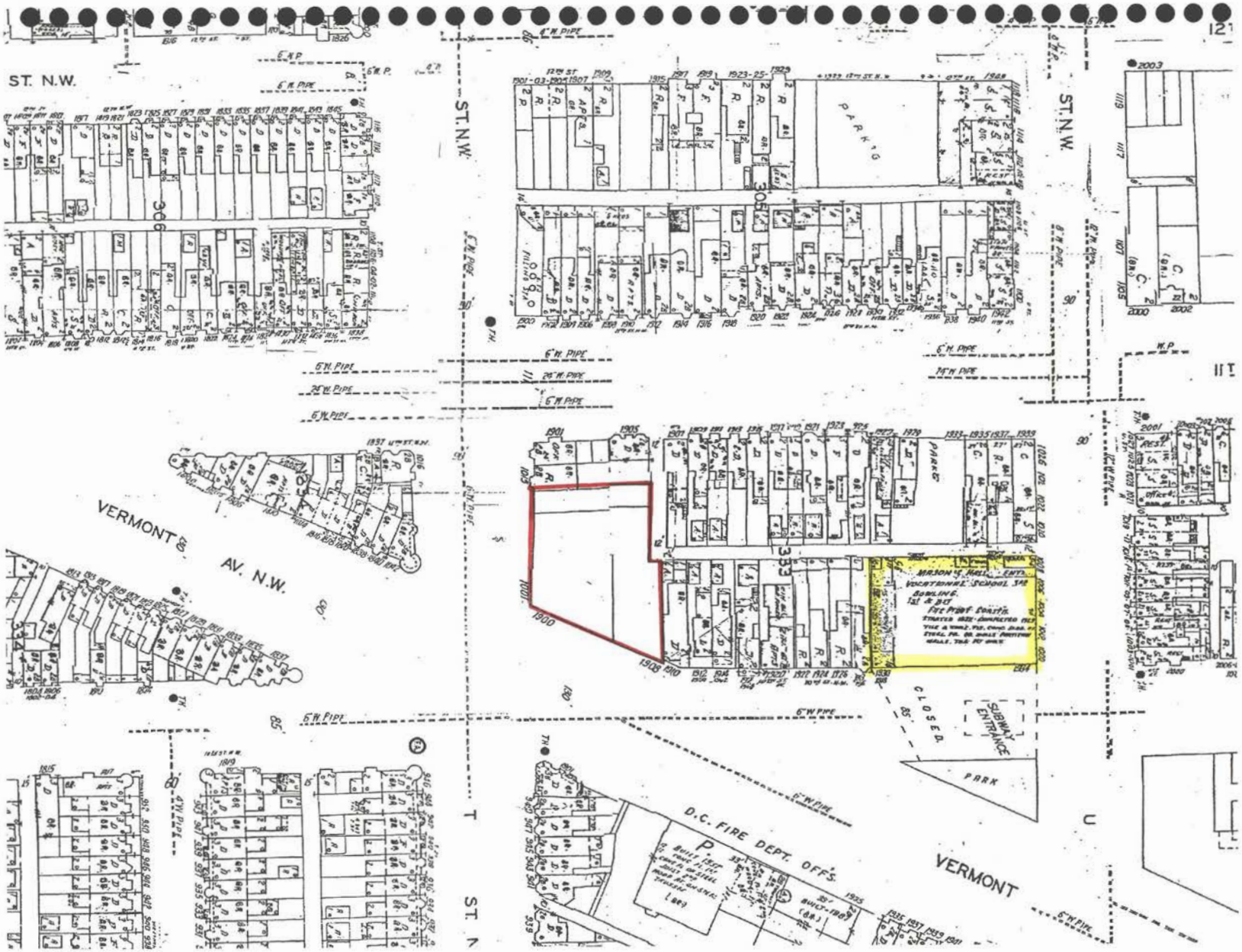
FINAL DATE OF ORDER: SEP 9 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

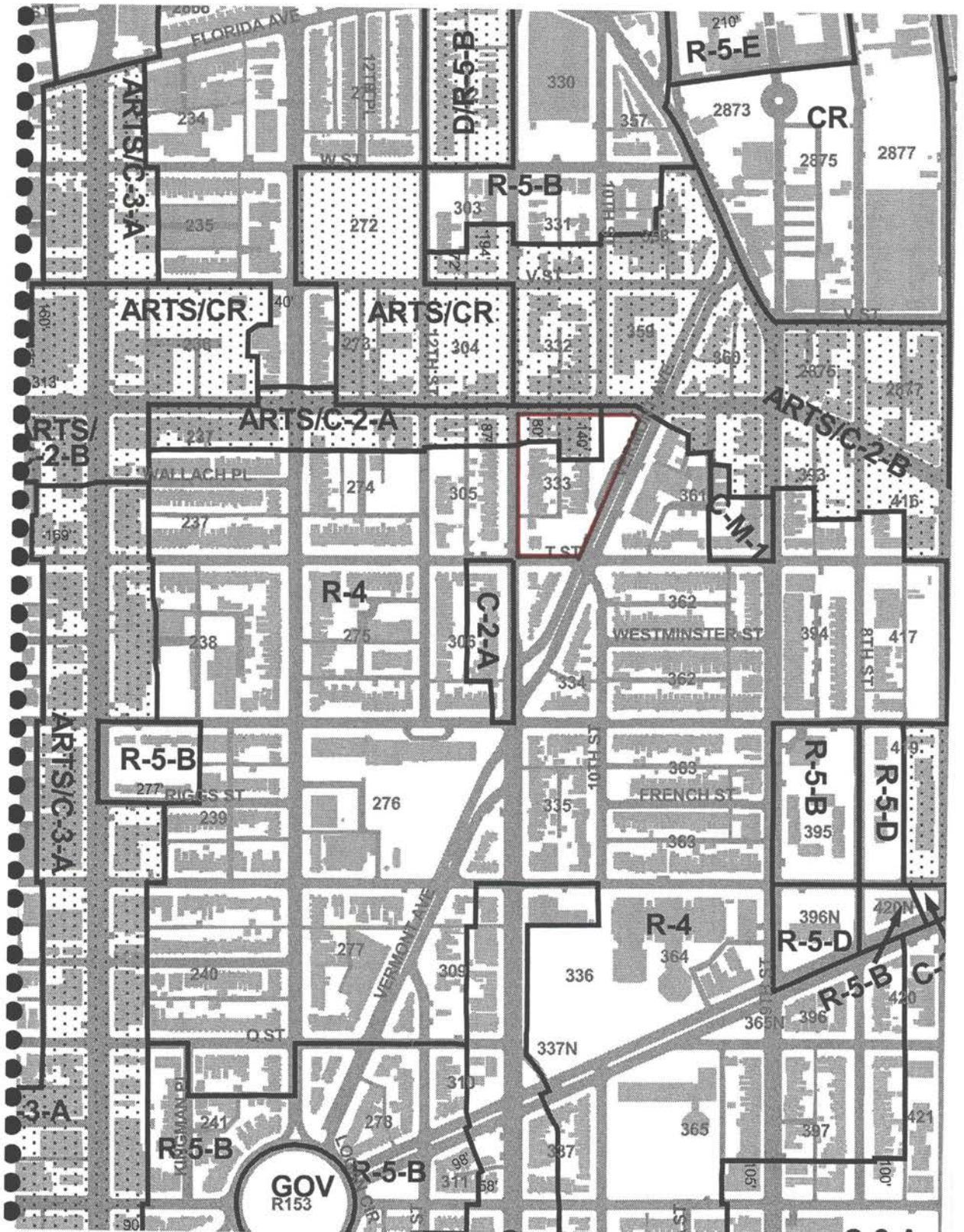
THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14732/SANDI

B


ST. N.W.
12TH ST.
PARK
VERMONT AV. N.W.
VERMONT
MASON'S HALL
VACATIONNEL SCHOOL
BOWLING
D.C. FIRE DEPT. OFF'S.
SUBWAY ENTRANCE
CLOSED
PARK

C


FLORIDA AVE
ARTS/C-3-A
D/R-5-B
R-5-E
CR
R-5-B
ARTS/CR
ARTS/CR
ARTS/C-2-A
ARTS/C-2-B
C-M-1
R-4
C-2-A
R-5-B
R-5-B
R-5-D
R-4
R-5-D
R-5-B
GOV
R153
C-2-A
W ST
V ST
T ST
WALLACH PL
WESTMINSTER ST
FRENCH ST
RIGGS ST
VERMONT AVE
12TH ST
10TH ST
8TH ST
O ST
210'
2873
2875
2877
330
357
303
331
272
235
234
313
237
274
305
333
361
362
394
417
238
275
334
239
276
335
363
395
396N
420N
277
240
309
336
364
365N
396
420
337N
310
241
278
365
397
421
311
387
90'
105'
100'

D



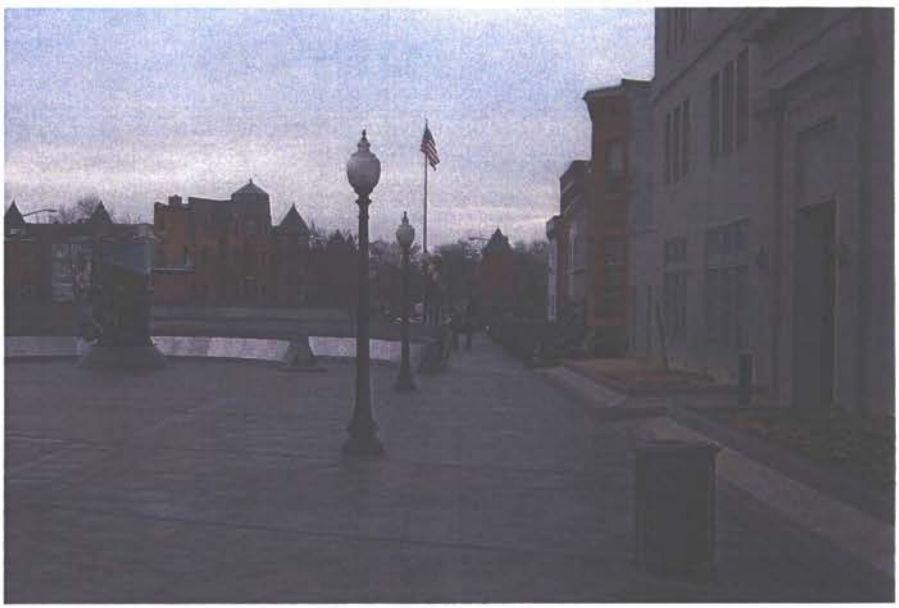
View Southeast From Intersection of U Street & Vermont Avenue
(Masonic Temple at Far Right; Subject Property at Left)



View Northwest from Intersection of Vermont Avenue & T Street
(Subject Property in Foreground; Masonic Temple Visible in Background)



View of Masonic Temple South Across U Street, NW
(Subject Property Visible at Extreme Left)



View South From U Street
(African-American Civil War Memorial at Left)



View of Landscaped Portion of Subject Property
(View West from Vermont Avenue)

E

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., July 3, 2002

Plat for Building Permit of SQUARE 333 LOTS 824, 825 & 827

Scale: 1 inch = 30 feet Recorded in A & T Book Page 3745-S and Microfilm

Receipt No. 009480

Furnished to: FATE KEARNEY

Surveyor, D.C.

By: L.E.S.

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

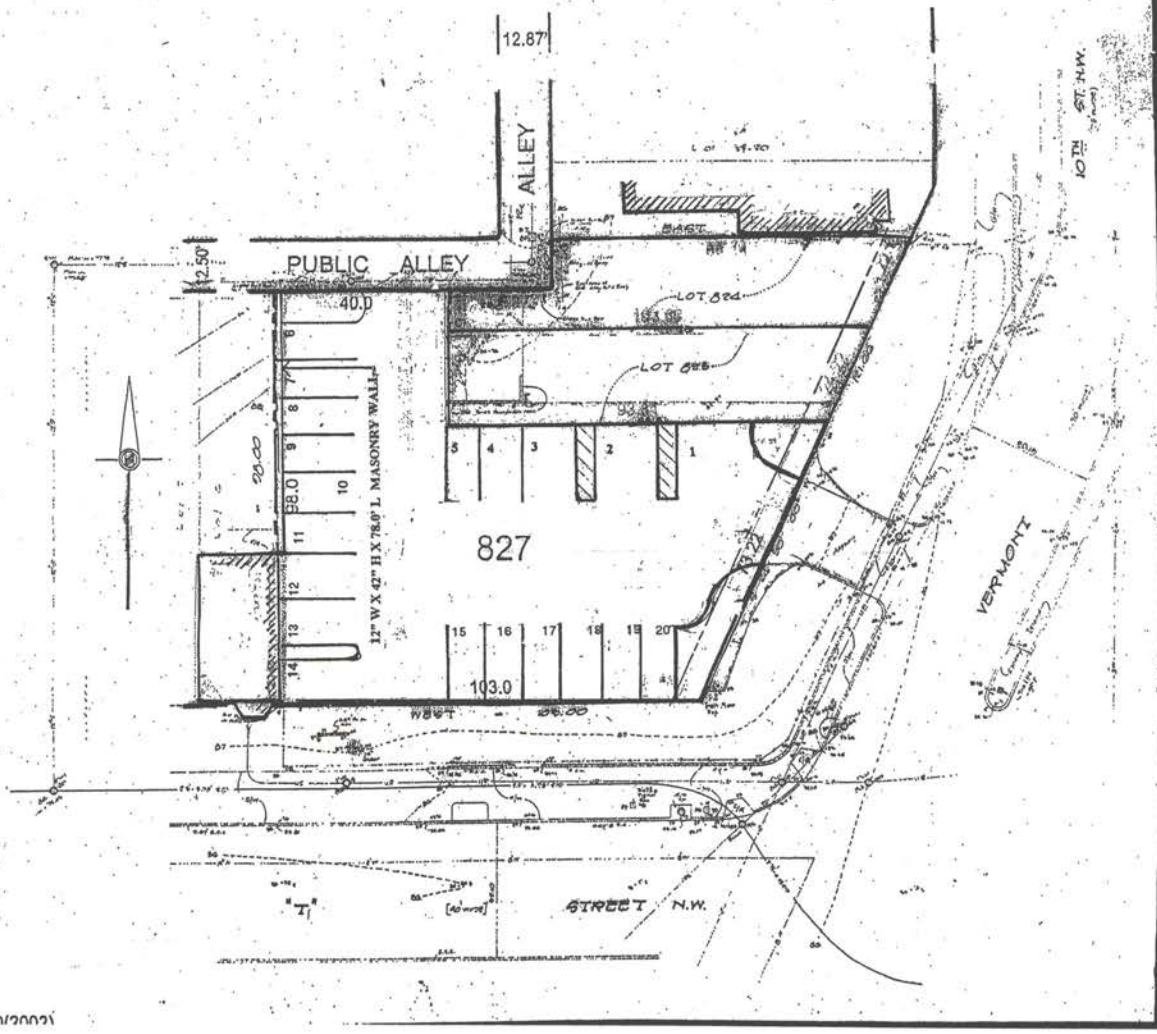
Date: _____

_____
(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

TWENTY CAR PARKING LOT

PARKING SPACES 1, 2, & 3 ARE H/C - TYPICAL PARKING SPACES 9' X 19'



SO-9480(2002)

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OFFICE OF THE SURVEYOR

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Date: _____

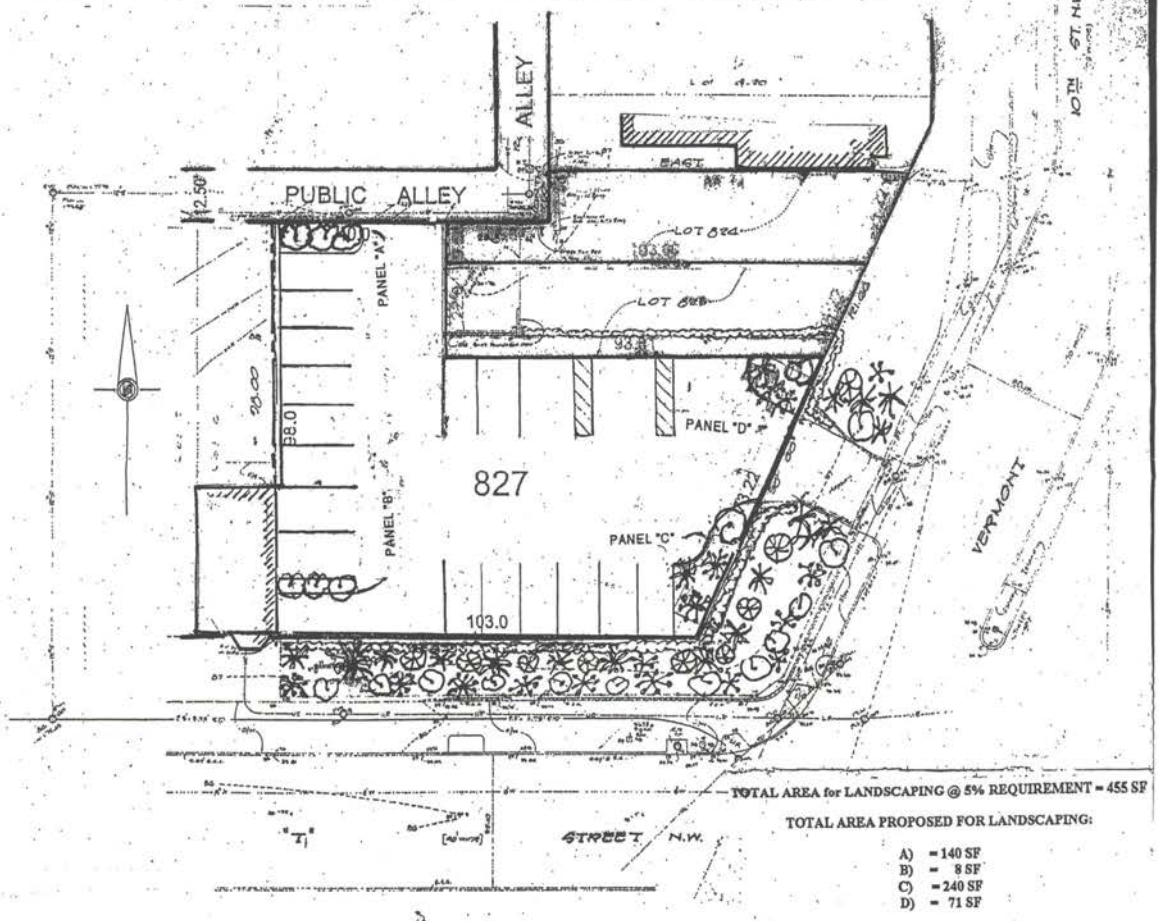
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(Signature of owner or his authorized agent)

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TWENTY CAR PARKING LOT

PLANTING SCHEDULE

SYMBOL	QUANTITY	CONTNR. SIZE	MAX HGT.	PLANT SIZE	COMMON NAME	BOTANICAL NAME
	17	2-GAL.	3'-4'	2-1/2'	SEA GREEN JUNIPER	JUNIPER CHIN SEA GREEN
	14	7-GAL.	5'-6'	3'	DEGROOTS SPIRA ARBORVITAE	THUJAOCC. (DEGROOTS SIPRA)
	9	1-GAL.	4'-5'	2-1/2'	EUONYMUS JAPONICUS SILVER KING	SILVER KING EUONYMUS
	6	1-GAL.	5'-7'	4'	CREPE MYRTLE WHITE ACOMA	LAGSTROMIA-WHITE
	8	1-GAL.	5'-7'	4'	CREPE MYRTLE PURPLE SENTINEAL	LASTROMIA-SENTENIAL
	6	1-GAL.	5'-7'	4'	CREPE MYRTLE PINK TONTO	LASTROMIA-PINK
	128	5-GAL	4'-0"	3'-6'	FRASERS PERTONIA	FRIFERI PERTONIA



TOTAL AREA for LANDSCAPING @ 5% REQUIREMENT = 455 SF

TOTAL AREA PROPOSED FOR LANDSCAPING:

A) = 140 SF
B) = 8 SF
C) = 240 SF
D) = 71 SF

TOTAL AREA PLANTED = 564 SF

SO-9480(2002)

F

OUTLINE OF TESTIMONY
THE APPLICANT
MOST WORSHIPFUL PRINCE HALL GRAND LODGE

I. Introduction

   A. Description of the Applicant

   B. History of the Masonic Temple as Part of the U Street Community

   C. Description of the Temple Building and Recent Renovations

II. Parking Constraints of the Masonic Temple

   A. Historic and Nonconforming Status of the Temple

   B. Utilization of other Lodge-Owned Properties for Parking

III. Status of the Subject Property

   A. Parking Pursuant to Special Exception Approvals Since 1974

   B. Proximity of Subject Property to the Temple

IV. Special Exception Relief Necessary to Continue to Provide Adequate Parking for Lodge Members

V. Discussions with Community

VI. Conclusion

G

OUTLINE OF TESTIMONY
STEVEN E. SHER
DIRECTOR OF LAND USE SERVICES
HOLLAND & KNIGHT LLP

I. Site Location and Description

II. Description of Surrounding Area

III. Split-Zoning in Square 333

A. Masonic Temple - ARTS/C-2-A

B. Subject Property - R-4

IV. Special Exception Controls Over Location of Parking Spaces – 11 DCMR Section 2116.5

V. Special Exception Requested

VI. Compliance with Special Exception Standards – Sections 2116.6-2116.9, 2303, 3104.1

VII. Conclusion

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