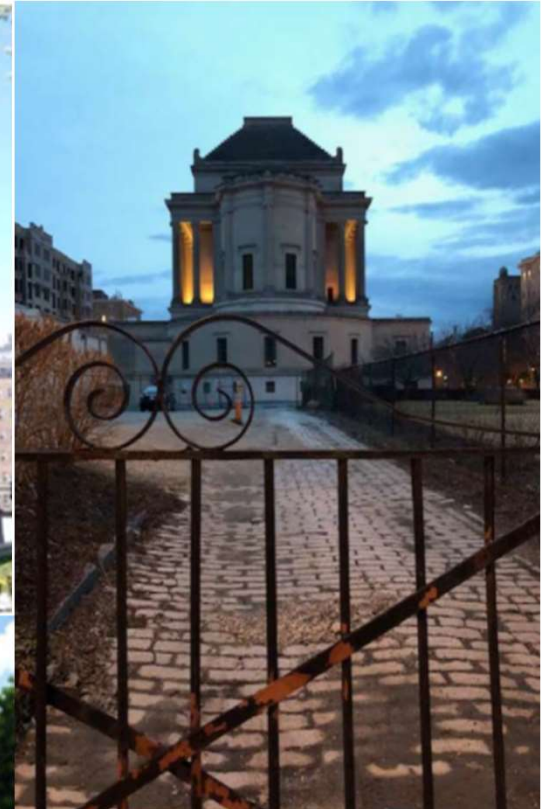


# **Appellants' Opening Presentation Board of Zoning Adjustment**

***Michael D. Hays Case No. 20452 and  
Dupont East Civic Action Association Case No. 20453***

**February 23, 2022**

## This Appeal challenges the Zoning Administrator's approval of the Subdivision of Lot 108



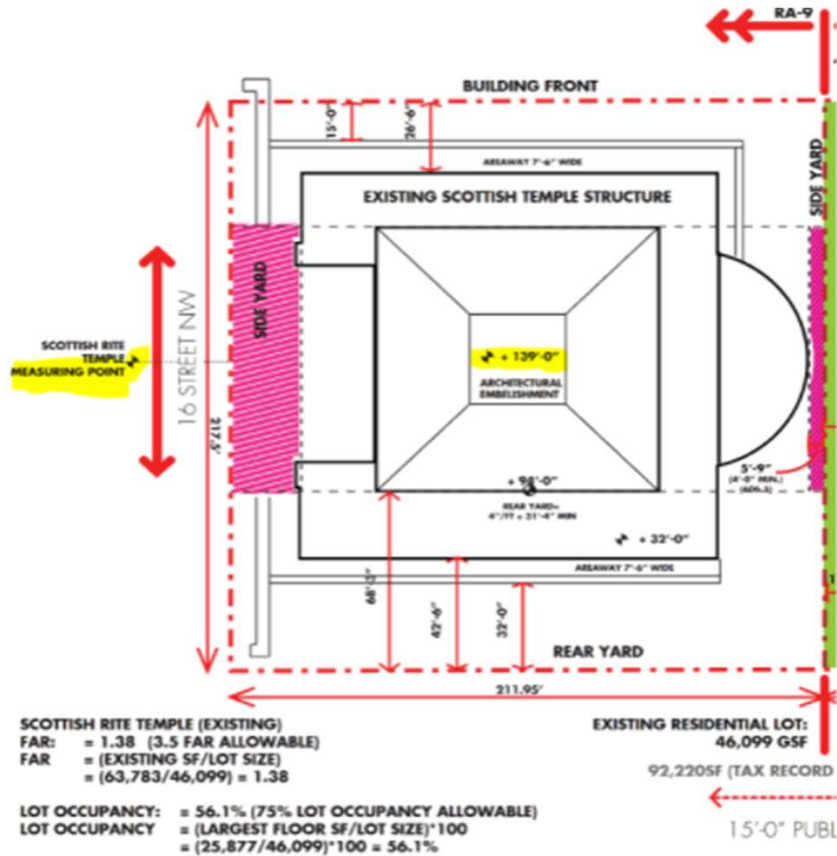
*“The building was voted the fifth most beautiful building in the world by a group of members from the Association of American Architects.”*



From Perseus' HPRB Presentation Package.  
Source the National Park Service

Appellants' Opening Presentation

# The Zoning Administrator Approved the Subdivision of Lot 108 Drawing A Lot Line Less than 6' from the Rear of the Temple



HISTORIC PRESERVATION REVIEW BOARD PACKAGE.

# Professor James McCrery

- Professor McCrery will testify today as an expert witness on behalf of both Appellants



***Appointed by the President of the United States to the US Commission of Fine Arts***

Bachelor and Master of Architecture from Ohio State University

Associate Professor of Architecture, Catholic University

Registered Architect licensed to practice in multiple states

Recipient of numerous awards including multiple awards from the *American Institute of Architects for Excellence*

Recipient of *John Russell Pope Award* for Excellence in Architecture

# Professor McCrery Will Testify This Subdivision *Violates* 2 Key Provisions of the Zoning Regulations for Yards

## Subtitle A § 101.6 and Subtitle C § 302.1 state:

Where a lot is divided, the division shall be effected in a manner that will not violate the provisions of this title for yards, courts, other open space, minimum lot width, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created.

## 1. NO STRUCTURE IN REQUIRED REAR YARD MORE THAN *FOUR FEET (4 FT.) ABOVE THE GRADE AT ANY POINT*

Subtitle B § 324.1(a).

**"Every part of a yard** required under this title shall be **open** and unobstructed to the sky **from the ground up except** as follows:

1. (a) **A structure, not including a building *no part of which* is more than *four feet (4 ft.) above the grade at any point*, may occupy any yard required under the provisions of this title."**

(The only exceptions are a *retaining wall, fence or stairs*)

## 2. **MINIMUM DEPTH OF A REQUIRED REAR YARD IN RA-9 ZONE**

Subtitle F § 605.1 of the Zoning Regulations requires:

In order to control the scale and density of development there must be at the very minimum **one foot of rear yard for every 3 feet of building height** in RA-9 Zones

# KEY PROVISION 1 VIOLATED

1. NO STRUCTURE IN REQUIRED REAR YARD MORE THAN *FOUR FEET (4 FT.) ABOVE THE GRADE AT ANY POINT*

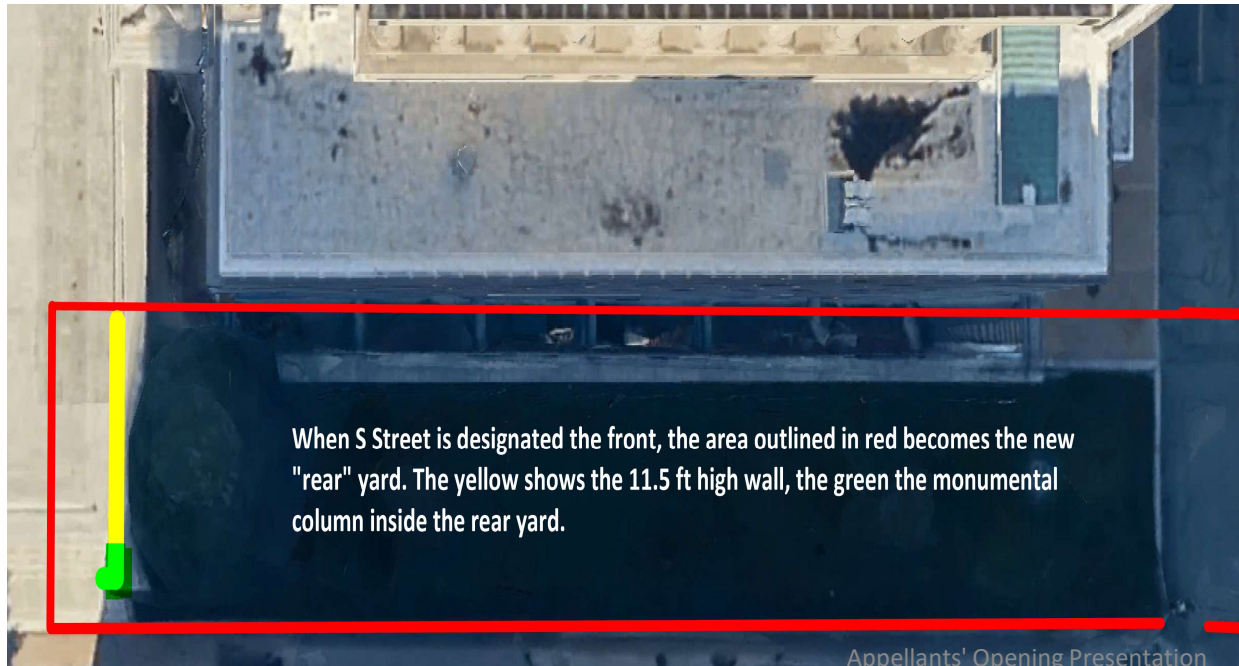
Subtitle B § 324.1(a).

**"Every part of a yard** required under this title shall be **open** and unobstructed to the sky **from the ground up except** as follows:

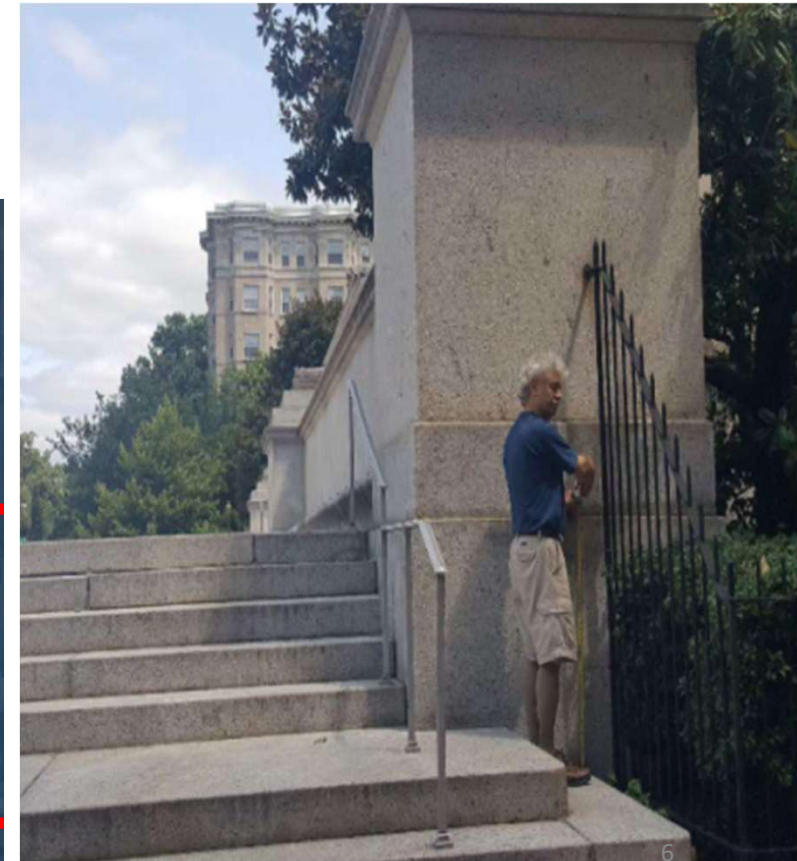
1. (a) A structure, not including a building **no part of which** is more than **four feet (4 ft.) above the grade at any point**, may occupy any yard required under the provisions of this title."

(The only exceptions are a *retaining wall, fence or stairs*)

**11' 6" HIGH WALL and STONE COLUMN  
NOT A RETAINING WALL, FENCE OR STAIRS**



Appellants' Opening Presentation

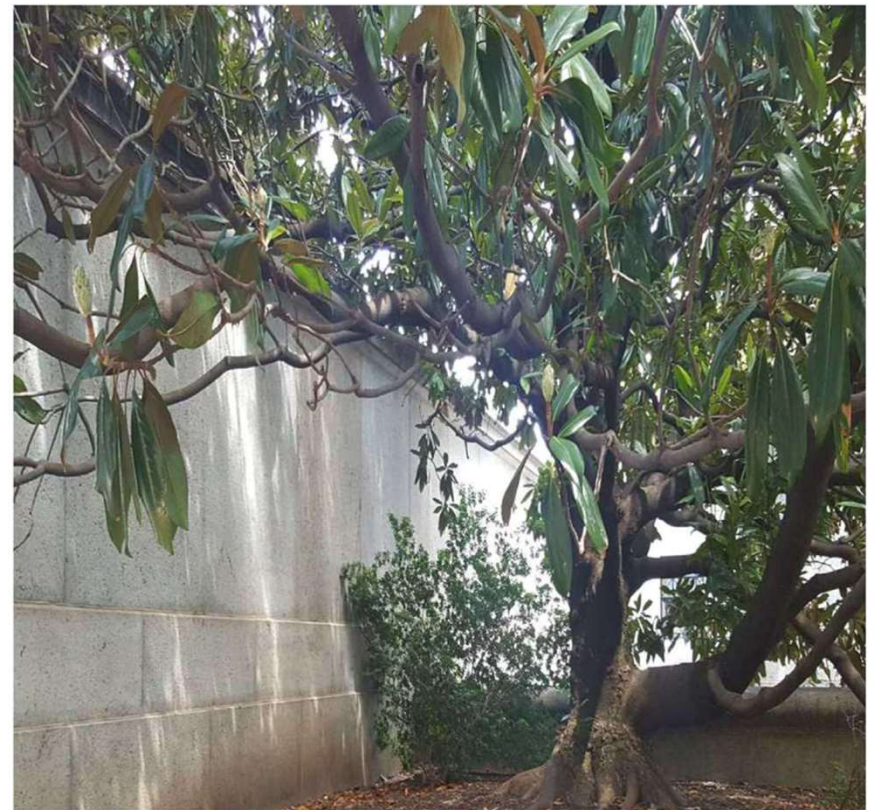


## The Solid Granite Wall: 11.5 ft high and nearly 3 ft wide

West Side of Wall and Stone Column with 7ft 8in Measurement above Stone Platform Level on West Side of Temple showing this is *not* a Retaining Wall



The 11.5 ft Wall viewed from the East



## Massive Solid Granite Wall and Column Over 25 feet long, 11.5 feet tall, nearly 3 feet wide Inside a Required Rear Yard



Photo Showing 7'8" Measurement of Granite Wall  
And Stone Column Above Concrete Platform





## KEY PROVISION 2

# Size of the Required Rear Yard Is Determined by Height of Principal Building

Perseus' Diagram showing Temple height is 139ft.

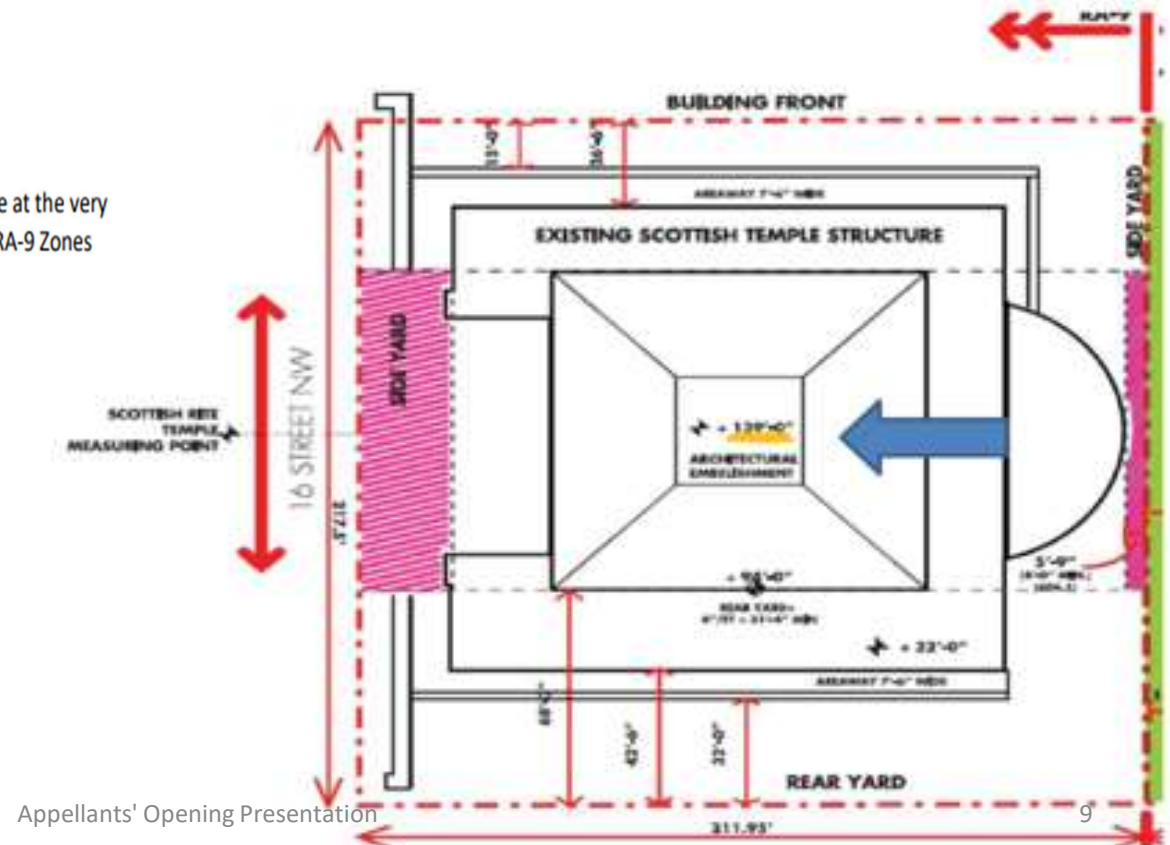
### 2. MINIMUM DEPTH OF A REQUIRED REAR YARD IN RA-9 ZONE

Subtitle F § 605.1 of the Zoning Regulations requires:

In order to control the scale and density of development there must be at the very minimum **one foot of rear yard for every 3 feet of building height** in RA-9 Zones

*The Temple is 139 ft high.  
The required rear yard must be  
at a minimum:*

$$139\text{ft}/3 = 46.33 \text{ ft}$$



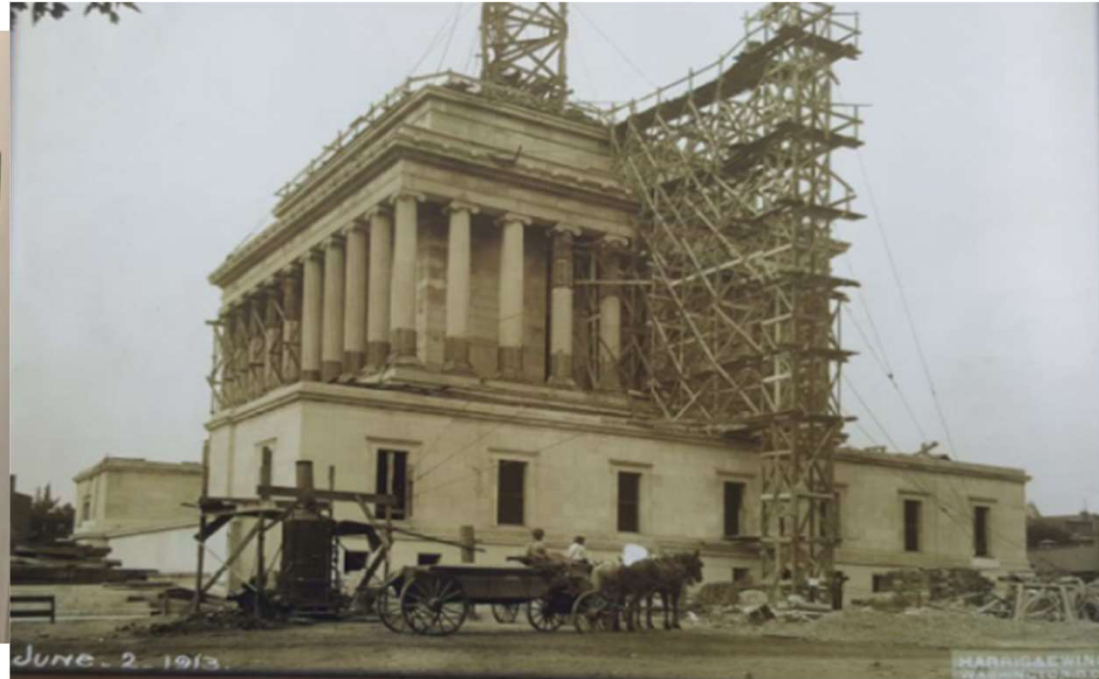
# MASONIC TEMPLE BUILT ON FLAT VACANT LOT

## *Natural Grade of the Lot is Level with the Curb*

### Groundbreaking Ceremony

ON MAY 31, 1911, Grand Commander James D. Richardson turned "the first spade of earth in the building of the new Temple" (1911 *Transactions*, p. 124). The day was chosen in honor of the 110th anniversary of the founding of the Supreme Council in Charleston, South Carolina. The ceremony marked the beginning of the work that would take four years to complete. In 2011, the Supreme Council celebrated the 100th anniversary of the official groundbreaking ceremony for the new House of the Temple.

As the builders went about the work of excavating for the basement and foundations, Richardson arranged for an event following explicitly Masonic traditions to celebrate laying the cornerstone the new House of the Temple.



30. What is the height of first floor above sidewalk or parking? 12-0"

31. Has the curb grade been obtained from engineer of highways? Yes

32. What is the height of the present terrace or parking above curb? level

33. Is any change proposed in this height of terrace or parking? raised 4'-0" on 16' st front.

34. Is there a sidewalk, curbing, or improved surface in front of proposed structure? Yes

# Roof Construction of the Temple



Longitudinal Section, Showing Method of Construction



View of Building, Showing Solid Limestone Roof

ARCHITECTS who are interested in true masonry construction, particularly those acquainted with the notable Brunelleschi dome, at Florence, will be struck by the points of similarity in the double-shell dome construction of the Temple.

While the dome at Florence carries no practical superimposed weight, outside of the lantern, in the roof of the Temple the limestone alone, composing the steps in the roof as seen in the photograph, weighs 332 tons! The entire weight of this roof, limestone and all, is supported by a shell of typical Guastavino Construction.

We know of no more striking illustration of the structural soundness, which distinguishes Guastavino Construction fully as much as its aesthetic appeal.

## R. GUASTAVINO COMPANY

NEW YORK  
FULLER BUILDING

BOSTON  
60 STATE STREET

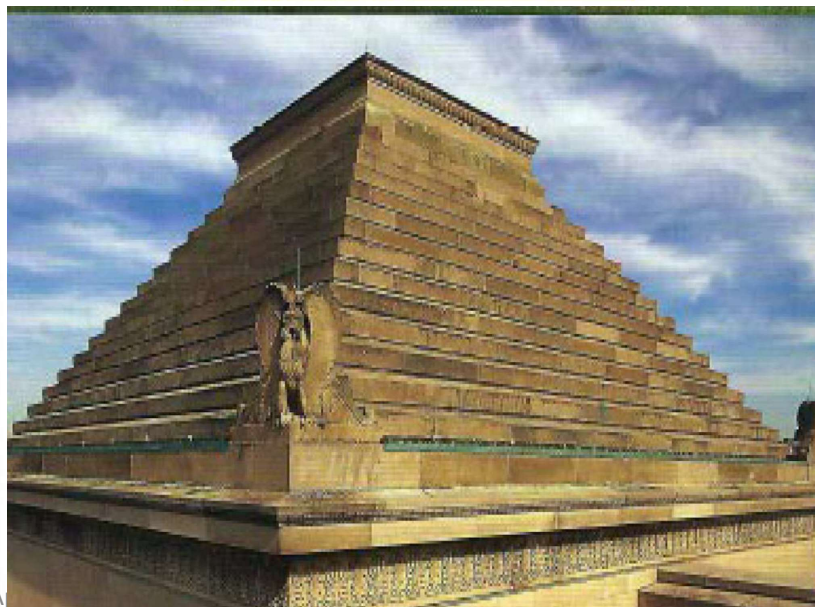
In a 1916 article entitled "Roof Construction of the Temple", the contractor who built the roof, R. Guastavino Company, referred to the 332 ton pyramidal structure as a roof writing:



View of Building, Showing Solid Limestone Roof

"[I]n the roof of the Temple the limestone alone, composing the steps in the roof as seen in the photograph weighs 332 tons! The entire weight of this roof, limestone and all, is supported by a shell of typical Guastavino Construction." (Photo to left appeared in the original 1916 article)

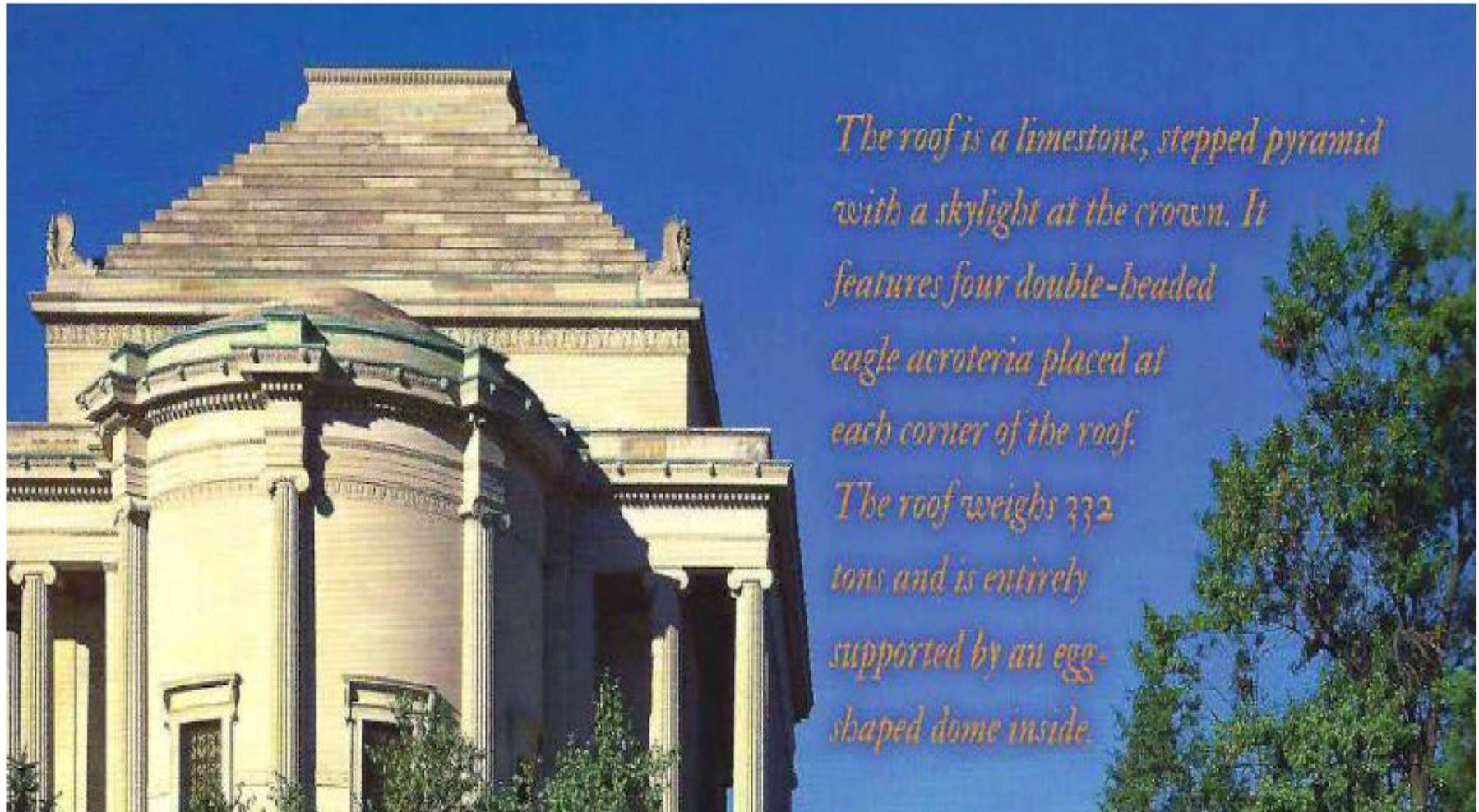
*Architectural Review*, January 1916,  
Volume IV, No. 1 (See attached article)



## PYRAMIDAL ROOF

Despite some "conspiracy theories" to the contrary, there is no Masonic significance to the number of steps on the roof. The pyramid is comprised of interlocking blocks that form into steps. Using Guastavino's mathematical calculations of the inner dome, the builders determine the necessary height and width of the steps, which in turn dictated the number—either fourteen or fifteen depending on how you count.

From the Masons' 2015 publication ***A Guidebook to the House of the Temple***



*The roof is a limestone, stepped pyramid with a skylight at the crown. It features four double-headed eagle acroteria placed at each corner of the roof. The roof weighs 332 tons and is entirely supported by an egg-shaped dome inside.*



Appellants' Opening Presentation