

Before the Board of Zoning Adjustment, D. C.

Appeal No. 11510, of Lawrence A. Monaco, Jr., pursuant to Sections 8102 & 8206 of the Zoning Regulations, appealing the determination of the Zoning Administrator that the Legislative Study Club, Inc., complied with the requirements of the Zoning Regulations as a private club within the meaning of 3104.310 of the regulations and that no off-street parking is required for such club by Section 7202 of the regulations. The premise subject to appeal is located at 133 C Street, S. E. Suite 305, Lot 825, Square 733, in the R-4 District.

HEARING DATE: December 12, 1973

EXECUTIVE SESSION: December 18, 1973

FINDINGS OF FACT:

1. The appellant alleges that the Legislative Study Club, Inc., is not a private club within the meaning of the Zoning Regulations, that subject premises is being used for purposes other than that of a private club and is therefore destroying the residential character of the neighborhood in which it is located.

2. The appellant further alleges that the Zoning Administrator made error in computation of off-street parking for the appellee's use of the subject property as a private club.

3. The Legislative Study Club, Inc., is a non-profit corporation.

4. The corporate purpose of the Legislative Study Club as relevant to the issues of this case are as follows:

- a. The society is organized to support the Constitution and Laws of the United States.
- b. To advocate and maintain the principles of citizen participation and social welfare as enunciated in the Constitution and Declaration of Independence.
- c. To promote, encourage and foster citizen involvement in governmental and other public processes by which social decisions are made.

5. The previous use of the subject premise was that of a convent for teaching Sisters of the Holy Cross (a Roman Catholic Order).

6. The subject building in which the private club is located has three (3) floors, with a kitchen, eating area, library, and very small rooms, once used as quarters by the Convent of the Sisters of Holy Cross.

7. Pursuant to their corporate purposes, the Legislative Study Club separates their work into two classifications. The organization is divided into the ("Congress Watch" Section which is active in the study of Legislation, and "Citizen Action") which primarily promotes the issues of class groups such as consumers when an issue is related to Legislation.

8. As a result of their study of Legislation on specific issues, the Legislative Study Club prepares handbooks and disseminates information on those issues to interested persons and groups.

9. Evidence of record indicates that both support and opposition were registered concerning the existence of the Club at 133 C Street, S. E.

CONCLUSIONS OF LAW:

The Zoning Commission has in the regulations defined both a "Private Club" and a "Non-profit Organization", and a review of the progression of permitted uses in the regulations indicates that a "Private Club" is a more restrictive use than a "Non-profit Organization" since they are first permitted in the R-4 and SP Districts respectively. The Commission would not have done so had they not intended a distinction. In our opinion the Legislative Study Club is a non-profit organization for the benefit of the public in general and not a private club for the social benefit of its members.

Based upon the above Findings of Fact, the Board concludes that the determination of the Zoning Administrator must be reversed. The decision of the Zoning Administrator in issuing a private club within the meaning of the Zoning Regulations was in error. In pertinent part, Section 1202 of the Zoning Regulations defines a Private Club, as "an association organized for the promotion of a common social objective and not for profit." Documentary and testimonial evidence of

record indicates the Legislative Study Club, pursuant to its corporate purposes, operates as a clearing house for class groups by studying specific pieces of Legislation and disseminating information to those groups regarding issues such as consumer affairs and public information. The Board reasons that the activities of the Legislative Study Club are vocational in nature as opposed to avocational activities connoted by the term common social objectives.

The Board further interprets the functions and operations of the Legislative Study Club as the promotion of "Social Causes" as distinguished from "Social Objectives". The Legislative Study Club does not operate under the definition of Private Club as defined in the Zoning Regulations. The initial decision of the Zoning Administrator being REVERSED, the Board does not find it necessary to dispose of the issue of off-street parking.

ORDERED:

That the decision of the Zoning Administrator be REVERSED.

VOTE: 4-0 (Mr. Scrivener not present, not voting.)

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

ATTESTED By: _____



JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER:

MAR 05 1974

Before the Board of Zoning Adjustment, D. C.

Application No. 11510 of Lawrence A. Monaco, Jr. from the determination of the Zoning Administrator that the Legislative Study Club, Inc., located at the premise 133 C Street, S. E., Lot 825, Square 733, is a private club within the meaning of the Zoning Regulations, thereby, permitted to use the subject property which is located in a R-4 District.

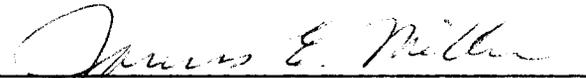
HEARING DATE: December 12, 1973
EXECUTIVE SESSION: June 25, 1974

ORDERED:

That the appellee's motion for reconsideration be DENIED, for lack of four (4) affirmative votes.

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

ATTESTED By:



JAMES E. MILLER
Secretary to the Board

FINAL DATE OF ORDER:

7/31/74

Before the Board of Zoning Adjustment, D, C.

Application No. 11510 of Lawrence A. Monaco, Jr. from the determination of the Zoning Administrator that the Legislative Study Club, Inc., located at the premise 133 C Street, S. E., lot 825, Square 733, is a private club within the meaning of the Zoning Regulations, thereby, permitted to use the subject property which is located in a R-4 District.

HEARING DATE: December 12, 1973

EXECUTIVE SESSION: December 18, 1973 & June 25, 1974, and
August 27, 1974

ORDERED: That, upon Motion by the Intervenors, the Board's decision in Order No. 11510, dated March 5, 1974, reversing the determination of the Zoning Administrator, be and is hereby stayed pending review by the District of Columbia Court of Appeals.

VOTE: 3-2 (Lilla Burt Cummings, Esq. dissenting, and Mr. Klauber abstaining because he did not hear the case.)

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

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

FINAL DATE OR ORDER: AUG 30 1974