

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 15-08
Z.C. Case No. 15-08
(Text Amendment to 11 DCMR § 3180.1(c))
June 29, 2015

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of adoption of the following text amendment to § 3180.1 of the Board of Zoning Adjustment (Board) Rules of Practice and Procedure, (Chapter 31 of Title 11 of the District of Columbia Municipal Regulations (DCMR)). A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 24, 2015, at 62 DCR 5248. The amendment shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendment

The amendment establishes a fee for a Board application to expand a chancery when there is no associated expansion of the existing gross floor area.

Procedures Leading to Adoption of Amendment

On March 26, 2014, the Office of Zoning (OZ) submitted a memorandum to the Commission that served as a petition requesting the proposed amendments. (Exhibit 1.) The current fee schedule for an application to expand a chancery is based upon the amount of gross floor area being added. Recently, OZ was unable to apply this schedule to several such applications because the proposed expansion would not increase the existing gross floor area, but rather involved the erection or expansion of a fence or similar structure. OZ requested waiver of §§ 3011.1 and 3011.2, which require referral to the Office of Planning for a written report prior to the Commission setting an amendment down for a public hearing. In addition to setting the case down for a public hearing, OZ requested that the Commission adopt the proposed amendment on an emergency basis and authorize the publication of a notice of proposed rulemaking.

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At its regularly scheduled public meeting on March 30, 2015, the Commission voted to grant OZ's requests. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 24, 2015, at 62 DCR 5248 (Exhibit 2) and a notice of public hearing was published in the same volume (Exhibit 3). No comments were received in response to the notice.

A public hearing was held on June 1, 2015. Because this petition involved an amendment to the Board's Rules of Practice and Procedure, and not any zoning regulation, no referral was made to the National Capital Planning Commission.

At its regularly scheduled public meeting on June 29, 2015, the Commission voted to adopt the proposed amendment without making changes to the text as proposed.

ZONING, Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, § 3180.1 is amended by adding a new subparagraph (c)(2) so that the entire subsection reads as follows:

3180.1 Except as provided in §§ 3180.1(e) and 3180.3, at the time of filing an appeal or application with the Board, the appellant or applicant shall pay a filing fee in accordance with the following schedule:

- (a) For an application for a variance, one thousand forty dollars (\$1,040) for each provision of the Zoning Regulations from which a variance is requested;
- (b) For an application for a special exception:
 - (1) For a parking lot, parking garage, or accessory parking, one hundred four dollars (\$104) for each parking space;
 - (2) For a child development center or private school, thirty-three dollars (\$33) for each full-time or part-time student based on the maximum capacity requested, with a maximum of three thousand two hundred fifty dollars (\$3,250);
 - (3) For a college or university use, six thousand five hundred dollars (\$6,500) for the processing of a new or revised campus plan, and three thousand two hundred fifty dollars (\$3,250) for review of a specific building or use within an approved plan;
 - (4) For a residential use in the R-5-A Zone District under § 353, five hundred twenty dollars (\$520) for each dwelling unit;

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- (5) For a community-based residential facility, one hundred four dollars (\$104) for each person housed based on the maximum capacity requested (not including resident supervisors and their families), with a maximum of five thousand two hundred dollars (\$5,200);
- (6) For an office use in the SP Zone District, fifty-two dollars (\$52) for each one hundred square feet (100 sq. ft.) or part thereof of gross floor area;
- (7) For roof structures under § 411, two thousand six hundred dollars (\$2,600);
- (8) For a hotel or inn in the SP Zone District, one hundred four dollars (\$104) for each sleeping room or suite;
- (9) For a gasoline service station, five thousand two hundred dollars (\$5,200);
- (10) For a repair garage, one thousand five hundred sixty dollars (\$1,560);
- (11) For a home occupation under § 203, one thousand five hundred sixty dollars (\$1,560);
- (12) For an accessory apartment under § 202, three hundred twenty-five dollars (\$325);
- (13) For a theoretical lot under § 2516, one thousand five hundred sixty dollars (\$1,560) for the first lot and five hundred twenty dollars (\$520) for each lot thereafter;
- (14) For an intermediate materials recycling facility under § 802, five thousand two hundred dollars (\$5,200);
- (15) For an antenna under § 211, two thousand six hundred dollars (\$2,600); and
- (16) For any other special exception not listed in this section, one thousand five hundred sixty dollars (\$1,560);

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- (c) For an application for permission to locate, replace, or expand a chancery in an R-5-D, R-5-E, or SP Zone District or in the Diplomatic (D) Overlay District, or to reconstruct an existing chancery that is destroyed in an R-1, R-2, R-3, R-4, R-5-A, R-5-B, or R-5-C Zone District, either:
 - (1) Sixty-five dollars (\$65) for each one hundred square feet (100 sq. ft.) or part thereof of gross floor area; or
 - (2) Five hundred dollars (\$500) when the expansion does not result in an increase to gross floor area, such as the erection or enlargement of a fence.
- (d) For an application involving one owner-occupied one-family dwelling or flat, regardless of the number of variances, special exceptions, or alternatives requested, three hundred twenty-five dollars (\$325);
- (e) For an appeal of any decision of the Zoning Administrator or other administrative officer, one thousand forty dollars (\$1,040), except that the following appellants shall not be required to pay a filing fee:
 - (1) A department, office, or agency of the Government of the District of Columbia, including an Advisory Neighborhood Commission;
 - (2) The National Capital Planning Commission; and
 - (3) A citizens' association or association created for civic purposes that is not for profit; and
- (f) For a time extension, a minor modification of plans or a modification of conditions of an order of the Board for an owner-occupied one-family dwelling or flat, one hundred thirty dollars (\$130); for all other applicants, twenty-six percent (26%) of the original filing fee.

On March 30, 2015, upon the motion of Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On June 29, 2015, upon the motion of Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

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In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on July 17, 2015.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



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The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.