

901 SPECIAL EXCEPTION REVIEW STANDARDS

1. The Board of Zoning Adjustment will evaluate and either approve or deny a special exception application according to the standards of this section.
2. The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:
 - (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;
 - (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and
 - (c) Will meet such special conditions as may be specified in this title.
3. The applicant for a special exception shall have the full burden to prove no undue adverse impact and shall demonstrate such through evidence in the public record. If no evidence is presented in opposition to the case, the applicant shall not be relieved of this responsibility.
4. The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, size, signs, screening, landscaping, lighting, building materials, or other requirements it deems necessary to protect adjacent or nearby property, or to ensure compliance with the intent of the Zoning Regulations.
5. The Board of Zoning Adjustment may impose a term limit on a special exception use when it determines that a subsequent evaluation of the actual impact of the use on neighboring properties is appropriate, but shall consider the reasonable impacts and expectations of the applicant in doing so.

SOURCE: Final Rulemaking published at 63 DCR 2447, 3454 (March 4, 2016 – Part 2); as amended by Final Rulemaking published at 63 DCR 10932 (August 26, 2016).

Zoning Regulations of 2016:

General Procedures

11-X DCMR § 901
