

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

2007 AUG 1 PM 12:58

Office of
Documents and
Administrative
Issuances

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin *(S3)*
Secretary to the Zoning Commission
Date: August 1, 2007
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 10, 2007:

1. Z.C. Notice of Proposed Rulemaking (Case No. 07-15);
2. Z.C. Notice of Proposed Rulemaking (Case No. 07-09);
3. Z.C. Notice of Final Rulemaking & Order No. 07-05 (Case No. 07-05) – also provided on the attached diskette;
4. Z.C. Order No. 07-01 (Case No. 07-01);
5. Z.C. Order No. 03-12C2/03-13C2 (Case No. 03-12C/03-13C); and
6. Z.C. Order No. 05-39 (Case No. 05-39).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. *07-15*
EXHIBIT NO. *10*

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ZONING COMMISSION

District of Columbia

CASE NO.07-15

EXHIBIT NO.10

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RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: EMERGENCY RULES
 FINAL RULES PROPOSED RULES COMBINED

DATE AND TIME RECEIVED

Office of Documents use only

ADDRESS: 441 4th Street, N.W., Suite 210 South TELEPHONE: 442-0340

TITLE AND DESCRIPTION OF RULES: ZC Case No. 07-15: Including Accessory Structures in the § 223 Special Exception

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Section 223

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR DATE:

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

DATE: JULY 31, 2007 SIGNED: *Ala Bryant* fcc PHONE: (202) 442-9777

FINAL CONDITIONAL NAME: LINDA SINGER TITLE: ATTORNEY GENERAL

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)

Zoning Commission For The District Of Columbia Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL 7-23-07 APPROVAL OF ATTEST: *Sharon J. Schellin*
OF VOTE: TITLE: Secretary to the Zoning
TITLE: Commission PHONE: (202) 727-0340

Office of Documents THIS NOTICE VOL: DCR: DATE:
use only: PUBLISHED AT:

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

ZC Case No. 07-15

(Text Amendment – 11 DCMR)

Including Accessory Structures in the § 223 Special Exception

The Zoning Commission for the District of Columbia, 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), hereby gives notice of its intent to amend § 223 of the Zoning Regulations (Title 11 DCMR).

The purpose of the amendment is to allow special exception approval of construction or enlargement of detached garages and other accessory structures pursuant to § 223 of the Zoning Regulations. Section 223 currently permits special exception approval of additions to one-family dwellings and flats that do not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 of the Zoning Regulations.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

Title 11 DCMR § 223 is amended as follows.

(New text is shown in **bold and underline** deleted text is shown with ~~strikethrough~~):

**223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS
AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES**

223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure that does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

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- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and
 - (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.
- 223.3 The lot occupancy of all new and existing structures on the lot ~~the dwelling or flat, together with the addition~~, shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.
- 223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties.
- 223.5 This section may not be used to permit the introduction or expansion of a non-conforming use.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.