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OFFICE OF ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

2009 AUG 13 AM 10: 09

TIME AND PLACE: **Monday, October 26, 2009, @ 6:30 p.m.**
 Office of Zoning Hearing Room
 441 4th Street, N.W. Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 09-13 (Text Amendment to Explicitly Allow for a BZA Consent Calendar)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning ("OP"), in a report dated July 17, 2009, petitioned the Zoning Commission for a text amendment to 11 DCMR § 3118. The proposed amendment would explicitly allow for a consent calendar for use by the Board of Zoning Adjustment ("BZA"). The consent calendar would be limited to certain cases that are routinely before the BZA and have a high probability of no opposition. The initial text proposes only §§ 223 (Additions to One-family Dwelling or Flats (R-1) and for New or Enlarged Accessory Structures) and 209 (Community Centers). The proposed text is intended to achieve the goals of: (1) reducing the BZA's hearing backlog by permitting the expedited consideration of unopposed and straightforward applications; and (2) lowering an applicant's costs to seek such relief by establishing a date (7 days prior to the hearing they have waived) when they will know that the hearing will not be held.

At its regular public meeting held July 29, 2009, the Zoning Commission setdown this case for a public hearing. The OP report served as the pre-hearing submittal for the case.

The proposed amendments to the Zoning Regulations are as follows:

CHAPTER 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by the additional of a new section 3118 as follows:

3118 **CONSENT CALENDAR - WAIVER OF HEARING**

3118.1 The purpose of this section is to create an expedited review process to be followed after an applicant waives their right to a hearing for an addition to one-family dwelling or flat or new or enlarged accessory structures pursuant to § 223; or for a park, playground, swimming pool, or athletic field pursuant to § 209.1.

ZONING COMMISSION
District of Columbia

CASE NO. 09-13

EXHIBIT NO. 4

ZONING COMMISSION
District of Columbia
CASE NO. 09-13
EXHIBIT NO. 4

- 3118.2 When an application indicates a waiver of hearing, it shall be placed on the consent calendar for the same date as the scheduled hearing and shall remain there unless, at least than ten (10) days prior to the hearing date:
- (a) Written opposition to the consent calendar placement is submitted by an affected ANC, the Councilmember representing the area in which the subject property is located, a person or entity requesting party status, or the owner or occupant of any property located within two hundred feet (200 ft.) of the subject property; or
 - (b) A Board member, including the member designated by the Zoning Commission, requests the Director to remove the item from the consent calendar.
- 3118.3 At least fourteen (14) days prior to each hearing date, the Office of Zoning shall provide each Board Member with the consent calendar for that date.
- 3118.4 Notices of public hearing shall indicate whenever an application has been placed on the consent calendar and describe the means by which it may be removed.
- 3118.5 At least seven (7) days prior to a hearing date, a list of all consent calendar items shall be posted on the Office of Zoning website.
- 3118.6 The consent calendar shall be called prior to any hearing.
- 3118.7 Applications on a consent calendar may be called and voted on together, and no discussion to approve the applications is required.
- 3118.8 Orders granting an application approved as a consent calendar item need not contain findings of facts or conclusions of law, but shall reflect the nature of the relief granted and any conditions imposed.

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

**Z.C. NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 09-13
PAGE 3**

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, MICHAEL G. TURNBULL, AND PETER G. MAY – ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.