

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

TO: Zoning Commission

FROM: Sara A. Bardin, Director *SAB*

DATE: March 26, 2015

SUBJECT: Z.C. Case No. 15-08: Request for Text Amendment to the Zoning Regulations, Chapter 31, amend § 3180.1(c), and an Expedited Hearing

The Office of Zoning (OZ) requests the following actions:

1. Waiver of §§ 3011.1 and 1011.2;
2. Adoption of the proposed text on an emergency basis;
3. Set down of the proposed text amendment for a public hearing; and
4. Authorization of the immediate publication of a Notice of Proposed Rulemaking for the text.

OZ requests a waiver from §§ 3011.1 and 1011.2, which state:

3011.1 Except as provided in § 2523.4, as soon as an application or petition is accepted for filing by the Director of the Office of Zoning, the Director shall place a copy of the application or petition in the public record of the Commission and refer a copy to the D.C. Office of Planning for review and recommendation on whether the matter should be processed further,
...

3011.2 The report of the Office of Planning on whether the matter should be set for public hearing shall be in writing and filed with the Director of the Office of Zoning at least ten (10) days prior to the meeting at which it is to be considered by the Commission, and forthwith shall be filed in the public records of the Commission.

With regard to the proposed text amendment, it would allow for the establishment of a fee for a case that is filed with the Board of Zoning Adjustment (BZA) for a chancery use when there is no ground floor area involved. An example of such use would be when a chancery wants to erect a fence on the grounds of the chancery.

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EXHIBIT NO.1

Title 11 (DCMR) is proposed to amend § 3180.1(c) as follows (new text is shown in **bold** and underline):

- (c) For an application for permission to locate, replace, or expand a chancery in an R-5-D, R-5-E, or SP 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 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.**

Currently, the Zoning Regulations do not address this type of filing by a chancery and recently the BZA has had two such cases filed. The Office of Zoning was unable to charge a fee for the filing of these cases because the regulations do not address a fee for these types of cases.

The Office of Zoning recommends that the Zoning Commission set down the proposed text amendment for public hearing.

This memorandum serves as the prehearing statement required by § 3013.