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| ID      | Status            | Register Category      | Subject  | Register Issue      | Action Date        |
|---------|-------------------|------------------------|--|---------------------|--------------------|
| 5423869 | Submitted to ODAI | Emergency and Proposed | Zoning Commission Notice of Emergency & Proposed Rulemaking: Case No. 15-08 (Office of Zoning - Text Amendment to § 3180.1(c)) | 4/24/2015 Vol 62/17 | 4/13/2015 10:08:39 |
| 5423772 | Submitted to ODAI | Public Hearing         | Zoning Commission Notice of Public Hearing: Case No. 15-08 (Office of Zoning - Text Amendment to § 3180.1(c))                  | 4/24/2015 Vol 62/17 | 4/13/2015 10:07:28 |
| 5423087 | Submitted to ODAI | Notices, Opinions      | Board of Zoning Adjustment - Order No. 18975 - Scratch LLC, - ANC 5C   | 4/24/2015 Vol 62/17 | 4/10/2015 16:30:09 |
| 5423993 | Submitted to ODAI | Notices, Opinions      | Board of Zoning Adjustment - Order No. 18966 - RAP, Inc., - ANC 5E   | 4/24/2015 Vol 62/17 | 4/10/2015 16:21:56 |
| 5422220 | Submitted to ODAI | Notices, Opinions      | Board of Zoning Adjustment - Order No. 18963 - Alexandra Freidberg - ANC 5E  | 4/24/2015 Vol 62/17 | 4/9/2015 15:39:10  |
| 5418243 | Submitted to ODAI | Notices, Opinions      | Zoning Commission Notice of Filing: Case No.15-09  | 4/17/2015 Vol 62/16 | 4/8/2015 15:17:55  |
| 5418146 | Submitted to ODAI | Notices, Opinions      | Zoning Commission Order No. 13-18 (WBG Wheeler Road, LLC)  | 4/17/2015 Vol 62/16 | 4/8/2015 15:05:21  |
| 5418049 | Submitted to ODAI | Notices, Opinions      | Board of Zoning Adjustment - Order No. 18971 - Nicholas Nowak - ANC 6B   | 4/17/2015 Vol 62/16 | 4/8/2015 15:00:37  |
| 5417758 | Submitted to ODAI | Notices, Opinions      | Board of Zoning Adjustment - Order No. 18969 - Edward G. Fisher, M.D.-   | 4/17/2015 Vol 62/16 | 4/8/2015 14:20:07  |

**ZONING COMMISSION**  
District of Columbia

**CASE NO. 15-08**

**EXHIBIT NO. 2**

**ZONING COMMISSION**  
District of Columbia  
CASE NO.15-08  
EXHIBIT NO.2

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF EMERGENCY and PROPOSED RULEMAKING**  
**Z.C. Case No. 15-08**  
**(Text Amendment – 11 DCMR)**  
**(Text Amendment to § 3108.1(c))**

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)), and the authority set forth in § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to § 3180.1 of the Board of Zoning Adjustment Rules of Practice and Procedure (Chapter 31 of Title 11 DCMR). The amendment establishes a fee for a Board of Zoning Adjustment application to expand a chancery when there is no associated expansion of the existing gross floor area.

The current fee schedule for an application to expand a chancery is based upon the amount of gross floor area being added. Recently, the Office of Zoning 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. The inability of the Office of Zoning to obtain payment for the filing of these types of applications could adversely impact the finances of the District of Columbia. The Zoning Commission, therefore, finds that the emergency adoption of this amendment is necessary for the “immediate preservation of the public … welfare.” D.C. Official Code § 2-505(c) (2012 Repl.).

The Commission also gives notice of its intent to take proposed action to adopt the following amendment to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register* or thirty (30) days following referral of this amendment to the National Capital Planning Commission, whichever occurs last.

The emergency rule will expire July 28, 2015, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

**Title 11 of the District of Columbia Municipal Regulations, 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;

**Z.C. Notice of Emergency and Proposed Rulemaking**

**Z.C. Case No. 15-08**

**Page 2**

(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 District under § 353, five hundred twenty dollars (\$520) for each dwelling unit;
- (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 District, fifty-two dollars (\$52) for each one hundred square feet (100 ft.<sup>2</sup>) 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 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);

**Z.C. Notice of Emergency and Proposed Rulemaking**

**Z.C. Case No. 15-08**

**Page 3**

- (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);

(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.

(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

**Z.C. Notice of Emergency and Proposed Rulemaking**

**Z.C. Case No. 15-08**

**Page 4**

- (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.

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 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001, or signed electronic submissions may be submitted in PDF format to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov). Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by email: at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.