

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 375

Case No. 82-1

July 12, 1982

Pursuant to notice, a public hearing was held by the District of Columbia Zoning Commission on April 12 and 19, 1982. At those hearing sessions the Zoning Commission considered a proposal from the Board of Zoning Adjustment (BZA) to approve revised Supplemental Rules of Practice and Procedure before the BZA and related amendments to the Zoning Regulations of the District of Columbia. The hearing was conducted in accordance with the provisions of Chapter 5 of the Rules of Practice and Procedure before the Zoning Commission.

In addition to a comprehensive revision to the BZA Supplemental Rules of Practice and Procedure, the proposal would amend Article 82 of the Zoning Regulations. The amendments propose to eliminate the advertisement of notices in a newspaper of daily circulation and substitute therefore publication in the D.C. Register, establish a minimum period of notice of forty days instead of the present requirements of a minimum of ten days and/or a maximum of thirty days, and substitute the Executive Director of the Zoning Secretariat for the Secretary of the Board.

A notice of proposed rulemaking was published in the D.C. Register on June 11, 1982. There were no comments received resulting from that publication.

There were no Advisory Neighborhood Commissions or other organizations or individuals in support of or in opposition to the text amendment component of the proposal.

The amendments substituting Executive Director for Secretary is a change only designed to correctly state the present title of the person designated to be in charge of the full-time administrative staff of the BZA. The amendments to the Zoning Regulations regarding BZA notice requirements eliminates the unnecessary and costly requirement to publish the notice in a local newspaper of daily circulation. At the time that requirement was instituted, there was no publication of the Government of the District of Columbia, containing all official notices and announcements. The Commission notes that the proposed notice requirements

provide for more time for notice in advance of the hearing than the existing notice requirements.

The proposed amendments to the Zoning Regulations were referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC by letter dated June 8, 1982 reported that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital.

The Zoning Commission believes that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia and are consistent with the intent and purpose of the Zoning Regulations and Zoning Act.

In consideration of the reasons set forth herein, the Zoning Commission hereby orders APPROVAL of the following amendments to the Zoning Regulations:

1. Amend Sub-section 8202.6 and 8203.2 to replace "Secretary of the Board" with "Executive Director of the Zoning Secretariat".

2. Amend Sub-section 8203.5, regarding notice, to read as follows:

"8203.5 The Board shall give notice of the time and place of each public hearing at least forty days before the hearing, by:

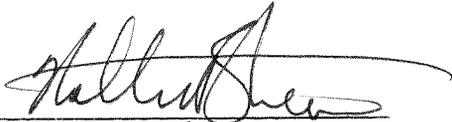
8203.51 Publishing such notice at least once in the District of Columbia Register

8203.52 Mailing such notice to the appellant or applicant at the address stated in the appeal or application

8203.53 Posting the calendar of the cases to be heard in the Office of the Zoning Secretariat

8203.54 Giving such additional notice to other interested persons or organizations as the Board may require in its Supplemental Rules of Practice and Procedure."

Vote of the Commission taken at the public meeting on May 24, 1982: 4-0 (George M. White, John G. Parsons, Lindsley Williams and Walter B. Lewis, to approve - Ruby B. McZier, not present not voting).



Walter B. Lewis
Chairman
Zoning Commission



Steven E. Sher
Executive Director
Zoning Secretariat

Vote of the Commission taken at the public meeting on July 12, 1982 : 3-0 Lindsley Williams, George M. White, and Walter B. Lewis, to adopt - John G. Parsons, not present not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, these amendments to the Zoning Regulations are effective on JUL 23 1982.