

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 755
Case No. 93-14
(Text Amendment - Home Occupations)
March 14, 1994

By letter dated November 17, 1993, City Councilmember James Nathanson petitioned the Zoning Commission for the District of Columbia to amend the home occupation provisions of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The letter requested the Zoning Commission to add a new paragraph "m" to 11 DCMR 203.7 to read as follows:

"Any home office not otherwise permitted by this subsection, where there is only the use of a telephone and a desk, there is no employee present other than the dwelling unit resident, and there are no business-related visitors, customers, or deliveries."

The purpose of the proposed amendment is to increase the specific list of allowable uses in 11 DCMR 203.7 and to permit residents the opportunity to use the home as a workplace and source of livelihood while assuring the most minimal impact on adjacent residents and property owners.

Pursuant to 11 DCMR 3011.1 and by memorandum dated December 2, 1993, the Office of Zoning (OZ) referred the letter to the Office of Planning (OP) for a preliminary report and recommendation about whether the petition had sufficient merit to warrant the authorization of a public hearing.

By letters dated December 29, 1993 and January 26, 1994, Advisory Neighborhood Commissions (ANCs) 3C and 3D, respectively, expressed support for the proposed amendment.

By letter dated February 4, 1994, counsel for the Washington D.C. Association of Realtors, supported the proposed amendment on behalf of thousands of real estate brokers and salespersons, who would typically have telephones and computers in their homes.

By memorandum (preliminary report) dated February 4, 1994, OP recommended that the petition be denied. OP, in partial justification of its recommendation stated the following:

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"OP is of the opinion that the suggested flexibility is already provided by the introductory provision in 203.7 that "other similar uses" to those listed are allowed. Also, specifically permitted uses are individually and collectively quite broad in allowing the full range of home offices: "sales by telephone" - 203.7(e); "home office of ... or other professional person" - 203.7(j); and "home office of a business person" - 203.7(1). In this context, to add another paragraph that would allow any other home office not otherwise permitted seems redundant.

"OP believes this petition derives from an anomalous situation and that the regulations do not need amendment for the reasons stated above. OP accordingly recommends denial of the petition. The Zoning Regulations clearly permit the referenced home occupation use. The real constraint in the system at present is that of the licensing requirements for a home contractor's license. As suggested above, this licensing review appears reasonable for this category of use, especially in residential zones."

On February 14, 1994 at its regular monthly meeting, the Zoning Commission considered the petition to determine whether to authorize the scheduling of a public hearing. The Commission also considered the OP preliminary report, and letters in support of the petition from ANC 3C and 3D, and the Washington D.C. Association of Realtors.

The Commission was not persuaded by the reasons advanced by the petitioner for authorizing a public hearing.

The Commission concurs with the OP rationale and recommendation, and does not concur with the position of ANCs 3C and 3D, or the Washington D.C. Association of Realtors.

The Zoning Commission believes that the present home occupation provisions contained in 11 DCMR 203.7 presently provide for the general type of flexibility suggested in the petition.

The Zoning Commission further believes that the petition, as filed, does not have sufficient merit to warrant the authorization of a public hearing, and is unnecessary, given the existing provisions which adequately address the issues raised by the petition.

Upon consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders DENIAL of Z.C. Case No. 93-14 without a public hearing.

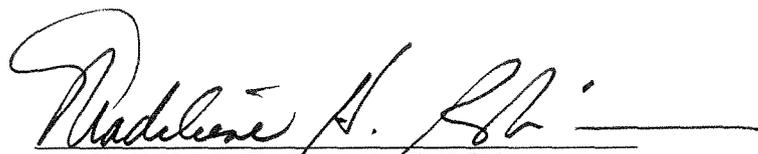
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Vote of the Zoning Commission taken at its regular monthly meeting on February 14, 1994: 5-0 (William L. Ensign, William B. Johnson, Jerrily R. Kress, John G. Parsons and Maybelle Taylor Bennett, to deny).

This order was adopted by the Zoning Commission at its regular monthly meeting on March 14, 1994 by a vote of: 5-0 (John G. Parsons, William L. Ensign and Maybelle Taylor Bennett to adopt, Jerrily R. Kress to adopt by proxy).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on ~~_____~~ **MAR 25 1994**.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. ROBINSON
Director
Office of Zoning

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