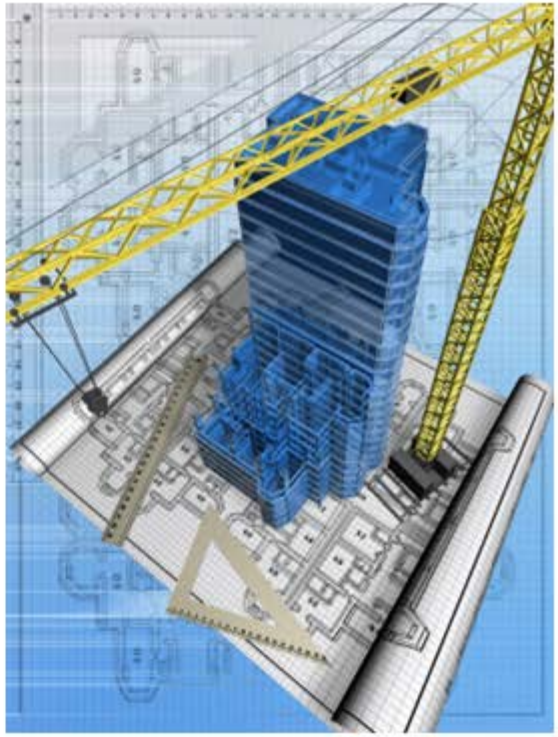
Zoning in the District of Columbia

Compliance Review Program (Part 1)

What is the Compliance Review Program?

The **Compliance Review Program** is an alternative method for the public to have a complaint of non-compliance with a **condition** investigated. Specifically, the program is designed to allow the Office of Zoning (OZ) to investigate an alleged violation of a condition(s) and, if it is found to be non-compliant, assist in mitigating the infraction without having refer it to the **Zoning Administrator (ZA)** for enforcement.



What is a Condition?

After the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) hears testimony on a case and decides on the relief to be granted, a written order is issued. Many of these orders contain specific and enforceable **conditions**.

It is therefore **ORDERED** that the application is hereby **GRANTED (pursuant to Exhibit 26, Attachment – Plans), with the following conditions:**

1. The Applicant shall provide each hotel employee upon initial hiring with a complimentary $25.00 *SmartTrip* card for Metro use.

2. The Applicant shall implement transportation demand management measures upon the opening of the hotel, such as disseminating information to hotel guests on the use of the *Capital Bikeshare* program, Metro bus routes, Metro Rail system, and the *DC Circulator* bus.

Zoning Enforcement

The **Zoning Administrator (ZA)** at the Department of Consumer and Regulatory Affairs (DCRA) is charged with enforcing the Zoning Regulations (Title 11 DCMR) and the conditions, plans, or drawings as approved by the ZC or BZA.

The ZA has enforcement authority to:

- Interpret and implement Zoning Regulations;
- Inspect and make findings of noncompliance;
- Grant, deny and/or revoke permits; and
- Issue fines, etc.

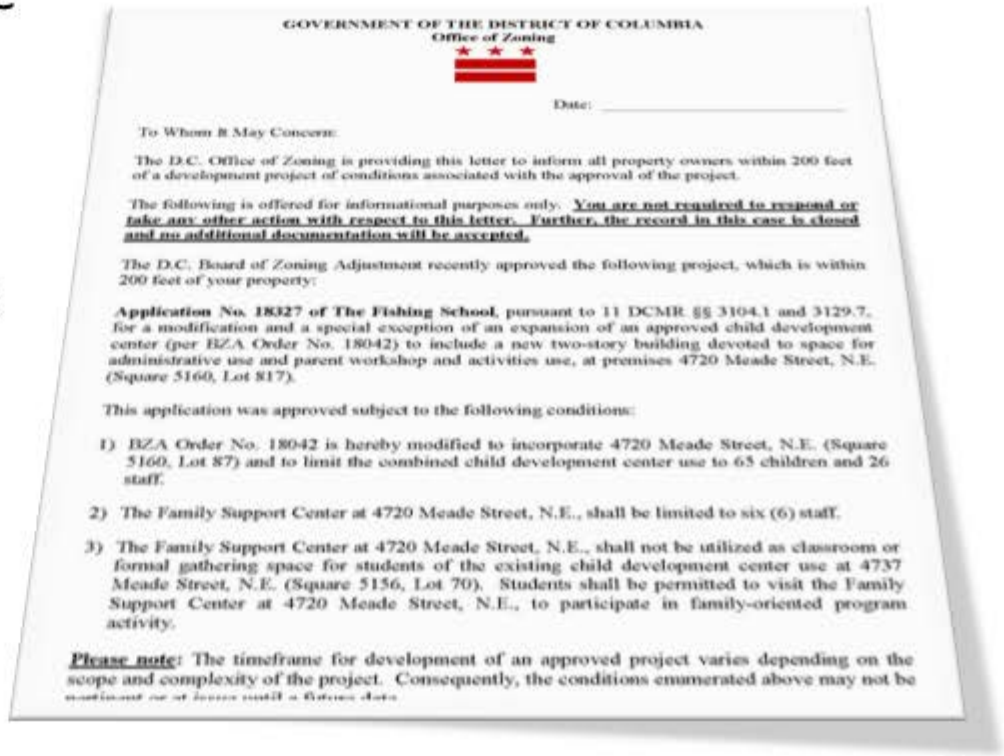
Compliance Review Program

While the ZA is charged with enforcing compliance with conditions of ZC and BZA orders, OZ's Compliance Review Program:

- Provides letters informing all property owners within 200 feet of a development project about conditions associated with the approval of the project;
- Provides letters informing Applicants of the impending expiration of a BZA order; and
- Offers the public an alternative way to have a complaint of non-compliance with a **condition** investigated.

Notice of Conditions

OZ sends letters notifying the public within 200 feet of an approved ZC or BZA project with **conditions** of the conditions that the project is subject to. This educates impacted members of the public about critical aspects of new projects in their communities.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

Date: _____

To Whom It May Concern:

The D.C. Office of Zoning is providing this letter to inform all property owners within 200 feet of a development project of conditions associated with the approval of the project.

The following is offered for informational purposes only. **You are not required to respond or take any other action with respect to this letter. Further, the record in this case is closed and no additional documentation will be accepted.**

The D.C. Board of Zoning Adjustment recently approved the following project, which is within 200 feet of your property:

Application No. 18327 of The Fishing School, pursuant to 11 DCMR §§ 3104.1 and 3129.7, for a modification and a special exception of an expansion of an approved child development center (per BZA Order No. 18042) to include a new two-story building devoted to space for administrative use and parent workshop and activities use, at premises 4720 Meade Street, N.E. (Square 5160, Lot 817).

This application was approved subject to the following conditions:

1) BZA Order No. 18042 is hereby modified to incorporate 4720 Meade Street, N.E. (Square 5160, Lot 87) and to limit the combined child development center use to 65 children and 26 staff.

2) The Family Support Center at 4720 Meade Street, N.E., shall be limited to six (6) staff.

3) The Family Support Center at 4720 Meade Street, N.E., shall not be utilized as classroom or formal gathering space for students of the existing child development center use at 4737 Meade Street, N.E. (Square 5156, Lot 70). Students shall be permitted to visit the Family Support Center at 4720 Meade Street, N.E., to participate in family-oriented program activity.

Please note: The timeframe for development of an approved project varies depending on the scope and complexity of the project. Consequently, the conditions enumerated above may not be

Notice of Expiration of Order

OZ alerts Applicants of the impending **expiration of BZA orders** that contain established approval periods. These letters are sent out six months prior to the expiration date to allow the Applicant to:

- Allow expiration of the approval (indicating their intent to cease the use or risk a fine); or
- Initiate a new case before the BZA seeking approval beyond the expiration date (in order to continue the use).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

February 8, 2012

Dear Albert R. Hinton,

The D.C. Office of Zoning (DCOZ) is providing this letter to inform you that an Order is set to expire on August 12, 2012 for the following previously-approved Board of Zoning Adjustment (BZA) application:

Application No. 17875 of BB&H Joint Venture, on behalf of Potomac Foods Company, pursuant to 11 DCMR § 3104.1, for a special exception to permit the continued use of an accessory parking lot serving a Burger King restaurant under section 214 of the Zoning Regulations, in the R-1-B District at premises Rear 4422 Connecticut Avenue, N.W. (Square 1971, Lot 822).

This application was approved subject to the following time limit-related condition(s):

1. The application shall be approved for a period of **THREE (3) YEARS** (August 12, 2012).

At this time, there are two options with respect to this matter:

- Allow expiration of the approval (indicating your intent to cease the use or risk a fine).
- Initiate a new case before the BZA seeking approval beyond the expiration date (in order to continue the use).

If you are interested in initiating a new case, DCOZ recommends that you apply as soon as possible to secure a hearing date prior to the expiration of the approval.

For more information about applications to the BZA, please visit www.dcoz.dc.gov. In addition, if you have questions pertaining to the time limit condition(s), please contact DCOZ at (202) 727-6311.

SINCERELY,

STEPHEN VARGA
Zoning Specialist, Office of Zoning

Complaint of Non-Compliance of a Condition

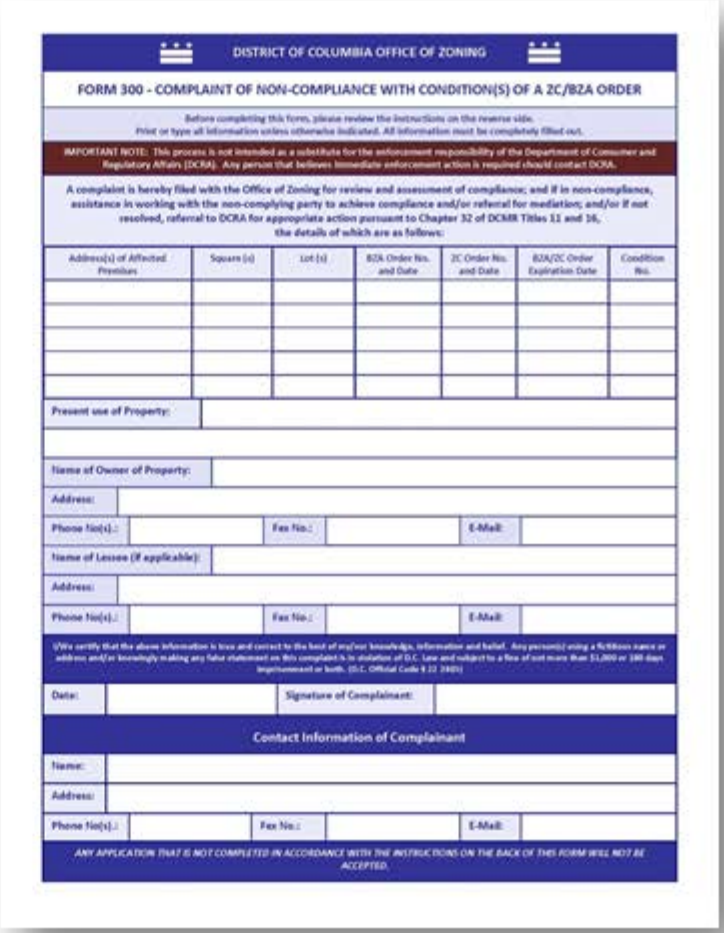
If a member of the public believes that an Applicant is in violation of a condition(s) of a BZA or ZC order, they can contact the ZA and file a complaint or they can contact OZ and file a **Form 300 – Complaint of Non-Compliance with Condition(s) of a ZC/BZA Order**. Form 300 can be accessed on OZ's website at www.dcoz.dc.gov under "Application Forms" or it can be obtained from OZ at 44:

Complaint of Non-Compliance of a Condition

IMPORTANT NOTE: This process is not intended as a substitute for the enforcement responsibility of the ZA at DCRA. Any person who believes that immediate enforcement action is required should contact DCRA.

Form 300

For more information about filing a **Form 300 – Complaint of Non-Compliance with Condition(s) of a ZC/BZA Order**, please see the tutorial on "Filing a Form 300."



DISTRICT OF COLUMBIA OFFICE OF ZONING

FORM 300 - COMPLAINT OF NON-COMPLIANCE WITH CONDITION(S) OF A ZC/BZA ORDER

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

IMPORTANT NOTE: This process is not intended as a substitute for the enforcement responsibility of the Department of Consumer and Regulatory Affairs (DCRA). Any person that believes immediate enforcement action is required should contact DCRA.

A complaint is hereby filed with the Office of Zoning for review and assessment of compliance; and if in non-compliance, assistance in working with the non-complying party to achieve compliance and/or referral for mediation; and/or if not resolved, referral to DCRA for appropriate action pursuant to Chapter 32 of DCMR Titles 11 and 16, the details of which are as follows:

Address(s) of Affected Premises	Square (s)	Lot (s)	BZA Order No. and Date	ZC Order No. and Date	BZA/ZC Order Expiration Date	Condition No.

Present use of Property:

Name of Owner of Property:

Address:

Phone No(s).: Fax No.: E-Mail:

Name of Lessee (if applicable):

Address:

Phone No(s).: Fax No.: E-Mail:

I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this complaint is in violation of D.C. Law and subject to a fine of not more than $1,000 or 180 days imprisonment or both. (D.C. Official Code § 22 2405)

Date: Signature of Complainant:

Contact Information of Complainant

Name:

Address:

Phone No(s).: Fax No.: E-Mail:

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

For more information

www.dcoz.dc.gov

dcoz@dc.gov

(202) 727-6311

441 4th Street, NW, Suite 200-S, WDC, 20001

Judiciary Square Metro

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