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.
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).

[Image of letter from D.C. Office of Zoning]

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

February 8, 2012

Dear Albert E. 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. 17575 of B&H Joint Venture, on behalf of Potomac Foods Company, pursuant to 11 DCMR § 1104.1, 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-I-2 District at premises Rear 4422 Connecticut Avenue, N.W. (Square 1771, 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.”
For more information

www.dcoz.dc.gov

dcoz@dc.gov

(202) 727-6311

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