



ZONING IN THE DISTRICT OF COLUMBIA

Motions

WHAT IS A MOTION?

A ***motion*** is a procedural device requested by a **party** to the case to bring a limited, contested issue before the Zoning Commission (ZC) or the Board of Zoning Adjustment (BZA) for decision.



A party may submit a motion at any point. However, it is recommended that motions be submitted prior to the date of the hearing for consideration by the ZC or BZA.



HOW DOES A MOTION DIFFER FROM A REQUEST?

| | | | | | |
|---|------------------------------------|---|--|------------------------------|-----------------------------|
| *** | | BEFORE THE ZONING COMMISSION OR BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA | | *** | |
| FORM 140 - PARTY STATUS REQUEST | | | | | |
| 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. | | | | | |
| PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE. (Please see reverse side for more information about this distinction.) | | | | | |
| Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows: | | | | | |
| Name: | | | | | |
| Address: | | | | | |
| Phone No(s): | | | | E Mail: | |
| I hereby request to appear and participate as a party in Case No.: | | | | | |
| Signature: | | | | | Date: |
| Will you appear as a(n) | <input type="checkbox"/> Proponent | <input type="checkbox"/> Opponent | Will you appear through legal counsel? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| If yes, please enter the name and address of such legal counsel. | | | | | |
| Name: | | | | | |
| Address: | | | | | |
| Phone No(s): | | | | E Mail: | |
| PARTY WITNESS INFORMATION: On a separate piece of paper, please provide the following witness information: | | | | | |
| 1. A list of witnesses who will testify on the party's behalf; | | | | | |
| 2. A summary of the testimony of each witness (Zoning Commission only); | | | | | |
| 3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (Zoning Commission only); and | | | | | |
| 4. The total amount of time being requested to present your case (Zoning Commission only). | | | | | |
| PARTY STATUS CRITERIA: Please answer <u>all</u> of the following questions referencing why the above entity should be granted party status: | | | | | |
| 1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board? | | | | | |
| 2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) | | | | | |
| 3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.) | | | | | |
| 4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied? | | | | | |
| 5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied. | | | | | |
| 6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public. | | | | | |
| Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing. | | | | | |

A *request* is functionally similar to a motion, however the difference is that requests are filed by those who are not parties. For instance, a Request for Party Status, is submitted by a non-party requesting to be a party.



HOW DO YOU FILE A MOTION?

Use a **Form 150 – Motion Form** to file a motion. A Form 150 can be obtained from the Office of Zoning's (OZ's) website at www.dcoz.dc.gov, by clicking "**Application Forms**" in the sidebar.

Using the form and a separate sheet of 8 ½" x 11" paper if necessary, state:

- ✓ Case Number;
- ✓ Name of Movant;
- ✓ The relief you are requesting;
- ✓ Each and every reason you believe you are entitled to relief and why the ZC or BZA should grant your motion, including relevant references to the Zoning Regulations or
- Map;
- ✓ Whether consent was obtained by other parties;
- ✓ Certificate of Service;
- ✓ Signature and Date; and
- ✓ Contact Information.

HOW DO YOU FILE A MOTION?

Submit the required forms and accompanying documents to OZ using:



The **Interactive Zoning Information System (IZIS)** at www.dcoz.dc.gov for electronically filed cases;



In person or by **US mail** at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; or



By **email** to zcsubmissions@dc.gov for the ZC or bzasubmissions@dc.gov for the BZA.

HOW DO YOU FILE A MOTION?



At the time of filing, makers of motions are required to **serve** all **Applicants, Petitioners, Appellants, Parties, and/or Intervenors, and the Office of Planning** via either mailed letter, hand-delivery, or electronic mail and submit a Certificate of Service to OZ.



TYPES OF MOTIONS

MOTIONS TO WAIVE A TIME DEADLINE

If the Zoning Regulations and/or the ZC/BZA require a filing within a certain time limit or deadline, and you are late, you may be able to file a motion to waive the time requirement. First check to make sure the Zoning Regulations allow a waiver of the rule (See, 11 DCMR Subtitle Y § 101.9 and Subtitle Z § 101.9.) If a waiver is permitted, you should make a motion to ask permission to file a late document into the record. You must give the reasons why you are late in filing and why the late submission should be allowed into the record.



TYPES OF MOTIONS

MOTION TO WAIVE POSTING REQUIREMENTS

The Zoning Regulations require that the property be posted with notice of the public hearing and that an affidavit of posting be submitted for the record. If these requirements are not met, the Applicant may file a Motion to Waive these requirements. Often, the Applicant will be asked to demonstrate that sufficient notice was in fact provided despite the lack of posting.

PUBLIC NOTICE
OF
BOARD OF ZONING ADJUSTMENT
HEARING
APPLICATION NO.
□□□□□□
OF
[]

THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA WILL HOLD A PUBLIC HEARING IN SUITE 220-S, ONE JUDICIARY SQUARE, 441 4th STREET, N.W. ON □□/□□/□□ AT □□:□□ TO CONSIDER A PROPOSAL FOR

FOR MORE INFORMATION PLEASE CONTACT THE OFFICE OF ZONING AT 441 4th STREET, NW, SUITE 220-S WASHINGTON, DC 20001 (202) 727-4872

THIS SIGN SHALL NOT BE REMOVED, DEFACED, OR DESTROYED UNDER PENALTY OF THE LAW.

PUBLIC NOTICE
OF
BOARD OF ZONING ADJUSTMENT
EXPEDITED REVIEW
APPLICATION NO.
□□□□□□
OF
[]

THIS APPLICATION HAS TENTATIVELY* BEEN PLACED ON THE BZA'S EXPEDITED REVIEW CALENDAR FOR DECISION. THE PUBLIC MEETING WILL BE HELD ON □□/□□/□□ IN SUITE 220-S, ONE JUDICIARY SQUARE, 441 4th STREET, N.W. AT □□:□□ TO CONSIDER A PROPOSAL FOR

* A REQUEST THAT AN APPLICATION BE REMOVED FROM THE EXPEDITED REVIEW CALENDAR AND RECOMMENDED FOR PUBLIC HEARING, MUST BE MADE ON THE DATE OF HEARING. THE BOARD OF ZONING ADJUSTMENT WILL HOLD A PUBLIC HEARING ON THE DATE OF HEARING. THE REQUEST MUST INCLUDE A STATEMENT OF FACTS TO SUPPORT AN APPLICATION FOR REMOVAL FROM THE EXPEDITED REVIEW CALENDAR. THE PUBLIC NOTICE OF HEARING, THE DATE OF THE PUBLIC HEARING CAN BE FOUND IN THE OFFICE OF ZONING RECORDS AT 441 4th STREET, NW, SUITE 220-S WASHINGTON, DC 20001 (202) 727-4872

FOR MORE INFORMATION PLEASE CONTACT THE OFFICE OF ZONING AT 441 4th STREET, NW, SUITE 220-S WASHINGTON, DC 20001 (202) 727-4872

THIS SIGN SHALL NOT BE REMOVED, DEFACED, OR DESTROYED UNDER PENALTY OF THE LAW.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
PUBLIC HEARING NOTICE
OF A
ZONING PROPOSAL
CASE NO.
□□ - □□
OF
[]

THE ZONING COMMISSION OF THE DISTRICT OF COLUMBIA WILL HOLD A PUBLIC HEARING IN SUITE 220-S, ONE JUDICIARY SQUARE, 441 4th STREET, N.W. ON □□/□□/□□ AT □□:□□ TO CONSIDER A PROPOSAL FOR

FOR MORE INFORMATION PLEASE CONTACT THE OFFICE OF ZONING AT 441 4th STREET, NW, SUITE 220-S WASHINGTON, DC 20001 (202) 727-4872

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TYPES OF MOTIONS

MOTION TO REOPEN THE RECORD

At the end of the public hearing, the ZC and the BZA will close the record, which means that no more filings will be accepted unless specifically asked for by the ZC or BZA. If a party wants to submit anything else, it must ask to have the record reopened and give good reason(s) for the ZC/BZA to do so.





TYPES OF MOTIONS

ADDITIONAL TYPES

Additional types of motions include, but are not limited to:

- Amend the Relief Sought
- Accept a Proffered Expert Witness
- Allow Non-Authorized Representative to Perform Cross-Examination
- Dismiss a Case
- Summary Judgment
- Postpone a Public Hearing or Meeting
- Continue a Public Hearing or Meeting
- Correct a Transcript





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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