

**TEXT AMENDMENT FOR
MINIMUM LOT DIMENSIONS IN
RESIDENTIAL ZONE DISTRICTS**

Delegated Action of the Executive Director

May 31, 2007

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 USC § 8724 (a) and DC Code § 2-1006 (a), I find that the proposed text amendment for minimum lot dimensions in Residential Zone Districts in Washington, D.C. is not inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other federal interests.

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The Zoning Commission of the District of Columbia has taken a proposed action to approve a text amendment to 11 DCMR § 401.1, which would clarify that a building in a residential zone on a lot made substandard by the enactment of the 1958 Zoning Regulations may not be converted to a new use requiring a greater lot area or lot width without obtaining a variance.

The purpose of the change is to prevent the conversion of non-conforming structures in residential districts into more intensive uses and to support the long term goal of returning properties to underlying residential uses. The amendment is at least in part a response to a recent Board of Zoning Adjustment case regarding AppleTree Institute. Prior to becoming a charter school, the property was a private club. Schools require larger lots than clubs, but because the structure was grandfathered as a non-conforming use, at question was whether the project required a variance. The Office of Planning argued that a text amendment clarifying the code should require applicants seeking a change of use to obtain a variance.

I find that the proposal would not be inconsistent with the Comprehensive Plan for the National Capital, nor would it be adverse to any other federal interest.

Patricia E. Gallagher, AICP
Executive Director