

Bond Case Briefs

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ZONING & PLANNING - DISTRICT OF COLUMBIA

Dupont Circle Citizens Association v. District of Columbia Board of Zoning Adjustment

ZONING & PLANNING - DISTRICT OF COLUMBIA

Church sought a zoning variance. The Board of Zoning Adjustment granted the variance and two neighborhood associations challenged the order.

The Court of Appeals held that:

- The presence of church's parish hall on property, which was a building that contributed to the historical district, did not constitute an exceptional condition affecting the property, and
- Remand was required to allow the Board to consider whether church was entitled to the more flexible standard that applied to public service organizations.

The presence of church's parish hall on property, which was a building that contributed to the historical district, did not constitute an exceptional condition affecting the property, in action challenging zoning variance granted to church, even though church had been at the same location for 120 years; many buildings in the historical district were contributing structures, and the mere presence of a structure that contributed to a historical district was insufficient by itself to demonstrate an exceptional circumstance.

Remand was required to allow the Board of Zoning Adjustment to consider whether church was entitled to the more flexible standard that applied to public service organizations when determining whether an exceptional condition existed that would justify a zoning variance; the Board never determined whether church qualified as a public service organization.