

Bond Case Briefs

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ZONING & PLANNING - DISTRICT OF COLUMBIA

Neighbors for Responsive Government, LLC v. District of Columbia Board of Zoning Adjustment

District of Columbia Court of Appeals - October 18, 2018 - A.3d - 2018 WL 5068814

Residents petitioned for judicial review of an order of Board of Zoning Adjustment (BZA), which granted zoning relief requested by Department of General Services (DGS) to enable it to build an emergency homeless shelter in a residential apartment zone.

The Court of Appeals held that:

- BZA must approve a proposed shelter as a special exception, regardless of the shelter's size, if the zoning regulations are met;
- BZA was not empowered to override legislative determination of need or unacceptability of alternative locations;
- Sufficient evidence supported BZA's various findings;
- "Flexible" public interest standard applied to variance determination;
- BZA did not erroneously conclude that legislative determination overrode applicable zoning requirements;
- Foreknowledge of property's need for variance relief did not preclude BZA from granting variance; and
- Relief requested from one-primary-structure-per-lot restriction was area variance, rather than use variance.