

Bond Case Briefs

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ZONING & PLANNING - DISTRICT OF COLUMBIA

Sheridan Kalorama Historical Association v. District of Columbia Board of Zoning Adjustment

District of Columbia Court of Appeals - July 2, 2020 - A.3d - 2020 WL 3580025

Petitioners, a historical association and a neighborhood council, sought review of a decision and order of the District of Columbia Board of Zoning Adjustment (BZA) which granted, subject to specified conditions, the application of a federation of state medical boards for a “special exception” to use its existing residential building in a historic district as an “advocacy” or lobbying office.

The Court of Appeals held that:

- The BZA’s decision and order were not subject to a heightened level of scrutiny as compared to usual zoning cases simply because the BZA’s findings and conclusions allegedly “largely mirrored” the proposed order submitted by applicant;
- Applicant was qualified for a special exception as a “nonprofit organization” under the zoning regulations;
- The BZA erred in failing to accord “great weight” to the Office of Planning’s (OP) recommendations about staffing, meetings, and receptions;
- BZA’s erroneous failure to give “great weight” to OP’s recommendations was not harmless; and
- Substantial evidence supported the BZA’s finding that the amount and arrangement of parking spaces was adequate.