SECTION 304 - Use of Undersized Single-Family Lots

[BCZR 1955; Bill No. 47-1992]

§ 304.1. - Types of dwellings allowed; conditions.

[Bill Nos. 64-1999; 28-2001]

Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
B. All other requirements of the height and area regulations are complied with; and
C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

§ 304.2. - Building permit application.

[Bill Nos. 122-2010; 55-2011]

A. Any person desiring to erect a dwelling pursuant to the provisions of this section shall file with the Department of Permits, Approvals and Inspections, at the time of application for a building permit, plans sufficient to allow the Department of Planning to prepare the guidelines provided in Subsection B below. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Department of Planning in order to determine appropriateness of the proposed new building in relation to existing structures in the neighborhood.
B. At the time of application for the building permit, as provided above, the Director of Permits, Approvals and Inspections shall request comments from the Director of the Department of Planning (the "Director"). Within 15 days of receipt of a request from the Director of Permits, Approvals and Inspections, the Director shall provide to the Department of Permits, Approvals and Inspections written recommendations concerning the application with regard to the following:
    1. Site design. New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.
    2. Architectural design. Appropriateness shall be evaluated based upon one or more of these architectural design elements or aspects:
        a. Height.
        b. Bulk or massing.
        c. Major divisions, or architectural rhythm, of facades.
        d. Proportions of openings such as windows and doors in relation to walls.
        e. Roof design and treatment.
        f. Materials and colors, and other aspects of facade texture or appearance.

PC Exh. 10

3. Design amendments. The Director may recommend approval, disapproval or modification of the building permit to conform with the recommendations proposed by the Department of Planning.

§ 304.3. - Public notice.

[Bill No. 122-2010]

Upon application for a building permit pursuant to this section, the subject property shall be posted conspicuously, under the direction of the Department of Permits, Approvals and Inspections, with notice of the application for a period of at least 15 days.

§ 304.4. - Public hearing.

[Bill No. 122-2010]

Within the 15-day posting period: (1) Any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing with the Department of Permits, Approvals and Inspections, or (2) the Director of Permits, Approvals and Inspections may require a public hearing. The Department of Permits, Approvals and Inspections shall notify the applicant within 20 days of the receipt of a request for a public hearing. A hearing before the Zoning Commissioner shall be scheduled within 30 days from receipt of the request for public hearing. At the public hearing, the Zoning Commissioner shall make a determination whether the proposed dwelling is appropriate.

§ 304.5. - Final approval.

[Bill No. 122-2010]

A. The Director of Permits, Approvals and Inspections may issue the building permit; or
B. Notwithstanding any provision to the contrary, the Director of Permits, Approvals and Inspections may require a public hearing before the Zoning Commissioner pursuant to Section 304.4 above; or
C. If the Department of Permits, Approvals and Inspections has not notified the applicant of a determination pursuant to the provisions of this section, or has not notified the applicant pursuant to Section 304.4 above of the intention to require a public hearing, the dwelling shall be considered appropriate for purposes of this section.

§ 304.6. - Appeals.

[Bill No. 122-2010]

The decision of the Zoning Commissioner or the Director of Permits, Approvals and Inspections may be appealed, in which case the hearing shall be scheduled by the Board of Appeals within 45 days from receipt of the request.

§ 304.7. - Establishment of fees.

[Bill No. 122-2010]

The Director of Permits, Approvals and Inspections shall establish appropriate fee schedules.