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Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL

JUDICIARY SQUARE

441 FOURTH ST., N.W.

WASHINGTON, D. C. 20001



IN REPLY REFER TO:

RAS :LND ;lug  
Misc. 94-5

April 28, 1994

Jean E. Swift, chairperson  
Advisory Neighborhood Commission 2-A  
1920 G Street, N.W.  
Washington, D.C. 20006

Re: Request for legal advice concerning the application  
of 11 DCMR § 210 in BZA Case No. 15942

Dear Chairperson Swift:

This is in reply to your April 18, 1994 letter in which you request an opinion from this Office concerning whether 11 DCMR § 210 exempts universities from having to seek the approval of the Board of Zoning Adjustment (BZA) in order to exceed the lot occupancy limitation applicable to a particular lot if the overall campus lot occupancy is below allowable limits.

Two years ago, Advisory Neighborhood Commission (ANC) 3-C requested the legal advice of this Office concerning the application of a section of the Zoning Regulations in the context of a case pending before BZA. In a letter dated March 10, 1992 (copy enclosed), this Office declined the request for two reasons: First, the statutory provision requiring this Office to render legal advice to ANCs<sup>1</sup> does not encompass that kind of advice. Second, it would be inappropriate for this Office to render an advisory opinion on the meaning of a section of the Zoning Regulations in the context of a case before the BZA, unless such request came from the BZA itself. For these reasons, I decline your request.

sincerely,

A handwritten signature in cursive script that reads "Thomas F. Bastow".

Thomas F. Bastow  
Deputy Corporation Counsel  
Legal Counsel Division

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<sup>1</sup> See § 15(d) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-263(d) (3)(A) (1992).

Enclosure

cc: The Honorable Harold Brazil  
Chairman  
Committee on Government Operations  
Council of the District of Columbia

Regena Thomas  
Director  
Office of Constituent Services

Madeleine H. Robinson  
Director  
Office of Zoning