



## BOARD OF ZONING ADJUSTMENT

### APPLICATION FAQs

#### 1) Where do I apply for a Special Exception or a Variance?

All applications are submitted through the Office of Zoning's online application portal, the Interactive Zoning Information System (IZIS). Before submitting an application you will need to create a free account with your email address and a password. After your account is created you can use IZIS to create an application, add additional documents and check the status of your case.

You can access IZIS through OZ's website at:

<https://dcoz.dc.gov/service/interactive-zoning-information-system>

#### 2) What do I need to apply for a Special Exception or a Variance?

1. Form 120 – Special Exception/Variance Application (automatically generated in IZIS)
2. Form 126 - Board of Zoning Adjustment Fee Calculator (automatically generated in IZIS)
3. One of the following:
  - Form 135 - Self-certification (signed by D.C. licensed architect or attorney) **OR**
  - Zoning referral memo (to be obtained from Zoning Administrator's office)
4. Color photographs
5. Surveyor's plat (to be obtained from the DC Surveyor's Office)
6. List of names and mailing addresses of owners within 200 ft. (to be obtained through Office of Tax and Revenue)
7. Statement of Existing and Intended Use
8. Burden of Proof Statement- detailed statement explaining how the variance and/or special exception standards are met
9. Statement of Public Outreach
10. Plans/Elevations (if construction proposed)
11. Letter of authorization (if necessary)

#### 3) What is the difference between a Zoning Memorandum and a Self-Certification?

A Zoning Memorandum is a document produced by the Zoning Administrator's Office at DCRA which details the zoning relief required for a given process. It is created following the applicant's meeting with a zoning technician and typically takes about a month to be issued.

An alternative method is Self-Certification. This method requires a D.C. licensed architect or D.C. barred attorney to complete BZA Form-135 which explains what zoning relief is needed for a given project. This method tends to be faster, but it does require the applicant to engage an attorney or architect.

4) What needs to be included in a burden of proof statement?

The burden of proof statement should include a brief description of your proposed project, why it requires zoning relief, and which sections of the code apply. From there, you will need to explain how your project meets the special exception or variance criteria. These requirements are found at Subtitle X § 901.2 (Special Exceptions) and Subtitle X § 1002.1 (Variances). In addition to these general requirements, certain special exceptions also have additional criteria that the applicant must address.

If you have questions regarding which sections of the code you will need to demonstrate compliance with, please contact the Office of Zoning.

5) Do I need to engage an architect or attorney?

Not necessarily. If you decide to self-certify, then you will need to work with either a D.C. licensed architect or attorney to complete the self-certification form.

6) How much will an application cost?

Application fees vary depending on the type of zoning relief sought and the individual fees are listed on BZA Form-126. Most standard special exceptions are \$1,560 and most variances are \$1,040. Notably, the fee for owner-occupied, one-family dwellings (both special exceptions and variances) is only \$325.

7) What is Expedited Review?

Expedited Review allows applications for certain special exceptions to be heard as meeting cases and not in a full hearing. However, it does not expedite the scheduling of a meeting date. For more information please see the BZA's FAQ sheet on Expedited Review.

8) What happens after I submit my application?

After your application is submitted the Office of Zoning has five (5) business days to review it for completeness and consistency. If the application is found to be deficient (e.g. missing documents, incomplete burden of proof statement, etc.) you will receive an email through IZIS informing you of the deficiencies. You will have five (5) business days to correct the deficiencies and resubmit the required documents.

9) What do I need to bring into the Office of Zoning and when?

After your application is accepted as complete you will need to bring in the following to OZ:

- Two (2) copies of the complete application package
- One (1) set of mailing labels for the property owners within 200ft of the subject property
- A check, made out to the D.C. Treasurer, for the application fee.
- A certificate of service indicating that you have sent copies of the application to both the ANC and the Office of Planning.

10) What is required for the certificate of service?

The certificate of service simply needs to state that copies of the application were sent to the ANC and Office of planning noting the day on which they were sent and by what method of delivery.

11) How do I find my ANC and Single Member District?

If you do not know your ANC, you can find it by inputting your address on:

<http://dcatlas.dcgis.dc.gov/mar/>

Once you have found your ANC, contact information can be found on the main ANC website: <https://anc.dc.gov/>

12) Who at the Office of Planning should I send the application to?

Applications should be sent to:  
 Office of Planning - Development Review  
 Attn: Joel Lawson, Associate Director  
 1100 4<sup>th</sup> Street S.W., Suite E650  
 Washington, DC 20024

13) How long before my hearing is scheduled?

It typically is about two months between when an application is accepted and the hearing/meeting date. This timing can change based on the Board's case load and scheduling constraints.

14) What do I need to do during the period before my hearing?

Before your hearing you should make all efforts (if you haven't already done so) to contact your ANC in order to get on their agenda to present your project. After the ANC hears your presentation they may vote to support or not support your application and submit a report to your case record.

In addition to meeting with your ANC you should also try to meet with the adjacent property owners, and any other community stakeholders. If possible, you should try and obtain letters from these neighbors stating when you met with them and their confirmation that they are in support of the project.

15) What if I can't meet with the ANC before my hearing?

If you have not met with your ANC, and have nothing in the record which demonstrates conversations you have had with them, there is the risk that if you proceed with your scheduled hearing date that the Board may postpone your hearing until they receive the ANC report.

You can proceed with your scheduled hearing at your risk or you can submit a motion to postpone the hearing to the record and your case will be postponed to a later date.

16) When do I need to post notice on my property? How do I obtain these notices?

You must post notice of hearing on your property fifteen (15) calendar days prior to your scheduled hearing or meeting. You can obtain the notice poster from the Office of Zoning at any time after your case is scheduled.

To obtain your poster, please call the main Office of Zoning number (202-727-6311) and provide the staff with your case number and arrange a time to come in a pick up your sign.

17) What should I expect the day of the hearing?

Hearings convene at 9:30 AM on Wednesdays in the Jerrily R. Kress Memorial Hearing Room (Suite 220-South) located at 441 4<sup>th</sup> Street N.W.

After the meeting convenes, all individuals planning to testify in their cases will be required to take the oath as administered by the Secretary of the Board. Anyone who arrives later will be asked to take the oath prior to participating in the case.

If your case is being heard as a meeting case, then the board will simply deliberate and vote on the matter. You will not be required to provide any testimony before the Board.

If your case is being heard in a full hearing then you will be required to make a presentation to the Board explaining your project and how you meet the burden of proof criteria. The Board will then have a chance to ask you questions about your application. The representative from the Office of Planning will also be asked to present their findings. After the project has been presented, the Board will then open the floor to anyone either in support or opposition who wants to present testimony. If another person/entity has filed for party status they will also have the opportunity to present independently before the board and to ask questions of you and the Office of Planning.

At the conclusion of testimony the Board will deliberate and determine what action they wish to take. Your case could be approved, denied or the Board could postpone a decision to a later meeting in order to obtain additional information or documents.

18) What happens if my case is approved?

If the Board approves your application, it will then issue an order formalizing this decision. This order will be mailed or sent via email to you or your agent and posted to your case record on IZIS. Once you receive this order you can then proceed with obtaining your building permits or Certificate of Occupancy from DCRA.

19) What happens if my case is denied?

If your case is denied you have several options. You can submit a motion for reconsideration to the Board ten (10) days after you receive your final order. However, this motion needs to be based on an error that the Board made in deciding the case and not simply dissatisfaction with the outcome.

You also can appeal the decision to the D.C. Courts.

Finally, you can resubmit the application. However, if the new application is based on the same facts as the original application you will need to wait a year from the effective date of the denial order before resubmitting.