Zoning in the District of Columbia

Regulatory Path of a Typical Variance/Special Exception

Pre-Hearing
Variances/Special Exceptions

Starting Out

Property owner wishes to build an addition to the rear of his/her home.

After reviewing the Zoning Map & Regulations, the property owner should visit the **Office of the Zoning Administrator (ZA)** at the **Department of Consumer and Regulatory Affairs (DCRA)** to determine if the project is allowed as a “matter-of-right” or if it requires zoning relief.
Variances/Special Exceptions
Office of the Zoning Administrator

✓ If allowed as a “matter-of-right”, the ZA can approve building permit or Certificate of Occupancy.

⚠️ If it is not allowed as a “matter-of-right”, property owner will need to obtain a referral letter from the ZA outlining zoning relief needed.

Example:
Special exception to allow the construction of a rear addition to an existing one-family detached dwelling under section 223, not meeting the side yard (section 405) and nonconforming structure (subsection 2001.3) requirements in the R-1-B District.
Variance/Special Exceptions

Office of Zoning - Application

The Property Owner will then need to file a Form 120 – Application for Variance/Special Exception with the Board of Zoning Adjustment (BZA) at the Office of Zoning (OZ). The application submission should contain:

- Application form
- ZA referral
  (or Self-certification if the application is being made by a licensed architect or attorney)
- Fee
- Surveyor’s plat
Variances/Special Exceptions
Office of Zoning - Application

- Letter of Agent Authorization/Competency
- Addresses for properties within 200 ft.
- Statement of Outreach Efforts
- A detailed statement of existing and intended use of the structure.
- Architectural plans/elevations
Variances/Special Exceptions

Office of Zoning - Application

A detailed statement explaining how this application meets the tests for the specific relief being sought.

Three color images showing pertinent features of the structure and the property involved.

A copy of the resume of any expert witness who will be testifying in the case.
Variances/Special Exceptions

Office of Zoning – Processing Application

The BZA Secretary reviews application for completeness, and in the event information is missing, they will contact the Applicant to obtain the missing information. The application is then given a case number and a case file is started to keep all associated documents. This case file is called the record.
Variances/Special Exceptions
Office of Zoning – Notice of Filing

Notice of Filing (otherwise known as referrals) are sent to the affected Advisory Neighborhood Commission (ANC), Single-Member District (SMD), City Council Member, the Office of Planning (OP) and other government agencies, as required.

– OZ may send notice to other agencies, including, but not limited to, the Architect of the Capital (AOC), District Department of Transportation (DDOT), District Department of the Environment (DDOE), Office of the State Superintendent of Education (OSSE), etc.
Variance/Special Exceptions

Office of Zoning – Scheduling the Hearing

In determining the date of the hearing, OZ must allow sufficient time for OP and the ANC to review the project and file a written report, as they are both automatic parties. ANC law stipulates that 30 days written notice (excluding Saturdays, Sundays and legal holidays) be provided. Therefore, the hearing dates are usually scheduled 45 to 55 days after an application is filed.
Variances/Special Exceptions
Office of Zoning – Public Hearing Notice

The Public Hearing Notice (or the official hearing notice) stating the hearing date are sent to the D.C. Register, the Applicant, ANC and property owners within 200 ft. (a list provided by the Applicant) of the subject property 45 to 55 days prior to the hearing.
Variances/Special Exceptions
Office of Zoning – Applicant Responsibility

Posting of Property - Applicant must post a notice regarding the hearing on the property in question at least 15 days prior to the hearing. Applicant must then file an affidavit of posting at least 5 days prior to the hearing.

- Signs come from OZ – Applicant picks them up & puts them on front of property where they can be easily seen by passersby and neighbors.
- Applicant needs to photograph signs when posted.
- Applicant needs to file an Affidavit of Posting (with photos of the posted signs) and maintain the signs.

Documents - Applicant must file any supplemental at least 14 days prior to the hearing.
The Office of Planning (OP) reviews all applications for zoning relief and makes recommendations to the BZA. The report must be filed at least 7 days prior to the hearing. As part of this process, OP may coordinate comments from other District agencies, including:

- District Department of Transportation (DDOT),
- Department of Public Works (DPW),
- Department of Health (DOH),
- Department of Human Services (DHS),
- Department of Housing and Community Development (DHCD), and/or
- Office of the State Superintendent of Education (OSSE).
Variance/Special Exceptions
Office of Zoning – ANC Report

**ANC Report** - The ANC must file a report at least **7 days prior to the hearing**. The ANC Report is given “great weight” by the Board if it includes the following:

- Identification of the case number;
- When ANC held a public meeting to consider the case;
- That proper notice of the meeting was given by the ANC;
- Number of ANC members that constitute a quorum and the number of members present;
- Issues and concerns of the ANC about the case as these relate to the Zoning Regulations;
- Recommendations, if any;
- Vote on the motion to adopt the report;
- Name of the person authorized to present the ANC report; and
- Name of the Chair and/or the Vice-Chair.
Variances/Special Exceptions
Office of Zoning – Hearing

Hearing - BZA hearings are generally held on Tuesdays, between the hours of 9:30 a.m. and 6:00 p.m. at 441 4th Street, NW, Suite 220-S.
For more information

www.dcoz.dc.gov

dcoz@dc.gov

(202) 727-6311

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