

A GUIDE TO THE BOARD OF ZONING ADJUSTMENT (BZA) APPLICATION PROCESS FOR DOB APPLICANTS

Applicants for DOB Home Occupation Permits (HOP), Certificates of Occupancy (C of O), or building permits may find that elements of their proposed project, use, or occupation are not permitted as a matter of right by the zoning regulations. In these cases, the applicant would have to apply to the Board of Zoning Adjustment (BZA) to seek relief from the zoning regulations to allow their proposal by following these steps:

1. Determine if BZA relief is required

Applicants may learn that BZA approval is required for their proposal by working with an architect or other Registered Design Professional (RDP), receiving a zoning determination, participating in a Preliminary Design Review Meeting (PDRM) with the Office of Zoning Administration (OZA), or engaging the permit review process. If the applicant wishes to seek relief from the zoning regulations and proceed with their proposal as prepared, they must do one of the following:

- a. Self-certify with the assistance of an architect or attorney licensed in DC, or
- b. Request a BZA referral memo from the OZA
 - Send a written request to the OZA with a brief description of your project and state your intent to apply to the BZA.
 - Generate a C of O, HOP, or building permit application which the OZA would hold for Correction (HFC) and use as the basis for preparing the referral memo.
 - Provide the OZA with plans sealed by a Registered Design Professional (RDP) that illustrate the layout and exterior features of the space planned to be constructed and/or occupied, including elevations and an official plat from the Office of the Surveyor on which the site plan must be drawn to scale. The memo is usually completed in 30 business days, and the OZA would contact the applicant when the memo is prepared for pickup.

2. Apply through the Office of Zoning

Applicants must fully review the Office of Zoning's (OZ) processes, policies, and requirements ahead of BZA application submission. To apply, use the BZA Application Wizard through the OZ's online Interactive Zoning Information System (IZIS), where one can also upload exhibits or documents to support the case for the proposal. The OZ will review the application and assign a hearing date.

3. Reach out to your community

OZ requires the applicant to provide a list of property owners within 200 feet of the proposed project's lot lines (generated by the Office of Tax and Revenue (OTR) upon request) that is used to provide formal notification of the public hearing. Since the Advisory Neighborhood Commission (ANC) has automatic party status at the hearing, the applicant must notify their ANC of their application. Applicants are also encouraged to initiate informal conversations about the proposal with their neighbors and ANC Commissioner.

4. Complete the hearing and obtain the order

If the BZA approves a special exception or variance after the hearing, an Order is published in the DC Register that summarizes the testimony, the Board's action, and any conditions it imposes. It is considered final and effective 10 days after publication, and you may then proceed with the DOB permitting process.

5. Proceed with the permit review process

If a HOP, C of O, or building permit application was Held for Correction (HFC) to generate a referral memorandum, the application review will resume when the applicant provides DOB with the BZA Order, evidence of compliance with all conditions of the Order, the "Request for Modification to Plans Approved by the BZA" form, and any other required supporting documentation. A new HOP, C of O, or building permit application will be required if one has not been started prior to applying to the BZA. Permits will be reviewed for compliance with the conditions of the Order, expiration date if applicable, and any regulations to which the proposed project is subject.