Attachment #8

Zoning and Construction Code Waivers

Applicable to Historic Buildings

Parking and Loading Waivers

Under the D.C. Zoning Regulations (Sections 2100.5 and 2200.5), historic buildings are eligible for a waiver of certain zoning requirements for off-street parking and loading facilities. Under these sections, no *additional* off-street parking spaces or loading docks are required for a historic landmark or a building certified by the State Historic Preservation Officer as contributing to the character of a historic district. Under these provisions, any *existing* off-street parking spaces or loading docks that are required by zoning regulations must still be maintained.

To confirm eligibility for this zoning waiver, an owner must apply to the Historic Preservation Office for certification that the affected property is either a designated landmark or a building contributing to the character of a historic district. The application form is available from HPO, and must be submitted along with a photograph of the property. After HPO certifies the property as historic, the Zoning Administrator determines the applicability of the waiver.

Bed-and-Breakfast Waivers

Under the D.C. Zoning Regulations (Section 203.8), historic buildings may be eligible for an increase in the allowable number of sleeping rooms for a bed-and-breakfast facility operated as an accessory use in a residential area. Up to six rooms may be allowed in historic buildings, subject to other provisions of the regulations.

To confirm eligibility for this zoning waiver, an owner must apply to the Historic Preservation Office for certification that the affected property is either a designated landmark or a building contributing to the character of a historic district. The application form is available from HPO, and must be submitted along with a photograph of the property. After HPO certifies the property as historic, the Zoning Administrator determines the applicability of the waiver.

Construction Code Waivers

Section 3406.1 of the D.C. Construction Code (BOCA 1996) allows code review officials to waive mandatory compliance with certain provisions of the code for historic buildings, *when such buildings are judged by the code official to be safe and in the interest of public health, safety, and welfare*. Approvals under this section are based on the applicant's complete submission of professional architectural and engineering plans and specifications bearing the professional seal of the designer. To obtain relief under this section, an applicant consults directly with the code review official.

In addition, Chapter 36 of the D.C. Construction Code (Supplement of 1999) provides alternative methods of compliance with certain provisions of the code, for buildings in existence prior to 1989. In general, this portion of the code allows alterations, repairs, or conversions to a different use provided they comply with the alternative provisions of Chapter 36, *and provided some improvement in the current degree of public safety, health, accessibility and/or general welfare of the public is achieved.* To obtain relief under this section, an applicant consults directly with the code review official.

BZA
Case No. 17079
Exhibit No. 61

Board of Zoning Adjustment
District of Columbia
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