THE HOWS, WHENS, AND WHYS OF GETTING A BUILDING PERMIT

Do you sometimes wonder if you need a building permit to replace your hot water heater? To paint your windows or your house? To put some new brick planters in your yard? To put up a new fence? To install a new front door?

The answer is that you need a permit for all of the above except painting your house. In the District of Columbia, any work affecting the physical structure of your house or any work on or affecting water lines must have a permit. Any construction work such as arca ways, stair repair or replacement, retaining walls, or even sculpture in public space (front yards, for most Capitol Hill residents) must have a permit. All fences and their heights are regulated by code and require building permits. While painting your house does not require a permit, you may seek advice from the D.C. Preservation Office.

Routine repair and maintenance work does not require permit, unless it involves replacement of a structural element (such as a porch post or steps) or changes the material or appearance of the building. Replacement of broken window glass or warped porch ceiling boards does not require a permit. Replacement of a window sash, roof, porch columns or floor boards does. You do not need a permit for retaining walls less than 15” high in the back yard or to plant trees or bushes.

D.C. law requires that any new construction, exterior alterations, or demolition to buildings within the Capitol Hill Historic District be approved by Historic Preservation Review Board as part of the building permit process. That Board is constituted under law to oversee the physical fabric of the neighborhood. This approval process is meant to ensure that building alterations are consistent with the style, scale, material, and appearance of the neighborhood.

WHAT IF CONSTRUCTION WORK IS GOING ON WITHOUT A PERMIT?
It may happen that you forget to secure your permit before calling the fence company or worse, your neighbor forgets to get his permit before the fence company starts to erect his new ten-foot fence. What do you do? If it is you who forgot to get your permit, stop work immediately and get your permit! If it involves exterior work, you will have to wait for the next regularly scheduled monthly meeting of the D.C. Historic Preservation Review Board.

Always look for a posted building permit at a property where work is going on. Law requires the permit to be posted, so the homeowner can be fined under the Civil Infractions Act for not posting the permit. Also, since most of our front yards are public space, you are within your rights to walk up to the window where the permit is posted and read it.

If it is your neighbor who is proceeding with construction work without a permit you have several options. Certainly, call his or her attention to the fact he should stop work and get a permit. If you do not succeed with moral persuasion, you can call the office of the D.C. Building Department at 442-9557. The Chief of the Building Inspection Division's number is 442-4558. The Chief of the Zoning Division can be reached at 442-4576.

BY JUDITH M. CAPEN, AIA AND NANCY WITHERELL
The District government can issue a ticket and a fine to a property owner doing work without a permit. Under the Civil Infractions Act, the fines start at $500. The owner is also required to apply for a permit immediately (within five days), with all the normal review steps taking place.

If it is a weekend and the installation of a ten-foot fence is proceeding, you can call the Police at the First District Substation at 727-4660 and they, time permitting, will come by to require your neighbor to stop work. A fence installed on a property line must have the signature of both adjoining owners on the permit application. Thus, you should be informed in advance of your neighbor’s intentions. Owners can install a fence inside the common property line without the adjoining owner’s permission, however. Seven feet is the height limit for fences on private property (usually those defining rear yards), with 42 inches the height limit for fences in public space (those defining front yards or side yards for corner buildings). Occasionally, higher fences may be approved by the permit office, with the permission of adjacent neighbors.

A NOTE ABOUT THE HISTORIC PRESERVATION REVIEW PROCESS

Everyone in the District of Columbia faces the same building permit process, but the residents of D.C.’s historic districts have the additional step of historic preservation review.

It is important to realize that historic preservation review, in addition to being mandated by the same laws creating historic districts, exists to protect the historic building fabric that led to the creation of the Capitol Hill historic district.

The D.C. Historic Preservation Office is the

trouversial projects are proposed and when zoning variances are required. Property owners are advised to present large projects to these organizations for their input in advance of applying for a building permit since large projects can have a substantial impact on the neighborhoods these organizations represent.

IMPORTANT REASONS TO GET A PERMIT

There are a number of reasons, both selfish and altruistic, for property owners to get building permits as required. The permit application and granting process is an oversight function that helps to protect public health, safety, and welfare. You do not want an enthusiastic, but unskilled neighbor to cut a water line while installing a hot water heater, inadvertently contaminating your water. Likewise, you do not want to do anything to the party wall you share with your neighbor that might jeopardize the structure of both houses; nor do you want work done to electrical systems that could cause a fire.

It is better to know that deck supports, say, must be steel before they are installed than to have to go back later and replace wood posts. If damage occurs because of faulty wiring or structural collapse occurs on work done without a permit your insurance may not cover the damage. If a renter or neighbor is affected by damage caused by faulty work done without a permit, you could be sued.

Looking at the positive side of the permit process, you can often get good advice on thorny puzzles from permit officials as you go through the process.

A word of warning: the cases are numerous where window replacement companies or other contractors either claim you do not need a permit for the work or that they will get the permit. You, the owner, are still liable in these cases, so
it is best to check if a permit is required and have it posted in your window before any work is done.

**OBTAINING A PERMIT**
When you have decided on improvements to your house and are making plans to schedule your contractor, you should factor in the time required for review of your building permit application.

If you are contemplating interior work only, your plans may be reviewed while you wait by an engineer of the Permit Office.

If you are proposing exterior alterations, you will need to allow for review by the Historic Preservation Review Board, which meets only once a month.

If you are proposing new construction that will add to the lot coverage of your property, (an addition or a garage, for example) your plans will be reviewed by the Zoning Office. They will calculate the percentage of lot coverage and various side and rear yard setback requirements.

If you need a zoning variance or special exception to construct what you are proposing, your case will be heard by the Board of Zoning Adjustment and might be scheduled up to six months after you submit your application. The whole process can take a year and is complicated. The pamphlet referenced at the end of this piece describing the process is very helpful in enumerating the various steps required.

If your new construction requires the demolition of an existing structure, no matter how derelict or apparently un-historic, you need to apply for a separate demolition permit. This permit must be reviewed by the Historic Preservation Review Board and by various utility companies and city offices (such as Vector Control, for rats). A demolition permit must be granted before you can apply for a building permit for a new structure on the same site.

**Formula 33: APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY**

(The form "Application for Construction Permits on Private Property" is used for most new construction projects, including garages.) Schedule plenty of time for this step as many agencies, including the utility companies, are involved in inspections and approvals.

The application deadline for review by the Historic Preservation Review Board is always the last Wednesday of each month. The Board will then usually review your case the fourth Thursday of the following month, with follow-up signatures required. Therefore, you should count on this part of the review taking four or more weeks from the time of application.

**WHAT YOU NEED IN HAND TO APPLY FOR A BUILDING PERMIT**
First, you need to determine which permit application form applies to your work. There are four permit types that apply to most Capitol Hill construction projects:

- Application for Construction Permits on Private Property (Form BLRA 33)
- Application for Public Space Permits (Form BLRA 35)
- Application for Water or Sewer Permits (Form BLRA 37)
- Application to Install Supplemental Systems in a Building (Form BLRA 39)

All these permit forms are available from the Building Permits Office, Suite 2300, 941 North Capitol St., NE, (Hours 8:30 a.m. to 4:15 p.m.)

Permit form BLRA 33 (Application for Construction Permits on Private Property) covers most projects. The form is designed to cover everything from multi-million dollar projects to your new six-foot fence so not all of the blanks will be applicable. You will need to estimate the cost of the project, provide information about the scope of the work, and who will do the work. If you are installing a fence or a retaining wall (including underpinning) on a party or property line, you must have your neighbor's signature on the form. Retaining walls and underpinning often require the stamp of a structural engineer, also. Much of the rest of the form is self-explanatory. The "Starting" and "Completion" dates for the work are estimates and not binding. Many of the form's other questions, such as soil erosion control methods and number of footings and columns, can be answered with information from your architect or contractor. Or, your architect or contractor can file the application for you.

For most Capitol Hill residents, front yards are public space-property of the city. Any construction work in the public space, such as fences retaining walls, window wells,
or other improvements, requires a Public Space permit (form BLRA 35). You need a Water or Sewer Excavation Permit (form BLRA 37) to install water or sewer pipes or to make connections to existing water and sewer mains in the street.

The Supplemental Systems Installation Permit (form BLRA 39) covers installation of air conditioning, plumbing work, electrical work, and “fuel burning equipment” including boilers, furnaces and the like. In addition to the completed permit application form, you must also have:

- Four copies of drawings (accurate and drawn to scale) showing all proposed work. Detailed instructions about required drawings are available from the Information Counter at the Permit Processing Center in a circular “Instructions to Applications for Construction Permits on Private Property.”
- Photos of your house (if you are doing exterior work) including the exterior existing conditions where work is proposed, as well as a full shot of the front of the building. Polaroids or snapshots are fine.
- A plat ordered from the D.C. Surveyor’s office (Suite 2700, 941 North Capitol St., N.E.) with your present building and the proposed addition or new structure drawn on it in black ink. You’ll need a plat if your work will increase the footprint of an existing building, such as an addition, or involves a retaining wall or fence, or is a new building such as a shed or garage, or involves a projecting awning. The plat costs $2.25, a trip to the surveyor’s office, and a wait of five to eight working days as well. (If your lot has a “Tax Lot” number, an 800 series lot number, the city will not issue a building permit for any of the categories of work requiring plats. The number must be converted to a two-digit “Record Lot” number. Staff in the Surveyor’s office can advise you on how to do this.)

While you are not required to have an architect for many types of work, you should strongly consider getting one experienced with work in the Historic District if your project is substantial and/or complex.

Whether you have an architect or not, be sure your drawings are right, less likely delays will come.

When you have all your materials in hand, submit them to the permit office during business hours (8:30 a.m. to 4:30 p.m. M-F). Start at the information counter. The second floor staff person will direct you to the other counters applicable to your project. The first stop is the zoning counter. You may have to leave your plans with the zoning office if your project is large and requires lengthy review. You must proceed from Zoning to Structural review before you can take your drawings for the Historic Preservation Office for review of exterior work.

If you are filing with the Historic Preservation Office for exterior review, you will need to get a transmittal form to be signed by the zoning and structural staff. This form will assign you a case number. A staff person will accept your transmittal form, drawings, and photographs and can inform you of the Board’s next review date.

The Historic Preservation Office staff will phone you to discuss any outstanding issues. The staff may have questions about your house or your drawings, may need additional documentation, or may suggest modifications to your proposal. Because the preservation office staff sees so many projects, it has a broad perspective on the challenges and opportunities of construction in a historic district like Capitol Hill. The staff can offer suggestions and provide helpful information on sources and techniques as part of the review process. You can reach the staff historian for Capitol Hill at 442-8845.

Once your case is heard, the Preservation Office will return your application and materials to the permit office at the end of the month. You will receive a phone call informing you that your application is ready for you to complete the permit process. You will be directed to the appropriate review counters by the permit information staff. When you have completed these steps, you will pay the permit fee, your permit will be typed, and you will leave, permit in hand. The permit fee is based on a percentage of the cost of your project or on a cubic footage calculation for new construction plus a filing/ review fee.

Building permits are valid for a year from issuance. You may have your permit renewed (for a small fee) if necessary.

CERTIFICATES OF OCCUPANCY

While not strictly a permit, a Certificate of Occupancy (C of O) is required for every building type in the District of Columbia, except single family dwellings, to be occupied or used legally. Thus, all businesses and all houses with an office or a rental unit must have a Certificate of Occupancy for the entire building. (Under the Criminal Justice Law, you could be liable for a $500 fine if you do not have a Certificate of Occupancy for a use requiring one.) Likewise, the permit office will not issue a building permit for a property without a Certificate of Occupancy if your property is required to have one.

If you do not currently have a C of O for a legal use, it usually is very difficult to get one. The pamphlet referenced at the end of this piece will provide you with the detailed information you need.

The Capitol Hill Restoration Society has a flyer containing information on the Historic District, including boundaries, some general information about building permits, zoning, and advice about building modifications. If you would like one, please call 543-0425.

Sometimes the process of getting a building permit for a relatively simple thing like a fence can seem onerous, let alone getting a permit anything more complex in a historic district like Capitol Hill. But, it is the law and ultimately is in the interest of all homeowners and Hill residents both to observe the law and to remind our nonconforming neighbors of it. Construction will inevitably occur as we continue to adapt our 19th century building stock to contemporary demands, so it is important to make these adaptations as carefully and thoughtfully as possible.

FURTHER SOURCES

You can call the Office of Consumer and Regulatory Affairs, Permit and Processing Division, 424-9470 for general permit information. They also have several free brochures:

- D.C. Department of Consumer and Regulatory Affairs: a general pamphlet about the DCRA including some information on the Civil Infractions Act
- Zoning Variances
- The Demolition Permit
- A Guide to Building Permits
- Certificate of Occupancy

USEFUL PHONE NUMBERS AND ADDRESSES

D.C. Building Permits Office - 424-9469, 70, 72, 73
941 North Capitol St., N.E. Suite 2300
Hours: 8:30 a.m. - 4:30 p.m. M-F)
www.dcrda.org

D.C. Building Inspection Division 424-9557
for a complaint, like illegal construction, or call the First District Substation after hours at 727-4660

D.C. Zoning Division 424-4876
Completion 8:30-18 M. Q. 3:4-30 P.M.

D.C. Historic Preservation Office 424-8818
800 North Capitol St., N.E., 3rd Floor

D.C. Surveyor’s Office (to get a plat) 941 North Capitol St., Suite 2700
424-4668; 424-4568
8:30-11:15 M-F

Certificate of Occupancy 424-9469, 70, 72, 73

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