

109 VARIANCES

- 109.1 Any owner, licensee, or operator required to perform an act by this subtitle may be excused by the Director or by the Board of Appeals and Review from the performance of that act, either in whole or in part, upon a finding by the Director or by the Board that the full performance of the act would result in exceptional or undue hardship by reason of excessive structural or mechanical difficulty, or impracticability of bringing the premises affected into full compliance with the requirements of this subtitle.
- 109.2 A variance may be granted only where, and to the extent, necessary to ameliorate exceptional or undue hardship and only when compensating factors are present which give adequate protection to the public health, welfare, safety, or morals, and the variance can be granted without impairing the intent and purposes of the housing program of the District of Columbia as embodied in this subtitle.
- 109.3 The owner, licensee, or operator may submit, on his or her own initiative, a written request for a variance setting forth the nature of the act required to be performed, the exceptional or undue hardship which would result from its performance, and any variance from the terms of the notice and requirements of this subtitle which the owner, licensee, or operator may seek.
- 109.4 Each request for a variance shall be filed with the Director within the period specified in the notice for compliance, but in no case more than thirty (30) days after the service of that notice.
- 109.5 The Director may refer requests for variances, without final decision, to the Board of Appeals and Review for the action of the Board.
- 109.6 A written record shall be maintained of each variance granted or denied, and the written record shall be available for inspection by the public.

SOURCE: The Housing Regulations of the District of Columbia, 5G DCRR § 2702, Commissioners' Order 55-1503 (August 11, 1955).