GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 17204 of Richard and Christina Donnell, pursuant to 11 DCMR 3104.1, for a special exception under § 223 to construct a three-story addition to a single-family row dwelling not meeting the lot area and lot width minimums of § 401, the rear yard minimum of § 404, or the requirements for additions to nonconforming structures of § 2001, located in the FB/R-3 District at premise 2512 I Street, N.W. (Square 17, Lot 35).[1]

HEARING DATE: September 21, 2004 and November 30, 2004
DECISION DATE: January 18, 2005

DECISION AND ORDER

This application was originally filed on June 10, 2004 by Richard and Christina Donnell ("Applicants"), the owners of the property that is the subject of this application ("subject property"). The subject property, although originally built as a single-family dwelling, had been divided into individual units and rented to students since sometime in the 1960's. The Applicants intend to renovate the structure completely as a single-family home and applied to the Board of Zoning Adjustment ("Board " or "BZA") for variances from the lot occupancy and rear yard provisions of the Zoning Regulations in order to permit the construction of a three-story addition at the rear of the dwelling.

The Board scheduled a public hearing on the application on September 21, 2004, but at the hearing, the Applicants requested a continuance. Due to neighborhood opposition, particularly to the large proposed increase in lot occupancy, the Applicants decided to revise their plans and to work further with the neighborhood. At the September 21, 2004 hearing, therefore, the Board determined only party status, and granted the Applicants' request for a continuance of the remainder of the hearing until November 30, 2004.

The Applicants changed their plans and filed a revised application with the Board on October 29, 2004. The revised plans included a new proposal, which reduced the proposed lot occupancy and thus changed the relief requested from several variances to a special exception under 11 DCMR § 223. The hearing on the revised application was held and completed on November 30, 2004.

BZA CASE No. 17204 EXHIBIT No. 60

[1]The application was originally advertised as a request for several variances. Prior to the hearing, Applicants revised their plans, which changed the necessary relief .

Board of Zoning Adjustment
District of Columbia
CASE NO. 17204
EXHIBIT NO. 60

The Board held a Special Public Meeting on January 18, 2005 at which it decided to grant the revised application by a vote of 4-0-1, with one member not participating.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memorandum dated June 14, 2004, the Office of Zoning ("OZ") gave notice of the filing of the application to the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), Advisory Neighborhood Commission ("ANC") 2A, Single Member District/ANC 2A03, and the Council Member for Ward 2. Pursuant to 11 DCMR § 3113.13, OZ published notice of the hearing on the application in the *District of Columbia Register* and on July 27, 2004, mailed notices to all owners of property within 200 feet of the subject property, advising them of the date of the hearing. On July 27, 2004, and again on July 29, 2004, OZ mailed notices of the date of the hearing to the Applicants and to ANC 2A.

Requests for Party Status. ANC 2A was automatically a party to this case. Party status was also granted to Paul Falon, a concerned neighbor.

Applicants' Case. Richard Donnell, one of the Applicants, testified regarding the project, his contact with the neighbors, and his appreciation for the historic district within which the subject property is situated. The Applicants' architect testified with more specificity about the project and other buildings in the neighborhood. The Applicants' immediate neighbor, who resides in the row dwelling attached to the Applicants' dwelling, testified enthusiastically in support of the Applicants' project.

Government Reports. The Office of Planning filed a report on the original application with the Board on September 14, 2004. OP opined that the application did not meet any of the variance tests and recommended denial of both the lot occupancy and rear yard variances. It also suggested that variance relief might be necessary from 11 DCMR § 1523.1, a provision of the Foggy Bottom Overlay District (*See,* 11 DCMR §§ 1521 - 1524), within which the subject property is located.

After the Applicants revised their plans, changing the relief requested from several variances to a special exception, OP filed a Supplemental Report, dated November 23, 2004, in which OP concluded that the addition would not have adverse impacts on light, air, or the privacy of use and enjoyment of neighboring properties. However, OP declined to make a specific recommendation because of outstanding issues regarding the calculation of lot occupancy, the relationship between Section 223 and the Foggy Bottom Overlay, and the absence of input from HPRB regarding the visual impact of the addition on the character, scale and pattern of houses along the street frontage. No other government reports were filed in this application.

ANC Reports. The ANC submitted a letter dated September 15, 2004, stating that at its regular monthly meeting on September 14, 2004, with a quorum present, the ANC voted to oppose the Applicants' variance requests. During the afternoon before the evening meeting Applicants informed the ANC that they had revised their proposal, and that they would be presenting their new proposal before the ANC that night. However, after the Applicants' presentation, the ANC was not yet ready to vote on the new proposal and requested that the Applicants ask for a continuance of the BZA hearing scheduled for September 21, 2004, in order to permit the ANC and the neighborhood to evaluate and take action on the new proposal.

The ANC submitted a second letter, dated September 16, 2004, formally requesting that the BZA postpone its consideration of the application and stating that the ANC would review the Applicants' revised plans at its October 20, 2004 meeting.

On November 11, 2004, the ANC submitted a third letter requesting another continuance of the hearing. The letter stated that, because the revised application was filed with the Board on October 29, 2004, and the ANC's November meeting was held on November 10th, the ANC did not have adequate time to review the application and consult with its zoning counsel. The letter further stated that the ANC's next meeting would be held on December 15, 2004, at which time the ANC expected to reach its official position on the revised application.

On January 7, 2005, the ANC submitted a resolution in opposition to the revised application. The resolution set forth the ANC's basis for its opposition, an analysis of certain legal issues requested by the Board of all parties, and a suggested amended proposal. On January 13, 2005, the ANC also submitted a response to the Applicant's legal analysis of issues requested by the Board.

FINDINGS OF FACT

1. The subject property is located at 2512 I Street, N.W., in Square 17, Lot 35. It is in an R-3 zone district, within the Foggy Bottom Historic District and the Foggy Bottom Overlay District ("FB Overlay" or "Overlay").

2. The subject property is nonconforming as to lot area and lot width, with a lot area of approximately 1,362.5 square feet and a lot width of 13.6 feet. *See,* 11 DCMR §401.3.

3. The neighborhood surrounding the subject property is mostly residential, with a mix of single- and multi-family dwellings.

4. The subject property is improved with a pre-1958 two-story row dwelling, attached on its west side to a 2-story row dwelling with a 3-story addition at

the rear. The dwelling on the subject property and the series of 8 row dwellings to which it is attached to the west, are all set back 25 feet from I Street, N.W.

5. Immediately to the east of the subject property is a vacant lot between it and a series of 5 row-type dwellings extending eastward to the corner of I Street, N.W. and 25th Street, N.W. These dwellings are set much further forward toward I Street than the series of row dwellings to which the Applicants' dwelling is attached.

6. The rear of the subject property abuts the end of a dead-end 30-foot wide public alley.

7. At some point in the 1960's, a cellar-level carport was added to the rear of the subject dwelling. The carport is approximately 10-feet wide and extends to the rear lot line.

8. Since at least the 1960's, the dwelling on the subject property had been rented to successive groups of students and its interior had been modified for that purpose. It had been divided into apartments using cinderblock walls and steel doors and the individual units on each floor were further subdivided into separate rooms.

9. The Applicants are proposing to extensively renovate the dwelling and return it to single-family use. They propose to add a 3-story rear addition and to replace the cellar-level carport with a partially underground garage, a portion of which will be under the rear-most part of the addition.

10. The proposed garage and the deck proposed for its rooftop will result in the loss of the required 20-foot rear yard of the dwelling. *See,* 11 DCMR § 404.1.

11. The ceiling of the partially-underground garage will be lower than that of the currently-existing carport and will not extend above the level of the main floor of the rear of the dwelling. Also, the garage and its rooftop deck will be placed so as not to obstruct light and ventilation to the dwelling or to neighboring buildings. Therefore, the Zoning Administrator ("ZA") informed the Applicants that the proposed garage would not count toward the dwelling's lot occupancy. *See,* 11 DCMR § 199.1, definitions of "Percentage of lot occupancy" and "Building area."

12. The lot occupancy of the dwelling is approximately 47%, and with the proposed addition, it will increase to 60%, the maximum permitted as a matter-of-right for a row dwelling in an R-3 district. *See,* 11 DCMR § 403.2.

13. The height of the proposed addition will be approximately 33 feet, and 3 stories, within the matter-of-right maximums of 40 feet and 3 stories permitted in the R-3 district. *See,* 11 DCMR § 400.1.

14. There are several other three-story buildings in the neighborhood of the subject property and within the FB/R-3 zone district, including the adjoining dwelling and the dwelling attached on the other side of the adjoining dwelling. At least two dwellings on the other side of the vacant lot immediately to the east of the subject property are two-and-a-half to three stories in height. To the south, across the rear alley, is a building well over 3 stories tall.

15. The third floor of the Applicants' addition will begin at the rear wall of the existing dwelling. It will be set back approximately 29 feet from the façade of the existing dwelling and approximately 15 feet further from the street than the third floor of the adjoining dwelling.

16. On the approximately 29 feet of second-floor rooftop between the façade of the existing dwelling and the front wall of the third floor addition, the Applicants are proposing a rooftop deck.

17. The rear wall of the proposed addition will align with the rear wall of the rear addition of the adjoining dwelling.

18. The addition will not have any windows on the sides, but only on the rear, facing the alley, and on the front wall of the third story overlooking the rooftop deck and the street.

19. Because of its 29-foot setback, the third-floor addition cannot be seen from the street in front of the subject property and only a small portion of it is visible from the street area in front of the vacant lot to the east.

CONCLUSIONS OF LAW

Preliminary Matters

Prior to the Board's determination of the special exception relief in this case pursuant to § 223 of the Zoning Regulations, the Board addressed the following preliminary legal issues regarding whether special exception relief is even available in this case. These preliminary legal issues are addressed first below, and a discussion of whether the requirements of § 223 are met, follows.

Special exception relief pursuant to § 223 is not precluded within the Foggy Bottom Overlay.

ANC 2A and the party in opposition (hereinafter the opposition party) argued that the Foggy Bottom Overlay precludes property owners within the Overlay from seeking special exception relief under 11 DCMR § 223. That section allows the BZA to permit deviations from certain area requirements of the zoning regulations as a special exception rather than a variance. Specifically, ANC 2A and the opposition party argued that the language in § 1521.3(a)(2), in conjunction with § 1522.3, precluded the use of § 223 for an addition of a third story within the Overlay.

Section 1522.3 states that [w]here there is a conflict between this chapter and the *underlying zoning*, the more restrictive provisions of this title shall govern" (emphasis added). Section 1521.3(a)(2) sets forth one of the purposes of the FB Overlay as requiring a scale of development consistent with "[t]he characteristics of the low scale harmony of rhythmic townhouses of a purely residential neighborhood that formed the basis on which the area was designated a historic district." Section 1523.1 specifically provides that legitimate uses existing in a building constructed before April 17, 1992 shall be deemed conforming "except that no addition ... shall be permitted unless in conformance with the requirements of the underlying R-3 District." The underlying zone of the subject property is R-3, which permits three stories as a matter-of-right. 11 DCMR § 400.1.

Section 223 allows for an addition to a one family dwelling or flat to be approved as special exception as follows:

> An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the applicable area requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104 ... .

11 DCMR § 223.1.

As set forth above, § 223 applies to properties in all residence zones and does not exclude properties in overlay zones. For this reason, the Board disagrees with the ANC that § 223 relief could not be granted, because such relief would not be "in conformance with the requirements of the underlying R-3 District" as required by § 1523.1.

Section 1523.1 is a rule of interpretation that resolves potential conflicts between substantive zoning requirements in favor of the more restrictive. It does not preclude the Board from granting special exception or variance relief from the applicable zoning requirement. To find otherwise would be in contradiction of the Zoning Act, which expressly permits the Board to make special exceptions as provided by the Zoning Commission "to the provisions of the zoning regulations in harmony with their general

purpose and intent." The Zoning Commission expressly precludes this relief when it so intends. [2]

In fact, the legislative history of the FB Overlay indicates to the contrary – that the Zoning Commission intended property owners to maintain avenues of relief, specifically for non-conforming properties.

In Order No. 714, dated March 19, 1992, the Commission stated, at page 7:

> The Commission believes that many of the properties, as is the case in many historic districts, generally are already nonconforming. Thus, the rezoning proposed [*i.e.,* the FB Overlay] does not significantly alter the process available to property owners for obtaining relief if additions to existing structures are sought.

This statement indicates that the Commission did not intend to make the usual avenues of relief – special exceptions and variances – unavailable within the FB Overlay. The FB Overlay does not prohibit a three-story addition.

The ANC and the opposition party further posited that a three-story addition could not be permitted by the Board because "the low scale harmony of rhythmic townhouses" language of § 1521.3(a)(2) precludes 3 stories and, notwithstanding the fact that 3 stories are permitted as a matter-of-right in the underlying R-3 zone, the more restrictive "low scale harmony" language of § 1521.3(a)(2) governs, per § 1522.3.

There was no evidence presented that *any* special exception under § 223 is automatically disruptive of the historic district or the "low scale harmony of rhythmic townhouses" that the FB Overlay was established to preserve. Nor was there persuasive evidence that a third-story addition would be at odds with this "low scale harmony." The Overlay does not define "low scale harmony" and does not set a height limit of 2 stories. In fact, a careful reading of § 1523.1 belies any assumption that a 2-story maximum should be inferred. A third-story is in conformance with the R-3 District and therefore would be permitted under the language of § 1523.1. The Board finds that a contrary interpretation of § 1521.3(a)(2) is inconsistent with the more specific language of § 1523.1. Moreover, § 1521,3 (a) (2), is not a substantive provision, but states one of the Overlay's purposes. As such, the "low scale harmony" language of § 1521.3(a)(2) provides only guidance to

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[2] An example of such an express exclusions is the following provision from the Southeast Federal Center Overlay.

> 1804.1 Within the SEFC/R-5-D and R-5-E Districts, the following buildings, structures, and uses are not permitted:
> ***
> (d) Uses subject to special exception review in the underlying R-5-D or R-5- E zone districts that are not listed in § 1804.2 as being subject to Zoning Commission review and approval.

the Board. It is merely precatory language and not controlling. *See, Georgetown Residents Alliance v. District of Columbia Board of Zoning Adjustment,* 802 A.2d 359, 364 (D.C. 2002).

Zoning Commission Order No. 714 reinforces that 3 story additions are permissible within the FB Overlay. The Order, at 2, notes that, at the time the Overlay was created, the Foggy Bottom Historic District had R-3, R-4, R-5-A, R-5-B, R-5-C, and R-5-D zone districts within it. R-3, R-4, and R-5-A districts have a 40-foot, 3-story height limit. 11 DCMR § 400.1. R-5-B, R-5-C, and R-5-D districts, however, have, respectively, 50-, 60- and 90-foot height limits, with no limit on the number of stories. *Id.* R-4 districts also permit conversions to apartment buildings and certain institutional uses. Neither of these uses are permitted in R-3 districts, which are therefore less dense districts. The Commission chose R-3 zoning as the underlying zone within the Overlay, as the most appropriate "means of stabilizing the existing character of the community." Zoning Commission Order No. 714 at 7. Knowing that the R-3 district permitted a 3-story height maximum, the Zoning Commission chose to map the FB Overlay R-3, thereby permitting 3 stories within the Overlay.

Accordingly, the Board finds that the FB Overlay does not establish a blanket prohibition on third-story additions on properties within it.

A roof deck may be permitted within the Foggy Bottom Overlay.

The opposition argues unpersuasively that the Board should disallow the Applicants' proposed roof deck because it is out of character with the historic nature of the neighborhood. There is no provision in the Zoning Regulations prohibiting roof decks in the FB Overlay or elsewhere.. Therefore whether the roof deck is permissible must be determined with reference to the criteria listed in § 223.

The lot occupancy calculation of the Applicants' dwelling does not include the proposed partially-underground garage.

The final preliminary issue the Board needed to determine was whether the garage of the proposed addition should be counted in the lot occupancy calculation for the proposed addition. If the garage were to be counted in this calculation, then the lot occupancy of the dwelling would have exceeded the 60% limitation set forth in § 223 and applicants would have been ineligible to avail themselves of this form of relief.

The Applicants and the ZA concluded that the partially-underground garage did not count toward lot occupancy; OP alternatively questioned whether the garage should count towards lot occupancy. The Board agrees with the Applicants and the ZA. The definition of "Percentage of lot occupancy" directs the reader to the definition of "Building area." *See,* 11 DCMR § 199.1. Essentially, any portion of a lot that is or may be occupied as

"building area" counts toward lot occupancy. The definition of building area states that the term:

> Shall [not] include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property.

11 DCMR § 199.1, definition of "Building area." Because a portion of the roof of the garage extends above the main level of the house, OP suggested that the garage count toward lot occupancy. However, the roof of the garage does not extend above the level of the main floor of the part of the dwelling adjacent to the garage. The garage is tucked under the main floor of the dwelling and is placed so as not to obstruct light and ventilation to the dwelling or adjacent buildings. The placement of the garage is such that a person would walk from the deck on its rooftop into the first floor of the back of the dwelling. The Board therefore finds that the garage does not count toward the lot occupancy of the dwelling.

Special exception analysis

The Board is authorized to grant special exceptions where, in its judgment, the special exception will be "in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property." 11 DCMR § 3104.1. Certain special exceptions must also meet the conditions enumerated in the particular section pertaining to them. In this case, the Applicants had to meet both the requirements of § 3104.1 and § 223 of the Zoning Regulations.

The Applicants' addition will project into their rear yard, but its rear wall will be flush with that of the attached row dwelling. The only part of the addition which will reach to the rear lot line will be the low-level deck on top of the garage. Therefore, although for zoning purposes, the Applicants will have no rear yard, from the standpoint of light and air, there will remain an open area over the deck of approximately 15 feet between the rear lot line and the rear wall of the addition. Abutting the rear lot line is a 30-foot wide public alley and immediately next to the subject property is a vacant lot. The addition will not have any windows overlooking the adjacent vacant lot, but only on its rear, overlooking the alley, and on its front, overlooking the street. There will be a roof deck on top of the second story at the front of the house, but there was no evidence that the deck, or indeed, the addition as a whole, would unduly compromise the privacy of use and enjoyment of neighboring properties.

The third floor of the addition is set back approximately 29 feet from the façade of the existing dwelling, which itself is set back 25 feet from the street. There are also several other three-story dwellings along the street on both sides of the subject dwelling. There

was some dispute about how much of the addition would be visible from the street. The Board concludes that whatever small percentage may be visible, it does not substantially visually intrude upon the character, scale and pattern of houses along I Street.

The Board has considered the arguments of the opposition party and the ANC and is mindful of the protective nature of the FB Overlay. The Board, however, concludes that granting the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, including those of the FB Overlay. The Applicants are restoring their historic dwelling and returning it to single-family use, thereby enhancing the residential character of the area by maintaining existing residential uses, pursuant to § 1521.3(c). The Applicants' addition is not out of scale with the neighborhood nor does it destroy the low scale harmony of rhythmic townhouses along I Street.

Great Weight

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations made by the Office of Planning. D.C. Official Code §§ 1-309.10(d) and 6-623.04 (2001). Great weight means acknowledgement of the issues and concerns of these two entities and an explanation of why the Board did or did not find their views persuasive.

The Applicants argued that the Board should not give great weight to the ANC's written resolution because it was submitted after the hearing and it did not address the elements of § 223, but instead set forth legal interpretations of the Zoning Regulations. Neither of these propositions are reasons to deny the resolution great weight. Due to timing difficulties encountered by the ANC, partly because the application was revised, the Board held the record open after the close of the hearing to accept the ANC's resolution. At the decision meeting, the Board waived the regulation requiring that the ANC's report be submitted 7 days prior to the hearing (§ 3115.1), and accepted the resolution. The fact that the ANC's resolution focused on its interpretation of the FB Overlay provisions, and not on the specific elements of §223, is no reason to deny it great weight as the Overlay provisions are relevant to the analysis of this application. The Board therefore gave the ANC's resolution great weight and thoroughly considered the issues it raised. For the reasons set forth above, however, the Board does not find the ANC's views persuasive.

The Office of Planning was reluctant to make a recommendation as to the proposed addition's visual impact on the character, scale and pattern of the houses on the street frontage or its harmony with the general intent and purpose of the Zoning Regulations without input from the Historic Preservation Review Board OP did conclude that there would be no appreciable adverse impacts from the proposed addition on light, air, and privacy of neighboring properties. The Board found OP's conclusion regarding no adverse impacts persuasive. Finally, as set forth above the Board fully considered OP's

concerns regarding lot occupancy as it pertains to the garage portion of the addition as well as the availability of §223 relief in the FB Overlay.

Based on the record before the Board and for the reasons stated above, the Board concludes that the Applicants have satisfied the burden of proof with respect to an application for a special exception pursuant to 11 DCMR § 223, for an addition to a single-family dwelling. It is therefore **ORDERED** that the application is **GRANTED.**

VOTE: **4-0-1** (Geoffrey H. Griffis, Ruthanne G. Miller, John A. Mann, II and Gregory Jeffries, to grant. Curtis L. Etherly, not participating, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
Each voting Board member has approved the issuance of this Order granting the application.

ATTESTED BY: _____
JERRILY R. KRESS, FAIA
Director, Office of Zoning

FINAL DATE OF ORDER: SEP 14 2005

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 17204

As Director of the Office of Zoning, I hereby certify and attest that on SEP 14 2005, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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TWR