

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



Application No. 20389 of Jessica Ellis and Samuel Medeiros, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.2 and, pursuant to Subtitle X, Chapter 10, for an area variance from the lot width requirements of Subtitle D § 302 to allow a subdivision creating two record lots and a new detached principal dwelling and two-story accessory structure on one new lot in the R-1-B zone at 1915 Shepherd Street, N.E. (Square 4194, Lot 841).^{1, 2}

HEARING DATES: February 24, July 28, October 6, and November 3, 2021
DECISION DATE: November 3, 2021

DECISION AND ORDER

This self-certified application was filed on October 8, 2020 on behalf of LENJESWIIL, LLC, then the owner of the property that is the subject of the application. The subject property was later purchased by Jessica Ellis and Samuel Medeiros (together, the “Applicants”). (Exhibit 31.) Following a public hearing, the Board voted to deny the application.

PRELIMINARY MATTERS:

Notice of Application and Notice of Hearing. By memoranda dated December 16, 2020, the Office of Zoning sent notice of the original application and public hearing to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 5B, the ANC in whose boundaries the subject property is located, the single-member district ANC 5B01, the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 5, the Chairman of the D.C. Council, three at-large Councilmembers,

¹ The caption has been revised to reflect the relief requested in the application as finally amended. (Exhibit 72.) The application initially requested only an area variance from Subtitle D § 302.1. (Exhibit 4.)

² By orders issued August 25, 2023, the Zoning Commission approved text amendments that reorganized and renamed certain zones, including the renumbering of development standards at issue in this proceeding. (See Zoning Commission Orders No. 18-16, 19-27, 19-27B.) This order reflects the zoning provisions in effect at the time of the Board’s vote at the conclusion of the public hearing.

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and the owners of all property within 200 feet of the subject property.³ Notice of the public hearing was published in the *D.C. Register* on December 4, 2020. (67 DCR 14123.)

Party Status. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 5B were automatically parties in this proceeding. The Board received no requests for party status.

Applicant's Case. The Applicant provided evidence and testimony in support of the application, which sought zoning relief to allow a new principal dwelling on a new record lot that would not meet zoning requirements for lot width or side yards.

OP Report. By memorandum dated February 12, 2021, OP recommended denial of the application, which then requested area variances from requirements for side yard and lot width. (Exhibit 37.) By supplemental report, dated October 22, 2021, the Office of Planning again recommended denial of the amended application, including the requested special exception from the side yard requirements. (Exhibit 76.)

DDOT Report. By memorandum dated February 9, 2021, DDOT stated no objection to approval of the application. (Exhibit 36.)

ANC Report. At a public meeting on April 28, 2021, with a quorum present, ANC 5B adopted a resolution in opposition to the application.

Persons in opposition. The Board received letters and heard testimony in opposition to the application from residents living near the subject property. A commissioner of ANC 5B submitted a letter stating that neighbors objected to the Applicant's proposal.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot on the south side of Shepherd Street east of its intersection with 19th Street, with the address 1915 Shepherd Street, N.E. (Square 4194, Lot 841).
2. The subject property is generally rectangular, with approximately 80 feet of frontage on Shepherd Street. The side lot lines extend 154 feet (east) and 164 feet (west). The lot area is 12,334 square feet.
3. The subject property is improved with a detached two-story principal dwelling located in the northeastern portion of the site. The dwelling has side yards of five feet (east) and approximately 40 feet (west).

³ The public hearing was originally scheduled for February 24, 2021 and was rescheduled, including twice at the Applicant's request, to July 28, 2021. A continued hearing scheduled for October 6, 2021 was rescheduled at the Applicant's request to November 3, 2021.

4. The west side of the subject property abuts a public alley 15 feet wide.
5. The subject property contains a one-story accessory structure in the southwest corner of the site, accessible from the public alley.
6. The subject property is currently configured as an Assessment and Taxation Lot. The Applicant testified that a subdivision in 1907 created a series of record lots fronting on Shepherd Street. The subject property encompassed a portion of the 1907 subdivision, comprising Lots 9, 10, and 11, each 25 feet wide, as well as a portion of what was formerly designated Lot 8 (on the east) that is approximately five feet wide. The existing dwelling is located primarily on Lot 9 and extends into Lot 10 to the west. The existing accessory structure is located on portions of Lots 10 and 11.
7. The Applicant proposed to subdivide the subject property to create two record lots, designated Lot A (east) and Lot B (west), with frontage on Shepherd Street.
8. Lot A would be configured in a J-shape so that both the existing dwelling and existing accessory structure would be located on Lot A.
9. Lot A would have approximately 41 feet of frontage on Shepherd Street. Its lot width would be 48.8 feet, as calculated by the Applicant using the 10-foot interval method because of its irregular shape. Its lot area would be 7,323 square feet.
10. As a result of the subdivision, the existing dwelling on Lot A would have a side yard of 2.5 feet on the west side.
11. Lot B would be created in the northwest corner of the subject property. The new lot would be rectangular, with a lot width of 39 feet and a depth of approximately 129 feet. Its lot area would be 5,011 square feet.
12. The Applicant proposed to build a new detached principal dwelling on Lot B. The building would provide two side yards, each eight feet deep. The Applicant also planned to build a new two-story accessory structure in the rear yard of the new dwelling, directly north of the existing accessory structure that would be located on Lot A.
13. The properties abutting the subject property to the east and south are improved with detached principal dwellings. Properties across the alley to the west also contain detached principal dwellings. (Exhibit 37.)
14. The area surrounding the subject property is predominantly residential in nature with detached buildings. (Exhibit 37.)

15. The subject property is located in a Residential House (R) zone, R-1-B. The Residential House zones are residential zones, designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. (Subtitle D § 100.1.) The provisions of the R zones are intended to (a) provide for the orderly development and use of land and structures in areas predominantly characterized by low- to moderate-density residential development; (b) recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city; (c) allow for limited compatible accessory and non-residential uses; (d) allow for the matter-of-right development of existing lots of record; (e) establish minimum lot area and dimensions for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 100.2.)
16. The R-1-B zone is intended to provide for areas predominantly developed with detached houses on moderately sized lots. (Subtitle D § 300.3.)
17. The purposes of the R-1-B zone are to protect quiet residential areas now developed with detached dwellings and adjoining vacant areas likely to be developed for those purposes and to stabilize the residential areas and promote a suitable environment for family life. (Subtitle D § 300.1.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requests zoning relief including area variances from the lot width requirements of Subtitle D § 302 to allow a subdivision creating two record lots in the R-1-B zone at 1915 Shepherd Street, N.E. (Square 4194, Lot 841). Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning and to the issues and concerns stated by ANC 5B, the Board concludes that the application failed to satisfy the requirements for approval of the requested zoning relief.

Lot width. The Board is authorized under § 8(g)(3) of the Zoning Act, D.C. Official Code § 6-641.07(g)(3), to grant a variance where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. *See* Subtitle X §§ 1000.1, 1002.1(a).

With certain exceptions not relevant to this application, the Zoning Regulations require that any subdivision must be effected in a manner that will not violate zoning provisions governing

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minimum lot width, among other aspects, for the original lot or any lot created in the subdivision. (Subtitle C § 302.1.) The minimum lot width stated in the Zoning Regulations for a lot in the R-1-B zone is 50 feet. (Subtitle D § 302.1.) The Applicant proposed to subdivide a lot, currently 80 feet wide, to create two new record lots that would each have a lot width smaller than the minimum requirement. According to the Applicant, the subdivision would create new lots with lot widths of 48.8 feet (Lot A) and 39 feet (Lot B).⁴

The Applicant's proposal would require a significant degree of variance relief, given that neither new lot created in the proposed subdivision would meet the applicable minimum requirement for lot width in the R-1-B zone, and one lot would provide less than 80 percent of the minimum requirement. The degree of relief requested in this application was not *de minimis* in nature. See *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1172 (D.C. 1990) (Board may consider whether a variance is *de minimis* in nature and whether for that reason a correspondingly lesser burden of proof rests on the applicant).

The "exceptional condition" requirement may be satisfied by a characteristic of the land, see *Fleischman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561 (D.C. 2011) or by a peculiar physical aspect or other extraordinary situation or condition, see *Monaco v. DC Bd. of Zoning Adjustment*, 407 A.2d 1091, 1096 (DC 1979). The unique or exceptional situation or condition may arise from a confluence of factors that affect a single property. *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1711 (DC 1990). The Applicant argued that the subject property was exceptional due to its subdivision history, compared to the subdivision history of nearby lots, its large size, and the existence, as of May 12, 1958, of three record lots, and a portion of another, underlying the tax lot configuration of the subject property. (Exhibits 7, 64; Transcript of July 28, 2021 at 168-84, 193-97.)

The Board does not find that the subject property is faced with any exceptional situation or condition that would warrant approval of the requested variance. The shape of the subject property is generally rectangular and not highly irregular or unusual. The lot is generally flat, and without topography or other physical features that would preclude its use consistent with zoning requirements. The Applicant stated the proposed subdivision as the reconfiguration of three record lots (Lots 9, 10, and 11) and a portion of what was previously part of another record lot (Lot 8) into two new record lots so that the existing dwelling and accessory structure could be located on one lot and another lot would be created for the construction of a second dwelling and accessory structure. According to the Applicant, the "the subject property demonstrates an extraordinary or exceptional situation or condition of property by virtue of the history of the 'subdivision' and/or

⁴ The Office of Planning report stated that Lot A would have a lot width of 41 feet, consistent with its street frontage. The Applicant estimated the lot width of Lot A at 48.8 feet, citing the irregular shape of the lot. For zoning purposes, "lot width" is defined as "The distance between the side lot lines, measured along the building line; except that, in the case of an irregularly shaped lot, the width of the lot shall be the average distance between the side lot lines.... (Subtitle B § 100.2.) The Board considered the degree of relief as proposed by the Applicant in the self-certified application; the disparity between the Applicant's and OP's statements of lot width did not affect the Board's deliberations in determining that the application failed to meet the requirements for approval of the requested area variance relief.

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Plat of Computation establishing the tax lot resulting in an unusually large minimum lot dimensions combined, relative to the average property size for all other lots within its Square of location.” (Exhibit 7.)

The Board did not agree, noting that the Applicant could, as a matter of right, subdivide the subject property to create a new record lot with the boundaries now defined by the existing tax Lot 841. That subdivision would replace the 1907 subdivision so that the existing dwelling and accessory structure would be located on a single record lot. The subject property is larger than some others in the immediate vicinity but the Board does not find its size unusually large.⁵

The Applicant seeks to subdivide the subject property to create two new record lots, neither of which would comply with the minimum lot area requirement necessary for a matter-of-right subdivision. The Board was not persuaded that the subject property is faced with any exceptional situation that would warrant approval of the area variances needed to create the proposed new lots. The Applicant’s plan to build two detached dwellings at the subject property did not create any exceptional condition, because generally an applicant’s desire to utilize property for a certain use is not by itself sufficient to create an extraordinary or exceptional situation or condition under the zoning regulations, *Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540 (D.C. 1972).

The Board was not persuaded that the 1907 subdivision or subsequent designation of the subject property as a tax lot created a zoning history that warranted approval of the requested relief. Neither of the events cited by the Applicant provided a basis for a determination that the subject property now faces an exceptional situation that would warrant approval of an area variance. *See*, Application No. 20631-A (723 Morton, LLC; January 9, 2025) (Board was not persuaded by the Applicant’s claim of “zoning history” as a basis for finding an exceptional situation that would warrant approval of an area variance where the applicant relied on a 2002 subdivision (which eliminated two substandard lots in the creation of one new lot that met zoning requirements), an unsuccessful attempt by a prior owner to construct an apartment house without authorization, and the razing of the two row buildings formerly occupying the subject property). Contrast, *De Azcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233 (D.C. 1978) (Court affirmed Board order granting an area variance from minimum lot width requirement due to extraordinary situation concerning lot where (a) the original parcel was susceptible to subdivision into three conforming lots, zoning office personnel on three occasions implicitly found applicant’s lot conformed to width requirements, applicant and predecessor proceeded in good faith and dispute over lot width was due to actions of zoning officials which were later found to be in error,

⁵ According to the Applicant, the five existing lots on the south side of the 1900 block of Shepherd Street to the east of the subject property have an average lot width of 41.4 feet (ranging from 40 to 45 feet) and an average lot area of 6,137 square feet (ranging from 5,368 to 7,548 square feet). (Exhibit 30.) According to the Office of Planning, the situation faced by the subject property – that is, the existence of record lots underlying an existing tax lot – “is found throughout Square 4194 with other large tax lots superimposed over underlying record lots. The Square has 13 record lots ranging in size from 4,536 square feet to 8,625 square feet; 19 tax lots ranging in size from 2,022 square feet to 13,783 square feet; and one parcel measuring 888 square feet in area.” (Exhibit 76.)

and (b) the failure of applicant's lot to meet width requirement could not accurately be described as a direct consequence of sole and affirmative acts of applicant and predecessors in title where zoning department employees played significant part by approving three separate applications concerning subdivision of parcel creating lot).

The Board was not persuaded that the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to the Applicant as the owner of the subject property. The Board may consider "a wide range of factors in determining whether there is an 'unnecessary burden' or 'practical difficulty'.... Increased expense and inconvenience to an applicant for a variance are among the factors for the BZA's consideration." *See Gilmartin*, 579 A.2d at 1711.

The Applicant claimed a practical difficulty in that the strict application of the lot width requirement would foreclose the Applicant's ability to create two record lots "consistent with the prevailing conditions within its Square of location." The Board does not agree with the Applicant that the inability to create two new record lots, not meeting the minimum dimension requirements but similar in size to some nearby nonconforming lots, constituted a practical difficulty that would warrant approval of the requested variance relief. The Board credits the testimony of the Office of Planning that "The existing tax lot is conforming, satisfies the minimum lot width and lot area requirements for the R-1-B zone, and is currently improved with a detached building intended for single-household residential use." (Exhibit 76.) The Applicant did not demonstrate any practical difficulty except that the strict application of the Zoning Regulations would not permit use of the subject property as two record lots because neither would meet the applicable minimum width requirement of the zone.

Approval of the requested area variance relief would not cause substantial detriment to the public good in that the Applicant sought to redevelop the subject property, which exceeds the minimum lot dimension requirements, with a new detached principal dwelling adjacent to the existing dwelling. However, the zone plan would be substantially impaired by approval of the requested variance relief by allowing the creation of two new record lots that would not meet zoning requirements for minimum lot width and by reducing a conforming side yard for the existing dwelling to 2.5 feet, less than the minimum requirement of eight feet. Approval of the requested variance would not be consistent with the intent of the Residential House zone to provide for the orderly development and use of land and structures in an area predominantly characterized by low-to moderate-density residential development or to establish minimum lot area and dimensions for the subdivision and creation of new lots of record.

Side yard. The Applicant requested a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.2 because the proposed subdivision would create a new side lot line 2.5 feet from the west side of the existing dwelling, where a minimum side yard of eight feet was required. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in the Zoning Regulations, when, in the judgment of the Board, 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

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neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR Subtitle X § 901.2.)

The Board is authorized by Subtitle D § 5201.1 to grant relief from specific development standards, including side yard, as a special exception to allow “an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non alley record lot as described by Subtitle C § 301.1.” The Office of Planning questioned “whether side yard relief for the existing building is available via the special exception provisions in Subtitle D, Chapter 5201 as the Applicant is not proposing an addition to the building on Lot A nor is the Applicant proposing a new building on Lot A.” (Exhibit 76.) The Office of Planning declined to make a recommendation on the requested special exception “because the Applicant has not met the variance test for the requested relief from the minimum lot dimensions, which directly results in the need for side yard relief.”

The self-certification process allows applicants to decide the type of zoning relief needed while acknowledging that an applicant assumes the risk that the property owner might require additional or different zoning relief from the relief specified in a self-certified application in order to obtain, for the desired project, any building permit, certificate of occupancy, or other administrative determination based on the Zoning Regulations and Map. The Board’s deliberations on a self-certified application does not constitute a finding by the Board that the relief requested was the relief required to obtain the necessary permit, and does not prevent the Zoning Administrator from denying a building permit application because more relief is needed, or the Board from affirming such a denial.⁶ As the Board has previously held, “It would defeat the entire purpose of the self-certification process if one of the ‘requirements of the exception sought’ is to prove the exception alone will suffice. The sufficiency of the self-certified relief must be proven in the first instance to the Zoning Administrator and not the Board.” Application No. 18263-B at 10. To avoid wasting time, the Board may, “on its own motion, dismiss an application when there is no plausible basis to conclude that the relief requested is sufficient ... But where ... the issue is not one of computation, but interpretation, the Board should at this stage allow the Zoning Administrator to carry out the function of “administratively interpreting ... the Zoning Regulations” vested in the Zoning Administrator by Part 3 (F) of Reorganization Order No. 55 (1953).” *Id.*

⁶ For this reason, the Board has consistently held that assertions of an erroneous certification are irrelevant to its review of applications. *See, e.g.,* Application No. 16974 (Tudor Place Foundation; order issued July 29, 2004) (the most that can be said in response to an argument that a self-certified application was incomplete is that the applicant would also need variance relief; that fact did not require the Board to deny a request for a special exception because the Board’s inquiry was limited to the narrow question of whether the applicant met its burden under the general and specific special exception criteria); *accord* Application No. 18250 (Raymundo B. Madrid; order issued May 10, 2012); Application No. 17537 (Victor Tabb; order issued July 27, 2007) (“The question of whether an applicant should be requesting variance relief is not germane to the question of whether a special exception should be granted”). These holdings are consistent with the Court of Appeals’ admonition that “[i]n evaluating requests for special exceptions, the BZA is limited to a determination of whether the applicant meets the requirements of the exception sought.” *Georgetown Residents Alliance v. District of Columbia Bd of Zoning Adjustment*, 802 A.2d 359, 363 (D.C., 2002).

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In this case, the Board deliberated on the Applicant's request for a special exception under Subtitle D § 5201. However, the Board concludes that the application did not demonstrate compliance with the requirements for approval of the requested special exception. An application for a special exception under Subtitle D § 5201 must demonstrate that the proposed development would not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property; specifically, (a) the light and air available to neighboring properties must not be unduly affected, (b) the privacy of use and enjoyment of neighboring properties must not be unduly compromised, and (c) the new development, together with the original building, as viewed from the street, alley, and other public way, must not substantially visually intrude on the character, scale, and pattern of houses along the street or alley frontage. The Board did not determine, based on the record in this proceeding, that any of the requirements for approval of the requested special exception were satisfied.

Subtitle X, Chapter 9. The Board does not conclude that approval of the requested special exception would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps or would not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, as is required for approval of the application under Subtitle X § 901.2. Approval of the requested special exception would not be consistent with the intent of the Residential House zone to provide for the orderly development and use of land and structures in an area predominantly characterized by low- to moderate-density residential development. The Applicant did not demonstrate that the provision of a side yard of 2.5 feet, where a minimum of eight feet is required, would not create adverse impacts on the use of neighboring properties.

Great weight. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04.) For the reasons discussed above, the Board agrees with OP's recommendation that the application should be denied.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A)).) In this case, ANC 5B adopted a resolution asking the Board to deny the application, citing the zoning requirements for lot width and side yard. For the reasons discussed above, the Board agrees that the application should be denied for failure to meet the burden of proof for relief from zoning requirements in this case.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has not satisfied the burden of proof for a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.2 or for an area variance from the lot width requirements of Subtitle D § 302 to allow a subdivision creating two record lots and a new detached principal dwelling and two-story accessory structure on one new lot in the R-1-B zone at 1915 Shepherd Street, N.E. (Square 4194, Lot 841). Accordingly, it is **ORDERED** that the application is **DENIED**.


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VOTE: 5-0-0 (Frederick L. Hill, Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Anthony J. Hood to DENY)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. EARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: July 17, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

IN ACCORDANCE WITH THE 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, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.