

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 21015 of Elisabeth Kidder and Daniel Spurlock, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 207.5 to allow the rear wall of a row building to extend farther than 10 feet beyond the farthest rear wall of an adjoining principal residential building on an adjacent property and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 210.1 to allow a three-story rear addition to an existing two-story attached principal dwelling in the RF-1/CAP zone at 425 4th Street, N.E. (Square 812, Lot 51).

HEARING DATES: December 20, 2023 and January 31, 2024
DECISION DATE: February 7, 2024

DECISION AND ORDER

This self-certified application was filed on August 28, 2023 by Elisabeth Kidder and Daniel Spurlock (jointly, the “Applicant”), the owners of the property that is the subject of the application. Following a public hearing, the Board voted to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with Subtitle Y §§ 400.4 and 402.1, the Office of Zoning provided notice of the application and of the public hearing, by letters dated September 14, 2023, to the Applicant, the Office of Planning (“OP”) and the Historic Preservation Office (“HPO”), the District Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 6C, the ANC in which the subject property is located, the Single Member District ANC 6C02, the Office of Advisory Neighborhood Commissions, the Department of Buildings, the Councilmember for Ward 6 as well as the Chairman and the four at-large members of the D.C. Council, the Architect of the Capitol (“AOC”), and the owners of all property within 200 feet of the subject property. Notice of the public hearing was published in the *District of Columbia Register* on September 29, 2023 (70 DCR 012991).

Party Status. Pursuant to Subtitle Y § 403.5, the Applicant and ANC 6C were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application

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from a group of residents living near the subject property, including the owners of two properties abutting the subject property as well as a resident of a nearby apartment house.¹ (Exhibit 19).

Applicant's Case. The Applicant provided evidence and testimony in support of the application, including from Jennifer Cox Fowler, the project architect. The Applicants proposed a third story and a three-story rear addition to an existing two-story row dwelling that would exceed zoning requirements for lot occupancy and extension of a rear wall.

OP Report. By memorandum dated December 8, 2023, the Office of Planning recommended approval of the application. (Exhibit 28.)

ANC 6C. By letter dated December 19, 2023, ANC 6C indicated that, at its regularly scheduled and noticed public meeting on November 8, 2023, with a quorum present, the ANC voted to support the application. (Exhibit 32).

Architect of the Capitol. By memorandum dated January 30, 2024, the Architect of the Capitol indicated no objection to the application. (Exhibit 43.)

Party in Opposition. The party in opposition objected that the Applicant's addition would adversely affect the light, air, and privacy available to the neighboring properties, and would create a visual intrusion on the character of the neighborhood, contrary to the purpose and intent of the applicable zoning, while also setting a bad precedent.

Persons in Opposition. The Board received letters in opposition to the application from residents living near the subject property, who objected to the size of the Applicant's project and asserted that approval of the application would cause an undue negative impact on the light, air, and privacy available to nearby residences and change the historic character of the neighborhood. The Capitol Hill Restoration Society opposed the Applicant's request for zoning relief on the ground that the proposed addition would substantially intrude on the character, scale, and pattern of houses along Carbery Place and cast "significant shadows" on properties to the north.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot on the east side of 4th Street N.E. between D and E Streets with the address 425 4th Street, N.E. (Square 812, Lot 51).
2. The subject property is a rectangular lot measuring approximately 17.5 feet wide and 97.6 feet deep. The lot area is approximately 1,703 square feet.
3. The subject property is improved with an attached building that extends approximately 49 feet from the front (west) lot line. The dwelling is two stories and 30.7 feet in height, with

¹ The group of residents comprised Tom Schatz, Leslee Behar, Lynne Seymour and Andy Seymour, the owners of the two abutting properties, and Michael Erps on behalf of the Carbery School Lofts, located across Carbery Place to the east of the subject property.

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a rear yard of approximately 48.7 feet. The existing lot occupancy is 46.6 percent. (Exhibits 2, 4.)

4. The existing dwelling created a two-story court along the south lot line that is approximately 3.95 feet wide and extends approximately 32.34 feet from the rear of the dwelling.
5. The Applicant proposed to enlarge the dwelling with a new third floor and a three-story rear addition. Most of the new third floor will be set back 18.5 feet from the front of the dwelling. The remaining portion, along the northern side of the dwelling, will be configured to create an open court, approximately 15 feet deep and 3.5 feet wide.
6. The third floor will be set back approximately five feet from the rear façade of the addition, except for a bay window approximately two feet deep.
7. The first floor of the rear addition will extend the full width of the subject property. The rear portion of the second and third floors will be 13.5 feet wide, aligned with the north side lot line and retaining the existing court configuration along the south lot line.
8. The rear addition will extend approximately 17 feet beyond the existing rear wall of the Applicant's dwelling.
9. As a result of the new construction, the building height will increase to 35 feet and the rear yard will be reduced to approximately 31.7 feet. Lot occupancy will increase to 67.5 percent.
10. The rear (east) façade of the addition will have a sliding door to provide access to the rear yard. The second and third floors will have casement windows as well as double-hung windows facing the court.
11. The north façade of the addition will not have windows.
12. The south façade will have windows on the second and third floors. The Applicant will install frosted glass in the south-facing windows of the addition as shown on the architectural plans. (Exhibit 37A.)
13. The cellar level of the rear addition will be fully below grade, without windows or doors at the rear of the building.
14. The side lot lines of the subject property are bounded by a wooden privacy fence and by the row dwellings and accessory structure located on the abutting lots. A roll-up door extends along the rear lot line abutting Carbery Place. (Exhibit 5.)

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15. The lots abutting the subject property to the north and south contain attached dwellings. The dwelling to the north (427 4th Street, Lot 52) has two stories at the front, with a one-story rear addition. The dwelling to the south (423 4th Street, Lot 50) has a partial third floor and a two-story portion that extends toward the rear of the lot. Lot 50 also contains an accessory structure that extends approximately 31.5 feet from the rear lot line.
16. The rear wall of the addition will extend approximately 15 feet, 10.5 inches beyond the rear wall of the dwelling on the abutting lot to the south.
17. The rear wall of the Applicant's addition will extend beyond the rear walls of the adjoining dwelling to the north by five feet on the first floor and 17 feet on the second floor of the adjoining dwelling.
18. The rear (east) lot line of the subject property abuts Carbery Place N.E., which is 15 feet wide.²
19. The property to the east of the subject property, across Carbery Place, is improved with a detached building, formerly an elementary school and now used as an apartment house known as the Carbery School Lofts.
20. The subject property is located in the Capitol Hill Historic District, and the Applicant's building is a contributing structure. (Exhibit 38A.)
21. By report to the Historic Preservation Review Board ("HPRB") for the public meeting on January 25, 2024, the Historic Preservation Office recommended that HPRB should find the Applicant's project compatible with the Capitol Hill Historic District.³
22. The surrounding neighborhood is predominantly residential with a mix of two- or three-story row dwellings and some small apartment buildings.
23. The subject property is located in a Residential Flat zone, the Capitol Interest Residential Flat (RF-1/CAP) zone.
24. The RF zones are residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two dwelling units. (Subtitle E § 101.1.) The RF zones are designed to be mapped in areas identified as low-, moderate- or medium-density residential areas suitable for residential life and supporting uses. (Subtitle E § 101.3.)

² Carbery Place extends generally north-south through the interior of Square 812, providing access to D and E Streets N.E.

³ The Applicant testified that the Historic Preservation Review Board approved the project in January 2024. (Transcript of January 31, 2024 at 124-125.)

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25. The provisions of the RF zones are intended to: (a) 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; (b) allow for limited compatible non-residential uses; (c) allow for the matter-of-right development of existing lots of record; (d) establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones; (e) allow for the limited conversion of rowhouse and other structures for flats; and (f) prohibit the conversion of flats and row houses for apartment buildings as anticipated in the Residential Apartment (RA) zone. (Subtitle E § 101.2.)
26. The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two dwelling units are permitted. (Subtitle E § 101.4.)
27. In addition to the purposes of the RF-1 zone, the purposes of the Capitol Interest Residential Flat (RF-1/CAP) zone are to: (a) promote and protect the public health, safety, and general welfare of the U.S. Capitol precinct and the area adjacent to that jurisdiction, in a manner consistent with the goals and mandates of the United States Congress in Title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288), and in accordance with the plan submitted to the Congress pursuant to the Act; (b) reflect the importance of and provide sufficient controls for the area adjacent to the U.S. Capitol; (c) provide particular controls for properties adjacent to the U.S. Capitol precinct and the area adjacent to this jurisdiction, having a well-recognized general public interest; and (d) restrict some of the permitted uses to reduce the possibility of harming the U.S. Capitol precinct and the area adjacent to this jurisdiction. (Subtitle E § 400.2)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks special exceptions under Subtitle E § 207.5 to allow the rear wall of a row building to extend farther than 10 feet beyond the farthest rear wall of an adjoining principal residential building on an adjacent property and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 210.1 to allow a three-story rear addition to an existing two-story attached principal dwelling in the RF-1/CAP zone at 425 4th Street, N.E. (Square 812, Lot 51). 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, where, 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 neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR Subtitle X § 901.2.) Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning and to the report of ANC 6C, the Board concludes that the Applicant satisfies the requirements for approval of the requested special exceptions.

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Lot occupancy. The Board is authorized under Subtitle E § 5201.1 to grant relief as a special exception from specific development standards to allow an addition to a principal residential building. The eligible development standards include lot occupancy up to a maximum of 70 percent for all new and existing structures on a lot. (Subtitle E § 5201.1(a).) The Applicant seeks a special exception to allow an addition to an existing dwelling that will increase the lot occupancy at the subject property to 67.5 percent.

Under Subtitle E § 5201.4, an application for special exception relief must demonstrate that a proposed addition will 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 proposed addition, together with the original building, as viewed from the street, alley, or other public way, must not substantially visually intrude on the character, scale, and pattern of houses along the street or alley frontage. As required by Subtitle E § 5201.4(d), the Applicant submitted graphical representations including plans, photographs, and elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

The Board concludes that approval of the requested special exception will not unduly affect the light and air available to neighboring properties. The Applicant's proposal will meet or exceed applicable development standards with respect to building height and rear yard, and will maintain a court on the south side of the subject property on the second and third floors of the dwelling. Given the height of the planned rear addition, lower than that permitted as a matter of right, and the proximity of similar dwellings, the Board concludes that the Applicant's rear addition will not significantly alter the light and air now available to nearby properties. The planned addition will not affect the light and air available to properties to the east, given the depth of the Applicant's rear yard and the width of Carbery Place, in addition to any rear yards provided at the properties to the east. The Applicant submitted a shadow study (Exhibit 37B) that depicted potential light impacts expected at nearby properties along 4th Street to the north and south of the subject property, comparing the Applicant's proposal and a rear addition that would be permitted as a matter of right. The Board agrees with the Applicant and the Office of Planning that the light and air impacts of the planned addition on adjacent properties to the north and south would be similar to the impacts created by a matter-of-right addition, and credits OP's conclusion that the addition will not be "overly intrusive" but would affect light and air "consistent with a rowhouse neighborhood." (Exhibit 28.) With respect to the abutting property to the north, ANC 6C recognized "a marked difference between the existing condition and the proposed condition in terms of air and light, with the addition blocking significant amounts of existing light." The Board agrees with ANC 6C that "considering the difference between a by-right addition and the one proposed," the Applicant's shadow study showed that "the incremental loss of sun under this metric is minimal." (Exhibit 32.)

The planned addition will not unduly compromise the privacy of use and enjoyment of neighboring properties. As noted, the addition will be at a substantial distance from the closest dwellings to the east. The addition will not create views into nearby properties because it will not have windows on its north side and the Applicant will utilize only frosted windows on the south side. ANC 6C

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stated a concern about potential privacy impacts on the abutting property to the south, and noted that the Applicant, in response to a suggestion from the ANC, agreed to utilize frosted glazing on all of the south-facing windows of the addition, as shown on the architectural plans. The Board agrees with ANC 6C that “this change substantially reduces the potential for undue impacts on neighbor privacy.” (Exhibit 32.)

The planned addition, together with the original building, will not substantially visually intrude on the character, scale, and pattern of houses along the street or alley frontage when viewed from a street, alley, or other public way. The addition will be visible from Carbery Place and from 5th Street to the east. The Board concludes that the Applicant’s proposal will not substantially visually intrude on the character, scale, and pattern of nearby dwellings because the Applicant’s dwelling, as enlarged, will be consistent with applicable development standards regarding building height and rear yard, and will be similar in building height and number of stories to nearby dwellings, including on the abutting property to the south. Views to and from the subject property are obstructed by an existing fence around the perimeter as well as an accessory structure on the abutting lot to the south. The Board notes that the Historic Preservation Office reported that the third floor of the planned addition “will increase the massing of the building, though it will still be no taller than the neighboring three-story rowhouses directly south of the building, or another pair of three-story houses seven lots to the north. Three-story houses are not unprecedented here, and account for nearly a quarter of the rowhouses in this square that front 4th Street N.E.” (Exhibit 38A.) The Board agrees with ANC 6C that “although the addition would substantially increase the overall size and massing” of the Applicant’s dwelling, “the proposed changes – visible as they are only from the secondary views at the rear of the block – [will not] significantly alter the character, scale, and pattern of houses in the row.”⁴ (Exhibit 32.)

Rear wall extension. The Applicant requested a special exception under Subtitle E § 207.5 to allow the rear wall of the new addition to extend farther than 10 feet beyond the farthest rear wall of any adjoining principal residential building on any adjacent property. In this case, the lots abutting the subject property to the north and south both contain principal residential buildings, row dwellings. As proposed, the rear wall of the Applicant’s addition will extend approximately 17 feet beyond the rear wall of the second floor of the adjacent dwelling to the north and approximately 16 feet beyond the rear wall of the adjacent building to the south.

For the reasons discussed above, the Board concludes that approval of the Applicant’s proposal, including the planned depth of the rear addition, will not unduly affect the use of neighboring properties. The addition will meet applicable height and rear yard requirements, will provide an open court on the upper floors along much of the south side and, as demonstrated by the Applicant’s shadow study, will not create light impacts on the adjoining dwellings that would be significantly different from the impacts of a matter-of-right addition. The rear wall extension will not compromise the privacy available to adjoining dwellings, given the existing fence and the lack of windows on the north side and the use of frosted glass on the south side.

⁴ The ANC’s representative testified that “The rear of this block is something of a jumble....[T]here’s no obvious rhythm or pattern that this [the Applicant’s proposal] would be disturbing” when viewed from Carbery Place. (Transcript of January 31, 2024 at 131-132.)

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The Board was not persuaded by the party in opposition that the length of the planned rear addition will create a visual intrusion on the character, scale, or pattern of houses as seen along Carbery Place. The Board notes that the Historic Preservation Office concluded that the Applicant's project will "extend the building to the rear at a similar distance to other houses along [Carbery Place]" and that "the increased massing is appropriate and compatible [with the historic district]."⁵ (Exhibit 38A.) The Board agrees, because the addition will comply with zoning requirements with regard to building height and will retain the court on the upper floors, which could be visible over existing fencing.

Architect of the Capitol. In reviewing an application for a special exception in the RF-1/CAP zone, the Board is required to consider whether the proposed development is: (a) compatible with the present and proposed development of the neighborhood; (b) consistent with the goals and mandates of the United States Congress in title V of the Legislative Branch Appropriation Act, 1976 (Master Plan for Future Development of the Capitol Grounds and Related Areas), approved July 25, 1975 (Pub. L. No. 94-59, 89 Stat. 288); and (c) in accordance with the plan promulgated under the Act. (Subtitle E § 403.1).

The Board concludes that the proposed development is compatible with the present and proposed development of the neighborhood because the Applicant proposed to enlarge an existing principal dwelling for continued use as a principal dwelling, consistent with the applicable RF-1 zoning designation of the subject property. With respect to the Capitol grounds and related areas, the Board credits the report submitted by the Architect of the Capitol, which stated that the Applicant's project was "not inconsistent with the intent of the RF-1/CAP zone and would not adversely affect the public health, safety, and general welfare of the U.S. Capitol Precinct and area adjacent to this jurisdiction, and is not inconsistent with the goals and mandates of the United States Congress as stated in 11-E DCMR § 5202.1." (Exhibit 43.)

Subtitle X § 901.2. The Board concludes that approval of the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, as is required for approval of the application under Subtitle X § 901.2. The Residential Flat (RF) zones, including RF-1, are residential zones that provide for areas developed primarily with row dwellings with one or two dwellings. Approval of the application will continue the residential use of the Applicant's building as one dwelling. Approval of the requested zoning relief is consistent with the provisions

⁵ The Historic Preservation Office concluded that "The existing 'rhythm' of the other doglegs on this block will not be impacted" by the planned addition, in part because "the block had an undistinctive dogleg rhythm from the start, and what exists has been previously disrupted." According to HPO, "Currently, 67% of the rowhouses fronting 4th Street N.E. on this block contain doglegs. Of those, at least 36% have been modified, including through extensions, additions, and roof decks. The lack of a rhythm or pattern with the existing doglegs is mostly caused by the block's history of hodgepodge development ... by 10 different builders over a 24-year period." The Historic Preservation Office found "great variety among the rears of [properties in the vicinity of the Applicant's lot]" because Carbery Place "does not run parallel to 4th Street N.E. [but] zig zags its way from D Street to E Street, around the former Carberry School, around garages, around a large former stable, and exits the block on an axis over 80 feet misaligned from where it entered. As a result, lot and building lengths vary greatly, with the shortest building being about 36 feet and the longest, where the concept will fit, being 68-70 feet in length." (Exhibit 38A).

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of the RF zones to recognize and reinforce the importance of neighborhood character, walkable neighborhoods, 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. Approval of the application is also consistent with the purposes of the RF-1 zone to provide for areas predominantly developed with residential row buildings on small lots with no more than two principal dwellings, and with the purposes of the RF-1/CAP (Capitol Interest Residential Flat) zone to promote and protect the public health, safety, and general welfare of the area adjacent to the U.S. Capitol precinct and to reflect its importance in light of its well-recognized general public interest.

For the reasons already discussed, the Board concludes that approval of the requested special exceptions will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, as is also required for approval of the application under Subtitle X § 901.2. The Applicant's building, as enlarged, will continue in residential use and will satisfy the development standards applicable in the RF-1/CAP with respect to building height and rear yard without adversely affecting the light, air, or privacy available to nearby 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 (2012 Repl.).) For the reasons discussed above, the Board agrees with OP's recommendation that, in this case, the application should be approved.

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 6C recommended approval of the application. (See Exhibit 32.) For the reasons discussed above, the Board agrees with the ANC's recommendation that the application should be approved.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exceptions under Subtitle E § 207.5 to allow the rear wall of a row building to extend farther than 10 feet beyond the farthest rear wall of an adjoining principal residential building on an adjacent property and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 210.1 to allow a three-story rear addition to an existing two-story attached principal dwelling in the RF-1/CAP zone at 425 4th Street, N.E. (Square 812, Lot 51). Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown as Exhibit 37A in the record, subject to the following **CONDITION**:

1. The windows in the south façade of the addition shall be frosted as shown in Exhibit 37A.

VOTE: 5-0-0 (Frederick L. Hill, Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Tammy M. Stidham voting to approve)

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. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: July 15, 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.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITION IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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.