

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



**Application No. 21163 of Kaely Michels-Gaultieri**, as amended, pursuant to 11 DCMR Subtitle X § 901, for special exceptions under Subtitle U § 320.2 to allow the conversion of an existing residential building (a two-story row building configured as two dwelling units and an accessory building) to a three-unit apartment house use, under Subtitle U § 301.1(c) to allow a principal dwelling in an accessory building, and under Subtitle D § 5201 from the requirements for lot occupancy under Subtitle E § 210.1 and maximum building area for an accessory building under Subtitle E § 5003.1 to allow the enlargement of an existing one-story accessory building for use as a principal dwelling in the RF-1 Zone at 627 A Street, N.E. (Square 868, Lot 49).<sup>1</sup>

**HEARING DATES:** October 9 and December 18, 2024  
**DECISION DATE:** January 22, 2025

**DECISION AND ORDER**

This self-certified application was filed on March 13, 2024 on behalf of Kaely Michels-Gaultieri (“Applicant”), the owner 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 public hearing, by letters dated June 27, 2024, to the Applicant, the Office of Planning (“OP”), the District Department of Transportation (“DDOT”), the Department of Buildings, Advisory Neighborhood Commission (“ANC”) 6C, the ANC in which the subject property is located, and Single Member District ANC 6C03, the Office of Advisory Neighborhood Commissions, the Councilmember for Ward 6 as well as the Chairman and the four at-large members of the D.C. Council, and the owners of all property within 200 feet of the subject property. The Office of Zoning provided notice of the public hearing to the Historic Preservation Office by letter dated August 23, 2024 and to a revised list of the

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<sup>1</sup> The caption has been revised to reflect that the Applicant amended the application, which originally requested special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E §§ 210.1 and 5003.1, under “the accessory structure use restrictions of Subtitle U § 301.1(c), and the dwelling unit limitations of Subtitle U § 301.1(b) “to expand an existing garage with a two-story addition and add an accessory apartment....” (Exhibits 1C, 4.) The application was amended to withdraw the request for relief from Subtitle U § 301.1(b) and to add a request for a special exception under Subtitle U § 320.2. (Exhibit 52.) The application was later revised, without affecting the areas of relief requested, when the Applicant revised the proposed plans. (Exhibit 88B.)

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owners of property within 200 feet on September 5, 2024.<sup>2</sup> Notice was published in the *District of Columbia Register* on July 12, 2024 (71 DCR 8007) as well as through the calendar on the Office of Zoning website.

Parties. 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 submitted by Jessica Smith, the owner of the abutting lot to the west of the subject property (Exhibits 35, 35A), and denied an untimely request for party status in opposition submitted by Stephen Sellers (Exhibits 64-64D).

Applicant's Case. The Applicant presented evidence and testimony, including from Jennifer Fowler, the project architect, in support of the request for zoning relief needed to allow the enlargement of an existing accessory building and its use as a principal dwelling, for a total of three dwellings at the subject property. After filing the application, the Applicant revised the proposal to reduce the depth of the proposed expansion of the accessory building by three feet and to require the installation of frosted glass in some of its windows.

OP Report. By memorandum dated October 4, 2024, the Office of Planning recommended approval of the amended application. (Exhibit 74.)

DDOT Report. By memorandum dated September 27, 2024, the District Department of Transportation stated no objection to approval of the application. (Exhibit 67.)

ANC Report. By letter dated September 20, 2024, ANC 6C indicated that, at a public meeting on September 11, 2024 with a quorum present, the ANC 6C voted to support the application. (Exhibit

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<sup>2</sup> The public hearing was originally scheduled on October 2, 2024 and was postponed at the Applicant's request. (Exhibit 27.) The Board received several letters from persons living near the subject property who requested postponement of the public hearing, which had been rescheduled for October 9, 2024, on the ground that they had not received notice of at least 45 days, as they alleged was required.

If the Board finds a failure or defect in the notice of public hearing, the Board is directed to determine whether to postpone, continue, or hold a public hearing as scheduled based on consideration of (a) the nature and extent of actual notice received by the parties and the public from all sources, (b) attendance or lack thereof at the public hearing, and (c) the nature and extent of the construction and use proposed in the application. (Subtitle Y § 402.11.) In this case, the Board determined to hold the public hearing as rescheduled on October 9, 2024 because adequate public notice of the hearing was provided. The Office of Zoning ("OZ") initially sent public hearing notices to the owners of property within 200 feet of the subject property at least 40 days before the hearing, as required by Subtitle Y § 402.1. Those notices were not returned to OZ but apparently were not received by several of the intended recipients, prompting OZ to re-send the notices, which were mailed more than a month before the rescheduled hearing. (See Transcript of September 25, 2024 at 6-7.) Notice was also published in the *D.C. Register* and was posted at the subject property consistent with the requirements of Subtitle Y § 402.3. ANC 6C did not take a position on the requests for postponement but indicated that the second notices sent by OZ were received days before the ANC's meeting on September 11, 2024 and that "numerous neighbors offered comments on the application" at that meeting as well as at an earlier meeting, on September 4, 2024, held by the ANC's zoning committee; the ANC also provided instructions on its website about how to participate at the Board's hearing. (Exhibits 61, 62.) The Board concluded that the lack of delivery of the initial notices did not hinder participation in the public hearing, especially since the hearing was continued to December 18, 2024 after the Applicant revised the proposal.

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61.) By letter dated October 29, 2024, ANC 6C reiterated its support for the application as revised. (Exhibit 91.)

Party in Opposition. The party in opposition alleged that the proposed increase in building area of the Applicant's accessory building would have a significant and adverse impact on the abutting property with respect to light, air, and privacy. (Exhibit 83.)

Persons in support. The Board received letters in support of the application from residents living near the subject property, who supported the Applicant's proposal.

Persons in opposition. The Board received letters and heard testimony from persons in opposition to the application, including some residents living near the subject property and the Capitol Hill Restoration Society. Persons in opposition asserted that the Applicant's proposal was too large and would adversely impact parking and traffic in the public alleys as well as the light, air, and privacy available to nearby properties.

**FINDINGS OF FACT**

1. The property that is the subject of this application is an interior lot on the south side of A Street, N.E. midblock between 6th and 7<sup>th</sup> Streets, N.E., with the address 627 A Street, N.E. (Square 868, Lot 49).
2. The subject property is rectangular, 22.88 feet wide and 128.08 feet deep. The lot area is approximately 2,930 square feet. (Exhibits 88B, 88C.)
3. The subject property is improved with a row building that is 30 feet and two stories in height, with a cellar. The building extends 62.5 feet from the front lot line, resulting in a rear yard of 65.58 feet.
4. The Applicant planned to use the row building as two principal dwelling units.
5. A one-story accessory structure (garage) is located in the rear yard. The existing accessory structure has two garage doors on its south façade, facing an abutting alley to the south. The accessory structure was built to the rear and side lot lines, extending 22.88 feet wide and 22 feet deep, with a building area of 503.4 square feet.
6. The existing lot occupancy at the subject property is approximately 58.2 percent. (Exhibit 88B.)
7. The subject property abuts public alleys along the east side and south (rear) lot lines. The alley to the east is 15 feet wide and extends north-south, providing access to A Street and to East Capitol Street, NE. The alley to the south is 30 feet wide and extends east-west, providing access to the interior of the square. (Exhibit 88C.)

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8. The Applicant proposed to enlarge the existing accessory building with an addition to the first floor and a new second-story addition, increasing the height of the accessory building from 11.6 to 21 feet.
9. The addition will extend the first floor of the accessory building by 10 feet toward the principal building, resulting in an accessory building 22.88 feet wide and 32 feet deep, with a building area of approximately 800.7 square feet.
10. As a result of the enlargement of the accessory structure, the lot occupancy of the subject property will increase to 66 percent.
11. The Applicant planned to use the two-story accessory building as a principal dwelling, for a total of three principal dwellings at the subject property.
12. The north façade of the enlarged accessory building, facing the Applicant's dwelling, will have an aluminum French door at the center of the first floor. The door will be flanked by windows of the same height on both sides, as well as two casement windows on each side of the rear façade on the first floor. The second floor will have a box window in the center of the façade that will utilize frosted glass. (Exhibit 88A.)
13. The east façade of the existing accessory building, facing the 15-foot-wide public alley, has two windows. The enlarged accessory building will maintain windows in the existing locations and add one window on the first floor of the addition. The second floor will contain three windows similar to the first floor. (Exhibit 88A.)
14. The Applicant will replace the garage doors on the south façade of the existing accessory building, facing the 30-foot-wide public alley, with two windows above wood panels. The second floor will have two French doors with Juliet balconies. (Exhibit 88A.)
15. The west façade of the enlarged accessory building, facing an abutting lot, will not have any windows on either floor. (Exhibit 88A.)
16. The Applicant will provide two vehicle parking spaces in the rear yard of the subject property between the principal and accessory buildings. The parking spaces will occupy an area extending the width of the lot at a depth of 18 feet and will be accessed via the alley abutting the subject property to the east. (Exhibit 88C.)
17. The Applicant will install a solid fence, seven feet high, along both side lot lines of the subject property. The fence on the east side will have a sliding gate along the alley to provide vehicular access to the parking area. (Exhibits 88B, 88C.)
18. The lot abutting the subject property to the west is improved with a two-story dwelling whose rear wall aligns with the rear wall of the principal building on the subject property.

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The abutting lot contains an accessory structure, 16 feet in height, in the rear yard. A solid wood fence extends along the side lot line in common with the subject property. (Exhibits 5, 83, 106.)

19. The Applicant's enlarged accessory structure will have a solid brick wall extending 13 feet deeper than the accessory building on the abutting lot to the west. The second-story addition will result in a height six feet greater than the height of the accessory building on the abutting lot to the west.
20. The building to the east of the subject property, across the public alley, contains a two-story row building and an accessory structure at the rear of the lot. A solid wood fence extends along the side lot line abutting the public alley between the principal and accessory buildings on the lot to the east of the subject property.
21. Many of the lots in Square 868 contain accessory buildings abutting the east-west public alley in the interior of the square. The accessory buildings are one- or two-stories in height and generally extend the width of their respective lots. (Exhibits 54, 74, 88A.)
22. The neighborhood surrounding the subject property is moderate-density residential in character. The area contains residential uses, including apartment houses, as well as institutional uses and some mixed-use buildings. (Exhibit 74.)
23. The subject property is located in the Capitol Hill historic district. (Exhibit 74.)
24. The subject property and surrounding lots are zoned RF-1.
25. The Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with residential row buildings, but within which there have been limited conversions of dwellings or other buildings into more than two principal dwelling units. (Subtitle E § 101.)
26. 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 lot width for the subdivision and creation of new lots of record in RF zones; (e) allow for the limited conversion of single household dwellings and other structures for flats; and (f) prohibit the conversion of single household dwellings and flats for apartment house as anticipated in the RA zone. (Subtitle E § 101.2.)
27. The purpose of the RF-1 zone is to provide for areas predominantly developed with residential row buildings on small lots within which no more than two principal dwelling units are permitted. (Subtitle E § 101.4.)

## **CONCLUSIONS OF LAW AND OPINION**

The Applicant seeks special exceptions under Subtitle U § 320.2 to allow the conversion of an existing residential building (a two-story row building configured as two dwellings and an accessory building) to a three-unit apartment house use, under Subtitle U § 301.1(c) to allow a principal dwelling in an accessory building, and under Subtitle D § 5201 from the requirements for lot occupancy under Subtitle E § 210.1 and maximum building area for an accessory building under Subtitle E § 5003.1 to allow the enlargement of an existing one-story accessory building for use as a principal dwelling in the RF-1 zone at 627 A Street, N.E.(Square 868, Lot 49). 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 requirements. (See Subtitle X § 901.2.)

Expansion of an existing accessory building. The Applicant proposed to enlarge an existing one-story accessory building by increasing the building area of the existing first floor and constructing a new second-story addition. The planned expansion will increase the lot occupancy of the subject property above the maximum permitted as a matter of right under Subtitle E § 210.1 and will increase the building area of the accessory building above the maximum permitted as a matter of right under Subtitle E § 5003.<sup>3</sup>

The Board is authorized under Subtitle E § 5201.2 to grant relief as a special exception from specific development standards, including lot occupancy up to a maximum of 70 percent, for an enlarged structure accessory to a residential building on a non-alley lot. An application for a special exception under Subtitle E § 5201 must demonstrate that the proposed accessory structure 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 accessory structure, together with the original building, as viewed from a street, alley, or other public way, must not substantially visually intrude on the character, scale, and pattern of houses along the street and alley frontage. (Subtitle E § 5201.4.) The Applicant submitted a sun study as well as graphical representations including plans, photographs, and drawings sufficient to represent the relationship of the enlarged accessory structure to adjacent buildings and views from public ways. (See Subtitle E § 5201.4(d).)

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<sup>3</sup> Pursuant to Subtitle E § 210.1, the maximum lot occupancy permitted for the conversion of a building to an apartment house use in the RF-1 zone is the greater of 60 percent or the lot occupancy as of the date of the conversion. Under Subtitle E § 5003.1, the maximum building area for an accessory building in the RF-1 zone is the greater of 30 percent of the required rear yard or 450 square feet. An accessory building must be included in the calculation of lot occupancy in the RF-1 zone and must comply with all required yards for accessory buildings in the zone. (Subtitle E § 5000.3.)

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Based on the findings of fact, and having given great weight to the recommendation of the Office of Planning and to the report submitted by ANC 6C, the Board concludes that the application met the requirements for approval of the requested special exceptions under Subtitle E § 5201. The enlarged accessory structure will not unduly affect the light or air available to neighboring properties because its height will not exceed the matter-of-right limit and the Applicant's lot will continue to provide a rear yard consistent with zoning requirements. The enlarged accessory building will be located at the rear of the lot at a distance of more than 33 feet from the rear wall of the Applicant's principal building. The closest dwelling to the east will be separated from the Applicant's accessory building by an alley 15 feet wide as well as the rear yard on the adjacent lot, which also contains an accessory building. Dwellings to the south will be separated from the accessory building by an alley 30 feet wide as well as the rear yards on the lots to the south, which in many cases also contain accessory buildings. The abutting lot to the west contains an accessory building that will be approximately five feet lower in height than the Applicant's enlarged accessory building, which will be located more than 33 feet from the rear wall of the dwelling on the abutting lot. The Applicant's shadow study (Exhibit 103) compared the light impacts on neighboring properties created by the existing accessory structure, an expansion meeting applicable development standards, and the proposed larger accessory building. The study demonstrated that the proposed enlargement will have some shadow impacts on nearby properties to the east and west of the subject property. However, the Board agrees with the Applicant, the Office of Planning, and ANC 6C that the light and air impacts of the enlarged accessory building will not be undue but will be similar to the impacts that would be created by a matter-of-right addition to the existing accessory building. The Board credits the testimony of ANC 6C that the additional shadow created by the Applicant's enlarged accessory building on the abutting property to the west will not "approach the level of a 'substantially adverse effect.'" (Exhibit 61.) The Board did not find that a solar study submitted by the party in opposition (Exhibit 38) demonstrated that approval of the Applicant's proposal would result in undue light or air impacts on any nearby property. That study did not show undue shadow impacts, did not reflect the Applicant's revised proposal, and omitted existing fences.

The planned additions to the Applicant's accessory building will not unduly compromise the privacy of use and enjoyment of neighboring properties. The enlarged accessory building will not provide direct views of the abutting property to the west, since the west façade will not contain any windows. Windows on the second floor of the north façade, which will be closest to nearby dwellings, will utilize frosted glass that will preclude views. The other windows in the enlarged accessory building will be at a sufficient distance from nearby properties to avoid creating any privacy impacts and will be obstructed by privacy fences along the side lot lines of the subject property.

The proposed enlarged accessory structure, together with the original building, as viewed from the street and abutting alleys, will not substantially visually intrude on the character, scale, or pattern of houses along the street and alley frontage. The accessory structure at the rear of the subject property will be minimally visible from A Street, given the narrow width of the alley and the depth of the Applicant's lot. The accessory structure will be visible from both abutting alleys, although views will be obstructed by existing privacy fences and accessory structures on other lots. The

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Board agrees with the Applicant, the Office of Planning, and ANC 6C that the Applicant's planned accessory structure will not visually intrude on the character, scale, or pattern of houses, and was not persuaded by testimony in opposition to the application asserting that single-story garages were uniformly the pattern on the north side of the 30-foot alley; other persons in opposition noted the prevalence of "nearby" accessory structures containing residential use on the second floor above a ground-floor garage. A two-story accessory structure, with a maximum height of two stories and 22 feet, is permitted as a matter of right in the RF-1 zone and the Applicant's accessory structure will not exceed the applicable height limits. The Applicant provided photographs depicting the variety of existing accessory structures that abut the 30-foot alley both to the north and south. The Board credits the testimony of the Applicant, the Office of Planning, and ANC 6C indicating that many properties along the 30-foot alley abutting the subject property contain accessory buildings, several of which have two stories, including the property to the west of the Applicant's lot.<sup>4</sup> (See Exhibits 5, 53.)

Third dwelling unit. The Applicant requested special exceptions under Subtitle U § 320.2 to allow the conversion of an existing residential building (a two-story row building configured as two dwelling units and an accessory structure) to a three-unit apartment house use at the subject property and under Subtitle U § 301.1(c) to allow a principal dwelling in the expanded accessory building. 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 application met the requirements for approval of the requested relief.

In accordance with Subtitle U § 320.2, the subject property contains a residential building that was existing on the lot before May 12, 1958. The Applicant proposed to create a third dwelling unit at the subject property, along with two dwelling units in the principal building; the third unit would occupy the expanded two-story accessory building. The lot area of the subject property is sufficient to provide at least 900 square feet of lot area per dwelling unit for the planned three units.

Pursuant to Subtitle U § 301.1(c), a permitted dwelling unit contained in an accessory building must meet specific requirements, including with respect to the provision of permanent access to the accessory building and that expansion of an existing accessory building to accommodate a dwelling requires approval as a special exception. (Subtitle U §§ 301.1(c)(2), (g).) The Board credits the testimony of the Applicant, the Office of Planning, and ANC 6C that the Applicant's proposal will meet the access requirements for a dwelling unit contained in an accessory structure. The application demonstrated that the enlarged accessory structure will abut alleys at least 15 feet wide that provide access to a street less than 300 feet away. For the reasons already discussed, the Board concluded that the application met the requirements for approval of special exceptions requested by the Applicant to allow the planned enlargement of the existing accessory building for use as a principal dwelling.

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<sup>4</sup> The accessory building on the abutting lot is approximately 16 feet in height, with several windows above a garage door, and was described variously as one or two stories.

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Subtitle X § 901.2. The Board concludes that approval of the special exceptions requested in the application will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, as is required for approval of a special exception under Subtitle X § 901.2. Approval of the requested relief is consistent with the intent of the Residential Flat (RF) zones to provide for areas developed primarily with row dwellings, with limited conversion of dwellings or buildings into more than two dwelling units, and with the intent of the RF zones to recognizing 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. The Board credits the testimony of the Office of Planning that approval of the application will “not result in a level of development that is unanticipated in this zone” and that the expanded accessory building will “still be subordinate to the principal building” on the Applicant’s lot. (Exhibit 74.)

Approval of the application will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. For the reasons already discussed, the Board concludes that approval of the application will not unduly affect the light, air, or privacy available to nearby properties. The Board was not persuaded by the unsubstantiated claims by the party in opposition that a third dwelling unit at the subject property would create adverse impacts with respect to traffic, parking, and garbage. The Board credits the testimony of the District Department of Transportation that approval of the application “will not have adverse impacts on the District’s transportation network” and that the vehicle parking arrangement proposed by the Applicant was consistent with zoning requirements for access, size, and layout for vehicle parking spaces. (Exhibit 67.)

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, 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. (D.C. Official Code § 1-309.10(d)(3)(A).) In this case, ANC 6C passed a resolution in support of the application, which noted that “[n]umerous neighbors spoke against the application” at the ANC’s public meetings but “ANC 6C found that their objections lacked merit because they raised concerns beyond the scope of the zoning regulations ..., because the alleged harms were fanciful or implausible, or both.” (Exhibit 61.) For the reasons discussed above, the Board agrees with the ANC that the application should be granted.

Based on the findings of fact and conclusions of law, the Board concludes that the Applicant has satisfied the burden of proof concerning the request for special exceptions under Subtitle U § 320.2 to allow the conversion of an existing residential building (a two-story row building configured as two dwelling units and an accessory building) to a three-unit apartment house use, under Subtitle U § 301.1(c) to allow a principal dwelling in an accessory building, and under Subtitle D § 5201 from the requirements for lot occupancy under Subtitle E § 210.1 and maximum building area for an accessory building under Subtitle E § 5003.1 to allow the enlargement of an existing one-story

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accessory building for use as a principal dwelling in the RF-1 zone at 627 A Street, N.E.(Square 868, Lot 49). Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 88A.

**VOTE: 3-0-2** (Frederick L. Hill, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; Lorna L. John and Carl H. Blake not participating)

**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:** September 18, 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.

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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.