

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



Application No. 21262 of Ian Packman and Ellen Carlson, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 207.1 and from the lot occupancy requirements under Subtitle D § 210.1 to allow a two-story rear addition to an existing two-story attached principal dwelling in the R-3/GT zone at 2728 O Street, NW (Square 1239, Lot 854).

HEARING DATE: April 2, 2025

DECISION DATE: April 30, 2025

PROPOSED DECISION AND ORDER

This self-certified application was filed on December 13, 2024 on behalf of Ian Packman and Ellen Carlson (the “Applicants”), the owners of the property that is the subject of the application. Following a public hearing, the Board voted to approve the application subject to one condition.

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 January 3, 2025, to the Applicants, the Office of Planning (“OP”) and the Historic Preservation Office, the District Department of Transportation, the Department of Buildings, the Office of Advisory Neighborhood Commissions, Advisory Neighborhood Commission (“ANC”) 2E, the ANC in which the subject property is located and the Single Member District ANC 2E06, the Councilmember for Ward 2 as well as the Chairman and at-large members of the D.C. Council, the Commission of Fine Arts, and the owners of all property within 200 feet of the subject property.

Notice was published in the *District of Columbia Register* on January 17, 2025 (72 DCR 000400) and February 28, 2025 (72 DCR 002078).

Party Status. Pursuant to Subtitle Y § 403.5, the Applicants and ANC 2E were automatically parties in this proceeding. The Board granted requests for party status in opposition to the application from Prue Larocca and from April Lynn Bowler and Jamie Peva, the owners or residents of properties abutting the Applicants' lot to the west and south, respectively. (Exhibits 24, 24A, 25A, 25B.)

Applicants' Case. The Applicants provided evidence and testimony in support of the application, including from Kiley Wilfong Cullen, the project architect. The Applicants sought zoning relief to permit a two-story rear addition to an existing two-story attached principal dwelling.

OP Report. By memorandum dated March 20, 2025, the Office of Planning recommended approval of the requested relief. (Exhibit 26.)

ANC 2E. By letter dated March 6, 2025, ANC 2E indicated that, at its regularly scheduled and duly noticed public meeting on March 3, 2025, with a quorum present, the ANC adopted a resolution in opposition to the application. (Exhibit 23.)

Parties in Opposition. The parties in opposition asserted that the proposed addition would adversely impact nearby properties, particularly with respect to light, air, and privacy. (Exhibits 24, 25A, 29, 38.)

Persons in Opposition. The Board received letters in opposition to the application from residents living near the subject property. The persons in opposition generally raised concerns regarding the size of the proposed addition and asserted that the project would adversely affect light, air, and privacy, alter the historic character of the neighborhood, and set an undesirable precedent.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot located on the south side of O Street, NW between 27th Street and 28th Street, with the address 2728 O Street, NW (Square 1239, Lot 854).
2. The subject property is rectangular, with a lot width of 26 feet and approximately 30 feet in depth. The lot area is approximately 771 square feet. (Exhibits 2 and 4.)
3. The subject property is improved with a two-story attached principal dwelling. The front façade aligns with the front lot line. The east and west façades extend 20.5 feet and 14.6 feet from the front façade, respectively. The dwelling is L-shaped, with the southeast portion extending approximately six feet deeper than the main portion for a distance of 9.8 feet from the east lot line. (Exhibit 2.)
4. An exterior stair in the rear yard provides access through the southeastern portion of the dwelling to the basement.

5. A one-story porch is located to the west of the southeastern portion, at the same depth. The porch extends approximately 12 feet wide, creating a court approximately four feet, four inches wide bounded by the porch on the east, the rear wall of the dwelling on the north, and the building on the abutting lot on the west. An exterior stair provides access to the porch from the rear yard.
6. The subject property has an existing lot occupancy of approximately 64.6 percent. (Exhibit 4.)
7. The existing rear yard at the subject property is approximately 9.3 feet deep. The rear yard is paved for use as a patio.
8. The rear yard is bounded by a masonry wall along the east lot line and by the adjoining building and a masonry wall along the west lot line. The south (rear) lot line of the subject property abuts the side façade of a dwelling and a fence. (Exhibit 6.)
9. The Applicants proposed to construct a two-story rear addition to their dwelling, replacing the existing porch. The addition will extend approximately 16 feet from the extended southeastern portion of the existing dwelling to the west lot line at a depth of approximately six feet, resulting in a continuous rear building line. The existing exterior stairs to the porch will be removed and new stairs will be installed near the western edge of the addition. (Exhibits 2 and 6.)

10. The first floor of the existing rear façade of the Applicants' dwelling contains one window between the porch and the abutting building to the west. That window, which is approximately 15.4 feet from the rear lot line, will be eliminated by the planned addition. The first floor of the dwelling also contains a window in the eastern portion facing the rear yard and located approximately nine feet from the rear lot line. (Exhibits 6, 37.)
11. The second floor of the existing rear façade of the Applicants' dwelling contains one window near the eastern edge of the main portion of the dwelling, which is approximately 15.4 feet from the rear lot line. That window, located above the existing porch, will be eliminated by the addition. The second floor of the eastern portion of the dwelling contains one window that faces the rear yard and is located approximately nine feet from the rear lot line. (Exhibits 6, 37.)
12. The first floor of the new addition will be configured as a bathroom in the eastern portion adjacent to the extended southeastern portion of the Applicants' existing dwelling and a sunroom in the western portion. The second floor of the addition will be configured as a home office on the east and a closet on the west.
13. The addition will provide a rear entrance, with a transom and a side window, accessible via an exterior stair along the west side of the first floor. The glass door and transom will be approximately seven feet, seven inches in height. (Exhibits 6, 37B.)

14. The roof of the addition will contain a skylight adjacent to the western party wall, above the new closet. (Exhibit 6.)
15. The addition will provide four vertically oriented windows facing the rear yard on both levels, except in the westernmost portion of the addition. The first-floor windows will be approximately five feet, seven inches in height; the second-floor windows will be similarly sized. (Exhibits 6, 37A.)
16. The Applicants will utilize frosted glass on the two easternmost windows on the first floor (in the bathroom) and on all four windows on the second floor of the addition. The frosted glass will result in a total of 54 square feet of windows with privacy glazing. (Exhibits 6, 37A.)
17. The glass door and first-floor window without frosted glass will create a total of 38 square feet of transparent glazing. (Exhibits 6, 37A.)
18. The planned addition will increase the lot occupancy of the subject property to approximately 68.3 percent. The rear yard will remain approximately 9.3 feet. (Exhibit 4.)
19. The property abutting the subject property to the west (1363 28th Street, NW, also known as 2730 O Street, NW) is improved with a three-story attached multi-unit residential

building constructed in 1859.¹ The eastern wall of that building abuts the west lot line of the subject property.

20. The east façade of the abutting building contains a window on the second floor that faces east. The window is one of two windows located along a hallway used to provide access to three units in the building. (Transcript of April 2, 2025 at 82, 86.)
21. The rear wall of the Applicants' planned addition will align with the rear wall of the existing dwelling, extending approximately one foot less than the depth of the adjoining building to the west. The second floor of the Applicants' addition will eliminate the east-facing window on the second floor of the adjoining building.
22. The property abutting the subject property to the east (2726 O Street, NW) is improved with a three-story attached principal dwelling. The rear wall of the Applicants' dwelling, both existing and with the planned addition, aligns with the rear wall of the adjoining building to the east.
23. The abutting property to the south (1359 28th Street N.W.) is improved with a three-story principal dwelling. The north side façade of the building extends along the property line

¹ The owner of the building on the abutting lot to the west of the subject property testified that the Applicants' dwelling was constructed in 1887 as a rear addition to the 1859 building and was expanded later "to the two-story L-shape it currently possesses." The owner indicated that the rear addition became a separate building on a separate lot through a subdivision that occurred before 1960. (Transcript of April 2, 2025 at 84, 99.)

for most of the length of the building, with a portion at the rear set back from the lot line in common with the Applicants' lot, where a wooden fence separates the two properties.

24. The north façade of the building contains windows on three levels that face north toward the Applicants' lot. The rooms with north-facing windows include the dining room on the first floor and an office on the second floor. (Exhibit 34A2; Transcript of April 2, 2025 at 102-103.)
25. The subject property is located in the Georgetown Historic District.
26. The area surrounding the subject property is characterized by low- to moderate-density residential uses, predominantly containing attached and semi-detached principal dwellings.
27. The subject property is located in a Residential House (R) zone, R-3/GT.
28. 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 § 101.1.) 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 lot width for the subdivision and creation of new lots of record; and (f) discourage multiple dwelling unit development. (Subtitle D § 101.2.)

29. The purpose of the R-3 zone is to allow for row houses, while including areas within which row houses are mingled with detached houses, semi-detached houses, and groups of three or more row houses. (Subtitle D § 101.8.) The R-3 zone is intended to permit attached row houses on small lots. (Subtitle D § 101.9.)

30. In addition to the purposes of the R-3 zones, the purposes of the Georgetown Residential House zones (including R-3/GT) are to (a) protect the Georgetown National Historic Landmark District and its historic character, buildings, and open space in a manner consistent with the goals and mandates of the Historic Landmark and Historic District Protection Act of 1978, and the Old Georgetown Act, approved September 22, 1950 (64 Stat. 903; D.C. Official Code §§ 6-1201-1206); (b) protect the integrity of “contributing buildings,” as that term is defined by the Historic Landmark and Historic District Protection Act of 1978; (c) recognize the compatibility of any development with the purposes of the Old Georgetown Act and the Historic Landmark and Historic District Protection Act of 1978; (d) limit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood; and (e) retain the quiet residential character of these areas and control compatible nonresidential uses. (Subtitle D § 1100.2.)

CONCLUSIONS OF LAW AND OPINION

The Applicants requested special exceptions from the zoning requirements for lot occupancy and depth of rear yard to allow a two-story rear addition to an existing two-story attached principal dwelling in the R-3/GT zone at 2728 O Street, NW (Square 1239, Lot 854). 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 11 DCMR Subtitle X § 901.2.)

The dwelling at the subject property has a nonconforming rear yard of 9.3 feet, where a minimum of 20 feet is required under Subtitle D § 207.1. The planned addition will not decrease the depth of the rear yard but will extend the nonconforming aspect by approximately 16 feet, eliminating an existing open court and creating a uniform rear wall at the dwelling at a distance of 9.3 feet from the rear lot line. The addition will increase lot occupancy to 68.3 percent, where 60 percent is permitted as a matter of right under Subtitle D § 210.1. Pursuant to Subtitle D § 5201.1, the Board is authorized to grant relief as a special exception from certain development standards to allow an addition to a principal residential building containing one principal dwelling unit on a non-alley lot, subject to the requirements of Subtitle D § 5201 and Subtitle X, Chapter 9. Eligible development standards include provisions relating to rear yards and lot occupancy up to a maximum of 70 percent. (Subtitle D §§ 5201.1(a) and (b).) Under Subtitle D § 5201.4, an

application for a special exception under Subtitle D § 5201.1 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, and 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 D § 5201.4(d), the Applicants submitted graphical representations including plans, photographs, and elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings. 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 of ANC 2E, the Board concluded that the Applicants satisfied the requirements for approval of the special exceptions requested.

The Board determined that the proposed addition will not unduly affect the light and air available to neighboring properties. The addition will comply with applicable development standards with respect to building height, and its location will minimize any potential impacts on the availability of light and air to nearby properties. The R-3/GT zoning of the subject property permits a building height of at least 35 feet and three stories as a matter of right (Subtitle D § 1101.1); the addition will be lower, matching the height of the existing dwelling at the subject property. The adjoining dwellings on abutting lots to the east and west, as well as the dwelling immediately south of the subject property, all have greater building heights than the Applicants' dwelling, including the new addition. The depth of the Applicants' dwelling will remain consistent with the dwelling to the

east and slightly less than the building to the west, thereby avoiding the creation of any undue impacts on light and air available to nearby properties. The Applicants submitted a shadow study (Exhibit 19A) that demonstrated that the shadow impacts of the addition will be limited and will primarily affect the Applicants' dwelling rather than any nearby property, given the relatively small size and infill nature of the addition and the proximity of taller buildings to the east, south, and west of the subject property. For that reason, the Board was not persuaded by the parties or persons in opposition that the planned addition will unduly affect the light and air available to neighboring properties.

The Board was not persuaded that the elimination of the second-story window in the building to the west, by the second floor of the Applicants' addition, would adversely affect the light or air available to the adjoining building. The window is located along the shared lot line as a result of a subdivision undertaken by a prior owner of the adjoining building, is relatively small, and has served as one of two windows providing light to a hallway, and not to the living space of a dwelling, in the adjoining building. The Board did not determine, under those circumstances, that the elimination of the window by the planned addition would constitute an undue effect on light or air. *Accord, Hefazi v. Stiglitz*, 862 A.2d 901, 911 (D.C. 2004) (a property owner's enjoyment of light and air exists solely on that owner's land and does not impose any obligation on adjoining property owners absent an express agreement); Application No. 19586 (GH Group LLC; February 14, 2019) (Board granted a special exception from rear yard requirement to allow a new apartment house that would close 30 windows, involving 10 dwelling units, in an existing apartment house on an adjoining lot; the 30 windows were "at risk" because they were constructed less than 10 feet from an interior lot line in common with applicant's property and therefore were not taken into

account with respect to natural light or ventilation); *see also* Application No. 18878-B (Alba 12th Street LLC; February 11, 2019) (approval of variances to allow an office building, which would requiring the closing of all west-facing windows on four floors of an existing office building on an adjoining lot, would not result in substantial detriment to the public good where the difference between the proposed development and a building permitted as a matter of right, with respect to impacts on light and views from the adjoining building, would be nominal).

The Board concluded that the proposed addition will not unduly compromise the privacy of use and enjoyment of neighboring properties. The addition will be attached to the Applicants' dwelling on the east and to a party wall on the west, thereby precluding any direct views into the abutting properties to the east or west.

The owner of the abutting property to the south, a party in opposition to the application, argued that the planned addition would unduly affect privacy due to the proximity, the number, and the placement of its windows. According to the party in opposition, the addition would be used more intensively than the existing porch and its windows would provide direct views into the windows in the dwelling to the south, unlike the windows in the Applicants' existing dwelling. The Board did not agree that any effects on privacy would be undue, in part because several of the windows in the dwelling to the south are located along the lot line in common with the subject property, in a zone that does not require any side yard setbacks (see Subtitle D §§ 208, 1104.)

The Board credited the testimony of the Applicants' architect that the fenestration of the planned addition was designed in response to comments from the Old Georgetown Board, which

“requested that the design align with a sleeping porch [whose] aesthetic requires more windows [than what the Applicants originally proposed]....” According to the architect, the Old Georgetown Board preferred the option with the “tall slender windows” that the Applicants proposed in this application. (Exhibit 37A.) The Applicants submitted drawings prepared by the architect to illustrate the expected views to the south from the planned addition as well as “estimated perspectives” depicting the views of the addition expected from the dwelling to the south (see Exhibits 37, 37B; see also photographs submitted by a party in opposition at Exhibits 29 and 38). These drawings and photographs demonstrated the limited nature of views between the planned addition and the dwelling to the south, including with respect to the direct views that were shown in the drawings without privacy glazing.

The Applicants’ dwelling is nonconforming with respect to rear yard but the Board concluded that the planned addition, which will maintain the existing degree of nonconformity, will not unduly compromise the privacy available to nearby properties, including the abutting lot to the south where the existing dwelling has windows located along the lot line shared by the two properties. Under the circumstances of this application, the Board did not conclude that the planned addition would unduly compromise the privacy available to any neighboring property. See Subtitle X § 901.3; *Hernandez v. District of Columbia Bd. of Zoning Adjustment*, No. 23-AA-0929, 17 (D.C. 2026); *Hefazi v. Stiglitz*, 862 A.2d 901, 911 (D.C. 2004); Application No. 19586 (GH Group LLC; February 14, 2019).

The Board noted the Applicants’ testimony that their earlier design for the addition included fewer windows and was revised to add windows in response to comments from the Old Georgetown

Board, as well as the Applicants' intention to utilize privacy glazing on all the upper-level windows and half of the first-floor windows. The Board also credited the testimony of the Office of Planning that approval of the application would not unduly compromise the privacy of use and enjoyment of neighboring properties, and noted that OP did not identify a need to recommend any condition requiring "special treatment in the way of design, screening,...or other features for the protection of adjacent and nearby properties" (see Subtitle D § 5201.5). Accordingly, the Board did not determine a need to require the privacy glazing to the extent proposed by the Applicants but adopted a condition of approval requiring the installation of privacy glazing only on the first-floor windows in the bathroom area of the planned addition.

The Board concluded that the proposed addition, together with the original building, as viewed from any street, alley, or other public way, will not substantially intrude on the character, scale, or pattern of houses along any street or alley frontage. The rear addition will not be visible from O street at the front of the subject property, and views from 28th Street will be negligible because of the two-story height of the addition, which is lower than nearby buildings, and the narrow width of the walkway between the buildings fronting on 28th Street immediately south of O Street. The subject property does not abut any public alley or other public way.

Subtitle X § 901.2. The Board concluded that approval of the requested special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, as is required for approval of the application under Subtitle X § 901.2. The subject property will remain devoted to use as a principal dwelling in an attached building, consistent with the purpose of the R-3 zone to allow row dwellings on small lots. Approval of the application will be consistent

with the intent of the Residential House zones to provide for the orderly development and use of land and structures in an area predominantly characterized by low- to moderate-density residential development and to recognize and reinforce the importance of neighborhood character, 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 will also be consistent with the purposes of the Georgetown Residential House zones to protect the Georgetown National Historic Landmark District and its historic character, buildings, and open space as well as the integrity of contributing buildings, to recognize the compatibility of new development with the purposes of applicable historic preservation requirements, to limit permitted ground coverage of expanded buildings to encourage a general compatibility between the siting of an expanded building and the existing neighborhood, and to retain the quiet residential character of the area in the vicinity of the subject property. The Board credited the testimony of the Applicants' architect with respect to the design of the planned addition and its compliance with historic preservation requirements as determined by the Old Georgetown Board. For that reason, the Board was not persuaded by the party in opposition that the second-floor window of the adjoining building must be maintained because of its historic significance and did not agree with ANC 2E that the application should be denied on the ground that the Applicants' proposal would violate "the lot occupancy and rear yard requirements, which were created to prohibit relatively large houses on relatively small lots." The Zoning Regulations authorize the Board to grant relief from those development standards when the Board determines, as in this case, that the requirements for approval of a special exception have been met.

For the reasons discussed above, the Board concluded that approval of the requested special exceptions will not tend to affect adversely the use of neighboring property with respect to light, air, or privacy, subject to the condition adopted in this order to mitigate potential impacts related to privacy. The Board was not persuaded by unsubstantiated claims by parties in opposition that the planned addition would result in adverse impacts with respect to noise, odors, or other factors.

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 agreed 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 an 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 2E adopted a resolution in opposition to the application, citing the ANC’s agreement with “[a]ll neighbors [who] are opposed” because “special exceptions should be granted very infrequently” in favor of compliance with development standards that were “created to prohibit relatively large houses on relatively small lots, and to maintain character versus a slow chipping away of uniqueness.” (Exhibit 23.)

The Board credited the unique perspective of the ANC and gave great weight to the issues and concerns stated in the report of ANC 2E; however, the Board did not find the ANC’s advice a persuasive reason to deny the application. As already noted, the Board is authorized by the Zoning Act to grant special exceptions, as provided in the Zoning Regulations, where the Board

determines that a 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 the specific requirements for a given special exception. In this case, for the reasons discussed above, the Board determined that the requirements for approval of the requested special exceptions were met and therefore the Board approved the application. Approval of a special exception is consistent with the Zoning Regulations and Map provided that the Board determines that the requirements for that special exception are met; in that respect a special exception differs from a variance, which entails a departure from zoning requirements when the Board determines that approval of a variance is warranted. *See Hernandez v. District of Columbia Bd. of Zoning Adjustment*, No. 23-AA-0929, 11-12 (D.C. 2026) (The Zoning Regulations allow the Board to grant special exceptions upon a determination that an applicant meets the requirements. Special exceptions are expressly provided for in the Zoning Regulations; once an applicant establishes that they have met all the requirements, the Board ordinarily must grant the application.) (citations and quotations omitted).

Exceptions to the Proposed Order. Because a majority of the Board members participating in the issuance of this order did not personally hear the evidence in this application, a proposed order was provided to the parties to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d).

Based on the findings of fact and conclusions of law, the Board concludes that the Applicants have satisfied the burden of proof with respect to the request for special exceptions under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 207.1 and from the lot occupancy

requirements under Subtitle D § 210.1 to allow a two-story rear addition to an existing two-story attached principal dwelling in the R-3/GT zone at 2728 O Street, NW (Square 1239, Lot 854).

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown as Exhibit 6 in the record and subject to the following **CONDITION**:

1. The Applicants shall utilize privacy glazing/frosting on the windows in the bathroom on the first floor of the addition.

VOTE: 4-0-1 (Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Gwen M. Wright voting to approve; one Board seat vacant)

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: _____

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 CONDITIONS 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 CONDITIONS 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.