

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



Application No. 21326 of Ehsan Jazini, as amended, pursuant to 11 DCMR Subtitle X § 901, for special exceptions under Subtitle D § 207.5 to allow a rear addition extending the rear wall of an existing row building farther than 10 feet beyond the farthest rear wall of an adjoining principal residential building and under Subtitle U § 253 to allow an accessory apartment on the second floor of a new accessory structure in the rear yard of an existing attached principal dwelling in the R-3/GT zone at 3546 Whitehaven Parkway, NW (Square 1296, Lot 384).¹

HEARING DATES: October 1 and October 22, 2025
DECISION DATES: October 29, 2025 and July 1, 2026

DECISION AND ORDER

This self-certified application was filed on May 2, 2025 by Ehsan Jazini (the “Applicant”), the owner of the property that is subject to this 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 May 22, 2025 to the Applicant, the Office of Planning (“OP”), the District Department of Transportation, the Department of Buildings, Advisory Neighborhood Commission (“ANC”) 2E, the ANC where the subject property is located, ANC 3B, also an affected ANC,² and Single Member Districts 2E01 and 3B02, the Office of Advisory Neighborhood Commissions, the Councilmembers for Ward 2 and Ward 3 as well as the Chairman and the at-large members of the D.C. Council, the Commission of Fine Arts, and the owners of all properties within 200 feet of the

¹ This caption has been modified to reflect that the Applicant amended the application. As originally filed, the application also included requests for special exceptions from lot occupancy and rear yard requirements under Subtitle D §§ 210.1 and 5004.1 (see Exhibit 6). After revising the project, the Applicant amended the application to withdraw the requests for special exceptions under Subtitle D §§ 210.1 and 5004.1 (see Exhibits 29, 29D).

² For zoning purposes, an “affected Advisory Neighborhood Commission” is the “ANC for the area within which the property that is the subject of a Zoning Commission or Board of Zoning Adjustment application or appeal is located, except that if the subject property is located on a street that serves as a boundary line between two ANCs, then the term ‘affected ANC’ means both ANCs.” (Subtitle B § 100.2.)

BZA APPLICATION NO. 21326
PAGE NO. 2

subject property.³ By letter dated June 4, 2025, the Office of Zoning provided notice of the application and of the public hearing to the National Park Service. Notice was published in the *District of Columbia Register* on June 6, 2025(72 DCR 006478).

Party Status. Pursuant to Subtitle Y § 403.5, the Applicant and ANCs 2E and 3B were automatically parties in this proceeding. The Board granted requests for party status in opposition to the application from Peter Courtois and Allison Astorino-Courtois, the owners of the property abutting the subject property to the west (Exhibits 22, 22A); from Amy Collen, the owner of the property abutting the subject property to the east (Exhibits 23, 23A, 23B, 23C, 25); and from Robert Winthrop Huffman, a tenant of the dwelling on the abutting property to the east (Exhibits 24, 24A, 24B, 24C). Amy Collen subsequently withdrew her opposition to the application. (Exhibits 40, 40A).

Applicant's Case. The Applicant presented evidence and testimony in support of the application, including from George Gordon, the project architect. The application requested the zoning relief needed to allow a rear addition to an existing two-story attached principal dwelling with a new two-story accessory building in the rear yard, and to allow an accessory apartment on the second floor of the new accessory structure.

OP Report. By memorandum dated September 17, 2025, the Office of Planning recommended approval of the application. (Exhibit 32.)

ANC Report. By report dated October 7, 2025, ANC 2E stated that, at a regularly scheduled meeting on September 29, 2025, with a quorum present, the ANC voted to oppose the application. (Exhibit 57.)

Parties in opposition. The parties in opposition argued that approval of the requested zoning relief would adversely affect the use and enjoyment of the abutting properties, especially with respect to light, air, and privacy. (Exhibits 43, 51, 58.)

Persons in support. The Board received a letter in support of the application from the owners of a property located across the alley to the rear of the subject property.

Persons in opposition. The Board received a letter and heard testimony in opposition to the application from the owner of a dwelling near the subject property.

FINDINGS OF FACT

1. The property that is the subject of this application is an interior lot located on the south side of Whitehaven Parkway, NW between 35th Place and 37th Street, with the address 3546 Whitehaven Parkway, NW (Square 1296, Lot 384).

³ The public hearing was originally scheduled for July 30, 2025 and was postponed at the Applicant's request (see Exhibit 20A).

BZA APPLICATION NO. 21326
PAGE NO. 3

2. The subject property is generally rectangular but irregularly shaped. The front (north) lot line extends approximately 17.57 feet along Whitehaven Parkway and the rear (south) lot line extends approximately 16.88 feet along a public alley. The side lot lines extend approximately 153.87 feet on the east and 148.18 on the west. (Exhibits 39B.)
3. The lot area of the subject property is approximately 2,549 square feet. (Exhibit 39D.)
4. The subject property is improved with an attached principal building and a one-story accessory structure in the rear yard. The existing lot occupancy is 32.8 percent. (Exhibits 39B, 39D.)
5. The principal building has two stories plus a cellar, and is approximately 25 feet in height. The building is set back approximately 30 feet from the front lot line and extends approximately 30 feet, resulting in a rear yard of approximately 79 feet. (Exhibits 39B, 39D.)
6. The Applicant's building is used as a principal dwelling. (Exhibit 29A.)
7. The Applicant proposed to enlarge the existing dwelling with a new third floor as well as a three-story rear addition. As a result of the new construction, the building will be three stories and approximately 35 feet in height. (Exhibit 39D.)
8. The addition will extend 23 feet beyond the existing rear wall of the Applicant's dwelling at the cellar, first, and second levels. The third floor will extend 16 feet further than the existing dwelling, so that the roof of the second floor of the addition will be configured as a deck seven feet deep at the third level. The main level will have a screened porch extending eight feet beyond the rear addition; its roof will be configured as an open deck on the second floor. The main level will also contain a rear deck extending an additional eight feet past the screened porch. (Exhibits 29, 39C, 44.)
9. Each of the three rear decks will have wood safety railings three feet high. The third-floor deck will contain a spiral stair providing access to a roof deck.
10. The Applicant will install lattice privacy screens on the screened porch on the first floor and on both sides of the rear decks on the second and third floors. The deck screens will be six feet high and will extend from the dwelling approximately half the depth of the decks, as shown in Exhibit 52A.
11. The addition will not have windows on either the east or west façades. (Exhibit 32.)
12. A solid wood fence will extend along the east lot line of the subject property, approximately four feet in height. (Exhibit 39C.)

13. The Applicant proposed to construct a new accessory structure in the rear yard of the subject property.
14. The new accessory structure will be two stories and 18 feet in height as measured from the public alley. The first floor will be used as a garage accessible from the alley. The second floor will be configured for use as an accessory apartment. (Exhibits 39B, 39C, 39D.)
15. The accessory building will extend 12.2 feet wide and approximately 20 feet 2 inches deep. It will be set back approximately two feet from the rear lot line, 1.2 feet from the east lot line, and 3.5 feet from the west lot line. (Exhibits 39B, 39C, 39D.)
16. The accessory structure will be located more than 20 feet from the rear wall of the new addition to the principal building at the subject property. (Exhibits 39B, 39C.)
17. The entrance to the accessory apartment will be located on the west façade of the accessory building, accessible via an external stair. (Exhibits 31A.)
18. The south façade abutting the public alley will contain a garage door on the first floor and windows on the second floor. (Exhibits 31A.)
19. The addition and new accessory structure will increase the lot occupancy of the subject property to 57.37 percent. (Exhibit 39D.)
20. The lot abutting the subject property to the west (Lot 383, 3548 Whitehaven Parkway, NW) contains a two-story attached principal dwelling. (Exhibit 39C.)
21. The rear wall of the existing building on Lot 383 extends further into the rear yard beyond the rear wall of Applicant's existing building. The rear yard of Lot 383 contains a retaining wall and a raised patio structure. (Exhibits 29F, 39C; Transcript of October 1, 2025 at 48.)
22. The lot abutting the subject property to the east (Lot 385, 3544 Whitehaven Parkway, NW) contains a two-story attached principal dwelling, with a one-story accessory structure in the rear yard. (Exhibit 39C.)
23. The Applicant's addition will extend the rear wall of the Applicant's dwelling 16 feet beyond the rear wall of the dwelling on Lot 385 at the cellar, first floor, and second floor. The Applicant's third floor addition will extend nine feet beyond the rear wall of the adjoining dwelling on Lot 385.
24. The dwellings on both abutting lots contain similar skylights – clear domes approximately 2.5 feet by 2.5 feet – located in the ceilings of bathrooms towards the center of their second floor roofs. The skylight on the adjoining dwelling to the west is located approximately 13 feet from the rear wall of that dwelling and approximately 8.5 feet from the adjoining wall of the Applicant's existing dwelling. (Exhibits 49B, 50, 53E.)

25. The rear (south) lot line of the subject property abuts a public alley 20 feet wide. The alley extends east-west through the interior of Square 1296, providing access to Whitehaven Parkway to the north, 35th Place to the east, and T Street to the south.
26. The area surrounding the subject property is residential in character, containing primarily two- or three-story attached buildings used as principal dwellings, with multiple properties containing accessory structures in the rear. (Exhibits 7, 29A, 32.)
27. The subject property is located in a Residential House (R) zone, R-3/GT. 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.)
28. The Residential House 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 (3) or more row houses. (Subtitle D § 101.8.)
30. The R-3 zone is intended to permit attached row houses on small lots. (Subtitle D § 101.9.)
31. In addition to the purposes of the R-3 zone, the purposes of the Georgetown Residential House zone 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 Applicant seeks special exceptions under Subtitle D § 207.5 to allow the rear wall of an existing row building to extend farther than 10 feet beyond the farthest rear wall of an adjoining principal residential building, for a planned three-story rear addition to an existing two-story attached principal dwelling, and under Subtitle U § 253 to allow an accessory apartment on the second floor of a new accessory structure in the rear yard of the dwelling in the R-3/GT zone at 3546 Whitehaven Parkway, NW (Square 1296, Lot 384). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions as provided in the Zoning Regulations when, in the judgment of the Board, the special exceptions 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 Maps, subject to specific requirements. (See 11 DCMR Subtitle X § 901.2.)

Extension of the rear wall. The Applicant proposed an addition that will extend the rear wall of the attached building 16 feet beyond the furthest rear wall of the adjoining principal residential building on the abutting lot to the east of the Applicant's lot. The rear wall of an attached building may be constructed to extend farther than 10 feet beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved by the Board as a special exception "pursuant to Subtitle X, Chapter 9, and subject to Subtitle D § 5201 if applicable."⁴ (Subtitle D § 207.5.) Based on the findings of fact and having given great weight to the recommendation of the Office of Planning, the Board concluded that the application satisfied the requirements for approval of the requested special exception.

As shown in the Applicant's plans, the addition to the existing dwelling at the subject property will extend further into the rear yard on the lower floors than on the upper floor. The new third floor will not extend more than 10 feet beyond either adjoining dwelling, while the depth of the addition on the cellar, first, and second floors will meet matter-of-right requirements with respect to the adjoining dwelling to the west and extend 16 feet – six feet further than an extension permitted as a matter of right – beyond the rear wall of the adjoining dwelling to the east.

The Applicant's rear addition will not create adverse impacts on any nearby dwelling or property with respect to the availability of light, air, or privacy. The building as enlarged will meet the development standards applicable in the R-3/GT zone with respect to building height, lot

⁴ The Applicant's self-certification form (Exhibit 39D) stated the requested relief in part as a special exception under Subtitle D § 5201 from Subtitle D § 207.5. Pursuant to Subtitle D § 207.4, with certain exceptions not relevant to this application, "a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property." The Board is authorized under Subtitle D § 207.5 to grant relief from the restriction stated in Subtitle D § 207.4 "as a special exception pursuant to Subtitle X, Chapter 9, and subject to Subtitle D § 5201 if applicable." Subtitle D § 5201 authorizes the Board to grant relief by special exception from specific development standards, none of which was at issue in this proceeding. Accordingly, with respect to relief from Subtitle D § 207.4, the Board considered the application relative to the general requirements for approval of a special exception under Subtitle X, Chapter 9, consistent with Subtitle D § 207.5.

occupancy, and rear yard. The Applicant submitted shadow studies (Exhibits 29E, 44) that compared the proposed addition, extending 16 feet beyond the rear wall of the existing adjoining dwelling to the east, with a hypothetical addition extending 10 feet, which would be permitted as a matter of right. The Board credited the testimony of the Office of Planning that, based on the Applicant's shadow study, the shadowing impacts of the planned addition on the adjacent properties will not be undue.

The parties in opposition argued that the "expansion of the building on the main (first), second, new third, and new roof deck," even without a special exception, would adversely affect the availability of light and air to neighboring properties, and approval of the "special exception makes the adverse effect even worse," in part because "the shadow study clearly shows that the special exception impact is worse than their matter of right option." (Exhibit 43.) The Board did not agree, noting that the R-3/GT zone is intended to provide for row dwellings on small lots, where development without side yards is anticipated. The Board agreed with the Office of Planning that the Applicant's planned addition will not "result in undue impacts on light access, air, or privacy on this rowhouse street." (Exhibit 32.) Considering that the Applicant's proposal will meet applicable development standards aside from the planned extension of the rear wall, and that the third floor will be set back to meet the by-right provisions for a rear extension, the Board was not persuaded by the parties in opposition that the planned addition will unduly affect the light or air available to any nearby dwelling.

Similarly, the Board concluded that approval of the planned rear addition will not unduly compromise the privacy of any adjoining principal residential building or any adjacent property. The lack of windows on the sides of the planned addition will preclude views of the abutting properties to the east and west. The new decks and rear porch at the rear of the Applicant's enlarged dwelling will primarily provide views to the south, with potential views to the east and west limited by the installation of lattice privacy screens. The Board concluded that the lattice privacy screens on the decks will prevent views into the dwellings on the abutting lots, in part because the Applicant's addition will extend further into the rear yard, increasing the distances between the addition and the nearest dwellings. Moreover, the planned lattice screens will minimize sightlines into the windows of the abutting dwellings. For that reason, the Board required the installation of lattice privacy screens on both the east and west sides of the second- and third-floor decks as a condition of approval of the requested special exception under Subtitle D § 207.5. The Board noted the Applicant's testimony that the owner of the abutting property to the east did not support the installation of lattice screens on the east side of the decks (see Exhibit 54A). The Board did not agree, because the open design of the lattice screens, as well as their size, will minimize views without obstructing the light and air available to nearby properties.

The Board was not persuaded by the parties in opposition that the Applicant's addition would allow direct views into the adjacent dwellings, including through their skylights. (Exhibits 43, 51.) Any privacy impacts related to the existing skylights would be minimal, given the location of the planned rear addition in relation to the skylights, which are relatively small and are located to the north on the adjoining properties. As the Applicant explained, the location and sightlines of the

skylights precluded “feasible sight lines from any portion of the Applicant’s proposed addition.”⁵ (Exhibits 49, 49A, 49B, 52.)

New accessory apartment. The Applicant requested a special exception under Subtitle U § 253.4 to allow an accessory apartment on the second floor of a new accessory structure in the R-3/GT zone. The Applicant stated that the principal dwelling unit or the accessory apartment will be owner-occupied for the duration of the accessory apartment use and that the number of total occupants of the accessory apartment and the principal dwelling combined will not exceed six persons, consistent with the requirements of Subtitle U §§ 253.5 and 253.6. (Exhibit 29A.) The Board concluded that the Applicant’s proposal satisfied the requirements of Subtitle U §§ 253.8 and 253.9 because the planned accessory apartment will occupy only the second floor of the new accessory structure, which will contain a garage on the first floor. The accessory structure will not provide a roof deck or contain any balconies or projecting windows facing a principal building in single-household residential use. Permanent access to the accessory structure will be maintained via the existing public alley.

General requirements. The Board concluded 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 a special exception under Subtitle X § 901.2. The Applicant proposed to enlarge an existing dwelling and to create a new accessory apartment on the second floor of a new accessory structure in the rear yard. Approval of the zoning relief requested will be consistent with the Residential House zones, which are designed to provide for stable, low- to moderate-density residential areas suitable for family life and supporting uses. Approval of the application is also consistent with the intent of the R zones to provide for the orderly development and use of land and structures in areas 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. The Applicant’s proposal is consistent with the purpose of the R-3 zone to allow for row houses on a small lot, and with the purposes of the R-3/GT zone to limit permitted ground coverage of new and expanded buildings to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood and to retain the quiet residential character of the area.

The Board concluded that approval of the application will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, in accordance with Subtitle X § 901.2. For the reasons discussed above, the planned rear addition to the Applicant’s existing dwelling will not create adverse impacts on the use of nearby properties, including the dwellings on abutting lots. Similarly, the Board concluded that the new accessory apartment will not create adverse impacts for any nearby property. The accessory structure will satisfy applicable development standards, and the accessory apartment use will be limited to the second floor, without creating any adverse impacts on nearby properties.

⁵ The Applicant estimated that the distance between the planned addition and the skylight on the abutting dwelling to the west at approximately 30 feet. (Exhibit 52.)

The Board was not persuaded by the parties in opposition that approval of the requested zoning relief would result in an intrusion on the character, scale, and pattern of houses along the public alley frontage. The Applicant's proposal will meet applicable development standards with respect to building height, both in terms of feet and number of stories, for both the principal dwelling and the accessory structure, and the subject property will continue to meet zoning requirements for yards and lot occupancy. The Board credited the testimony of the Office of Planning that similar three-story dwellings are located in the vicinity of the subject property.⁶

Great weight. The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04.) For the reasons discussed above, the Board agrees with OP's recommendation that the application should be 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 2E submitted a report indicating its opposition to the application; however, the report did not state any issues or concerns. ANC 3B did not submit a report or otherwise participate in this proceeding. Accordingly, the Board was unable to give great weight to any issues or concerns raised by an affected ANC with respect to this application.

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 on March 27, 2026 to afford them an opportunity to present written exceptions, in accordance with D.C. Official Code § 2-509(d). Exceptions were submitted by the parties in opposition on April 10 and April 13, 2026. The submission filed by the owners of the abutting property to the west of the subject property purported "to correct several misleading or inaccurate statements" in the proposed order pertaining to party status and opposition to the application; the submission also argued that the Applicant's proposal would create adverse impacts and that the Board failed to give great weight to ANC 2E as the only affected ANC in this proceeding. (Exhibit 63.) Similarly, the exceptions filed by the resident of the dwelling on the abutting property to the east of the subject property challenged the accuracy of certain statements in exhibits in the record and in the proposed order including with respect to the Board's consideration of the statement submitted by ANC 2E. (Exhibit 64.)

The Board was not persuaded that either submission of exceptions warranted any change in the proposed order. The submissions made assertions that were already considered by the Board or attempted to raise issues that could have been made during or before the public hearing. Neither submission asserted that the proposed order reflected a misunderstanding of the testimony of the various witnesses at the public hearing or of the exhibits contained in the record. Neither

⁶ The Board previously granted applications for special exceptions from "the 10-foot rule" for rear additions at properties in the same square as the Applicant's lot. See, Application No. 20394 (Rover Enterprises, LLC, March 8, 2021) (three-story rear addition to three-story attached principal dwelling at 3550 Whitehaven Parkway, NW, Lot 382), Application No. 20545 (Tressa Guenov, November 22, 2021) (third story and rear addition to a two-story attached principal dwelling at 3625 T Street NW, Lot 342), and Application No. 20688 (JL 3628 Whitehaven Pkwy NW, LLC, May 3, 2022) (third story and rear addition to two-story attached principal dwelling at 3628 Whitehaven Parkway, NW, Lot 367).

BZA APPLICATION NO. 21326
PAGE NO. 10

submission directed the Board's attention to designated portions of the record that were not addressed in the proposed order. *See, Meier v. District of Columbia Rental Accommodations Comm'n*, 372 A.2d 566, 568 (D.C. 1977); *Harris v. District of Columbia Comm'n on Human Rights*, 562 A.2d 625, 630-631 (D.C. 1989) (assessment of credibility).

Based on the findings of fact and conclusions of law, the Board concluded that the Applicant has satisfied the burden of proof with respect to the request for special exceptions under Subtitle D § 207.5 to allow a three-story rear addition extending the rear wall of an existing row building farther than 10 feet beyond the farthest rear wall of an adjoining principal residential building and under Subtitle U § 253 to allow an accessory apartment on the second floor of a new accessory structure in the rear yard of an existing attached principal dwelling in the R-3/GT zone at 3546 Whitehaven Parkway, NW (Square 1296, Lot 384). Accordingly, it is **ORDERED** that the application is **GRANTED** in conformance with the plans in the record, including Exhibits 31A, 39C, and 52A, consistent with Subtitle Y §§ 604.9 and 604.10, and subject to the following **CONDITION**:

1. The Applicant shall install and maintain lattice privacy screening on both the east and west sides of the new rear decks on the second and third floors of the rear addition in accordance with the plans shown at Exhibit 52A.

VOTE: 3-0-2 (Frederick L. Hill, Carl H. Blake, and Anthony J. Hood to APPROVE, Chrishaun S. Smith not present, not participating; one Board seat vacant)

VOTE: 3-0-2 (Michelle Pourciau, Anthony J. Hood, and Paul Goldstein voting to issue this Order; Melissa Lindsjo not present, not participating; 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: July 1, 2026

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.