

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 19820 of Cambridge Holdings LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert an existing principal dwelling unit to a three-unit apartment house and to construct a third-story and rear addition in the RF-1 zone at premises 1128 Buchanan Street, N.W. (Square 2918, Lot 113).

**HEARING DATES:** October 10, 2018; November 7, 2018; December 12, 2018; and January 16, 2019

**DECISION DATE:** January 30, 2019

**DECISION AND ORDER**

On June 9, 2018, Cambridge Holdings LLC, the owner of the subject premises (the “**Applicant**”) submitted an application (the “**Application**”) for special exception relief to convert an existing principal dwelling unit to a three-unit apartment house in the RF-1 zone at premises 1128 Buchanan Street, N.W. (Square 2918, Lot 113) (the “**Property**”). Following a public hearing, the Board of Zoning Adjustment (the “**Board**”) voted to **APPROVE** the application.

**FINDINGS OF FACT**

**Notice of Application and Notice of Public Hearing**

1. Pursuant to Subtitle Y § 402.1, the Office of Zoning sent notice of the Application on August 8, 2018 to the Applicant; Advisory Neighborhood Commission (“**ANC**”) 4C, the ANC for the area within which the subject property is located, the single-member district ANC 4C03, and the Office of ANCs; the owners of all property within 200 feet of the Property; the Office of Planning (“**OP**”); the District Department of Transportation (“**DDOT**”); and the Councilmember for Ward 4, the Chairman of the Council, and the At-Large Councilmembers. Notice of the public hearing was published in the *D.C. Register* on August 17, 2018. (65 DCR 8525.)

**Party Status**

2. The Applicant and ANC 4C were automatically parties in this proceeding per Subtitle Y § 403.5. The Board received no requests for party status.

**The Property**

3. The Property is located at 1128 Buchanan Street, N.W. (Square 2918, Lot 113).

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4. The Property is zoned RF-1.
5. The purposes of the RF-1 zone are to:
  - (a) Recognize and reinforce the importance of neighborhood character, walkable neighborhoods, housing affordability, aging in place, preservation of housing stock, improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city;
  - (b) Allow for limited compatible non-residential uses;
  - (c) Allow for the matter-of-right development of existing lots of record;
  - (d) Establish minimum lot area and dimensions for the subdivision and creation of new lots of record in RF zones;
  - (e) Allow for the limited conversion of rowhouse and other structures for flats; and
  - (f) Prohibit the conversion of flats and row houses for apartment buildings as anticipated in the RA zone.

(Subtitle E § 100.3.)

6. The Property has a lot area of 3,126 square feet. (Exhibit 4.)
7. The Property is currently improved with a two-story plus cellar residential row dwelling (the “**Building**”) that has a height of 23 feet.
8. The Building currently occupies 40% of the lot.
9. The Property has a rear yard of 103 feet.
10. The abutting property to the East at 1126 Buchanan Street, N.W. (the “**East Abutting Property**”) is improved with a building which rear wall is equal to that of the Building.
11. The abutting property to the west at 1130 Buchanan Street, N.W. (the “**West Abutting Property**,” and collectively with the East Abutting Property, the “**Abutting Properties**”) is improved with a building which rear wall is equal to that of the Building.
12. The Abutting Properties have no existing solar energy systems.

**The Application**

13. The Application proposes to convert the existing dwelling unit into a three-unit apartment house and to construct a third-story and rear addition to the Building (the “**Addition**”).
14. The Addition will not have any windows facing the Abutting Properties.
15. The Addition would increase the height of the Building to 35 feet.

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16. The Addition would extend ten feet beyond the rear wall of the Building and of the rear walls of the adjoining principal residential buildings.
17. The Applicant proposes a rear deck on each floor that would extend another ten feet from the rear wall of the Addition.
18. With the Addition, the rear yard would be at least 73 feet deep and the lot occupancy of the Property would be 53%.
19. The Application does not propose the removal or alteration of any roof top architectural elements, such as the existing dormer, mansard roof, and porch roof.
20. The Applicant provided a shadow study to demonstrate the impact of the Addition on the light and air available to neighboring properties compared with the existing conditions. The study indicates that there will be some additional shading on the West Abutting Property in the morning and on the East Abutting Property in the afternoon. (Exhibit 43.)
21. The Addition would be visible from the street frontage on Buchanan Street, N.W. The third-story portion of the Addition is set back from the front façade to minimize its visibility.
22. The Addition would be visible from the public alley at the rear of the Property.
23. The Applicant will provide two off-street parking spaces at the rear of the Property, accessible from the public alley.

**Revisions**

24. The Applicant redesigned the Addition to not block or impede the existing chimney on the adjacent property at the West Abutting Property. (Exhibit 51.)
25. The Application originally included a roof deck as part of the Addition, but that aspect of the proposal was eliminated in revisions to the plans. (Exhibit 51.)
26. The Applicant agreed to provide privacy screening on the east and west sides of the rear deck. (Exhibit 47.)

**Relief Requested**

27. The Applicant requests a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert an existing principal dwelling unit to a three-unit apartment house and to construct a third-story and rear addition.

**OP Reports**

28. OP submitted a written report dated September 28, 2018 (the “**1<sup>st</sup> OP Report**”) indicating that OP could not yet make a recommendation and requesting supplemental information from the Applicant. OP also suggested that the Applicant make several design changes, such as removing the proposed roof deck and access stairs and providing setback from the side walls of the rear decks. (Exhibit 34.)
29. OP submitted a supplemental report dated October 29, 2018 (the “**2<sup>nd</sup> OP Report**”) after the continuation of the public hearing, recommending approval of the relief requested with conditions. OP’s proposed conditions again requested the removal of the proposed roof deck and the reduction in width of the rear deck or the provision of screening for the rear deck. (Exhibit 44.)
30. OP submitted a second supplemental report dated December 5, 2018 (the “**3<sup>rd</sup> OP Report**”) in response to the Applicant’s submission of amended plans to remove the roof deck and spiral access stairs, as well as to provide screening on the rear deck, reiterating its recommendation to approve the application. (Exhibit 48.)
31. OP submitted a third supplemental report dated January 10, 2019 (the “**4<sup>th</sup> OP Report**”) responding to the Board’s questions regarding how the existence of a chimney at 1130 Buchanan Street, N.W. would affect the requirement of Subtitle U § 320.2(f) that an addition not block or impede a chimney or external vent on an adjacent property. OP indicated that, if the Board grants special exception relief, the Applicant would have to demonstrate that the proposed addition does not impeded the existing chimney at the time of its building permit application. (Exhibit 52.)

**DDOT Report**

32. DDOT submitted a written report dated September 21, 2018 (the “**DDOT Report**”) stating its determination that the Application would have no adverse impacts on travel conditions of the District’s transportation network and that DDOT had no objection to the approval of the Application. (Exhibit 33.)

**Persons in Opposition**

33. Owners of three nearby properties, including the adjacent neighbors, submitted letters in opposition to the Application. The owner of the East Abutting Property submitted a letter addressed to the Department of Consumer and Regulatory Affairs (“**DCRA**”) objecting to notice of construction provided. (Exhibit 12.) The owners of the West Abutting Property raised concerns about the impacts of the conversion and the Addition on the character of the neighborhood and on the light available in their rear yard, as well as other concerns related to construction and discrepancies in the plans. (Exhibits 10, 37, and 38.) The residents of 1140 Buchanan Street, N.W. raised concerns about the conversion changing the character of the neighborhood. (Exhibit 40.)

34. At the hearing of October 10, 2018, six neighbors testified in opposition to the Application, including the owners of the Abutting Properties. An owner of the West Abutting Property also testified in opposition on December 12, 2018 and January 16, 2019.

**ANC Report**

35. ANC 4C submitted a written report indicating that at a duly noticed public meeting on September 12, 2018, with a quorum present, the ANC voted to oppose the Application (the “ANC Report”). (Exhibit 32.) The ANC Report recommended that the Board deny the Application and that the proposed development be limited to the matter-of-right two units.
36. The ANC Report raised concerns on the basis of the adjacent neighbor’s objections to the impact of the third-story and rear addition on light, air, and privacy. The ANC Report also raised the concern that the conversion of the one-family dwelling unit into a three-unit apartment would change the character of the neighborhood.
37. The ANC Report authorized the Single Member District Commissioner (“SMD”) for 4C03, Ulysses Campbell, to represent the ANC before the Board.
38. ANC SMD Campbell submitted a response dated October 31, 2018 (the “SMD Response”) responding to supplemental materials submitted by the Applicant, including shadow studies and design changes to address privacy concerns, Commissioner Campbell filed a response indicating that the concerns raised and recommendations made in the ANC Report remain unchanged. (Exhibit 45.)
39. Because the ANC did not submit a written report adopting the contents of the SMD Response, the Board could not afford that filing “great weight.”

**CONCLUSIONS OF LAW AND OPINION**

The Applicant requests special exception relief pursuant to 11-U DCMR § 320.2 of the Zoning Regulations in order to convert a principal dwelling unit into a three-unit apartment house in the RF-1 Zone. Section 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2018 Repl.) (*see also* Subtitle X § 901.2) authorizes the Board to grant special exceptions, as provided in the Zoning Regulations, where, in the judgement of the Board, the special exception (i) will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, (ii) will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and (iii) complies with the special conditions specified in the Zoning Regulations.

Relief granted by the Board through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board’s discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and “if the applicant meets its burden, the Board ordinarily must

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grant the application.” *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

Special Exception Requirements of Subtitle U § 320.2

For the relief requested, the Applicant must meet the “specific conditions” of Subtitle U § 320.2:

- (a) The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);
- (b) The fourth (4<sup>th</sup>) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;
- (c) There must be an existing residential building on the property at the time of filing an application for a building permit;
- (d) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;
- (e) An addition shall not extend farther than ten feet (10 ft.) past the farthest rear wall of any adjoining principal residential building on any adjacent property;
- (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;
- (g) Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing solar energy system of at least 2kW on an adjacent property unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph the following quoted phrases shall have the associated meaning:
  - (1) “Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a

comparative solar shading study acceptable to the Zoning Administrator;  
and

- (2) “Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:
  - (A) Legally permitted, installed, and operating: or
  - (B) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;
- (h) A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size. For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure’s rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;
- (i) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
  - (1) The light and air available to neighboring properties shall not be unduly affected;
  - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
  - (3) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley;

The Application meets the conditions of Subtitle U § 320.2, as follows:

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**Subtitle U § 320.2(a): 35-Foot Maximum Height**

The Board concludes that the Application complies with this requirement because the Addition is proposed to be 35 feet in height. (Exhibit 51.)

**Subtitle U § 320.2(b): Inclusionary Zoning Set-Asides**

As the Application proposes a three-unit apartment house, the Board determined that the Inclusionary Zoning set-aside requirement is not applicable in this case.

**Subtitle U § 320.2(c): Existing Residential Building**

The Board concludes that this requirement is met, as the Property is currently improved with an attached residential building.

**Subtitle U § 320.2(d): Minimum Land Area**

Based on the computations provided by the Applicant, the Board concludes that this requirement is met, as the Property has a lot area of 3,126 square feet. (Exhibit 4.)

**Subtitle U § 320.2(e): Rear Addition**

The Board concludes that this requirement is met because the Application proposes a rear addition that extends ten feet past the farthest rear wall of an adjoining principal residential building. (Exhibit 51.)

**Subtitle U § 320.2(f): No Blocking or Impeding an Existing Operating Chimney on an Adjacent Property**

The Board concludes that the Application meets this criterion, based on the final revised architectural plans provided for the record that provide a carve-out around the neighboring chimney at the West Abutting Property. The Board also notes that the Applicant must demonstrate compliance with this requirement to DCRA at the time of permitting.

**Subtitle U § 320.2(g): No Significant Interference with Existing Adjacent Solar Systems**

The Board concludes that the Application would not interfere with an existing solar energy system on an adjacent property because none exist.

**Subtitle U § 320.2(h): No Removal or Significant Alteration of Rooftop Architectural Elements**

The Board concludes that the Application met this requirement because the Application does not involve the removal or alteration of the existing dormer, mansard roof, or porch roof.

**Subtitle U § 320.2(i): Impacts of Addition**

Under Subtitle U § 320.2(i), any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:



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- (1) *The light and air available to neighboring properties shall not be unduly affected;*

The Board found that the light and air available to neighboring properties would not be unduly affected because the Addition would not create significant shadowing or loss of air flow. The Board relied on the sun studies provided by the Applicant in determining the Addition would not create an undue impact on adjacent properties with respect to light and air. The studies demonstrate that there will be some increase in shadowing on neighboring properties, but the additional shadows do not rise to a significant impact, as they will only affect a small portion of the adjacent properties during the morning for the West Abutting Property and in the afternoon for the East Abutting Property. Further, the Property will have a rear yard that is at least 73 feet deep, which will provide sufficient airflow to neighboring properties. The Board concludes this criterion is met.

- (2) *The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and*

The Board concludes that the Addition, as revised to remove the roof deck, does not unduly compromise the privacy and enjoyment of neighboring properties because the Addition will not have any windows overlooking adjacent properties and the Applicant will provide screening on the east and west sides of the rear deck. The Board concludes that the privacy screening and the removal of the roof deck mitigate any potential privacy impacts in this case.

- (3) *The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley;*

The Board concludes that the Addition would not visually intrude on the character or pattern of houses, as viewed from Buchanan Street and from the rear alley. From Buchanan Street, the Addition is set back from the front façade of the building to minimize the visibility of the new third story. The Applicant will maintain the existing architectural features of the Building, which ensures that the architectural character of the block is maintained. From the rear alley, the Addition will be visible, and with the Applicant's removal of the roof deck and spiral access stair, the Board concludes that it will not visually intrude on the character or scale of houses. For these reasons, the Board concludes that the Addition would not have a substantially adverse impact on the adjacent properties.

General Special Exception Standards of Subtitle X § 901.2

Pursuant to Subtitle X § 901.2(a), the Board concludes that granting the requested special exception would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps because the Application is consistent with the purposes of the RF zones to allow "... improvements to the overall environment, and low- and moderate-density housing to the overall housing mix and health of the city." (Subtitle E § 100.3(a).) The Application would allow for the

introduction of additional housing units to the District's housing supply, while maintaining the residential character of the neighborhood.

Pursuant to Subtitle X § 901.2(b), the Board concludes that the granting the request would not tend to affect adversely the use of neighboring property. The Board determined that the Application is unlikely to have a substantial adverse impact on neighbors with regard to light, air, privacy, enjoyment, and visual character in its discussion of Subtitle U § 320.2(i). Further, the Board concludes that the Application would not cause an adverse impact on parking available in the neighborhood, as the Applicant proposes to provide two off-street parking spaces, where only one is required under Subtitle C § 701. The Board credits DDOT's finding that the Application will have "no adverse impacts on the travel conditions of the District's transportation network." (Exhibit 33.)

#### **"Great Weight" to the Recommendations of OP**

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board concludes that the OP Reports, which provided in-depth analysis of how the Application met the requirements and standards of the requested special exception, were persuasive and concurs with OP's recommendation to approve the Application.

In the 1<sup>st</sup> and 2<sup>nd</sup> OP Reports, OP requested that the Applicant provide additional information and incorporate design changes, including the removal of the originally proposed roof deck and provision of screening on the rear deck. (Exhibits 34 and 44.) Based on these requests being met, OP recommended approval. (Exhibits 48 and 52.) The Board concurs with OP's recommendation that the Application be approved with the suggested design changes incorporated into the final revised plans.

#### **"Great Weight" to the ANC's Written Report's Issues and Concerns**

The Board must give "great weight" to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 4C (§ 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) (2012 Repl.) and Subtitle Y § 406.2). To satisfy the great weight requirement, the Board must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted)."

The ANC report raised issues and concerns related to the impacts of the Addition on neighbors' light, air and privacy, as well as the impact of the conversion on neighborhood character. Although the ANC Report raised specific concerns about the potential adverse impact of the Addition, the

ANC Report did not identify any specific impacts stemming from the conversion itself beyond the general introduction of a three-unit apartment where one-family dwellings are more typical. The ANC Report raised the concern that the conversion would “change the character of the neighborhood that has traditionally been comprised of single family homes.” (Exhibit 32.) The ANC Report did not cite specific adverse impacts related to density, but more generally stated a concern about “the impact of a multi-unit dwelling of three units.” (Exhibit 32.)

The D.C. Court of Appeals has found that, in a special exception case, “an increase in population density is not ‘necessarily incompatible’ with a residential neighborhood; rather, compatibility turns on whether it would have an adverse impact on the neighborhood in terms of traffic, noise, or other effects.” *Neighbors for Responsive Gov't, LLC v. District of Columbia Bd. of Zoning Adjustment*, 195 A.3d 35, 53 (D.C. 2018) (citing *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 295 (D.C. 1974).)

The Board nonetheless considered potential impacts of the Application – such as the effect on traffic, parking, light, air, privacy, and visual character of the neighborhood – and determined that the special exception will be in harmony with the general purpose and intent of the Zone Plan and will not tend to affect adversely the use of neighboring property.

The Board addressed the legally relevant concerns in its discussion of Subtitle U § 320.2(i) and of the general special exception criteria. For the reasons discussed above, the Board ultimately concluded that the Application met the special exception criteria and was therefore not persuaded by the ANC’s recommendation to deny the Application.

## **DECISION**

Based on the record before the Board and these Findings of Fact and Conclusions of Law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception under the residential conversion requirements of Subtitle U § 320.2.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS<sup>1</sup> AT EXHIBIT 51 – ARCHITECTURAL PLANS AND ELEVATIONS.**

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<sup>1</sup> Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6 (Exhibit 4). In granting the requested self-certified relief subject to the plans submitted with the Application, the Board made no finding that the requested relief is either necessary or sufficient to authorize the proposed construction project described in the Application and depicted on the approved plans. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application that would require additional or different zoning relief from that is granted by this order.

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**VOTE: 4-0-1** (Frederick L. Hill, Lorna L. John, Lesylleé M. White, and Peter A. Shapiro to APPROVE; Carlton E. Hart 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:** June 18, 2019

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 AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS 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.

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,

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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.