

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



**BZA Order No. 20143
BZA Application No. 20143
Grand Realty LLC
1117 Morse Street, N.E. (Square 4070, Lot 136)**

Pursuant to notice, at its August 4, 2021, public meeting,¹ the Board of Zoning Adjustment (the “**Board**”) deliberated on the application, as amended, (the “**Revised Application**”) of Grand Realty LLC (the “**Applicant**”) requesting the following relief under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, Zoning Regulations of 2016, to which all references are made unless otherwise specified):

- A special exception pursuant to Subtitle U § 320.2 for an apartment house conversion; to convert the existing attached principal dwelling into a three-unit apartment house on Lot 136 in Square 4070, with an address of 1117 Morse Street, N.E., (the “**Property**”) in the RF-1 zone. For the reasons explained below, the Board voted to **APPROVE** the Application.

FINDINGS OF FACT

BACKGROUND

PARTIES

1. The following were automatically parties in this proceeding, pursuant to Subtitle Y § 403.5:
 - The Applicant; and
 - Advisory Neighborhood Commission (“**ANC**”) 5D, in which district the Property is located and so the “affected” ANC per Subtitle Y § 101.8.
2. At its November 20, 2019, public hearing, the Board granted the request for party status in opposition to David and Geraldine Hailes, (the “**East Abutters**”) based on their ownership of 1119 Morse Street, N.E., which abuts the Property on the Property’s east lot line (Exhibit [“**Ex.**”] 39; Transcript of the November 20, 2019 public hearing [“**Nov. 20 Tr.**”] at 32).

NOTICE

3. Pursuant to Subtitle Y §§ 400.4 and 402.1, the Office of Zoning (“**OZ**”) sent notice of the Application and the original November 13, 2019 hearing by a September 23, 2019 letter (Ex. 18-31) to:

¹ The Board postponed, per the Applicant’s request, the public hearing from the initially scheduled November 13, 2019 date to November 20, 2019 (Ex.28, 32). The Board continued the hearing to December 18, 2019, at which point the Board voted to approve the Application. At its June 23, 2021 public meeting, the Board rescinded its prior vote to approve and asked the Applicant to address the Board’s concerns about the Application’s eligibility for the requested special exception relief, which the Board scheduled to consider at its July 28, 2021 public meeting, but then postponed to August 4, 2021 (Ex. 54, 58).

BZA ORDER NO. 20143
PAGE NO. 2

- The Applicant;
 - ANC 5D;
 - The Single Member District (“SMD”) Commissioner for ANC 5D06 and the Office of ANCs;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The National Park Service (“NPS”);
 - The Councilmember for Ward 5;
 - The Chairman of the Council;
 - The At-Large Councilmembers; and
 - The owners of all property within 200 feet of the Property.
4. OZ also published notice of the original November 13, 2019, public hearing in the September 21, 2019, *D.C. Register* (66 DCR 12389) as well as on the calendar on OZ’s website.

THE PROPERTY

5. The Property is a rectangular lot comprising 2,795 square feet, with 19.23 feet of frontage on Morse Street, N.E. (Ex. 40).
6. The Property is currently improved with an attached two-story building with one principal dwelling unit (the “**Existing Building**”) and one parking space (Ex. 4, 8).
7. The Property is abutted as follows:
- To the north – by Morse Street, N.E.;
 - To the east – by an attached, two-story principal dwelling;
 - To the south – by a 20-foot-wide public alley, on the other side of which are apartment buildings; and
 - To the west – by an attached, two-story principal dwelling. (Ex. 8).
8. The neighborhood surrounding the Property is generally residential in character, including attached one-family dwellings, flats, and small apartment houses. Development along Florida Avenue, a block to the south, includes institutional, service, and commercial uses, and Gallaudet University is located half a block to the west. (Ex. 8, 35A).
9. The Property is located in the RF-1 zone (Ex. 8).
10. The Residential Flat (RF) zones are residential zones, which provide for areas developed primarily with row dwellings, but within which there have been limited conversions of dwellings or other buildings into more than two (2) dwelling units (Subtitle E § 100.1).

THE APPLICATION

11. The Application, as initially filed on August 21, 2019 (Ex. 1-12, the “**Initial Application**”), proposed to:
 - Construct a six-foot, nine-inch, rear addition with a third story (the “**Addition**”) to the existing building (the “**Expanded Building**”) that would comply with the matter of right development standards for the RF-1 zone;
 - Construct a new 558.59-square-foot accessory building (the “**Accessory Building**”) in the rear of the Property but not within the required rear yard; and
 - Convert the Property to an apartment house use with a total of three principal dwelling units with:
 - Two units located in the Expanded Building; and
 - One unit located in the Accessory Building.

12. On July 20, 2021, the Applicant revised the Application (Ex. 57-57B, the “**Revised Application**”) to:
 - Extend the Addition a further three feet so that it would extend ten feet beyond the abutting walls of the two abutting properties;
 - Reduce the size of the Accessory Building to 450 square feet; and
 - Provide all three proposed principal dwelling units in the Expanded Building, with the Accessory Building to be used as ancillary space for one of the units.

RELIEF REQUESTED

13. The Initial Application requested the following relief:
 - A special exception pursuant to Subtitle U § 320.2 to convert the Property’s existing principal dwelling unit to three principal dwelling units;
 - A special exception pursuant to Subtitle U § 301.1(e) from the use requirements of Subtitle U § 301.1(c)(1) to authorize a principal dwelling unit in an accessory building constructed after January 1, 2013; and
 - A special exception pursuant to Subtitle E § 5201 from the accessory building maximum building area requirements of Subtitle E § 5003.1 to construct an accessory building in excess of 450 square feet.

14. The Revised Application amended the requested relief to:
 - Remove the two special exceptions requested for the Accessory Building as no longer needed because the Revised Application reduced the Accessory Building’s size to comply with Subtitle E § 5003.1’s maximum 450 square feet and moved the proposed third principal dwelling unit from the Accessory Building to the Expanded Building; and
 - Retain the special exception pursuant to Subtitle U § 320.2 to convert the Existing Building to three principal dwelling units (Ex. 57A).

JUSTIFICATION FOR RELIEF

15. The Applicant submitted an October 30, 2019 prehearing statement (Ex. 35-35B) that included updated plans and shadow studies that demonstrated that:
 - The Addition would not cast additional shadows on the neighboring properties compared to the matter-of-right building envelope; and
 - The Accessory Building would only cast small amounts of additional shadows at certain times of year, and mostly on the properties to the west.
16. At the November 20, 2019 public hearing, the Applicant asserted that the Initial Application had satisfied the special exception standard to convert the Property to three principal dwelling units because the Applicant's shadow studies indicated that the Addition and Accessory Building would cause little to no impact on the adjacent properties when compared to a matter-of-right development (Nov. 20 Tr. at 37-42).
17. At the December 18, 2019 continued public hearing, the Applicant testified that:
 - It presented alternative designs to the ANC that reduced the size of the Accessory Building and increased the size of the Addition (Ex. 50-50A), but
 - The ANC found the alternative designs less desirable than the original plans; and
 - Therefore, the Applicant maintained the Application as originally proposed (Transcript of the December 18, 2019 continued public hearing ["**Dec. 18 Tr.**"] at 7).

Residential Conversion - Subtitle U § 320.2

18. The Revised Application asserted it meets the residential conversion requirements as follows:
 - The residential building that the Application proposes to convert exists on the property (Subtitle U § 320.2(a));
 - The Application only proposes three units, and therefore will not trigger the inclusionary zoning requirements (Subtitle U § 320.2(b)); and
 - The Property has 2,795 square feet of land which satisfies the minimum of 900 square feet per unit (Subtitle U § 320.2(c)).
19. The Revised Application asserted that it met the general special exception criteria of Subtitle X § 901.2 because:
 - The Application is in harmony with the purpose and intent of the Zoning Regulations because residential conversions, are permitted in the RF-1 zone by special exception, thus the proposed use was contemplated by the Zoning Commission and the Application is in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps; and
 - The Application will not result in adverse impacts to the neighboring properties because:
 - The Application is only proposing one more residential unit than what is permitted as a matter of right and the additional unit is unlikely to result in adverse privacy or noise impacts;
 - The Addition will be constructed to matter of right development standards and do not require any additional zoning relief;

- As demonstrated by the Applicant’s shadow studies, the Addition will not result in undue shadow impacts to the adjacent properties;
- The Addition will not have any windows on the east or west facades that would impact privacy; and
- The Addition will not visually intrude on the character and pattern of the surrounding neighborhood because:
 - The Addition’s new third floor will be set back six feet from the front façade; and
 - The Addition’s rear extension will not be visible from the street and will be smaller than rear additions on neighboring properties.

III. RESPONSES TO THE APPLICATION

OP

20. OP submitted a report dated November 8, 2019 (Ex. 40, the “**OP Report**”) that:
- Analyzed the Initial Application and concluded that the Initial Application had:
 - Satisfied the specific special exception requirements of Subtitle U § 320.2 to convert the Existing Building to a three-unit apartment house and the Addition would not result in any adverse effects because it would conform to the matter of right development standards; and
 - Demonstrated that the Initial Application met the general special exception standards of Subtitle X § 901.2 because the Addition will conform to the permitted uses and matter of right development standards of the RF-1 zone and would not result in any undue adverse impacts; and
 - Therefore recommended approval.
21. At the November 20, 2019 public hearing, OP:
- Testified that the Addition would comply with the matter-of-right development standards for the RF-1 zone; and
 - Reiterated its recommendation of approval of the Initial Application (Nov. 20 Tr. at 92).
22. At the December 18, 2019 continued public hearing, OP testified that:
- The general intent of the RF-1 Zone is for buildings with one and two dwelling units, but that there are conditions under which additional units are permitted and as such the Application was not inconsistent with the intent and purposes of the Zoning Regulations;
 - The Addition will not lead to significant or undue effect on light and air to adjacent properties (Dec. 18 Tr. at 33-36).
23. In response to the Board’s rescission of its earlier vote and request that OP confirm if the Initial Application was eligible for the residential conversion relief pursuant to Subtitle U § 320.2 since it proposed to locate the third principal dwelling unit in the Accessory Building, when Subtitle U § 320.2 authorizes the conversion of a “building” not of multiple buildings, OP submitted a July 7, 2021 supplemental report (Ex. 55, the “**Supplemental OP Report**”) that reiterated OP’s prior conclusions that the Initial Application was eligible for and has satisfied the requirements for Subtitle U § 320.2.

DDOT

24. DDOT submitted an October 25, 2019, report (Ex. 36, the “**DDOT Report**”) that stated that:
- DDOT determined that the Initial Application would not have an adverse impact on the District’s transportation network; and
 - Therefore DDOT had no objection to the Initial Application (Ex. 36).

ANC

25. ANC 5D submitted a November 18, 2019 report (Ex. 45, the “**ANC Report**”), stating that at its November 12, 2019 duly noticed and scheduled public meeting at which a quorum was present, the ANC voted to:
- Find that despite the need for additional housing units, the Initial Application would effectively transform the RF-1 zoned property a Residential Apartment zoned lot;
 - Find that the Accessory Building is not consistent in character, scale or pattern with other accessory structures in the surrounding neighborhood given its location deeper within the interior of the Property;
 - Oppose the Initial Application on the basis of these issues and concerns; and
 - Authorized ANC Chair Clarence Lee, and Commissioner Kevin Horgan to represent the ANC before the Board.
26. In response to the Board’s questions at the November 20, 2019 public hearing, ANC 5D submitted a December 17, 2019 report (Ex. 51, the “**Supplemental ANC Report**”) stating that at its duly noticed and scheduled public meeting at which a quorum of commissioners was present, the ANC voted to:
- Identify the following issues and concerns with the Initial Application:
 - The Initial Application was inconsistent with the purpose and intent of the Zoning Regulations, specifically the intent of the RF-1 zone to provide to “areas predominantly developed with row houses on small lots within which no more than two dwelling units are permitted”;
 - The Initial Application would adversely affect the market for homes in the neighborhood by increasing the incentive for developers to buy single family homes and split them into three-unit condominiums, which would shift the character of the neighborhood away from single family dwellings and decrease the level affordability; and
 - The ANC did not support the Applicant’s proposed alternative plans presented at its December 10, 2019 meeting because the alternatives did less to address the ANC’s primary concerns about providing affordable and family sized housing; and
 - Therefore oppose the Initial Application on this basis.
27. At the November 20, 2019 public hearing, ANC Chair Lee and Commissioner Horgan testified on behalf of the ANC that:
- The ANC was concerned that the Initial Application’s proposed three units in an area with single-family homes would have a detrimental impact on the affordability of homes in the neighborhood; and

- The ANC had concerns regarding the placement of the Accessory Building (Nov. 20 Tr. at 30).
28. At the December 18, 2019 continued public hearing,
- ANC Chair Lee testified that the ANC continued to oppose the Initial Application because of its impacts to the surrounding neighborhood character and affordability (Dec. 18 Tr. at 15); and
 - Rob Schafer testified on behalf of the ANC 5D Zoning Committee, of which he is a member, in opposition to:
 - The special exception to allow the third principal dwelling unit as too dense for the RF-1 zone that is intended for mostly one and two units per lot; and
 - The Accessory Building's location behind the parking spaces (Dec. 18 Tr. at 16-18).
29. ANC 5D did not file any response to the Revised Application.

EAST ABUTTERS - PARTY IN OPPOSITION

30. The East Abutters' party status request asserted that the Addition and Accessory Building would:
- Adversely impact the existing symmetry of the neighborhoods;
 - Reduce sunlight and airspace by crowding the existing houses;
 - Diminish the East Abutters' privacy;
 - Increase rodent problems due to the proposed construction and increased number of residents; and
 - Block views to the rear alley (Ex. 39).
31. At the November 20, 2019 public hearing, the East Abutters testified that:
- The Addition and Accessory Building would block sunlight, limit breeze, impact the views from their property, potentially increase rodent problems and decrease the value of their property and others in the neighborhood; and
 - They would oppose the provision of multiple units, regardless of where they were provided on the Property (Nov. 20 Tr. at 64-70).
32. At the December 18, 2019 continued public hearing, the East Abutters testified that:
- They continued to oppose to the Application because it is too dense for the area;
 - Their primary concern was the impacts caused by the Accessory Building; and
 - They had discussed the Addition and Accessory Building with the Applicant but did not identify an alternative design they would support because of their concerns regarding the impacts on privacy (Dec. 18 Tr. at 25-26, 31-32).
33. The East Abutters did not file any response to the Revised Application.

PERSONS IN SUPPORT

34. The Board received no letters or testimony from persons in support of the Initial Application.

PERSONS IN OPPOSITION

35. The Board received six letters in opposition to the Initial Application that asserted that:
- The proposed conversion of the Existing Building to three units would:
 - Turn the property into an apartment thereby changing the character of the neighborhood and impacting the quality of life of longtime residents and the low-medium density character of the neighborhood;
 - Not contribute to affordable housing because the proposed units will not be affordable and the new units will drive up the cost of living for nearby longtime residents; and
 - Overburden neighborhood infrastructure by reducing parking supply and straining the sewage system;
 - The increased height of the Addition would block light to a dwelling across Morse Street, N.E.;
 - The Accessory Building would:
 - Block the light and air available to neighboring properties and encourage future developments that include accessory dwelling units that similarly block the light and air of neighbors; and
 - Exacerbate dangerous traffic conditions in the public alley by adding more traffic (Ex. 30, 31, 33, 34, 37, 41, 47).
36. At the November 20, 2019, public hearing two persons testified in opposition to the Initial Application and raised concerns about:
- The economic impact of three units on the affordability of the neighborhood; and
 - The impact of residential conversions on the availability of “family sized” units (Nov. 20 Tr. at 102-8)

CONCLUSIONS OF LAW

AUTHORITY

1. Section 8 of the Zoning Act of 1938 (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:
 - *will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map,*
 - *will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, and*
 - *complies with the special conditions specified in the Zoning Regulations.*
2. For the special exceptions requested by the Revised Application, the “specific conditions” are those of Subtitle U § 320.2 for residential conversion relief.
3. Relief granted 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 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)).

SPECIFIC SPECIAL EXCEPTION STANDARDS

Conversion to Three-Unit Apartment House (Subtitle U § 320.2)

5. Based on the Findings of Fact above and the case record, the Board concludes that the Revised Application demonstrated that it satisfies the requirements for a special exception under Subtitle U § 320.2 to authorize the conversion of the Expanded Building to have three principal dwelling units as discussed below.

6. ***Subtitle U § 302.2(a)*** - *There must be an existing residential building on the property at the time of filing an application for a building permit*
The Board concludes the Revised Application complies with this requirement because the Existing Building to be converted exists on the Property as a residential building.

7. ***Subtitle U § 302.2(b)*** - *The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning ...*
The Board concludes that the Revised Application complies with this requirement because the Application only proposes three units and therefore will not trigger the IZ requirements.

8. ***Subtitle U § 302.2(c)*** - *There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit*
The Board concludes that the Revised Application complies with this requirement because the Property’s 2,795 square feet exceeds the 2,700 square feet of lot area required for the three proposed units.

General Special Exception Standards (Subtitle X § 901.2)

9. ***Subtitle X § 901.2*** – *Granting the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps*
The Board concludes that granting the requested special exception for the conversion of the Existing Building to an apartment house will meet this standard because:
 - The Zoning Regulations contemplate that the RF-1 zone could support three-unit multiple dwellings per lot because Subtitle U § 320.2 specifically authorizes the conversion of existing residential buildings to three or more units provided an applicant demonstrates to the Board’s satisfaction that the proposed conversion would meet the special exception requirements;
 - As OP testified, the general intent of the RF-1 zone is for buildings with one and two dwelling units, but three-plus unit buildings meeting the special exceptions standards for the conversion are not contrary to the general purpose of the Zoning Regulations; and

- Therefore, the Board does not find persuasive the assertions of the East Abutters, ANC, and opponents that the general statement that the intent of the RF-1 zone is for one- and two-unit buildings effectively cancels Subtitle U § 320.2 and renders it without meaning or force.
10. ***Subtitle X § 901.2(b)*** - *Granting the requested relief will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps*
The Board concludes that granting the requested special exception for the conversion of the Existing Building to an apartment house will not cause undue adverse impacts on neighboring properties because:
- The Addition housing the additional third principal unit will comply with the matter of right development standards for the RF-1 zone including height, lot occupancy, and the extension of the rear addition and so would not create undue adverse impacts;
 - The Applicant’s plans and shadow studies demonstrated to the Board’s satisfaction that the Addition will not cast additional shadows beyond that permitted for a matter-of-right development; and
 - As confirmed by the DDOT Report, the proposed conversion would not have adverse impacts on the District’s transportation network because the Property will have two parking spaces consistent with the requirements of the Zoning Regulations.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

11. The Board must give “great weight” to the recommendations of OP, pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Y § 405.8.
12. The Board finds persuasive, and concurs with, the recommendations of OP – as stated in the OP Report, OP Supplemental Report, and testimony – that the Board approve the special exception to convert the Existing Building to an apartment house based on OP’s determination that the Applicant had demonstrated that it had met the requirements of Subtitles U § 320.2 and X § 901.2.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

13. The Board must give “great weight” to the issues and concerns raised in a written report of an affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 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 this great weight requirement, District agencies 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).

14. The Board considered issues and concerns raised by the ANC reports and testimony, and concludes the following:
- As discussed above, the Board does not find persuasive the ANC's assertion that the general statement that the intent of the RF-1 zone is for one- and two-unit buildings countermands and nullifies Subtitle U § 320.2's specific authorization for three-plus principal dwelling units in the RF-1 zone where the proposed conversion meets the special exception standards;
 - The Board does not find persuasive the ANC's argument that granting the requested special exception for the conversion would have an adverse impact on the neighborhood by increasing home values and development because the ANC did not provide evidence to support its argument that the addition of one single principal dwelling unit more than the two permitted as a matter-of-right on the Property would increase housing prices by itself; and
 - The ANC's concerns about the location of the Accessory Building are no longer relevant to the Revised Application, which no longer seeks any relief for the Accessory Building, which will comply with the matter-of-right development standards of the RF-1 zone.

DECISION

Based on the case record and the Findings of Fact and Conclusions of Law, the Board concludes that the Applicant has met its burden of proof for:

- A special exception under the residential conversion requirements of Subtitle U § 320.2 and therefore **APPROVES** the Application for that relief, subject to the following conditions:

1. Development of the Property that uses the relief granted in this Order shall comply with the approved plans at Exhibit 57B² as required by Subtitle Y §§ 604.9 and 604.10; and
2. The Accessory Building shall only be used as ancillary space for one of the three principal dwelling units in the Expanded Building and shall not be used for a principal dwelling unit.

VOTE (August 4, 2021): 5-0-0 (Frederick L. Hill, Lorna L. John, Chrishaun S. Smith, Carl H. Blake, and Robert E. Miller to **APPROVE**)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

² **Self-Certification** - This is a self-certified application pursuant to Subtitle Y §300.5 (Ex. 57A). In granting the requested self-certified relief subject to the plans submitted with the Application, the Board makes no finding that the requested relief is either necessary or sufficient to authorize the proposed construction 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 the Building and to deny any such application that would require additional or different zoning relief from that granted by this Order.

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: August 16, 2021

PURSUANT TO 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 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 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, 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.