

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 18511 of Alleyoop LLC, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions under § 330.4, the alley lot height requirements (§ 2507), the nonconforming structure requirements (§ 2001), the lot area and width requirements (§ 401), rear yard requirements (§ 404), and side yard requirements (§ 404.1) to allow the Applicant to subdivide an alley lot into three separate lots and convert an existing automotive repair shop to an office use and two artist studios in the R-4 District at premises rear 1018 Irving Street, N.W. (Square 2851, Lot 837).¹

HEARING DATES: March 5, 2013 and April 2, 2013
DECISION DATES: April 30, 2013 and July 23, 2013

DECISION AND ORDER

On December 17, 2012, Alleyoop, LLC (the "Applicant"), the owner of 1018 Irving Street N.W. (the "Property"), filed an application with the Board of Zoning Adjustment (the "Board") for zoning relief. The initial application sought area variance relief, pursuant to 11 DCMR § 3103.2, from the limitations on height for buildings on alley lots (§ 2507), and the nonconforming structure requirements (§ 2001) and a use variance to permit a use not allowed in an R-4 District (§ 330) to allow the Applicant to convert a discontinued automotive repair shop to a mixed-use office/residential building.

The Board held a public hearing on the application on March 5, 2013. The Board held a second public hearing on the application on April 2, 2013 to allow the Applicant to supplement the record. On the April 30, 2013 decision date, the Board approved a motion to table the decision pending a subsequent submission by the Application. The Applicant filed an Amended and Restated Application on May 7, 2013, which among other things called for elimination of the residential use, a reduction in height, and the subdivision of the property into three lots to accommodate the proposed uses.

Following public deliberation on July 23, 2013, the Board voted 3-1-1 to approve the revised application.

¹ As will be explained, the original application was amended. Therefore, the caption has been modified to reflect the relief ultimately requested and granted.

BZA APPLICATION NO. 18511
PAGE NO. 2

PRELIMINARY MATTERS

Self-Certification. The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3114.2.

Notice of Public Hearing. Pursuant to 11 DCMR § 3113.1, notice of the hearing was sent to the Applicant, all individuals and entities owning property within 200 feet of the Property, Advisory Neighborhood Commission ("ANC") 1A, and the Office of Planning ("OP"). The Applicant posted placards at the subject property regarding the application and public hearing and submitted an affidavit to the Board to this effect.

ANC 1A. The Property is located within the area served by ANC 1A, which is automatically a party to this application. ANC 1A filed a report dated January 8, 2013, indicating that ANC 1A, at its regularly scheduled meeting on January 13, 2013, which was properly advertised and where a quorum was present, voted 8-0-2 in support of the application. (See Exhibit No. 23.) Commissioner Kent Boese, on behalf of ANC 1A, testified in support of the application. ANC 1A filed a second report, dated July 11, 2013, indicating that ANC 1A, at its regularly scheduled meeting on June 13, 2013, which was properly advertised and where a quorum was present, voted 9-0-1 to indicate that representatives of the Applicant informed the ANC of changes to the project and that the ANC saw no reason to withdraw its support for the development and therefore continued to support the redevelopment of the property.

Office of Planning (OP) Report. OP submitted a report on February 26, 2013, recommending approval in part and denial in part of the original application. The one relevant recommendation with respect to the revised application was that the Board should approve the use variance to permit an office use. The report found that the property was subject to several exceptional conditions including its irregular shape and large size, that it was bordered by three public alley segments, that it is the sole alley lot in the Square, and that it is improved with a nearly century old single-story industrial building configured for a now defunct automotive repair operation. The report also noted that the Applicant indicated that the property contains some contamination.

The OP report then concluded that these exceptional conditions “lead to a practical difficulty in using the existing building for a conforming use.” OP further concluded that allowing the office use would not result in substantial detriment to the public good. The report concluded that an office use likely “would be less impactful, in terms of noise or vehicle traffic, than the historical automotive repair use” and that “the presence of an active daytime office use could improve both the upkeep and security of the alley.”

OP submitted a supplemental report on May 14, 2013 recommending approval of the Revised and Restated Application. As to the variance relief from the minimum lot area, lot width, rear yard, and side yard requirements resulting from the proposed subdivision of the lot into three lots, OP concluded that the proposed subdivision would be a creative solution for this unusual and difficult site and would not be inconsistent with the neighborhood character, as the relief

BZA APPLICATION NO. 18511
PAGE NO. 3

would facilitate the retention and upgrading of the existing structure with no major additions. With respect to the height variance, OP concluded that the one foot increase would be “essentially imperceptible, but would facilitate the adaptive reuse of the existing structure while keeping the building at a size and scale that is consistent with alley lots.”

The District Department of Transportation DDOT) Report. Through its report dated February 26, 2013, DDOT concluded that project as proposed will not negatively impact the surrounding transportation network, as long as the Applicant implements the following agreed upon measures:

1. Implement the proposed trash pick-up restriction plan that would require the hired trash collection company to wheel trash bins from inside the property to the street during pick-up activities. The truck would park on either Irving Street or Columbia Road, while the trash is wheeled over. In addition, trash pick-up would not occur before 9:30 a.m., in order to reduce traffic impacts;
2. Install appropriate No Parking signs along its property;
3. Install at least three to five secured long-term bicycle parking spaces within the garage, which should be easily accessible and visible to users;
4. Install DDOT-approved pedestrian markings in the alley to delineate a pedestrian path; and
5. Upgrade the existing alley lighting to support the proposed uses.

The report noted that all signage, lighting, and alley pavement markings will need to be permitted through DDOT's public space permitting process.

Party in Opposition. Mr. Adetokunbo Ladejobi, a resident of the property at 3029 11th Street, N.W., which abuts the entryway of an alley that leads to the Property, submitted a request for party status. (See Exhibit No. 27.) The Board granted his request for party status to represent himself as an individual in opposition.

FINDINGS OF FACT

The subject property and the surrounding neighborhood

1. The Property is a large alley lot with approximately 5,901 square feet of land area and a width of roughly 52.7 feet. It is located in the R-4 District.
2. The Property is bounded on three sides (east, west, and south) by public alleys.

3. The north side of the Property was historically abutted by a public alley as well. However, that segment of public alley was subsequently deeded to properties abutting Irving Street N.W.
4. The Square is mostly characterized by two to 2.5-story row dwellings along with a few three-story row dwellings. A three-story multi-family apartment building fronts on Sherman Avenue on the Square's east side. More generally, the neighborhood is comprised of row dwellings, low density commercial uses, and some garden apartment houses. A public elementary school is located northwest of the Square.
5. The Property is improved with a one-story, 18.5 foot tall, automotive repair shop that had been in use since at least 1928 and remained in use and operation until September 2012.
6. The automotive repair shop use was lawfully established but is no longer permitted in the R-4 District. As such, the use was nonconforming.
7. The existing structure was lawfully constructed, but now is nonconforming in several respects.
8. The structure is nonconforming as to lot occupancy. An industrial structure is not among the structures for which a specific lot occupancy is provided for under § 403.2. Therefore its lot occupancy may not exceed the 40% maximum applicable to "all other structures." The structure occupies 67% of the lot.
9. The structure is nonconforming as to height. Pursuant to 11 DCMR § 2507.4, the height of an alley structure may not be greater than the distance from the opposite side of the abutting alley to the outside wall of the structure nearest the alley. When all three alleys are considered, the most restrictive allows for a height of 12.4 feet. The structure has an existing height of 18.5 feet.
10. The structure is also nonconforming as to its rear yard, because it occupies all but five feet of the area required to be reserved for the 20-foot deep rear yard required by § 404.1.

The proposed project

11. The Applicant's Amended and Restated Application proposed to subdivide the existing alley lot into three separate lots, which the Applicant referred to as "Lot A," "Lot B," and "Lot C." Each subdivided lot will be occupied by a portion of the existing structure. The portion of the structure on Lot A will be occupied by an office use. The portions of the structure on Lots B and C will each be devoted to artist studios.
12. The Applicant will preserve the existing building and the existing footprint will remain the same.
13. The existing nonconforming height, at 18.5 feet, will be increased slightly to 19.5 feet tall.

Zoning Relief Requested

Use Variance

14. A use variance is a request to permit a use that is not permitted by right or special exception in the zone district where the property is located. (11 DCMR § 3103.6 (a).)
15. The proposed office use is not permitted in an R-4 District as a result of its omission from the list of matter of right uses set forth at 11 DCMR § 330 and that it is not among the uses permitted by special exception. In addition, existing buildings on alley lots may only be used as one-family dwellings or artist studios. (11 DCMR §§ 2507.1 and 2507.5.)
16. The only permitted special exception uses permitted on an alley lot are storage of wares and goods, parking lot, parking garage, or public storage garage. (11 DCMR § 333.)

Area Variances

17. An area variance is a request to deviate from an area requirement applicable to the zone district in which the property is located. (11 DCMR § 3103.4.)
18. The Applicant is seeking permission to deviate from the area requirements pertaining to lot dimensions, rear yards, side yards, and lot occupancy.

Relief Needed to Create Substandard Lots

19. Subsection 401.3 specifies a minimum lot area and minimum lot width based upon the type of structure occupying the lot.
20. The existing structure is not among the types of structures for which a specific minimum lot area and width is prescribed. Therefore, each of the proposed new lots would have to meet the standard applicable to “all other structures”, which requires a minimum lot area of 4,000 square feet and a minimum lot width of 40 feet.
21. Lot A would have a substandard lot area of 2,301 square feet and Lots B and C would each have substandard lot areas of 1,800 square feet.
22. Lot C would have a substandard lot width of 35.6 feet.

Relief Required due to Proposed Subdivision

23. Although the Applicant will not be extending the footprint of the existing structure, the proposed subdivision of the existing lot into three lots requires each portion of the structure to comply with all applicable area requirements. As a result, the following zoning relief is required.

Rear Yard Variance (All Lots)

24. A 20 foot deep rear yard is required in the R-4 District by 11 DCMR § 404.1.
25. After the subdivision Lots A and B will have no rear yard and Lot C will have a rear yard of five feet.

Side Yard Variance (Lot C)

26. Except for one-family detached and semi-detached dwellings, a side yard is not required in an R-4 District. However, if a yard is provided, it must be at least three inches wide per foot of height of building, but not less than eight feet wide.
27. If three inches of width were provided for the proposed height of 19.5 feet, the resulting side yard would be less than eight feet wide. Therefore, a side yard of at least eight feet is required.
28. After the subdivision Lot C will have a side yard of 2.8 feet.

Lot Occupancy (All lots)

29. Similar to § 401.3 pertaining to lot dimensions, § 403.2 specifies a maximum lot occupancy based upon the type of structure occupying the lot.
30. The existing structure is not among the types of structures for which a specific minimum lot area and width is prescribed. Therefore the existing structure is subject to the standard applicable to “all other structures.” As a result, each portion of the structure may not occupy more than 40% of each of the new lots.
31. After the subdivision, the structure will occupy 57%, 67%, and 85% of Lots A, B, and C respectively.

Relief Required due to Increase in Nonconforming Height

32. As noted, § 2507.4 limits the height of the building to 12.4 feet. The current building height of 18.5 feet is therefore nonconforming. And as previously indicated the building is also nonconforming with respect to lot occupancy.
33. Under § 2001.3 (a) no addition may be made to an existing structure that is nonconforming as to lot occupancy. Even if a conforming structure met the lot occupancy limit, any increase to an existing nonconformity is disallowed by § 2001.3 (b)(2).
34. The Applicant proposes to increase the structure’s present nonconforming height of 18.5 feet to a height of 19.5 feet. Therefore relief from both §§ 2001.3 and 2507.4 is required.

The Variance Standard

Exceptional Conditions

35. The lot is the largest on the Square. The Property is roughly three times larger than some of the bigger lots and 8.5 times larger than the lots in the southeast corner of the Square.
36. The lot is an irregular octagon shape. The existing structure follows the awkward shape of the lot creating a bay and many angular walls
37. As noted, the Property is bounded on three sides (east, west, and south) by public alleys.
38. The Property is contaminated by oils, solvents, and chemicals due to its extended use as an automotive repair shop. Environmental remediation may require excavation and removal of contaminated soil as well as hauling and dumping fees.
39. The Applicant neither knew nor should have known the degree of the environmental contamination at the time of acquisition.
40. The existing structure is in poor condition due to a damaged roof structure, deteriorating exterior walls, water damage, and fire damage.
41. The roof structure on the Property suffers from substantial fire and water damage. To ensure safety, the entire roof structure, including the cast-in-place concrete roof structure, must be removed.
42. The capacity of the existing masonry walls to support the roof structure, which must be replaced, has been compromised.
43. The structure has only a single story with an exceptionally tall height.

Undue Hardship

44. The building's structure and layout is not conducive for conversion to a one-family dwelling.
45. The costs associated with the environmental remediation and substantial structural repairs make it not cost effective to convert the entire building to the matter of right artist studio use, or the storage or parking garage uses permitted by special exception.
46. Creating multiple lots for one-family dwellings would require the demolition of the existing building which would be wasteful and would require at least one variance due to the narrowness of the adjacent alley. In addition, the contamination of the site, even if remediated, would likely prelude its use for one-family dwellings.

BZA APPLICATION NO. 18511
PAGE NO. 8

Practical Difficulty

47. The existing lot must be subdivided into three lots in order to denote the separate ownership interests with respect to the office and two artist studio uses. Doing so also permits each lot to be sold for either immediate use or long term investment. The property would be unmarketable without such demarcations.
48. The exceptional conditions affecting the property and the need to properly allocate space for the office and artist study uses prevent the creation of three lots that could comply with the minimum lot area requirements. Nor could Lot C be configured in a way to avoid noncompliance with the minimum lot width requirements.
49. The existing structure cannot be made to conform to the lot area, rear yard, and lot occupancy requirements triggered by the subdivision; and therefore, strict compliance would require a wasteful demolition of the structure rather than its adaptive reuse.
50. The exceptionally tall interior height of the building's single story renders the building unmarketable for the proposed office and artist studio uses. The only way to adaptively reuse the space is to divide the building's volume into two levels. The two-level design would better accommodate the proposed uses and allow for parking on-site.
51. The two stories would not have marketable heights without the additional foot of height requested by the Applicant.

No Substantial Detriment To Public Good or Impairment of Zone Plan

52. The operation of an office use at this location is unlikely to cause any detriment to the public good and, as noted by OP in its initial report, an active daytime office use could improve both the upkeep and security of the alley.
53. Allowing the office use would not impair the zone plan. Although not permitted in the R-4 District, other similar non-residential uses are, such as hospitals and museums. The proposed office use will be much less intensive than the discontinued automotive repair shop it will replace.
54. Granting the area variances will not result in an increase to the footprint of the building.
55. Permitting the additional one foot of nonconforming height will have a negligible impact on the light and air of neighboring property owners since all properties on the block are required to have 20 foot rear yards and the alley lot is surrounded on three sides by public alleys.

CONCLUSIONS OF LAW

The Board is authorized to grant variances from the strict application of the Zoning Regulations

BZA APPLICATION NO. 18511
PAGE NO. 9

where “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition” of the property, the strict application of the Zoning Regulations would “result in particular and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property....” (D.C. Official Code § 6-641.07(g) (3) (2001, 11 DCMR § 3103.2.) Relief can be granted only “without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.” (D.C. Official Code § 6-641.07(g)(3) (2012 Repl.), 11 DCMR § 3103.2.)

As noted in § 3103.7:

The standard for granting a variance, as stated in § 3103.2 differs with respect to use and area variances as follows:

- (a) An applicant for an area variance must prove that as a result of the attributes of a specific piece of property described in § 3103.2, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property; and
- (b) An applicant for a use variance must prove that as a result of the attributes of a specific piece of property described in § 3103.2, the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property.

The Applicant is seeking both use and area variances.

Use Variance

The Board finds that the Applicant has demonstrated that the property is subject to several exceptional conditions including the environmental contamination of the Property by oils, solvents, and chemicals due to the extended use as an automotive repair shop. Environmental remediation actions may require excavation and removal of contaminated soil as well as hauling and dumping fees. In addition, the roof structure suffers from substantial fire and water damage. To ensure safety, the entire roof structure, including the cast-in-place concrete roof structure, must be removed. There are also deteriorating exterior walls.

The Applicant has also demonstrated that as a result of these exceptional conditions strict compliance with the use permissions applicable to R-4 Districts will result in an undue hardship. The District of Columbia Court of Appeals has stated that to prove undue hardship an Applicant must show that “the regulations ‘preclude the use of the property in question for any purpose for which it is reasonably adapted, i.e., can the premises be put to any conforming use with a fair and reasonable return arising out of the ownership thereof.’” *Palmer v. Board of Zoning Adjustment*, 287 A.2d 535, 542 (D.C. 1972).

BZA APPLICATION NO. 18511
PAGE NO. 10

The Applicant has demonstrated that the property cannot be used for the matter-of-right or special exception uses permitted on an alley lot. The costs associated with the environmental remediation and substantial structural repairs make it not cost effective to convert the entire building for artist studios, storage, or as a parking garage.

The current building structure and layout is not conducive for conversion to a one-family dwelling. Creating multiple lots for one-family dwellings would also require significant zoning relief due to the adjacent alley's width, the need for greater lot occupancy than permitted, and the lack of street frontage. To demolish the building for this purpose would be wasteful.

Granting the use variance would not result substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zone plan. The proposed office use would have similar impacts to the other non-residential uses permitted in an R-4 District and, as noted by the Office of Planning, such a daytime use is likely to improve both the upkeep and security of the alley. The office use would replace an automotive repair shop, which this Board previously concluded was "not a use compatible with a residential neighborhood." *Appeal No. 9021 of Jimmie and Thelma Deoudes* (1966).

The Area Variances

The Applicant's need for the area variances results from its need to establish an office use and its recognition that matter of right artist studios should also be included. In order to make the office and artist studio uses marketable, the Applicant must be able to subdivide the lot into three smaller lots. The subdivision allows for separate ownership of each portion of the existing structure. Without the subdivision the project would not be marketable.

However, as a result of the confluence of the exceptional conditions described in findings of facts 35 through 37 and the need to properly allocate space for the uses it is practically difficult to create three conforming lots. In addition, the relationship of the already nonconforming structure to each of the new lots, together with the exceptional conditions of the property itself, make it practically difficult to comply with the rear yard, side yard, and lot occupancy standards.

As to height, the Applicant has demonstrated the need to divide the existing exceptionally tall single story into two floors to accommodate the proposed uses and to allow for parking on-site. However, the height of the new floors would be inadequate without the one foot height increase requested by the Applicant.

As was true for the use variance, the area variances can be granted without substantial detriment to the public good or substantially impairing the intent, purpose, and integrity of the zone plan. The somewhat substandard lots will not result in an adverse condition but instead will be more consistent with the size of lots located elsewhere in the square. The footprint of the structure will not increase as a result of the yard and occupancy variances and so no adverse impact or impairment to the zone plan could result. Although the building's height will slightly increase, the Board concurs with the Office of Planning that the increase will be "essentially

BZA APPLICATION NO. 18511
PAGE NO. 11

imperceptible.” Since the additional height will permit the adaptive reuse of a vacant industrial space into matter of right artist studios and a compatible non-residential use, the Board concludes that no impairment to the zone plan will result.

The Board is required to give "great weight" to issues and concerns raised by the affected ANC and to the recommendations of the Office of Planning. (D.C. Official Code §§ 1- 309.10(d) and 6-623.04 (2012 Repl.)) In this case, ANC 1A voted to recommend approval of the original Application and the Amended and Restated Application. OP recommended approval of the variance for the office use in its first report and subsequently recommended approval of the area variances requested in the Amended and Restated Application. The Board concurs with the ANC and OP recommendations and therefore has afforded each the great weight to which they are entitled.

Although the DDOT report was based upon the original application, the Board believes that its proposed conditions of approval remain relevant and imposes them as conditions of its approval. As noted by DDOT, all signage, lighting, and alley pavement markings will need to be permitted through DDOT's public space permitting process.

CONCLUSION

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof variance relief pursuant to 11 DCMR § 3103.2 from the alley height requirements (§ 2507), the use requirements (§ 330), and the nonconforming structure requirements (§ 2001), lot area and width requirements (§ 401), rear yard requirements (§ 404), and side yard requirements (§405) to allow the Applicant to subdivide an alley lot into three separate lots and convert an existing automotive repair shop to an office use and two artist studios in the R-4 District at premises rear 1018 Irving Street, N.W. (Square 2851, Lot 837).

Accordingly, it is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT** to Exhibit 45 – Revised Plans - and the following **CONDITIONS**:

The Applicant shall:

1. Implement the proposed trash pick-up restriction plan including the requirement that the hired trash collection company wheel trash bins from inside the property to the street during pick-up activities. The truck shall park on either Irving Street or Columbia Road, while the trash is wheeled over. In addition, trash pick-up shall not occur before 9:30 a.m., in order to reduce traffic impacts;
2. Install appropriate No Parking signs along its property;
3. Install at least three (3) secured long-term bicycle parking spaces within their proposed garage. These secured bicycle parking spaces should be easily accessible and visible to users;

BZA APPLICATION NO. 18511
PAGE NO. 12

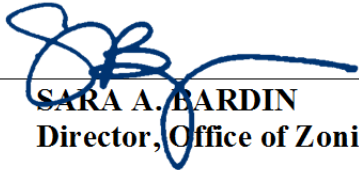
4. Install DDOT approved pedestrian markings in the alley to delineate a pedestrian path;
and
5. Upgrade the existing alley lighting to support the office and artist studio uses.

VOTE: 3-1-1 (Lloyd J. Jordan, Jeffrey L. Hinkle, Marcie I. Cohen (by absentee vote) to Approve; S. Kathryn Allen (by absentee vote) to Deny; one Board seat vacant.)

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

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

ATTESTED BY: _____


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: January 13, 2014

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, 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 § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, 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

BZA APPLICATION NO. 18511
PAGE NO. 13

BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, 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.