

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19564 of Tammika Thompson, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception from the residential conversion requirements of Subtitle U § 320.2, including a waiver from the rear addition requirement of Subtitle U § 320.2(e), to convert an existing one-family dwelling into a three-unit apartment house with a rear addition in the RF-1 Zone at premises 428 Randolph Street, N.W. (Square 3236, Lot 69).

HEARING DATES: September 27, October 25, and November 15, 2017
DECISION DATE: November 29 and December 20, 2017

DECISION AND ORDER

The owner of 428 Randolph Street, N.W. (the “Property”), Tammika Thompson (the “Applicant”), submitted a self-certified application (the “Application”) requesting special exception relief under Subtitle X, Chapter 9 and Subtitle U § 320.2, including a waiver under Subtitle U § 320.2(l) from the ten-foot limit on rear additions of Subtitle U § 320.2(f), to authorize a conversion of an existing two-story single dwelling unit (the “Building”) to a three-story, three-unit apartment house with a new third story and stepped-back rear addition (collectively, the “Addition”) on the Property in the RF-1 Zone. Having considered the evidence in the record, including pre-hearing submissions and testimony received at the November 15, 2017 public hearing, the Board of Zoning Adjustment (the “Board” or “BZA”) voted to approve the Application for the reasons set forth below.

The Board made no finding that the requested relief, which was self-certified pursuant to Subtitle Y § 300.6(b), is either necessary or sufficient. 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 for which additional or different zoning relief is needed. The Board’s approval of the plans does not constitute approval of all relief necessary for the construction proposed by the plans, but only for the relief specified in this Order.

¹ Although the Applicant added a request for waiver from the requirement to not block adjacent chimneys of U § 320.2(f) in its revised Burden of Proof (Exhibit 30), the Applicant subsequently withdrew this request at the public hearing (BZA Public Hearing Transcript of November 15, 2017 (“Tr.”) at 238) as unnecessary, as acknowledged by the Office of Planning (Tr. at 245), because the adjacent owner executed an agreement authorizing the Applicant to raise the neighbor’s chimney to comply with U § 320.2(f) (Exhibits 33 and 76.)

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with 11 DCMR Subtitle Y § 402.1, the Office of Zoning published the notice of the public hearing on the Application in the *D.C. Register* on August 11, 2017 (64 DCR 7885) and provided notice of the Application and of the September 27, 2017 hearing date by inclusion on the Office of Zoning's online calendar of Board hearings. By memoranda dated July 14, 2017, the Office of Zoning sent notice of the filing of the application to the Applicant; to Advisory Neighborhood Commission ("ANC") 4C, in which district the Property is located; to ANC 4C10, the Single Member Commissioner in whose district the Property is located; to the owners of all property within 200 feet of the Property; to the Office of Planning ("OP"); to the District Department of Transportation ("DDOT"); to the Chairman and four At-Large Councilmembers of the District of Columbia; and to the Councilmember for Ward Four in which the Property is located. (Exhibits 15-26.) The Applicant filed the affidavit of posting required by Subtitle Y § 402.9. (Exhibit 32.)

Party Status. The Applicant and ANC 4C were automatically parties in this proceeding pursuant to Subtitle Y § 403.5. The Board did not receive any requests for party status.

Applicant's Case. Architect Michael Cross represented the Applicant and filed pre-hearing evidence to the record. At the hearing Mr. Cross and his associate, Emily Bacher, provided testimony.

OP Report. The Office of Planning filed a report dated September 15, 2017 with the Board. (Exhibit 36.) The OP report set forth the special exception standards of Subtitles X § 901 and U § 320.2 and determined that the Application met these standards as they applied to the request to authorize the conversion of the Building to an apartment house, including the requested waiver under Subtitle U § 320.2(l) from the maximum ten-foot extension of the rear wall of the Building of Subtitle U § 320.2(e).

DDOT Report. By a memorandum dated September 25, 2017 (Exhibit 37), DDOT stated that it had no objection to the approval of the application for the special exception.

ANC Reports and testimony. ANC 4C submitted a report of its September 13, 2017 meeting at which it voted 4-3-1 to oppose the Application based on specified concerns and issues and to request that the Applicant agree to four conditions for any development of the Property. The specific concerns were:

- (i) the ANC asserted that the proposed third unit under the requested conversion, one more than allowed by right, represented an increase in density that would:
 - (a) significantly alter the character of the block;
 - (b) significantly impact the residential parking limitations; and
 - (c) significantly reduce the availability of family housing; and

BZA APPLICATION NO. 19564
PAGE NO. 3

- (ii) the ANC asserted that the Applicant had failed to demonstrate a hardship or community support to justify the proposed rear extension of 31 feet at the cellar level, stepped back to 19 feet, 3 inches for the first through third stories, instead of the 10-foot extension allowed without the waiver. The ANC asserted that the proposed rear extension was similar to one proposed in a prior application to the Board (BZA Application No. 19418), in which the owner of property in the same ANC SMD district as the Property withdrew its request for a waiver from Subtitle U § 320.2(e)'s maximum ten-foot rear extension.

The four requested conditions were:

- (i) to conduct pest abatement on the Property prior to any demolition;
- (ii) to limit the height of the roof stair enclosure to below the height of the parapet to limit the changes to the roofline;
- (iii) to provide two parking spaces on the Property; and
- (iv) to test all pipes on the Property and replace any lead pipes found.

The ANC also voted 8-0-0 to authorize the Single Member District Commissioner 4C10, Jonah Goodman (the "SMD Commissioner"), in whose district the Property is located, or any member of the ANC Executive Committee, to represent the ANC before the Board (Exhibit 38, the "First ANC Report").

After two postponements requested by the ANC and Applicant to allow further discussion between the Applicant and the community and ANC (Exhibits 39, 40, and 42), the ANC submitted a second report stating that the ANC, at its November 8, 2017 meeting, voted 5-1-0 to oppose the Application based on the same concerns and issues as expressed in the ANC's First Report and with the same four conditions. (Exhibit 73, the "Second ANC Report").²

The SMD Commissioner, acting as the authorized representative of the ANC, presented testimony in opposition to the Application at the hearing. Following the Applicant's submission of revised plans as requested by the Board (Exhibit 77), the SMD Commissioner submitted a letter on November 28, which repeated the ANC's assertion that the proposed rear addition beyond the 10-foot limit was out of scale with the surrounding neighborhood and referred again to Application 19418 in which that applicant had withdrawn its requested waiver from Subtitle U § 320.2(e)'s maximum ten-foot rear extension.

² The ANC's Second Report also included a re-authorization of the SMD and Executive Committee member, but this appears to have been a restatement of the prior authorization of September 13, 2017 as the authorization vote was 8-0-0, but only seven members were present according to the ANC's Second Report. (Exhibit 73.)

BZA APPLICATION NO. 19564
PAGE NO. 4

Persons in opposition. The Board received one other letter in opposition to the Application from a neighbor on the other side of the block to the southeast of the Property. (Exhibit 34.) This letter objected to the proposed addition due to anticipated loss of sunlight, pervious surface, and family housing.

Persons in support. The Board received 27 letters of support for the Application, although not from either abutting property. (Exhibits 35, 44-7, 52-72, and 74.) The abutting neighbor to the east of the Property (426 Randolph Street, N.W.) authorized the Applicant to raise its chimney to accommodate the proposed Addition, an authorization that the Applicant characterized as a “non-opposition letter.” (Exhibits 33 and 76; BZA Public Hearing Transcript of November 15, 2017 (“Tr.”) at 240.)

FINDINGS OF FACT

The Site and the Surrounding Neighborhood

1. The Property consists of Lot 69 in Square 3236. The Property is located on the southern side of Randolph Street, N.W. approximately mid-block between 5th and 4th Streets, N.W., with an address of 428 Randolph Street, N.W.
2. The Property is in the RF-1 Zone.
3. The Property is rectangular -- approximately 20.33 feet wide on Randolph Street, N.W. and approximately 137 feet deep -- with a lot area of approximately 2,785 square feet. (Exhibits 3 and 77.)
4. The Property, like most of the lots in Square 3236, is larger and deeper than the minimum requirements for the RF-1 zone: almost 1,000 square feet larger than the 1,800 square feet required for a row-dwelling or flat by Subtitle E § 201.1.
5. The Property is improved with the two-story attached Building, which is used as a principal dwelling unit that has two bedrooms and one bathroom. (Tr. at 243.)
6. The rear of the Building faces south.
7. The Building is similar to most of the other buildings on the block, including the abutting neighbors to the Property, having been built in the same period.

Project Description

8. The Application proposes to construct a third story and rear addition and convert the Building to a three-unit apartment house.
9. The Addition consists of a new third story and a rear addition that extends 31 feet beyond the furthest adjacent rear wall at the cellar level and then steps back at the first through

BZA APPLICATION NO. 19564
PAGE NO. 5

third stories with a roof deck to extend 19 feet, 3 inches beyond the furthest adjacent rear wall.

10. The height of the Addition is 34 feet, 10 inches. (Exhibits 6, 31, and 77, Sheets 11 and 12.)
11. The Addition proposes a rear yard of 57 feet, 2 inches, almost three times the minimum 20 feet required by Subtitle E § 306.1. (Exhibit 31, Sheet 4.)
12. The Addition's rear extension casts limited shadows on abutting properties because it projects south into the rear yard. The stepped-back projection of the Addition reduces the shadows. (Tr. at 242-43.)
13. The Addition results in a lot occupancy of 56%, less than the 60% maximum allowed by Subtitle E § 304.1.
14. The Addition would include 603 square feet of permeable surface, exceeding the 557 square feet required by Subtitle E § 204.1.
15. The Addition would include two units with three bedrooms and one unit with two bedrooms and a den. (Tr. at 243.)
16. The Addition has no side windows looking onto the abutting properties. (Exhibit 6.)
17. No solar energy systems are installed on the properties adjacent to the Property. (Exhibits 8 and 30.)
18. The proposed Addition will not alter the existing porch roof or front main roof. (Exhibits 8 and 30.)
19. The Applicant submitted a corrected burden of proof statement (Exhibit 30) and revised plans (the "Revised Plans", Exhibit 31) to note an existing chimney on the abutting property to the east which the Applicant believed was not in use and that she intended to obtain permission to cap. The Applicant also requested a waiver under Subtitle U § 320.2(l) from the requirement of Subtitle U § 320.2(f) that an apartment house conversion cannot impede the functioning of an adjacent chimney.
20. The Revised Plans also amended the design of the blind side walls facing the abutting properties to include different materials to break up the surfaces and make them more visually interesting, following the Office of Planning's suggestion. (Exhibit 31, Sheets 14 and 15; Exhibit 77, Sheet 14-16; Tr. at 246.)
21. The Applicant submitted into the record the eastern abutting neighbor's authorization, dated September 7, 2017, for the Applicant to vertically extend the neighbor's chimney to keep it compliant with Building Code clearance requirements if the proposed Addition was approved and constructed (Exhibits 33 and 76 (duplicate), the "Chimney Authorization").

BZA APPLICATION NO. 19564
PAGE NO. 6

22. At the November 15, 2017 public hearing (the “Hearing”), the Applicant withdrew her second request for a waiver from Subtitle U § 320.2(f)’s prohibition on an apartment conversion impeding an adjacent chimney because she believed that the waiver was no longer needed due to the Chimney Authorization. (Tr. at 238.)
23. At the Hearing, the Applicant agreed to three of the four conditions requested by the ANC:
- (i) to conduct pest abatement;
 - (ii) to provide two parking spaces on the Property, and
 - (iii) to test all pipes for lead, and to replace any lead pipes found (Transcript at 244-245 and 266-267.)

The Applicant stated that the ANC had withdrawn its fourth condition.

24. At the Hearing, the SMD Commissioner, authorized to represent the ANC, confirmed that the ANC had agreed to withdraw the ANC’s fourth condition limiting the height of the staircase penthouse. (Tr. at 249.)
25. At the end of the Hearing, the Board requested additional plans from the Applicant to better illustrate the size and impact of the penthouse housing the stairs to the roof deck.
26. Following the Hearing, the Applicant submitted a revised set of plans (the “Final Plans”, Exhibit 77) that:
- (i) reduced the visual impact of the stairway penthouse by reducing the height and sloping the roof (Sheet 4 and 11);
 - (ii) provided front and rear elevations to illustrate the impact of the proposed Addition, particularly the penthouse staircase; and
 - (iii) added new six-foot tall privacy fences on the side property lines of the proposed rear yard shared with the western and eastern abutting properties. (Sheet 4.)

The Special Exception Relief

27. The Application, as revised at the Hearing, requested a special exception under Subtitle X, Chapter 9 and of Subtitle U § 320.2 to authorize the conversion of an existing single principal dwelling unit to a three-unit apartment house, including a waiver under Subtitle U § 320.2(l) from the ten-foot limit on rear projections of Subtitle U § 320.2(e). The Applicant withdrew the request for a waiver from the ban on interfering with adjacent chimneys of Subtitle U § 320.2(f) at the Hearing.

CONCLUSIONS OF LAW

Special Exception Relief

The Board is authorized to grant special exceptions under Section 8 of the Zoning Act and Subtitle X § 900, in accordance with specific provisions of the Zoning Regulations (D.C. Official Code 6-641.07(g)(3) (2018 Repl.); 11-X DCMR § 1002). Pursuant to Subtitle U § 320.2, the Board may grant special exception relief to allow the conversion of the Building to a three-unit apartment house if the Applicant demonstrates, with sufficient graphical representations for the Board to render a decision, that the proposed addition meets the requirements of Subtitle X § 901 and the specific conditions of Subtitle U § 320.2:

- (a) the principal building may not exceed 35 feet high;
- (b) the fourth unit, and every even unit thereafter, shall be subject to Inclusionary Zoning;
- (c) the property must have an existing residential building at the time of conversion;
- (d) the property must have at least 900 square feet per unit;
- (e) the maximum rear extension allowed is ten feet;
- (f) an addition may not block or impede an adjacent chimney or vent;
- (g) an addition may not significantly interfere with an adjacent solar system;
- (h) rooftop architectural features original to the existing residential building may not be removed or significantly altered;
- (i) an addition would not adversely affect the abutting and adjacent properties, specifically:
 - (1) it would not unduly affect the light and air available to neighboring properties,
 - (2) it would not unduly compromise the privacy of use and enjoyment of neighboring properties, and
 - (3) it would not substantially visually intrude upon the character, scale, or pattern of the subject street or alley.

Subtitle U § 320.2(l) authorizes the Board, as part of an approval of a conversion to an apartment house under Subtitle U § 320.2, to grant a waiver from no more than three of the specific requirements of Subtitle U § 320.2(e)-(h), provided the waiver does not adversely affect neighboring properties in compliance with Subtitle U § 320.2(i). Subtitle X § 901.2 additionally requires that the special exception be in harmony with the general purpose and intent of the Zoning Regulations.

Based on the above findings of fact, the Board determined that the Application met each of the specific requirements of Subtitle U § 320.2(a)-(h), as follows:

BZA APPLICATION NO. 19564
PAGE NO. 8

- (a) the maximum height of the Building with the Addition did not exceed the maximum 35 feet allowed;
- (b) the required set aside for Inclusionary Zoning starting with a fourth dwelling unit was inapplicable, as only three dwelling units were proposed;
- (c) the Building is an existing residential building, as required;
- (d) the lot area of the Property, at 2785 square feet, exceeds the total 2700 square feet required based on 900 square feet per dwelling unit;
- (e) the Board granted the requested waiver from the ten-foot rear addition limit pursuant to Subtitle U § 320.2(l);
- (f) the proposed Addition would not impede the functioning of the adjacent chimney on the eastern abutting property, which the Applicant would raise, pursuant to the Chimney Authorization, to maintain the chimney's compliance with the D.C. Building Code;
- (g) the proposed Addition would not interfere with any adjacent operating solar system, as none are installed on properties adjacent to the Property; and
- (h) the proposed Addition would not remove or significantly alter any rooftop architectural element original to the Building.

As required by Subtitle U § 320.2(i) and Subtitle X § 901.2, the Board reviewed the potential impact of the proposed conversion and Addition on the abutting and adjacent properties and determined that the proposed Addition would not have a substantially adverse effect on the use or enjoyment of any neighboring property. The Board found the proposed Addition's rear extension would not unduly affect the light and air available to the neighboring properties because the rear extension would project southerly and so would minimally interfere with the sunlight on the abutting properties. The step-back of the rear extension from the 31 feet at the cellar level to 19 feet, 3 inches on the first through third floors further reduced the shading cast on the abutting properties. Even with this extension, the Property would have an open rear yard of more than 57 feet, far exceeding the required 20-foot rear yard of Subtitle E § 306.1.

The Board found that the conversion and Addition, including the waiver to allow the rear extension beyond ten feet, would not unduly comprise the privacy and enjoyment of the neighboring properties. The Board noted that the Applicant proposed no windows on the side elevations facing the neighbors' rear yards and proposed to install six-foot tall privacy fences on each side lot line for the length of the rear yard to further ensure the privacy of the abutting neighbors. Furthermore, the Board noted that the Applicant had agreed to OP's recommendation to provide differentiated exterior cladding to the sides of the Addition to liven what would otherwise be expanses of blank walls.

As for the visual impact of the proposed Addition, the Board determined that the Applicant's efforts in the Final Plans (Exhibit 77) to reduce the visibility of the staircase penthouse from the street frontage -- by sloping the roof and reducing its top height by 5 inches to 8 feet, 7 inches --

BZA APPLICATION NO. 19564
PAGE NO. 9

successfully minimized the effect of the Addition so that it did not substantially intrude upon the visual character of the street or alley.

The Board noted the support of multiple neighbors for the proposed conversion and Addition who had submitted letters to the record and noted that the eastern abutting neighbor had authorized the Applicant to raise its chimney to accommodate the Addition.

The Board considered the one letter of opposition on the record but noted that the opponent was on the other side of the block and so would not directly experience any impacts to light or air. With regard to the opponent's concern over the loss of pervious surface, the Board noted that the Addition proposed a lot occupancy of 56%, less than the 60% maximum of Subtitle E § 304.1 and proposed to retain 603 square feet of permeable surface, in excess of the 20% required by Subtitle E § 204.1.

Based on its considered review of the evidence, the Board determined that the Applicant met its burden to establish that the Addition met the requirements of the special exception for the apartment house conversion, including the waiver from the ten-foot limit on rear extensions.

Great Weight to OP

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Law 8-163 § 5; D.C. Official Code § 6-623.04 (2018 Repl.). For the reasons discussed above, the Board finds OP's analysis persuasive and agrees with OP's recommendation to approve the Application's requests for a special exception to allow the conversion of the Property to a three-unit apartment house per Subtitle U § 320.2, including the requested waiver under Subtitle U § 320.2(l) from the ten-foot limit on rear projections of Subtitle U § 320.2(e).

Great Weight to the ANC

The Board is also required by the ANC Act to give "great weight" to the issues and concerns raised by the affected ANC, in this case ANC 4C. (Section 13(d)(3)(A) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21); D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.).) The "[ANC] statute does not require the BZA to give "great weight" to the ANC's recommendation but requires the BZA to give great weight to any issues and concerns raised by the ANC in reaching its decision." *Metropole Condominium Assoc. v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086 (D.C. 2016) (citing the ANC Act). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." *Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n. 10 (1978) (citation omitted).

The Board considered the ANC's stated issues and concerns but found them unpersuasive for the following reasons:

BZA APPLICATION NO. 19564
PAGE NO. 10

- (i) the Board disagreed with the ANC's concern of the impact of the third unit authorized by the conversion, and concluded that this third unit would not:
 - (a) substantially alter the character of the neighborhood because the new third floor was setback from the front façade and the roof stair penthouse was reduced to minimize its visual impact, partly in response to one of the ANC's proposed conditions which the ANC withdrew based on the Applicant's revisions. The rear extension's impact was reduced by the step back for the first through third floors, and the differentiated surfaces of the sidewalls mitigated the effect of blank walls.
 - (b) substantially reduce the availability of public parking because the Applicant proposed two parking spaces on the rear of the Property window, one more than required and in accordance with one of the ANC's proposed condition; and
 - (c) substantially reduce the supply of family housing because the Applicant requested the rear extension to accommodate larger units that could accommodate families – specifically two units with three bedrooms and one with two bedrooms and a den in contrast to the Building's existing two bedrooms.
- (ii) the Board disagreed with the ANC's concern that the Applicant had not met its burden to establish that the requested waiver to allow the Addition's rear extension more than 10 feet beyond the furthest adjacent rear wall would not adversely affect adjacent and abutting properties, as discussed above. The Board determined that the Addition projected south and so would not cast as many shadows on the neighboring properties as a similar north-projecting rear addition. Furthermore, the Addition was stepped back above the cellar level and provided a rear yard that would be almost three times larger than the required 20 feet. The numerous letters of support from neighbors further suggested that the Addition would not unduly impact the neighborhood.

As regards the ANC's reference to BZA Application No. 19418, the Board noted that each application is different. The Board found the ANC's reference to that application inapposite as the applicant in that case withdrew its waiver request before the Board made a decision and because the proposed rear addition in BZA Application No. 19418 faced north and so cast more significant shadows on abutting properties than the Addition would. Furthermore, the Board noted that OP, to which the Board must also give great weight, had recommended denial of the waiver in BZA Application No. 19418, whereas OP supported approval of the Application's requested waiver.

DECISION

Based on these findings of facts and conclusions of law, the Board concludes that the Applicant has met its burden of proof to demonstrate that the Application, as defined in the Final Plans, satisfied the requirements for the requested special exception under Subtitle X, Chapter 9 and Subtitle U § 320.2 to allow the conversion of an existing single-family house at 428 Randolph Street, N.W. (Square 3236, Lot 69) in the RF-1 Zone to a three-unit apartment house, including a waiver under Subtitle U § 320.2(l) from the 10-foot limitation on rear additions of Subtitle U § 320.2(e). Accordingly, it is **ORDERED** that the application is **APPROVED AND, PURSUANT**

**TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 77 –
REVISED ARCHITECTURAL PLANS AND ELEVATIONS - AND WITH THE
FOLLOWING CONDITIONS:**

1. Pest control shall be completed on the Property prior to the start of demolition to mitigate any migration to nearby properties.
2. Two parking spaces shall be included on the rear of the Property accessible to the alley.
3. Lead testing shall be performed on all water lines on the Property, and any lead pipes found shall be removed.

VOTE: 3-0-2 (Carlton E. Hart, Lesylleé M. White, and Anthony J. Hood to APPROVE;
Frederick L. Hill not participating; one Board seat vacant).

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

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

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: February 11, 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.

BZA APPLICATION NO. 19564
PAGE NO. 12

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.