

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 19672 of Milton Halem, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D §§ 1206.4 and 5201 from the rear addition requirements of Subtitle D § 1206.3, to construct a third-story and rear addition to an attached building in the R-20 zone at premises 3608 S Street, N.W. (Square 1305, Lot 47).

HEARING DATES: January 24 and February 21, 2018¹
DECISION DATE: February 28 and March 7, 2018

DECISION AND ORDER

Milton Halem (the “Applicant”) filed an application with the Board of Zoning Adjustment (the “Board” or “BZA”) on November 8, 2017, for a special exception under Subtitle D § 5201 from the rear addition requirements of Subtitle D § 1206.4, to construct a third-story and rear addition to an attached building in the R-20 zone at premises 3608 S Street, N.W. (Square 1305, Lot 47) (the “Subject Property”). For the reasons explained below, the Board voted to approve the application.

PRELIMINARY MATTERS

Self-Certification. The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Exhibit 54 (Corrected); Exhibit 5 (Original).) In granting the certified relief, the Board made no finding that the relief 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.

Notice of Application and Notice of Hearing. By memoranda dated December 12, 2017, the Office of Zoning (“OZ”) sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 2E, the ANC within which the Property is located, Single Member District 2E01

¹ The Board first heard this application on January 24, 2018, and at that time, continued the hearing to February 21, 2018. The Board originally scheduled its decision for February 28, 2018, but postponed the decision to March 7, 2018 to allow for absent Board members to participate in the deliberations.

BZA APPLICATION NO. 19672
PAGE NO. 2

representative, the Councilmember for Ward Two, and the At-Large Councilmembers and the Council Chair. A public hearing was scheduled for January 31, 2018. Pursuant to 11-Y DCMR § 402.1(a), the Office of Zoning published notice of the hearing on the application in the *D.C. Register*. (64 DCR 12437.) On December 12, 2017, OZ sent notice of the public hearing to the Applicant, ANC 2E, and all owners of property within 200 feet of the Property.

Request for Party Status. The parties to this case were the Applicant and ANC 2E. There were no requests for party status.

OP Report. OP submitted two reports to the record. In its first report dated January 12, 2018, OP recommended approval of the request for special exception relief. (Exhibit 55.) At the public hearing on January 24, 2018, the Board asked the Office of Planning to provide a supplemental report with analysis of additional shadow studies and drawings submitted by the Applicant. In its supplemental report, OP continued to recommend approval and indicated that “[a]nalysis of the study shows that there would not be a significant difference between the shadow cast by the proposed addition and the shadow cast by the addition if it were constructed as a matter of right.” (Exhibit 69.)

DDOT Report. DDOT submitted a timely report indicating that it had no objection to the approval of the application. (Exhibit 51.)

ANC Report. ANC 2E submitted a written report, dated January 8, 2018, indicating that at a duly noticed and scheduled public meeting on January 3, 2018, at which a quorum was present, it voted 6-0-0 to recommend denial. (Exhibit 50.) Specifically, the ANC raised issues and concerns related to: (1) the privacy impacts of the proposed balcony and two decks; (2) its inability to confirm the adequacy of the Applicant’s shadow study; and (3) the visual impact of the third story addition on the character and scale of houses on the block. (Exhibit 50.) The ANC submitted a supplemental written report dated February 8, 2018, confirming that Commissioner Ed Solomon is authorized to represent ANC 2E before the Board in all matters related to this application. (Exhibit 70.)

Persons in Support. The Board received eight letters in support of the application. (Exhibits 16, 33-36, 39, 40, and 58.) Two of the letters in support were from the adjacent neighbors of the Subject Property. (Exhibits 36 and 40.)

Persons in Opposition. The Board received 24 letters in opposition to the application. (Exhibits 15, 17, 37, 38, 41-49, 56, 57, 59-65, 72, and 73.) The Single Member District Commissioner for ANC 2E01 submitted two letters in opposition to the Applicant’s revised plans. (Exhibit 71 and 74.) At the public hearing on January 24, 2018, testimony in opposition was provided by Pauline Lewis, Ed Levy, Carol Baume, Ann Carper, Michael Perkins, and Nan Coughlin. At the continued hearing on February 21, 2018, further testimony in opposition was given by Pauline Lewis and Ed Levy.

FINDINGS OF FACT

The Property and the Surrounding Neighborhood

1. The property is located at premises 3608 S Street, N.W. (Square 1305, Lot 47) (the “Subject Property”).
2. The Subject Property is in the R-20 zone. The surrounding neighborhood is predominantly comprised of attached buildings with principal dwelling units.
3. The Subject Property is currently improved with a two-story, one-family attached building. (Exhibit 3.)
4. The lot area of the Subject Property is approximately 2,250 square feet and the existing structure on the Subject Property has a lot occupancy of 26%. (Exhibit 54.)
5. The Subject Property abuts a 20-foot public alley at the rear of the lot. (Exhibit 10.)

Project Description

6. The Applicant proposes to construct a third-story and rear addition to the existing building, as well as an accessory garage structure at the rear of the lot. (Exhibit 68.)
7. The Applicant originally proposed to construct a rooftop deck as part of the addition, with a spiral staircase at the rear. (Exhibit 2.) The architectural plans were subsequently amended to remove the roof deck and staircase. (Exhibits 52 and 68.)
8. With the proposed addition, the resulting lot occupancy for the Subject Property would be 58% and the rear yard setback would be 41.5 feet. (Exhibit 68.) The maximum lot occupancy permitted in the R-20 zone is 60% and the minimum rear yard required is 20 feet. (11-D DCMR §§ 1204.1 and 1206.2.)
9. The proposed addition would extend approximately 22 feet beyond the rear wall of the existing structure on the Subject Property. (Exhibit 68.)
10. The proposed rear addition would extend ten feet beyond the rear wall of the structure to the west, 3610 S Street, N.W. (Exhibit 68; BZA Public Hearing Transcript (“Tr.”) for January 24, 2018 at p. 48.) The proposed addition would extend 22 feet past the rear wall of the structure to the east, 3606 S Street, N.W. (Exhibit 68; Tr. of January 24, 2018 at p. 48.)

BZA APPLICATION NO. 19672
PAGE NO. 4

11. The proposed addition has a rear deck on the first floor and third-story balcony with privacy screens on the east and west sides. (Exhibit 68.) The rear addition would have no windows on the sides facing east and west. (Exhibit 68; Tr. of January 24, 2018 at p. 53.)
12. The Applicant also proposes to construct a one-story accessory garage at the public alley with off-street parking for two automobiles. (Exhibit 68.)

Zoning Relief

13. Pursuant to Subtitle D § 1206.3, “a rear wall of an attached or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.”
14. The proposed rear addition will extend 22 feet beyond the rear wall of the adjacent property to the east, therefore zoning relief from Subtitle D § 1206.3 is required.
15. This relief is available as a special exception pursuant to Subtitle D § 1206.4, as evaluated against the criteria of Subtitle D §§ 5201.3 through 5201.6. (11-D DCMR § 1206.4.)
16. The height of the proposed addition is within the matter-of-right limitations in Subtitle D § 1203.1 and does not require zoning relief.
17. The proposed accessory garage structure complies with the Zoning Regulations and does not require zoning relief.

Impact of the Proposal

18. The Applicant provided a shadow study showing the proposed addition in the context of the adjacent properties. (Exhibit 52, p. 15-17.) At the Board’s request, the Applicant provided a second shadow study showing the impact on properties beyond the two adjacent neighbors. (Exhibit 68, p. 15-17.) The shadow studies also show the potential impact of a matter-of-right rear addition as a source of comparison. (Exhibit 68, p. 17.)
19. The Applicant’s shadow studies demonstrate that, during the summer and winter solstice, the proposed addition would cast shadows on the adjacent properties, as well as create some shadowing on the property at 3612 S Street, N.W. in the morning. (Exhibit 68, p. 15-16.) The matter of right addition, as depicted in the shadow study, would have a similar impact – creating more significant shadowing on the two adjacent properties during solstice events, as well as casting some shadows on the property at 3612 S Street, N.W. (Exhibit 68, p. 17.)

20. The Applicant's agent testified that the sun studies were "created in good faith with industry standard software and are consistent from view to view." (Tr. of February 21, 2018 at p. 15.) The Applicant's agent indicated that the model of the project was "designed and drawn in a software called Revit, which is a building information modeling tool." He further explained that the project is "drawn in real scale in an absolute geographic location and oriented as it is in real life" and that they "apply the solar tool that's in that software and export these frames for these times." (Tr. of February 21, 2018 at pp. 43-44.)
21. The shadow studies demonstrate that, although the proposed addition would cause some shadowing, the impacts of the addition on light available to neighboring properties is comparable to the light available if the Applicant were to construct a matter-of-right addition. The Board finds that the impact on light is therefore not undue.
22. The proposed rear addition's impact on the air flow to neighboring properties would not be undue, as the 41.5-foot rear yard provided would allow for adequate air flow to both adjacent neighbors.
23. In response to concerns regarding privacy, the Applicant revised its plans to add privacy screens at the third-story balcony and to increase the insulation in the party walls to mitigate potential sound impacts. (Tr. of January 24, 2018 at p. 49.)
24. The two immediate neighbors at 3606 S Street, N.W. and 3610 S Street, N.W. submitted letters in support the proposed addition. (Exhibits 36 and 40.)
25. The proposed rear addition would not be visible from the street frontage on S Street, N.W. The third-floor addition is within the matter-of-right height for the R-20 zone and would be in keeping with the design of nearby attached buildings.
26. The accessory garage structure, as well as the second and third floor of the rear addition, would be visible from the public alley to the rear of the property, but would not visually intrude on the character of the public alley.
27. The Applicant provided photographs showing the context of the Subject Property, including views from the front, rear, and overhead. (Exhibit 68, p. 2.) The photographs demonstrate that other attached buildings on the block have rear additions. OP testified that, based on her observations of the neighborhood, there was a "variety of two and three-story additions on this block" and that she "did not feel that this proposal was significantly different than what you could see in a variety of other houses along the block." (Tr. of February 21, 2018 at pp. 18-19.)

BZA APPLICATION NO. 19672
PAGE NO. 6

28. Of the 15 north-facing properties on the block, three other properties have a third-story addition. (Tr. of January 24, 2018 at p. 56.)
29. Pursuant to Subtitle D § 1200.3, the purpose and intent of the R-20 zone is “to retain and reinforce the unique mix of housing types including detached, semi-detached and attached dwellings and permit attached row houses on small lots, and includes areas where attached houses are mingled with detached houses and semi-detached houses.”
30. The purposes of the R-19 and R-20 zones include to “[l]imit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood” and to “[r]etain the quiet residential character of these areas” (11-D DCMR § 1200.1(d)-(e).)

CONCLUSIONS OF LAW

The Applicant requests special exception relief under Subtitle D § 5201 from the rear addition requirements of Subtitle D § 1206.4, to construct a third-story and rear addition to an existing attached building in the R-20 zone at premises 3608 S Street, N.W. (Square 1305, Lot 47). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (11-X DCMR § 901.2.)

In addition to meeting the general special exception standard, the Applicant must satisfy the “specific conditions” of Subtitle D § 5201 to be granted special exception relief. Specifically, an applicant must show that: (a) the light and air available to neighboring properties shall not be unduly affected; (b) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and (c) the addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage. (Subtitle D § 5201.3.) In order to demonstrate compliance with paragraphs (a), (b) and (c), an applicant must provide graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways. (11-D DCMR § 5201.3(d).) Finally, the Board may approve lot occupancy of all new and existing structures on the lot up to a maximum of 70% for attached residential buildings in the R-20 zone. (11-D DCMR § 5201.3(e).)

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

BZA APPLICATION NO. 19672
PAGE NO. 7

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)).

Based on the findings of fact, the Board concludes that the request for special exception relief satisfies the requirements of Subtitle D § 5201. The Board finds that the Applicant has provided sufficient plans, photographs, and elevations to meet the requirement of Subtitle D § 5201.3(d), and finds that the addition would increase the lot occupancy to 58%; therefore, the requirement of Subtitle D § 5201.3(e) is met. The Board will address the criteria of Subtitle D § 5201.3 (a), (b), and (c) in turn.

First, the Board finds that the Applicant has demonstrated that the light and air available to neighboring properties shall not be unduly affected. Although the addition extends 12 feet beyond what is permitted as a matter of right, the project provides a rear yard of 41.5 feet to allow for adequate air flow to neighboring properties. The Board credits the shadow studies provided by the Applicant in finding that the proposed addition will not have an undue impact on the light available to neighbors. Though the ANC and several neighbors raised concerns regarding the validity of the shadow studies submitted by the Applicant, the Board has determined that the studies were created by the Applicant in good faith and with standard building information modeling software. Thus, the Board relies on the information provided in the shadow studies to conclude that during the summer and winter solstice, the proposed addition would cast shadows on the adjacent properties, as well as create some shadowing on the property at 3612 S Street, N.W. in the morning. The Board finds that the shadows cast on neighboring properties are not an undue impact, however, as similar shadowing would be caused by a matter-of-right rear addition. For this reason, the Board concludes that granting special exception relief to allow the proposed addition to extend 12 feet beyond the matter-of-right length would not unduly affect neighboring properties with regard to light and air impacts.

The Board finds that the privacy of use and enjoyment of neighboring properties shall not be unduly compromised by the rear addition. In response to concerns raised by the ANC and neighbors, the Applicant revised its plans to remove a proposed roof deck, add privacy screens at the third-story balcony, and increase the insulation in the party walls to mitigate potential sound impacts. At the public hearing on January 24, 2018, the ANC Commissioner representing ANC 2E acknowledged the removal of the originally-proposed roof deck, but continued to raise the issue that the addition creates privacy concerns based on the second floor balcony and the deck at rear of third floor. (Tr. of January 24, 2018 at p. 54.) Commissioner Solomon opined that the privacy screens do not alleviate the ANC's concerns. (Tr. of January 24, 2018 at p. 54.) After evaluating the architectural plans and the testimony in the record, the Board was not persuaded by the ANC's argument on this issue. The Board finds that the absence of any windows on the side of the

BZA APPLICATION NO. 19672
PAGE NO. 8

addition, along with the elimination of roof deck, significantly reduces the potential for privacy impacts on adjacent neighbors. Further, the Board finds that the use of privacy screens would mitigate any potential remaining impacts on the privacy of neighbors. The Board also credits the letters of support from both adjacent neighbors in finding that the use and enjoyment of neighboring properties will not be unduly compromised. The ANC and neighbors raised concerns regarding the support of the adjacent neighbors, indicating that the owners of the adjacent properties are not residents of the neighborhood, but rather “absentee landlords.” (Tr. of January 24, 2018 at pp. 20-21.) In considering the special exception criteria, the Board must weigh how granting the relief requested would impact “neighboring properties.” (11-D DCMR § 5201.3(a)&(b).) As the adjacent neighbors of the Subject Property are most directly impacted, the Board would be remiss to disregard their support, as filed to the record. The support of adjacent neighbors, however, does not require automatic approval of the special exception. Thus, the Board has also weighed the architectural plans, photographs, shadows studies, and testimony of neighbors in considering the potential impacts of the proposed addition. In this case, the Board concludes that the proposed addition would not unduly compromise the privacy and enjoyment of neighboring properties, as the design includes several features to address privacy concerns, such as a lack of windows on each side facing neighboring properties, privacy screens at the balcony, and insulation in the party walls to mitigate potential sound impacts.

Finally, the Board finds that the addition, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street frontage and from the rear alley. The ANC specifically raised its concerns about the third-story addition being out of character with the rest of the block, as viewed from street frontage. The Board determined that the height of the addition is within the matter-of-right limitation and credits OP’s finding that the proposed addition would have a similar appearance to other existing dwellings on the block. For these reasons, the Board does not consider the third-story addition to intrude on the character of the neighborhood. With regard to the rear addition, the second and third stories would be visible from the public alley. The Board concurs with OP’s finding that the proposed rear addition would not substantially intrude on the character of the block as viewed from the public alley though, as there are various existing two- and three-story rear additions and the proposed addition would have a residential design similar to that of other nearby additions. The Board therefore concludes that the proposed addition will be in keeping with the character, scale, and pattern of houses in the neighborhood.

For these same reasons, the Board concludes that the request for special exception relief meets the general special exception standards in Subtitle X § 901.2. The Board specifically finds that granting special exception in this case would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps as required by Subtitle X § 901.2(a). The proposed addition would allow the Applicant to construct a rear addition to an existing attached residential building with one dwelling unit, which is consistent with the purpose of the R-20 zone. Under Subtitle D § 1200.3, the purpose and intent of the R-20 zone is “to retain and reinforce the unique mix of housing types including detached, semi-detached and attached dwellings and permit

BZA APPLICATION NO. 19672
PAGE NO. 9

attached row houses on small lots.” The purposes of the R-19 and R-20 zones include to “[l]imit permitted ground coverage of new and expanded buildings and other construction to encourage a general compatibility between the siting of new or expanded buildings and the existing neighborhood” and to “[r]etain the quiet residential character of these areas” (11-D DCMR § 1200.1(d)-(e).) The Board determined that the proposed addition maintains the character of the R-20 zone, as the attached dwelling contributes to the unique mix of housing types and retains the residential character of the area. The Board finds that the proposed addition demonstrates “general compatibility between the siting of new or expanded buildings and the existing neighborhood” as the addition is in keeping with other similar additions on the block. Further, the Board concludes that the proposed addition would not adversely affect the use of neighboring properties, as required by Subtitle X § 901.2(b). As discussed in the analysis of the special exception standard of Subtitle D § 5201, the proposed addition would not have an adverse impact on light and air available to adjacent properties, privacy of use and enjoyment of adjacent properties, or the visual character of the street frontage or public alley.

The Board concludes that the Applicant has met its burden of proof for the special exception requested.

Great Weight to ANC and OP

Section 13 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)(A)) (2014 ed.) requires that the Board’s written orders give “great weight” to the issues and concerns raised in the written recommendations of the affected ANC. To give “great weight” the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances and make specific findings and conclusions with respect to each of the ANC’s issues and concerns.

In this case, ANC 2E submitted a written report recommending denial. (Exhibit 50.) The ANC specifically raised issues and concerns related to the potential privacy impacts of the balcony and two decks proposed by the Applicant. The ANC also raised as an issue its inability to confirm the adequacy of the Applicant’s shadow study, as well as its concern with the visual impact of the third story addition on the character and scale of houses on the block. As discussed in more detail above, the Board considered each of these issues and concerns, but ultimately was not persuaded by the ANC’s recommendation to deny the relief requested. With regard to the ANC’s concerns about privacy impacts, the Board concluded that the Applicant’s design, especially with the removal of the roof deck and the addition of privacy screens, would not have a substantial adverse impact on the privacy of neighboring properties. The Board addressed the ANC’s concern regarding the validity of the shadow study, but found that the studies were credible, created using standard software, and created in good faith. Finally, the Board considered the ANC’s concern about the impact of the addition on the character and scale of houses. As the ANC primarily cited the incompatibility of the third-story addition with other two-story residential buildings on the

BZA APPLICATION NO. 19672
PAGE NO. 10

block, the Board addressed this concern by noting that the height of the addition proposed conforms with the matter-of-right requirements for the R-20 zone. Nonetheless, the Board found that the third-story and rear addition would not have a detrimental impact of the character of the neighborhood and noted that the addition was consistent with several other additions on the block.

The Board is also required under D.C. Official Code § 6-623.04(2001) to give “great weight” to OP recommendations. For reasons stated in this Order, the Board concurs with OP’s recommendation to approve the relief requested.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.


It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 68.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter A. Shapiro² to APPROVE; Lorna L. John not participating).

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

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

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: October 1, 2018

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.

² Commissioner Shapiro reviewed the record of the February 21, 2018 hearing in order to participate in the deliberations and decision.

BZA APPLICATION NO. 19672
PAGE NO. 11

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, 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.