GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

Application No. 18240 of District of Columbia Public Library, pursuant to 11 DCMR § 3103.2, for a variance from the rear yard requirements under § 404 to allow an addition to the existing Mount Pleasant library in the R-5-D District at premises 3160 16th Street, N.W. (Square 2595, Lot 830).

HEARING DATE: July 19, 2011
DECISION DATE: September 13, 2011

DECISION AND ORDER

This self-certified application was submitted April 25, 2011 by the District of Columbia Public Library, the owner of the property that is the subject of the application ("DCPL" or "Applicant"). The application was filed pursuant to 11 DCMR § 3103.2 for an area variance from the minimum rear yard requirement under § 404 to allow construction of an addition to an existing public library building, with no rear yard where a minimum of 15 feet is required, on a site zoned R-5-D at 3160 16th Street, N.W. (Square 2595, Lot 830).[1] Following a public hearing, the Board of Zoning Adjustment ("Board") voted 4-1-0 on September 13, 2011 to grant the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated April 27, 2011, the Office of Zoning ("OZ") sent notice of the application to the Office of Planning ("OP"); the District Department of Transportation; the Councilmember for Ward 1; Advisory Neighborhood Commission ("ANC") 1D, the ANC for the area within which the subject property is located; and the single-member district ANC 1D06.

[1] The Applicant contends that the area comprising the rear yard at the subject property is unknown because the Board decided in a related appeal only that the rear yard was not the area originally posited by the Applicant, thereby creating a need for variance relief to allow construction of the proposed addition. (*See* Appeal No. 18152.) That is not the case. The fact that the Zoning Administrator choose the wrong lot line as the rear lot line would not have resulted in the grant of the appeal because that did not itself mean that the property had a noncompliant rear yard. The Board had to also determine that the actual rear yard was non-compliant. In any event, because the self-certified application requested relief from the minimum rear yard requirement and identified the area the Applicant proposed to occupy with an addition, the Board in this proceeding refers to that area as the rear yard of the subject property, and to the areas on either side of the existing building as side yards.

A public hearing was scheduled on July 19, 2011. Pursuant to 11 DCMR § 3113.13, on May 2, 2011 OZ mailed notice of the hearing to the Applicant, the owners of property within 200 feet of the subject property, and ANC 1D. Notice was published in the *D.C. Register* on May 6, 2011 (58 DCR 4014).

Requests for Party Status. In addition to the Applicant, ANC 1D was automatically a party in this proceeding. The Board denied a request for party status in opposition to the application from Chris Otten, purportedly as a representative of tenants living in apartment buildings near the subject property, on the grounds that the request was untimely, lacked specific authorization for representation, and did not provide an explanation of how the tenants' interests "would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning relief than those other persons in the general public," as required by § 3106.2(e)(5) of the Zoning Regulations.

Applicant's Case. The Applicant provided testimony and evidence from Jeff Bonvechio, director of DCPL's capital projects office; Dale Stewart, an expert witness in architecture, building renovation, and adaptive reuse of historic buildings; and Ellen McCarthy, an expert witness in planning and zoning. The Applicant asserted its need for a new addition as part of the renovation and enlargement of the existing building necessary to transform it from a substandard facility into a neighborhood library that would provide services and facilities comparable to those provided at other neighborhood libraries, consistent with DCPL's standard building program. The Applicant described the constraints that led to the proposed design for the addition, considering factors such as the historic nature of the building, the irregularly shaped lot, which is relatively small for a neighborhood library, and the proximity of neighboring apartment buildings. The Applicant argued that variance relief was justified to allow construction of an addition extending from the rear of the existing building to the lot line, and disputed the legally irrelevant claims by the party in opposition that the new construction would create a risk to public safety related to fire or access by emergency vehicles to adjoining properties.

Government Reports. By report dated July 12, 2011 and through testimony at the public hearing, OP recommended approval of the requested variance from the rear yard requirement. According to OP, the requested zoning relief was warranted in part because the subject property was "unusually small for its intended purpose" and could not be enlarged, and because the design and location of the proposed addition were constrained by features of abutting properties – the at-risk windows of one apartment building and the encroachment onto the subject property of another – as well as by the historic nature of the existing library. The OP concluded that the variance relief could be granted without detriment to the public good and without impairing the intent, purpose, and integrity of the Zoning Regulations, because the addition would be located at least 20 feet from the nearest building and would not affect closely neighboring buildings on the sides of the library building, consistent with the purpose of the rear yard regulations to promote a pattern of development that would protect light and air for the subject site and adjacent properties. (Exhibit 32.)

ANC Report. At a public meeting on July 13, 2011 with a quorum present, ANC 1D voted 3-1-1 to pass a resolution in opposition to the application. In its report, ANC 1D asserted that the subject property was "not unique in most practical respects" except that "DCPL wants to implement the same plan for all branches whether the lots are small or not." According to ANC 1D, DCPL's plan was not "legally produced" and could "largely be met without the variance, with better results." (Exhibit 33.) ANC 1D also argued that the requested variance would result in substantial detriment to the public good, citing recommendations of the International Fire Code and diminished access of emergency equipment to the areas behind a large number of apartment buildings, and would be inconsistent with the general intent and purpose of the Zoning Regulations with respect to providing adequate light and air and preventing overcrowding.

The ANC also participated in the public hearing as a party in opposition to the application, providing evidence and testimony from Gregg Edwards, chair of ANC 1D, and from Chris Otten. The ANC countered the Applicant's assertion that the subject property was subject to an exceptional condition, and described DCPL's proposed expansion program as "an owner's wish list" rather than a legitimate "institutional imperative." According to ANC 1D, the neighborhood library program claimed by DCPL was not sufficient to serve as grounds for variance relief because the program was not legally required but was based on an opinion devised by DCPL; the program could be adjusted according to the characteristics of individual neighborhood library sites, and thus DCPL was not necessarily required to provide the same program at a smaller historic library site as at a larger, newly constructed neighborhood branch library; and because DCPL had failed to work closely with the ANC in devising the program, as required by law. ANC 1D also argued that the new addition was not needed because the existing facilities offered adequate space for DCPL's program needs, but would harm the surrounding neighborhood by blocking access to an open space that could serve as emergency access and a place for light and air, recreation, and other uses.

Persons in support. The Board received letters from persons in support of the application, who generally cited the need for a modern library facility, DCPL's public process in planning the addition, and approval of the plans by fire department officials who found no threat to public safety resulting from the planned addition.

Persons in opposition. The Board heard testimony from several persons in opposition to the application, who asserted that the application did not satisfy the requirements for variance relief, questioned the need for the addition, complained about the Applicant's failure to collaborate with the public on the design of the addition, and expressed concerns about access to the building and about impediments to fire safety that would be created by the addition.

FINDINGS OF FACT

The Subject Property and Surrounding Area

1. The subject property is an irregularly shaped parcel with an area of 16,576 square feet, located at the southwest corner of the intersection of 16th and Lamont Streets, N.W.

(Square 2595, Lot 830). The five sides of the parcel are of varying lengths. One corner of the site, at the intersection of 16th and Lamont Streets, forms an obtuse angle of approximately 130 degrees.

2. The property is improved with a building built in 1925 as an original Carnegie Library. The three-story masonry building, which is approximately 47 feet in height and contains approximately 18,000 square feet of gross floor area, has been used since its inception as a library. The neighborhood library at the subject property is the only DCPL library located in Ward 1, and is approximately 4,000 square feet smaller than other DCPL neighborhood libraries.

3. The building is situated on the lot such that its entrance is located at the apex of the obtuse angle created at the intersection of 16th and Lamont Streets. Because of the irregular shape of the lot, the property lacks a regularly shaped rear yard that would satisfy the minimum rear yard requirement of the Zoning Regulations adopted after its construction.

4. The library building was constructed in the Beaux Arts style and has a highly symmetrical design.

5. The site is located within the Mount Pleasant Historic District, and the building has been designated as contributing to the historic district.

6. The subject property and nearby properties to the north, south, and east, are zoned R-5-D. Other nearby properties to the north and east are zoned R-5-B. Abutting properties to the west are located in a C-2-A Zone along Mount Pleasant Street.

7. The neighborhood in the vicinity of the subject property is developed with a mixture of residential, commercial, and institutional uses. Lots immediately to the west of the subject property are improved with apartment buildings, most ranging from three to five stories in height. The buildings are set back as much as 22 feet from their rear lot lines, except for the apartment building located on Lot 189 (abutting the subject property to the northwest), which encroaches on the Applicant's property. Another apartment building, located on Lot 829 and abutting the subject property to the southeast, is built to the property line and has "at risk" windows overlooking the library building.

8. The library building has side yards of approximately 20 feet on each side. No side yards are required in the R-5-D Zone. (11 DCMR § 405.6.)

9. No public alleys are located within Square 2595. Vehicular access through the area behind the existing library building is not possible because the space is narrow and is partly occupied by a retaining wall. Access to the rear area is controlled with a chain-link fence.

The Applicant's Project

10. As part of a comprehensive renovation of the library building, the Applicant proposes to construct a new addition that will contain approximately 6,000 square feet of gross floor area in two and a half stories. The addition will be used to provide features not previously offered at the Mount Pleasant branch, such as computers for public use and a community meeting room. A new ramp, which will rise six feet, six inches over approximately 93 feet in length, will be constructed along the northwestern property line to a new porch and gallery created at the rear of the historic building. The ramp will provide access to a new entrance to the expanded library, and use of the existing front entrance will be discontinued.

11. To construct the addition, the Applicant will demolish a small projecting room at the rear of the existing building and enlarge a window on the upper floor to provide a connection to the second level of the new addition. The addition will have four windows on the top level, for staff offices, as well as two windows at the location of the meeting room.

12. The exterior wall of the addition will have a series of terracotta tile panels. The wall will be a one-hour-rated wall providing fire separation for any fire generated in the library building, preventing its spread to other properties for at least an hour. The addition as well as the existing building will be fully equipped with sprinklers.

13. Air-handling units will be moved from the ground level to a penthouse enclosure on the roof of the new addition. The equipment will meet building code requirements for noise transmission relative to the distances from adjacent properties, and will operate more quietly than the equipment used currently, which is housed on the ground.

14. The program space in the existing library building will be reconfigured after completion of the addition. The efficiency of the building, in terms of gross floor area devoted to program space, will increase from 65% at present to 80% with the addition. Construction of the addition will also incorporate two fire stairs and bring the building into compliance with requirements of the Americans with Disabilities Act ("ADA") and life-safety regulations.

15. The design of the proposed addition was approved by the Commission of Fine Arts ("CFA"). The CFA had expressed concerns about prior design proposals by the Applicant, especially with regard to the relationship of a glass addition to the historic structure, and had encouraged the Applicant to accommodate more of the proposed building program at the rear of the existing building instead of at its northwest side to address community concerns about the loss of the library's open-space setting.

16. The renovation and expansion of the library building was undertaken as part of a comprehensive capital projects program implemented system-wide by the District of Columbia Public Library. One component is a uniform building program for

neighborhood libraries devised by the professional staff of DCPL based on a study of best practices for modern libraries throughout the country. The program, which was officially adopted by DCPL's board of library trustees, incorporates certain standards that DCPL considers institutional necessities and therefore attempts to achieve in all neighborhood libraries. These standards include housing the library in a building that will serve as a destination for the community and will provide, at minimum, reader seating for 200 people; dedicated areas for children and teenagers; space for 80,000 books and other materials; a flexible, multipurpose community room that can accommodate a meeting attended by 100 people, as well as two small conference rooms and six study rooms; compliance with fire-safety and life-safety codes; and accessibility consistent with the requirements of the ADA.

17. The uniform building program for neighborhood libraries generally calls for 22,500 square feet of space in each neighborhood library to provide services consistent with the adopted program. The addition at the subject property will enlarge the existing library to a total of 21,900 square feet, allowing DCPL to accommodate the neighborhood library program at the subject property.

18. The Applicant considered various design options, including use of the existing building without an addition, but concluded that the other options were not suitable to meet DCPL's program needs or were otherwise unacceptable in light of constraints relating especially to historic preservation and the proximity of neighboring apartment buildings. During its design process, DCPL attended numerous community and ANC meetings; met with staff of the Historic Preservation Office and the CFA, as well as with Historic Mount Pleasant, a neighborhood preservation group; and consulted with local and federal government agencies on matters related to ADA compliance. Ultimately, DCPL concluded that an expansion of the existing building, constructed according to the proposed design, was the only feasible option, considering the program needs of DCPL, comments received during the design process, and development constraints at the subject property such as its irregular shape and relatively small size, which limited the area available for an addition, historic preservation considerations, especially the need to preserve the symmetry of the existing building and the location of a ramp needed for building code compliance relative to the historic façade, and the desire to avoid obstructing the at-risk windows of the neighboring apartment building and to maintain some open space near the apartment building that encroaches on the subject property.

19. DCPL attempts to offer uniform services at each neighborhood library, although many factors affect the operation of any given branch. The program provided by DCPL at each neighborhood library is affected by factors including constraints related to the size of facilities available and DCPL's ability to expand the facilities, considering physical and budgetary restrictions. DCPL has implemented the programs in its existing historic library buildings to the extent possible, sometimes through additions to the buildings or conversion of space from non-library use.

20. The Applicant was not able to split the library program offered at the subject property into components and to move part of the program to another site. Multiple facilities were not feasible for operational and budgetary reasons.

21. After construction of the addition, lot occupancy at the subject property will increase from approximately 37% to approximately 54%. A maximum of 75% lot occupancy is permitted in the R-5-D Zone. (11 DCMR § 403.2.)

22. The new addition will extend from the rear of the existing building to the property line. The R-5-D Zone District requires a rear yard of at least 15 feet. (11 DCMR § 404.1.)

Harmony with Zoning

23. The subject property is zoned R-5-D. The R-5 Districts are general Residence districts designed to permit flexibility of design by permitting all types of urban residential development that conform to height, density, and area requirements. The R-5 Districts permit the construction of institutional and semi-public buildings compatible with adjoining residential uses. (11 DCMR § 350.1.) The R-5-D Zone permits "a relatively high height and density." (11 DCMR § 350.2.)

24. The Applicant's project will conform to the applicable zoning requirements with respect to building height, bulk, and use, and will comply with area requirements with the exception of minimum rear yard.

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks an area variance from the minimum rear yard requirement under § 404 to allow construction of an addition to an existing public library building, with no rear yard where a minimum of 15 feet is required, on a site zoned R-5-D at 3160 16th Street, N.W. (Square 2595, Lot 830). The Board is authorized under § 8 of the Zoning Act to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted 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. (*See* 11 DCMR § 3103.2.)

The District of Columbia Court of Appeals has held that "an exceptional or extraordinary situation or condition" may encompass the buildings on a property, not merely the land itself, and may arise due to a "confluence of factors." *See Clerics of St. Viator v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974); *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). As a public service use, the public library

is subject to reduced scrutiny in analyzing the requirements for a variance. *See National Black Child Development Inst., Inc. v. District of Columbia Bd. of Zoning Adjustment*, 483 A.2d 687, 690 (D.C. 1984). Characterization of a use as a public service, and its need for expanded facilities, may be significant in determining whether the requisite "exceptional situation or condition" exists. *Draude v. District of Columbia Bd. of Zoning Adjustment*, 527 A.2d 1242, 1255 (D.C. 1987), *quoting Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1092, 1099 (D.C. 1979) (when a public service has inadequate facilities and applies for a variance to expand, the needs of the organization can be considered as a possible extraordinary or exceptional situation or condition of a particular piece of property). When a public service organization applies for an area variance, the entity "must show (1) that the specific design it wants to build constitutes an institutional necessity, not merely the most desired of various options, and (2) precisely how the needed design features require the specific variance sought." *Draude*, 527 A.2d 1242, 1256.

The Board concludes that the subject property is faced with an exceptional or extraordinary situation or condition due to a confluence of factors. The corner lot has an irregular shape bounded by five property lines, and lacks a regularly shaped rear yard that could readily meet the minimum rear yard requirement of the Zoning Regulations. The parcel is improved with a historic building whose status as contributing to the historic district creates constraints on the enlargement of the building, particularly with respect to the need to maintain the symmetrical nature of the building's façade.[2] Expansion to the sides of the existing building would also be problematic because of the proximity of nearby buildings, including one that encroaches onto the subject property and another that is built to the property line and has numerous at-risk windows overlooking the library. The subject property is also relatively small for its present and intended future use as a public library.

The Board concludes that the programmatic requirements of the library constitute an institutional need that contributes to the exceptional situation facing the subject property. The Applicant explained the origins of its standard building program for neighborhood libraries, its efforts to ensure uniform services and facilities, to the extent possible, at each neighborhood library, and the particular need to maximize the services and facilities offered at the subject property as the only neighborhood library in Ward 1. The fact that DCPL may not be able to achieve the full range of program offerings at each individual neighborhood library does not alter its status as an institutional necessity, as each neighborhood library faces its own set of circumstances, including

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[2] The Applicant asserts that the building's status as a contributing building in the Mount Pleasant Historic District "contributes to the uniqueness of the site and limits the types of structural alterations and additions that may be made to the Property." The location of a building within a historic district does not constitute an exceptional situation. *See Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987) *and, e.g., Myrick v. District of Columbia Bd. of Zoning Adjustment*, 577 A.2d 757, 760 (D.C. 1990) (the fact that a piece of property or a structure is located in an historic district cannot satisfy an applicant's burden of proving that the hardship is peculiar to that property or structure). However, when, as in this instance, an entity charged with historic preservation review recommends a limitation on development, the Board has found that an exceptional condition exists.

the available facilities, room for expansion, and budget considerations. The Board was not persuaded by the party in opposition that DCPL's program requirements constituted merely "an owner's wish list," in light of the origin of the program, considering both the professional expertise of DCPL and public input at various stages, as well as the public-service nature of the proposed neighborhood library use.

The Board also concludes that strict compliance with the Zoning Regulations would create practical difficulty for the Applicant as a result of the exceptional circumstances related to the construction of an addition compatible with the requirements of the Zoning Regulations and historic preservation concerns. Under the circumstances, strict compliance with the Zoning Regulations would favor location of the addition to the side of the existing building. However, a side addition would destroy the symmetry of the building, a principal character-defining feature of the historic structure, and would likely create a detriment for the residents of two neighboring apartment buildings, both of which are built to the common property line (or even encroaching onto the Applicant's property) and contain windows that would be blocked or obstructed.

Compliance with the rear yard requirement would effectively eliminate the Applicant's ability to enlarge the existing building as necessary to create space for the program, where expansion of the library is necessary to ensure the viability of the facility. The Board was not persuaded by the party in opposition that the program could be accommodated in the existing building, but concurs with the Applicant that an addition is needed to enlarge the library from its current substandard size to a size consistent with the requirements of the uniform building program for neighborhood libraries. As part of the Applicant's project, the existing building will be reconfigured so as to increase the proportion of gross floor area that will be devoted to program use, but because of the small size of the existing building, the increased efficiency in the use of space alone is not sufficient to meet the institutional program requirements. Construction of the new addition will also enhance the existing library by providing for improved access and compliance with life safety and building code requirements.

The Board concurs with the Applicant that the proposed location of the new addition represents the best option for expansion of the existing building, considering the odd shape of the lot and the existing building, historic preservation concerns in favor of maintaining the symmetry of the existing building, the proximity of neighboring buildings to the east and west of the existing building, and the open spaces between the existing library and neighboring apartment buildings to the south. The planned addition will also accommodate the library's need for an access ramp, which must be located on the west side of the property due to its required length, considering the maximum permitted slope and the height of the first floor of the existing library building. Strict compliance with the rear yard requirements of the Zoning Regulations would favor expansion of the existing building to the side; however, a side location was disfavored for reasons of historic preservation and because of the proximity of the neighboring apartment buildings, one of which has at-risk windows facing the library. Due to the rear yards provided by the apartment buildings abutting the subject property to the south, elimination of the rear yard at the subject property would not completely eliminate the open space between the buildings.

The requested variance relief can be granted without substantial detriment to the public good. The public-service use of the subject property as a full-service neighborhood library will enhance the public good, as the expansion and reconfiguration of the library building will expand the services and facilities available at the subject property consistent with DCPL's program requirements. This need is especially significant considering that the Mount Pleasant branch is the only neighborhood library in Ward 1, a densely populated area where many people utilize and rely on the services and facilities offered at the subject property. The addition will not unduly affect the light and air available to neighboring properties in light of its location at the rear, rather than in a side yard, of the existing library.

The Board heard testimony from the party in opposition that the proposed addition would create a risk to public safety because of fire or reduced access of emergency vehicles to the area behind the existing library. To the extent that these matters fall outside the ambit of the Zoning Regulations, the Board is without jurisdiction or authority to consider them. To the limited extent that the public-safety claims by the party in opposition may be relevant to a determination of whether the addition would result in substantial detriment to the public good, the Board did not find them persuasive. The addition itself, as well as the existing library building, will comply with building code requirements, including those related to life-safety. The addition will not impede access by emergency vehicles; vehicular access is not currently available behind the existing building, and is not possible considering the small size of the area and existing obstructions, including a retaining wall.

The requested variance relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. The Applicant's project will comply with zoning requirements with respect to lot occupancy, height, and use; variance relief is needed only to accommodate the placement of the addition at the rear of the lot, as necessitated by the exceptional circumstances facing the subject property and the practical difficulty to the Applicant as a result of the strict application of the Zoning Regulations. A public library is a use permitted as a matter of right in Residence zones (11 DCMR § 201.1(p)), and the R-5-D Zone permits the construction of institutional and semi-public buildings that are compatible with adjoining residential uses (11 DCMR § 350.1).

The R-5-D Zone also permits "a relatively high height and density," and does not require side yards. (11 DCMR §§ 350.2, 405.6.) Under the circumstances, the Board finds that elimination of the rear yard would not unduly compromise the light, air, and privacy available to adjoining properties. The lot occupancy of the library, after construction of the addition, will be approximately 54% where a maximum of 75% is permitted as a matter of right (11 DCMR § 403.2), and the existing side yards will remain as open space.

The Board has accorded the issues and concerns raised by ANC 1D the "great weight" to which they are entitled. ANC 1D participated fully in this proceeding as a party in opposition to the application. The Board has in this order extensively discussed each issue of concern expressed by the ANC and, for the reasons discussed above, the Board was not persuaded by ANC 1D that the application should be denied for failure to satisfy the requirements of variance relief.

For the reasons stated above, and having given great weight to the recommendations of OP to grant the application and to the issues and concerns of ANC 1D, the Board concludes that the Applicant has satisfied the requirements for an area variance from the minimum rear yard requirement under § 404 to allow construction of an addition to an existing public library building, with no rear yard where a minimum of 15 feet is required, on a site zoned R-5-D at 3160 16th Street, N.W. (Square 2595, Lot 830). Accordingly, it is hereby **ORDERED** that the application is **GRANTED, SUBJECT** to the approved plans, as shown on Exhibit Nos. 27 and 53.

VOTE: 4-1-0 (Meridith M. Moldenhauer, Nicole C. Sorg, Lloyd L. Jordan, and Jeffrey L. Hinkle voting to Approve; Michael G. Turnbull opposed)

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: APR 04 2012

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

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment

BZA APPLICATION NO. 18240

As Director of the Office of Zoning, I hereby certify and attest that on APR 04 2012, a copy of the order entered on that date in this matter was mailed first class, postage prepaid or delivered via inter-agency mail or delivered by electronic mail in the case of those ANCs and SMDs that have opted to receive notices thusly, to each party and public agency who appeared and participated in the public hearing concerning the matter, and who is listed below:

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ATTESTED BY: _____
SARA A. BARDIN
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