

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Board of Zoning Adjustment**



**Application No. 18449 of Israel Baptist Church and Israel Manor, Inc.** pursuant to 11 DCMR § 3103.2 for a variance from the on-site parking requirements under § 2101 and a special exception pursuant to 11 DCMR § 3104, from location of parking spaces requirements under § 2116.4<sup>1</sup>, for a proposed community health clinic and ancillary social and recreational space for church use. The facility will be erected as an addition to the existing church building in the R-5-A District at premises 1251 Saratoga Avenue, N.E. and 2403, 2407, 2409 and 2411 12th Street, N.E. (Square 3939, Lots, 33, 34, 35 and 36) (“the Subject Property”).

**HEARING DATE:** December 4, 2012  
**DECISION DATE:** February 12, 2013

**DECISION AND ORDER**

This self-certified application was submitted on July 26, 2012 by Israel Baptist Church and Israel Manor, Inc. (“IMI”) (collectively, the “Applicant”). The application, as amended, requested a variance to reduce the number of parking spaces required for the combined use of the existing church and the proposed new community health clinic located at 1251 Saratoga Avenue, N.E. (Square 3939, Lot 36). In addition, the Applicant requested a special exception from the location of parking spaces in order to locate 35 parking spaces between a building restriction line and a lot line abutting a street at premises 2407, 2409 and 2411 12<sup>th</sup> Street, N.E. (Square 3939, Lots 33, 34, and 35). Following the public hearing on December 4, 2012, the Board voted (4 to 0) on February 12, 2013, to approve the application subject to the conditions detailed below.

**PRELIMINARY MATTERS**

**ANC Boundary Change**

At the time of the hearing, the Subject Property was located within the boundary of Advisory

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<sup>1</sup> Initially, the Applicant sought special exception relief under § 2116.3 which allows up to 50% of the church’s parking spaces to be located elsewhere than on the church’s lot . During the public hearing and following OP’s recommendation, the Applicant requested the Board to amend the special exception relief to allow parking between a building restriction line and a lot line abutting a street under § 2116.4.

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Neighborhood Commission (“ANC”) 5B and Single Member District (“SMD”) 5B03. As of January 1, 2013, as a result of redistricting, the Subject Property fell within the jurisdiction of ANC 5C and SMD 5C03.

Notice of the Application and the Hearing.

By memoranda dated August 1, 2012, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 5; ANC 5B, the ANC in which the Subject Property was located at the time of the hearing; and the SMD Commissioner for 5B03. Pursuant to § 3112.14, on September 28, 2012, the Office of Zoning provided notice of the hearing to the Applicant, ANC 5B, and the owners of all property within 200 feet of the Subject Property. Notice was also published in the *D.C Register* on September 28, 2012.

Party Status

The Applicant and ANC 5B were automatically parties in this proceeding. No other persons or entities requested party status.

**Government Reports**

Office of Planning.

In a report dated December 4, 2012, the OP recommended approval of the variance relief requested, subject to the following conditions: (1) that the Applicant manage the shared parking on the Subject Property to reduce spillover onto residential streets; (2) that the Public Space Committee (“PSC”) approve the access to the closed part of Bryant Street; and (3) that the Applicant ensure landscape screening of the parking area on the eastern part of the Subject Property. As will be explained, all three conditions were satisfied.

OP concluded that the application satisfied the three prong test for variance relief. As to the first two elements, the report found that the property’s varied topography and irregular shape was an exceptional condition that makes it practically difficult for the Applicant to comply with the required number of on-site parking spaces. OP concluded that the irregular shape and topography makes it difficult to accommodate an efficient parking layout. OP also found that there would be no detriment to the public good nor would there be any substantial impairment to the zone plan. The proposed use would be within close proximity of public transportation thereby reducing the demand for on-site parking. In addition, the church will manage any potential spillover into

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residential streets during those times when the church and the clinic are open at the same time. Finally, the church will institute a bike-sharing program for its employees and tenants.

OP also indicated that the Applicant met the criteria for a special exception from § 2116.4(a). OP concluded that the Applicant satisfied § 2116.6 (d) because “the location of required parking spaces elsewhere on the same lot ... would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.” OP noted that the new matter-of-right construction would eliminate all but 10 spaces on the existing surface parking and as a result there was no place other than the proposed location to place the additional spaces. Underground parking would not be practical given the topography and the close proximity of adjacent residential dwellings.

District Department of Transportation (DDOT).

DDOT submitted a report dated November 27, 2012, indicating that the proposed project would not have an adverse impact on the surrounding transportation network provided that the Applicant (1) completes a pedestrian and bicycle analysis along with any needed mitigation measures; (2) installs bicycle racks at the main entrance of each building on the Subject Property, and (3) installs a pedestrian entrance on 12<sup>th</sup> street to reduce walking time from the Metro station. In a second report dated February 6, 2013, DDOT indicated that it had received a completed pedestrian and bicycle analysis.

ANC 5B.

No report was received from ANC 5B prior to December 31, 2012.

ANC 5C.

Through a letter dated January 31, 2013, the Chair of ANC 5C requested that the Board grant an extension until February 20, 2013 for the ANC to file a report (Exhibit 41). The letter noted the recent redistricting of the property into the ANC and the election of new officers who are familiarizing themselves with the application. The Applicant submitted an objection letter dated February 5, 2013. (Exhibit 43.)

The Board declined the request. On August 1, 2012, the Board fulfilled its requirement under District law to notify the affected ANC of this application and pursuant to law could act on the application 30 days after notice was given. (D.C. Official Code § 1-309.10 (d)(2).) ANC 5B therefore had from August to December to submit a report, but did not do so. There is no

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requirement for the Board to send a new notice that would restart the 30-day clock as a result of the redistricting that occurred here. While the Board appreciates the desire of ANC 5C to meet in order to take a position on this application, there was no guarantee that a quorum would be present or a decision reached. Meanwhile, the Applicant documented that it would be harmed by any delay. Under these circumstances, the Board determined that it could not grant the ANC's request and in fact received no report from ANC 5C.

Persons in Opposition.

James Haskins, who lives on 12<sup>th</sup> Street, N.E. directly opposite to the Subject Property, testified in opposition to the Applicant's proposal largely on the grounds that the pedestrian and vehicular traffic it would generate would adversely impact the quality of life of the block he lives on.

Raymond Chandler, a former ANC 5B commissioner, has opposed the proposal for 14 years being primarily concerned about the additional traffic and the impact on parking within the neighborhood.

Regina James, ANC 5B03 Commissioner, has opposed the proposal for 14 years being primarily concerned about the additional traffic and the impact on the availability of parking within the neighborhood.

Patricia Gray, a neighbor, expressed concerns about the construction impact on her property.

Kelly Mitchell-Baynes, a neighbor in the 1000 block of Bryant Street, N.E., expressed concern about the quality of life of the community and the impact of the proposal on parking.

Persons in Support.

Michelle Bundy, a longtime Brentwood resident, supported the Applicant's addition because it would bring health services and employment to Ward 5 and she foresaw no likelihood of traffic problems because of the proximity of the Metrorail Station.

**FINDINGS OF FACT:**

The Subject Property

1. The Subject Property is located in the R-5-A District and bounded by the following public streets: 12<sup>th</sup> Street, N.E., Saratoga Avenue, N.E., Brentwood Road, N.E., and the closed portion of Bryant Street, N.E. (Square 3939).
2. The Subject Property is located within the Brentwood neighborhood, which is a cluster of

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detached one-family dwellings, row dwellings, apartment houses and other multifamily development.

3. The subject lot, which is approximately 94,779 square feet, is comprised of an existing church building and surface parking lot with 51 parking spaces owned by the Church, and three lots owned by IMI.
4. There are two lots within the square that are not owned by the Applicant. Lot 32 is improved with a one-family dwelling and Lot 30 is vacant.

The Applicant's Project

5. The Applicant intends to construct, as matter of right, an approximately 36,000 square feet, three-story addition to the existing church building to accommodate a community health clinic and ancillary social and recreation space. The first two floors of the building will be leased to United Health Care which will use the space as a health clinic. The third floor will be used for church-related social and recreational activities. The proposed uses are an extension of the Church's outreach program and its overall social mission in the community.
6. The addition will be constructed on an area that currently includes the Church's existing parking facilities. As a result, the existing parking spaces will be reduced from 51 to 10 spaces.
7. The Applicant proposed to relocate 35 parking spaces to an area between the church building restriction line and a lot line abutting 12<sup>th</sup> Street, N.E.
8. The District Public Space Committee approved the Applicant's request to use the closed portion of Bryant Street, N.E. for access to as many as 37 additional parking spaces for use by the church and clinic on the Subject Property.
9. Therefore, there will be a total of 82 parking spaces serving the existing and proposed uses.

The Zoning Relief Required

10. Pursuant to § 2101, a total of 136 parking spaces are required for the existing church use and the proposed new addition. The Applicant requested to reduce the on-site parking requirements to 45 parking spaces. Thus, an area variance is needed from the on-site parking requirement under § 2101.

11. The Applicant also seeks a special exception under § 2116.4 (a) to allow the location of the 35 parking spaces between the Subject Property's building restriction line and its lot line. Subsection 2116.5 authorizes the Board to grant special exceptions to permit the location of parking spaces "anywhere on the lot."

The Variance Relief

*The Exceptional Condition*

12. The lot of the Subject Property is irregular in shape, with extreme topography. There is a 33-foot elevation change across the site from Saratoga Avenue to the corner of 12<sup>th</sup> and Bryant Streets, N.E., and an abrupt 12-foot grade change in the middle of the site along the line separating the two lots.
13. In addition, the Church's need to expand its facilities and mission, including the location of a health clinic on its premises, represents an exceptional condition.

*Practical Difficulty*

14. The irregular shape and topography of the Subject Property create a practical difficulty to comply with the parking requirement of 145 spaces.
15. Requiring any additional parking spaces on the property would result in a smaller addition that would not meet the Church's institutional needs.

*No Harm to the Public Good*

16. The Subject Property is within 800 feet of the Rhode Island Avenue/Brentwood Metro Station and is served by multiple Metrobus routes. Thus, visitors and employees will be encouraged to use public transit proximal to the proposed use.
17. Osborne George, P.E. testified as to his analysis of the development proposal and its impact on local traffic, which he found to be negligible since the clinic use existed in the neighborhood and would relocate to the Subject Property. Thus, there was little or no new traffic being generated. Mr. George studied the existing pattern of clinic traffic at its current location and judged that the proposed parking would adequately serve both the church and the clinic uses, because the two uses were a classic case of shared parking with different days and times of day for high demand.

18. The revised plans propose to reduce the traffic impact and address the community concerns by eliminating vehicle entrance from 12<sup>th</sup> Sstreet and providing pedestrian access through Saratoga Avenue and additional parking along Bryant Street.
19. The shared use of available parking spaces by the church use and the clinic use is an efficient way of maximizing the parking space potential of the Subject Property, since the two uses are complementary.
20. The peak demand for parking for the church will come on Sundays when the clinic will be closed. The most likely conflict arises when there is an extraordinary weekday use by the church, such as a funeral. Such conflicts can be managed through parking arrangements with Isle of Patmos Baptist Church, located across Saratoga Avenue, N.E.
21. Potential adverse traffic and parking impacts from the Applicant's use of the social and recreational space of the addition for large scale events can be mitigated through valet parking services and by arrangements with nearby owners with available parking.
22. The DDOT report concluded that the requested relief would not adversely affect the surrounding transportation network.

*No substantial Impairment to the Integrity of the Zone Plan.*

23. The proposed addition to the church building complies with the character and purpose of the R-5-A Zone, which permits churches and health clinics as a matter of right.

The Special Exception Relief

24. The R-5-A District is designed to “permit flexibility of design” and intends to support institutional and semi-public buildings (11 DCMR §350.1.)
25. The location of the parking spaces between the building restriction line and the Subject Property's lot line will not tend to adversely impact neighboring properties. The parking area will be screened from the one-family dwelling located on Lot 32 and from the houses across 12<sup>th</sup> Street, N.E.

**CONCLUSIONS OF LAW AND OPINION**

**Variance Relief**

The Board is authorized to grant variances from the strict application of the Zoning Regulations where “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property ... or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition” of the property, the strict application of the Zoning Regulations would “result in particular and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property...” (D.C. Official Code § 6-641.07(g) (3) (2008 Supp.), 11 DCMR § 3103.2.) The “exceptional situation or condition” of a property need not arise from the land and/or structures thereon, but can also arise from “subsequent events extraneous to the land.” *De Azcarate v. Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978). Relief can be granted only “without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.” (D.C. Official Code § 6-641.07(g)(3) (2008 Repl.), 11 DCMR § 3103.2.)

A showing of “practical difficulties” must be made for an area variance, while the more difficult showing of “undue hardship,” must be made for a use variance. *Palmer v. D.C. Board of Zoning Adjustment*, 287 A.2d 535, 541 (D.C. 1972). Since area variances are sought by the Applicant, the Applicant must comply with the three prong test: (1) that an exceptional situation results in a “practical difficulty” in complying with the Zoning Regulations; (2) the granting of the relief will not be substantial detriment to the public good; and (3) the granting of the variances will not substantially impair the intent and integrity of the Zone Plan.

**Exceptional situation resulting in a practical difficulty**

Based upon the record before it, the Board concludes the property's varied topography and irregular shape result in an exceptional situation that makes it difficult for the Applicant to provide the required number of on-site parking spaces. As noted, there is a 33-foot elevation change across the site from Saratoga Avenue to the corner of 12th and Bryant Streets, N.E., and an abrupt 12-foot grade change in the middle of the site along the line separating the two lots. As noted by OP, these circumstances render it difficult to provide for an efficient parking layout on the property.

In addition, the increase in parking required by § 2101 results from the Church’s need to expand its mission and its desire to include a medical clinic on its property to serve the community as a whole. The D.C. Court of Appeals has held that “the Board of Zoning Adjustment does not err

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in considering the needs of a public service “as possible other extraordinary and exceptional situation or condition of a particular piece of property”, *Monaco v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091, 1099 (D.C. 1979), and the Board finds such an extraordinary and exceptional situation on the facts presented here.

However, the Court of Appeals has also held that:

Where a public service organization applies for an area variance in accordance with *Monaco*, it 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 v. District of Columbia Bd. of Zoning Adjustment*, 527 A.2d 1242, 1256 (D.C. 1987).

Both of these factors have been met by the Applicant. The Board finds that the design of the addition specifically addresses the needs of the Church and the clinic. In order to accommodate these institutional needs, the addition reduces the existing parking spaces from 51 to 10, thus resulting in the need for an area variance. Nevertheless, the Applicant mitigated these circumstances by proposing to relocate 35 spaces within the building restriction area and obtaining the use of 37 additional spaces within the public space.

The Court of Appeals has interpreted the *Monaco* doctrine for public services as also applying to the second prong of the variance analysis. In *National Black Child Development Institute, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 483 A.2d 687 (D.C. 1984), the Court of Appeals indicated that “in *Monaco*, we permitted the BZA to apply a more flexible *standard for determining hardship* when a ‘public service,’ or nonprofit entity, is the Applicant.” 483 A. 2d at 690 (emphasis added). Although the court was applying this flexible standard to the “undue hardship” prong applicable to use variances, there is no reason why a similar approach should not be used for the more lenient “practical difficulty” standard applied to the area variance sought here. As just noted, the institutional needs of the Church resulted in the design of a building that eliminated existing parking. Strict compliance with the Zoning Regulations would have resulted in a smaller building or no building at all.

No substantial detriment to the public good

The Board credits the views of OP and DDOT that granting the variance relief will not result in substantial detriment to the public good. Although only the 45 on-site parking spaces may count towards zoning compliance, there will be a total of 82 spaces that will serve the parking needs of both uses. This should be more than sufficient, since the Subject Property is located in a

neighborhood where mass transit is easily accessible. The proximity of both Metrorail and Metrobus stops would reduce the demand for parking that might otherwise result from the proposed clinic. Moreover, during the week, there will be no overlap in hours of operation between the two uses. In cases where there could be simultaneous demand for parking from users of the Church, the Church will pursue arrangements with Isle of Patmos Baptist Church, located across Saratoga Avenue, N.E.

The Board agrees with the Applicant's parking expert that no additional traffic should result from the clinic use, because that use already exists in the neighborhood and is only being relocated. Finally, any potential adverse traffic and parking impacts from the Applicant's use of the social and recreational space of the addition for large scale events will be mitigated through valet parking services and by arrangements with nearby owners with available parking

#### No substantial Impairment to the Integrity of the Zone Plan

The Board concluded that granting the variance will not result in substantial impairment to the integrity of the zone plan. The Applicant provided supplementary information regarding the programming and space plan of the addition to the church building which is in compliance with the character and purpose of the R-5-A zoning district permitting churches and clinics as matter of right. Further, the parking schedule of § 2101 assumes that multiple uses will be operating concurrently and therefore requires a cumulative amount of parking. Here, each use will operate at different times. Therefore providing a total of 45 parking spaces is substantially consistent with what would be required for each use. And, as noted, these spaces will be augmented by an additional 37 spaces pursuant to the Applicant's lease with the District.

#### Special Exception Relief

The Applicant seeks a special exception to locate accessory parking spaces in an area between a building restriction line and a lot line, which is ordinarily prohibited by § 2116.4 (a). The Board is authorized to grant a special exception where, in its judgment, the special exception will "be in harmony with the general purpose and intent of the Zoning Regulation and the Zoning Map and will not tend to affect adversely, the use of neighboring property." (11 DCMR § 3104.1.) The specific authority to grant this special exception is set forth in § 2116.5.

The Board concludes that the Applicant demonstrated that the location of the proposed parking spaces is in harmony with the general purpose and intent of the Zoning Regulations. The parking spaces will still be located on the same lot as the use being served as required by § 2116.1. The fact that they are located within an area where a building may not be constructed could potentially pose adverse impacts, but these have been mitigated by the Applicant. The

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Applicant amended its plans so as to eliminate vehicle entrance through 12<sup>th</sup> Street, add additional landscaping along 12<sup>th</sup> Street and adjoining properties, and eliminate the wall at the 12<sup>th</sup> Street side of the project.

In order to grant a special exception pursuant to § 2116.5, the Board must find that it is not practical to locate the spaces in a non-restricted area of a lot for one the following reasons:

- (a) Unusual topography, grades, shape, size, or dimensions of the lot;
- (b) The lack of an alley or the lack of appropriate ingress or egress through existing or proposed alleys or streets;
- (c) Traffic hazards caused by unusual street grades; or
- (d) The location of required parking spaces elsewhere on the same lot or on another lot would result in more efficient use of land, better design or landscaping, safer ingress or egress, and less adverse impact on neighboring properties.

The Board agrees with the Office of Planning that the Application meets the criteria stated in (d) because given the unusual topography of the Subject Property, the construction of the matter of right addition allows for no other location on the property for additional parking spaces other than this area.

The Board is required under § 13 of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21), as amended, now codified at D.C. Code § 1-309.10(d)(3)(A)) to give “great weight” to the issues and concerns raised in the affected ANC’s written recommendations. 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 instance, neither ANC 5B nor ANC 5C submitted any written recommendations to the Board regarding this application.

The Board is also required under D.C. Official Code § 6-623.04 (2001) to give “great weight” to OP recommendations. For the reasons stated in this Decision and Order, the Board agrees with OP’s advice that the application be approved with conditions.

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For the reasons stated above, the Board concludes: (i) that the Applicant has satisfied the burden of proof with respect to the application for a variance relief under 11 DCMR § 3103.2 to reduce the required number of on-site parking spaces to 45 and (ii) that the Applicant satisfied the burden of proof for special exception relief under 11 DCMR § 2116.4(a) to locate 35 parking spaces between the building restriction line and the lot line abutting a street for an addition to the existing church building.

Accordingly, it is hereby **ORDERED** that the application is **GRANTED** to allow zoning relief for a variance from the on-site parking requirement under § 2101, and a special exception to allow relocation of parking spaces under § 2116.4, **SUBJECT** to Exhibit 11 – Plans, as revised by Exhibit 27 – Revised Site Plan, and **SUBJECT** to the **CONDITIONS** below. The term "Applicant" means the person or entity then holding title to the Subject Property. If there is more than one owner, the obligations under the order shall be joint and several. If a person or entity no longer holds title to the Subject Property, that party shall have no further obligations under the order; however, that party remains liable for any violation of any condition that occurred while an Owner. The **CONDITIONS** are as follows:

1. This approval shall be for a period of **TEN (10) YEARS** beginning on the date upon which the order became final.
2. The Applicant is required to provide valet parking during special events or other activities which increase traffic volume.
3. The Applicant and its tenants will take multiple measures to reduce the parking load and discourage the use of private vehicles. These will include: (a) cooperating with DDOT in encouraging the use of public transportation by educating employees and tenants about public transportation, publicizing bus and metro routes, and instituting a bike sharing program; and (b) providing incentives to employees and tenants to utilize alternative modes of transportation, including Ride Share opportunities and flex transportation benefits.
4. The Applicant will designate a transportation coordinator to receive community comment and resolve issues that arise.
5. The Applicant will attend Advisory Neighborhood Commission 5C meetings at least twice a year to remain aware of any perceived community problems associated with the use of the property.

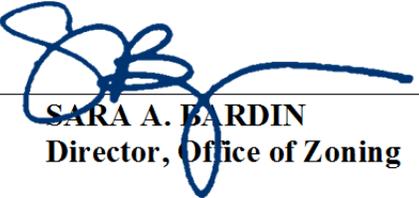
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**VOTE:**                    **4-0-1**     (Lloyd J. Jordan, Nicole C. Sorg, Jeffrey L. Hinkle, and Robert E. Miller to Approve; one Board seat vacant.)

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

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

**ATTESTED BY:**

  
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**SARA A. BARDIN**  
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** August 12, 2013

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

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY

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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.