

1653 Harvard Street, NW

Washington, D.C. 20009

202-328-2251

patjayne@yahoo.com

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Frederick L. Hill, Chairman

Board of Zoning Adjustment

441 4th Street NW, Suite 200-S

Washington, DC 20001

Statement in Opposition to Application of Timothy and Charlotte Lawrence

Case No. 19629

Dear Chairman Hill:

I reside at and own with my husband, Christopher J. Barr, 1653 Harvard Street, NW which is within 200 feet of the subject property. We have lived there since 1986. Granting the large amount of requested relief would eviscerate the intent of the pertinent zoning regulations. The basis for the objection to this relief is as follows.

**Subject Property:** The subject property is a trapezoidal lot located on the alley at 1701 Harvard Street, NW. It is important to note that it is not at 1665 Harvard Street, NW as the application states. The property is a separately numbered lot in a separate square, distinct and separated by a public walkway from 1665 Harvard Street, NW which the applicants also own. The lot was subdivided from the balance of 1701 Harvard Street, NW in 1948 by a prior owner to provide two parking spaces. Any unique aspect is due to this subdivision, not to the initial plot development or any geographic or topographic feature.

**Subject Alley:** The subject alley between Harvard and Hobart Streets, NW runs uninterrupted by any cross street from the 1600 to the 1800 blocks of Harvard Street, NW. It runs from Mt. Pleasant Street, NW to Irving Street, NW. The only access to Harvard Street, NW from this long three-block alley is the well-used public walkway adjacent and to the immediately east of the subject property.

The alley carries heavier traffic than may be normal for other alleys because the 1800 block of Harvard Street, NW consists of a large apartment building owned by the DC Housing Authority with related loading dock and parking lots. The building is dedicated to housing senior citizens and the disabled. This building generates a large amount of alley traffic including delivery trucks, emergency vehicles and employee access. Additionally for the 1600 block of Harvard Street, NW (excluding the apartment house at 1613 Harvard Street, NW), the alley serves as the street. In addition to trash and recycling pickup, US Mail, UPS and FedEx all make their deliveries in the alley. The alley has regular street lighting.

**Public Walkway:** The only access to Harvard Street, NW for the public from the alley is the public walkway that lies adjacent to and east of the subject property. It is frequently used to reach Harvard Street from Hobart and Irving Streets, NW.

I disagree with the contention that this garage would not jeopardize the existing light on neighboring properties. The height of the structure would greatly reduce the light on the walkway by blocking sunlight from midday onward as the garage would lie immediately to the west of the public walkway. The unnecessary height to add storage only exacerbates the light issue and will be a detriment to the public good. The applicants' rental house at 1665 is large and includes an attic and basement obviating any need for additional storage.

In addition, the garage would have a substantial and potentially dangerous impact on the adjacent public walkway by narrowing the sight lines for pedestrians entering the alley. The five-foot minimum side yard requirement under Subtitle E-29 §5105.1 is essential to the safety and security of the public. No exemption should be given to this minimum requirement. As shown by the applicants' own plans, the abutting properties encroach on and narrow this public walkway. The latest revision to the applicants' plans to provide a one-foot side yard is insufficient to overcome the presumption of need for a five-foot buffer. With a one-foot side yard, pedestrians still would be thrust into the alley traffic with no line of sight to provide a warning of oncoming traffic. This would have a substantial and potentially dangerous impact.

The plans show the addition of motion-activated lighting. But such lighting requires maintenance into perpetuity. Lighting could come and go. The applicants do not maintain the subject lot now allowing yard and building debris from work done on 1665 Harvard, NW to sit there for months. I have

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no expectation that these lights would be better maintained.

**Alley Centerline Setback:** The requested relief from the alley centerline setback requirement should be denied. Section 5106 of the regulations expresses the view that there should be a buffer between any building and the public alley. As noted above, the alley has a great deal of traffic. This would further have a dangerous impact on pedestrians coming from the public walkway who would have no margin for error when entering the alley. Granting this relief from the alley centerline setback requirements would set a bad precedent for all the houses in the 1700 block of Harvard Street, NW – all of which have parking pads. There are no garages or carports in the 1700 block of Harvard Street. While there are garages for many of the houses in the 1600 block, most of these are integral, below-grade and built underneath the house structure when the houses were constructed in 1915. Many of these have been converted into the main dwelling and replaced by a parking pad.

**No Practical Difficulty:** There is no practical difficulty in the denial of the requested relief. The applicants have no greater practical difficulty than all the houses in the 1600 and 1700 blocks of Harvard Street, NW. The separation of the applicants' rental property from the subject lot does not present any difficulty. The lot is usable and has been used for parking – exactly like the balance of 1701 Harvard Street, NW and all the other houses in the 1700 block which back onto the subject alley. There are no garages or carports at any other house in that block. This is not idle land. It is being used. Any burden on the applicant to the requirement of maintenance of the subject lot is solely due to the applicants' status as absentee landlords.

**Of Right Usage:** This lot may be small, but as the applicants' own plans indicate, they could build an of-right building. I can find no provision in the regulations of a right to build a parking garage. The of-right building could be used for storage or as an artist's studio.

**Exemption from Subtitle U §601.1:** The subject property does not meet the requirements for an exemption for parking under Subtitle U §600.1 because it does not meet the of-right requirements of §600.1(d). The subject property is in Square 2588. The applicants' other property is in Square 2591. Section 600.1(d) requires that the of-right parking be for the use of residents of the same square. As these two properties are not in the same square, there is no right. Section 601.1 requires among other things that public safety be considered. The building of this garage would have an impact on the public safety of pedestrians using the public alley.

**Substantial Detriment to the Public Good:** There would be substantial detriment to the public good if the requested relief is granted. This garage would create a potentially dangerous situation for the numerous pedestrians who use the public walkway adjacent to the subject property. As noted above, despite the contention that there are many other garages on the alley, on the Harvard Street side, there are no garages in the 1700 block of Harvard Street, NW where the subject lot is located.

For all the above reasons, I respectfully request that the Board deny the requested relief.

Sincerely,

*Patricia M. Jayne*

Patricia M. Jayne

Submitted on 2/19/2018 by:  
Statement in Opposition