

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Philip Bradford, AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: November 27, 2024

SUBJECT: BZA Case 21203: Request for special exception relief to allow the construction of a new addition to the principal dwelling unit and new garage containing an accessory apartment at 3800 Harrison Street, NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- Access Requirements, Subtitle C § 711.7 pursuant to Subtitle § C 711.11 and Subtitle X 901.2
 - (10 feet height for vehicular entrance required, N/A existing; 7 ft. proposed)
 - (12 setback from alley centerline required, 8 feet existing, 8 feet proposed); and
- Accessory Building in Rear Yard, Subtitle D § 5004.1(a) pursuant to Subtitle D § 5201.1 and Subtitle X § 901.2 Yard (not permitted within the required rear yard); and
- Accessory Building in Side Yard, Subtitle D § 5005.1 (8 ft. required, 0 ft. existing; 0 ft. proposed)

II. LOCATION AND SITE DESCRIPTION

Address	3800 Harrison Avenue NW
Applicants	Sullivan & Barros, LLP on behalf of Jay Hariani and Amy Hariani
Legal Description	Square 1851, Lot 0067
Ward, ANC	Ward 3; ANC 3E
Zone	R-1B
Lot Characteristics	Rectangular corner lot 105 ft. x 125 ft. with a 16 ft. public alley along the western side of the lot.
Existing Development	The lot is improved with a single unit detached dwelling with detached garage.
Adjacent Properties	Detached residential dwellings.
Surrounding Neighborhood Character	The surrounding neighborhood is residential in character with the Connecticut Avenue commercial corridor one block east, and the Wisconsin Avenue commercial corridor four blocks west.
Proposed Development	The applicant is proposing a rear addition, and a new detached garage building containing an accessory apartment above.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed ¹	Relief
Lot Width D § 202 (302)	50 ft. min.	105 ft.	No change	None required
Lot Area D § 202	5,000 sq.ft. min.	13,125 sq.ft.	No change	None required
Height D § 203	40 ft. max.	28 ft.	28 ft.	None required
Front Setback D § 206	Within the range of existing front setbacks of all residential buildings on the same side of the street in the block.	Within range of adjacent buildings	No change	None required
Rear Yard D § 207	25 ft. min.	46 ft.	25 ft.	None required
Rear Yard Accessory Structure D § 5004.1(a)	Not permitted	N/A	Within required rear yard	Relief requested
Side Yard D § 207	8 ft. min.	12 ft.	12 ft.	None required
Side Yard Accessory Structure D 5005.1	8 ft. min. and 10 ft. from principal building	0 ft.	0 ft. 7 ft. 7 in. from principal building	Relief requested
Lot Occupancy D § 210	max. by right max by sp.ex.	20 %.	30.8%	None required
Pervious Surface D § 211	50 % min.	58%.	55%	None required
Parking C § 701	1 min.	2 spaces	2 spaces	None required
Garage Door and Access C § 711	10 ft. height minimum 12 ft. setback from alley centerline	Not provided	7 ft. 9 ft. setback for 3 ft. of garage frontage	Relief Requested

¹ Information provided by the applicant.

IV. OP ANALYSIS

Section 1: Analysis of Relief for Accessory Building in Rear Yard, and Side Yard

Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.2 For a new or enlarged accessory structure to a residential building with only one (1) principal dwelling unit on a non-alley lot, the Board of Zoning Adjustment may grant relief from the following development standards as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

- (a) Lot occupancy as limited in Table D § 5201.1(a);*
- (b) Maximum building area ...*
- (b) Maximum building area of an accessory building;*
- (c) Yards, including alley centerline setback; and*
- (d) Pervious surface.*

The new garage structure is located within the required rear yard and side yard area which requires special exception relief as requested. The proposed new garage and accessory apartment would be located directly abutting the western property line and set back 1.5 ft. from the rear property line.

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

- (a) The light and air available to neighboring properties shall not be unduly affected;*

The applicant proposes a new accessory garage with a dwelling unit on the second floor in the rear yard area. This building replaces an existing two car garage. Given that the subject property abuts an alley, the only potentially impacted property is located to the south. This property contains an existing accessory building in the northwest corner facing the subject property. Given this, and as the new accessory building would be within the permitted height, it should not unduly affect the light and air available to neighboring properties.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

The privacy and use and enjoyment of neighboring properties should not be unduly compromised. The proposed accessory building is located generally in the same location as the one it would replace. While it is taller than the existing building, it would be within the permitted height and the applicant does not propose any windows facing the neighboring property to the south, maintaining the existing level of privacy.

- (c) The proposed addition or accessory structure, together with the original building, or the new principal 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 street or alley frontage; and*

The applicant is constructing a matter of right addition to the primary building on the property which mostly screens the new accessory structure from view from the street, maintaining the existing character. The building would primarily be visible from the alley, and meets the development standards for an accessory building other than placement, and is similar in size to other accessory buildings abutting the alley. Therefore it should not substantially intrude upon the character, scale, and pattern of structures along the alley.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use 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.

The applicant has provided plans, photographs, and elevations depicting the proposed addition and proposed accessory structure that conveys their relationship to adjacent buildings and views from public ways in conformance with this subsection.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

OP does not suggest additional treatment to protect nearby properties.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories as a special exception.

Approval of the special exception relief should not result in the expansion of a nonconforming use and development standards beyond what is authorized by special exception.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The R-1B zone allows detached dwelling units, with an accessory apartment under the provisions of U § 253. The applicant is proposing a matter of right expansion of the primary dwelling unit, and a new detached accessory building containing a garage and accessory apartment, with the placement of the structure requiring special exception relief, which meets the requirements of Subtitle D § 5201, as demonstrated above. The proposal would therefore be in harmony with the general purpose and intent of the Zoning Regulations and Map.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

As addressed and demonstrated above, the proposed detached building should not unduly impact the light and air or privacy of the adjacent property.

Section 2: Analysis of Relief for Garage Door Height

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The proposed garage door would be in harmony with the Zoning Regulations. The zone is for single dwelling residences and the proposed door height is for an accessory garage, which is a common accessory use for residential development.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The proposed garage door should not adversely impact the neighboring properties. The garage is significantly away from neighboring properties and the proposed door would accommodate average full-size vehicles.

711.11 The Board of Zoning Adjustment may grant full or partial relief from the requirements of Subtitle C §§ 711.5 through 711.7 as a special exception under Subtitle X, Chapter 9, and subject to the following:

(a) The Office of Zoning shall refer any request under this subsection to the Office of Planning and the District Department of Transportation for review and comment, which shall include an evaluation of the applicant's satisfaction of the requirements of paragraph of this subsection; and

(b) The applicant shall demonstrate to the Board's satisfaction:

(1) A reasonable difficulty in providing the full-sized driveway width or alley centerline setback; and

(2) Vehicle movement and turning diagrams demonstrating that the proposed relief would allow safe:

(A) Access for vehicles of average dimensions to and from the parking spaces for which the driveway or alley centerline setback provides access; and

(B) Use of the street or alley by pedestrians and vehicles.

The applicant has demonstrated a reasonable difficulty in meeting the alley centerline setback as the alley curves directly adjacent to the subject property. By placing the garage / garage door at the rear of the property, the applicant meets the alley centerline setback for the majority of the garage door frontage, however due to the curve, it is not met for 3 feet, therefore requiring special exception relief.

The applicant is also requesting relief for garage door height of 7 ft., which as proposed would be less than the 10-foot requirement. The garage is for a single unit dwelling so a proposed height less than 10 feet would be sufficient for a residential garage, and allow for safe vehicular access.

V. OTHER DISTRICT AGENCIES

At Exhibit 25 is a report from DDOT stating no objection to the approval of the application. As of the writing of this report, no comments have been received from any other District agencies.

VI. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 24 is a resolution in support from ANC 3E.

VII. COMMUNITY COMMENTS

At Exhibits 14 and Exhibit 21 are letters of support from nearby property owners.

Location Map:

