

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Shilja Nair and Vijayalakshmi Vellayan**  
**321 Rear Channing Street, NE (Square 3555, Lot 800)**

**I. INTRODUCTION**

This Statement is submitted on behalf of Shilja Nair and Vijayalakshmi Vellayan (collectively referred to as the “**Applicant**”), owners of 321 Rear Channing Street, NE (Square 3555, Lot 800) (the “**Subject Property**”). The Subject Property is located in the R-3 Zone. It is an unimproved alley lot created in 1931 (See Exhibit 13- Lot 800 Creation Date). The Applicant is proposing to convert the lot to a record lot<sup>1</sup> and construct a new, two-story single-family dwelling.

**A. Overview of Relief**

The Zoning Regulations permit alley lot buildings to be used as a residential unit as a matter-of-right so long as the use requirements of U § 600.1(f) are met. Any projects not meeting that criteria may still use an alley lot building for residential purposes, subject to special exception approval pursuant to U § 601.1(f). One of the requirements for a matter-of-right use under U § 600.1(f) is that the alley lot have access to an improved public street either: (A) through an improved alley or alleys twenty-four feet (24 ft.) or more in width; or (B) through an improved alley no less than fifteen feet (15 ft.) in width and within three hundred (300) linear feet of an improved public street.

The alley to the south of the Subject Property is twenty-four feet (24 ft.) and it connects to a series of alleys ranging between 10 feet to 15 feet. It exits onto 4<sup>th</sup> Street within 300 linear feet of the Property. However, as the alley exits to 4<sup>th</sup> Street, it shrinks to below 15 feet (See Pages 8-9 of the Additional Photographs and Maps for Reference for the SurDocs map with alley widths and the Map with linear distance). As the Subject Property cannot meet the matter-of-right access requirements for single-family dwellings on alley lots, it must request special exception approval pursuant to U § 601.1(f) in order to use the Building as a single-family dwelling.

**B. Project Updates and Removal of Parking Relief**

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<sup>1</sup> Permitted as a matter of right pursuant to A-306.3 as the lot was created prior to 1958 and has 1,140 sq. ft. of land area (450 sq. ft. required).

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Originally, the Applicant requested parking relief as it cannot physically fit a parking space on the site. Subtitle C-701.8(b)(1) permits parking on another lot within 600 feet. The Applicant owns a vacant lot within 600 feet, Lot 111, and will therefore use that for parking (See Page 7 of the Additional Photographs and Maps for Reference for the relative location of the space). The Applicant is therefore removing the request for parking relief.

Since the initial filing, the Applicant has also heard from FEMS, which has no objection. The Applicant presented to the ANC on May 20th with no objections. The Property was recently issued an address (321 REAR Channing). Additionally, the Applicant had a tree survey done for the trees near the rear of the lot. Those trees are not heritage trees. At this point, the Applicant has not decided whether to remove the trees but wanted to state on the record that the trees are not heritage trees.

## **II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception relief requested pursuant to X § 901.2 and U § 601.1(f).

## **III. BACKGROUND.**

### **A. Description of the Subject Property and Surrounding Area.**

The Subject Property is located in Square 3555, Lot 800 and is in the R-3 zone district. The Subject Property is an alley lot with 1,140 square feet of land area. Abutting the Subject Property to the north is the rear of 321 Channing Street, NE—a non-alley lot—which is improved with a detached single-family dwelling and owned by the Applicants. Abutting the Subject Property to the south is a vacant alley lot and the abutting alley. Abutting the Subject Property to the west is the rear of 319 Channing—a non-alley lot—which is improved with a single-family row dwelling. Abutting the Subject Property to the east is 2432 4<sup>th</sup> Street, NE—a non-alley lot—which is improved with a single-family dwelling. The Subject Property is approximately the same size as many of the street-facing lots and has nearly three times the required amount of square footage needed for an alley dwelling (450 sq. ft.). There are 31 other alley record lots with frontage on that alley, most of which are smaller than the Subject Property.

### **B. Proposed Project.**

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The Applicant is proposing a 2-story single-family home meeting all by-right requirements for the building envelope for an alley lot in the R-3 zone as follows:

Standard	Required	Proposed
Maximum Height	20 ft., 2 stories including penthouse/railings	19 ft. 11-1/2 inches
Maximum Lot Occupancy	100% permitted	39.7%
North Lot Line (Abutting non-alley lot)	5 ft. setback	8.67 ft setback
East Lot Line (Abutting non-alley lot)	5 ft. setback	5.08 ft.
West Lot Line (Abutting non-alley lot)	5 ft. setback	5.08 ft.
South Lot Line (Abutting alley lot and street lot line)	5 ft./centerline alley (see alley)	5.08 ft.

The Applicant also owns 321 Channing Street, NE—the street-facing lot directly to the north of the Subject Property. As depicted in more detail on Pages 2, 3, and 7 of the Additional Photographs and Maps for Reference, the Applicant is proposing to remove the side porch on 321 Channing Street, NE and create an easement for the benefit of 321 Rear Channing Street, NE. This is not required by any Zoning Regulation for this approval or for use of the alley lot. It is not required by any building code. However, the Applicant wanted to mention it as it may provide an additional level of comfort. FEMS has no objection to the Application with or without the easement and the Property is only 300 linear feet from 4<sup>th</sup> Street. The relief is only needed because the alley narrows to less than 15<sup>th</sup> Street on that side.

**IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.**

**A. Overview.**

Pursuant to Subtitle X § 901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief 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, subject also, in this case, to the specific requirements for relief under U § 601.1(f) of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application.

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See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

**B. General Special Exception Requirements of Subtitle X § 901.2.**

The granting of a special exception in this case “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 Maps ...” (11 DCMR Subtitle X § 901.2).

**1. Special Exception Relief will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.**

The Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Subject Property is located in the R-3 zone; the R-3 zone is intended to permit attached row houses on small lots. The Zoning Regulations also permit the use of alley buildings as single-family dwelling either as a matter-of-right or special exception. Therefore, the proposed use was contemplated by the Zoning Commission and enumerated in the 2016 Zoning Regulations. Accordingly, the proposed Addition and use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

**2. Special Exception Relief will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.**

As described more fully below, the use of the property as a single-family home will also not adversely affect the use of neighboring properties.

**C. Requirements of Subtitle U § 601.1(f)**

In order to use the Building as a single-family dwelling, the Application must meet the criteria for approval under U § 601.1(f):

**(1) The alley lot is not wholly or partially within the R-1-A, R-1-B, or R-2 zones;**

The alley lot is not wholly or partially within the R-1-A, R-1-B, or R-2 Zones.

**(2) A building may not be constructed or converted for a dwelling unit unless the lot is an Alley Record Lot and there is a minimum of four hundred and fifty square feet (450 sq. ft.) of lot area;**

The lot has 1,140 square feet of lot area and the Applicant will convert the lot to a record lot, as is permitted by right, during the permitting process in order to comply with this provision,

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as well as the applicable subdivision regulations under Subtitle C, Chapter 6, and the Building Permit requirements under Subtitle A-301.3.

**(3) The use shall be limited to one (1) dwelling unit per lot; accessory apartments are not permitted;**

The use is limited to one dwelling unit and no accessory apartments are proposed.

**(4) The alley lot connects to an improved public street through an improved alley or system of alleys that provides adequate public safety, and infrastructure availability;**

The lot connects to an improved public street through an improved alley and system of alleys that provides adequate public safety and infrastructure availability. Submitted with this Statement is a letter from FEMS which it states that it has 'no objection' to the Application. The Applicant has also contacted the respective agencies listed in requirement (5), as evidenced by the Agency Outreach Exhibit filed with this Statement.

**(5) The Office of Zoning shall refer to the following agencies for their review and recommendation, if filed to the case record within the forty (40) day period established by Subtitle A § 211: (A) Department of Transportation (DDOT); (B) Department of Public Works (DPW); (C) Metropolitan Police Department (MPD); (D) Fire and Emergency Medical Services Department (FEMS); (E) DC Water (WASA); and (F) If a historic district or historic landmark is involved, the Historic Preservation Office (HPO); and**

The Applicant will comply with anything needed by the Office of Zoning for such referrals.

**(6) The Board of Zoning Adjustment shall consider relevant agency comments concerning: (A) Public safety; (B) Water and sewer services; (C) Waste management; (D) Traffic and parking; (E) Historic preservation.**

The Applicant shall submit or arrange for the submission of agency comments to the official case record. The Applicant has reached out to all agencies listed in requirement (5). Submitted with this Statement is a letter from FEMS which it states that it has 'no objection' to the Application. The Applicant has not heard back from any other agencies.

**V. CONCLUSION.**

For the reasons stated above, this Application meets the requirements for special exception relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

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Respectfully submitted,

*Alexandra Wilson*

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Alexandra Wilson  
Sullivan & Barros, LLP  
Date: May 27, 2025