

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Jay Hariani and Amy Hariani
3800 Harrison Street, NW (Square 1851, Lot 67)

I. INTRODUCTION.

This Statement is submitted on behalf of Jay Hariani and Amy Hariani (collectively, the “**Applicant**”), owners of the property located at 3800 Harrison Street, NW (Square 1851, Lot 67) (the “**Property**”). The Property is located in the R-1B zone and is improved with a detached two-story single-family dwelling (the “**Principal Building**”) and a two-story garage located in the southwest corner of the Property.

The Applicant is proposing an addition (the “**Addition**”) to the side of the Principal Building, which is permitted as a matter-of-right. The Applicant is proposing to demolish the existing two-story garage and construct a new accessory building (the “**Accessory Building**”) which will be used for parking on the first floor and an accessory apartment. Both uses are permitted as a matter of right in this zone subject to the requirements of U-253.

Regarding the required relief, the Accessory Building is located in the “required rear yard” and also the side yard. Therefore, the new Accessory Building requires special exception approval pursuant to D-5201 from the rear yard requirements of D-5004.1(a)¹ and the side yard requirements of D-5005.1.² The garage door of the Proposed Accessory Building will be less than the required 10 ft. in height. Accordingly, the Applicant is also requesting relief from the access height requirements of C-711.7.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901, D-5201, and C-711.11.

III. BACKGROUND.

A. Description of the Subject Property and Surrounding Area.

¹ D-5004.1: An accessory building other than a shed may be located within a rear yard in an R zone provided that the accessory building is: (a) Not in a required rear yard.

² D- 5005.1: An accessory building other than a shed may be located in a side yard in a R zone, provided that it is removed from the side lot line a distance equal to the required side yard and from the principal building a minimum of ten feet (10 ft.).

The Property is located in the R-1B zone district. It is a corner lot measuring 13,178 square feet in land area. Abutting the Property to the north is Harrison Street, NW. Abutting the Property to the east is 38th Street, NW. Abutting the Property to the west is a public alley. Abutting the Property to the south is 3801 Gramercy Street, NW which is improved with a detached single-family dwelling and an accessory building in its northwest corner, near the Applicant's existing and proposed Accessory Building. The area is characterized primarily by detached single-family dwellings, many of which have accessory buildings located in side yards and required rear yards.

B. Proposed Project.

The Applicant is proposing an addition to the side of the Principal Building, which is permitted as a matter-of-right. The Applicant is proposing to demolish the existing accessory building and construct a new Accessory Building in that same southwest corner. The new Accessory Building will generally be located in the same area and will be approximately the same square footage, however it will be extended towards the Principal Building. The new matter-of-right addition to the Principal Structure creates a scenario where the Accessory Building is now technically located in a side yard, as well as required rear yard.

The new Accessory Building will have room for two cars on its first floor, in addition to a gym and bathroom. Bike storage will also be available. The upstairs will house one bedroom and a kitchen and living area. Overall, the footprint will be 776 square feet, which is less than 30% of the required rear yard area and therefore permitted as a matter of right.

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 D-5201 and C-711.11 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.

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.

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

The granting of the special exception 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-1B zone; the purpose of the R-1B zone is “to provide for areas predominantly developed with detached houses on moderately sized lots.” The Property will remain a detached single-family dwelling. The proposed Accessory Building meets all other development standards for accessory buildings in the R-1B zone, including the limitation on maximum building area and height and story limits. Accordingly, the proposed Accessory Building will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. The granting of the special exception will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

The granting of the special exception will also not tend to adversely affect the use of neighboring properties, as described below.

C. Specific Special Exception Requirements of Subtitle D § 5201.

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 proposal is to rebuild an existing two-story garage at the rear of the Property. The new Accessory Building itself conforms to the accessory building bulk requirements in that it meets the height limit, and the building area limit. Further, it is located in the southwest corner of the property, abutting an alley, and primarily facing the Applicant's own property. The only adjoining neighbor has an accessory building located in the northwest corner of the yard. Accordingly, the proposed Accessory Building shall 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;

No roof decks are proposed on the Accessory Building and no windows face the only directly adjoining property. Accordingly, the privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

(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;

The Accessory Building will not be visible from Harrison Street. There is already an existing garage that is effectively being replaced, and there are a number of accessory buildings along the alley located in required rear yards and side yards. Accordingly, the proposal shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage.

D. Specific Special Exception Requirements of Subtitle C § 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. The Applicant is asking for relief from the apparent 10-foot door height requirement and 12-foot alley centerline setback requirement of C-711.7. Counsel for the Applicant understands that virtually no residential garage has a door height of ten feet, and therefore does not understand the purpose of this requirement, nor what should be provided to satisfy the conditions of the requirement beyond the general special exception criteria. Regarding the setback requirement of this provision, only a 3-foot horizontal portion of the garage door needs relief. The rest of the garage door is adequately setback given it faces the very wide curved portion of the alley.

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.

Respectfully submitted,

Applicant's Statement
3800 Harrison Street, NW

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