

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Statement of Shilja Nair and Vijayalakshmi Vellayan
Property Located in Square 3555, Lot 800

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of Shilja Nair and Vijayalakshmi Vellayan (collectively referred to as the “**Applicant**”), owners of the property located in 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- Lot 800 Creation Date). The Applicant is proposing to convert the lot to a record lot (permitted as a matter of right as the lot was created prior to 1958) and construct a new, two-story single-family dwelling.

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. As the alleys exit to the respective bounding streets, they all shrink to below 15 feet. As the 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. Additionally, as described in more detail below, the Applicant also seeks special exception approval to have zero parking spaces where one is required.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to U § 601.1(f) and C § 703.2.

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 4th Street, NE—a non-alley lot—which is improved with a single-family dwelling. There are 31 other alley record lots with frontage on that alley—many of which are smaller than the subject property.

B. Proposed Project.

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.

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) and C § 703.2 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.

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,

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.

(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. If no agency submission occurs, the Applicant will instead describe any communications with relevant agencies.

D. Special Exception Requirements of Subtitle C-703.2.

As described below, under (a), the Applicant is unable to physically provide parking without compromising pedestrian access to the alley. Accordingly, the Applicant is requesting special exception relief for six parking spaces pursuant to C § 703.2.

Section 703.2 “The Board of Zoning Adjustment may grant a full or partial reduction in number of required parking spaces, subject to the general special exception requirements of Subtitle X, and the applicant’s demonstration of at least one (1) of the following:

The Applicant is only required to satisfy one of the considerations under C § 703.2. The information below includes the section that most safely applies to this subject Property and Application.

(a) Due to the physical constraints of the property, the required parking spaces cannot be provided either on the lot or within six hundred feet (600 ft.) of the lot in accordance with Subtitle C § 701.8;

The property abuts non-alley lots on the north, east, and west, requiring 5 ft. setbacks from those lots. The remaining side, the south side, is the only side with alley access for parking and requires a setback. Additionally, it has only about 8 feet of alley access. These constraints limit the proposed building footprint to about 450 sq. ft. by right and the location. Given the property size and configuration, the required setbacks, the available building location, and the available pedestrian access to the alley, the Applicant is unable to physically provide parking on the lot or within 600 feet of the lot, as all other properties have private parking unavailable for rent.

(b) The use or structure is particularly well served by mass transit, shared vehicle, or bicycle facilities;

The Property is well served by mass transit. The Property is located extremely close to bus stops on 4th Street which have stops for the D8 and G8 bus lines. The G8 bus line is considered a “Priority Corridor Network Metrobus Route” and travels along Rhode Island Avenue. The Property is also located about 0.4 mi. from the Rhode Island Metro Station.

(c) Land use or transportation characteristics of the neighborhood minimize the need for required parking spaces;

As described directly above in (b), the Property is well-served by transportation and is located two blocks north of Rhode Island Avenue, a major thoroughfare in the District. Additionally, the Property has a Walk Score of 84 and is considered a “Very Walkable”, as well as a BikeScore of 94—a “Biker’s Paradise.” This means that most errands can be accomplished on foot, and daily errands can be accomplished on a bike. This is further enforced by the Property’s location relative to coffee shops, bars/restaurants, parks, a shopping center, a sports complex, art installations, dog parks and other recreation. Accordingly, the characteristics of the neighborhood minimize the need for the required parking spaces.

Section C-703.3 Any reduction in the required number of parking spaces shall be only for the amount that the applicant is physically unable to provide, and shall be proportionate to the reduction in parking demand demonstrated by the applicant.

The reduction in the required number of parking spaces (one space) is only for the amount the applicant is physically unable to provide. Regarding demand for parking, as discussed above, the Applicant anticipates that the transportation characteristics and amenities in the neighborhood will bring patrons without cars.

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,

Alexandra Wilson

Alexandra Wilson
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