

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

**Applicant's Statement of Ehsan Jazini**  
**3546 Whitehaven Parkway, NW (Square 1296, Lot 384)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Ehsan Jazini (the “**Applicant**”), owner of 3546 Whitehaven Parkway, NW (Square 1296, Lot 384) (the “**Property**”). The Property is located in the R-3/GT zone and is improved with a two-story + cellar single-family row dwelling (the “**Building**”) and one-story garage (the “**Garage**”) located at the rear of the property.

The Applicant is proposing an addition to the Building, for which the Applicant is seeking 10-foot rule relief from the rear yard requirements of D-207.5, as well as the lot occupancy requirements of D-210 pursuant to D-5201(a)-(c). The Applicant is also proposing to construct a new accessory building at the rear of the Property, which will, as of this writing, require relief from the rear yard requirements of D-5004.1(a). The Applicant proposes to use the second story of the accessory building as an accessory apartment, which requires special exception relief pursuant to U-253.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901.2, D-5201, and U-253.

**III. DESCRIPTION OF THE PROPERTY & THE PROPOSED PROJECT.**

The Property is located in the R-3/GT zone district. It is an interior lot measuring 2,549 square feet in land area. Abutting the Property to the north is Whitehaven Parkway. Abutting the Property to the west is 3548 Whitehaven Parkway. Abutting the Property to the east is 3544 Whitehaven Parkway. Abutting the Property to the south is the alley.

The Applicant proposes to construct a rear addition to the Building (the “**Addition**”) that will extend the structure toward the rear lot line at varying amounts on each level. The Addition will begin at the cellar and first floor levels, which will be vertically aligned. At the first floor, the Addition will extend 20 ft. beyond the rear wall of the adjacent property to the east and 14 ft. beyond the rear wall of the adjacent property to the west. A screened porch is also proposed at the first floor, which will extend an additional 10 ft. toward the rear lot line. At the second floor, the Addition will project 16 ft. beyond the rear wall of the adjacent property to the east and 10 ft.

beyond the adjacent property to the west. A new third story is also proposed as part of the Addition, which will extend 10 ft. beyond the rear wall of the property to the east and 4 ft. beyond the property to the west, which is permitted as a matter of right. A first-floor deck is also included in the proposal.

The Applicant also proposes to construct a new garage with an accessory apartment (the “**Proposed Accessory Building**”), which will be located in the required rear yard. Collectively, the Addition and Proposed Accessory Building will increase the total lot occupancy to 62.9% where a maximum of 60% is allowed by right.

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

##### **A. General Special Exception Requirements of Subtitle X § 901.2.**

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 of the Zoning Regulations.

##### **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 proposed Addition is still within the other bulk and density requirements of the R-3/GT zone, including the rear yard and height requirements. Accordingly, the proposed Addition 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 more fully below.

##### **B. Specific Special Exception Requirements of Subtitle D- 5201.**

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).

The Applicant is seeking relief in order to extend the Building 20 feet beyond the rear wall of the adjoining building to the east (30 feet including the proposed screen porch) and 14 feet beyond the rear wall of the adjoining building to the west (24 feet including the proposed screen porch) pursuant to D-5201.4(a)-(c).

**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 Addition shall not unduly affect the light and air available to neighboring properties, primarily because of the scale of structures on surrounding properties, as well as the design which steps back on each level so that the top story is matter-of-right. The Applicant will provide a shadow study.

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

The proposed Addition shall not unduly compromise the privacy of use and enjoyment of neighboring properties as there are no east or west facing windows. As shown in the photos, the adjacent property to the west has a large retaining wall that will maintain the privacy between the two properties.

**(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;**

There are similar third-story additions on this block of Whitehaven Parkway, including 3550 Whitehaven, only 2 doors to the west of the Property. The Addition is designed to blend with the character of the existing building and the houses as viewed from the street. The requested relief

will also not substantially visually intrude upon the character, scale, and pattern of the houses as viewed from the alley. The Proposed Accessory Building meets the bulk and height requirements of this zone and is in character and scale with other accessory buildings on this alley.

**C. Specific Special Exception Requirements of U-253**

**U-253.4: In the R-19 or R-3/GT zone, an accessory apartment shall be permitted as a special exception in either a principal dwelling or an accessory building if approved by the Board of Zoning Adjustment, subject to the provisions of this section.**

**U-253.5: Either the principal dwelling or accessory apartment unit shall be owner occupied for the duration of the accessory apartment use.**

The principal dwelling unit or the accessory apartment will be owner-occupied for the duration of the accessory apartment use.

**U-253.6: The total number of persons that may occupy the accessory apartment shall not exceed three (3), except in the R-19 or R-3/GT zone where the aggregate number of persons that may occupy the house, including the principal dwelling and the accessory apartment combined, shall not exceed six (6).**

The total number of persons that occupy the accessory apartment will not exceed six persons, including the principal dwelling and accessory apartment combined.

**U-253.7: N/A, as this provision only applies to accessory apartments located in a principal building.**

**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,

*Martin P Sullivan*

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