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Special Exception and Variances for 1665 Harvard St

Resolved, that ANC1D advises the Board of Zoning Adjustment to deny the Special Exceptions and variances requested for 1665 Harvard St NW, Case 19629.

Why: This Commission respects the value of alley apartment dwellings, and has no intrinsic objection to them. However, this particular application entails three exceptional conditions:

- (1) The lot area available for the structure is very small, so small that three Special Exceptions are needed to permit a structure of practical size;
- (2) The lot is at the top of a steep slope, causing even a 20-foot-tall structure to be taller than the adjacent row of row houses; and
- (3) The location is not at the alley end of a lot owned by the applicant, but is at the rear of a neighbor's lot, 1701 Harvard Street.

These Special Exceptions may be granted only if each "will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps". In this case, the "neighboring property" is the immediately adjacent row house, where one would ordinarily find the owner of the alley apartment, but here one finds a neighbor with no interest in this alley apartment. Because of the small dimensions of the lot, the proximate wall of this alley apartment will be only 20 feet from the neighbor's windows. Because of the steep slope, the proximate wall of this alley apartment will lie at the level of the third-floor windows of the row house and rival the massing of 1701 Harvard from the north elevation.

It is evident, from the opinions expressed by the occupants of 1701 Harvard, that this will be a substantial imposition on their quality of life, because it will be so close to their rear wall, and because it will tower over their back yard, and their house. This is not what the Zoning Commission had in mind when it relaxed the zoning regulations to permit alley dwellings, and the extraordinary nature of this odd-shaped lot makes it a special case. If the alley apartment was being built directly behind the applicant's row house, this situation would be very different. But the "neighboring property" in this case is where one would ordinarily find the principal dwelling of the lot, owned by the applicant, who might be willing to tolerate these consequences. But here the immediately adjacent structure is owned by a neighbor, and they have made their unhappiness with this proposal very clear.

This Commission observes, therefore, that the granting of these Special Exceptions will in fact cause significant degradation of the use of the neighboring property, in this case, 1701 Harvard Street, and so should be denied.

Passed by 5 to 0 vote at the legally noticed, public meeting of ANC1D on October 24, 2017, with a quorum present. Voting "yes": Commissioners Stewart, Romero-Latin, Karrer, Karaffa, McKay. A quorum for this commission is three; five commissioners were present.