

**Burden of Proof
Special Exception Application**

216 7th Street NE

To: The Office of Zoning
Government of the District of Columbia
Suite 210 South
441 4th Street, NW
Washington DC 20001

From: Rick and Alexis Juneja
Owner/Applicants
216 7th Street NE
Washington, DC 20002

Date: January 12, 2012

Subject : BZA Application, Juneja Garage
216 7th Street NE (Square 865, Lot 88)

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18347

EXHIBIT NO. 4

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Rick and Alexis Juneja, owner occupants of 216 7th Street NE, hereby apply for a special exception to build a one-story garage on the rear of their property. The aspects of the proposed project that fall outside the current zoning regulation are as follows:

The proposed construction increases the lot occupancy from 1131.8 SF (62.4%) to 1221.2 SF (67.3%), which is 7.3% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 4.9% above the existing lot occupancy. The rear setback will remain more than the required 20' minimum.

Currently, the existing lot also is non-conforming to 11 DCMR 2001.3 (addition to a non-conforming structure).

I. Summary:

- A.** This special exception qualifies under 11 DCMR Section 223 because the lot occupancy does not exceed 70% (11 DCMR 223.3), and the garage will not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property (11 DCMR 223.2).
- B.** The existing first floor rear deck will be demolished and the proposed garage will be set back 12'-0" from the centerline of the alley.
- C.** The proposed structure will be similar in size and style to the existing garages on the alley and in the vicinity.

II. Bases for Grant of Special Exception

Section 223 provides relief based on satisfying specific criteria under which additions to single-family dwellings may be permitted with a residential district. Those criteria are addressed separately below:

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223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, that does not comply with all of the applicable area requirements of §§ 401, 403, 404, 405, 406 and 2001.3 shall be permitted as a special exception If approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The one-story garage is to be an accessory structure to a permitted single-family residence that is currently not in conformance with Section 403.2 (lot occupancy). The proposed garage will be on the rear (western) portion of the lot. The existing house has a lot occupancy of 62.4% (including the deck) which will be increased to 67.3% with the demolition of the existing deck and addition of the proposed garage. This is a 7.3% increase over the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district, 4.9% over the current footprint of the residence, but it is below the 70% allowed by Section 223.3 as a special exception.

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected.

214 7th Street NE

214 7th Street NE lies to the south of the proposed garage at 216 7th Street. 214 7th Street NE has a very small backyard and the proposed garage will be 10'-4.5" north of the shared property line. 214 7th Street does not have any windows on the side and any shadows cast by the proposed garage will not reach the rear windows of the house. Thus proposed garage at 216 7th Street NE will have minimal impact on the light and air available to 214 7th Street NE.

218 7th Street NE

218 7th Street NE lies to the north of the proposed garage at 216 7th Street NE. 218 7th Street has a one-story garage on the north side of the property. The proposed garage at 216 7th Street may minimally impact the light and air available to the rear yard of 218 7th Street, however it will not substantially impact the light and air available to the house.

Neighbors to the West

Directly west of 216 7th Street NE is a five-story apartment building facing Massachusetts Avenue. The apartment building is separated from the proposed garage by a 16' wide public alley. Additionally, the proposed garage is set back an additional 4'-0" from the center of the rear property line. Given the distance between the proposed garage and the apartment building, and the size of the apartment building, the proposed garage will not impact the light and air available to the neighbors to the west.

The five houses on Massachusetts Avenue that lie to the east of the apartment building have existing garages that are the same size and style as the proposed garage. The proposed garage is approximately 70' from the rear walls of these houses, thus there will be no impact on the light and air enjoyed by the occupants.

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

214 7th Street NE

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors to the south. The garage is not intended to be inhabited, thus there will be no decrease in privacy enjoyed by 214 7th Street. There are no windows on the garage and the proposed door for the south wall of the garage is 10'-4.5" from the shared property line. Additionally, many of the houses to the north and south of 214 7th Street also have one-story garages, so the views of the back garden will be similar to those currently available. The proposed garage at 216 7th Street NE will be similar in style and scale to the existing garages on the alley.

218 7th Street NE

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors to the north. The garage is not intended to be inhabited, thus there will be no decrease in privacy enjoyed by 218 7th Street. There are no windows on the side that abuts the shared property line. Additionally, many of the houses to the north and south of 214 7th Street also have one-story garages, so the views of the back garden will be similar to those currently available. The proposed garage at 216 7th Street NE will be similar in style and scale to the existing garages on the alley.

Neighbors to the West

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors to the west. The proposed garage is separated from the neighbors to the west by a 16' public alley. Additionally, many of the single-family dwellings also have one-story garages facing the alley, so the views from the apartment building will be similar to those currently available. The proposed garage at 216 7th Street NE will be similar in style and scale to the existing garages on the alley.

(c) The addition, together with the original building, as viewed from the street, alley, or other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage

The existing square is extremely dense and the majority of single-family homes have rear garages abutting the alley. The garage will be built in the same style as other garages in the alley and in the neighborhood, and to a similar scale. The garage will not be visible from the front of the house.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

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Along with this application, we have included the following items:

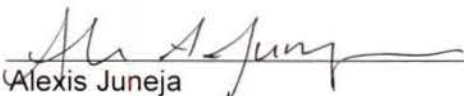
- a) Photos of the existing house and surroundings;
- b) Signatures of support from neighbors for a rear addition;
- c) Plan and elevation drawings of proposed garage, including a site plan showing the relationship of the proposed garage to adjacent buildings.
- d) Official Plat from the DC Office of the Surveyor.

If you require any further clarification or have any questions regarding the application, we, as well as our authorized agent Jennifer Fowler, A.I.A., are available at any time to discuss them with you.

Thank you,



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