

**Burden of Proof  
Special Exception Application**

**119 12<sup>th</sup> Street SE**

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

**From: Jonas Stiklorius**  
Owner/Applicant  
119 12th Street SE  
Washington, DC 20003

**Date:** July 29, 2013

**Subject : BZA Application, Stiklorius Garage**  
119 12<sup>th</sup> Street SE (Square 989, Lot 50)

**BOARD OF ZONING ADJUSTMENT**  
District of Columbia  
CASE NO. 18643  
EXHIBIT NO. 4

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Jonas Stiklorius, owner of 119 12<sup>th</sup> Street SE, hereby applies for a special exception to build a one story garage on the rear of his property. The aspect of the proposed project that falls outside the current zoning regulation is as follows:

*The existing house is currently non-conforming for lot occupancy as it is over the 60% allowed by-right. The proposed construction increases the lot occupancy from 1315.5 SF (62%) to 1480.5 SF (70%), which is 10% over the allowed lot occupancy for a row house in the R-4 zoning district (11 DCMR 403.2), and 8% above the existing lot occupancy*

**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 covered porch on the rear of the property will be converted to a deck (less than 4'-0" above the grade at the rear yard) with a trellis above.
- 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:

*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)

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portion of the lot. The existing house has a lot occupancy of 62%. The existing covered porch will be converted to a trellis to allow for a larger garage. The proposed lot occupancy will be increased to 70% with the addition of the proposed garage and removal of the porch roof. This is a 10% increase over the matter-of-right lot occupancy for a row dwelling allowed in the R-4 district, 8% over the current footprint of the residence, and reaches the 70% allowed by Section 223.3 as a special exception.

*223.2 The addition shall not have a substantially adverse effect 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.***

#### **117 12<sup>th</sup> Street SE**

117 12<sup>th</sup> Street SE lies to the north of 119 12<sup>th</sup> Street SE. The house at 117 12<sup>th</sup> Street SE is separated from the existing house and proposed garage at 119 12<sup>th</sup> Street by a 30' wide public alley. Additionally, the proposed garage at 119 12<sup>th</sup> Street is located southwest of the rear of 117 12<sup>th</sup> Street SE. Given the size of the existing public alley, any shadows cast by the proposed garage will not reach the rear or side windows of the house at 117 12<sup>th</sup> Street. The proposed garage at 119 12<sup>th</sup> Street SE will not impact the light and air available to 117 12<sup>th</sup> Street SE.

#### **121 12<sup>th</sup> Street SE**

121 12<sup>th</sup> Street SE is a large apartment building that lies to the south of the proposed garage at 119 12<sup>th</sup> Street SE. The proposed garage at 119 12<sup>th</sup> Street will be north of the shared property line with a face-on-line wall. However, the existing apartment building at 121 12<sup>th</sup> Street SE is set back approximately 13'-6" from the shared property line. The proposed garage at 119 12<sup>th</sup> Street may minimally impact the light and air available to the side yard of 121 12<sup>th</sup> Street, however it will not substantially impact the light and air available to the building.

#### **Neighbors to the West**

West of 119 12<sup>th</sup> Street SE are the rear yards and garages of additional rowhouses. The rear yards are separated from the proposed garage by a 30' wide public alley. Given the distance between the proposed garage and the rowhouses across the alley, the proposed garage will not impact the light and air available to the neighbors to the east.

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

#### **117 12<sup>th</sup> Street SE**

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors at 117 12<sup>th</sup> Street SE. The garage will not be inhabited, thus there will be no decrease in privacy enjoyed by 117 12<sup>th</sup> Street. While the garage entry is along the north side of the garage, there will be no windows on that side of the garage. The lack of windows and the width of the existing alley will prohibit any views into the rear yard at 117 12<sup>th</sup> Street. Additionally, the proposed garage at 119 12<sup>th</sup> Street will be similar in style and scale to the existing garages on the alley.

#### **121 12<sup>th</sup> Street SE**

The proposed garage will not unduly compromise the privacy or enjoyment of neighbors at 121 12<sup>th</sup> Street SE. The garage will not be inhabited, thus there will be no decrease in privacy enjoyed by 121 12<sup>th</sup> Street. There are no windows along the south side of the garage and the existing fence will remain along the shared property line, thus prohibiting any views into the side yard at 121 12<sup>th</sup> Street.

Additionally, the proposed garage at 119 12<sup>th</sup> Street 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 30' public alley. The large public alley, along with the existing garages and rear yards of the existing rowhouses to the west, allow for adequate distance between the houses and the proposed garage. Therefore, the proposed garage at 119 12<sup>th</sup> Street will not affect the privacy of the houses to the west. The proposed garage at 119 12<sup>th</sup> Street SE 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 many of the 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.***

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 addition, including a site plan showing the relationship of the proposed addition 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 are available at any time to discuss them with you.

Thank you,



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