Form 121 – Side 2
(Revised 03/15/02)

Case No._____

APPLICANT'S BURDEN OF PROOF FOR VARIANCE AND SPECIAL EXCEPTION APPLICATIONS

Subsection 3104.1:

Pursuant to authority contained in the Zoning Act, the Board is authorized to grant special exceptions, as provided in this Title, where, in the judgment of the Board, those special exceptions 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 Maps, subject in each case to the special conditions specified in Title 11 DCMR.

In addressing these standards the applicant must address the following:

☐ 1). How the proposed special exception will be consistent with the general intent and purpose of the Zoning Regulations and Map; and

☐ 2). How allowing the use will not adversely affect the use of the neighboring property – ie. traffic, noise, lighting, etc.

SEE ATTACHED SHEETS

In addition, as all special exceptions are of a specific type, each type is represented in a certain section of the Zoning Regulations. Section 3104.1 sets forth the general standards that must be met for all types of special exception relief, while the other provisions cited in the Zoning Administrator's memorandum detail the remaining standards that must be met.

For example, a special exception for a private school in a residential district involves two Sections of the Zoning Regulations – 3104.1 (regulating special exceptions in general) and 206 (regulating private schools). To meet the burden of proof one would provide evidence to address the general standards of Section 3104.1, as well as the more specific standards of 206. Beware the provisions sometimes overlap, but generally one would prepare their case as follows:

SEE ATTACHED SHEETS

☐ 1). **206.1 - Refers applicant to 3104.1**
Indicate how granting a special exception for the private school will be in harmony with the general purpose and intent of the Zoning Regulations; and present evidence demonstrating that the private school will not tend to adversely affect the use of the neighboring property.

☐ 2). **206.2**
Indicate how the location of the private school will not be objectionable to adjoining and nearby property because of noise, traffic, number of students or otherwise objectionable conditions;

☐ 3). **206.3**
Indicate the number of parking spaces being provided and whether the required number of spaces will be provided.

If relief is being sought for a special exception and a variance, be sure to address all of the applicable special exception provisions, then address the variance standards for each variance.

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Case No. 16978
Exhibit No. 4

NOTE:
For further information on the Board of Zoning Adjustment public hearing process, please visit the Office of Zoning website at http://www.dcoz.dc.gov. All applications are referred for review and recommendation to the D.C. Office of Planning (OP) and the Advisory Neighborhood Commission within which the affected property is located. Their reports are given "great weight" in the BZA decision-making process. Applicants are strongly recommended, at the time of filing a Form 120 application, to make contact with these agencies to discuss the merits of their application. OP can be reached at (202) 442-7600.

Board of Zoning Adjustment
District of Columbia
CASE NO. 16978
EXHIBIT NO. 4

Junge Residence
1356 North Carolina Avenue NE
Application Answers, Form 121 continued:

Form 121-Side 2, Item #2. How allowing this use will not adversely affect the use of the neighboring property.

The approval of this Special Exception application will not adversely affect the use of neighboring property because:

- The design and construction of this proposed addition will be in keeping with the historic context of the surrounding neighborhood. Conceptual design approval from the Historic Preservation Office is pending.
- The proposed addition will be limited to 1 story, therefore minimizing the affect on the adjoining open court (dogleg) of the neighbor abutting to the West.
- The existing 4 ft. wide open court is not functional. It is also not used as a means of egress.
- The proposed addition will not extend beyond the existing rear façade of the house, which, in-turn does not extend beyond the rear façades of the abutting properties to the East and West. The rear yard setback thus remains the same as that of the abutting neighbors. The existing rear yard is maintained.

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Junge Residence
1356 North Carolina Avenue NE
Lot 102, Square 1034
Special Exception Application

Application Answers, Form 121:

Form 121-Side 2, Item #1. How proposed special exception will be consistent with the general intent and purpose of the Zoning regs and Map:

Special Exception 223 allows the owner of a property in the R-3, R-4 and R-5 districts to increase their lot coverage up to 70%, provided this increase does not adversely affect the neighborhood, and subject to review by the Board of Zoning Appeals.

- This property is located in the R-4 district.
- The design and construction of this proposed addition will be in keeping with the historic context of the surrounding neighborhood.
- The proposed addition to the property will fill in an existing open court at the rear of the house and is therefore not visible from North Carolina Ave. NE.
- There is no alley at the rear of the house from which to view the addition.
- The general intent of Special Exception 223 is to allow the owner of an undersized property the option to expand the property to be in keeping with modern standards of living. The proposed addition will allow this property a much needed second bath, a laundry room and a modern kitchen.
- As there is no basement at this property, all storage and laundry space must be accommodated by the 2 existing floors.

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Junge Residence
1356 North Carolina Avenue NE
Application Answers, Form 121 continued:

Form 121 Side 2. Specific Special Exceptions Cited:
3104 Special Exceptions.
3104.1 The Board is authorized…to grant special exceptions, as provided in this title, where, in the judgment of the Board, the special exceptions 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 Map subject in each case to the special conditions specified in this title, as follows: (Cites Section 223, applying to additions to one family dwellings in any R District.)
223 Additions to One-Family Dwellings or Flats
223.1 A Special Exception is necessary for an addition at this property because the property does not currently comply with 403.2, 60% maximum lot coverage.
223.2 The addition shall not have a substantially adverse affect on the use of any abutting or adjacent dwelling or property, in particular:
a) The light and air available to neighboring properties shall not be unduly affected.

- The proposed addition will be limited to 1 story, therefore minimizing the affect on the open court (dogleg) of the neighbor abutting to the West.
- The proposed addition will not extend beyond the existing rear façade of the house, which, in-turn does not extend beyond the rear façades of the abutting properties to the East and West. The rear yard setback thus remains the same as that of the abutting neighbors.

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Junge Residence
1356 North Carolina Avenue NE
Application Answers, Form 121 continued:

b) The privacy of use and enjoyment of neighboring properties shall not be unduly comprised.

- The existing 4 ft. wide open court is not functional. It is also not used as a means of egress.

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

- The proposed addition to the property is at the rear open court (dogleg) of the house and is therefore not visible from North Carolina Ave. NE.
- There is no alley at the rear of the house from which to view the proposed addition.
- The design and construction of this proposed addition will be in keeping with the historic context of the surrounding neighborhood. Conceptual Design Approval is pending from the Historic Preservation Office.

223.3 The lot occupancy of the dwelling, together with the addition, will not exceed 70%.
Note: Because the current open court (dogleg) is 4 feet wide, the area of the dogleg is included in the calculation of lot coverage, thus the lot coverage with the proposed addition will remain the same as the existing at 70%.

223.4 The project has been submitted to the Historic Preservation Office for conceptual design review.

223.5 The property is a row dwelling in an R-4 zone. The proposed addition will not introduce, or be an expansion of, a nonconforming use.

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