

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12546 of R. Bruce and Judith A. Harvey, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) to permit an open deck as a rear addition in the R-3 District at the premises 2435 - 39th Place, N.W., (Square 1810, Lot 160).

HEARING DATE: December 21, 1977

DECISION DATE: January 4, 1978

FINDINGS OF FACT:

1. The subject property is located at 2435 39th Place, N.W. and is in an R-3 District.

2. The subject lot has an area of 1,512 square feet and is improved with a two story row house. The subject row house, as well as those adjoining, are on substandard lots with twenty foot rear yards.

3. The rear portion of the subject building has an existing second story deck enclosed by an iron railing. Beneath the deck on the ground level is the entrance to an in-house garage.

4. The rear portions of the row houses adjoining the subject lot consist predominantly of second story wood staircases which lead to the ground level. Some of the dwellings have small second story porches and one dwelling to the immediate east of the subject property at 2433 39th Place has a small porch which projects out approximately five feet. On the opposite side of the alley at 2450 39th Street there is a conspicuously large redwood rear deck which the proposed deck will resemble in color and building material.

5. The applicant proposes to replace the existing second story rear deck which measures four feet by eighteen feet with a deck measuring ten feet by eighteen feet and which will consist of redwood floors, balusters, railings and stairways.

6. The proposed one hundred eighty square foot deck projects ten feet into and above the required twenty foot rear yard. A ten foot rear yard variance is necessary.

7. There was no opposition to the application. There are letters on file approving of the application from neighbors whose residences are in close proximity to the subject site.

8. ANC - 3B filed no recommendation on the application.

9. The MPO, by report dated December 15, 1977, recommended approval of the application, stating in part that "it is not anticipated that the same would substantially detriment the public good, the neighborhood, or impair the intent, purpose and integrity of the R-3 District."

CONCLUSIONS OF LAW

Many of the homes in the immediate area of the subject property have decks. There are many letters from these neighbors in support of the proposed deck. Although the subject deck would be a conspicuous addition when compared to the porches, decks and stairways of the adjoining residences the Board is of the opinion that the subject variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 5-0 (Chloethiel Woodard Smith, Charles R. Norris, Walter B. Lewis and Leonard L. McCants to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____

Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

2 FEB 1978

Order No. 12546

Page 3

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.