

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12557 of Maria Laquer, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) to allow construction of a deck in the side yard of a dwelling which is a non-conforming structure in the R-2 District of the premises 5211 Chevy Chase Parkway, N.W., (Square 1989, Lot 124).

HEARING DATE: February 15, 1978
DECISION DATE: February 15, 1978 (Bench Decision)

FINDINGS OF FACT

1. At the public hearing the Board, for good cause shown, waived the requirements of Section 3.33 of the Supplemental Rules of Practice and Procedure pertaining to the untimely filing of an affidavit of posting of the property.
2. The subject property is located on the southeast side of Chevy Chase Parkway between Connecticut Avenue and Ingomar Place N.W. and is in an R-2 District. The application form, the memorandum from the Zoning Regulations Division, Department of Housing and Community Development, and the advertised notice incorrectly stated the zone as R-1-B.
3. The subject lot is 4,681 square feet in area and is improved with a semi-detached two-story brick residence.
4. On the northeast side of the dwelling is a small porch and stairway which leads to the rear yard. Attached to the rear of the dwelling is an existing deck with an approximate area of 181 square feet. The depth of the rear yard is approximately eighty-one feet.
5. The subject property is abutted on the southwest by a two story semi-detached dwelling. There are other such dwellings and community houses in the area.
6. The applicant seeks permission to construct a deck in the side yard of the subject dwelling. This wooden addition will serve as an open porch and it will also provide a side entrance to the residence.

7. The side yard where the addition is to be constructed is 9.83 feet in width. The new addition will be five feet by twelve feet and will thus leave a side yard of 4.83 feet. A variance of 3.17 feet is required. Within the 4.83 foot side yard existing steps lead down to the side and rear yards of the dwelling.

8. There was opposition on file by residents of 5213 and 5215 Chevy Chase Parkway, N.W. on the grounds that the open side of the house should remain open for aesthetic purposes and on the grounds that the addition will interfere with the privacy of the adjoining lot. The Board finds that direct aesthetic considerations are not matters to be relied upon in deciding cases. The Board further finds that the side yard is located behind a brick wall, that the deck will not be visible from the street, and that the deck will not interfere with reasonable use of adjoining property.

9. The Municipal Planning Office, by report dated January 12, 1978, recommended that the application be approved on the grounds that the size, design and location of the proposed addition would not adversely affect the adjoining residences.

10. Advisory Neighborhood Commission 3G filed no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the requested construction is minimal, and that to deprive the applicant of the requested variance would create the required practical difficulty.

The Board concludes that the 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: 4-0 (John G. Parsons, Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to grant, Leonard L. McCants not present, not voting).

Application No. 12557
Page 2

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

ATTESTED By: 
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 3 MAR 1978

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.