

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12627 of Philip and Margaret Dieffenbach, 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 permit a deck as a rear addition in the R-1-B District at the premises 3003 - 34th Street, N.W., (Square 2098, Lot 14).

HEARING DATE: April 19, 1978

DECISION DATE: April 19, 1978 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District on the east side of 34th Street, N.W., between Klinge and Woodley Roads.

2. The subject property is presently improved with a two story and basement row dwelling.

3. The applicant proposes the addition of a rear deck twelve feet by twenty-two feet, extending eight feet above ground level.

4. The R-1-B zone requires a minimum side yard of eight feet. The applicant proposes to provide no side yard. Thus a variance of eight feet is required.

5. The structure was built prior to the adoption of the present Zoning Regulations and is a row type dwelling with no side yards provided for the present building.

6. The deck would be located in a court of the present house, and the main part of the deck would extend no further than the rear of the present house. There would be steps extending back toward the rear of the lot from the deck to the ground level.

7. There was support for this application from the abutting property owners on both sides.

8. Advisory Neighborhood Commission 3C by report dated April 4, 1978 expressed no opposition to this application because they were unaware of any opposition from nearby property owners.

9. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION

Based on the above findings of fact and the evidence of 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 notes that the house was built prior to the adoption of the Zoning Regulations as a row type structure with no side yard, and that the applicant proposes only to build in an existing court. The Board concludes that the width of the lot and the location of the house on the lot combine to create a practical difficulty as intended by the Zoning Regulations. Based on the support of abutting property owners, the Board further concludes that the granting of this application would not create any adverse affect on the use of neighboring or nearby properties. Accordingly, it is ORDERED that this application is hereby GRANTED.

VOTE: 4-0 (Chloethiel Woodard Smith, Charles R. Norris, William F. McIntosh and Leonard L. McCants to grant).

DATE OF FINAL ORDER: 21 APR 1978

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

ATTESTED BY:



STEVEN E. SHER
Executive Director

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.