

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13316, of John Hechinger, Jr., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) for a proposed rear deck addition to an existing dwelling in an R-1-B District at the premises 3811 Jocelyn Street, N. W., (Square 1856, Lot 53).

HEARING DATE: July 30, 1980

DECISION DATE: July 30, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of Jocelyn Street, between 38th and 39th Street, N. W. and is known as 3811 Jocelyn Street, N. W. It is in an R-1-B District.

2. The site is presently developed with a three story and basement brick structure.

3. The applicant proposes to construct an open, wood, rear deck at the first floor level.

4. The area is developed with single family dwellings. In order to locate the subject dwelling so that it conformed to the existing front yard setback of the other houses surrounding it, the dwelling was recessed to the rear of the site five feet in addition to that required by the front yard requirements.

5. The adjoining properties to the subject property, as well as many other properties in the immediate vicinity, are presently improved with open and closed structures within the rear yard.

6. The subject lot is seventy-six feet wide and seventy-nine feet deep. The dwelling currently situated on said property provides two side yards each 8.2 feet wide. The subject property abuts an alley at the rear.

7. Pursuant to Sub-section 3304.1 a rear yard of twenty-five feet is required for the R-1-B District. The applicant proposes to build an open wood deck twenty feet wide and eighteen feet deep on the rear of the dwelling. Due to the shallowness of the lot, the proposed deck would be 13.27 feet from the rear lot line. Thus, a variance of 11.73 feet is required.

8. The four immediately adjoining property owners submitted letters which stated that they did not object to the proposed rear deck addition or the proposed variance from the rear yard requirements.

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

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

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires a showing of a practical difficulty upon the owner in developing the property in strict compliance with the requirements of the Zoning Regulations.

The Board concludes that the exceptional shallowness of the lot and the location of the existing structure, as well as the applicant's inability to construct the proposed open wood deck except to the rear, creates such a difficulty. The Board further concludes that the requested variance will not cause substantial detriment to the public good nor substantially impair the intent, purpose and integrity of the Zoning Regulations and Map. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (Connie Fortune, Walter B. Lewis and William F. McIntosh to grant, Charles R. Norris and Leonard L. McCants not present, not voting).

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

ATTESTED BY: Steven E. Sher *ES*  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 25 AUG 1980

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."