

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14547, of Joseph Keyerleber, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1), the rear yard requirements (Sub-section 3304.1) and the open court width requirements (Sub-section 3306.1) to construct a rear deck to an existing single family dwelling in an R-4 District at premises 1837 Ingleside Terrace, N.W., (Square 2617, Lot 144).

HEARING DATE: January 28, 1987  
DECISION DATE: January 28, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site is located on the north side of Ingleside Terrace west of 18th Street and is known as premises 1837 Ingleside Terrace, N.W. It is in an R-4 District.

2. The site is rectangular in shape. It has a frontage of 19 feet along Ingleside Terrace and a depth of approximately 90 feet. A 15 foot wide public alley is located to the rear of the site. The grade slopes from front to back so that the first floor is approximately nine feet off the ground at the rear.

3. The site is improved with a two-story brick row structure, constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. Similar row structures are located immediately adjacent on either side of the site, to the east and to the west, sharing party walls with the applicant's house. The row of which the applicant's house is a part has basement party walls with two story additions. These additions, which sit on the basement party walls, are set back from the side lines by one foot. The rear of the house faces Rock Creek Park. With one exception, both sides of the block are row houses. That exception is a building with ten condominium units.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking variances from the lot occupancy requirements (Sub-section 3303.1), the rear yard requirements (Sub-section 3304.1) and the open court width requirements (Sub-section 3306.1) to construct a rear deck to the structure.

5. Applicant submitted approved plans from 1978 showing two sliding glass doors that would open onto a "future deck" of unspecified dimensions. The glass doors were installed, and presently one of them opens onto the deteriorated remains of a previously existing platform and stairway to the ground and the other one opens onto nothing. The proposed deck would complete the original renovation plan of 1978.

6. The proposed deck will be approximately 17 feet wide and extend 10 feet into the rear yard. It will be a second story deck and will include a spiral stairway. It will contain approximately 177.68 square feet.

7. There are many rear decks on the properties in the immediate vicinity of the site. Applicant submitted photographs showing four decks on the same side on Ingleside Terrace, N.W., and other photographs showing existing decks on Pierce Mill Road, N.W., and Rosemount Avenue, N.W.

8. Both of the abutting property owners and three other neighbors submitted letters to the record in support of the application.

9. There was no comment on the record from Advisory Neighborhood Commission (ANC) 1E.

10. There was no opposition to the applicant at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

The Zoning Regulations allow a lot occupancy of 1,031.38 square feet. The proposed addition will result in a lot occupancy of 1110.575 square feet requires a variance of 79.19 square feet or 17.22 percent. The regulations require a rear yard of 20 feet. The proposed deck will provide a rear yard of 13.9 feet necessitating a variance of 6.1 feet or 30.5 percent. The regulations require an open court width of six feet. The deck will create a court width of 1.83 feet necessitating a variance of 4.17

feet or 69.5 percent. The Board concludes that the applicant has met the burden of proof. The requested variances are minimal and the structure existed prior to the effective date of the current Zoning Regulations. The Board notes that the row houses neighboring the site are improved with similar decks.

Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- a. Construction shall be in accordance with the plans marked as Exhibit No. 8 of the record.
- b. Construction shall not eliminate the required parking space on the site.

VOTE: 4-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Charles R. Norris not present, not voting).

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

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: MAR 5 1987  
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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."

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 CONSUMER AND REGULATORY AFFAIRS.