

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14744, of Lyle E. and Diane M. Brenneman, pursuant to 11 DCMR 3107.2, for a variance from the prohibition against allowing a deck to extend into the required rear and side yards (Sub-section 2503.2) in an R-1-B District at premises 4522 Garrison Street, N.W., (Square 1574, Lot 21).

HEARING DATE: February 10, 1988
DECISION DATE: February 10, 1988 (Bench Decision)

FINDINGS OF FACT:

1. The property is located on the south side of Garrison Street between 45th and 46th Streets and is known as premises 4522 Garrison Street, N.W. It is zoned R-1-B.
2. The site is rectangular in shape and contains approximately 3,315 square feet of lot area with a frontage of 51 feet along Garrison Street and a depth of 65 feet.
3. The applicant proposes to construct a wooden deck which will project into the existing side and rear yards.
4. The site is currently improved with a two-story brick single family dwelling which was constructed in approximately 1934. The existing structure is currently nonconforming as to the side and rear yard requirements of the Zoning Regulations.
5. The existing lot occupancy is 925.32 square feet. The existing rear yard depth is 21 feet. The side yard on which the deck is proposed totals 5.5 feet in width.
6. The proposed deck will reduce part of the rear yard to 7 feet and the west side yard to 3 feet. The side yard width of the deck is to be 8 feet allowing for usable deck space and an architecturally consistent plan to enhance the existing structure.
7. The deck will comprise 336 square feet increasing the lot occupancy by that amount. The total lot occupancy including the deck, remains below 40 percent.
8. Advisory Neighborhood Commission (ANC) 3E did not submit their written recommendation in a timely manner. The applicant testified that the ANC voted in support of the

application at its meeting of January 21, 1988, based on having received no negative comments from neighbors.

9. The Office of Planning (OP), by memo dated January 28, 1988, recommended conditional approval of the application. The OP was of the opinion that the proposed deck would not impose any adverse impacts on objectionable conditions on the immediate neighbors and that strict compliance with the Zoning Regulations would be an unreasonable restriction on building the deck given the development's compliance with the lot occupancy regulations. The OP recommended that the western side of the deck not encroach into the existing 5.5 foot side yard and that the existing stockade fence along the rear lot line be maintained.

10. In response to the recommendation of OP, the applicant testified that the eight foot width of the deck on the west side was necessary to provide adequate space for access to the dining room door at that point and to provide steps down into the yard. Further, the applicant testified that the stockade fence referred to by OP was on an adjacent property owner's land.

11. The record contains several letters in support of the application.

12. There was no opposition to the application 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 an area variance, 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 of the zone plan. The proposed deck would result in a side yard of 3.0 feet necessitating a variance of approximately five feet and result in a rear yard of seven feet at the southernmost projection necessitating a variance of nineteen feet. The proposed addition will increase the existing lot occupancy by approximately 336 square feet.

The Board concludes that the applicant has met the burden of proof. The site does not meet the minimum area requirements for the R-1-B District in terms of lot area, rear or side yards. The small size of the proposed addition will not result in an increase in lot occupancy above the permitted forty percent.

The Board concludes that the proposed addition is so located and of such a size that there will be no adverse impact on adjoining properties. The Board further concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED upon the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 4 of the record.

VOTE: 4-0 (Carrie L. Thornhill, Charles R. Norris, William F. McIntosh and Paula L. Jewell to grant).

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

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: APR 29 1988

UNDER 11 DCMR 3103.1, "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.

14744order/LJP35

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14744

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated APR 29 1988, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Dianne Brenneman
4522 Garrison Street, N.W.
D.C. 20016

A handwritten signature in cursive script, appearing to read "E. Curry".

EDWARD L. CURRY
Executive Director

DATE: APR 29 1988

P-600 311 998

D. Brenneman

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