



ZONING BOARD OF ADJUSTMENT

Date of Hearing: February 19, 2026
Date of Decision: April 6, 2026

Zone Case: 177 of 2025
Address: 115 E. Jefferson Street
Lot and Block: 23-F-175
Zoning Districts: R1A-VH
Ward: 25
Neighborhood: Central Northside

Request: Appeal of DCP-ZDR-2023-06154 for construction of a rear deck

Application: DCP-PAP-2025-00304

Protest Appeal	Sections 923.02.B and D	Appeal of Administrator Exception approving a deck in interior side setback pursuant to Sections 922.08.C and 925.06.G
----------------	-------------------------	--

Appearances:

Applicant: Ron Siniski
Appellant: Nizar Eldaher
Observing: Paul Cancilla
Opposed: Michele Buzard

Findings of Fact:

1. The Subject Property is located at 115 E. Jefferson Street in an R1A-VH (Residential One Unit Attached Very High Density) District in the Central Northside neighborhood.
2. The Applicant, Ron Siniski, owns the Subject Property and is in the process of renovating the detached house on the site.
3. This case involves the November 11, 2025 approval of an Administrator's Exception to allow an accessory deck within a required interior side setback. Nizar Eldaher, who owns the

adjacent parcel at 117 E. Jefferson, has appealed the approval of the Administrator's Exception to the Board.

4. The dimensions of the Subject Property are 20' by 50' (1,000 sf).

5. The grade of the Subject Property has significant downward slopes from the front property line on E. Jefferson Street towards the rear of the site and along E. Jefferson Street, from interior side to interior side.

6. The 117 E. Jefferson Street parcel is at the lower end of the grade change. As a result of the grade change, the first floor of the house on the Subject Property is approximately 3' above the first floor of the house on the 117 E. Jefferson Street parcel.

7. The two-story house on the Subject Property is set back 0' from E. Jefferson Street; 0' from the property line shared with the 117 E Jefferson Street parcel; approximately 3' from the property line shared with the 113 E. Jefferson Street parcel; and 21' from the rear property line, which is shared with the parcel at 112 Carrington Street.

8. On June 23, 2023, Mr. Siniski submitted Application No. DCP-ZDR-2023-06154, which sought approval for the construction of a 16' by 10' (160 sf) deck on the rear of the house.

9. As proposed, the deck would be set back 5" from the 117 E. Jefferson Street property line; 3'-5" from the 113 E. Jefferson Street property line; and 10' from the rear property line. The deck, as proposed, would thus be located within the required setback on both interior sides. For the construction of the deck, Mr. Siniski seeks to make use of existing concrete footers that had supported a rear addition to the house, which collapsed.

10. Because of the significant grade change from the front to the rear of the parcel, the height of the structure supporting the deck, including the footers, would be approximately 20' to allow the deck to align with the first floor of the house.

11. On November 11, 2025, the Zoning Administrator issued an Administrator's Exception to allow the construction of the deck, as described in the application. The Department of City Planning (DCP) issued a Record of Zoning Approval (ROZA) for the deck on November 13, 2025.

12. On December 15, 2025, Mr. Eldaher filed a timely appeal of DCP's issuance of the November 13, 2025 ROZA for the deck.

13. The Board conducted a hearing on the protest appeal on February 19, 2026.

14. DCP Planning Manager Paul Cancilla appeared at the hearing and confirmed that DCP had reviewed the zoning application and had determined that the deck, as proposed within the required side setbacks, would not have a detrimental impact on surrounding properties.

15. In support of his application, as approved, Mr. Siniski submitted a series of aerial photographs of the Subject Property which indicate that, from at least 2016 through 2019, an elevated addition to the house, with the same footprint as the proposed deck, was located on the property. Mr. Siniski explained that the addition was structurally unsound and had collapsed.

16. Mr. Siniski intends to use the footers for the addition, which remain on the site, for the proposed deck.

17. Mr. Siniski asserted that the aerial photographs demonstrate that the proposed deck would not cast shade on neighboring properties.

18. In support of his protest appeal, Mr. Eldaher submitted photographs of the Subject Property and a rendering that depicted how the proposed deck within the setback would impact the view from the first-floor kitchen window of the house on his property.

19. Mr. Eldaher asserted that, because of the size and elevation of the deck, the proposal would have detrimental impacts on privacy and views from his property.

20. Michele Buzard, the owner of the 112 Carrington Street property, appeared at the hearing to express concerns about the location of the deck in relation to her property at the rear of the Subject Property.

Conclusions of Law:

1. Pursuant to Section 912.04, accessory structures are required to comply with the setback requirements that apply to primary structures.

2. Accessory structures, including decks, may be permitted within a required side yard as an administrator's exception in accordance with the standards in Section 925.06.G, which require the Zoning Administrator to consider whether the proposed use would have detrimental impacts on surrounding properties.

3. The site development standards for R1A-VH Districts include a 5' minimum interior side setback requirement. Pursuant to Section 925.06.C, the minimum interior setback requirement can be reduced to 3'. The contextual setback provisions apply only to primary structures and not to accessory structures, including decks.

4. Accessory structures are not subject to the rear setback requirement for primary structures. Pursuant to Section 912.04.B, the minimum rear setback for an accessory structure is 5'.

5. Pursuant to Code Sections 923.02.B and 923.02.D, the Board is authorized to hear and decide appeals where it is alleged that a zoning approval was issued in error and the Board may reverse or modify an approval as appropriate.

6. The Board is asked to determine here whether DCP erred when it issued the November 11, 2023 Administrator's Exception to allow the deck within the side setback on the 117 E. Jefferson side.

7. The proposed deck would comply with the 5' rear setback requirement but would extend into the required setback on both interior sides. The deck would extend across 16' of the property's 20' width. On the 113 E. Jefferson Street side, the deck would be set back 3.5' from the property line but on the 117 W. Jefferson Street side, the deck would be set back only 5" from the property line. Because of the grade change at the rear, the height of the deck's support structure would be approximately 20' so that the deck would align with the first floor of

the house, which is 3' above the 117 E. Jefferson Street house. Unlike the addition to the primary structure, which collapsed, the uses of the deck would be outside.

8. The Board appreciates Mr. Eldaher's concerns regarding the proposed deck. Mr. Eldaher presented credible evidence that, because of the significant grade change between the two properties, the elevated deck and any activities on the deck would be at window level of the first floor of his house. With only a 5" setback from the shared property line, the impacts of the deck would be detrimental to the neighboring house.

9. The Board also appreciates Mr. Siniski's interests in having a rear deck that aligns with the first floor level and in making use of the existing footers for the deck's support structure.

10. For these reasons, the Board concludes that the existing footers on the property line may be used to construct the deck but that any railing for the deck must be set back 3.5' from the shared property line so that the area of the deck within the setback on the 117 E. Jefferson Street side is not usable.

Decision: The appeal is DENIED in part and GRANTED in part. The deck may be constructed using the existing footers, within the interior side setback on the 117 E. Jefferson Street side of the parcel. However, the usable portion of the deck must maintain a setback of at least 3.5' from the shared property line, using the deck railing to create the required separation and prevent use of the setback area.

s/Alice B. Mitinger
Alice B. Mitinger, Chair

s/Lashawn Burton-Faulk
LaShawn Burton-Faulk

s/ John J. Richardson
John J. Richardson

Note: Decision issued with electronic signatures, with the Board members' review and approval.