

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12359 of Mr. and Mrs. George A.T. Donley, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the accessory use location requirement (Sub-section 7601.2) to permit the construction of an accessory swimming pool on a lot other than where the principal building is located in the R-3 District adjacent to 3772 W Street, N. W. (Square 1314, Lot 826).

HEARING DATE: March 19, 1977

DECISION DATE: April 6, 1977

FINDINGS OF FACT:

1. The subject property is located on the south side of W Street, between Huidekoper Place and 39th Street. The lot is 28.33 feet wide and 100 feet deep. It is occupied by only a storage shed.
2. The property is adjoined on the east by Lot 135, also owned by the applicant. Lot 135 is occupied by a row dwelling.
3. The applicant desires to construct a swimming pool measuring 13 by 33 feet. The pool would be accessory to the house located on Lot 135.
4. Sub-section 7601.1 requires that an accessory use be located on the same lot as the use to which it is accessory. Sub-section 7601.2 requires that any accessory building be located only in a rear yard. The applicant proposes to locate the accessory use on a separate lot, where it would be the only use.
5. The subject lot conforms to the requirements of the R-3 District for the erection of a row dwelling.
6. The proposed construction could be accomplished without a variance if the two adjoining lots owned by the applicant were subdivided into a single lot.

7. The applicant stated that he wished to preserve the option to build a house on the subject property.

CONCLUSIONG OF LAW AND OPINION:

The requested variance requires the showing of a practical difficulty or hardship relating to the property. As the proposed construction could be accomplished by a simple combination of two adjoining lots owned by the applicant, the Board concludes that no practical difficulty or hardship can be demonstrated. It is therefore ORDERED that the application be DENIED.

VOTE:

4-0 (Lilla Burt Cummings, Esq., William F. McIntosh, Dr. Walter B. Lewis and Leonard L. McCants, Esq. to deny).

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

ATTESTED By: \_\_\_\_\_

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

5 JUL 1977