

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13761, of Ann F. Brinkley, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the open court width requirements (Sub-section 3306.1 and Paragraph 7107.22) for a proposed side addition to an existing non-conforming structure in an R-3 District at the premises 3044 P Street, N.W., (Square 1257, Lot 819).

HEARING DATE: June 9, 1982  
DECISION DATE: July 7, 1982

FINDINGS OF FACT:

1. The subject site is located on the south side of P Street between 30th and 31st Streets and is known as premises 3044 P Street, N.W. It is in an R-3 District.

2. The site is rectangular in shape. Its width is 20.66 feet and its depth is 88.30 feet. The site is improved with a two story brick row structure with basement used as a single family residence. The structure was constructed prior to 1958, the effective date of the current Zoning Regulations. During the 1970's two small rear additions were constructed, the last of which is a greenhouse.

3. The basement consists of two rooms totaling about 500 square feet, and a crawl space of about 200 square feet. The basement is used for mechanical equipment and storage. The main floor consists of a parlor, a living room, entrance hall, kitchen, dining room, greenhouse and powder room. The second floor consists of three bedrooms and two baths. The attic is one room about 300 square feet under a gable roof at the front of the house. The remainder of the roof is essentially flat, with about two feet of space, at the highest part, between roof rafters and second floor ceiling joists.

4. The applicant proposes to construct a one story, side addition to increase the size of her kitchen. The applicant testified that the present kitchen measuring eight feet by ten feet is inadequate for the size of the dwelling. Because of door locations at each end of the kitchen, the kitchen counters and equipment fit only along the east wall. The west wall has windows.

5. The lot area is 175.73 feet less than the required 200 square feet required in the R-3 District. The lot width is 0.66 feet more than the required twenty feet. The rear yard is 1.72 feet deeper than the required twenty feet. No side yards are required and none are provided.

6. The proposed addition would be two feet wide and eighteen feet deep. It would be extended two feet into an open court. The existing open court is non-conforming in that it measures 5.1 feet in width rather than the six feet required under the Zoning Regulations. The applicant seeks a variance of 2.92 feet from the open court width requirements.

7. The applicant's architect testified that other alternatives would not be feasible. A rear addition would require a variance from the rear yard requirements. Placing the kitchen next to the parlor would cause a loss of light and ventilation to the parlor which would make the parlor no longer habitable. Placing the kitchen where the existing small greenhouse is would ruin light and ventilation to the existing dining room and would make it very unpleasant. Placing the kitchen where the existing dining room is and putting the dining room where the greenhouse is would result in destroying the back stair of the house. Such a plan would render one existing original fireplace, with an original Federal style mantelpiece, useless. It would lengthen a dark hall on the east side of the house. It would put the dining room at the longest possible distance from the living room of the house, so it would render the existing kitchen space useless.

8. There were several letters in support of the application including one from the abutting property owner to the immediate west of the subject property whose open court adjoins the subject court.

9. There is an existing stockade fence on the west side of the applicant's property. The top of that fence vertically would be above the level of any windows in the proposed addition and the windows of the property to the west of the subject site. The fence was in existence when the applicant purchased the property. The applicant plans to retain the fence.

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

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking an area variance, the granting of which requires proof of a practical difficulty that is inherent in the land. The Board concludes that the practical difficulty

does not exist. The applicant has demonstrated no significant reason why any addition is necessary. Any difficulty present is a personal one. The difficulties presented by the applicant are a matter of conveniences. Such reasons are not the grounds to grant an area variance. The subject site is too undersized to permit the desires of the applicant. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Connie Fortune, Lindsley Williams, William F. McIntosh and Charles R. Norris to DENY; Douglas J. Patton not voting, not having heard the case).

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

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

FINAL DATE OF ORDER: DEC 17 1982

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."