

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14964, of Darcy Hansen, as amended, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Sub-section 404.1) for a proposed one-story room addition to a single-family dwelling in an R-1-B District at premises 4601 Butterworth Place, N.W., (Square 1548, Lot 826).

HEARING DATE: March 8, 1989  
DECISION DATE: April 5, 1989

FINDINGS OF FACT:

1. The property is located at the northwest corner of the intersection of 46th Street and Butterworth Place and is known as premises 4601 Butterworth Place, N.W. It is zoned R-1-B.

2. The site is a corner lot, topographically level and rectangular in shape with a frontage of 90.17 feet along Butterworth Place and 60 feet along 46th Street. The site contains approximately 5,410 square feet of lot area.

3. The site is currently improved with a two-story brick detached single-family dwelling with attached one-car garage.

4. The applicant amended the application at the public hearing to eliminate the construction of the proposed deck and the variance from the side yard requirement generated by the proposed deck construction.

5. The applicant is seeking a variance of 9.33 feet or 37.32 percent of the rear yard requirements of twenty-five feet to permit the proposed construction of a one-story brick addition.

6. The applicant is seeking the required variance relief to provide additional living space for the applicant's growing family. The proposed addition measures approximately 22 feet by 18 feet and would contain a breakfast/family room and allow for the enlargement of the existing kitchen.

7. The surrounding area is predominantly developed with detached single family dwellings in the R-1-B District.

8. The existing dwelling was constructed in approximately 1942. The main entrance to the dwelling fronts on Butterworth Place. For zoning purposes, the rear yard is measured from the dwelling to the western property line and the side yards are measured from the dwelling to the north and south property lines. Visually, the rear yard appears to consist of a large side yard on the west when facing the main entrance to the dwelling.

9. The applicant proposes to raze the existing garage and construct the proposed addition on the west side of the dwelling adjacent to the existing kitchen. The proposed addition will be of similar materials and design as the existing dwelling.

10. The applicant testified that alternative locations of the proposed addition elsewhere on the site which would not require variance relief were considered but found impractical for the following reasons:

- a. Construction of an addition on the east side of the dwelling would remove the addition from the existing kitchen by the full breadth of the dwelling;
- b. Building on the north side of the dwelling would require a variance from the side yard requirements and would result in a structure on or very near the north property line;
- c. Building to the south side of the dwelling would result in an addition on the front of the house which is not consistent with the facade of the existing dwelling or the character of the neighborhood; and
- d. Locating the breakfast/family room within the confines of the footprint of the existing garage would result in a narrow, unusable room.

11. The Office of Planning (OP), by memorandum dated February 28, 1989, recommended approval of the required room addition. The OP was of the opinion that the proposed addition is not likely to impact the area adversely. The Board concurs with the recommendation of the OP.

12. Advisory Neighborhood Commission 3E (ANC) by letter dated January 24, 1989, offered no objections to the granting of the application exclusively for construction of the one-story brick addition.

13. The owner of 4620 Butterworth Place, N.W. appeared at the public hearing in opposition to the application. The opposition was generally to any addition to any side yards

in the block because the existing houses are already close together and any side additions would lessen their identification as detached homes, and result in increased noise, loss of privacy, and increased property assessment for nearby residents.

CONCLUSIONS OF LAW AND OPINION

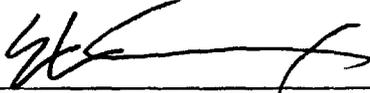
Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires the showing of an exceptional or extraordinary condition inherent in the property itself. The Board concludes that an exceptional condition exists and that the applicant would suffer a practical difficulty if the Zoning Regulations were strictly applied. The property was developed prior to the adoption of the Zoning Regulations. The siting of the dwelling on this corner lot in relation to the designation of side and rear yards for zoning purposes combines to create an exceptional condition of the property. The Board concludes that it has accorded the ANC the "great weight" to which it is entitled.

The Board further concludes that the proposed addition will not substantially impair the intent, purpose and integrity of the zone plan and can be granted without substantial detriment to the public good. Accordingly it is hereby ORDERED that the application, as amended, is GRANTED.

VOTE: 5-0 (Maybelle Taylor Bennett, Charles R. Norris, Paula L. Jewell William F. McIntosh and Carrie L. Thornhill to grant).

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

ATTESTED BY:

  
\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: 28 1979

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT

TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED,  
SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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.

14964order/BJW38

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



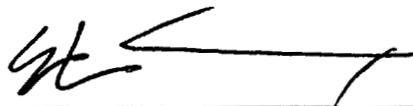
APPLICATION No. 14964

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated AUG 18 1989, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Darcy Hansen  
4601 Butterworth Place, N.W.  
Washington, D.C. 20016

Mark Richardson  
5135 MacArthur Blvd., N.W.  
Washington, D.C. 20016

Sevinc Carlson  
4620 Butterworth Place, N.W.  
Washington, D.C. 20016

  
\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

DATE: AUG 18 1989