GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

TO: Zoning Commission

FROM: HLS for
Ellen McCarthy, Interim Director
Office of Planning

DATE: June 16, 2005

SUBJECT: Waiver of Rules for Late Submittal of the Report on Board of Zoning Adjustment Application 17334

The attached report from the Office of Planning, concerning a request for a special exception under Section 223.1 to allow conversion of a one-story attached garage into a two-story residential addition to a one-family detached dwelling located at 4540 Butterworth Place, N.W. (Square 1567 Lot 5), is being submitted less than 7 days prior to the Board of Zoning Adjustment Public Hearing. The Office of Planning respectfully requests that the Board of Zoning Adjustment waive its rule and accept the report into the record.

Attachment: A/S

BZA
Case No. 17334
Exhibit No. 22

Board of Zoning Adjustment
District of Columbia
CASE NO. 17334
EXHIBIT NO. 22

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: JLS for Ellen McCarthy, Interim Director

DATE: June 13, 2005

SUBJECT: BZA Application 17334

APPLICATION

O'Neil & Manion Architects P.A., representing the applicant, requests a special exception under Section 223.1 to allow conversion of a one-story attached garage into a two-story residential addition to a one-family detached dwelling located at 4540 Butterworth Place, N.W. (Square 1567 Lot 5) pursuant to Section 3104 under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

SUMMARY RECOMMENDATION

The Office of Planning recommends approval of a special exception to increase the allowable lot occupancy to 44% and reduce the required rear yard setback to 9 feet along the southern property boundary.

SITE AND AREA DESCRIPTION

The subject property is approximately 0.07-acre (2,975 square feet) in size and immediately southeast of Butterworth Place intersection with 46th Street, N.W. This corner lot is developed with a two-story one-family detached dwelling and attached one-car garage (circa 1938) of masonry construction. A short driveway from a Butterworth Place curb cut provides access to the garage. A wood and chicken wire fence approximately 6 feet tall surrounds the rear and side yards. A continuous row of tall evergreen trees along the entire eastern property boundary effectively screens the property from the neighboring dwelling to the east at 4534 Butterworth Place. Note the northern garage and dwelling façades form an open court less than 2 feet wide along the Butterworth Place right-of-way and no public alley abuts the subject property.

The balance of the square is developed with similar one-family detached dwellings, some with attached garages accessed from 46th Street, N.W. The square is also under a Residential (R-1-B) zone district (refer to Exhibit 1).

APPLICANT'S PROPOSAL

This proposal would convert the existing garage to residential use by expanding the building footprint to accommodate a fireplace, window bay and rear porch for a new family room; and a new second floor master bedroom over the expanded garage footprint. The addition would have new exterior windows on first and second floors on three facades. The garage parking space lost to new construction would be replaced with a parking pad in the rear yard. The applicant wants to relocate the Butterworth Place curb cut used to access the garage further east to better access the parking pad. Submitted plans indicate the overall dwelling footprint would increase by approximately 66 square feet to 1,243 square feet equaling 42% lot occupancy. The eastern side yard setback (opposite the 46th Street frontage) would decrease from 15 feet 10 inches to 13 feet 4 inches and proposed construction would continue to have a nonconforming rear yard setback. No other exterior construction is proposed.

The Department of Consumer and Regulatory Affairs Zoning Review Branch stated in a letter to the Board of Zoning Adjustment (BZA) dated March 21, 2005, that this proposal requires special exception relief pursuant to Section 223.1 of the Zoning Regulations.

EXISTING ZONING AND RELIEF REQUESTED

The site is zoned R-1-B. Zoning Regulation Section 201.1 (a) allows one-family detached dwellings as a matter of right. The current lot width and area do not conform to zoning requirements; the rear yard setback is less than the minimum 25 feet required under Section 404.1; and the open court width along Butterworth Place frontage is less than the minimum 6 feet required under Section 406.1. Parking in a side yard setback is also allowed under Section 2116.2 (b)(1). Proposed construction would also have a nonconforming rear yard setback, and would exceed the 40% lot occupancy allowed under Section 403.2 by 4%. The nonconforming court width would not change and this proposal would replace the single required on-site parking space lost to the proposed construction.

Zoning regulations include the following provisions regarding expansion of such buildings:

"2001.3 Enlargements or additions may be made to the structure; provided, that the following requirements shall be met:

(a) The structure shall conform to percentage of lot occupancy requirements; and
(b) The addition or enlargement itself shall:
    (1) Conform to use and structure requirements; and
    (2) Neither increase or extend any existing, conforming aspect of the structure; nor
    (3) Create any new nonconformity of structure and addition combined."

ANALYSIS

The referenced special exception would allow continuation of a nonconforming rear yard setback and increase the allowable lot occupancy percentage subject to the provisions of Section 223.

Compliance with Section 223
Requirements under this section include the following:

223.2 The addition shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular;

(a) *The light and air available to neighboring properties shall not be unduly affected;* This proposal would not affect the air available to neighboring properties. With regards to available light, the subject dwelling and proposed addition have an east-west orientation. The only property potentially impacted by shadows cast under this proposal is the neighboring single-family detached dwelling to the east located at 4534 Butterworth Place, N.W. Although the expanded garage would be as wide as the dwelling, it would not be as tall. Per the submitted sun study, shadows currently cast toward the neighboring property to the east should not change significantly as result of the expanded garage.

Thus, the proposed addition would not impact the air and light available to the adjacent properties or the enjoyment of adjacent yards.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; Visibility from the addition toward rear yards of neighboring properties to the south would be no greater than from existing dwelling second floor windows. However, since the eastern dwelling and garage façades are currently devoid of window or door openings except for one attic window, the new addition would provide greater visibility toward the neighboring dwelling and rear yard to the east.

Note that the applicant will retain the existing row of large evergreen trees along the eastern property boundary that forms a visual screen. In response to comments from abutting neighbor to the east, the applicant revised architectural plans to reduce the window area on the eastern façade (refer to Exhibit 2). The owner of the property at 4534 Butterworth Place, N.W., the abutting property to the east, also signed a letter supporting this request (refer to the Community Comment section).

Based on the above information, the privacy of neighboring yards would not substantially change.

(c) The addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street frontage; ... The proposed addition would not intrude upon the character, scale and pattern of residences along adjacent streets. There is no abutting vehicular alley.

(d) In demonstrating compliance with (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and

section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings, and view from public ways. Sufficient graphical documentation was submitted for review and analysis.

223.3 *The lot occupancy of the dwelling or flat, together with the addition, shall not exceed fifty percent (50%) in the R-1 and R-2 districts or seventy percent (70%) in the R-3, R-4 and R-5 Districts.* This is proposal is consistent with this limitation.

223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties.* No special treatment is recommended.

OP concludes that the application meets the requirements of Section 233.

Compliance with Section 3104.1:
Based on the findings of Section 223, granting the requested relief would be in harmony with the general purpose and intent of the Zoning Regulations, and Zoning Map, and proposed changes will not tend to affect adversely the use of the neighboring properties.

COMPREHENSIVE PLAN
The Comprehensive Plan Generalized Land Use Map designates the square for Low Density residential development characterized by single-family detached and attached dwellings as predominant uses.

AGENCY COMMENT
The proposal to relocate the existing curb cut to access a rear yard parking pad was referred to the D.C. Department of Transportation for comment. To date no response has been received.

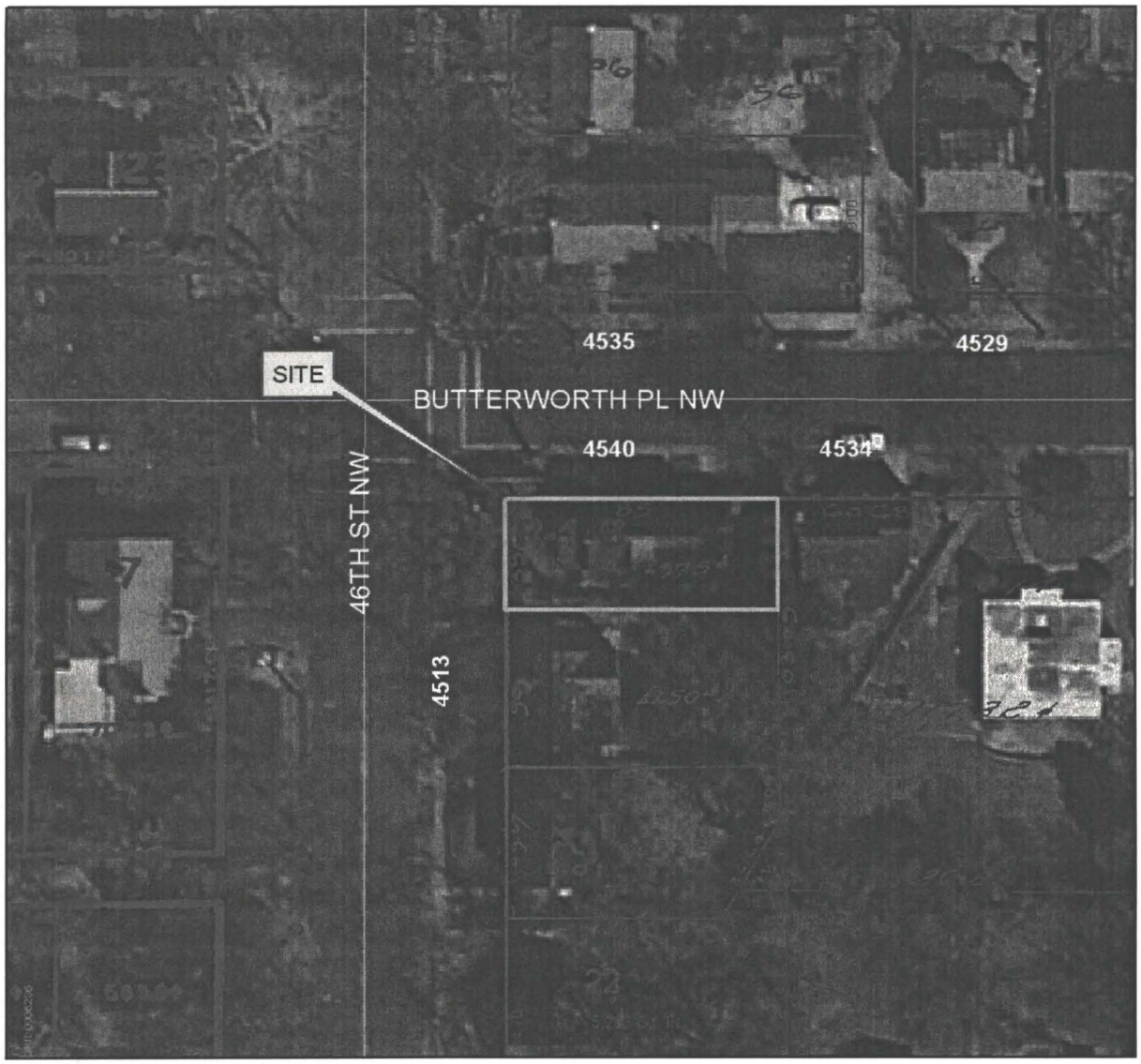
COMMUNITY COMMENTS
With a quorum present, Advisory Neighborhood Commission (ANC) 3E unanimously recommended approval of this request during a regular meeting on May 12, 2005. Signed letters of support were also provided by Fred Barbash residing at 4535 Butterworth Place (located on the opposite side of the street), Christian and Gail Thorin residing at 4529 Butterworth Place (located diagonally across the street), Dan and Natalie Wasserman residing at 4513 46th Street (the adjacent property to the south), and John and Rose Kelly residing at 4534 Butterworth Place, N.W. (the adjacent property to the east).

RECOMMENDATION
The Office of Planning recommends approval of a special exception to increase the allowable lot occupancy to 44% and reduce the required rear yard setback to 9 feet along the southern property boundary.

AA/afj

Attachment: Exhibit 1 Aerial Including Zoning
Exhibit 2 Modified Eastern Elevation

Exhibit 1



BZA Application No. 17334
4540 Butterworth Place N.W.

N

Feet
0 25 50 75

★ ★ ★ **Government of the District of Columbia**
Anthony A. Williams, Mayor

Office of Planning ~ June 7, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate. Oblique imagery ©2003 Pictometry International

Legend

Street Centerlines

Property Squares

Exhibit 1



BZA Application No. 17334
4540 Butterworth Place N.W.

N

Feet
0 25 50 75

Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ June 7, 2005

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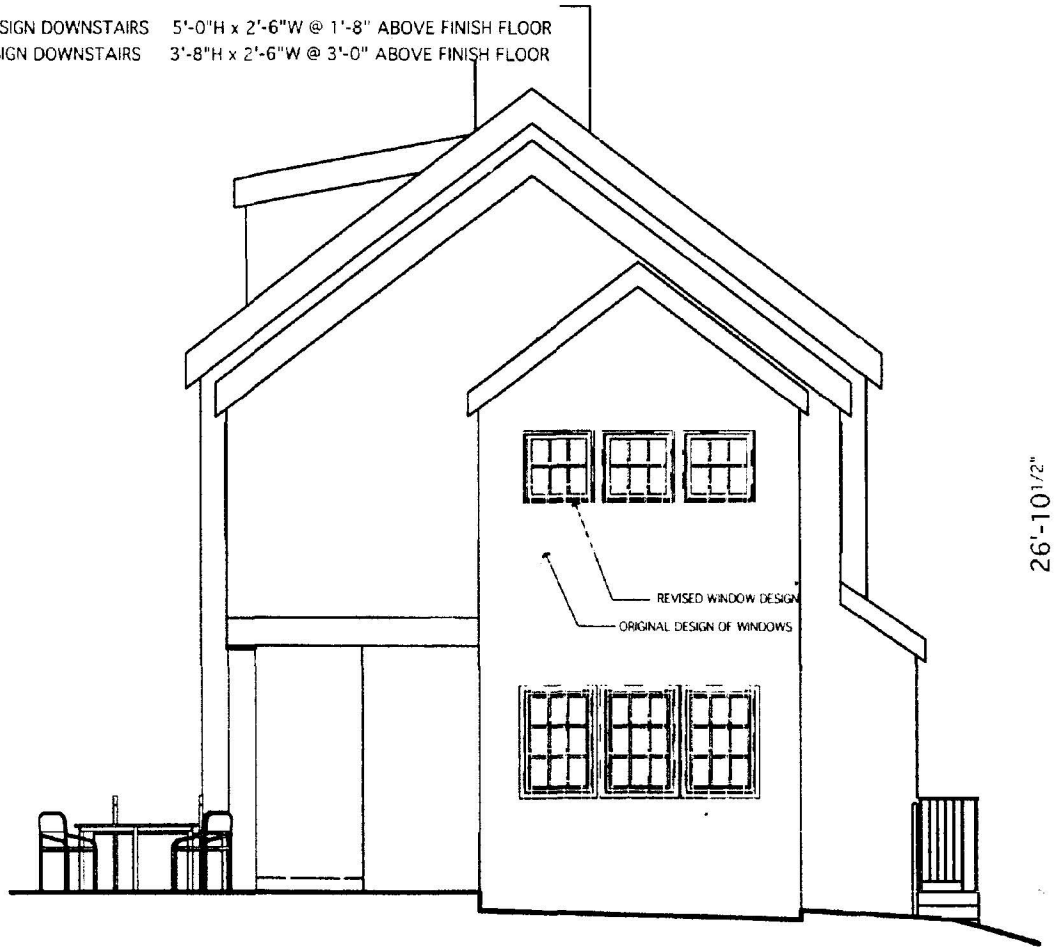
Legend

Street Centerlines

Property Squares

ORIGINAL WINDOW DESIGN UPSTARS 4'-0" H x 2'-6"W @ 2'-8" ABOVE FINISH FLOOR
REVISED WINDOW DESIGN UPSTAIRS 2'-6"H x 2'-6"W @ 4'-2" ABOVE FINISH FLOOR

ORIGINAL WINDOW DESIGN DOWNSTAIRS 5'-0"H x 2'-6"W @ 1'-8" ABOVE FINISH FLOOR
REVISED WINDOW DESIGN DOWNSTAIRS 3'-8"H x 2'-6"W @ 3'-0" ABOVE FINISH FLOOR



Rothfeld-Day Residence
4540 Butterworth Place NW, Washington, DC 20016
REVISED: EAST ELEVATION

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May 3, 2005

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Exhibit 2