

**Government of the District of Columbia
Advisory Neighborhood Commission 4B**



[DRAFT] RESOLUTION #4B-24-0401

**Supporting Application for Special Exception at 902 Butternut Street, NW
([BZA 21126](#)) and Noting Presumption of Support for Personal Use Cases
with No Articulate Impact on Neighbors
Adopted April 29, 2024**

Advisory Neighborhood Commission 4B (Commission) takes note of the following:

- Residents Katie Abbondanza and Brendan Kearney (the Applicants) are seeking to construct a one-story enclosed porch addition to the rear of the main level of their two-story single-family residence at 902 Butternut Street, NW (Square 2968, Lot 17). The property also includes a garage located at the rear of the property. The proposed porch will bring the main residence closer to the garage, making the garage within the “required rear yard” under the zoning regulations.
- The Applicants have applied to the Board of Zoning Adjustment for a special exception from the accessory building rear yard requirements of Subtitle D § 5004.1(a) (pursuant to Subtitle D § 5201.1 and Subtitle X § 901.2). The Board of Zoning Adjustment has placed the application on its expedited review calendar for a decision without a public hearing.
- The Board of Zoning Adjustment is authorized to grant special exception relief where a special exception will be in harmony with the general purpose and intent of the zoning regulations and zoning maps and will not tend to adversely affect the use of the neighboring property or properties. Subtitle X § 901.2. In addition, an application for special exception relief related to the required rear yard must not have a substantially adverse effect on the use or enjoyment of any neighboring property, including light and air, privacy, and the character, scale, and pattern of houses. Subtitle D § 5201.1.

- Here, the property will remain a single-family residence and the proposed porch will have no impact on neighboring properties. The proposed porch would be allowed by right were it not for the existing garage.
- The Applicants timely communicated with the Commissioner for Single Member District 4B02, where the residence is located, about their application. In addition, the Applicants communicated with their neighbors, and the immediate neighbors at 900 and 904 Butternut Street, NW, have signed letters of support for the application. The Applicants are continuing to communicate with neighbors regarding their proposal.
- Applications to the Board of Zoning Adjustment must include “[a] statement of the efforts that have been made to apprise the affected [Advisory Neighborhood Commission] and other individuals and community groups concerning the application, if any.” Subtitle Y § 300.8(l). Here, the Applicants have stated they intend to present to the full Advisory Neighborhood Commission as part of this regulatory requirement.
- Advisory Neighborhood Commission 4B believes Commission input on a proposal of this nature should not be required (or implied to be required) and does not add value to the Board’s consideration. As a matter of past practice, the Commission has supported special exception relief when a proposal is for personal use and where there is no articulable impact on neighbors. *See, e.g.,* [Resolution 4B-22-0903](#), Supporting Request for Special Exceptions to Lot Occupancy & Rear Yard Requirements to Replace Rear Deck, 609 Quintana Place, NW (BZA 20788) (Sept. 28, 2022); [Resolution 4B-21-0507](#), Supporting Special Exceptions for Rear Screened Porch at 732 Tewkesbury Place, NW (BZA 20462) (May 24, 2021). Simple notice to the relevant Commission is likely sufficient. The implication that engagement with and a presentation to the full Commission might be necessary is not a valuable use of limited Commission time and resources, Advisory Neighborhood Commissions add no specific value in these instances, and these types of applications can adequately be addressed at the Single Member District level without formal Commission action.
- The Commission believes the Commission’s role is *not* to amplify resident concerns that are unrelated to the relief sought and the review conducted by the Board of Zoning Adjustment, as well as with no articulable impact on surrounding properties. Even in the situation where a neighbor opposed this proposal, absent an articulable impact, the Commission’s position would be no different.

RESOLVED:

- That Advisory Neighborhood Commission 4B supports the application for a special exception from the rear yard requirements for 902 Butternut Street, NW, to construct a one-story enclosed porch addition to the rear of the residence.
- That Advisory Neighborhood Commission 4B calls on the Board of Zoning Adjustment to review its regulations, policies, and practices to reconsider the role of Advisory Neighborhood Commissions for applications involving proposals for personal use and where there is no articulable impact on neighbors to clarify that engagement with Commissions or community groups concerning such an application is not required and that lack of Commission action on such matters should not be construed as opposition or used in any way to undermine such applications.

FURTHER RESOLVED:

That the Commission designates Commissioner Erin Palmer, ANC 4B02, Commissioner Alison Brooks, ANC 4B08, Commissioner Evan Yeats, ANC 4B04, and Commissioner Zurick T. Smith, ANC 4B03 to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioners cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matter relating to this Resolution.

FURTHER RESOLVED:

That, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of _ members was present) on April 29, 2024, by a vote of _ yes, _ no, _ abstentions.