

SUPPLEMENTAL MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Michael Jurkovic, AICP, Development Review Specialist
 Joel Lawson, Associate Director Development Review

DATE: July 16, 2025

SUBJECT: BZA Case 21298: Request for Area Variances to allow a re-subdivision of the two record lots comprising 1306 Girard Street, NE.

I. RECOMMENDATION for the ACT of SUBDIVISION

The Office of Planning (OP) recommends **Approval** of the following area variance pursuant to Subtitle X § 1002:

- C § 302.1, Subdivision Regulations (Adherence to minimum requirements for yards and lot width required, relief to minimum side yards and lot width sought)

II. RECOMMENDATION for LOT 9 (new lot)

OP recommends **Approval** of the following area variance pursuant to Subtitle X § 1002:

- D § 202.2, Minimum Lot Dimensions - Width (50 ft. minimum required, 50 ft. existing; 38.5 ft. proposed).

OP recommends **Denial** of the following area variance pursuant to Subtitle X § 1002:

- D § 208.2, Minimum required side yard (two 8 ft. minimum required, N/A existing; 6 ft. proposed & 8 ft. proposed);

III. RECOMMENDATION for LOT 8 (with existing house)

OP recommends **Approval** of the following area variances pursuant to Subtitle X § 1002:

- D § 208.2, Minimum required side yard (two 8 ft. minimum required, 44.5 ft. & 25.08 ft. existing; 6 ft. proposed & 25.08 ft. proposed); and
- D § 5003.1, Maximum Accessory Building Area (two 8 ft. minimum required, 44.5 ft. & 25.08 ft. existing; 6 ft. proposed & 25.08 ft. proposed).

IV. LOCATION AND SITE DESCRIPTION

Address:	1306 Girard Street, NE
Applicant:	Zach Bache & Justin Riordan
Legal Description:	Square 3958; Lots 8 & 9
Ward / ANC:	Ward 5; ANC 5B
Zone:	R-1B

Historic Districts	N/A
Lot Characteristics:	Two Rectangular Interior Record Lots individually measuring 50 ft. x 150 ft.
Existing Development:	Single Family Detached Building over the shared property line with an accessory structure solely in the exiting Lot 8.
Adjacent Properties:	Single Family Detached
Surrounding Neighborhood Character:	Low Density Residential Neighborhood bounded by mixed-use corridors to the south and west.
Proposed Development:	A re-subdivision of two existing record lots so that the existing Single-Family Detached Dwelling is solely on lot 8. To facilitate the development of Lot 9 with a Single Family Detached Dwelling on a substandard lot.

V. ZONING REQUIREMENTS and RELIEF REQUESTED

Lot 8				
R-1B Zone	Regulation	Existing	Proposed ¹	Relief:
Density D § 201.1	1 principal unit and 1 accessory apartment max.	1 principal unit and 1 accessory apartment.	No Change	None Requested
Lot Area D § 202.1	5,000 sq. ft. min	7,500 sq. ft.	9,225 sq. ft.	None Requested
Lot Width D § 202 .1	50 ft. min	50 ft.	61.5 ft.	None Requested
Height D § 203.2	40 ft. and 3 stories	29 ft.	No Change	None Requested
Rear Yard D § 207.1	25 ft. min	89 ft.	No Change	None Requested
Side Yard D § 208.2	Two 8 ft. min. side yards required	East 25 ft.; West N/A²	East 25 ft.; West 6 ft.	Relief Requested
Lot Occupancy D § 210.1	40% max.	25%	23%	None Requested
Acc. Building Height D § 5002	22 ft. and two stories max.	Not provided	No Change	None Requested
Acc. Building Area D § 5003	Greater of 30% of the Required Rear Yard or 450 sq. ft..	650 sq. ft.	No Change	Relief Requested
Parking C § 704-705	1 space required	1 space	1 Space	None Requested

¹ Provided by the applicant.

² The property would be compliant with side yards with both Lots treated as one property.

Lot 9				
R-1B Zone	Regulation	Existing	Proposed ³	Relief:
Density D § 201.1	1 principal unit and 1 accessory apartment max.	N/A	1 principal unit	None Requested
Lot Area D § 202.1	5,000 sq. ft. min	7,500 sq. ft.	5,775 sq. ft	None Requested
Lot Width D § 202 .1	50 ft. min	50 ft.	38.5 ft.	Relief Requested
Height D § 203.2	40 ft. and 3 stories	N/A	35 ft. and two stories.	None Requested
Rear Yard D § 207.1	25 ft. min	N/A	84 ft.	None Requested
Side Yard D § 208.2	Two 8 ft. min. side yards required	N/A	East 8 ft.; West 6 ft.	Relief Requested
Lot Occupancy D § 210.1	40% max.	3%	19%	None Requested

VI. OP ANALYSIS

a. SUBDIVISION – Area Variance Relief from:

- Subtitle C Section 302 SUBDIVISION REGULATIONS, and
- Subtitle D § 202 .1 Lot Width for Lot 9 (undeveloped lot)

Subtitle C Section 302 SUBDIVISION REGULATIONS

302.1 *Where a lot is divided, the division shall be effected in a manner that will not violate the provision of this title for yards, courts, other open space, **minimum lot width**, minimum lot area, floor area ratio, percentage of lot occupancy, parking spaces, or loading berths applicable to that lot or any lot created; ...*

The requested subdivision of Lot 8 and Lot 9 would be substandard to the development requirements of the R-1B zone. Therefore, an Area Variance is required for the subdivision, as well as for the lot width for Lot 9.

Subtitle X Section 1000 AREA VARIANCE GENERAL PROVISIONS

1000.1 *With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the*

³ Provided by the applicant.

property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

Extraordinary or Exceptional Situation or Condition

In the proposed subdivision of the site, the applicant intends to maintain the existing primary structure which appears to have existing before the "South Brookland" Subdivision of this Square. Additionally, the properties have been deeded together and treated as one property since at least 1924.

The existing primary structure predating the subdivision of the land, and the dwelling straddling the lot line results in an Extraordinary Condition.

Resulting Practical Difficulty

The applicant presents three arguments for a practical difficulty in the subdivision of the property; the long existing location of the primary structure, that a by-right development of the site would require demolishment of the primary structure which the applicant uses as a dwelling, and the property consisting of two record lots causes challenges with public and private institutions.

The lots as exist today are not unique as both are well over the minimum requirements for the zone. However, the location of primary structure over the existing property line prevents the applicant from constructing a separate dwelling on Lot 9 as originally intended though the subdivision of the square. Additionally, the requirement to demolish a home in otherwise good condition in order to develop a new dwelling on an existing record lot would be a practical difficulty.

No Substantial Detriment to the Public Good

The requested relief for the subdivision would not appear to result in a detriment to the public good, since there are two existing lots, and under the proposed subdivision, both would remain conforming to lot size and width requirements of the zone.

OP is supportive of infill development and the proposed width for Lot 9, and if approved, the only impacted property would be the applicant's Lot 8. Therefore, the requested lot width would not appear to be a detriment to the public good.

No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The R1-B Zone allows development of detached single-family dwellings. The proposed lot area for Lot 9 would be consistent with the minimum requirement for a subdivision; and the proposed Lot 8 would be well over minimum dimension requirements though would need relief to create a substandard side yard for the

existing structure. If approved, the overall density of one primary dwelling per record lot in the zone would be consistent with the intent of the zone.

The lot width proposed for Lot 9, while requiring relief, would be sufficient to provide for a new dwelling consistent with the zone; the retention of the existing dwelling would also be consistent with the intent of the zone. Therefore, as the proposal would result in a practically vacant property being developed with a detached home, the granting of the requested relief would not result in impairment to the intent, purpose, and integrity of the Zoning Regulations.

b. SIDE YARD– Lot 9 Area Variance (new dwelling)

Subtitle X Section 1000 VARIANCE GENERAL PROVISIONS

1000.1 With respect to variances, the Board of Zoning Adjustment has the power under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(3) (formerly codified at D.C. Official Code § 5-424(g)(3) (2012 Repl.)), "[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 6-641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map."

Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

Extraordinary or Exceptional Situation or Condition

The applicant has not presented an extraordinary or exceptional situation or condition as it relates specifically to new development of a single family detached dwelling on Lot 9.

Resulting Practical Difficulty

The requested relief seems to be required solely due to the applicant's proposed design for a new dwelling on Lot 9. There does not seem to be a practical difficult to build within the development requirements of the zone. The proposed development, as shown by the applicant, would be well below the required lot occupancy and would have an extensive rear yard.

No Substantial Detriment to the Public Good

OP is supportive of infill development and the proposed lot width for Lot 9. If the side yard relief is approved, the only impacted property would appear to be the applicant's Lot 8. Therefore, the granting of this side yard relief would result in detriment impacts to the public good.

No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The R1-B Zone is intended to permit new development consistent with the zone requirements. Lot 9 being developed with a detached home would not result in impairment to the intent, purpose, and integrity of the Zoning Regulations. However, the requested side yard relief, without the presentation of an extraordinary condition resulting in a practical difficulty, would not be consistent with the intent of the zoning regulations.

c. SIDE YARD, LOT 8 – Special Exception Relief (existing dwelling)

Subtitle X Section 1000 VARIANCE GENERAL PROVISIONS

1000.1 Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

Extraordinary or Exceptional Situation or Condition

As discussed above, due to the structure predating the subdivision of the land, there exists an Extraordinary Condition as it relates to new development on Lot 8.

Resulting Practical Difficulty

The long existing location of the primary structure and that a by-right development of the site would require demolishment of the existing primary structure which the applicant uses as a dwelling would be a practical difficulty.

No Substantial Detriment to the Public Good

The proposed Lot 8 substandard western side yard would allow the existing primary structure on the site to remain and would not result in new impacts to properties not subject to this application. Therefore, the side yard relief for Lot 8 would not result in detrimental conditions to the public good.

No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The R1-B Zone is intended to permit new development consistent with the zone requirements. In this case, the applicant seeks this side yard relief to help preserve the existing housing on the site. The proposed side yard of 6 ft. side yard would be above the 5 foot side yard minimum for continuance of a non-conforming side yards in the zone. As such, the requested relief would not result in impairment to the intent, purpose, and integrity of the Zoning Regulations.

a. LOT 8 – MAXIMUM ACCESSORY BUILDING AREA RELIEF

Subtitle X Section 1000 VARIANCE GENERAL PROVISIONS

1000.1 Extraordinary or Exceptional Situation or Condition Resulting in Practical Difficulty

Extraordinary or Exceptional Situation or Condition

The permitted size of an accessory building is the greater of 450 sq.ft., or 30% of the

area of the required rear yard. The applicant previously improved this property with an accessory building where its building area was consistent with 30% of the entire required rear yard for both lots. The proposed subdivision to formally separate the lots would cause the accessory structure to be nonconforming with the maximum building area allowed for the new lot 8.

Resulting Practical Difficulty

Although the accessory structure was conforming when built, the proposed subdivision would render it non-conforming for building area. This could only be rectified by not re-subdividing the property, or by demolishing a portion of the accessory structure. Either would be a resulting practical difficulty to the owner of the lots.

No Substantial Detriment to the Public Good

The proposed Lot 8 would maintain the existing accessory structure and no new impacts would be introduced to adjacent properties. Therefore, the maximum accessory building area relief for Lot 8 should not result in a detriment to the public good.

No Substantial Impairment to the Intent, Purpose, and Integrity of the Zoning Regulations

The R1-B Zone is intended to permit new development consistent with the zone requirements. An accessory building is permitted, and the existing one is conforming to the size limitations. The requested relief would not result in a larger structure, or one that would be inconsistent with the intended uses for the zone as the underlying density of dwelling units in the R-1B zone permits a primary and accessory dwelling on a lot. Therefore, granting requested relief would not result in impairment to the intent, purpose, and integrity of the Zoning Regulations.

VII. OTHER DISTRICT AGENCIES

As of the writing of the report, there are no reports in the record from other district agencies.

VIII. ADVISORY NEIGHBORHOOD COMMISSION

As of the writing of the report, there are no comments in the record from ANC 5B.

IX. COMMUNITY COMMENTS

There are letters in support for the applicant at Exhibit #22 and #34.

Figure 1: Location Map

