

Date: 16 July 2025

Project: Bache-Riordan Residence Lot Adjustment BZA # 21298

Location: 1306 Girard St NE
3958 // 0008 & 0009
Washington DC 20017

Subject: Applicant Response to Office of Planning Analysis

Dear Chairman Hill,

The Applicant would like to provide the following response to the Office of Planning's (OP) report on case # 21298, filed on July 16, 2025. (Exhibit #35). OP recommended approval of requested relief for the proposed subdivision of the property, side yard requirements for proposed lot A (referred to as "LOT 8 (with existing house)" in OP's report), and relief from the maximum building area for the existing accessory building on lot A. OP recommended denial of the proposed relief for the side yard requirements for proposed lot B (referred to as "LOT 9 (new lot)" in OP's report).

Side Yard Relief for Lot B – Area Variance

Extraordinary Situation Exists That Results in Practical Difficulty

The Applicant challenges OP's assertion that an extraordinary condition or exceptional situation is not presented in the application that results in practical difficulty for the requested relief from the side yard requirements for proposed lot B. OP's analysis for the requested relief focuses solely on the proposed development on lot B and does not consider the context of the total application. As presented in the applicant's burden of proof (exhibit #26) and acknowledged in other parts of OP's analysis, the current condition with an existing structure on the property line is the extraordinary condition that produces practical difficulty in infilling the vacant property with a structure that is consistent with other homes in the neighborhood.

The totality of the application should be considered when evaluating the requested relief as the proposed location of the lot line between the two lots is material in needing to request relief from the side yard requirements for lot B. Said another way, the side yard relief for lot B is required due to the proposed location of the lot line and not the proposed design of the development for lot B.

The proposed location for the subdividing lot line could have been proposed 2 feet closer to the existing structure and required the same relief recommended for approval in OP's report.¹ Moving the proposed subdividing lot line 2 feet closer to the existing structure would eliminate the need for side yard relief for lot B while achieving the same developmental outcome.

¹ In OP's analysis of the side yard relief for lot A, the report mentions the 5-foot minimum side yard width for the continuance of a non-conforming side yard. While compliance with this standard might demonstrate consistency with the intent of the zoning regulations, the analysis is based on D-208.7 which is not applicable to this situation as that provision is for "extension or addition" which is not proposed in this case. The relief required would still only be from the lot subdivision requirements of C-203 and side yard requirements of D-208.

No Substantial Detriment to the Public Good

OP's report concludes that the side yard relief sought for lot B results in detriment to public good as a result of not considering the context of the entire application. The proposed nonstandard side yard for lot B would not impact any lot not subject to this application, so the impact to lot A proposed by the subdivision should not be material in evaluating impact to public good. Similar to how OP's report concludes "[t]he proposed Lot 8 substandard western side yard.... would not result in new impacts to properties not subject to this application," the impact on lot A from the nonstandard side yard for lot B should not be considered detriment to the public good.

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

As stated above, the Applicant believes that a sufficient extraordinary condition that results in practical difficulty currently exists on the property and is adequately presented in the application, in contradiction to OP's report. The Applicant's analysis of how the requested relief from the side yard requirements on lot B does not impair the zoning regulations is presented in the burden of proof statement (exhibit # 26).

Conclusion

When considering an application for relief, the Board has the ability to consider the proposed development in its entirety and is not required to segment individual relief sought. Therefore, the applicant respectfully asks the board to consider the totality of the application when evaluating if the standard is met to grant relief from the side yard requirements on the proposed lot B.

Certificate of Service

I, Justin Riordan, certify that on July 16, 2025, this statement and motion to accept late filing was served on the following parties:

Advisory Neighborhood Commission 5B:

Sukhprita "Prita" Piekara, Chairperson
5B@anc.dc.gov

Jingwen Sun, Single Member District 5B03
5B03@anc.dc.gov

D.C Office of Planning
Planning@dc.gov

Sincerely,

Justin Riordan

Date: 16 July 2025

Project: Bache-Riordan Residence Lot Adjustment BZA # 21298

Location: 1306 Girard St NE
3958 // 0008 & 0009
Washington DC 20017

Subject: Applicant Response to Office of Planning Analysis

Dear Chairman Hill,

The Applicant would like to provide the following response to the Office of Planning's (OP) report on case # 21298, filed on July 16, 2025. (Exhibit #35). OP recommended approval of requested relief for the proposed subdivision of the property, side yard requirements for proposed lot A (referred to as "LOT 8 (with existing house)" in OP's report), and relief from the maximum building area for the existing accessory building on lot A. OP recommended denial of the proposed relief for the side yard requirements for proposed lot B (referred to as "LOT 9 (new lot)" in OP's report).

Side Yard Relief for Lot B – Area Variance

Extraordinary Situation Exists That Results in Practical Difficulty

The Applicant challenges OP's assertion that an extraordinary condition or exceptional situation is not presented in the application that results in practical difficulty for the requested relief from the side yard requirements for proposed lot B. OP's analysis for the requested relief focuses solely on the proposed development on lot B and does not consider the context of the total application. As presented in the applicant's burden of proof (exhibit #26) and acknowledged in other parts of OP's analysis, the current condition with an existing structure on the property line is the extraordinary condition that produces practical difficulty in infilling the vacant property with a structure that is consistent with other homes in the neighborhood.

The totality of the application should be considered when evaluating the requested relief as the proposed location of the lot line between the two lots is material in needing to request relief from the side yard requirements for lot B. Said another way, the side yard relief for lot B is required due to the proposed location of the lot line and not the proposed design of the development for lot B.

The proposed location for the subdividing lot line could have been proposed 2 feet closer to the existing structure and required the same relief recommended for approval in OP's report.¹ Moving the proposed subdividing lot line 2 feet closer to the existing structure would eliminate the need for side yard relief for lot B while achieving the same developmental outcome.

¹ In OP's analysis of the side yard relief for lot A, the report mentions the 5-foot minimum side yard width for the continuance of a non-conforming side yard. While compliance with this standard might demonstrate consistency with the intent of the zoning regulations, the analysis is based on D-208.7 which is not applicable to this situation as that provision is for "extension or addition" which is not proposed in this case. The relief required would still only be from the lot subdivision requirements of C-203 and side yard requirements of D-208.

No Substantial Detriment to the Public Good

OP's report concludes that the side yard relief sought for lot B results in detriment to public good as a result of not considering the context of the entire application. The proposed nonstandard side yard for lot B would not impact any lot not subject to this application, so the impact to lot A proposed by the subdivision should not be material in evaluating impact to public good. Similar to how OP's report concludes "[t]he proposed Lot 8 substandard western side yard.... would not result in new impacts to properties not subject to this application," the impact on lot A from the nonstandard side yard for lot B should not be considered detriment to the public good.

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

As stated above, the Applicant believes that a sufficient extraordinary condition that results in practical difficulty currently exists on the property and is adequately presented in the application, in contradiction to OP's report. The Applicant's analysis of how the requested relief from the side yard requirements on lot B does not impair the zoning regulations is presented in the burden of proof statement (exhibit # 26).

Conclusion

When considering an application for relief, the Board has the ability to consider the proposed development in its entirety and is not required to segment individual relief sought. Therefore, the applicant respectfully asks the board to consider the totality of the application when evaluating if the standard is met to grant relief from the side yard requirements on the proposed lot B.

Certificate of Service

I, Justin Riordan, certify that on July 16, 2025, this statement and motion to accept late filing was served on the following parties:

Advisory Neighborhood Commission 5B:

Sukhprita "Prita" Piekara, Chairperson
5B@anc.dc.gov

Jingwen Sun, Single Member District 5B03
5B03@anc.dc.gov

D.C Office of Planning
Planning@dc.gov

Sincerely,

Justin Riordan