

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21298
Justin Riordan and Zach Bache
1306 Girard Street, NE (Square 3958, Lots 8 and 9)

HEARING DATE: July 30, 2025¹
DECISION DATES: July 30 and September 17, 2025²

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to subdivide two existing record lots to create two new record lots, with an existing detached dwelling on one new lot and to construct a new two-story detached principal dwelling on the other new lot in the R-1B zone:

- Area Variance from the lot dimension requirements of Subtitle D § 202.1, pursuant to Subtitle X § 1002 (*Lot 9: 50 ft. minimum width required; 38.5 ft. width proposed*)
- Area Variance from the side yard requirements of Subtitle D § 208.2, pursuant to Subtitle X § 1002 (*Lot 8: two 8 ft. minimum side yards required; 44.5 ft. (west) and 25.08 ft. (east) existing; 6 ft. (west) and 25.08 ft. (east) proposed*)
- Area Variance from the accessory building area requirements of Subtitle D § 5003.1, pursuant to Subtitle X § 1002 (*Lot 8: greater of 450 sq. ft. or 30% of the rear yard maximum required; 650 sq. ft. proposed*)
- Area Variance from the subdivision requirements of Subtitle C § 302.1, pursuant to Subtitle X § 1002

The zoning relief requested in this case was self-certified. (Exhibit 46 (Final Revised).)³

¹ The Public Hearing was originally scheduled for June 18, 2025, and was postponed at the Applicant's request.

² At the July 30, 2025 hearing, the Board deliberated and voted to approve the requested relief, with the exception of the side yard area variance for the new Lot B (Lot 9). On August 7, the Applicant submitted an updated self-certification form withdrawing the side yard area variance for Lot B, as well as a request to reopen the record to allow in updated plans and plat showing compliant side yards for Lot B. At the September 10 Public Meeting, the Board granted the Applicant's request to reopen and scheduled a decision for the September 17, 2025 Public Meeting.

³ The application was amended several times to change the side yard relief from special exception to area variance, to add an area variance from the lot width requirements, and finally to withdraw the side yard area variance for the new Lot 9.

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5B, the "affected ANC" pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

NOTICE OF THE APPLICATION AND PUBLIC HEARING. The Board of Zoning Adjustment (the "Board") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 21, 2025, at which a quorum was present, the ANC voted to support the application. (Exhibit 37.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the originally requested relief, except for the side yard area variance for Lot 9. (Exhibit 35.) The Applicant subsequently withdrew that specific request for relief.

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT submitted a report indicating that it had no objection to the application because it concluded that the relief would not result in any adverse impacts to the District's transportation network. (Exhibit 31.)

PERSONS IN SUPPORT. The Board received three letters from neighbors in support of the application. (Exhibits 22, 34, 40.)

PERSONS IN OPPOSITION. The Board received one letter from a neighbor in opposition to the application. (Exhibit 41.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested variance relief can be granted because:

- There exists an exceptional or extraordinary situation or condition related to the property;
- The exceptional condition creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations;
- The relief can be granted without substantial detriment to the public good; and
- The relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Area Variance from the lot dimension requirements of Subtitle D § 202.1, pursuant to Subtitle X § 1002 (*Lot 9: 50 ft. minimum width required; 38.5 ft. width proposed*)
- Area Variance from the side yard requirements of Subtitle D § 208.2, pursuant to Subtitle X § 1002 (*Lot 8: two 8 ft. minimum side yards required; 44.5 ft. (west) and 25.08 ft. (east) existing; 6 ft. (west) and 25.08 ft. (east) proposed*)
- Area Variance from the accessory building area requirements of Subtitle D § 5003.1, pursuant to Subtitle X § 1002 (*Lot 8: greater of 450 sq. ft. or 30% of the rear yard maximum required; 650 sq. ft. proposed*)
- Area Variance from the subdivision requirements of Subtitle C § 302.1, pursuant to Subtitle X § 1002

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 47 of the record, as required under Subtitle Y §§ 604.9 and 604.10.

**VOTE to Approve in Part,
Deny in Part
(July 30, 2025):**

4-0-1

(Frederick L. Hill, Carl H. Blake, Chrishaun S. Smith, and Tammy M. Stidham to APPROVE in part and DENY in part; one Board seat vacant)

**VOTE to Reaffirm July 30,
2025 Vote Approving
Variances
(September 17, 2025):**

3-0-2

(Carl H. Blake, Chrishaun S. Smith, and Tammy M. Stidham (by absentee vote) to APPROVE; Frederick L. Hill not present, not participating; one Board seat vacant)

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

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: September 23, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS, UNLESS, WITHIN SUCH TWO-YEAR PERIOD, AN APPLICATION FOR A BUILDING PERMIT FOR THE ERECTION OR ALTERATION

APPROVED IS FILED WITH THE DEPARTMENT OF BUILDINGS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 IS FILED PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.