

Date: 16 February 2025

Project: Bache-Riordan Residence Lot Adjustment

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

Subject: Statement of Agent's Intent to Forward Along Documents

Justin Riordan and Zach Bache, owners of 1306 Girard St NE, a single-family dwelling located in the South Brookland neighborhood (zone R-1B), hereby apply for area variance for the lot frontage requirements of DCMR subtitle D § 202.1 and maximum building area for an accessory building of DCMR subtitle D § 5003 pursuant to subtitle X § 1001 as well as special exception for the side yard requirements of DCMR subtitle D § 208.2 pursuant to subtitle D § 5201.

If relief is granted, the owners intend to subdivide the two record lots (currently Lot 0008 and 0009 of square 3958) into two new record lots with the dividing lot line between the new lots 11.5 feet west of its current location. The current single-family dwelling on the property occupies both record lots, creating one single usable lot. Granting relief will allow for both lots to be usable.

The western lot that results from the subdivision (herein referred to as "lot 0009") requires an area variance from the lot frontage requirement of DCMR subtitle D § 202.1. The proposed design for the 6 bed 3.5 bath, 3225 square foot single-family detached dwelling to be constructed on lot 0009 will also require a special exception for the side yard requirements of DCMR subtitle D § 208.2 for the eastern side yard.

The eastern lot that results from the subdivision (herein referred to as "lot 0008") will contain the entirety of the existing owner-occupied principle dwelling unit as well as an existing accessory building. In order to maximum the frontage of lot 0009, lot 0008 will require a special exception for the side yard requirements of DCMR subtitle D § 208.2 for the western side yard. It is typical in the South Brookland neighborhood for homes to have a driveway on one side and a non-conforming side yard on the other side. Lot 0008 will have a driveway on the eastern side of the primary structure. The existing accessory building will also require an area variance to exceed the maximum building area for an accessory building of DCMR subtitle D § 5003.

Area Variance – Lot 0009 Minimum Frontage

Summary

- Pursuant to subtitle X § 1001.2 the Board may grant an area variance to deviate from any area development standard in the regulation.
- The proposed frontage for lot 0009 is 38.5 feet, the minimum frontage required in zone R-1B by DCMR subtitle D § 202.1 is 50 feet. Lot frontages of less than the standard are common in the neighborhood. The proposed lot would meet all other requirements of § 202, include lot area. Many of the lots in the neighborhood do not meet the other area requirements of § 202.

In accordance with DCMR subtitle X § 1002.1, the board must find the following conditions exist in order to grant an area variance:

The Property Is Affected by an Exceptional Situation or Condition.

The current single-family dwelling is an exceptionally unusual condition. The current property line goes through the structure 5.5 feet from its western face. Usually, structures are only on one record lot; this structure occupies two record lots. This non-conforming condition has existed since the original subdivision of the square and construction of the dwelling. (See WR Book 013, page 267.)

Strict Application Would Result in Practical Difficulty of Undo Hardship to the Property Owner.

Strict application of current lot dimension standard in zoning regulation cause practical difficulty and undue hardship for the current owner in two ways. First, as lot 0009 is partially occupied with the structure from lot 0008, lot 0009 is practically unusable and has been left vacant and underutilized given the current density of homes in the neighborhood. Second, the current mailing address for the property only results in property records showing details for lot 0008, rather than both lots which has caused challenges with government agencies and financial institutions.

No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose, and Integrity of the Zone Plan.

Granting the lot frontage area variance for lot 0009 would be consistent with many of the homes in the neighborhood. Despite being in R-1B, numerous properties in South Brookland have a lot frontage less than the required 50 feet, including properties on the same block as the subject property. While granting this relief, the lot area and lot occupancy standards will be maintained. Some of the other non-conforming properties in the neighborhood not only do not conform to the lot frontage requirements, but also the lot area requirement.

Additionally, granting the lot frontage area variance will actually further the intent and purpose of the R-1B zone in the South Brookland neighborhood, rather than impair the regulation. The purpose of R-1B is to provide areas predominantly developed with detached houses on moderately sized lots. The detached single-family home proposed for lot 0009 furthers that objective by providing additional detached single-family dwellings. The current dimensions of the combined Lot 0008 and 0009 is much larger than a medium sized lot similar in the neighborhood. Additionally, Lot 0009 is also within walking distance of two metro rail stations, an area which the Office of Planning has explicitly targeted to increase housing density.

Lastly, the relief sought does not negatively impact any public or private adjacent properties. The light, air, and privacy of all neighbors will not be diminished if relief is granted.

Area Variance – Lot 0008 Maximum Building Area for an Existing Accessory Building

Summary

- Pursuant to subtitle X § 1001.2 the Board may grant an area variance to deviate from any area development standard in the regulation. While the regulation allows for special exceptions to

the maximum building area for new or enlarged accessory buildings (subtitle D § 5201.2), the accessory building is a pre-existing condition, therefore an area variance is required.

- The accessory structure on lot 0008 has a building area of 650 sq ft. DCMR subtitle D § 5003 sets the maximum building area for an accessory structure is the greater of 30 % of the required rear yard or 450 sq ft. If relief is granted and the two record lots are subdivided into two new lots, lot 0008 will have a width of 61.5 feet. The required rear yard for R-1B is 25 feet (§207), making the required rear yard 1,538 sq ft; 30 % of which is 461 sq ft. However, the existing accessory structure has a building area greater than 461 sq ft, requiring an area variance.

In accordance with DCMR subtitle X § 1002.1, the board must find the following conditions exist in order to grant an area variance:

The Property Is Affected by an Exceptional Situation or Condition.

The current single-family dwelling is an exceptionally unusual condition. The current property line goes through the structure 5.5 feet from its western face. Usually, structures are only on one record lot; this structure occupies two record lots. This non-conforming condition has existed since the original subdivision of the square and construction of the dwelling. (See WR Book 013, page 267.)

Strict Application Would Result in Practical Difficulty of Undo Hardship to the Property Owner.

The current accessory structure is an existing condition. Reducing the size of the building area is not possible. If the accessory building were new or being enlarged, the property owner would be able to seek relief as a special exception, rather than a variance. The higher burden of proof required by needing an area variance causes undo hardship on owners with pre-existing accessory buildings. The zoning commission and Office of Planning may want to consider if this higher standard for property owners with pre-existing accessory buildings is appropriate.

No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose, and Integrity of the Zone Plan.

The current zoning plan allows for accessory buildings in the R-1B zone and the Office of Planning has proposed to increase the maximum building area for accessory buildings from 450 sq ft to 650 sq ft.

The principle intent of the maximum building area limitation in the regulation is to limit overall building density in certain zones. Granting this area variance is in keeping with that intent. The overall lot occupancy for lot 0008 would be 23%, which is significantly below the 40% maximum. Additionally, if maximum building area for the accessory building were calculated based on the actual rear yard—rather than the required rear yard—an area variance would not be required. The actual depth of rear yard is 89 feet, for a total rear yard of 5,473 sq ft. The current building area of the accessory building is less than 30% of the total rear yard ($1,642 > 650$) but not less than 30% of the required rear yard ($461 < 650$). Using the required rear yard rather than the actual rear yard allows for owners with shallower lots to get closer to maximum lot occupancy compared to deeper properties.

Special Exception – Side Yards for Both Lots

- Pursuant to subtitle D § 5201.1(b) the Board may grant a special exception for yard requirements when a principle residential building on a non-alley record lot is constructed. A new principle residential building is being constructed on lot 0009 that will not cause substantial adverse effect on adjacent properties, therefore the special exception should be granted.
- In order to maximize the lot frontage for lot 0009, the western side yard for lot 0008 is proposed to be 6 feet, which is less than the 8 feet required by subtitle D § 208.2.
- To keep with the overall general dimensions of homes in South Brookland, the newly constructed dwelling on lot 0009 is proposed to have an eastern side yard of 6 feet, which is less than the 8 feet required by subtitle D § 208.2.

In accordance with DCMR subtitle X § 901.2, the new principal building on lot 0009 shall not have a substantially adverse effect on the use or enjoyment of any adjacent dwelling or property, specifically:

Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

Both lots will have single family detached dwellings. Many of the properties in South Brookland have at least one non-conforming side yard, many of which are adjacent to another non-conforming side yard.

Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

DCMR subtitle D § 5201.4 specifies adverse effect includes: (a) The light and air available to neighboring properties shall not be unduly affected; (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and (c) The proposed addition or accessory structure, together with the original building, or the new principal 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 or alley frontage.

The proposed residential structure on lot 0009 is in the similar size, shape, and design of the South Brookland neighborhood. The structure will not be any closer to adjacent structures than similar structures in the neighborhood to impact access to light or air. The structure would be at a similar height and distance to neighboring properties that does to unduly decrease neighboring property privacy compared to other properties in the neighborhood. The structure is proposed to be in line with adjacent property structures, keeping with the character, scale, and pattern of the neighborhood.

Conclusion

For the reasons stated above, the requested relief meets the applicable standards for zoning relief under the regulations. Accordingly, the owners respectfully requests that the Board grant the application.