



BZA CASE NO. 19814 OF STANTON VIEW DEVELOPMENT, LLC

1724 GAINESVILLE STREET, SE

SEPTEMBER 12, 2018

Background

- Property is one of thirteen (13) separate lots, on which new one-family row dwellings are proposed (1700-1724 Gainesville Street, SE)
- September 2017, the Zoning Administrator approved the construction on twelve (12) of the thirteen (13) lots contingent on the thirteenth lot—the Subject Property—receiving BZA approval for relief from the side yard requirements of Subtitle D § 307.4

Applicant has developed other lots on this square, too:

- 1601-1605 Frankford
- 1600-1622 Gainesville Street, SE, were approved and constructed in 2016
- 1700-1722 Gainesville Street, SE, were approved and constructed in 2017
- Property is the easternmost in this second group of thirteen lots (1700-1724 Gainesville)
- The subdivision of the lots was approved and platted in 2016 and no issue was raised as to the sufficiency of twenty-foot (20 ft.) wide lots

Requested Relief

- Subtitle D § 307.4 states, “when a new dwelling or flat is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.”
- Provision has been interpreted by the Zoning Administrator to apply to the alley-adjacent row house lot at 1724 Gainesville Street, even though it does indeed share a common division wall with a building being constructed together with it (1722 Gainesville Street, SE)
- In the R zones, special exception relief for required side yards is only permitted for an addition to an existing building, not for new construction
- Requirement to provide a 5 ft. side yard, would result in only a 15 ft. wide row dwelling
- Accordingly, Applicant is requesting variance relief from the minimum side yard requirements of D § 307.4

Variance Test:

(1) there is an extraordinary or exceptional condition affecting the property;

- Subject Property is a uniquely undeveloped narrow lot—every other lot of this size on the 1600-1700 blocks of Gainesville Street, SE, has been developed as a matter-of-right without the need for a side yard
- Because this lot directly abuts an alley and not another developable lot, the Applicant is forced to obtain variance relief or provide a fifteen-foot (15 ft.) wide row dwelling
- The Applicant relied on the approval of every other similarly situated lot in the previous development, as well as plain language in the Regulations
- The rule is being uniquely applied to this particular end unit, as no other end unit was required to obtain relief
- In 2016, the Applicant completed another development comprised of 1600-1622 Gainesville Street, SE and 2550-2562 16th Street, SE
- The Applicant also developed 1601-1605 Frankford Street, SE on the other side of the square
- The Applicant was never required to obtain variance relief for those respective end units
- The other end unit for the 1700-1724 Gainesville Development—1700 Gainesville Street, SE, was not required to obtain BZA relief because a petition to close 17th Street was pending approval

Variance Test:

(2) practical difficulties will occur if the zoning regulations are strictly enforced;

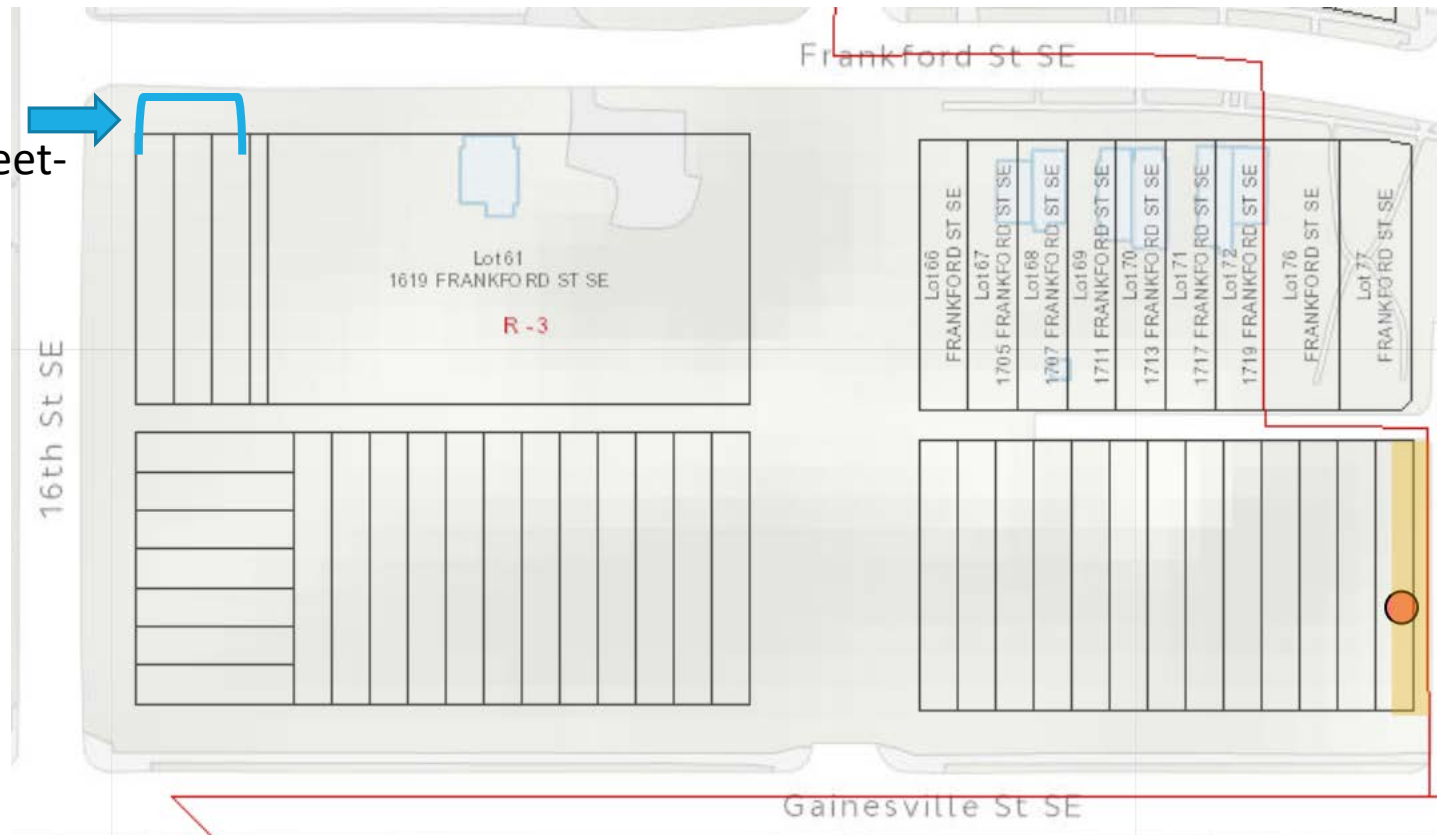
- 5 ft. reduction in the width of the Building would result in a 15 ft. wide structure
- Loss of a parking space, loss of a bathroom, a reduction of five feet (5 ft.) in the living room, dining room, and kitchen, and the loss of at least one bedroom
- The Applicant has provided a detailed presentation on the following slides demonstrating the impact using photos of already-constructed row dwellings adjacent to the Subject Property that would be nearly-identical to the proposed Building

Photos and Floorplans demonstrating practical difficulty

1601-1605 Frankford Street- Also owned and already developed by the Applicant

- The following photos are of 1601-1605 Frankford St. and include an interior tour of 1601 Frankford
- The proposed building at 1724 Gainesville and the other buildings on the 1700 block have a mirror-image floor plan to 1601 Frankford, but the photos help demonstrate how a loss of 5 ft. will impact the design and layout

1601-1605 Frankford Street-

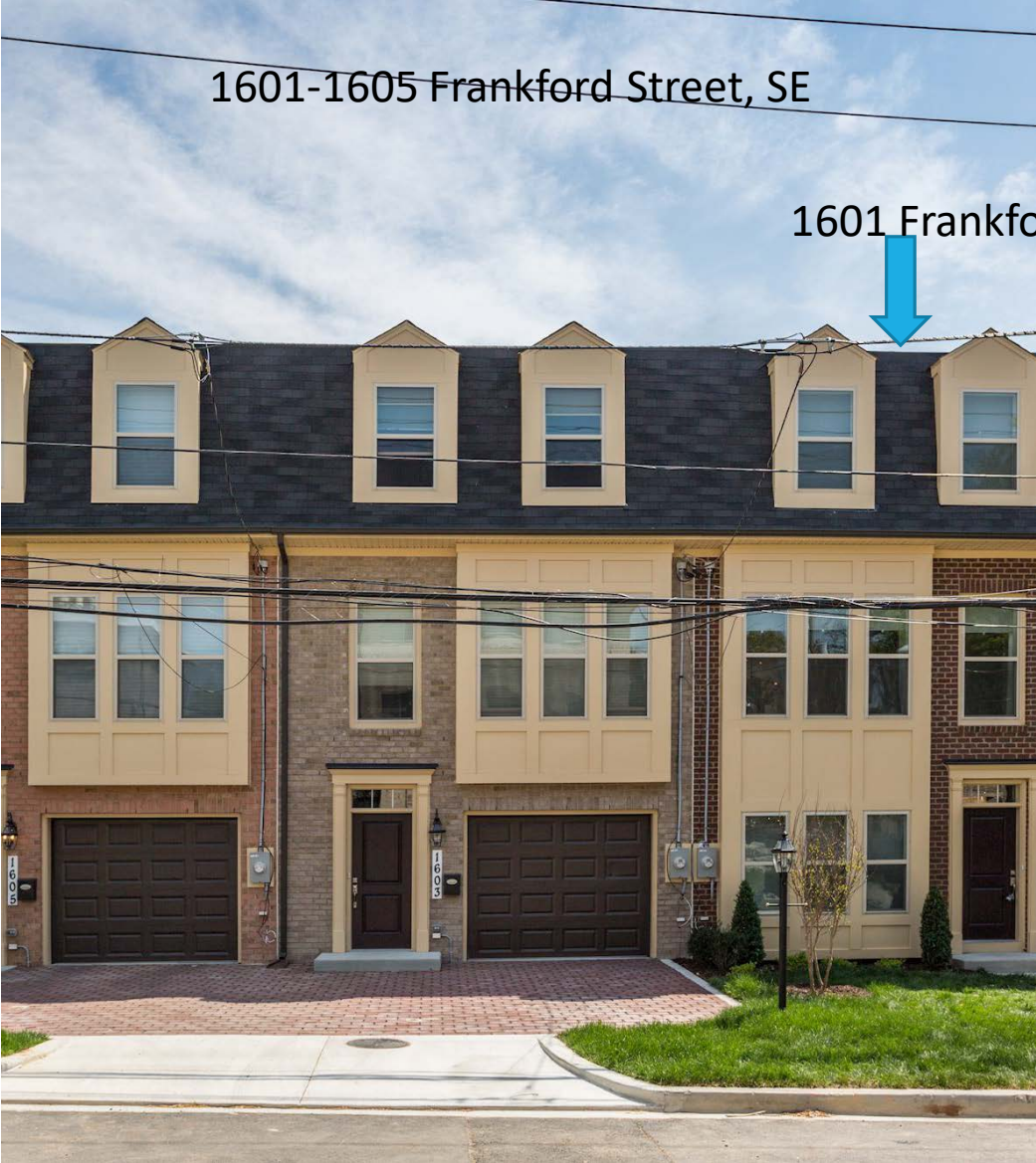


Subject
Property- 1724
Gainesville St SE

Completed homes at 1700-1722 Gainesville



1601-1605 Frankford Street, SE



1601-1605 Frankford Street, SE

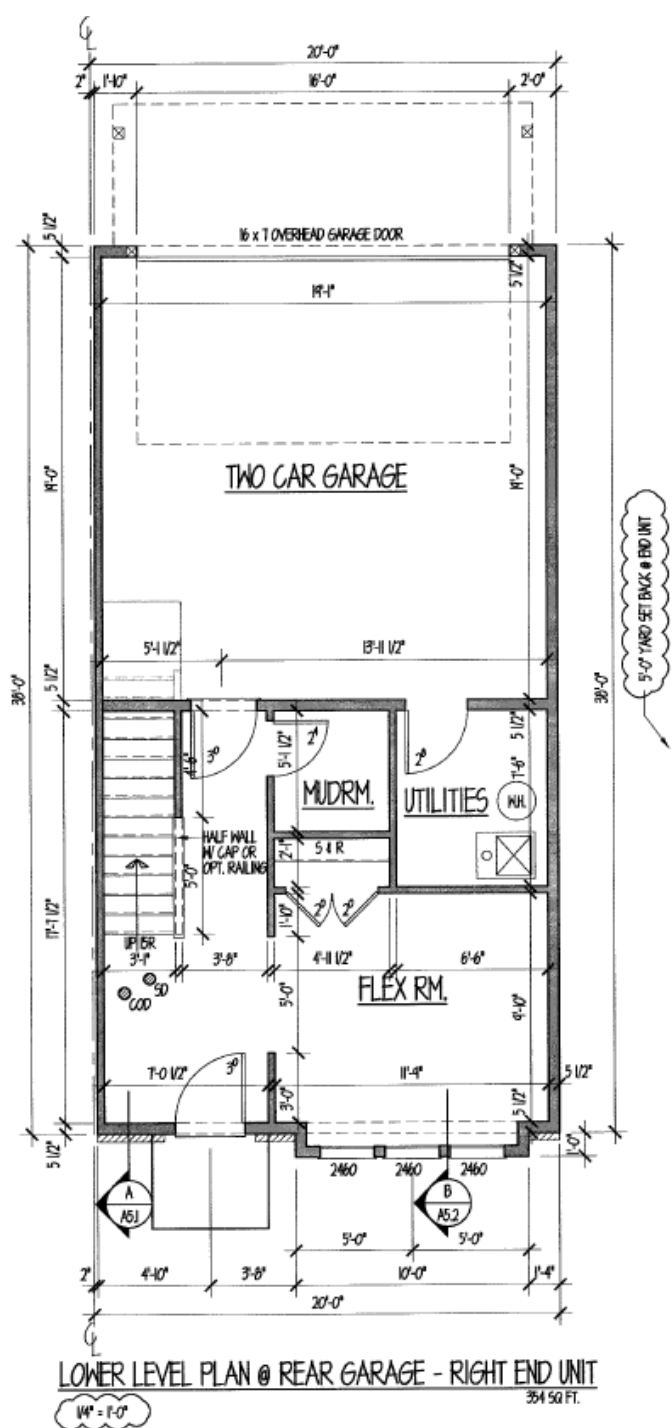


1601 Frankford Street, SE



1601-1605 Frankford Street, SE

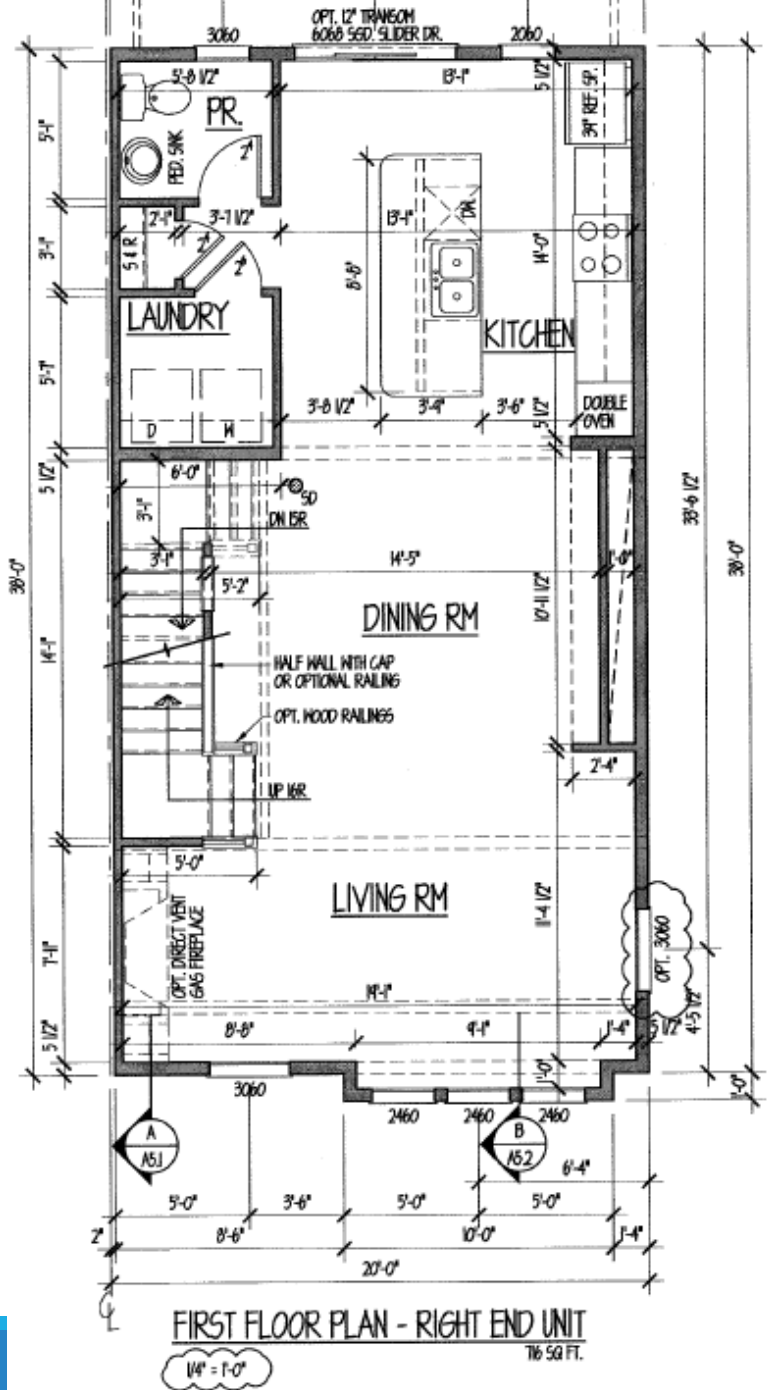
Entryway



Proposed Floor Plan of 1724 Gainesville- right end unit

- Flex room (w/o relief) is only 11 ft. 4 in in width; would be impossible to narrow the stairs or hallway
- 5 ft. side yard would result in a 6 ft. 4 in. wide room, loss of a window
- Behind the flex room is a mudroom and utilities; loss of 5 ft. would result in the loss of a mudroom
- Two car garage with an entryway of only 16 ft.; loss of 5 ft. would make it impossible to fit a second car in the garage

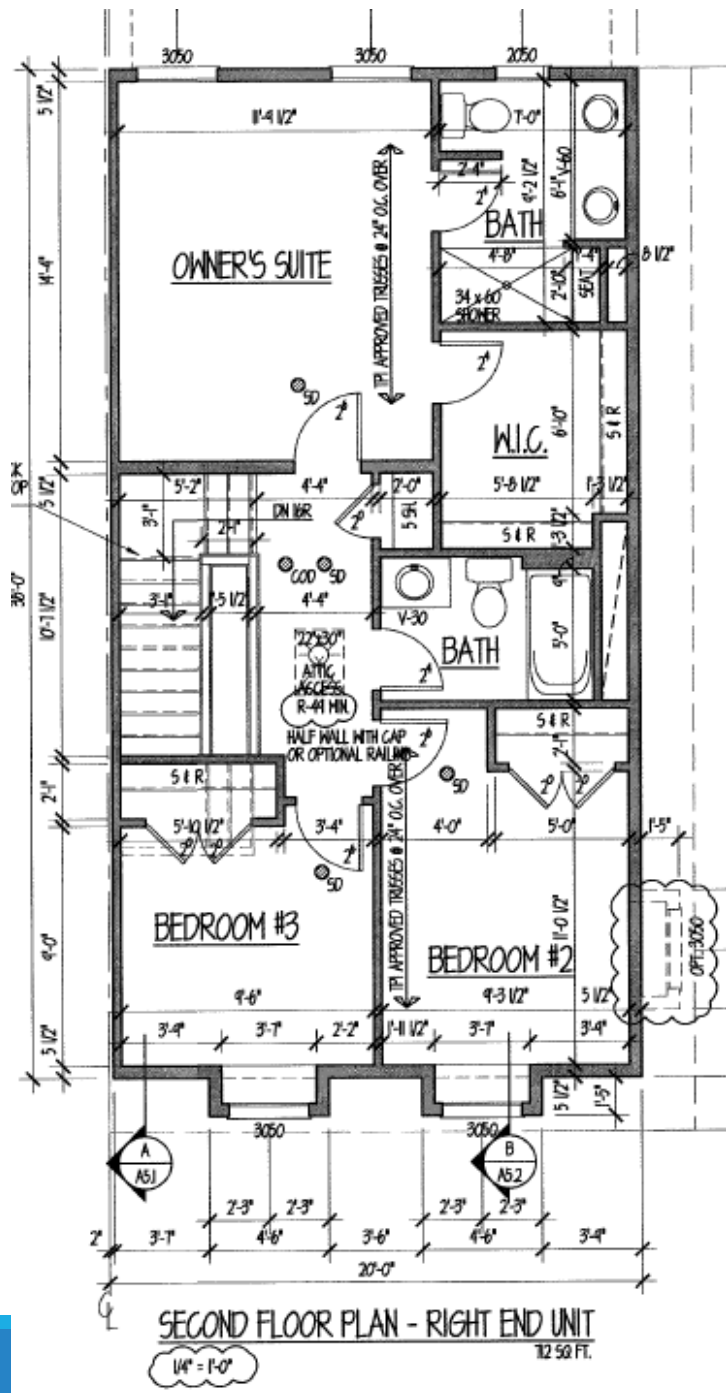




Dining room would be limited to 9 ft. 5 in. in width



Loss of 5 ft. in the kitchen would result in a width of 8 ft. 1 in.;
 Or elimination of bathroom and Laundry area



The staircases and hallways cannot be any smaller; accordingly, the loss of 5 ft. would result in the elimination of a bedroom (bedroom 2 would only be 4 ft. 3.5 in. wide) and possibly a bathroom

Approved Plans- Identical Dwellings



to these plans. Changes require a re-permit with the revised plans. Trade are required for trade work. e.g. Electrical or Plumbing

Structural Review - Wayne Ferguson - 09-25-2017
 Energy Review - Robert Campbell - 09-25-2017
 Electrical Review - Alina Mahmood - 09-25-2017
 Mechanical Review - Alec Petrillo-Groh - 09-25-2017
 Plumbing Review - Alec Petrillo-Groh - 09-25-2017
 DDOT Review - DeAngelo Baynes - 09-25-2017
 DOEE SE-SW Review - Nykia Barnes - 09-25-2017
 DC Water Review - Vahid Bilvardi - 09-25-2017

All have been approved and are constructed except 1724 Gainesville



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
 PERMIT OPERATIONS DIVISION
 PLANS APPROVED**

Permit No. B1704788 Date 09/25/17

These plans are conditionally approved as submitted or noted during plan review and are subject to field inspection. Approved plans must be kept on site and are needed for all inspections. No changes or modifications to these plans. Changes require a revision permit with the revised plans. Trade Permits are required for trade work. e.g. Electrical or Plumbing

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For the front- strict applications would result in a building that looks completely different from all other buildings on this block (single dormer, much more narrow)

Blacked out area = 5 ft.

Variance Test:

(2) practical difficulties will occur if the zoning regulations are strictly enforced...con't

- Any side yard would force the Applicant to re-design this one Building which would then be out of the character, scale and pattern of the now-existing dwellings on the block
- The living space would have to be moved towards the rear of the lot resulting in a longer and narrower end unit than the identical twelve (12) units which were approved with the Subject Property, and all other buildings on the 1600 block as well
- Would undoubtedly impact the views of the adjacent properties to the west
- While it possible to construct a fifteen-foot (15 ft.) wide dwelling, it would be unnecessarily burdensome to the Applicant
- Test for an area variance is “practical difficulty” and “unnecessarily burdensome”, not “impossible”
- Re-designing one unit on a block of otherwise identical units would clearly result in a practical difficulty and be unnecessarily burdensome for the Applicant

Variance Test:

(3) Relief Can be Granted without Substantial Detriment to the Public Good and without Impairing the Intent, Purpose, and Integrity of the Zone Plan.

- ANC 8B unanimously supports
- OP recommends approval
- Applicant has developed this entire square and ANC 8C's report notes that the Applicant is "doing outstanding work in our community"
- Side yard would be required on the east side and the closest property to the east is unimproved (1730 Gainesville); closest residence is separated by an alley, the unimproved property at 1730 Gainesville, and its own side yard
- Uniqueness of the situation means that relief can be granted without impairing the intent, purpose and integrity of the zone plan
- Only undeveloped lot of this size on the 1600-1700 blocks of Gainesville Street
- Side yard requirement is unique to this lot because it abuts an alley and not another developable property