

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Philip Bradford, AICP, Case Manager
 JL Joel Lawson, Associate Director Development Review
DATE: December 2, 2024

SUBJECT: BZA Case 21232: Request for special exception relief to allow an addition at 5310 Cathedral Avenue NW.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exception pursuant to Subtitle D § 5201 and Subtitle X § 901:

- Side Yard, D § 208 (8 ft. required, 5 ft. existing NE corner, 6.4 ft. SW corner; 5 ft. NE corner, 6.4 ft. SW corner proposed)

II. BACKGROUND

The applicant proposed a matter-of-right addition to the front and rear of the existing single-unit detached dwelling and obtained a Building Permit No. B2310109 from Department of Buildings (DOB) on February 26, 2024. After construction commenced, ANC3D commissioners contacted DOB to inform them that the construction appeared to go beyond the scope of an addition or alteration as outlined by [Zoning Administrator Interpretation 10: Demolition vs. Raze for Zoning Purposes](#), and appeared to be a new construction. DOB concurred with ANC3D, but also noted incorrect information was provided to the applicant, as evidenced in the Zoning Determination Letter dated September 13, 2023, in Exhibit 6. To resolve the issue, the applicant was directed to apply for special exception relief for the side yards, as they are being built in the same location as the previously existing dwelling.

III. LOCATION AND SITE DESCRIPTION

Address	5310 Cathedral Avenue NW
Applicants	Kevin Roshdiah
Legal Description	Square 1444, Lot 0041
Ward, ANC	Ward 3; ANC 3D
Zone	R-1B, low density residential
Historic Districts	None
Lot Characteristics	Rectangular lot approximately 43 ft. x 90 ft. with a 10 ft. wide public alley to the northeast.
Existing Development	Detached single-unit dwelling and detached garage.

Adjacent Properties	Detached single-unit dwellings and mixed commercial uses zoned MU-3A along MacArthur Boulevard to the north.
Surrounding Neighborhood Character	The surrounding neighborhood character primarily consists of single-unit detached dwellings and mixed use properties.
Proposed Development	The applicant proposes a front, rear and third floor additions to the existing single-unit detached dwelling. The garage will be removed for a single surface parking space.

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R Zone	Regulation	Existing	Proposed	Relief
Lot Width D § 202 (302)	50 ft. min.	43.06 ft.	No change	Existing nonconforming
Lot Area D § 202	5,000 sq.ft. min.	3,937 sq.ft.	No change	Existing nonconforming
Height D § 203	40 ft. max.	37 ft.	ft.	None requested
Front Setback D § 206	Within range of existing front setbacks on street frontage.	Within range of existing front setbacks.	15.6 ft.	None requested
Rear Yard D § 207	25 ft. min.	36 ft.	25 ft.	None requested
Side Yard D § 207	8 ft. min.	5 ft. (NW corner) 6.4 ft. (SW corner)	5 ft. (NW corner) 6.4 ft. (SW corner)¹	Special exception relief requested
Lot Occupancy D § 210	40% max. by right 50% max by sp.ex.	40%.	37.9%	None requested

V. OP ANALYSIS

Subtitle D § 5201 ADDITION TO A BUILDING OR ACCESSORY STRUCTURE

5201.1 For an addition to a principal residential building with one (1) principal dwelling unit on a non-alley lot or for a new principal residential building on a substandard non-alley record lot as described by Subtitle C § 301.1, the Board of Zoning Adjustment may grant relief from

¹ The approved Wall Test Report in Exhibit 7 shows the side yard as 6.4 ft. which should be used for relief instead of the 7 ft. in the ZA referral letter as it is the most accurate measurement.

the following development standards of this subtitle as a special exception, subject to the provisions of this section and the general special exception criteria at Subtitle X, Chapter 9:

(a) Lot occupancy subject to the following table:

TABLE D § 5201.1(a): MAXIMUM PERMITTED LOT OCCUPANCY BY SPECIAL EXCEPTION

Zones	Type of Structure	Maximum Percentage of Lot Occupancy (%)
All R-3 zones except R-3/GT	All Structures	70
R-3/GT	Row	
R-3/GT	Detached Semi-detached	50
All other R zones	All Structures	

(b) Yards, including alley centerline setback; and

(c) Pervious surface.

The request is for side yard relief, as the side yards on both sides of the structure are less than the 8 ft. requirement.

5201.2 & 5201.3 not relevant to this application

5201.4 An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

(a) The light and air available to neighboring properties shall not be unduly affected;

The requested relief should not result in an undue impact on the light and air of the neighboring properties. The addition is constructed as a matter of right, however the construction work and level of demolition of the existing house resulted in the primary structure losing any non-conforming status. Therefore, the side yards, which are not changing from the existing condition should not result in a change for any neighboring properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

The requested relief should not result in unduly compromising the privacy of use and enjoyment of the neighboring properties. As noted above, the side yards do not decrease the distance between the existing home and any neighboring properties.

(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; and

The proposed additions are visible from the street and the public alley. The relief should not result in a condition that visually intrudes on the character of the houses along this block of Cathedral Avenue NW. Many of the houses in the area are similar in material and massing,

and are located adjacent to larger buildings in the MU-3A zone adjacent to the subject property across the public alley.

- (d) *In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The applicant has provided sufficient graphical representation, including renderings, photographs, plans, and elevations.

5201.5 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

OP does not recommend any special treatment to protect nearby properties.

5201.6 This section shall not be used to permit the introduction or expansion of a nonconforming use, lot occupancy beyond what is authorized in this section, height, or number of stories as a special exception.

Approval of the special exception relief should not result in the expansion of a nonconforming use or development standards beyond what is authorized by special exception.

Subtitle X Section 901 SPECIAL EXCEPTION REVIEW STANDARDS

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

- (a) *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

Granting the relief would be in harmony with the general purpose and intent of the Zoning Regulations and Maps. The R-1B zone is intended to allow for detached single-dwelling houses, and to provided for the orderly development and to reinforce neighborhood character. Allowing the relief would allow this house to complete construction as a single-dwelling house with side yard setbacks in the same location as the original home on the property, as can be allowed by special exception.

- (b) *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and*

Granting the requested relief should not adversely affect the neighboring properties. As discussed above, the proposed addition meets the special exception criteria in Subtitle D § 5201. The addition would allow for construction to be completed utilizing the non-conforming side yard setbacks of the original home, thus maintaining the character of the neighborhood.

VI. OTHER DISTRICT AGENCIES

As of the writing of this report, no district agencies have submitted comment to the record.

VII. ADVISORY NEIGHBORHOOD COMMISSION

At Exhibit 18 is a letter of support from ANC 3D.

VIII. COMMUNITY COMMENTS

At Exhibit 15 is a letter of support from the owner of the adjacent property to the southwest.

Location Map:

