

5310 Cathedral Ave NW
BZA Special Exception Burden of Proof
November 5, 2024

Per the Deed recorded with the District of Columbia Recorder of Deeds on October 20, 2022, Document number #2022105735, Al R. Roshdieh, Kevin, A. Roshdieh, and Nick R. Roshdieh are all owners of the property at 5310 Cathedral Ave NW, and we jointly submit this BZA application for consideration.

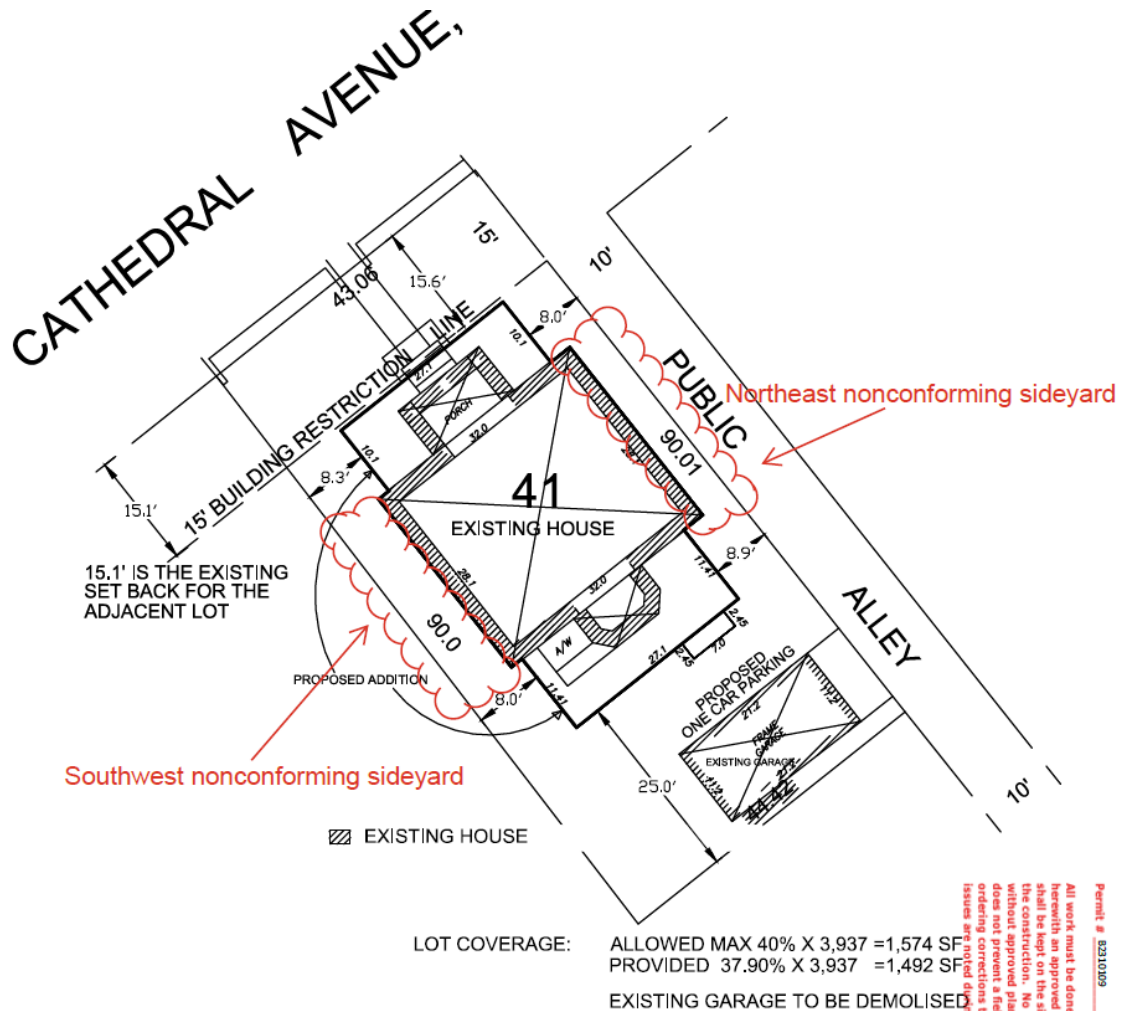
Pursuant to Zoning Subtitle X § 901, the special exception for our home renovation/extension project at 5310 Cathedral Ave NW under building permit #B2310109 will fully (1) be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and (2) will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

- (1) The proposed home renovation fully maintains and does not change the former use of the property as a detached single-family home with one off-street parking spot, consistent with all the other homes in the neighborhood in residential zone R-1B, and we have already codified this in the DC Record of Deeds with a Declaration of Covenant to this effect (Attached to this BZA Application). The look and size of the proposed renovation is consistent with many homes in the neighborhood.
 - a. The requested special exception for sideyard setbacks remains in harmony with the purpose and intent of Zoning regulations because the only non-conforming walls of the house are preexisting at the location the house walls have always been (~5 ft on the northeast side and ~7 ft on the southwest side) at a reasonable distance from the property line similar to many homes in the neighborhood, all new walls/extensions are conforming at 8 feet. To preserve the original footprint of the home and remain in harmony with other homes in the neighborhood we wish to preserve these sideyards at their original distance/location. All other aspects of the proposed renovation are 100% conforming to R-1B standards (height, size, front and back yards, etc).
- (2) The proposed sideyard setback special exception will have no adverse impact on any neighboring properties. Since the only nonconforming side yards are all exactly where the original house side yards have always been, there is no change in the distance to the property line that would have an adverse effect on the neighboring properties. On the northeast side of the house, the sideyard is adjacent to a public alleyway and then beyond that a private parking lot, neither of which are impacted by the home's walls being ~5ft from the property line (at which location a fence has always stood against the alley). On the southwest side of the home, the nonconforming sideyard is at ~7ft but again only at the parts of the house where the walls have always been. The renovation does increase the height of the building but still 100% conforming with zoning requirements and providing added privacy and reduced noise for the neighboring home on that side. The owner of 5439 Sherier Place NW, which is the only property immediately facing a non conforming sideyard, has expressed appreciation for this and is supportive of the project. Any new extensions beyond the original structure maintain a 8 ft side yard as required by the zoning regulations.

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All proposed wall locations have been approved and confirmed by DC DOB per the wall check issued and stamped by the OZA on 8/27/2024 attached to the BZA application. Below are supplemental images which demonstrate the proposed renovation being in harmony with the surrounding residential area.

Screenshot from Plat indicating sideyards in question



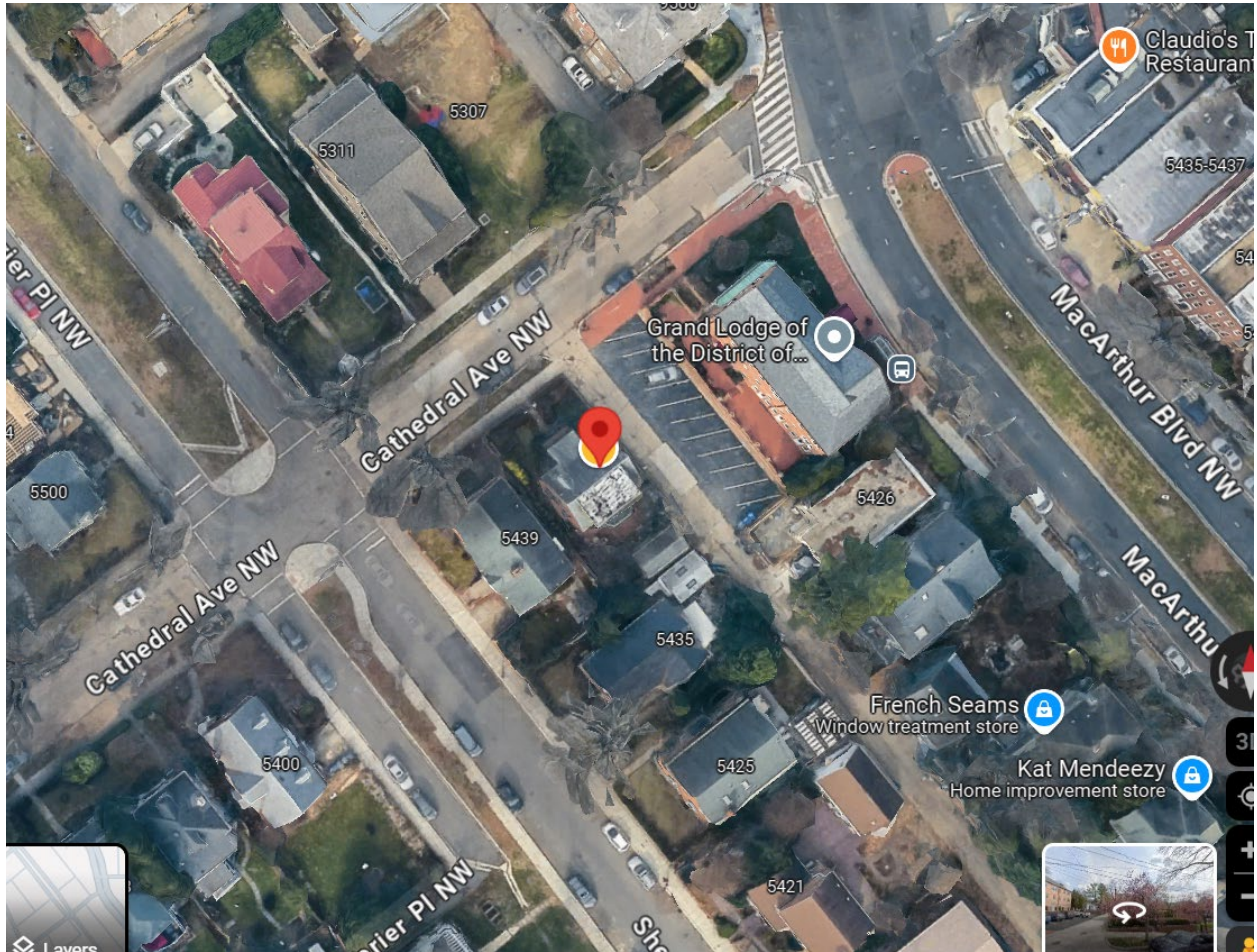
SR-23-06324(2023)

SHEET 2 OF 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PERMIT OPERATION DIVISION
Plans Approved
Permit # 231039 Date 02/26/24
All work must be done strictly in accordance with the approved plans. Approved plans shall be kept on the site until completion of the construction. No inspection will be made without approved plans on site. The Inspector does not prevent a field inspection from being ordered corrections to meet codes with issues are noted during inspections

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Satellite imagery showing location of home and neighboring properties



Compliance with Subtitle D § 5201.4(a)-(d)

(a) No Substantial Adverse Effect on Use or Enjoyment of Adjacent Properties:

The design of my home renovation prioritizes the preservation of neighboring properties' enjoyment and use. The proposed addition has been carefully planned to ensure it aligns with neighborhood standards and does not encroach on adjacent property boundaries. The scale and layout of the renovation were created with consideration for the neighborhood, minimizing any impact on the overall character and use of adjacent homes. We specifically worked with our architect to ensure that the construction remains within the scope of reasonable enhancements to be allowed by the DCOZ and the Office of Planning, fostering harmony with neighboring residences. As previously stated, the owner of the home facing the subject sideyard of this application is highly supportive of the project as built and is pleased with the added privacy of the extension with no adverse effects.

(b) No Undue Effect on Light and Air Available to Neighboring Properties:

The renovations have been designed to respect and preserve the access to light and air for adjacent properties. The placement and dimensions of the addition structural components were specifically chosen to prevent any shading or obstruction that would compromise sunlight or airflow for neighbors. The renovation follows R-1B standards in avoiding excessive height or bulk that could lead to a material reduction in natural light or air circulation for surrounding homes, ensuring that the neighbors' quality of life remains unaffected.

(c) Privacy of Use and Enjoyment of Neighboring Properties is Maintained:

Privacy was a primary consideration in the design of the renovation, and the home will continue to primarily hold the same footprint as originally designed. Window placements and the overall layout were planned to prevent direct sightlines into neighboring properties, maintaining their privacy as well as ours. Screening elements and landscaping will be incorporated to further ensure that no privacy issues arise for nearby residents. This commitment to privacy reflects our intention to uphold a respectful and considerate relationship with neighboring properties.

(d) No Substantial Visual Intrusion on Street Character, Scale, and Pattern:

The proposed renovation is designed to blend seamlessly with the architectural character of the neighborhood and maintains the scale and style typical of other homes on the street, in square footage, front setback, and a contemporary design that does not stick out from a wide range of homes in the neighborhood (which is why we elected to keep a traditional gabled roof rather than change to an unusual flat roof). The materials and design elements have been selected to complement the existing façade, and the project follows a pattern that is consistent with other structures along the street frontage. By ensuring that the renovation aligns with the established scale and visual rhythm of the neighborhood, the project does not intrude upon the character or pattern of the community and instead adds to its cohesive appearance.