



GEORGETOWN LAW

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J. Peter Byrne
Professor of Law

December 11, 2009

Mr. Marc B. Loud, Chairman
D.C. Board of Zoning Adjustment
441 4th St. N.W. Suite 200 South
Washington, D.C. 20001

Re: Emory United Methodist Beacon of Light Church, BZA # 17964
6100-20 Georgia Ave. N.W.

Dear Chairman Loud:

Please accept the enclosed letter in place of the one dated December 9, which I previously sent you. It contained typographical errors.

Thank you.

Sincerely,


J. Peter Byrne

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17964

EXHIBIT NO. 52



GEORGETOWN LAW

J. Peter Byrne
Professor of Law

December 9, 2009

Mr. Marc B. Loud, Chairman
D.C. Board of Zoning Adjustment
441 4th St. N.W. Suite 200 South
Washington, D.C. 20001

Re: Emory United Methodist Beacon of Light Church, BZA # 17964
6100-20 Georgia Ave. N.W.

Dear Chairman Loud and Honorable Board Members:

I am a resident of the District of Columbia and a professor at Georgetown University Law Center, specializing in land use regulation and historic preservation law. I also am a member of the board of the Alliance to Preserve the Civil War Defenses of Washington (Alliance), which has been working with the National Park Service, the District government, and the National Capital Planning Commission to protect and enhance public appreciation and enjoyment of the remarkable string of historic forts constructed to defend the capital during the Civil War. These efforts appear to be on the verge of success, as these entities have committed to enhancing the visitor experience at the forts and improving connecting trails for walking and biking.

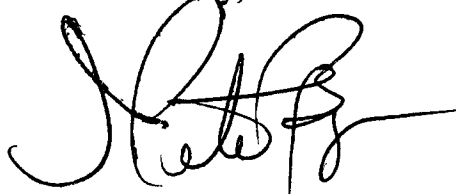
These efforts are threatened by the Church's proposed massive five-story new housing and office "wall", especially along its western property line, which will severely damage the visitor experience at adjoining Ft. Stevens' Park. Ft. Stevens is the linchpin of the historic forts. It is the site of the only significant Civil War battle fought within the District. As you may know, President Lincoln actually personally witnessed the battle from its parapets, becoming the only sitting U.S. president to come under enemy fire during wartime. Moreover, due to restoration work by the Civilian Conservation Corps during the Depression, it is the best site for a visitor to visualize how the forts looked and what the experience of battle was like. It has been the site of many commemorations and an important focus of planning for future public improvements.

The Church's proposed building is very large for its site, as is evidenced by the many permits it is requesting from the BZA. The looming presence of the massive building coming so close to the property line will seriously impair the public value of the Ft. Stevens site and undermine the effort to secure additional funding and support for improvement of the entire fort system. Chapter 22 of the Revised Comprehensive Plan for the National Capital, 10 DCMR Comprehensive Plan Part 1 (October 2007) requires that land use decisions recognize and protect historic landmarks like Ft. Stevens. It is hard to see how the variance requested here could be granted "without substantial detriment to the public good", 11 D.C.M.R. 3103.2, or how a

special exception could be granted “that will not tend to affect adversely the use of the neighboring property”, id. 3104.1.

Ft. Stevens is a precious historic site that many citizens and public entities have committed to protecting and enhancing. It would be a grave mistake to permit a structure bigger than permitted by the zoning regulations to be built nearly on top of it. I urge you to reject these requests for permits.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Peter Byrne', with a long horizontal flourish extending to the right.

J. Peter Byrne