WESLEY HEIGHTS HISTORICAL SOCIETY

4323 CATHEDRAL AVENUE
WASHINGTON, D. C. 20016
(202) 244-7033

Ms. Sherri M. Priutt
Secretary
D.C Board of Zoning Adjustment
441 Fourth Street, NW
Suite 210
Washington, DC 20001

BZA
Case No. 16521
Exhibit No. 87

Re: BZA Application 16521

Dear Ms. Pruitt:

The Wesley Heights Historical Society was established in 1989 in response to perceived over-development that threatened to change the open, well-wooded character of our streets that adds so much to the quality of life in Wesley Heights. Our members, sponsored a zoning overlay that was adopted July 13, 1992, by the DC Zoning Commission as a means for keeping new building or additions to existing homes to a reasonable level. We believe that ours was the first or one of the first zoning overlays in the District and it has served as a standard for other neighborhoods to propose similar overlays. Consequently, we are interested in seeing to it that the existing zoning regulations, as well as the Wesley Heights Overlay District, are followed by architects, developers, builders and residential owners and are enforced in a fair and even-handed manner by the District so that residents can make reasonable additions to existing homes but that their actions do not impact negatively on the character of the neighborhood or the quality of life of the immediate neighbors.

The present case at 3020 43rd Street involves additions to a 1927 home that as now built exceed not only the provisions of the Wesley Heights Zoning Overlay District, but also the underlying R1A zoning provisions.

The lot and the structures on it were already non-conforming, but of course grandfathered, even before the recent additions. The lot is 6562.5 square feet, almost 1000 square feet smaller than the 7,500-square-foot R1A minimum. The side yard

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setback on the north side is less than 5 feet instead of the required 8 feet; I believe the south side yard setback is equally deficient. The Zoning Administrator has not enforced the zoning provision for a full 8-foot setback for the addition at the back of the house, because it was only 6 inches short of the required 5 feet.

Mrs. Crary, her attorney and I have already testified at the December 5, 2000 hearing about the non-conformity of the new additions and the conditions under which they were constructed, some without building permits. Now the owner has consolidated all his permit applications (announced without any prior notice to us at the BZA hearing) and is herewith applying for yet another variance to make legal his previous illegal construction. There has been previous testimony by a DC Zoning official (Edgar Nunally) and in Mr. Michael Johnson's letter to the BZA of April 23, 2001 that at least two of the applications were presented in a deceptive manner or were "based on misinformation provided by the applicant."

The Wesley Heights Historical Society feels that it is important for the city to apply both the provisions of the zoning overlay and the underlying R1A zoning in a consistent manner to ensure its credibility and to preserve the integrity of the community's overlay. Otherwise all the community efforts will have been in vain and we and others will perceive that deception and illegality works if you have enough boldness and patience. Our neighborhood deserves better treatment by city officials under the existing laws and regulations.

Sincerely yours,

George E. Watson
President, The Wesley Heights Historical Society

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4323 CATHEDRAL AVENUE, N. W.
WASHINGTON, D. C. 20016-3560
Telephone: 202-244-7033
FAX: 202-362-1945

FACSIMILE TRANSMISSION SHEET

DATE: July 24, 2001

TO: **BOARD OF ZONING ADJUSTMENT**, 202-727-6072

FROM: **GEORGE E. WATSON**

RE: **Letter in Opposition to Application 16521**

TOTAL NUMBER OF PAGES (INCLUDING THIS SHEET): **3**

MESSAGE:

I apologize for being so tardy with this letter, but I have been more or less continuously out of town for the past three weeks owing to my sister's illness and death.