BZA
Case No. 16576
Exhibit No. 34

'00 SEP 18 P2:03

Theresa Lennon Gardner and Michael R. Gardner
5208 Upton Terrace, N.W.
Washington, DC 20016

OFFICE OF ZONING
DISTRICT OF COLUMBIA

'00 SEP 18 P2:03
OFFICE OF ZONING
DISTRICT OF COLUMBIA

By Facsimile

TO: Sherri Pruitt
Secretary, DC Board of Zoning Adjustment

ANC3D Commissioners

FROM: Theresa Lennon Gardner and Michael R. Gardner

DATE: September 18, 2000

SUBJECT: Proposed Expansion to 5212 Upton Terrace, B2A No 16576

As requested by Tonya Hamilton of ANC3D, we are writing to articulate our views about the proposed expansion to 5212 Upton Terrace contemplated by our next door neighbors, Mr. and Mrs. Lee Verstandig.

In writing this letter as requested by ANC3D, it is important to understand that we are native Washingtonians who have lived in our current home in Spring Valley in Northwest Washington for twenty years. We bought our current home, in large measure, because of the wonderful park-like environment in this area of Spring Valley which is close to the scenic Delacarlia Parkway. It is also noteworthy that we did not oppose the significant expansion completed by the prior owners of 5212 Upton Terrace, nor did we oppose the nearly redoubling of the house to the immediate rear of our property. In our view, neighbors should generally be able to expand or remodel their homes as they please, as long as their plans do not impact the parkland which is a valuable asset for all residents of the District of Columbia, particularly residents of the immediate neighborhood where the parkland exists.

With this background in mind, we must confirm what we previously told Lee Verstandig. While we have no views either way about the architectural aspects of the proposed addition at 5212 Upton Terrace, we strongly oppose any element of that addition which intrudes upon and compromises the integrity of the Delacarlia Parkland which abuts the rear of the Verstandig's property — including the 25 foot offset. Since explaining our views to Mr. Verstandig in June, 2000, we nonetheless, have heard erroneous reports from ANC3D officials and other neighbors attributed to the Verstandigs and their architect that we were supportive of the revised plans for 5212 Upton Terrace that were considered by the ANC3D at its September 11 meeting.

So that the record is clear before the ANC3D and the D.C. Board of Zoning Adjustments, we wish to state for the Record, which we request to be formally Party to, that we strongly oppose the proposed expansion because it would intrude substantially into the 25 foot set-back that is mandated under U.S. Reservation 478 of the Federal Park Service for the parkland adjacent to Delacarlia Parkway. Moreover, according to our architectural advisors, the Verstandig's rear fence is already on the parkland. Thus, if the requested waiver is granted for the proposed expansion at 5212 Upton Terrace, the

Board of Zoning Adjustment
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integrity of the parkland that we all enjoy and benefit from, would be substantially compromised. As the attached page from the Federal Park Service confirms, the Delacarlia Parkland was transferred in December 1972 by the Federal government to the District of Columbia for parkland use only. Thus, the D.C. government as represented by the Board of Zoning Adjustment and ANC3D is in reality the Trustee of this Federal parkland for all the citizens of the District of Columbia who over the years have enjoyed, and should continue to enjoy the buffer of rich green foliage that abuts both sides of Delacarlia Parkway.

In the case of the latest proposed expansion at 5212 Upton Terrace, we feel it is essential that the ANC3D and the Board of Zoning Adjustments protect the integrity of the parkland — both the parkland itself as well as the 25 foot offset. If that requires securing a reliable survey of the parkland in question, then that step should be taken promptly so that an informed decision can be made by the D.C. Zoning Board when considering the requested waiver. By promptly taking this action, we believe that everyone's interests would be advanced, including the Verstandig's and neighbors like ourselves who originally moved to this area of Spring Valley because of the rich natural environment that abounds here.

Importantly, if a waiver is granted based on the currently proposed expansion at 5212 Upton Terrace, it will represent a significant negative precedent that could be the basis for countless intrusive additional waiver grants for construction on the parkland that now provides a beautiful buffer from the noise of traffic along Delacarlia Parkway. In the near term, the scenic Delacarlia Parkland could become an unsightly checkerboard of mixed uses including private tennis courts, sheds, carports — anything that people wanted to put on parkland that the Federal government transferred to the D.C. government 28 years ago with the clear mandate that it would be protected as pristine parkland for the public's benefit. Thus, in considering this particular waiver, the ANC3D and the Board of Zoning Adjustment must consider the real precedential impact of any waiver grant in this instant case.

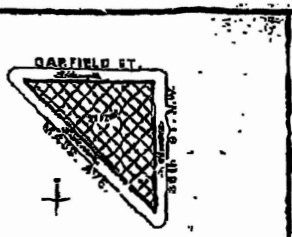
Finally, we have an additional concern: namely, how will the heavy equipment required to build the substantial proposed expansion at 5212 Upton Terrace gain access to the rear of this residence which has such limited frontage on Upton Terrace. While this issue is ultimately a challenge for the Verstandig's and their builders, we would expect at a minimum that any action taken by either the ANC3D or the D.C. Zoning Board would prohibit rear access for construction equipment through the parkland via Delacarlia Parkway, as this access would necessarily prove injurious to trees and plant life in the parkland at the rear of 5212 Upton Terrace.

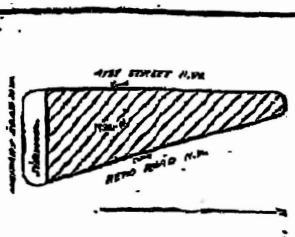
We appreciate the ANC3D's and the Zoning Board's consideration of this letter, and we request that it become Part of the Formal Record in this proceeding; further, we urge the Commissioners of the Board of Zoning Adjustments to fulfill their duty as Trustees of the Delacarlia Parkway consistent with the clear intent of U.S. Reservation 478 and reject this waiver request. If this Trusteeship is honored, then current and future generations of residents of this community will enjoy the beauty and benefits of the Delacarlia Parkway.

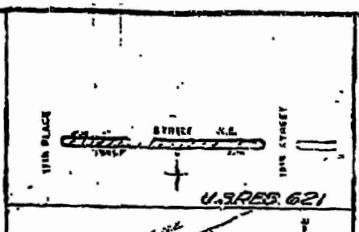
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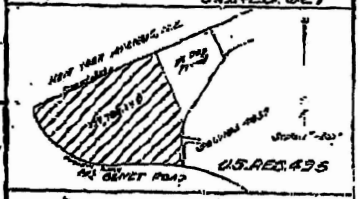
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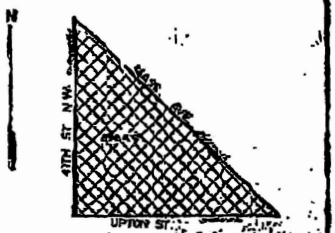
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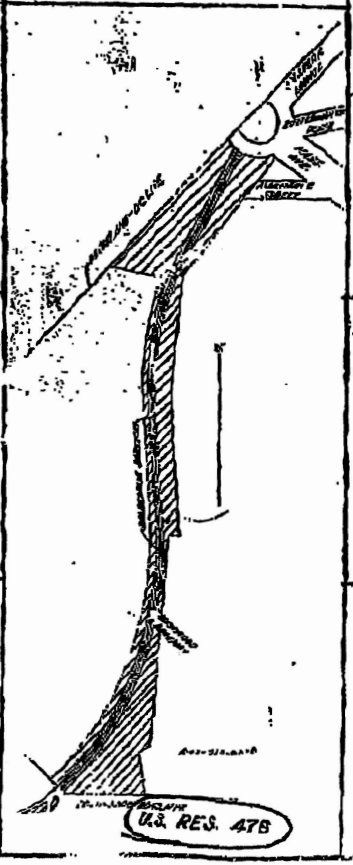


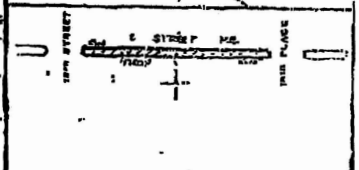


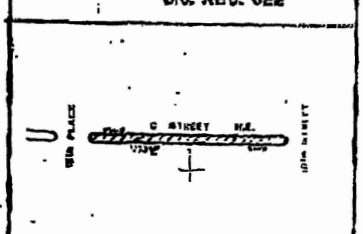


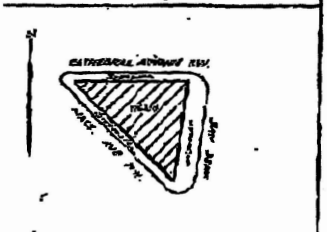


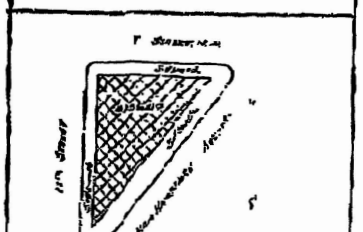












TRANSFER OF JURISDICTION

National Capital Planning Commission
Washington, D.C., ... 19..

In accordance with Section 6 of the Act of Congress for the District of Columbia and Public Law 49, 83rd Congress, approved July 19, 1953.
Recommended by vote of the Commission.

..... Secretary

Department of the Interior
National Park Service
Washington, D.C., ... 19..

In accordance with Section 6 of the Act of Congress for the District of Columbia, I hereby transfer to the jurisdiction of the District of Columbia, U.S. Reservations 377, 0.67; 393, 0.3 Park; 396, 336, 434, 435, 621 and 622 as shown hereon, for highway purposes; and 87 Reservations 378 for parkway purposes; and 83 Reservations 157, 157A, 295, 296, 330, 394, 396, 398, 399, 434, 435 and 478 as shown hereon from the jurisdiction of the District of Columbia, for use in accordance with the Comprehensive Plan for the National Capital adopted pursuant to the National Capital Planning Act of 1952, as amended, provided that the Commissioners of the District of Columbia may authorize the temporary occupancy of such reservations for purposes not incompatible with the Comprehensive Plan.

..... Director, National Park Service

Washington, D.C., July 8 1961

In accordance with Section 6 of the Act of ..... for the District of Columbia, approved ..... Section 6 (2) of Reorganization Plan No. 3 of 1950, the jurisdiction of Reservations hereon are hereby accepted for the purposes set forth above.
By direction of the Board of Commissioners.

Ronald B. Schwartz
Secretary of the Board

Office of the Surveyor of the District of Columbia
Washington, D.C. December 21, 1961
I certify that the plat shown hereon is correct and is hereby approved for record in this office.

..... Commissioner, D.C.

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Chair

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These are letters from ANC 6B

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DISTRICT OF COLUMBIA
'00 SEP 18 P2:03

FACSIMILE COVER PAGE

DATE September 18, 2000

PLEASE DELIVER THE FOLLOWING PAGE(S) IMMEDIATELY

TO: **Sherri Pruitt** COMPANY: **D.C. Board of Zoning Adjustment**

REGARDING: **Proposed Expansion to 5212 Upton Terrace, B2A No 16576**

FROM: **Michael R. Gardner and Theresa L. Gardner** TOTAL NUMBER OF PAGES (INCLUDING COVER PAGE): **4**

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