Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

OFFICE OF ZONING
DISTRICT OF COLUMBIA
00 SEP 29 P4:26

September 25, 2000

Ms. Sherri Pruitt
Secretary, DC Board of Zoning Adjustment
440 4th Street NW Suite
Washington DC 20001

Re: BZA 16576 – proposed expansion to 5212 Upton Terrace NW

Dear Ms. Pruitt:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Monday, September 11, 2000 at Sibley Memorial Hospital's Ernst Auditorium. Proper notice of this meeting was given in the Northwest Current and notices were posted in all neighborhoods at least seven days prior to the meeting. A quorum (3) was present at all times.

One of the items on our agenda was BZA 16576, the property of Mr. And Mrs. Verstandig at 5212 Upton Terrace, NW. Our Commission had previously heard from the Verstandigs and their architect, Mr. Mark Hughes, at our May meeting. At that time, there were several letters of support from nearby residents, though not the contiguous neighbors. However, one of these neighbors, the Williams, who would be most affected by the proposed addition were in attendance and did express some concerns that such addition could affect their privacy because of its close proximity to the side of their home. Additionally, Commissioner Tanya Hamilton, in whose SMD this property is located, had some reservations. The Verstandigs were invited to return in September.

In September, revised plans were presented that significantly modified the original design by eliminating any side or front construction and was sized appropriately for the existing home and surrounding neighborhood. Commissioner Hamilton commended the applicants for their efforts to factor in and resolve the concerns raised at the earlier meeting.

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One of the adjacent neighbors, Mrs. Teresa Gardner, had earlier expressed concern that the Verstandigs addition might infringe on the Dalecarlia Parkland at the rear of the property. When this matter was brought to our attention, Commissioner Hamilton talked with her and was advised that the Gardners were not in opposition to the addition. This information was communicated to the Commissioners at our September meeting and the Verstandigs advised that the other adjacent neighbors, the Williams, no longer opposed the revised plans. Since it is the Commission's general procedure to have letters of support from contiguous neighbors and, anticipating that they would be forthcoming, the Commission voted 5-0-0 to approve the variance request contingent upon receiving these letters of support. Since that time we have received the Williams' letter, correspondence from the Gardners indicating their disapproval and two additional letters of support from nearby neighbors. We appreciate the opportunity to present this information.

Sincerely,

Eleanor Roberts Lewis

Eleanor Roberts Lewis
Chair, ANC3D

Attachments

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

By Facsimile

TO: Sherri Pruitt
Secretary, DC Board of Zoning Adjustment

ANC3D Commissioners

FROM: Therese Lennon Gardner and Michael R. Gardner

DATE: September 18, 2000

SUBJECT: Proposed Expansion to 5212 Upton Terrace, BZA 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

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.

Attachment

Ms. Sherri Pruitt
Secretary – DC Board of Zoning Adjustment
440 4th Street, NW
Washington D.C. 20001

Re: BZA 16576

Dear Ms. Pruitt,

After reviewing the revised plans for expansion of 5212 Upton Terrace, we appreciate the Verstarding's efforts to accommodate some of our concerns. Should the BZA determine the patio acceptable, we would request the BZA to prohibit the property owners/successors from placing a structure on said patio (or within eight feet of the property line) in accordance with DC zoning laws.

Furthermore, we understand the property owners will maintain proper drainage systems so as to prevent excess runoff and/or damage to our property.

We hope all concerned and charged with maintaining the integrity and beauty of this neighborhood will do so.

Sincerely,

John M. Williams

Colleen K. Williams

Colleen K. Williams

Dee R. Matthews
Richard L. Thompson
5137 52nd Street, N.W.
Washington, DC 20016
September 21, 2000

Sherri Pruitt
Secretary, DC Board of Zoning Adjustment

Re: Proposed Expansion to 5212 Upton Terrace, N.W.

Dear Ms. Pruitt:

We live next to Upton Terrace and our property also abuts the buffer zone along Dalecarlia Parkway. It is our opinion that this project will not encroach at all on the so-called "parkland". We have reviewed the revised plans and walked around the Verstandig's property to actually see what this project will entail and is quite clear that there will be no infringement on the Dalecarlia Parkland.

As their neighbors, we would like to commend the Verstandig's willingness to work with and explain this project to all of us. We are in full support of their plans.

Sincerely,

Dee R. Matthews

Dee R. Matthews

Richard L. Thompson

Richard L. Thompson

CC: Mr. & Mrs. Lee Verstandig

ERNEST N. MAY, JR.
4060 52ND TERRACE, N.W.
WASHINGTON, D.C. 20016

September 14, 2000

Mark D. Hughes, A.I.A
GTM Architects, Inc.
10415 Armory Avenue,
Kensington, MD 20895

Dear Mr. Hughes:

Many thanks for the update on the proposed work at the Verstandig Residence, 5212 Upton Terrace. As you may be aware, some time ago we received a large packet of material concerning this project from someone who was very upset about its impact on the adjacent parkland, but did not sign their name.

I live on the next circle above Upton Terrace, and my property also abuts the buffer zone along Dalecarlia Parkway. In my opinion even the earlier plan did not threaten the "parkland" along Dalecarlia Parkway , and certainly the Revised Version which you sent me on September 7 does not.

As for possible problems regarding the front of the house, or the proximity to the neighbor's properrty lines, it appears from your recent letter that these problems have been overcome. Over all, I have no objectections to the project, assuming I am correct in my understanding of the current situation.

Yours sincerely,

Ernest N. May Jr.

Cc. Mr. and Mrs. Lee Verstandig

Government of the District of Columbia
Board of Zoning Adjustment
441 4th St. N.W.
Suite 210-S
Washington, D.C. 20001

RE: BZA Application no. 16576

To the Board of Zoning Adjustment:

I have reviewed the proposed plans for the addition to 5212 Upton Terrace, N.W. Washington, D.C.. I find the proposed design acceptable and in keeping with the neighborhoods architecture and lot density. I fully support the project, the variance request, and I hope the board acts supports the request as well.

Sincerely,

Susan Anaro

'00 MAY -5 A9:34

BZA
Case No. 16576
Exhibit No. 21

Dee R. Matthews
Richard L. Thompson
5137 52nd St., N.W.
Washington, D.C. 20016
May 1, 2000

'00 MAY -3 P3:18

Government of the District of Columbia
Board of Zoning Adjustment
441 4th St., N.W.
Suite 210-S
Washington, D.C. 20001

RE: BZA Application no. 16576

To the Board of Zoning Adjustment:

We have reviewed the proposed plans for the addition to 5212 Upton Terrace, N.W., in Washington, DC and find the design to be very acceptable and keeping within the neighborhood architecture and lot density. We are in full support of this project and the variance request, and would hope that the board approves this as well.

Sincerely,

Dee R. Matthews

Dee R. Matthews

Richard L. Thompson

Richard L. Thompson

BZA
Case No. 16576
Exhibit No. 20

Government of the District of Columbia
Board of Zoning Adjustment
441 4th St. N.W.
Suite 210-S
Washington, D.C. 20001

'00 MAY -9 P2:42

RE: BZA Application no. 16576

To the Board of Zoning Adjustment:

I have reviewed the proposed plans for the addition to 5212 Upton Terrace, N.W. Washington, D.C.. I find the proposed design acceptable and in keeping with the neighborhoods architecture and lot density. I fully support the project, the variance request, and I hope the board acts supports the request as well.

Sincerely,

4055 52nd Ter N.W.

B. E. McKee
Same

BZA
Case No. 16576
Exhibit No. 22

Government of the District of Columbia
Board of Zoning Adjustment
441 4th St. N.W.
Suite 210-S
Washington, D.C. 20001

'00 MAY 11 P2:40

RE: BZA Application no. 16576

To the Board of Zoning Adjustment:

I have reviewed the proposed plans for the addition to 5212 Upton Terrace, N.W. Washington, D.C.. I find the proposed design acceptable and in keeping with the neighborhoods architecture and lot density. I fully support the project, the variance request, and I hope the board acts supports the request as well.

Sincerely,

Mr. + Mrs. Robert J. Liberatore

LIBERATORE
4054 52nd Terrace, N.W.
Washington, D.C. 20016

BZA
Case No. 16576
Exhibit No. 25

Government of the District of Columbia
Board of Zoning Adjustment
441 4th St. N.W.
Suite 210-S
Washington, D.C. 20001

'00 MAY 26 P3:34

RE: BZA Application no. 16576

To the Board of Zoning Adjustment:

I have reviewed the proposed plans for the addition to 5212 Upton Terrace, N.W. Washington, D.C.. I find the proposed design acceptable and in keeping with the neighborhoods architecture and lot density. I fully support the project, the variance request, and I hope the board acts supports the request as well.

Sincerely,

Randolph A. Frank

Dr. and Mrs. Randolph Frank
5125 Upton Street, NW
Washington, DC 20016-1953

BZA
Case No. 16576
Exhibit No. 27

ERNEST N. MAY JR

May 13, 2000

'00 MAY 16 P4:24

Government of the District of Columbia
Board of Zoning Adjustment
441 4th Street, NW, Suite 210-S
Washington, DC 20001

Re: Zoning Application no. 16576

Gentlemen:

I have reviewed the proposed plans for the addition to 5212 Upton Terrace, NW, Washington D.C. I find the proposed design acceptable and in keeping with the neighborhood's lot density and architecture. I fully support the project, the variance request, and I hope that the Board will approve the request. I should add that I live near 5212 Upton Terrace and am quite familiar with its relationship to the adjacent park land.

Sincerely,

Ernest N. May, jr.

BZA
Case No. 16576
Exhibit No. 26

4060 52ND TERRACE NW • WASHINGTON DC •20016-1930
TELEPHONE (O): 202/ 362-3588 (H) 202/ 244-6755
FAX: 202/ 244-4514