Helen R. Chauncey
4944 Ashby Street N.W.
Washington, D.C. 20007
Tel: (202) 625-2871
Email: hchauncey@starpower.net

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D.C. OFFICE OF ZONING
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Jerrily R. Kress, Director
Board of Zoning Adjustment
441 4th Street NW – Suite 210-S
Washington, D.C. 20001

Re: Case 16852 (St. Patrick's School/Palisades)

Dear Director Kress,

I am writing to express strong objection to the petition before you from St. Patrick's for a special zoning variance.

I live at 4944 Ashby Street NW, one of the homes within a 200 foot perimeter of the proposed variance site.

I understand that section 206 title 11 of the DC zoning code has particular relevance for my property. I urge you to respect the protections the code provides me and my immediate neighbors, by recognizing the detrimental effects placing the school at 4925 MacArthur will have on adjoining and nearby properties, including my own.

I also urge you to recognize the legal liabilities that could accrue to any municipal body that supports a variance to the codes in this particular instance.

My concerns include:

- Liability, including reduced capacity to ensure emergency services to the residents of my block;
- A detrimental impact on traffic and parking;
- Over-use of local public facilities; and
- A negative impact on property values.

LIABILITY:

Any municipal authority that authorizes the variance, allowing the school to operate at this site, would assume legal liability for harm that results from this new and potentially dangerous use pattern.

Parking in particular raises serious liability issues. The "upper" or western 4900 block of Ashby street becomes a one lane road when cars are parked on both sides of the street. A car entering

BZA
Case No. 16852
Exhibit No. 76

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District of Columbia
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EXHIBIT NO.76

Ashby from MacArthur when there are already cars coming the opposite direction requires the vehicle entering from MacArthur to back up into a busy boulevard. Vehicles picking up or discharging children would run the risk of particular danger, given these circumstances. (The pattern of picking up and discharging children currently does not exist at this site.)

In addition, on the few occasions when the facility at 4925 MacArthur has had well-attended functions, parking can render both blocks of Ashby one lane streets. The "lower" or eastern 4900 block of Ashby, on which I live, is particularly narrow. If cars are parked on both sides of the street, there is not sufficient room for the fire engines currently in use by the city to access the street. Current use patterns pose little to no danger; approving the school variance would radically change this.

An additional liability issue is imposed by the absence of side-walks on the "lower" or eastern 4900 block of Ashby. Students, faculty and others from the proposed school, when they use this block of Ashby, must either walk in the street or on private property, including the public easements that are part of our properties. Should accidents occur, a serious liability issue is raised for the city which individuals may try to impose on the owners of houses along the street, as these individuals are easier targets for suit. I should note that ALL of the homes on the lower 4900 block of Ashby within 200 feet of the proposed school have expressed objection to the variance. This is one of our concerns. A variance to the zoning code significantly raises the possibility of legal action against residents of the street through no fault of their own, based on the increased public use of a street that does not have proper facilities for this kind of high-density use.

I wish to make it clear that I will hold the city, in particular the zoning board, responsible should such a circumstance, due to increased school-related activity, pose a danger to the safety of life or property on the 4900 blocks of Ashby Street NW.

TRAFFIC:
The school has proposed a transportation plan that will create hardship for the residents of the 4900 block of Ashby Street NW; the plan will also impede morning and afternoon traffic on MacArthur Boulevard, including the ability of public transportation (in this case a Metro bus), to pick-up and discharge passengers in an efficient fashion. The result will be a dense traffic pattern, unfriendly to the immediate residents and to public transport, reducing the quality of daily life in the immediate area of my home five days a week.

PARKING:
Neither of the 4900 blocks of Ashby Street is currently zoned for residential parking restrictions. The school's claims that parents, teachers, and other visitors to the school will not use the street for parking are unconvincing and unenforceable. Because of the lack of zoning, the 4900 blocks of Ashby run the risk of becoming permanent parking lots. These streets are now quiet, residential streets. Many of the families on these streets have small children. Effectively turning the street into a parking facility for a private school will have a dense and unfriendly impact on the street.

OVER-USE OF PUBLIC FACILITIES :
The school currently proposes a site for 60 students; its building plans indicate capacity for significantly greater numbers in the future. The human "package" associated with the proposed school includes students, teachers, parents, faculty, volunteers and other visitors. The school has no recreational facilities on-site.

The neighborhood in the immediate area of the proposed variance site includes undeveloped park-land owned by the National Park Service. It is certain that students and staff will avail themselves of the park for lunch and other recess periods. The park, directly across the street from my home, is not developed for these purposes. The neighbors strongly support public use of the park, as evidenced by the welcome consistently extended to the children at Discovery Creek. I have strong concerns, however, about damage to the park's few trails and fragile water quality, should it be used by dozens of people associated with the school on a daily basis.

Of equal concern is the certain increase in litter in the park (which does not have trash receptacles in the proximity of the proposed school site). The result for residents such as myself will certainly be increased and unpoliced litter. Litter is unsightly; it also poses potential health problems. At current usage levels in the park, we do not have these problems. A new school, across the street from the park, would change that.

PROPERTY VALUES:
For many, including myself, homes are also retirement investments. With snarled traffic patterns, crowded parking on unregulated streets, the real danger that emergency services may be impeded, and certain littering and possible damage to the park our homes border, a variance granted to the school virtually guarantees a reduction in the market value of our homes. The city may not be concerned about the reduced tax base (although I am happy to pay these taxes as part of the insurance for our current quality of life) but as residents in the immediate and affected area of the proposed school site, we would need to explore legal recourse if the values of our properties are lower as a result of a variance to the zoning regulations that determined the value of our investments when we made them.

Again, let me express my strong objection to the proposed variance, due to the harmful effects it would impose on my own home and those of my neighbors.

Thank you for your consideration.

Sincerely,

Helen R Chauncey

Dr. Helen R. Chauncey

CC: Mr. Douglas Bregman, Attorney-at-law