

Cynthia C. Kelly
4205 Lenore Lane N.W.
Washington, D.C. 20008
(202) 363-8541 - phone
(202) 966-6228 - fax

**TESTIMONY REGARDING THE PROPOSED FOREST HILLS
TREE AND SLOPE PROTECTION OVERLAY
ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
SEPTEMBER 30, 2002**

My name is Cindy Kelly and I am a member of the Forest Hills Neighbors for Responsible Preservation (FHNRP). My family lives 4205 Lenore Lane, NW and we own the vacant lot next to us. We urge the Zoning Commission to reject the Overlay or exempt the southeast area of Forest Hills where 80 percent of the residents have petitioned to be exempted. Alternatively, the Zoning Commission should call for a new process that begins with clearly defined problems and designs reasonable and appropriate solutions.

For most of us, our houses and lots are our largest investments. Two years ago, we put a substantial amount of our savings into buying the vacant lot next to our house. Our plan was to keep the land until we needed to sell it for economic reasons.

However, the Tree and Slope Overlay essentially eliminates the potential for residential use without going through a time consuming, inevitably expensive, and uncertain process of seeking a special exemption.

First, the provisions that prohibit removal of one large tree (of 75" circumference) or more than three medium-sized trees (of 38" circumference) within 25 feet of the building restriction line alone makes building a residence on the lot impossible. Several huge tulip poplars and other medium-sized trees are growing right in the center of the lot where any sensible owner or architect would place a house.

Another provision limits the total circumference inches of all trees removed to 25 percent of the total circumference inches. This provision would prohibit the building of a house on this or virtually any other vacant lot with trees in Forest Hills without seeking the approval of five agencies including the National Park Service.

Because the building restriction line on Lenore Lane is at 25 feet, we would have to go back to a full 50 feet from the street before taking down the trees to build a house or driveway.

Even with the amendments offered by the proponents of the Overlay, on our lot the special exception process would be triggered by the tree provisions alone.

Once in that process, we would find ourselves hiring multiple experts, a lawyer and an expediter. Because the Overlay directs the BZA to limit tree removal and grading to the maximum extent possible, we face a serious risk of crippling requirements and then potential litigation. This puts the value and the liquidity of our investment in jeopardy.

The irony is that we bought the land to protect the trees.

If the Commission does not reject the Overlay, the majority of the lot owners in our neighborhood have petitioned to be exempted. We believe that many of the zoning rules needed to protect our neighborhood are already in place. Please exempt our neighborhood or send the overlay back to the Forest Hills community for a more reasoned approach.

Thank you for your consideration.