

January 26, 2003

Mr. Alberto Bastida
Office of Zoning
441 4th Street, N.W.
Washington, D.C. 20001

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Dear Mr. Bastida,

After thoroughly reviewing the FH/TSP published in DC Register on December 13, 2002 I found inconsistencies that will ostensibly create problems in the future without revisions. The scope of my concern addresses two scenarios. The first entails the situation wherein due to natural, or other disaster, the entire structure, accessory building or previous addition needs replacement. The second involves a future determination to replace in total, for whatever reason.

The orderly construct of a uniform Forest Hills lot, in particular a uniform corner lot does not reflect many existing lots. The proposed parameters established for the "Renovation/Building Provisions of FH/TSP" do not reflect existing building and site variations. For example, most homes could not meet these parameters if they were built today. In essence, if replacement was required, in whole or part, in either of the two scenarios outlined above, the provisions require the owner to file for Special Exception.

In our particular situation, we occupy a corner lot, which is not uniform in that the resulting footprint does not form a rectangle. The lot is more like a trapezoid. The resulting configuration for each of the two side yard boundaries taper with respect to the sidewall of the house plus addition, and rear of the garage. Consequently the side yard setback parameters being promulgated do not reflect the practical necessity of including the averages of the combination of both side yard setbacks. Promulgating the legislation without relief would result in either a non-rectangular dwelling or a significantly reduced footprint for a rectangular dwelling. Lack of clarity now will cause consternation and unnecessary time delay and expense in the application for Special Exception that will require docketing before the many agencies who have other exigencies of greater priority.

Additionally, the front yard setback for each corner is problematic for the non-uniform corner lot as the building restriction line (BRL) for either the front or the side should be the reference point from which the structure may be built. Reference being made to other structures in either direction is impractical and in some examples impossible, in particular when there is only one other house or no other house on the front of a Square thereby precluding the reference "...must be equal to or greater than the average setback of structures on that same side of the street."

In summary, relief as outlined above would preclude the taking away of a property right that was manifest in the early 20th century, a less restrictive era wherein uniformity was

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District of Columbia

Case 02-19
Exhibit 297

ZONING COMMISSION
District of Columbia
CASE NO.02-19
EXHIBIT NO.297

not a fundamental governmental concern. I would suggest that the revisions/inclusions be as follows:

Front Yard Setback:

ADD the underlined... To build on a uniform corner lot...i.e., a lot abutting the streets forming a right angle at the resultant intersection, your setback on each side street must be equal to or greater than the average setback of all the structures on the same side of the street if there are two other houses, otherwise the BRL shall be the reference in all other circumstances.

...To build on a non-uniform corner lot...i.e., a lot abutting the streets forming either an acute or obtuse angle at the resultant intersection, the BRL shall be the reference.

Side Yard Setback

For non-uniform corner lots, the average width (lot boundary-to-existing structures) of each tapering side yard beginning from each respective BRL to the point of intersection shall establish the allowable setback.

If you wish to contact to me to discuss any of the above, I may be reached at 202-874-2296 or e-mail me at J-Mancuso@att.net .

Yours truly,



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