

Peter E. Halle
2801 Chesterfield Place
Washington, D. C. 20008

February 10, 2003

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

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Re: Case No. 02-19
Proposed Forest Hills Tree and Slope Overlay District
Opposition to § 1519.4 as Drafted

Dear Mr. Bastida:

I am a resident of the proposed overlay district and have been so for over ten years. My home is located at 2801 Chesterfield Place. I write in opposition to the proposed Forest Hills Tree and Slope Overlay ("FH/TSP") because it would seriously affect my ability to construct a long-planned addition to my home for which I have already spent over \$10,000 for architectural plans. The problem with the FH/TSP as proposed is in the way the Zoning Commission drafted proposed subsection 1519.4 to change the existing side yard requirements for structures in the FH/TSP.

Subsection 405.9 provides that the current side yard zoning requirement for R-1-A districts is eight feet minimum depth on each side yard. The FH/TSP side yard proposal set down in Case No. 02-19 is found in proposed subsection 1519.4, which provides that the side yard "shall be a minimum of eight (8) feet and a minimum of twenty-four feet in the aggregate."

The FH/TSP originally set down on April 19, 2002 contained a proposed section 1519.4 that would have applied only to "new" residential buildings.

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EXHIBIT NO.320

The proposed section would not have applied to additions to “existing residential buildings.” Thus, we relied upon the set down and spent a considerable sum to design an addition that would have complied with the set down.*

It is unfair to burden property owners of existing homes with more restrictive side yard limitations. Moreover, no other TSP enacted by the Commission has included a side-yard provision. By way of comparison, whenever the Commission has enacted a TSP that limits ground coverage restrictions, for example § 1513.2 in the Template, and proposed § 1518.2 in the FH/TSP, the regulations have provided “this subsection shall not preclude enlargement of a principal building in existence on the effective date of this Chapter.” See Subsections 1513.2(a) and 1518.2(b) for conformity with this practice.

I request that the Commission amend proposed subsection 1519.4 by adding subsection 1519.4(a) so that it reads: “1519.4(a) This subsection shall not preclude enlargement of a principal building in existence on the effective date of this Chapter so long as any additions to such building otherwise complies with the restrictions of Section 405.9 for R-1-A Zoning Districts.”

This amendment will preserve the rights of owners of existing buildings as was intended by the ANC in the recommendations it made. It should be noted that support for the FH/TSP was the result of a host of carefully balanced considerations and tradeoffs, and that the Zoning Commission’s December 13 draft of § 1519.4 was not the result the community asked for nor would the community have supported it.

* “New residential buildings” were defined in proposed subsection 1519.4A which were not included in the December 13 Notice of Proposed Rule Making. Moreover, the Zoning Commission did not include the sliding scale substitute for Section 1519.4 recommended by ANC 3F. Any of these alternatives would solve the problem.

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Conclusion

The provision in § 1519.4 should be further amended to expressly provide that houses existing on the date of the set-down be excepted from the new side-yard provision and the sliding scale suggested by the ANC be substituted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. Halle". The signature is stylized with a large, looped initial "P" and a cursive "Halle".

Peter E. Halle