

Mr. Alberto Bastida, AICP
Secretary to the Zoning Commission
Office of Zoning, District of Columbia
Suite 210 South
441 4th Street, N.W.
Washington, D.C. 20001

D.C. OFFICE OF ZONING
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Dear Mr. Bastida,

March 17, 2003

Subject: Case No. 02-19 Text Amendment-Forest Hills Tree and Slope
Overlay District

Thank you for the opportunity to provide supplementary information to the Zoning Commission. As I mentioned to you last week, I have sketched the proposed regulatory impact that would result after implementation of the Forest Hills Tree and Slope Protection Overlay (FH/TSPO).

The enclosed land record will provide an elemental and relational showing of the hardship from implementation. Such a disproportionate impact bears no economic relationship to the purpose and the expected benefits to be gained from making this Amendment, before the Commission, into Zoning Law. As the primary focus of the Amendment is to protect the environment, the criteria established does not distinguish between structures long standing with parcels being programmed now for development. Although the concerns of mine are utilitarian in nature, they are nevertheless economic. My property only has three trees, which are not at issue as they are not, nor could not be made a part of any re-development plan since they are not within the buildable footprint.

The hardship mentioned above could occur from a number of situations. For example, a future need to replace the exterior of a 1964 addition would be uncertain. A decision to utilize brick in lieu of plywood (existing) would necessitate a review of the Amendment's restrictions, as it would be considered a new addition for permitting. Would an expensive variance action be needed? ... and would its denial result in the inability to affect replacement with any material?

In 1994, a permit was obtained to enclose the exterior porch. The new "sunroom" was deemed to be a new addition even though due to the existing flooring and structure this was what I would characterize as a repair/renovation. Would such a project even be permissible under the restrictive criteria under consideration, as it would not meet the corner lot frontal criteria albeit within the pre-Amendment Building Restriction Line as the sole current siting criteria? Should the existing homeowner be burdened with the possibility of facing these same consequences when damage occurs rendering a portion of the structure or the entire structure unusable? The restrictive criteria applied would make the parcel or that portion of the parcel economically infeasible for re-development.

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Case 02-19

Exhibit 326

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EXHIBIT NO.326

Based on my observation, the non-uniform corner lot is more common than a layperson would imagine. Intuitively, land development is usually thought of as a process that results in an orderly division of uniform parcels. Presumably, the boundary non-uniformity resulted from rights of way needed for the thoroughfares following the turn of the last century. Furthermore, this non-uniformity is punctuated by squares that are uniform, some being a combination of both small and large squares. It also can be seen from the land record submitted, that in this lot, the parcels were divided such as to create reasonably sized rectangular lots along side my non-uniform corner lot. The hardship imposed from the proposed FH/TSPO amendment magnifies this new condition based on the new criteria for corner lots. This requires coordination for the two sides for the front setbacks and two sides for each side yard setback. My corner square abounds first on the Brandywine Street that would limit development to the proposed "new corner lot boundary criteria" as established by the existing frontal structures standing on relatively uniform squares. In contrast, the same new corner lot boundary criteria on the Linnean Avenue side constrains me by a larger non-uniform corner lot of which the existing structure's siting is set back *further* than mine and is *aligned to Allendale Place*. My structure is *aligned to Linnean Avenue*.

The side yard criteria being unique to the corner lot creates the final restriction to reduce the size of the garage. This hardship is unduly restrictive due to additional area required to make up the 12 foot no build zone from the boundary to the (new or existing) structure. Re-siting in my particular situation would not be feasible, as it would become entangled with the aforementioned front yard criteria and thereby violate the front yard criteria for corner lots. The net result would be a garage barely large enough for two golf carts.

Consequently, I would request that the Amendment not be made applicable to long-standing structures on small non-uniform corner lots wherein the primary impact upon the environment is non-existent. This exclusionary qualification would avoid the need to apply for expensive and time consuming variances in addition the time consuming administrative proceedings including hearings in order to achieve relatively simple but necessary maintenance and restoration projects for existing structures, or under any unforeseen circumstances, re-development by necessity.

Again, I thank you for being able to amplify my concerns noted in my letter dated January 26, 2003.

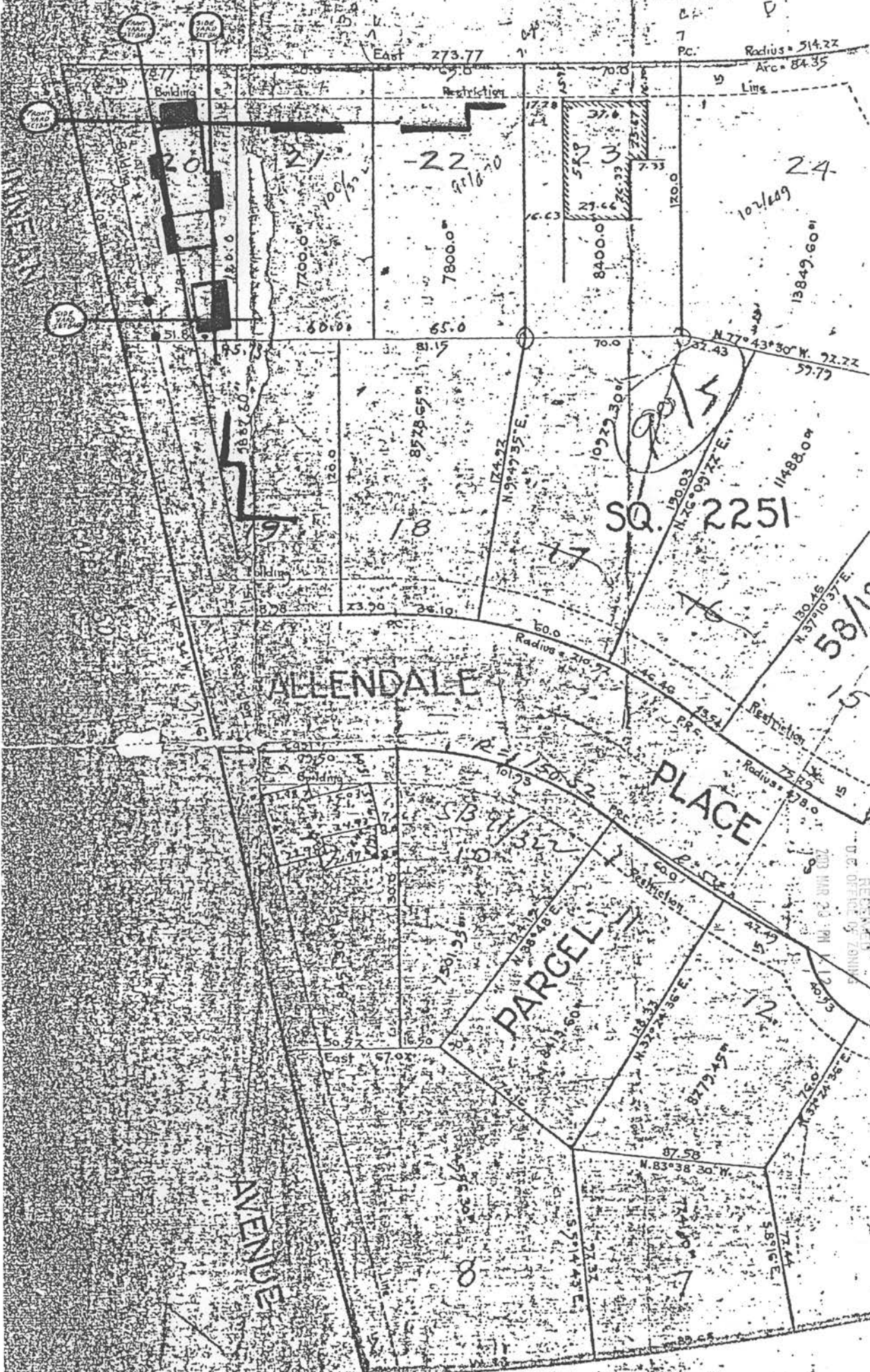
Yours truly,



Joseph J. Mancuso, P.E.
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CC: Robert V. Maudlin, Commissioner - 3F03
Advisory Neighborhood Commission
2906 Ellicott Terrace, N.W.
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