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District of Columbia Zoning Commission
441 4th Street, N.W.
Washington, D.C. 20001

RE: Application 03-09, Proposed Expansion of § 217

Members of the Commission:

I write in opposition to the proposal by the District of Columbia government to amend § 217 of the Zoning Regulations.

Zoning is intended to insure property owners that the value of their investments will not be depreciated by inappropriate uses and to permanently put an end disputes between neighboring property owners that would otherwise occur. Therefore, amendments to the Zoning Regulations should be made only when there are compelling reasons for disturbing the property rights of others. There are no compelling reasons in this case.

In 1990, the District of Columbia submitted itself to Zoning. D.C. Code § 1-250. *See, Speyer v. Barry,* 588 A.2d 1147 (D.C.1991). The Council for the District of Columbia took that action to assure property owners that their vested property rights, and property values, would not be trampled by insensitive government agencies. Therefore, the District of Columbia government has no greater rights under the Zoning Regulations than any other person or corporation. One of the catalysts for that action was the government's purchase of the Annie Hurt Home for the Blind in a quiet residential section of Georgetown. The Department of Human Services then proposed to convert it into a residential facility for 60 severely mentally disturbed teenagers who were extremely dangerous.[1] Now it is up to the Zoning Commission to prevent this of harmful government action from occurring again.

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[1]After several court battles, the District of Columbia Court of Appeals ultimately ruled that the facility was a "youth residential care home" that was restricted to 15 residents in the R-1 zone. *Citizens Association of Georgetown v. BZA,* 642 A.2d 125 (D.C. 1994).

ZONING COMMISSION
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In *Monaco v. BZA,* 461 A.2d 1049, 1052, (D.C. 1983) the District of Columbia Court of Appeals explained the purpose of § 217 as follows:

> This provision creates an excepted use for large residential buildings and land in residential neighborhoods, permitting non-profit organizations to utilize them for office space. It seeks in effect to prevent large residences from deteriorating because they are not longer economically practical for the residential purchaser.

In other words, this section is intended to protect the integrity of residential neighborhoods as well as uneconomical large historic homes in those neighborhoods by permitting benign office use by non profit corporations.

In making this application, the D.C. government has once again ignored the stability of our residential neighborhoods and the vested property rights of the residents to advance its own parochial interests.

There is no reason why the D.C. government should locate offices for any agency in a single family home. Unlike private non profit offices, governmental offices, by definition, serve members of the public who will come and go and park in the residential neighborhoods. This type of activity has no place in our residential neighborhoods and belongs only in the zones where it is currently permitted. There is no shortage of suitable office space in any area of the District of Columbia.

Accordingly, the Zoning Commission should protect the integrity of the R-1 zone and deny the District's application.

Respectfully,



Don W. Crockett