

The Downtown Cluster of Congregations

1313 New York Avenue, N.W. ■ Washington, D.C. 20005 ■ (202) 347-7015 ■ Fax (202) 347- 4630

Oct. 10, 2008

Chairman Anthony Hood & Members
DC Zoning Commission
441 4th Street, NW
Washington, DC 20001

re: **Zoning Case #08-06-01**

Via fax and post

RECEIVED
D.C. OFFICE OF ZONING
2008 OCT 15 AM 10:55

Dear Chairman Hood and Members,

I am writing to state that I am concerned that the proposed guidelines could adversely impact local religious institutions, given the potential impact upon steeples, crucifixes, bell and/or clock works that might be housed in steeples rising above roof lines.

I note the statement of a 30' limit with regards to ornamental features. I believe there may be numerous houses of worship with steeples rising above roof lines that would exceed this currently, hence the city has a history of these types of structures. I am not aware of a situation where a currently existing steeple has been deemed obtrusive and overwhelming to its neighbors, nor am I aware of such an instance during my almost 25 year tenure here at the Downtown Cluster of Congregations. Further, it is my firm belief that the variety of current steeples provides significant character and fabric to the neighborhoods and skyline of the city. They are a very positive element of the city's architecture that should continue to be encouraged.

Houses of Worship are allowed in all base zones as a matter of right. A potential steeple rule would bring this use to the Board of Zoning Adjustment for relief of this new requirement that would be the only element of zoning controls that would apply solely to Houses of Worship that otherwise exist by right, subject only to overall limits on all other uses as to yard and density limits where Houses of Worship are treated equal to a range of other allowed uses. Moreover, any existing steeple that exceeds 30 feet would become nonconforming and it should have full restoration rights in the event of damage or loss without any further review. Moreover, such an arbitrary rule would likely run afoul of the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Persons Act, which require a compelling government interest before a zoning rule may substantially burden the religious practices of a House of Worship, including the architectural expression of the edifice.

ZONING COMMISSION
District of Columbia

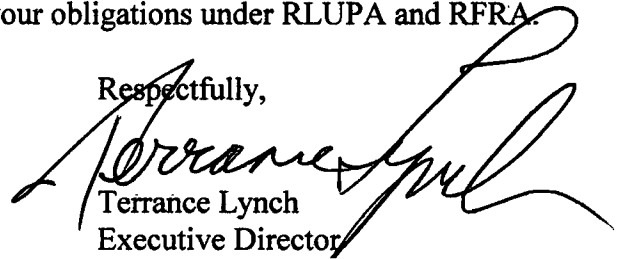
CAS

EXHIBIT NO.

08-06-01
ZONING COMMISSION
District of Columbia
CASE NO. 08-06-1
EXHIBIT NO. 44

Hence I would request language that specifically exempts from these proposed guidelines steeples, and similar structures, arising above roof lines of houses of worship. Should you determine such a rule is needed, then you should proceed only after you can delineate specific and compelling reasons to do so, thus meeting your obligations under RLUPA and RFRA.

Respectfully,

A handwritten signature in black ink, appearing to read "Terrance Lynch", written over the printed name and title.

Terrance Lynch
Executive Director