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Testimony on ZC Case No. 08-06A regarding Subtitle B of the ZRR

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My name is John Forrer, and I live at 1714 Hoban Road NW in a neighborhood known as Colony Hill. I am filing this testimony personally and not on behalf of my neighborhood. I wish to address the definitions of (1) Building Height, Residential Zones, (2) Story, (3) Basement and (4) Dormer to be sure that they adequately deal with the needs of my neighborhood.

The Colony Hill neighborhood is built on the side of the hill running down from Foxhall Road to Archibald Glover Park. All of our houses, except 3 Cape Cod style houses, have a basement, a main floor, a primary bedroom floor and an additional bedroom floor behind a sloping front roof that has either no windows or only small dormer windows facing the street. All of our houses are within a foot or so of the same height if measured from basement floor to peak of roof. However, because two of our streets run perpendicular to the slope of that hill, the houses on the downhill side of those streets have 3 levels above ground at the front and 4 levels above ground at the back, while the houses on the uphill side have the reverse, although the bottom or basement level of these latter houses is hidden from view from the street behind a built up front lawn or berm containing outdoor stairs which rise as much as 10 feet above the sidewalk in order to reach the front door in the main level of the house. Garages for the houses on the downhill side of the street are at the level of the main floor, but garages for the houses on the uphill sides are mostly at the basement level, which makes these houses appear to be 4 stories tall when viewed from the driveway in front of the garage.

We need a set of definitions and criteria for determining the height and the number of stories of our houses which produce the same result for identical houses regardless of on which side of the street they are located. Otherwise, the limits on the height and number of stories needed to accommodate the houses on the uphill side of the street would permit houses to be built on the downhill side of the street which would be grossly out of proportion with their neighbors.

With regard to height, the first sentence of the proposed definition of Building Height, Residential Zones says that the bottom point for measuring building height (known as the Base Height Measuring Point, or BHMP) shall be the "natural grade" at the midpoint of the side of the house facing the street, unless otherwise specified in a specific zone's development standards table, and the second sentence says that "Berms or other forms of artificial landscaping shall not be included in measuring building height." If this language means that height will be determined as if the berms do not exist even though they have been there since the streets and houses were built in the 1930s, then a given house built on the uphill side of the street will be deemed for zoning purposes to be at least 8 feet taller than an identical house built on the downhill side of the street. This is an unacceptable result for obvious reasons.

Similarly, Section C-504 says that the number of stories should be counted at the point from which building height is measured. If the berms are to be treated as if they do not exist, then the houses on the uphill side of the street are 4 stories high while the identical houses on the downhill side of the

street are only three stories high, which is an equally unsatisfactory result. Moreover, the definition of a Basement in Section B says that it is not considered a story if the ceiling is four feet or less above the "adjacent finished grade", but it does not specify which side of the house should be looked at to determine the "adjacent finished grade" or whether the top of the berm should be considered to be a "finished grade".

To resolve these ambiguities and achieve the desired result, I suggest that the BHMP, and the point for determining the number of stories and whether the basement is or is not a story, should be the level of the dirt at the midpoint of the front of the house as that dirt level exists in the year 2013, and which in our case has existed since the streets and houses were built 75 years ago, regardless of whether that dirt level is or is not at the top of a berm. Berms should be ignored for purposes of determining height only if they were recently created for the primary purpose of reducing the measured height of proposed new buildings rather than as an appropriate means of dealing with sloping land.

It may also be desirable to modify the definition of a story so that an upper level which presents a sloping roof facing the street, either hip or single gable and with either no windows or only small dormer windows facing the street, is not considered a story. This would not affect one side of the street any more than the other side, but it would cause all of our houses to be deemed to have 2 stories rather than 3, which would have the added advantage of making the zoning definition of a story conform with the common usage of the term since houses such as ours are generally referred to as two story Georgian or Colonial, not 3 story houses.

Finally, while there is nothing wrong with the definition of a Dormer contained in Subtitle B, the affect of dormers on the calculation of building height as provided in Subtitle C, section 507.1(b) probably should be modified so that the 25% width limitation on dormers in order for them to be excluded from the calculation of building height applies only to the front of the house rather than to "any given side". Dormers of any width which are located on the sides or rear of a house should not be included in the calculation of building height unless they violate the provisions of 507.1(a) or 507.1(c).

I would think that the changes proposed above should apply to other areas of the city which also have hilly terrain, and thus that they should be made in the portions of the ZRR which are applicable city-wide. However, if there are reasons of which I am not aware that argue against modifying the city-wide provisions of subtitles B and C, then I would ask your assurance that such modifications can be included in a customized zone for our neighborhood when one is created. Without such assurance, it will be difficult if not impossible for us to propose a height limit which is consistent with all of our current housing stock and still maintain the character of our neighborhood.

Thank you.

/s/ John O Forrester

