

2839 29th Street N.W.
Washington, D.C. 20008
2 April 2014

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D.C. OFFICE OF ZONING
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Office of Zoning
441 4th Street N.W., Suite 200-S
Washington, D.C. 20001

Subject: ZC Case No. 08-06A
Re: Subtitles C and D

Dear Members of the Zoning Commission:

1. Concerning Subtitle D:

We live in the row house neighborhood of Woodley Park west of Connecticut Avenue, Zoned R-3 (current designation). We are opposed to the stands taken by Peter Brusoe, purportedly speaking for the Woodley Park Community Association (WPCA), on accessory apartments in our neighborhood, and on uniform zoning for all row houses in Woodley Park (Testimony before the Zoning Commission 6 November 2013). We believe that WPCA did not adequately inform and solicit opinions from us (those who would be most directly affected by the changes they have advocated) before going on record with DC agencies.

We do not support any proposed changes which would allow matter-of-right accessory apartments in our neighborhood. We understand that even with the proposal of the Office of Planning to reduce minimum lot size from 4000 to 2000 sq. ft., which Mr. Brusoe supported, other conditions, in particular the access requirements, would effectively prohibit accessory apartments in our row houses. We support Office of Planning proposals which would continue effectively to ban all accessory apartments in our neighborhood.

Our row house neighborhood is the one which would be specifically and directly targeted by a change of zoning from the current R-3 to R-4, as Mr. Brusoe has implicitly advocated in pleading for uniform zoning for all Woodley Park row houses. (We are

using the current Zone designations, not the revised designations proposed by the Office of Planning.) Although he is not explicit, it is clear from his linked espousal of greater density for our neighborhood and of uniform zoning that he is in fact promoting a change from R-3 to R-4 for all row houses in Woodley Park. We understand that the Office of Planning has proposed no Zone changes, but we wish to make it clear that, in light of the potential radical and permanent negative change in the character of our neighborhood which such a zone change would entail, we would find such a change completely unacceptable. We are already under significant pressure from denser blocks to our east and south. This pressure will soon be even more intense with the completion of the large apartment project on Woodley Road. We do not want greater density in our immediate neighborhood, nor do we think it is warranted.

2. Re Subtitles C and D:

On page 11 of the ANC3C ZRR Summary we note that proposed new standards will "eliminate current incentives to 'fill in' narrow courts...in row house zones." We understand from the Office of Planning that these proposed new standards would dictate that the square footage of such "fill-ins" would count toward maximum lot occupancy, as current standards do not, but such "fill-ins" would still be allowed by right. We applaud the direction of this proposed change, but do not believe that it adequately protects the immediate neighbors of any such rear additions to row houses in this neighborhood. We therefore request that the Zoning Commission consider allowing such additions only by special exemption or variance.

The original houses here were built with a "court" on either side of an enclosed porch extending 10 feet to the rear of the main structure; each court is 4 feet wide. The proposed change would therefore result in a reduction in the permitted rear extension of approximately 80 square feet. Our lots are 23 feet wide, so the maximum permitted structure would extend to the rear something like 3.5 feet less than would now be allowed. This is certainly an improvement over the existing regulations. However, permitting such "filling-in" as a matter of right ignores competing rights of immediate

neighbors. Allowing such additions only by special exemption or variance would at least provide neighbors the protection of full advance knowledge and the opportunity to testify at hearings before permits are granted.

Some issues which concern us in this regard are:

-Light and air. We note that in the current regulations for zoning relief there is this paragraph (Para. 223.2): "The light and air available to neighboring properties shall not be unduly affected." This principle should also apply here. Any property to the north of a two-story addition extending to the property lines will indeed be unduly deprived of light for most of the year, unless that house has also been similarly modified. One neighbor to the north of an addition which extends only to the depth of her enclosed porch describes stepping out her back door as "like entering a cattle chute", and there is markedly less light entering her windows since this addition was constructed.

-Construction. How is construction of such an addition to take place without use of the neighbor's property? Can immediate neighbors refuse access? Can this refusal be enforced? The neighbors can exert no real control over workmen not in their hire. Damage to the neighbors' property is probable.

-Maintenance. The exterior of that two-story extended wall will not be visible to the resident of the house unless he views it from his neighbors' property. In the usual course, only the neighbors will see crumbling stucco, peeling paint, loose siding. How can those neighbors enforce maintenance of walls which they don't own but which are effectively on their property? And even when the owner of the offending wall recognizes and accepts maintenance responsibility, the issue remains of the neighbor's property having to be used in order to do the maintenance.

-Aesthetics. A two-story blank wall looming over a narrow garden is in itself an aesthetic problem. Add to that the fact that the neighbors, for whom this wall is their property enclosure, have no control over materials or color.

Thank you for your attention.

Sincerely,

Amiel W. Francke
Helen L. Francke
Amiel and Helen Francke
2839 29th Street N.W.

and concurring neighbors:

Roxane Sismanidis and Steven Burant
2843 29th Street N.W.

Isabelle and Suzanne Badoux
2837 29th Street N.W.