

CHOHARIS LAW GROUP, PLLC

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VIA FACSIMILE AND U.S. MAIL

Director Richard Nero
Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001
Fax: 202-727-6072
Tel: 202-727-6311

June 4, 2009

Re: Case No. 09-07 (Map Amendment – 2269 Cathedral Avenue, N.W.)

Dear Mr. Nero:

I am writing on behalf of myself and as counsel to a group of homeowners (“Homeowners”) identified below who seek party status in the above-referenced proceeding. Each of the Homeowners lives within approximately 100 yards of the above referenced property, 2269 Cathedral Avenue, N.W. (“Property”), which is the subject of a June 18, 2009 hearing in the above captioned case. We write to **support the application for R-4 Zone District status** by the Property owners, Scott and Kristen Franklin (“Applicants”).

I am in receipt of a copy of a May 13, 2009 letter from Holland + Knight, Applicants’ legal counsel, to the Zoning Commission advising that the Applicants “no longer seek designation of the property in the R-5-D District.” A copy of that letter is attached as Exhibit 1. In reliance upon that representation by the Applicants, the Homeowners will not appear in person at the hearing scheduled for June 18, 2009 to provide testimony. However, the Homeowners wish to state for the record that we **would oppose the designation of R-5-D District Zoning** for the Property for the reasons set forth below. Further, the Homeowners would request an opportunity to testify against any future application for R-5-D Zoning for the Property that may be submitted by the Applicants.

The Homeowners are:

Charles Hartley
Gretchen Reitsch
2274 Cathedral, Avenue, NW
Washington DC 20008
415-269-5967

ZONING COMMISSION
District of Columbia

CASE NO.

EXHIBIT NO.

09-07
201018

ZONING COMMISSION
District of Columbia
CASE NO. 09-07
EXHIBIT NO. 20

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U.S. OFFICE OF ZONING

Elizabeth A. Tyson
2266 Cathedral Avenue, NW
Washington, DC 20008
202-715-1038

Adrienne Wisenberg
Solomon Wisenberg
2773 Woodley Place N.W.
Washington, D.C. 20008
202- 371-6377

Peter C. Choharis
2771 Woodley Place, NW
Washington, DC 20008
202-293-5340

Aimee E. Verdisco
Christopher F. Clarke
2769 Woodley Pl. NW
Washington DC 20008
202-623-1000

The Homeowners request party status and hereby provide the following information pursuant to the Zoning Commission's Notice of Public Hearing:

- (a) See above.
- (b) The Homeowners will not appear at the June 18, 2009 hearing in reliance upon the Applicants' submission to the Zoning Commission reproduced as the attached Exhibit 1.
- (c) The Homeowners support the Applicants' application for R-4 Zone District status and oppose any future application for R-5-D District Zoning.
- (d) The Homeowners make this submission pursuant to legal counsel: Peter C. Choharis, 1101 17th Street, N.W., Suite 1200, Washington, D.C. 20008.
- (e)-(h) The Homeowners will not appear as witnesses for the reasons explained in (b) above.
- (i)(1)-(2) The Homeowners own the property listed after their respective names as set forth above.
- (i)(3) All of the Homeowners' homes are located within approximately 100 yards of the Property that is the subject of the hearing.
- (i)(4) As set forth in the Zoning Commission's Notice of Public Hearing, the "R-5-D Zone District permits matter-of-right high density development of . . . apartment buildings to a

maximum lot occupancy of 75% . . . and a maximum height of 90 feet.” The Homeowners oppose R-5-D designation because it would allow the Applicants to erect “as a matter of right” an “apartment building” up to “90 feet” high on the Property located so close to their homes.

The Property has always been limited to a single family home. It has never contained a multi-unit dwelling, let alone an apartment building 90 feet high. Such an apartment building would dramatically alter the character of the neighborhood that is entirely comprised of townhomes south of Cathedral Avenue. Furthermore, an apartment building would substantially increase the noise of this residential neighborhood. And as opposed to the current dwelling which has a two car garage as well as a driveway for two additional cars, an apartment building would dramatically increase the number of parked cars on Woodley Place, Cathedral Avenue, and Connecticut Avenue, thereby exacerbating an already bad parking shortage. An apartment building would also increase the amount of garbage in the neighborhood, which already suffers from rats and other wildlife from the adjacent Rock Creek Park. Finally, erecting an apartment building would substantially reduce the value of homes in the neighborhood; whereas, single-family homes contribute to maintaining the value of the neighborhood.

By contrast, the Homeowners support R-4 Zone designation which, according to the Notice of Public Hearing, would allow the Applicants to seek permission under § 223 to make all of the additions to the Property sought by Applicants.

(i)(5) The Homeowners’ houses are among those most proximate to the Property, and therefore would bear the greatest burden from the Property being converted into an apartment under R-5-D zoning. Specifically, the Homeowners would experience the most noise and bear the greatest burden from greater garbage, vermin, and traffic. Moreover, each of the Homeowners has expended a substantial amount of money investing in and/or renovating their homes. The Homeowners’ investment in, and enjoyment of, their homes would suffer substantially from an apartment building being built as “a matter of right” under R-5-D. By contrast, the Applicants can fulfill their remodeling goals in a R-4 Zone without harming the Homeowners’ use and enjoyment of their homes, their property interests, or their investments.

Respectfully submitted,



Peter C. Choharis

.cc Attorney for Applicants:
Christopher H. Collins
Holland + Knight
2099 Pennsylvania Avenue, N.W.
Suite 100
Washington, D.C. 20006-6801

Exhibit 1

Holland+Knight

Tel 202 955 3000
Fax 202 955 5564

Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006-6801
www.hklaw.com

May 13, 2009

Steven E. Sher
Director of Zoning and Land Use Services
202 663 7278
steven.sher@hklaw.com

VIA HAND DELIVERY

D.C. Zoning Commission
Suite 210
441 4th Street, N.W.
Washington D.C. 20001

Re: Zoning Commission Case No. 09-07
2269 Cathedral Avenue, N.W.

Dear Members of the Commission:

The above-referenced matter to designate zoning for the property at 2269 Cathedral Avenue, N.W., has been scheduled for a public hearing before the Zoning Commission on June 18, 2009. Consistent with the original application filed by the owners of the property, Scott and Kristen Franklin, and in agreement with the report and recommendation of the Office of Planning, the Commission determined to consider R-5-D zoning, and in the alternative R-4 zoning, and the notice for the hearing so states.

The reason for seeking zoning for the property is to allow the construction of a small addition (approximately 225 square feet) primarily in the area between the house and the garage. That addition would comply with the requirements of R-5-D as a matter-of-right. Because the existing house already exceeds a lot occupancy of forty percent, the Franklins would further require relief from the lot occupancy limitation for a detached or semi-detached dwelling if the property was included in the R-4 District.

On behalf of the Franklins, this is to advise the Zoning Commission that they no longer seek designation of the property in the R-5-D District. As was noted by OP and determined by the Commission when the case was set for hearing, the proposed addition could be constructed under R-4 zoning if a special exception under §223 is granted. The Franklins have filed a request for a special exception under Case No. 09-07A, which is also scheduled to be heard on June 18, 2009. We believe that, in the material filed so far and in the pre-hearing statement to be filed no less than fourteen days before the hearing, we have made and will make the case that the proposed addition complies with the requirements of §223. Upon finding compliance with the specific requirements of the Regulations, the Board of Zoning Adjustment and/or the Commission must grant an application for special exception relief.

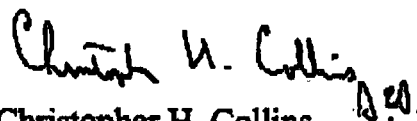
Holland+Knight

May 13, 2009

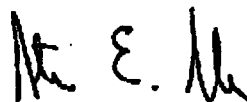
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We appreciate the Commission's attention to this matter and the prompt scheduling of the hearing to consider the two cases. Feel free to contact us if you have any questions about this matter at this time or if we can provide additional information.

Sincerely,



Christopher H. Collins



Steven E. Sher

Director of Zoning and Land Use Services

cc: Scott and Kristen Franklin
Jennifer Steingasser, D.C. Office of Planning
Arthur Jackson, D.C. Office of Planning
Advisory Neighborhood Commission 3C
Lec Brian Reba, ANC 3C01
Alan Bergstein, Office of the Attorney General

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