

3G Chevy Chase
Advisory Neighborhood Commission 3G
MAILING ADDRESS: P.O. Box 6252 Northwest Station Washington, DC 20015

CHEVY CHASE OFFICE
5601 Connecticut Ave. NW
Washington, DC 20015
(202) 363-5803

November 12, 1987

Mr. Lindsley Williams
Chairperson, D.C. Zoning Commission
The District Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

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ZONING COMMISSION
DISTRICT OF COLUMBIA

Dear Mr. Williams:

At a regularly scheduled public meeting of the Chevy Chase Advisory Neighborhood Commission (ANC 3G) held on October 26, 1987, the Commission, by a vote of 7-0 (a quorum consists of four members present) decided to again request the Zoning Commission to rezone the western side of Connecticut Avenue from Military Road to Chevy Chase Parkway from R-5C to R-3. The ANC initially and formally requested this rezoning in a letter dated October 3, 1986. However, the Zoning Commission deferred action on this request until the Office of Planning had finished its Connecticut Avenue study. The latter study is now basically complete.

Therefore, we once again ask the Zoning Commission to hold hearings on the above mentioned rezoning at the earliest possible date. The ANC 3G requests to be a petitioner in Z.C. Case No. 86-26 (Map & Text Amendments-Connecticut Avenue) and to be heard at the hearings. We will have an outline of our testimony filed at the office of the Zoning Commission by December 1, 1987, for the pre-hearing conference to be held on December 10, 1987, as stated in the letter from the Zoning Commission to citizens groups (dated November 9, 1987). We would further request, that if at all possible, this particular downzoning be disposed of "early on" in the Connecticut Avenue hearings as it is not controversial.

In the Office of Planning's generally excellent, "Preliminary Report - Connecticut Avenue Corridor Study", the last full paragraph of page 46 reads:

"On the west frontage of the Avenue, from Harrison Street to Military Road, the designation in the Generalized Land Use Map is for "Moderate Density Residential", defined as "Row houses and garden apartments are the predominant uses; may also include low density housing". In the location the Council specifically amended the land use map from High Density

DISTRICT OF COLUMBIA
ZONING COMMISSION
CASE NO. 86-26
EXHIBIT NO. 107

ZONING COMMISSION

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EXHIBIT No. 107

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Residential to Moderate Density, in order to reflect the scale and type of existing development, lessen pressures for redevelopment of the recently constructed townhouses, and ensure that any infill development or redevelopment is generally in scale with the existing predominant development pattern."

In essence, the draft Office of Planning report is saying that zoning regulations are not in conformance with the recently enacted Comprehensive Plan. We certainly agree and believe that the Zoning Commission should rezone this area from R-5C to R-3. These changes would also reflect the existing single-family residential neighborhood now in place.

Page 47 of the recent draft, "Connecticut Avenue Corridor Study", also indicates that the restrictive covenants are private instruments and do not substitute for public land use controls such as zoning. We agree and have concluded that we must seek appropriate zoning to fully ensure that this particular area retains its single-family character.

More specifically, if this area is not rezoned to be in conformance with the Comprehensive Plan, and if another application for an apartment building is again brought forth in the future under the present R-5 zoning, it could mean that neighborhood residents will once again have to raise substantial legal fees to fight such an application in the courts. These residents have gone through this type of experience twice within the last 20 years, the most recent being within the last 18 months. While they prevailed in both cases, they should not have to once more go through this costly and traumatic experience.

In short, this particular area needs stabilized and appropriate public land-use controls. Thus, we again request that the Zoning Commission hold hearings in the near future with the intent being to rezone the west side of Connecticut Avenue between Military Road and Chevy Chase Parkway from R-5C to R-3 to be compatible with the Comprehensive Plan and the existing single-family residential neighborhood residential development.



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Sincerely,

A handwritten signature in cursive script that reads "Allen Beach".

Allen Beach
Chairman, ANC 3G

cc:

Jim Nathanson, Councilmember, Ward 3
Fred Greene, Director, Office of Planning
Mark Whitty, President, Chevy Chase Citizens Association
Fred Ribe, President, Chevy Chase Defense Committee



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October 3, 1986

Patricia Mathews
Chairperson
D.C. Zoning Commission
The District Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Madam Chairperson:

The Chevy Chase Advisory Neighborhood Commission (ANC 3G) strongly recommends that the zoning for the west side of Connecticut between Chevy Chase Parkway and Military Road be changed from R-5C to R-3 or lower because the current zoning conflicts with the Comprehensive Plan. By law, the zoning is not supposed to be inconsistent with the Comprehensive Plan. The Land Use Element of the Comprehensive Plan (D.C. Law 5-18, Title XI, Section 1136 (b)(52)) was enacted into law and became effective on March 16, 1985. The relevant land use policy map, which is part of the Land Use Element, clearly shows that the west side of Connecticut Avenue between Chevy Chase Parkway and Military Road is "moderate density". However, the current zoning, R-5C, which allows high density apartment development, is inconsistent with such Comprehensive Plan.

Furthermore, this same area is covered by a private covenant restricting the use of the land to single-family homes. Many of the neighbors whose property was subject to this covenant organized the Chevy Chase Defense Committee in the 1960's. The Committee sued a private developer, who attempted to construct a 100-unit apartment house on Connecticut Avenue between Harrison and Huntington Streets, in the case of E.A. Ginnetti Company, Inc. et al. v. Angelo Greco et al. (CA No. 2231-62). On January 19, 1968, the United States District Court for the District of Columbia upheld the covenant and the apartment house was not built.

More recently, the Committee won again in the case of Fred Ribe et al. v. Gilbert Oken (CA No. 07694-85), decided on June 9, 1986, in which the Superior Court of the District of Columbia issued a permanent injunction against the building of a 39-unit apartment house on the corner of Connecticut Avenue and Military Road.

The neighbors spent much time, effort, and money in bringing these lawsuits. In order to avoid future expensive and unnecessary lawsuits, and conform with the wishes of the neighborhood and this ANC, as well as the Comprehensive Plan, the Zoning Commission should implement D.C. Law 5-187 by changing the zoning in accordance with that law.