

	ADVISORY NEIGHBORHOOD COMMISSION 3C GOVERNMENT OF THE DISTRICT OF COLUMBIA CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS MCLEAN GARDENS • WOODLEY PARK
<i>Single Member District Commissioners</i> 01-Lee Brian Reba * 02-William Kummings * 03-Anne Marie Bairstow 04-Roger Burns * 05-Leila Afzal * 07- Victor Silveira 08-Catherine May * 09-Nancy MacWood	4025 Brandywine Street, NW Washington, DC 20016-1843 Website http://www.anc3c.org Email all@anc3c.org

ANC 3C Resolution 2011-050

Request for Stay of Building Permit & Expedited Hearing (BZA Appeal No. 18300)

WHEREAS, on July 13, 2011, Department of Consumer and Regulatory Affairs ("DCRA") issued Building Permit (No. B1103986) for construction of an addition to a single family residence located within the Tree and Slope Protection Overlay ("TSP Overlay") at 2750 32nd Street, N.W.; and

WHEREAS, the owners of the property adjoining the site for which Building Permit No. 1103986 was issued have appealed the issuance of that Building Permit, and are alleging several errors in issuing the permit including:

1. there are several significant anomalies in the plans reviewed by DCRA,
2. the excavation of the foundation area will immediately and irreparably impact protected trees under the TSP Overlay,
3. DCRA ignored the expert recommendations of two arborists that the proposed construction is likely to fatally damage one or more protected trees in the TSP, and
4. given that the proposed construction poses a significant threat of fatal damage to protected trees, a special exception is required under 11 DCMR § 1514.1 before a building permit may be issued; and

WHEREAS, the Board of Zoning Adjustment (BZA) has advised the ANC that the appeal will not be heard until January 2012; and

WHEREAS, the filing of an appeal does not render a building permit void and construction may proceed under the building permit pending resolution of the appeal,

WHEREAS, such construction would normally be at the Permit Holder's own risk, should the BZA reverse the decision of DCRA to issue the Building Permit, but in this case, if construction is allowed to proceed, the protected trees in question could be fatally and irreparably damaged in the initial excavation work; and

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 District of Columbia
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 EXHIBIT NO. 21

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WHEREAS, while the Appellants do not object to limited exploratory work along the designated root pruning line to determine the presence and size of any roots that will be impacted by construction but do object to the use of a back hoe and excavation of foundation or other construction work that might endanger the trees, and

WHEREAS, the owners of 2750 32nd St do not object to the request for an expedited hearing, and

WHEREAS, Appellants have requested that the BZA issue a stay of the Building Permit and an expedited hearing in this case; and

WHEREAS, it is ANC3C's understanding that the BZA can only consider the Building Permit as a whole and cannot make exception for the exploratory work, and

WHEREAS, given the allegations of error in the permitting process and the substantial risk that protected trees may be damaged if construction is allowed to proceed, the requests for the Stay and Expedited Hearing are reasonable and warranted,

BE IT RESOLVED that ANC 3C requests that the BZA grant the Request for an Expedited Hearing and Stay of the Building Permit until the resolution of the appeal, and

BE IT FURTHER RESOLVED that the ANC 3C requests the Urban Forestry Administration (UFA) to complete a site visit and amend the tree protection plan to include the current status of the construction site, and

BE IT FURTHER RESOLVED that ANC 3C requests that the BZA issue a stay of building permit until such time as the UFA has made their determination. In addition, we ask the UFA to advise the BZA, ANC, the owners and the appellants of its findings, and

BE IT FURTHER RESOLVED that ANC 3C requests that the BZA consider the merits of the case as soon as possible, and

BE IT FURTHER RESOLVED that the Commissioner for ANC 3C08, the Chair, or the Chair's designee, is authorized to represent the Commission on this matter.

Attested By



Anne-Marie Bairstow
Chair, on September 19, 2011

This resolution was approved by a roll call vote of 8-0 on September 19, 2011 at a scheduled and noticed public meeting of ANC 3C at which a quorum (a minimum of 5 of 9 commissioners) was present.