

Ausubel, Lawrence M.

From: "Cheh, Mary (COUNCIL)" <MCheh@DCCOUNCIL.US>
To: "Ausubel, Lawrence M." <larry@ausubel.com>
Cc: "Majett, Nicholas (DCRA)" <nicholas.majett@dc.gov>; "LeGrant, Matt (DCRA)" <matthew.legrant@dc.gov>; "Thomas, John P. (DDOT)" <john.pthomas@dc.gov>; "Smith, Dee (COUNCIL)" <DSmith@DCCOUNCIL.US>; "Kathy Ausubel" <kathy@ausubel.com>; <mayor@dc.gov>; <eom@dc.gov>
Sent: Tuesday, July 12, 2011 9:54 PM
Subject: Re: Request for immediate hold on building permit application B1103986

Dear Nick

Could you look into this and determine what is going on. Please keep me in the loop on the resolution.

Thanks

Mary

Sent from my iPad

On Jul 12, 2011, at 9:32 PM, "Ausubel, Lawrence M." <larry@ausubel.com> wrote:

Dear Mr. Majett,

We are writing to you regarding an urgent building permit matter that we have been unable to resolve through the Zoning Administrator's office. A building permit is on the verge of being issued for proposed construction that would violate the Tree and Slope Protection (TSP) Overlay in Massachusetts Avenue Heights. Moreover, the construction would come very close to several large trees on or near our property line, likely rendering one or more trees unstable and creating the danger that they may fall catastrophically on our house or our property. We request that DCRA place an immediate hold on issuing the permit and for you to evaluate our concerns.

As background, we are longtime DC residents and have lived for the past 5 years at 2744 32nd St NW. A couple recently bought the house next door to us, at 2750 32nd St NW. They have applied for a building permit (application number B1103986) to do a major addition to their house. Their construction plans would have the building come as close as 9 feet to several large trees that are protected by the TSP Overlay. Both a private arborist (Keith Pitchford) who was consulted by both our neighbors and by us, and the DC Urban Forestry Administration (UFA), have opined that the trees (three of which are about 95 inches in diameter) will not survive the construction. [We have attached copies of each tree report.] Moreover, they both opine that at least one of the trees may become structurally unstable -- this is of particular concern to us since the probable direction that the trees would fall is downhill, onto our home or property. When we had first heard of the proposed addition, we met with the Zoning Administrator, Mr. Matthew LeGrant, and expressed our concerns. Subsequent to our meeting, our neighbors filed minor changes to their building plans, continuing to disregard the "critical root zone" or "drip line" standards that are normally followed when building near trees. UFA was called in and issued their report. On this basis, we have asked the Zoning Administrator to deny the building permit. Unfortunately, Mr. LeGrant, has chosen to disregard the input of the DC Urban Forestry Administration. He approved the zoning review on June 21; the building permit has not yet issued, but it could be issued any day.

For the past month, we have requested a conversation with Mr. LeGrant, but he has not returned our emails or voice messages. We have also asked Dee Smith of Councilmember Cheh's office to intervene. She spoke with Mr. LeGrant two weeks ago and requested that he contact us, but we still have not heard from Mr. LeGrant, despite subsequent requests. It appears that he is delaying talking with us until the permit has become a fait accomplis.

We do not understand Mr. LeGrant's agenda in failing to enforce a Tree and Slope Protection Overlay that has been in place for almost 20 years or why he is ignoring the impartial input of the Urban Forestry Administration. As DC taxpayers, we also do not understand why he is ignoring our concerns, when he knows that the appeal we will file to the Board of Zoning Adjustment has considerable merit and will be a drain on DCRA resources. Finally, we do not understand why DCRA is failing to protect longtime residents and is putting us in a position where we will need to litigate to prevent potential catastrophic damage to our home and property.

It should also be apparent that our effort to protect the trees and our property has the broader support of our neighbors. Other neighbors on our block have offered their support -- and are quite concerned about why the TSP Overlay, the opinion of UFA, and the potential for catastrophic damage are all being disregarded. We have been trying to resolve the issue within DC Government -- without broader publicity or outside intervention -- but this obviously will change the moment that a building permit issues.

Again, we request that DCRA place an immediate hold on issuing the permit and for you to evaluate our concerns. We would be happy to meet with you at your soonest convenience.

Thanks much,

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<Arborist Report.pdf>

<Urban Forestry Report.pdf>