Date June 27, 2001

Jerrily R. Kress, FAIA
Director
Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street N.W., Suite 210-S
Washington, D.C. 20001

Application Number 16740

Dear Ms. Kress:

I am writing to oppose the granting of a special exception to the applicant Jacobsen Builders, Inc., to authorize construction of a new single family dwelling at 2989 Arizona Avenue N.W. Authorizing such an exception would fail to recognize the serious violation committed by the Applicant in removing many protected trees from this lot in violation of the Chain Bridge Road/University Terrace Tree and Slope Protection Overlay District covered by Zoning Commission Order No. 863, Case No. 97-6.

Last autumn, the applicant clear-cut and partially excavated the steep slope of the site, thickly wooded, with mature trees of several native species—the very landscape the TSP Overlay was supposed to protect.

The applicant contends that he was unaware of the TSP Overlay and was entitled to clear the property when granted a building permit by the District of Columbia Zoning Office. The erroneous issuance of a building permit by the District of Columbia does not free the applicant from the responsibility of complying with lawful zoning requirements, including the TSP Overlay. Evidence shows the applicant was on notice as to the applicable Zoning Overlay requirements limiting tree removal on the property prior to purchasing the property and prior to his unlawful removal.

In 1998-1999, the residents of the Chain Bridge Road and University Terrace area of the Palisades neighborhood worked diligently to craft and build consensus for a tree and slope overlay. It was designed to preserve "the park-like setting of the area by regulating alterations or disturbances of terrain, destruction of trees, coverage with impervious surfaces and by providing for widely spaces residences." Having endorsed the TSP Overlay, the Board of Zoning Adjustment should send a strong message to the applicant and other developers that violation of the overlay area is unacceptable. I recommend that the BZA require the applicant to reforest the lot and be prevented from building on the lot for the full period permitted under District of Columbia zoning laws.

Sincerely,

Halcyone H. Bohen & Gerald Slater
5357 MacArthur Blvd, NW
Washington DC 20016

BZA
Case No. 16740
Exhibit No. 28

Board of Zoning Adjustment
District of Columbia
CASE NO.16740
EXHIBIT NO.28