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.

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Sincerely,

James Lamb

address:

BZA
Case No. 16740
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO.16740
EXHIBIT NO.33

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Sincerely,

Maria Daniel

address:
2839 Hunt Terrace NW
Washington D.C. 20016
202/363-1475
udan@starpower.net

* a particularly important point. Granting Jacobsen an exception would be a green light to other developers to ignore existing zoning requirements

Date 7/1/01

Jerrily R. Kress, FAIA
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Board of Zoning Adjustment
Government of the District of Columbia
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Sincerely, Christina O'D. Griffin

Name and address 4858 Longboro Rd NW
Wash. DC 20016

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Director
Board of Zoning Adjustment
Government of the District of Columbia
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Sincerely,

Suzanne P. Kloman
Suzanne P. Kloman

address: 3065 University Terrace
Washington 20016

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

David D. Brien

address:

4855 Reservoir Rd NW
Washington DC 20007

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

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Sincerely,

Marina Fischer

address:
2816 North Gladden St. NW
D.C. 20016

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Director
Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street N.W., Suite 210-S
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Sincerely,

Martha Hill
5147 Cathedral Ave NW

address:

This area is appreciated for its balance between architecture and trees. Legally and aesthetically Jacobsen Builders, Inc. have made an unacceptable mistake.

Jerrily R. Kress, FAIA
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Sincerely,

Janet Bullinger

address: 2813 N. Glade St. N.W.
Washington, D.C. 20016

Date 7/14/01

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Sincerely,

Name and address

Alan Daniel
3680 Chain Bridge Rd.,
Wash. D.C. 20016

Date 12th July 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

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Sincerely,

Name and address

Carl & Vivian Norden

Mr. & Mrs. Carl F. Norden
2724 Chain Bridge Rd. NW
Washington, DC 20016

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Sincerely,

Mr. + Mrs. Rodney Smith

address:

5015 Weaver Terr, NW
Washington, DC 20016

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Sincerely,

Lila Kramer

address:
5009 Cathedral Ave, NW
DC 20016

Jerrily R. Kress, FAIA
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Board of Zoning Adjustment
Government of the District of Columbia
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Application Number 16740

7/12/01

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Sincerely,

Edward O. Wells

address:

{ Environmentalist + TAXPAYER

2319 King Pl N.W.
WASH DC 20007

P.S. I would think any reputable builder would have a good lawyer in harness to advise on just such orders
EOW

Jerrily R. Kress, FAIA
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Government of the District of Columbia
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Sincerely, Vaughan W. Wilson

4806 Hutchins pl, N.W.
Washington, D.C., 2007-1828

address:

Mr. Vaughan W. Wilson
4806 Hutchins Pl. NW
Washington, DC 20007

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Sincerely,

NILS FOSTVEDT

PHI VU FOSTVEDT

FOR AF
ARNE C. VI FOSTVEDT (initialized in his absence or vacation)

address:
2943 ARIZONA AVE. NW
WASH, DC 20016

Jerrily R. Kress, FAIA
Director
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Government of the District of Columbia
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address:

SID A. LEVY
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July 8, 2002

I wish to add that this is a particularly egregious violation on the part of a builder who can not convincingly argue ignorance of the restrictions he ignored. Washington is a city of neighborhoods and if destructive incidents like this are allowed to continue, the quality of neighborhood life will be greatly diminished.

Please take action that will send a strong message to any other developers and builders who may attempt to get away with what Jacoben has done. And in particular, force him to make what reparations and corrections are possible.



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 1998-99 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 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." 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,

Claire R. Graham

address:
4956 Eskridge Terrace, NW
Washington DC
20016