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,

Vivian F. Logan

address:

5014 Cathedral ave N.W.
Washington DC 20016

BZA
Case No. 16740
Exhibit No. 34

Board of Zoning Adjustment
District of Columbia
CASE NO.16740
EXHIBIT NO.34

July 9, 2001

APPLICATION NUMBER 16740

Ms. Jerrily R. Kress, FAIA, Director
Board of Zoning Adjustment
Government of the District of Columbia
441 4th Street, NW, Suite 210-S
Washington, DC 20001

Dear Ms. Kress,

I oppose granting a special exception to applicant Jacobsen Builders, Inc. ("Jacobsen") to authorize construction of a single-family dwelling at 2989 Arizona Avenue, NW. Authorization of such an exception would condone the serious violation committed by Jacobsen in removing many protected trees from the building lot in violation of the Chain Bridge Road/University Terrace Tree and Slope Overlay District covered by Zoning Commission Order No. 863, Case No. 97-6.

Last autumn Jacobsen clear-cut much of the lot and partially excavated its steep slope. The site had been thickly wooded with mature trees of several native species. That is the kind of landscape the TSP Overlay was supposed to protect. Jacobsen contends that he was not aware of the Overlay and that he was entitled to clear the property when granted a building permit by the District of Columbia Zoning Office. Evidence shows that Jacobsen was notified about the applicable Overlay requirements before purchasing the property. Evidence also shows that the number and circumferences of the trees he claimed to have cut were fewer and smaller than those actually cut.

I cannot see how the issuance of a building permit relieves Jacobsen from the responsibility to comply with lawful zoning requirements. Accordingly, I recommend that the BZA require him to reforest the lot and prevent him from building on it for the full period permitted under District of Columbia zoning laws.

Sincerely,

Joseph E. Dean

2951 ARIZONA AVENUE, NW
WASHINGTON, DC 20016
VOICE: (202) 362-0629
FAX: (202) 362-2988

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,

DAVID CUMINS MITCHELL

address: 2333 NEBRASKA AVE NW
WASHINGTON DC 20016
202 244 6035

Date July 9, 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:

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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,

Kay & Tom Horst
2933 University Terr. NW
Washington, DC 20016

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,

Catherine Roberts

address:

5134 Cathedral NW
Washington, DC 20016