July 16, 2001

Ms. Jerrily R. Kress, FAIA
Director
Board of Zoning Adjustment
441 Fourth Street, NW
Suite 210-S
Washington, DC 20001

In re: BZA Application No. 16740

Dear Ms. Kress:

I am writing to urge to BZA not to grant a special exception to Jacobsen Builders, Inc. to authorize construction of a new single family dwelling at 2989 Arizona Ave., N.W. I oppose the granting of a special exception because authorizing such an exception would undermine the purpose of the Chain Bridge Road/University Terrace Tree and Slope Protection Overlay District created by Zoning Commission Order No. 863, Case No. 97-6 by rewarding the developer for having ignored the provisions of the overlay.

The applicant contends that the owner cleared the property in violation of the overlay because of an error committed by the D.C. Government and that he didn't know that the property was within the overlay. The realtor who sold the property has indicated that the buyer was informed that the property was within the TSP overlay; further, the Multiple Listing Service (MLS) listing for the property contains that information as well.

We all know that "ignorance of the law is no excuse." To blame the illegal clearance of this lot on a clerical error made by D.C. Government is disingenuous. On the two occasions that I have purchase property in the District of Columbia, I (as the buyer) was required to ascertain the soil type and the flood plain designation of the property. I knew the zoning as well. For example, when I owned a house in Georgetown, I knew that I lived in an Historic Preservation District. It is inconceivable that this new owner wouldn't have known that the property lay within the TSP overlay. Therefore, one must conclude that his clearance of the property was willful – that it was done on the premise that by the time the property was cleared, it would be too late, and that the D.C. Government would not be in a position to take any action against the developer/owner.

We cannot countenance such behavior. With land values the way they are in D.C., developers are under increasing pressure to squeeze profits from property. This means that there will likely be more cases of unscrupulous developers who choose to ignore the

BZA
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Exhibit No. 37

Board of Zoning Adjustment
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EXHIBIT NO.37

zoning ordinances in favor of the increased returns. It is imperative that the BZA maintain a hard line and send a message that such illegal development will not be tolerated. Given the precedent value of this case, I urge the BZA to:

1) reject the application,
2) order the restoration of the property with mature trees (not saplings) and appropriate ground cover,
3) order the owner to provide new architectural plans that show that the contemplated project will comply with the zoning requirements (e.g., maximum footprint and required setbacks) that would have been imposed had the clearance of the property been done in compliance with the TSP overlay, and
4) restrict any development on the property for the seven years required under the zoning law.

Thank you for your consideration in this matter.

Sincerely,

Erik S. Gaull

Erik S. Gaull
5517 Potomac Ave., 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,

Jack & Micaela Mendelsohn

address:

JACK & MICAELA MENDELSOHN
4655 Kenmore Dr., N. W.
Washington, D. C. 20007

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

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Sincerely,

Stephen M. Caswell

address: 3006 Arizona Ave
WDC 20016

Greedy Mr. Jacobsen and the people who sold him the land have devastated 100 year old trees. It is a disgrace, ecologically unsound and an eyesore! I OPPOSE!

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

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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,

Jeffrey Leiffer

address:

4958 Ash

Peter S. Prichard
2728 Chain Bridge Road, NW
Washington, DC 20016

July 9, 2001

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

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, NW. 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 or terrain, destruction of trees, coverage with impervious surfaces and by providing for widely spaces residences. Having endorsed the TSO 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 hope that the BZA will 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,

Peter S. Prichard

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

July 6, 2001

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.

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Sincerely,

address:

Cora Staco
5022 Cathedral Ave, N.W.
Washington, DC 20016

Date 8 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

Application Number 16740

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Sincerely, Leonard C Meeker

Name and address

3000 Chain Bridge Road NW
Washington DC 20016-3410

Date 7/7/01

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

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Sincerely,

Name and address

Luther J. Carter
2722 Chain Bridge Rd N.W.
Washington DC 20016
(202) 966-3579

* The BZA should not only require reforestation but should require that the applicant not be allowed to build on the lot for the full period permitted under District of Columbia zoning laws.