July 11, 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

Re: Application Number 16740

Dear Ms. Kress:

I am writing to strongly oppose grant 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.

Permitting such an exception would ignore the applicant's serious 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 fall, the applicant clear-cut and partially excavated the steep slope of the site, thickly wooded, with mature trees of several native species—landscape expressly protected by the TSP. The applicant claims he was unaware of the TSP Overlay and was entitled to clear the property after an error by the District of Columbia Zoning Office resulted in his grant of a building permit.

This claim appears to be false, as a variety of communications indicate he had been given notice of the restrictions imposed by the TSP prior to his purchase of the property. Regardless of his claim, the burden clearly lies with the purchaser of the property – and any real estate developer should be aware of how to get this information – to make himself knowledgeable of overlays or other legal restrictions on the development or use of the property.

The City must uphold the TSP and prevent any further work on the property. If the City fails to do so, its actions will send a clear message to other developers that the City has little or no stomach for enforcing its own zoning rules and regulations.

It will send another message, clear as a bell, to residents of the Palisades: that the Williams Administration cannot be counted on to go to bat for its citizens on neighborhood issues, even as its representatives have repeatedly come to our community asking us to be their partner in the planning process.

Sincerely,

Rachel W. Thompson
5835 Sherier Place, N.W.
Washington, D.C. 20016
(202) 364-1384

BZA
Case No. 16740
Exhibit No. 44

Board of Zoning Adjustment
District of Columbia
CASE NO.16740
EXHIBIT NO.44