5000 Cathedral Avenue, NW
Washington DC 20016
Tel: (202) 237 0719

July 17, 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

Re: Application Number 16740

Dear Ms. Kress:

Last Autumn we were horrified to see the desecration of a lot at 2989 Arizona Avenue NW where a thickly wooded slope of mature trees was clear cut and partially excavated.

It had been our understanding that the location was protected by the Zoning Commission. Indeed the Chain Bridge/University Terrace Tree and Protection Slope Protection Overlay District was covered by the Zoning Commission Order No. 863,Case No. 97-6.

In 1998-99 the residents of Chain Bridge Road and University Terrace area of 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 services and by providing for widely spaced residences".

Jacobsen Builders, Inc therefore clearly committed a serious violation of this order by removing many protected trees from and excavating this lot.

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 exception would fail to recognize the serious violation committed by the Applicant when he spoiled the very landscape the TSP Overlay was supposed to protect.

BZA
Case No. 16740
Exhibit No. 49

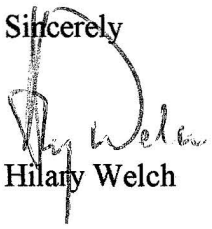
Board of Zoning Adjustment
District of Columbia
CASE NO.16740
EXHIBIT NO.49

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. Evidence shows that applicant was on notice as to the Zoning Overlay requirements limiting tree removal on the property, prior to purchasing the property and prior to his unlawful removal.

While I am at a loss to understand how the District of Columbia came to issue a Building Permit, 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.

The Board of Zoning Adjustment must refuse to grant an exception to the Applicant which will send a strong message to the him and other developers that violation of the overlay is unacceptable. I request 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



Hilary Welch