LINCOLN GORDON
3069 UNIVERSITY TERRACE, N. W.
WASHINGTON, D.C. 20016

July 9, 2001

Ms. Jerrily R. Kress, Director,
D.C. Board of Zoning Adjustment
441 4th Street N.W., Suite 210-S
Washington, DC 20001

Dear Ms. Kress:

This letter is in opposition to the granting of a special exception to Jacobsen Builders, Inc., which would authorize construction of a new single family dwelling at 2989 Arizona Avenue N.W. Such an exception would disregard the 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 autumn, the applicant clear-cut and partially excavated the steep slope of the site, thickly wooded, with mature trees of several native species--exactly the 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 issuance of a building permit, however, does not free the applicant from responsibility for complying with lawful requirements, including the TSP Overlay. Evidence shows that the 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 actions.

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, or coverage with impervious surfaces, and by providing for widely spaced residences." Having endorsed the TSP Overlay, the Board of Zoning Adjustment should send a strong message to this applicant and to other developers that violation of the overlay area is unacceptable.

I urge that the BZA require that the applicant reforest the lot and be prevented from building on the lot for the full period permitted under District of Columbia zoning laws.

Sincerely,

Lincoln Gordon

ZONING COMMISSION
District of Columbia
Case 16740
Exhibit 50

Board of Zoning Adjustment
District of Columbia
CASE NO.16740
EXHIBIT NO.50