555 ELEVENTH STREET, N.W., SUITE 1000

WASHINGTON, D.C. 20004-1304

July 27, 2001

Jerrily R. Kress, FAIA
Director
Board of Zoning Adjustment
Government of District of Columbia
441 Fourth Street N.W, Suite 210-S
Washington, D.C. 20001

Application Number 16740

Dear Ms. Kress,

My family and I reside within the Chain Bridge Road/University Terrace Overlay District. We bought our house in 1997 because of its large lot with many mature trees and proximity to 56 acre Battery Kemble Park. We were strong proponents of the Tree and Slope Overlay because from our first exposure to this hilly heavily wooded area that has never been subjected to subdivision and the traditional Washington grid system, we recognized what an important asset this extended green space is to urban Washington. The adoption of the TSP Overlay regulations in July 1999 was viewed by the community as an enormous success at protecting our environment. How short lived our success was can now be measured by the enormous task of enforcement the community now faces in mobilizing large sums of money and vast amounts of time to protecting itself from Jacobsen Builders' violation of the overlay at 2928 Arizona Avenue.

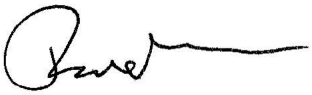
The BZA needs to take the strongest possible stand by denying the developer the special exception he now seeks, after clear cutting and bulldozing the lot and in the process taking down many protected trees. This first major violation under the Overlay regulations is a precedent setting case for our community and provides an opportunity to enforce the Overlay regulations. If the Overlay regulations are not enforced it will set no standard at all for what the BZA endorsed in 1999. Evidence in the case clearly indicates the developer was informed of the Overlay regulations. After destroying the old growth forest, the developer must not be allowed to after the fact request and receive a special exception to build and make a profit at the expense of the neighborhood. This will only encourage other developers to cut down the trees and vegetation and factor in subsequent delays before the community and the BZA, as all part of the cost of doing business in the District.

BZA
Case No. 16740
Exhibit No. 63

Board of Zoning Adjustment
District of Columbia
CASE NO.16740
EXHIBIT NO.63

In summary, I recommend the BZA oppose the granting of a special exception to Jacobsen Builders, that he be required to landscape the lot and be prevented from building on the lot for the full seven years specified in the Overlay regulations.

Yours sincerely



Robert M. Sussman