4590 Indian Rock Terrace, N. W.
Washington, D. C. 20007

October 1, 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

Dear Ms. Kress:

We urge the Board of Zoning Adjustment to deny the granting of a special exception to the applicant Jacobsen Builders, Inc. for the development of property at 2989 Arizona Avenue. In our view, this request for a special exception challenges the validity of zoning laws and their enforcement. If the request is granted, it will affirm the principle of many developers and that is, "It is easier to request forgiveness than to request permission."

Last autumn, the applicant, aware that the property is protected under the Chain Bridge Road / University Terrace Tree and Slope Protection Overlay, knowingly and willfully clear cut the property. While a stop-work order was issued, the property was grossly disfigured and damaged before its implementation. Since that date, applicant has made no attempt to stabilize the site even though he was directed to do so by the ANC.

The applicant knew that his actions were in violation of the tree and slope overlay, yet he chose to proceed rather than request a special exception. If his actions are now allowed to stand, then the zoning regulations of the entire District of Columbia become meaningless and their enforcement toothless.

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, coverage with impervious surfaces and by providing for widely spaces residences." Having endorsed the tree and slope overlay, the Board of Zoning Adjustment must send a strong message to the applicant and other developers that violation of the overlay area is unacceptable.

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

Sincerely,

Phillip Gould

Elizabeth W. Ratigan

BZA
Case No. 16740
Exhibit No. 76

Board of Zoning Adjustment
District of Columbia
CASE NO.16740
EXHIBIT NO.76