Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

October 4, 2001

Ms. Sherri Pruitt
Secretary BZA
441 4th Street NW
Washington DC 20001

Re: 2989 Arizona Avenue NW

Dear Ms. Pruitt:

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on October 3, 2001 at Sibley Memorial Hospital's Ernst Auditorium. A quorum (4) was present at all times and proper notice of this meeting was given through a local newspaper and by posting signs around the neighborhoods.

One of the items on our agenda was a revisiting of BZA #16740 – which requests a special exception to approve tree removal in connection with a single-family dwelling.

ANC3D has heard from Mr. Jacobsen and his attorney, Patrick Brown three times.

- At our March 9, 2001 meeting, the Commission voted to send you a letter commending you in placing a stop-work order on this property since it was in clear violation of the Chain Bridge/University Terrace Tree and Slope Overlay. We agreed to support the position of the Palisades Community Association and affected neighbors not to negotiate with Mr. Jacobsen until he filed for a special exception to the overlay. (Copy of letter to Mr. Michael Johnson is attached)

- On May 4, 2001, Mr. Jacobsen filed for a Special Exception.

- At our July 11, 2001 meeting, the Commission urged the developer and the neighbors to try to come to an agreeable resolution of this situation. The Commission further voted unanimously to pass a resolution recommending that the Board of Zoning Adjustment not grant the special exception from the Chain Bridge Road/University Terrace Overlay, urging the parties to meet, and directing the developer to stabilize the site pending resolution of this matter. (See attached minutes)

- The neighbors and the developer met briefly on August 27,2001.

- On September 25, 2001, Mr. Jacobsen amended his filing.

- At ANC3D's October 3, 2001 meeting we heard once again from Mr. Jacobsen and his architect who presented a new landscaping plan, a revised house footprint and a reduction in the height and location of the house.

BZA Case No. 16740 Exhibit No. 80

Board of Zoning Adjustment
District of Columbia
CASE NO.16740
EXHIBIT NO.80

We also heard from representatives of the Chain Bridge group who argued that Mr. Jacobsen's plans do not merit the special exception that he is seeking.

In light of the failure of the parties to reach an amicable agreement, the Commission voted 4-0-0 to amend the previously passed resolution. The new resolution is as follows:

ANC 3D resolves to recommend that the Board of Zoning Adjustment not grant the special exception from the Chain Bridge Road/University Terrace Overlay sought by the applicant in Docket Number 16740 for the following reasons:

1. In advance of applying for the special exception, the applicant destroyed trees of a size and number that were in excess of what is permitted by the Overlay, thereby adversely affecting neighboring properties and the community; and

2. The applicant's BZA filings (dated May 4, 2001 and September 25, 2001) do not remedy the applicant's violation of the Overlay although the applicant's September 25th landscaping plan contains positive elements.

This ANC further resolves, that, until such time as the applicant presents a development plan that is consistent with the purposes of the Overlay, the applicant should be ordered to stabilize the site and to install new trees and other plants of sufficient size and appropriate type so that the site does not continue to be a community eyesore.

We request that Board of Zoning Administration give our decision the "great weight" to which it is entitled under DC law. In light of the fact that our meeting precluded us from filing our findings less than the seven days prior to the hearing required by DC law, we are faxing a copy of this letter and attachments and will hard copy it also. Please include our opinions in your decision.

Thank you,

Sincerely,

Eleanor Roberts Lewis

Eleanor Roberts Lewis
Chair, ANC3D

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40846
Palisades Station
Washington, D.C. 20016

March 9, 2001

Michael Johnson
DC Zoning Administrator
One Judiciary Square
441 4th St. NW
Washington, DC 20001

Re: 2989 Arizona Avenue, NW

Dear Mr. Johnson:

At its regularly scheduled monthly meeting on Wednesday, March 7, 2001 with all commissioners present, ANC 3-D voted unanimously (7-0-0) to send you a letter expressing the following views concerning construction activities at 2989 Arizona Avenue, NW.

We appreciate your action in placing a stop-work order on construction at 2989 Arizona Avenue that was begun in clear violation of zoning regulations, in particular the Chain Bridge/University Terrace Tree and Slope Overlay. We urge that you keep the stop-work order in effect until such time as Edwin R. Jacobsen, President of Jacobsen Builder, Inc., is granted a special exception to the above mentioned overlay plan by the Board of Zoning Adjustment. In the event that Mr. Jacobsen does not apply for or is not granted a special exception, then we request that the Zoning Office, under the terms of the overlay plan, order Mr. Jacobsen to return the property to its original state, so far as is possible.

In addition to the obvious violation involved in the cutting down of many mature trees, we are also concerned that the construction on the property comply with all other provisions of the overlay plan, including size and siting of the residence. If a permit has been issued that does not comply with the provisions of the overlay plan, we request that that permit be revoked.

We make these recommendations not in the spirit of retribution for past violations, whether innocent or deliberate, of the overlay plan but to demonstrate our insistence that developers and city officials responsible for granting building permits respect, comply with and enforce the zoning regulations and overlay plans that are so important in preserving the

residential nature of our neighborhoods. In light of the need to demonstrate respect for the zoning and overlay process, we have agreed with the Palisades Citizens Association and the affected neighbors not to negotiate with Mr. Jacobson until he has filed for a special exception to the overlay.
We urge that our recommendations be given "great weight" .

Sincerely yours,

Eleanor Roberts Lewis
Chair, ANC 3-D

July 11, 2001 Minutes –
Advisory Neighborhood Commission 3D

Advisory Neighborhood Commission 3D held its regularly scheduled monthly meeting on Wednesday, July 11, 2001 at Sibley Hospital's Ernst Auditorium. Chair Lewis, Commissioners Jewett, Heuer, Griswold, Finney and Hurst were present. Absent: Commissioner Hamilton.

The Chair called the meeting to order at 7:33 PM. First item on the agenda was Community Concerns. Councilmember Phil Mendelson spoke to the group about redistricting wards and ANC's. Redistricting of ANC's is to be completed by next January.

The Spring Valley munitions problems will be discussed at the September meeting since there will be no meeting of the ANC in August.

Commissioner Finney advanced a proposal that as a matter of public safety a no-left-turn sign should be installed at the exit of the Renaissance Center on to Loughboro. After a brief discussion, the commissioners voted 5-1-0 (Commissioner Heuer dissenting) to send a letter to the Director for Traffic Services at DPW requesting that such a sign be installed. (see attachment A)

A discussion was held concerning a proposed letter by William Timmons to the zoning commission regarding interpretation of zoning regulations in ANC3D jurisdiction. Since the issues have been discussed previously, a vote was not taken. The letter will be put in final form and sent. (Attachment B)

3020 43rd Street – Crary vs. Sisson. Wesley Heights zoning restrictions still not observed on this property. Another Zoning Commission hearing is scheduled for July 31st. Since this matter has come before the Commission several times before, there was no discussion except to reiterate the commission's position. Another letter will be written emphasizing our position to the Zoning Board. (note: no further letter was written since the Commissioners point of view has not changed)

BZA 16747 – Hair Salon, MacArthur Boulevard. Seeks three variances to add on in back of store. After a brief discussion, the Commissioners voted 6-0-0 to send a letter to BZA approving the Hair Salon to proceed with construction. (attachment C)

Sidewalks and Pathways on Arizona Avenue – Some commissioners raised the point that the blocks of Arizona between Macarthur and Loughboro are without sidewalks and thus are dangerous for pedestrians, dog walkers, children going to school, church goers etc. The Commissioners heard from many neighbors about the need for some kind of pedestrian sidewalk or path along that heavily traveled stretch of road. Mr. Robert Horton of DPW, DOT, who spoke at the commission hearing, said a preliminary study is already underway to determine the feasibility and cost of constructing a sidewalk or a

path. Further details will follow. The Commissioners voted 6-0-0 to write a letter to DPW thanking it for initiating the engineering study and to keep the commission informed. (Attachment D)

2989 Arizona Avenue – The commission held a hearing on the request of Edward Jacobsen of Jacobsen Builders to a special zoning exception to approve the cutting down of trees at 2989 Arizona in contravent of the Chain Bridge/University Terrace Tree and Slope Overlay Regulations. John Patrick Brown, attorn representing Mr. Jacobsen, urged negotiations between Mr. Jacobsen and residents in property covered b the overlay plan. Arthur Watson, vice president of the Chain Bridge-University Terrace Preservation Committee, and Penny Pagano, President of the Palisades Citizens Association, both argued against grant of the special exception on the grounds the developers should be put on notice that the neighborhood expects its zoning regulations to be observed. The Commission, by a 6-0 vote, approved the following resolution urging rejection by the BZA of the special exception but encouraging the two sides to seek a mutually agreeable solution.

ANC 3D resolves to recommend that the Board of Zoning Adjustment not grant the special exception from the Chain Bridge Road/University Terrace Overlay sought by the applicant in Docket Number 16740 for the following reasons:

1. In advance of applying for the special exception, the applicant destroyed trees of a size and number that were greatly in excess of what is permitted by the Overlay, thereby adversely and irremediably affecting neighboring properties and the community; and

2. The applicant's BZA filing (dated May 4, 2001) and the applicant's landscaping plan with building footprint (dated June 26, 2001) do not remedy the applicant's egregious violation of the Overlay.

This ANC further resolves that, until such time as the applicant presents a development plan that is consistent with the purposes of the Overlay, the applicant should be ordered to stabilize the site and to install new trees and other plants of sufficient size and appropriate type so that the site is not viewed as a community eyesore.

The ANC also urged representatives of the Chain Bridge Road/University Terrace Preservation Committee and the Palisades Citizens Association to meet with the applicant, Jacobsen Builders, Inc., to attempt to reach a mutually satisfactory resolution of this matter.(attachment E) (note: due to circumstances spelled out in t attachment, we requested a postponement of the hearing. It was granted and will be held October 9. This will be on the October 3 agenda.)

The minutes from the June 6 meeting were read and approved 6-0-0.

The treasurer's report was given. There is currently a balance of $11,099.61 in the Bank of America checking account. This includes a direct deposit in the amount of $3,947.28 for our quarterly allotment.

The Third Quarter Financial Accounting was presented and approved 6-0-0. It will be sent to the DC Auditor along with supporting documentation for final approval.

The next commission meeting will be September 5, 2001. There will be no meeting in August.

Respectfully submitted

John Finney, Secretary

FAX COVER SHEET

Send to: **Board of Zoning Adjustment**	**From:** **Beverley Monroe, ANC3D**
Attention: Ms. Sherri Pruitt	Date: October 7, 2001
Office 441 4th Street NW	Office location: DC
Fax number: 727-~~4825~~ 6072	Phone number: And fax: 363-4130

xURGENT

Total pages, including cover: 8

Comments:

Dear Sherri:

Please consider the attached material as the BZA meets on Tuesday to hear

BZA#16740 – 2989 Arizona Avenue NW

In haste, I accidentally addressed the letter to Michael Johnson at the Zoning Commission and sent it to him on Thursday by Fax and by mail. It was checked and rechecked and I apologize for the error.

Please consider the ANC's resolution concerning this matter.

I will call you this morning to make sure you received it.

Thank you very much.

Beverley Monroe