Fred and Gwen Rose
3201 "O" Street, S.E.
1400 Branch Ave., S.E.
(single home with two addresses)
Washington, D.C. 20020
(202) 582-5536
ffrose@juno.com

16753

July 16, 2001

BY E-MAIL TRANSMISSION TO THE BD.
The Board of Zoning Adjustment
For the District of Columbia

RE: OPPOSITION TO APPLICATION SEEKING A SPECIAL EXCEPTION TO PERMIT A NON-COMERCIAL BROADCAST ANTENNA STRUCTURE AT PENNSYLVANIA AND BRANCH AVENUES, SOUTHEAST, WASHINGTON, D.C. (LOT 840, SQUARE 5539)

Dear Hon. Board of Zoning Adjustment Chairwoman and Commissioners:

On behalf of my wife and myself, I write to oppose the proposed application seeking an exception to allow the placement of a monopole for cellular usage. The application, seeking a special exception to permit an antenna, other than a commercial broadcast antenna, use in the R-1-8 District was filed by Penn-Branch LLC in June of 2001. The application seeks to place this antenna structure at Pennsylvania and Branch Avenues, Southeast, Lot 840, Square 5539.

My wife and I vehemently oppose the granting of this exception. Our property is very proximate or actually abuts this proposed site. We own Lot 818, 835, Square 5539. We believe that such a structure would adversely affect our property value and impair any future plans we may have to build town homes or other structures on the rear of our property, since the proposed structure would be proximate to our property in the area we may opt to develop. Moreover, we believe the structure would be very unsightly, as it would likely require collocation of additional antennas on the same structure and would likely not blend into the general scheme and would pose a tremendous eye sore that sticks out awkwardly at a height of 150 feet. Due to the surroundings, there cannot be any disguising of this monopole, as it is not in a wooded area or otherwise could be disguised in any realistic respect. In that regard, we have the "O" Street wall facing the front of our house and a cell tower in the rear at a height of 150 feet would be too much for us to bear on aesthetic grounds. Simply stated, we do not want this structure in our or our neighbors' backyard.

BZA
Case No. 16753
Exhibit No. 36



Board of Zoning Adjustment
District of Columbia
CASE NO.16753
EXHIBIT NO.36

Further, we believe this structure could pose a significant health risks to the community, from a singular tower standpoint and also because of any possible cumulative impact from radiation from this and other towers located within a certain distance range. The radiation impact is not something we are at all comfortable with. In that regard, we understand that, for example, in other countries, Italy to be specific, there are laws that preclude towers such as this one, as proposed, to be located within 40 miles of other towers in deference to concern for the cumulative radiation effect. We believe, and ask for your acknowledgement, that there may be other towers located well within a ten-twenty mile radius of this proposed site (e.g., perhaps at the Navy Yard or area U.S. Post Offices or other public and private locations). Please explain to us any requirement here addressing this concern. Alternatively, please consider if you are unaware of these impacts, extending any previous moratorium on non-commercial broadcast antenna structures immediately to our area or Citywide for that matter, until this cumulative radiation impact issue can be better understood. We believe the Zoning Board has the power to deny this exception and should use it. To the extent, it can lawfully extend the Citywide tower moratorium, we believe it should do this, as well and that such action should be implemented, immediately.

Therefore, we urge the Zoning Adjustment Board to preclude the granting of this exception for these reasons. Moreover, we strongly oppose it because we understand that the proposed height is 150 feet, which may contribute to more harm aside from aesthetic displeasure. We do not believe that this structure would be safe, as it could lead to ice being formed on the tower and present problems in terms of water run off on our property, below the hill where this tower would be erected. In that regard, we would believe that any run off could violate the close of our property, i.e., be a trespass. If so, we do not agree to any such trespass, nor grant any kind of easement nor accept any kind of burden or harm to our property in this manner. More importantly, it is not currently understood that such a structure would not harm the immediate environment. We demand no adverse environmental impact stemming from this structure. Therefore, we specifically require assurance as a result of a detailed Environmental Impact Statement (EIS) and Environmental Impact Assessment (EIA). Additionally, we believe the height might interfere with migratory bird populations; and in that regard, may very well violate federal law to this effect. If the City approves of a structure that harms migratory bird populations, it might be jointly or severally liable for having approved such a structure. Thus, as taxpayers, we caution the Board and the City against exposing us to such a possible liability, which could increase in our taxes. Given that we have these concerns and believe, even with the addition or a more fleshed out proposal from the applicant addressing such matters, that our concerns would still stand.

It is therefore with these above-stated reasons in mind that we adamantly oppose the granting of the exception and respectfully request that the Zoning Adjustment Board, the Mayor and the City Council take action consistent with our request to deny the application. Or, alternatively, to the extent this is premature, we ask you to hold the application in abeyance until our concerns are fully and reasonably addressed and resolved.

Thank you for your assistance in this matter. I further request that this body keep my wife and me apprised of all developments concerning this application. Please communicate with us by virtue of the contact information we listed above and let me know if you have any questions about our concerns.

Respectfully submitted,

//Fred F. Rose//

Fred F. Rose, homeowner

cc: The Honorable Anthony Williams, Mayor
All Councilmembers of the D.C. City Council
Mr. Peter Espensheid, the Hon. David Catania's Office

Whayne S. Quin, Esq,
Holland & Knight, LLP
2099 Pennsylvania Avenue, N.W., Suite 100
Washington, D.C. 20006
(by U.S. Mail)