ADVISORY NEIGHBORHOOD COMMISSION
GOVERNMENT OF THE DISTRICT OF COLUMBIA
CATHEDRAL HEIGHTS • CLEVELAND PARK • MASSACHUSETTS AVE. HEIGHTS
MCLEAN GARDENS • WOODLEY PARK

Single Member District Commissioners
01-Cheryl A. Opacinch; 02-Kurt Vorndran; 03-Robert Martin (Secretary)
04-Richard C. Bartel (Vice Chair); 05-John Welsh; 06-(vacant)
07-Lars Hydle (Treasurer); 08-Rosalyn P. Doggett; 09-Nancy MacWood (Chair)

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WASHINGTON, DC 20008
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Website http://groups.yahoo.com/group/anc3c

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BEFORE OF ZONING
2002 APR -9 PM 3:33

March 25, 2002

Jerrily Kress
Director
DC Office of Zoning
441 4th Street, NW
Washington, DC 20001

Dear Ms. Kress (or the Chair),

Attached is a copy of a resolution passed at our regularly scheduled meeting of March 25th regarding the Woodland Normanstone Tree and Slope overlay protection district. We believe that the Zoning Administrator erred in finding no violation of the overlay regulations and plan to have a Commission representative testify to that effect at the April 9th hearing on Docket No. 16849.

Thank you for your consideration of our views.

Sincerely,

Nancy J. MacWood
Chair, ANC 3C

BZA
Case No. 16849
Exhibit No. 24

Board of Zoning Adjustment
District of Columbia
CASE NO.16849
EXHIBIT NO.24

ADVISORY NEIGHBORHOOD COMMISSION 3C
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ANC 3C RESOLUTION 2002_007
WOODLAND NORMANSTONE TREE AND SLOPE OVERLAY
MARCH 25, 2002

I. WHEREAS, Advisory Neighborhood Commission 3-C passed a resolution on September 24, 2001 at its regularly scheduled meeting finding that Tree and Slope Protection Overlay provisions of the Woodland Normanstone zoning overlay district appeared to have been violated at 2231 30th Street, NW; and

II. WHEREAS the District of Columbia Zoning Administrator by letter of December 10, 2001 to Robert Lehrman, a neighbor who brought the apparent violation to the District's attention, asserted that there was insufficient evidence to support Mr. Lehrman's claim; and

III. WHEREAS, Mr. Lehrman is now appealing that decision in case 16849 before the District of Columbia Board of Zoning Adjustment (BZA); and

IV. WHEREAS ANC 3-C finds that Mr. Lehrman's original evidence is still compelling,

V. NOW THEREFORE BE IT RESOLVED that Chair Nancy MacWood, Commissioner Rosalyn Doggett or the Chair's designee is authorized to testify before the BZA in support of Mr. Lehrman's appeal and ANC 3-C's previously passed resolution.

This resolution was approved by the ANC 3C at its regular public meeting on March 25, 2002, at which a quorum was present.

Attested by Nancy MacWood, Chair, on March 25, 2002
Date

Attested by Robert Martin, Secretary, on march 25, 2002
Date

ADVISORY NEIGHBORHOOD COMMISSION 3-C
GOVERNMENT OF THE DISTRICT OF COLUMBIA

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04-Richard C. Bartel (Vice Chair); 05-John Welsh; 06-Clifford C. Rohde (Secretary)
07-Lars Hydle (Treasurer); 08-Rosalyn P. Doggett; 09-Nancy J. MacWood (Chair)

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ANC 3C Resolution 2001-044

ANC 3C RESOLUTION FOR ENFORCEMENT OF WOODLANDS-NORMANSTONE TREE AND SLOPE OVERLAY

1. WHEREAS, by order issued on February 10, 1992 the DC Zoning Commission adopted the Woodland Normanstone Overlay District (WNOD), a tree and slope protection overlay district enacted for the purpose of preserving the natural topography and retention of mature trees in the area to the maximum extent feasible by placing strict tree removal limitations on property with the district; and

2. WHEREAS, the zoning regulations governing Tree and Slope Protection Overlay Districts provide that, within such districts, "No tree that has a circumference of seventy-five inches (75 in.) or more at a height of four and one-half feet (4 ½ ft.) above ground shall be removed or cut down." 11 DCMR, Para. 1514.1 (c); and prohibit "fatally damaging trees... having a circumference of twelve inches (12 in.) or greater at a height of four and one-half feet (4 ½ ft.) above ground." *Id.*, Para. 1514.1 (a); and require that any deviation from these restrictions must be approved by the Board of Zoning Adjustment (BZA) after a public hearing, subject to specified protective requirements. *Id.*, Para. 1515.1;

3. WHEREAS, the zoning regulations further provide that "Where removal or cutting of trees has occurred that would be prohibited by this section if a building permit were contemporaneously applied for, no building permit shall be issued for a period of seven years from such removal or cutting unless a special exception is granted by the Board of Zoning Adjustment pursuant to Section 1515." *Id.*, Para. 1514 (b);

4. WHEREAS, the property located at 2221 30th Street, NW (Lot 6, Square 2198), owned by Melvin Estrin, is included within the WNOD;

5. WHEREAS in July of 2001 two mature tulip poplar trees located on this property with diameters in excess of 75 inches at a height of 4 ½ feet above ground appear to have been fatally damaged as a result of demolition and construction work

undertaken on the property without measures adequately to protect these trees and their root zones, and one of these trees was later cut down by the property's owner in order to protect the adjoining property;

6. WHEREAS, in August 2001, the Building and Land Regulation Administration (BLRA) of the DC Department of Consumer and Regulatory Affairs (DCRA) issued a Stop Work order owing to the property owner's failure to obtain a permit to raze the existing house on the property; and

7. WHEREAS a request has been made by Mr. Robert Lehrman, a neighbor, to the Zoning Administrator of the DCRA that the matter be referred to the BZA for a public hearing under 11 DCMR Para. 1515.1;

8. NOW THEREFORE BE IT RESOLVED by ANC 3C that:

   I. The BLRA maintain the Stop Work order in place until such time as WNOD issues are resolved by the BZA;

   II. DCRA enforce the Tree and Slope Overlay Protection District regulations that pertain to 2221 30th Street;

   III. Until such time as building is permitted to resume at 2221 30th Street, the owner be directed by DCRA to restore and maintain the property to and in a safe, healthy and aesthetically attractive condition appropriate to the Woodland Normanstone neighborhood in which it is located;

   IV. DCRA order the owner to protect the remaining large trees on the property; and

9. BE IT FURTHER RESOLVED that the ANC Chair or her designee is authorized to testify at a BZA hearing on this matter.

This resolution was approved by the ANC 3-C by a unanimous vote at its regular public meeting on September 24, 2001, at which a quorum was present.

Attested by Nancy J. MacWood, Chair, on October 2, 2001
Nancy J. MacWood Date