GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Building and Land Regulation Administration
Office of the Zoning Administrator

October 10, 2001

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OFFICE OF ZONING
2002 JAN 17 PM 3:44

Mr. Melvyn Estrin
Estrin International
7200 Wisconsin Avenue, Suite 600
Bethesda, MD 20814

RE: 221 - 30th Street & Benton Place, NW (Tree Removal Determination)

Dear Mr. Estrin:

As you are aware, questions have been raised about the removal of a tree along the Southeastern property line of your property, which is under construction at the corner of 30th Street, N.W. and Benton Place, N.W. The complaints that have been received assert, among other things, that the removal of the tree outside the existing sidewalk and bordering the property of Mr. & Mrs. Jordan at 2940 Benton Place, N.W., was in violation of the Tree and Slope Protection Overlay District set forth in Chapter 15 of the Zoning Regulations.

I have reviewed correspondence submitted on behalf of Mr. Robert Lehrman, a nearby neighbor, correspondence from Mrs. Ann D. Jordan, the adjacent neighbor to the southeast (2940 Benton Place, N.W.), as well as correspondence from you, including the certification from your tree expert, Lee's Tree Service, that certifies that the tree represented an unsafe condition and thus required immediate removal. Apparently, this was due to recent rains.

Additionally, I visited the site and observed the construction area as well as the area south of the existing sidewalk on the property where the tree previously existed, adjacent to the Jordan property. Finally, I have carefully examined the Zoning Regulations and the provisions of Chapter 15.

941 North Capitol Street, N.E., Suite 2000 Washington, DC 20002 Phone: (202) 442-4549 Fax: (202) 442-4863

BZA
Case No. 16849
Exhibit No. 3

Appeal of Robert Lehrman
Ex. 1 to Appeal to BZA

Board of Zoning Adjustment
District of Columbia
CASE NO.16849
EXHIBIT NO.3

Accordingly, while there may be a question as to whether the Tree and Slope Protection Overlay Zone is even applicable to an area outside the zone of construction, I find based upon the information that I received and the investigation conducted, that there was an unsafe condition which warranted the removal of the tree under Section 1514.1(b) of the Zoning Regulations. Further, based upon my review, site inspection and understanding of the issues raised, I conclude that there is no violation of the Zoning Regulations and no further enforcement action is required regarding this matter. Should you have additional questions, please call our office at 442-4576.

Respectfully,

Michael D. Johnson
Zoning Administrator
District of Columbia

cc: Toye Bello, Chief, Zoning Review Branch
Robert Lehman
Ann D. Jordan
Andrea C. Ferster, Esq.

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PC/Epps/Cdrive