BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Appeal of Henry P. Sailer
Lisa S. Kelly, M.D.
Steven S.Wolf, M.D.
Arthur L. Levi
Veronica and Bruce Steinwald
Veronique LaGrange
Benoit Blarel

BZA Appeal No. 17054
Public Hearing Date: October 21, 2003
ANC 3D

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D.C. OFFICE OF ZONING

APPELLANTS' SUPPLEMENTAL PRE-HEARING STATEMENT

The Appellants respectfully submit this Supplemental Pre-Hearing Statement and request the Board to waive its Rules for good cause shown and accept this filing into the record.

On October 7, 2003,[1] the Appellants were provided by Brian Logan a copy of a Boundary & Topographic Survey ("Survey") dated March 15, 2000. See Exhibit A. The Survey contains a detailed inventory of the trees located on the Logan property. Prior to receiving the Survey from Logan, the Appellants were unaware of its existence. There is no record of the Survey having been submitted to the Department of Consumer and Regulatory Affairs in conjunction with the tree removal or other building permits obtained by Logan.

Based on the information contained on the Survey, the Appellants have been able to complete a detailed analysis of the tree removal and/or fatally damaging construction activities which have occurred on the Logan property in violation of the CBUT Overlay. As a result, the following facts are established:

1. The Logan property contained fifteen (15) CBUT Overlay regulated trees.

2. Logan removed three (3) regulated trees under permits.

3. Ten (10) additional regulated trees have been removed and/or fatally damaged in violation of the CBUT Overlay and without Logan obtaining the required permits.

[1] Under the Board's Rules, October 7, 2003, was the deadline for Appellants to file their Pre-hearing Statement.

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District of Columbia
CASE NO. 17054
EXHIBIT NO. 23

4. Logan has removed and/or fatally damaged at least forty-five percent (45%) and potentially, eighty-two percent (82%) of the total circumference of regulated trees on the property. The maximum permitted under the CBUT Overlay is twenty-five percent (25%).

See Exhibit B. Tree Inventory and Calculation of Total Circumference of Removed Trees.

II. Conclusion

For the foregoing reasons, the Appellants respectfully request the Board to grant this Appeal.

Respectfully submitted,

By: Henry P. Sailer

Henry P. Sailer
Steven S. Wolf, M.D.
Lisa S. Kelly, M.D.
Veronica Steinwald
Bruce Steinwald
Veronique LaGrange
Benoit Blarel
Arthur Levi

October 14, 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Appellant's Supplemental Pre-Hearing Statement was served by first-class mail, postage prepaid, this 14th day of October, 2003, upon:

Mr. Denzil Noble
Interim Zoning Administrator
Department of Consumer and Regulatory Affairs
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Henry P. Sailer

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