DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

Henry P. Sailer,	)	
	)	
Appellant,	)	
	)	
vs.	)	**Appeal No. 17054**
	)	
Department of Consumer and Regulatory Affairs,	)	
	)	
	)	
Appellee.	)	

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MOTION FOR LEAVE TO INTERVENE AND DISMISS

Brian Logan Real Estate ("Logan" or "Intervenor"), the owner of the property located at 3101 Chain Bridge Road, N.W. (the "Property"), hereby moves this Board for leave to intervene in and to dismiss the appeals of Henry P. Sailer, Lisa S. Kelly, Steven S. Wolf, Arthur L. Levi, Veronica and Bruce Steinwald, Veronique LaGrange, and Benoit Blarel (collectively, the "Appellants") as untimely, all having been filed more than five months after the permit in question was issued.

Appellants challenge the action of the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") in issuing a building permit to construct a new single family home and accessory building at 3101 Chain Bridge Road. Zoning Commission Order 02-01 (11 DCMR § 3112.2) requires that all appeals be filed within sixty days of the date on which the person filing the appeal knew or should have known of the decision complained of. Logan submitted the application for the building permit to DCRA on November 27, 2001. As indicated by the approvals on the permit application (Permit and Application, Exhibit A), Logan obtained all required reviews and approvals. Accordingly, DCRA issued Building Permit Number

BZA
Case No. 17054
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO. 17054
EXHIBIT NO. 25

B448548 (the "Permit") on January 29, 2003 (see Exhibit A). The Appellants filed various Notices of Intent to File an Appeal, the earliest of which is dated May 31, 2003, over four months after the Permit was issued and the existing structure on the Property was demolished. The filing of a Notice of Appeal does not constitute the filing of the actual appeal and does not toll the sixty-day limitations period. The Appellants did not actually file their appeal until July 2, 2003, a month after they filed the Notices, almost five months after Logan demolished the existing structure, and over five months after DCRA issued the Permit. The Appellants live near the Property and knew or should have known that the permit was issued well before they took action in this case. Logan hereby requests that the Board of Zoning Adjustment dismiss the appeals as untimely under Zoning Commission Order No. 02-01 and applicable case law.

I. FACTS

A. Applications and Permits Pertaining to the Property

On January 25, 2000, Brian Logan purchased Assessment and Taxation Lot 870 (which was subdivided into record Lot 30, see below) in Square 1427 from Barbara C. Hodgdon, Trustee. (Deed, Exhibit B). Lot 870 has a record lot area of 15,654 square feet, and has an address of 3101 Chain Bridge Road, N.W. Mr. Brian Logan moved into the existing home on the Property and continued to live there until he began construction on his new home.

During the following year, Mr. Logan applied for permission to lawfully remove some of the trees located on the Property and made plans to construct a new home. On May 9, 2001, Logan filed a "Tree & Slope Information Form" indicating that there are major trees on the property and that an arborist inspection was required before a permit could be obtained. (Tree & Slope Form, Exhibit C.) Logan also filed a form titled "Affidavit Tree & Slope Protection (TSP) Overlay Districts." On the Affidavit, Logan indicated that he intended to remove three regulated

trees (15" spruce; 16" oak; and 30" oak[1]). (TSP Affidavit, Exhibit D.) Logan also obtained a report from arborist Joseph Christopher of The Care of Trees Company, who is certified with the International Society of Arboriculture, certification no. MA-0096, providing his observations and recommendations regarding the 31"[2] diameter (92" circumference) Pin Oak at the back/right side of the house. (Arborist Report, Exhibit E.) The report evaluated the tree and concluded that Logan's neighbor Mr. Levi had caused major damage to the tree's critical root zone by regrading his driveway. (*Id.*) Mr. Christopher determined that the tree also was diseased. (*Id.*) The evaluation concluded that due to the "severe damage to the tree's roots and the resulting hazard to both client's and neighbor's property, as well as the overall poor condition of the tree, it is my opinion that the tree be taken down." (*Id.*) Based on the arborist's letter and the tree survey submitted by Logan, DCRA issued Building Permit B432497 on August 8, 2001 for "removal of trees from my residence. Survey of trees to be removed attached ...." (Tree Removal Permits, Exhibit F.) That permit subsequently was renewed on August 6, 2002 (Building Permit B447750) and February 5, 2003 (Building Permit B448706) (*Id.*)

On November 27, 2001, Logan submitted an application to construct a new single family home on the Property. (Permit Application, Exhibit A.) The application clearly included the plans to build a two-story single family home with a swimming pool and a two-story accessory building in the rear yard. (*Id.*) DCRA approved the application and issued Building Permit Number B448548 on January 29, 2003. The Permit grants permission to Brian Logan for the construction of a "new single family house as per plat and plans" on the Property.

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[1] Mr. Logan sought removal of one diseased tree, *see infra*, and two permitted trees: a 15" diameter tree with a 57" circumference and a 17" diameter tree with a 70" circumference. Logan mistakenly stated the diameter rather than the circumference, but the trees to be removed were clearly identified on the tree survey.

[2] The tree was actually 27 inches in diameter.

Logan applied for an emergency raze permit on February 5, 2003 (the "Raze Permit"), which was issued on that date. (Raze Permit, Exhibit G.) In accordance with the Raze Permit, Logan demolished the existing structure on the Property on February 8, 2003. During the demolition, Mr. Logan had the diseased tree and the other permitted trees removed by the excavation contractor. Following the demolition, Logan's excavation contractor became suddenly unavailable and was unable to remove his demolition equipment. The demolition equipment remained on the Property from February 8, 2003 through March 10, 2003. (See Photographs, Exhibit H.)

On February 10, 2003, DCRA sent a building inspector to the Property in response to complaints made by Judith Lanius, who lives down the street at 2824 Chain Bridge Road. Ms. Lanius is also the Chair of the Chain Bridge Road/University Terrace Preservation Committee. Ms. Lanius sent an electronic mail message to Ms. Theresa Lewis of DCRA complaining that the existing house on the Property had been demolished on February 8, 2003 without a permit. She requested that Ms. Lewis determine whether a raze permit had been issued. Ms. Lanius also expressed concern that a "protected tree" had been removed. She indicated that a certified arborist (presumably hired by her) had confirmed that the tree is healthy. However, Ms. Lanius admitted that the tree had already been cut down by the time the arborist arrived at the Property. She requested that DCRA send a building inspector "as soon as possible today, before the tree is hauled away and then a stop work order issued." (E-mail from Judith Lanius to Theresa Lewis, Exhibit I.) Inspector Stanley Neal visited the Property at approximately 3:40 p.m. and issued a Stop Work Order. In the "remarks" section he indicated: "Stop Work as per Sydney Lester & Bob Kelley Zoning Administrator Tree Slope Overlay DCMR 11 1519.1 ...." (Stop Work Order, Exhibit J.) However, Mr. Neal had mistakenly cited the wrong section of the Zoning

Regulations. Section 1519.1 is actually a provision of the proposed Forest Hills Tree and Slope Overlay. The Chain Bridge Tree and Slope Overlay provisions are located in 11 DCMR § 1568.1

On February 13, 2003, counsel for Logan sent a letter to Denzil Noble, the Acting Zoning Administrator, explaining that Mr. Neal had cited the wrong section of the Zoning Regulations and that the Stop Work Order was groundless. Logan's counsel informed Mr. Noble that the demolition and tree removal work had been undertaken under validly issued permits and in compliance with the Chain Bridge Tree and Slope Overlay. He also informed Mr. Noble that Logan had lawfully obtained a raze permit and building permit to construct a new single family dwelling. Logan's counsel attached the relevant permits to the letter. (Letter from John T. Epting to Denzil Noble, Exhibit K). Mr. Noble sent a letter to Logan's counsel on March 21, 2003, agreeing that Mr. Neal had cited the wrong section of the Zoning Regulations and lifting the Stop Work Order. (Letter from Denzil Noble to John Epting, Exhibit L.) Construction on Mr. Logan's new home commenced on March 24, 2003.

Logan submitted a Subdivision Plat for Record Lot 30 in Square 1427 on February 25, 2003 in conformance with 11 DCMR § 3202.5. The Office of Tax and Revenue approved the Plat on March 26th and 31st; Historic Preservation approved the Plat on March 28th; and DCRA approved the Plat on March 31st. The D.C. Surveyor's Office approved and recorded the Plat on March 31, 2003. (Subdivision Plat, Exhibit M.)

Logan obtained other permits related to the construction of the new house, including Building Permit Number B449057 issued on March 4, 2003 for the installation of sheeting and shoring and Building Permit Number B451476 issued on May 20, 2003 authorizing the construction of an in-ground pool. (Sheeting and Shoring and Pool Permits, Exhibit N.)

B. The Proposed Construction

The approved plans clearly demonstrate the full extent of the construction to be performed on the Property. For example, the landscape plans, received by the District of Columbia on October 4, 2002, indicate the amount of impervious material intended in the design. The plans include the gravel paving and granite cobble drive tracks for the driveway, the stone terrace surrounding the garage, the fieldstone pathways, the steps on the right side of the house, the pool, all concrete walls, etc. The landscape plans also clearly indicate the locations of all of the proposed improvements on the Property, including the garage, the pool with catch-basin, and the stone steps on the right side of the house.

The building plans, which were stamped approved by the District of Columbia on January 7, 2002, clearly depict the "Garage/Studio" and the second floor "Domestics Quarters." *Id.*

C. The Appellants

Logan demolished the existing structure on the Property on Friday, February 8, 2003. On that date, Judith Lanius, who lives ½ mile from the Property, sent an electronic mail message to Ms. Lewis of DCRA regarding the demolition on Monday, February 10th. The demolition equipment remained on the Property until March 10th due to unforeseen circumstances regarding the excavation contractor. The demolition was clearly visible from the street and from the neighboring houses, and provided actual notice to the Appellants as of February 8, 2003.

The March 2003 issue of The Palisades News featured an article on the demolition activities that Logan performed at the Property. The article clearly states the address of the Property and the construction to be performed. It also describes in detail the demolition of the existing structure and the removal of a tree on February 8, 2003 (Article, The Palisades News, Exhibit O, at p. 2). On the same page, the newsletter lists the Property under the heading

"Residential Construction Zoning Alert," stating "[a]pplications for, or building permits have been issued by the city for the following properties in the Palisades ...." The newsletter then clearly lists "3101 Chain Bridge Rd, new home, $1,250,000, Brian Logan." (*Id.*)

Appellants include Henry P. Sailer, Lisa S. Kelly and Stevens S. Wolf, Arthur L. Levi, Veronica and Bruce Steinwald, and Veronique LaGrange. Mr. Levi owns a home at 3045 Chain Bridge Road, which is immediately to the west of the Property. Mr. Sailer resides immediately to the east at 3111 Chain Bridge Road. The Steinwalds live next door to Mr. Sailer to the east – one house removed from the Property. Ms. Kelly and Mr. Wolf live at 3117 Chain Bridge Road, immediately to the east of the Steinwalds, and two houses down from the Property. Ms. LaGrange and Mr. Blarel live at 3106 Chain Bridge Road, N.W., directly across the street from the Property. Each of the Appellants lives within viewing distance of the Property. Indeed, Mr. Levi's house is visible in several of the photographs attached as Exhibit H.

On May 20, 2003, two District of Columbia Zoning officials visited the Property "due to the insistent requests apparently being made" by appellant Arthur Levi, the owner of the lot next to Logan's. (E-mail from Steve Kay to Brian Logan, Exhibit P.) The two officials who visited the Property were Leon Paul, the Zoning Reviewer with DCRA-BLRA, and Allen James, a Zoning Inspector. (*Id.*) Leon Paul confirmed that the building was designed and was being constructed in accordance with the D.C. Zoning Regulations. (*Id.*) Mr. Levi also had an independent engineer stake out his property line, which simply confirmed Logan's own stake out. (*Id.*)

Despite this confirmation that construction on the Property complied with the D.C. Zoning Regulations, Appellants and one other, Jacqueline Gardes, wrote a letter to Logan complaining of a "potential violation of DCMR Title 11." (Letter from Appellants and

Jacqueline Gardes, Exhibit Q.) This letter is dated May 21, 2003, 112 days (nearly four months) after DCRA issued the Permit and 102 days (well over three months) after Logan razed the existing building. On May 31, 2003, over four months after DCRA issued the Permit, neighbors Veronique LaGrange and Benoit Blarel filed a Notice of Intent to File an Appeal. (Notices, Exhibit R.) Neighbor Veronica Steinwald also filed a Notice of Intent to File an Appeal on June 1, 2003. (*Id.*) Neighbors Steven Wolf and Lisa Kelly filed a Notice of Intent to File an Appeal on June 2, 2003, as did Henry Sailer. (*Id.*) These notice forms indicate an intent to appeal the issuance of Building Permit B4488548 for the construction of a new single family house.

Not until July 2, 2003,[3] 153 days (over five months) after DCRA issued the Permit and 144 days after Logan razed the existing building, did Appellants actually file an appeal challenging the issuance of the Permit. (Appeal, Exhibit S.) The form indicates that Appellants are appealing the decision of the Zoning Administrator made on January 29, 2003 "for issuance of Building Permit No. B448548 for a new single family house as per plat and plans in the CBUT/R-1-A District at 3101 Chain Bridge Road, N.W." (*Id.*)

In this appeal, Appellants contend that DCRA erred in seven ways. First, they assert that the Zoning Administrator did not apply the provisions of the CB/UT Overlay District applicable to the Property, 11 DCMR §§ 1566-1569. Second, they claim that Lot 870 is not a single record lot as required by 11 DCMR § 3202.3. Third, they claim that the Permit "appears to violate" the 30% lot occupancy requirement of the CB/UT Overlay District, 11 DCMR 1567.1. Fourth, they claim that the Permit "appears to violate" the 50% maximum impervious surface requirement of the CB/UT Overlay District, 11 DCMR § 1567.2. Fifth, they assert that the accessory building is not an authorized structure under 11 DCMR §§ 2500.5, 2117.8, and 401.3. Sixth, they allege

[3] Although the BZA appeal Form 125 is dated June 1, 2003, it was not actually filed until July 2, 2003.

that the Permit does not comply with the tree removal limitations of the CB/UT Overlay District according to 11 DCMR § 1568. Finally, they claim that a Special Exception from the Board of Zoning Adjustment ("BZA") was required by 11 DCMR § 1569, but fail to state a reason.

II. DISCUSSION

This appeal is another example of neighbors attempting to stop a homeowner from constructing a new home by asserting frivolous claims while failing to abide by the rules of timeliness. Section 3112.2 of the District of Columbia Zoning Regulations, as amended by Zoning Commission Order No. 02-01, requires that appeals be filed within 60 days of date appellant knew or had notice of the decision complained of or reasonably should have had notice of knowledge of the decision complained of, whichever is earlier. DCRA issued the Permit on January 29, 2003, and issued the Raze Permit on February 5, 2003. The raze operations began on February 8, 2003. All of the Appellants live within sight of the Property, and clearly saw or should have seen the raze work being performed. The demolition equipment that remained on the Property for over a month provided a clear indication that construction work was being performed there. Thus, there is ample evidence that the Appellants should be charged with actual notice of the Permit at least by February 8, 2003. Furthermore, the involvement of Ms. Lanius, who lives ½ mile away, indicates that many members of the community knew about the work being performed at the Property and about the removal of the trees. A detailed article regarding the demolition and tree removal was publicized in a community newsletter. Nevertheless, Appellants unreasonably waited over five months after the Permit was issued and over four months after the demolition before filing this appeal. No exceptional circumstances

prevented them from filing a timely appeal, and Intervenor has been prejudiced by Appellants' untimeliness.

A. Legal Background

The rules of the BZA require that "[a]ny person aggrieved by an order, requirement, decision, determination, or refusal made by an administrative officer or body... in the administration or enforcement of the Zoning Regulations may file a *timely appeal* with the Board." 11 DCMR § 3112.2 (emphasis added). The District of Columbia Court of Appeals has held that "[t]he timely filing of an appeal with the BZA is mandatory and jurisdictional." *Mendelson v. District of Columbia Board of Zoning Adjustment*, 645 A.2d 1090, 1093 (D.C. 1994).

Prior to September 9, 2002, the rules did not adopt a specific time limit on appeals, and a "reasonableness" standard was applied in determining whether an appeal was timely. See *Waste Management of Maryland v. District of Columbia Board of Zoning Adjustment*, 775 A.2d 1117, 1122 (D.C. 2001). In *Waste Management*, the District of Columbia Court of Appeals held that two months between notice of a decision and the appeal, absent exceptional circumstances, is the limit of timeliness, absent exceptional circumstances. *Id.* The reasonable time period is calculated to allow the aggrieved party time to evaluate the feasibility of filing an appeal and to obtain counsel – not to allow the aggrieved party to wait until it is convenient to file the appeal. "This conception of the reasonableness standard does not countenance delay in taking an appeal when it is merely convenient for an appellant to defer making that decision." *Id.* That is because "deadlines for taking appeals serve important ends," such as providing the permittee a period after which it may proceed safely in accordance with the permit. *Id.*

The District of Columbia Court of Appeals addressed the kind of "exceptional circumstances" that warrant the extension of the limitations period for filing an appeal in *Sisson*

v. District of Columbia Board of Zoning Adjustment, 805 A.2d 964 (D.C. 2002). In *Sisson*, the court reiterated its holding in *Waste Management* that an appellant must file a timely appeal "in the absence of exceptional circumstances substantially impairing the *ability* of an aggrieved party to appeal – circumstances outside the party's control ...." *Id.* at 969 (emphasis in original). A neighbor appealed five permits granted to Mr. Sisson over a nine month period for various renovations to his home. *Id.* at 966-67. The court found that the neighbor had demonstrated exceptional circumstances beyond her control because of the "cumulative, piecemeal nature of the applications," which prevented her from discerning the cumulative impact of the applications. *Id.* at 969 (quoting the BZA).

The mere fact that an appellant does not know that permits have been issued is not sufficient to constitute "exceptional circumstances." In *Georgetown Residents Alliance v. District of Columbia Board of Zoning Adjustment*, 816 A.2d 41 (D.C. 2003), the District of Columbia Court of Appeals held that an appeal filed seven months after the permits had issued was untimely. *Id.* at 49 - 50. In *Georgetown* a citizens' group appealed permits for the construction of a fence, shed, and play equipment to be used by Georgetown University in conversion of a building into a child development center. *Id.* at 44. The court determined that all of the permits had been issued on the same date and that they had became appealable on that date. Although the citizens' group argued that it had not known that the permits had issued at the time, the court found sufficient evidence to determine that the group was "chargeable with notice" of them. *Id.* at 49 - 50.

To underscore and memorialize the two-month time limit on appeals established in *Waste Management*, the District of Columbia Zoning Commission, on September 9, 2002, approved an amendment of Section 3112 of the Zoning Regulations. The regulations now require that all

appeals be filed within 60 days of the date the person filing the appeal had notice or knew of the decision complained of, or reasonably should have had notice or known of the decision complained of, whichever is earlier. 11 DCMR § 3112.2 (a). In the context of a building permit, the party appealing is chargeable with notice on the date DCRA approves and issues the permit. *Mendelson*, 645 A.2d. at 1094 (petitioner was on notice of right to appeal revised permit on date permit was issued). This 60-day time limit may be extended only if the appellant shows that: (1) "There are exceptional circumstances that are outside the appellant's control and could not have been reasonably anticipated that substantially impaired the appellant's ability to file an appeal to the Board; and (2) "The extension of time will not prejudice the parties to the appeal." 11 DCMR § 3112.2 (d).

The Board of Zoning Adjustment applied these principles in two similar appeals – *Appeal No. 16849 of Robert Lehrman* and *Appeal No. 16982 of J. Brendan Herron, Jr.* In *Lehrman*, the Board found that an appeal filed 99 days after the Zoning Administrator's decision (in the form of a letter) was untimely, even though the appellant had pursued other remedies such as seeking to obtain reversal from the Zoning Administrator. In *Herron*, The Board used the date the permit was issued to determine that an appeal filed six months after the Zoning Administrator's decision was untimely.

B. Under § 3112.2 and Waste Management, this Appeal is Untimely

The Permit was issued on January 29, 2003. The District of Columbia Court of Appeals has held that appellants are chargeable with notice of the a permit on the date of issuance. *Mendelson*, 645 A.2d at 1094. Here, the Permit was issued on January 29, 2003. The Permit, together with the Permit Application and the approved plans, indicated the full extent of the work to be performed. The limitations period should be calculated from the date the Permit was issued. Thus, if the 60-day time limit contained in the new regulation applies, the time for filing

an appeal of the Permit expired on March 30, 2003. If the reasonableness standard of *Waste Management* applies, the two month time period expired at the end of March. The Tree Removal Permit was first issued on August 8, 2001. Thus, the time limit for appealing the removal of the trees expired on October 17, 2001 under § 3112.2 and at the beginning of October of 2001 under the reasonableness standard. The Appellants did not file their appeal until July 2, 2003 – five months after the Raze Permit was issued, over five months after the Permit was issued, and nearly two years after the Tree Removal Permits were issued. Thus, under either the new § 3112.2 or *Waste Management*, the appeal is untimely as to all of the issues asserted by Appellants.

In this case, not only did DCRA issue the Permit, the Tree Removal Permits, and the Raze Permit, but the existing structure was demolished within sight of the Appellants' properties. Appellants clearly had notice that construction would occur on the Property by February 8, 2003, when Logan razed the existing building and removed the trees. Because all of the Appellants live next door or in close proximity to the Property, and the Property is within viewing distance of the Appellants homes, each of the Appellants should have seen and heard the demolition activities from their respective homes. Under *Georgetown*, the demolition and tree removal constitute substantial evidence that the Appellants knew that the Tree Removal Permits, the Raze Permit, and the Permit had issued and that they are "chargeable with notice" on that date. Thus, Appellants should have at least filed their appeal by April 9, 2003 – sixty days after the existing structure was demolished.

At the *very* latest, Appellants had notice of all of the permits when construction began on the Property on March 24, 2003. From this date, the time for filing an appeal expired on May 23, 2003. The Appellants did not even contact Logan until May 21, 2003. Then, they did not

file their first Notice until May 31, 2003, and did not file their appeal until July 2, 2003 – 100 days after construction began on the Property.

This is an untimely appeal under either § 3112.2 or the reasonableness standard of *Waste Management*. Appellants did not file their first Notice of Intent to File an Appeal until May 31, 2003, over four months after the Permit was issued and 112 days after Logan demolished the existing structure. The Notice does not constitute the filing of the appeal and does not toll the limitations period. Appellants then waited an additional 32 days after filing their first Notice before filing their Appeal. Indeed, they did not file an appeal with the BZA until July 2, 2003, over five months after the Permits had been issued and the existing structure was demolished and over three months after actual construction of the new house began on the Property.

The filing of a Notice of Intent to File an Appeal does not toll the limitations period. The regulation provides "[a]n *appeal* shall be filed within sixty (60) days ...." (Zoning Commission Order No. 02-01 at 4 (emphasis supplied).) Under the 60-day limit of § 3112.2, a delay of five months is clearly untimely. Under *Waste Management*, a delay of five months is outside the bounds of reasonableness. 775 A.2d at 1122.

Appellants cannot demonstrate any exceptional circumstances excusing them from pursuing this appeal in a timely fashion. Although appellants appeared to seek an informal resolution of their concerns, as suggested in their letter dated May 21, 2003, "the fact that [an appellant] chose to concentrate on avenues that reasonably may have appeared more promising than an appeal does not excuse its delay in noting an appeal." *Waste Management*, 775 A.2d at 1123. Furthermore, May 21, 2003 would also be untimely as it is almost four months after the date the Permit was issued. Unlike *Sisson*, the full extent of the trees to be removed were obvious by the Tree Removal Permits, the TSP Affidavit, and the Arborist's Letter. The full

extent of the construction to be performed on the Property was clearly depicted on the approved plans. Appellants could have viewed those documents if they had taken the time to inquire about the construction at DCRA. The Approved Plans clearly indicate the amount of impervious surface planned for the Property, the existence and location of the pool catch-basin and the side stairs, and the plans for the garage with domestics quarters. Further, unlike *Sisson*, none of the permits at issue in this appeal were issued within the limitations period. At the very latest, Appellants clearly knew or should have known about the proposed project on February 8, 2003 when Logan razed the existing structure and removed trees.

Intervenor has been prejudiced by Appellant's untimeliness. Because no appeal was filed within the required 60-day limit, Logan justly assumed that the decision would not be appealed and proceeded with the permitted construction. At the time the appeal was filed, construction on the Property was well underway. While Logan believes the appeal to be substantively baseless, it should not be forced to spend the resources to defend against zoning claims brought many months after the time to present such a challenge has elapsed.

Conclusion

The timely filing of an appeal is mandatory and jurisdictional. If this appeal were allowed, community members would have carte blanche to indefinitely delay matter-of-right development by asserting untimely and frivolous claims. Accordingly, Brian Logan Real Estate hereby requests that the Board of Zoning Adjustment dismiss this appeal with prejudice as untimely filed.

Sincerely,



John T. Epting, Esq.
Ashleigh Dale Horne, Esq.
Shaw Pittman LLP
2300 N St., N.W.
Washington, D.C. 20037

Dated: October 7, 2003

EXHIBITS

Exhibit A	Building Permit and Application
Exhibit B	Deed
Exhibit C	Tree and Slope Form
Exhibit D	TSP Affidavit
Exhibit E	Arborist Report
Exhibit F	Tree Removal Permits
Exhibit G	Raze Permit
Exhibit H	Photographs
Exhibit I	E-Mail from Judith Lanius to Theresa Lewis
Exhibit J	Stop Work Order
Exhibit K	Letter from John T. Epting to Denzil Noble
Exhibit L	Letter from Denzil Noble to John T. Epting
Exhibit M	Subdivision Plat
Exhibit N	Sheeting and Shoring and Pool Permits
Exhibit O	Article, The Palisades News Letter from Denzil Noble, Acting Zoning Administrator to John Epting, dated March 21, 2003
Exhibit P	E-mail from S. Kay to Brian Logan, dated May 21, 2003
Exhibit Q	Letter from Appellants and Jacqueline Gardes to Brian Logan, dated May 21, 2003
Exhibit R	Notices of Intent to File an Appeal
Exhibit S	Appeal
Exhibit T	Timeline of Events

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing was sent via first class mail this 7th day of October, 2003 to:

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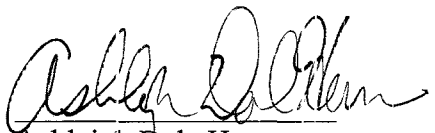
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Ashleigh Dale Horne

Document #: 1342335 v.3

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
A.D.C. No.:	O.G. NO.:	UT/CR/TSP/RIA			By:
P.A. No.:	S.L. NO.:	Ward No.:	Receipt No.:	Date:	Receipt No.:

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

BLRA-33 (Rev. 10/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727-7050)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE; DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

CLEARANCE TO FILE
Date

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1. Address of Proposed Work:	Suite No.:	2. Lot:	3. Square:	4. Application Date:
3101 Chain Bridge Rd NW		870	1427	6/13/03

5. Owner of Building or Property:	6. Address: (include Zip)	7. Phone:
Brian Logan	2162 California St NW Washington DC	Work: 202 387-0682 Home:
8. Agent for Owner: (if applicable)	**9. Address: (include Zip)**	**10. Phone:**
David Knudson, Architect	1807 California St NW Washington DC 20009	Work: 202-986-5540 Home:

11. Type of Proposed Work (check all applicable boxes):

- ☐ New Building
- ☐ Addition
- ☐ Alteration and Repair
- ☐ Raze Building
- ☐ Retaining Wall
- ☐ Fence
- ☐ Shed
- ☐ Awning
- ☐ Garage
- ☐ Sign
- ☒ Other (Specify) Amend Plat of Existing Permit

12. Description of Proposed Work:

Revise Permit # B448548
To show pervious drive to accessory garage structure

13. Existing Use(s) of Building or Property:	14. Ex. No. of Stories of Bldg.:	15. Ex. No. of Dwelling Units:	Official Use Only
Single Family Dwelling	3 & Basement	1	Miscellaneous FEE $ 33.—
16. Proposed Use(s) of Building or Property:	**17. Prop. No. of Stories of Bldg.:**	**18. Prop. No. of Dwelling Units:**	By: Date: 6/13/03
Single Family Dwelling	3 & Basement	1	

19. Starting Date of Work:	20. Completion Date of Work:	21. Method of Removing Construction Debris:	22. Does the proposed work involve disturbing the earth or razing a building?
		☐ Pick-up Truck ☐ Dumpster ☐ Other (specify):	☐ Yes, answer q. 23 ☐ No, SKIP q. 23-27

23. Is the area of disturbed earth more than 50 sq. ft.?	24. Soil Erosion Control Methods:	25. Area of Offsite Drainage:	26. No. of Footings or Columns:	27. Size of Footings of Columns:
☐ Yes, answer q. 24-25 ☐ No, SKIP q. 24-25		sq. ft.		sq. ft.

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I).

Complete Section B if the proposed work is **new building, addition or alteration.** (Page 2)
Complete Section C if the proposed work is **razing a building.** (Page 2)
Complete Section D if the proposed work is a **retaining wall.** (Page 2)
Complete Section E if the proposed work is a **fence.** (Page 3)
Complete Section F if the proposed work is a **shed/garage.** (Page 3)
Complete Section G if the proposed work is an **awning.** (Page 3)
Complete Section H if the proposed work is a **sign.** (Page 3)

OFFICIAL USE ONLY

	R	P	H	A	
M					
P					
E					W ☐ Yes ☐ No
F					PLANS
S					☐ No ☐ Sm ☐ Lg

0307 wd-375

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name:	29. Lic. No.:	30. Architect's Address: *(include Zip)*	31. Phone:
32. Engineer's Name:	33. Lic. No.:	34. Engineer's Address: *(include Zip)*	35. Phone:
36. Building Contractor's Name:	36A. Lic. No.:	37. Contractor's Address:	38. Phone:

39. Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100
☐ Masonry ☐ Steel	☐ Fully Sprinklered ☐ Standpipe System	☐ New		a. Building:
☐ Wood ☐ Other:	☐ Partially Sprinklered ☐ None	☐ Existing	sq. ft.	b. Paved Area:
☐ Concrete	☐ Other: _____	☐ None		c. Greenery:

44. Present Gross Floor Area of Bldg.:	45. Proposed Gross Floor Area of Bldg:	46. Floors involved in this permit:	47. **Projection beyond building line?**
sq. ft.	sq. ft.	☐ All ☐ Floors _____	☐ Yes, answer **q. 48-52**
			☐ No, SKIP **q. 48-52**

48. Number and type of **projection**:	49. Distance of **projection:**	50. Width of **projection:**	51. Width of building frontage: ft 52. Signature of Owner **(projection only):**

53. Water or Sewer Excavation?	54. Driveway Construction?	55. Sheeting/Shoring Necessary?	56. Elevators involved?	57. No. and type of elev.:	58. Plans Certified by Engineer?
☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes, answer **q. 57** ☐ No, SKIP **q. 57**		☐ Yes, cert. is attached ☐ No

59. Estimated Cost of Work:
(a) New/Add.: $ _____
(b) Alt/Rep.: $ _____
Total: $

OFFICIAL USE ONLY

Alter/Repair FEE	New Const. FEE	Filing Fee	TOTAL PERMIT FEE
$	$	$	$
By: Date:	By: Date:	By: Date:	By: Date:

60. Volume of New Bldg. or Addition: cubic ft.

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:	62. Contractor's Address: *(include Zip)*	63. Phone:

64. Insurance Company:	65. Policy or Certif. No.:	66. Expir. Date:	67. Raze Method:

68. Building Material:	69. Raze Entire Building?	70. Building Condemned?	70A. Building Vacant?	71. Public Space Vault?	72. Disconnect Water and/or Sewer?	73. Size of Wate Connection:
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	in.

74. Plumber's Name:	75. Lic. No.	76. Length:	77. Width:	78. Height:	79. Volume:	80. Party Wall?
		ft.	ft.	ft.	cu. ft.	☐ Yes ☐ No

81. Asbestos in the Building?	82. Raze Contractor Signature:	**OFFICIAL USE ONLY**		
☐ No ☐ Yes, Location _____		FEE	By:	Date:
	83. Owner's Signature:	$		

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93)

The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work:	85. Material:	86. Height:	87. Color:	88. Location:
$		ft.		☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land*

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application.

89. Signature of Adjoining Owner:	90. Phone: Work Home	**OFFICIAL USE ONLY**		
		FEE	By:	Date:
91. Address of Adjoining Owner:	92. Lot: 93. Square:			

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type:	95. Height: ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application.

98. Signature of Adjoining Owner:	99. Phone: Work Home	OFFICIAL USE ONLY FEE $ By: Date:
100. Address of Adjoining Owner:	101. Lot:	102. Square:

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number:	104. Length: ft.	105. Width: ft.	106. Area: sq. ft.	107. Height: ft.	108. Volume: cu. ft.	109. Estimated Cost of Work: $	OFFICIAL USE ONLY FEE $ By: Date:

110. Material of Roof:	111. Material of Sides:	112. Wall thickness:: ☐ External ( ) inches ☐ Party ( ) inches	113. Color:

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color:	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt. of attachm. _____ in.	118. Height of lowest part of awning: (a) _____ ft above sidewalk (b) _____ ft above parking (c) _____ ft above grade	OFFICIAL USE ONLY FEE $ By: Date:

119. Material of Frame:	120. Material of Covering:	121. Lettering on Awning? ☐ Yes ☐ No	122. Fixed posts? ☐ Yes ☐ No	123. Over side-walk cafe? ☐ Yes ☐ No

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number:	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor: Lic. No.:

129. Address of Electrical Contractor *(include Zip)*	130. Signature of Licensed Electrician:	131. Phone:	132. License No.:

133. Height relative to building and ground: (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is bldg height (d) _____ ft _____ in above projection or window (e) _____ ft _____ in from roof to sign's bottom	134. Material of Sign:	135. Type of Sign:	136. Color:
	137. Width: ft.	138. Length: ft.	139. Area of Sign: sq. ft.
			140. Width of Business Frontage: ft.

141. C of O Number for Building:	142. Sign Contractor Lic. No.:	OFFICIAL USE ONLY Sign FEE $ By: Date:	Elect. FEE $ By: Date:	Total FEE $ BY: Date:
143. Sign Contractor's Address:	144. Phone:			

(I) APPLICANT'S SIGNATURE:

A. **OWNER:** I hereby certify that I am the owner of the property; that the application and plans are complete and correct to the best of my knowledge; and that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner: _____ Address: _____ Date: _____

B. **AGENT:** I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent: [signature] Address: 1807 California St NW WDC Date: 6/13/03

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):

A. PERMIT CONTROL

1. Fine Arts by: _____ Date: _____
2. Historic by: _____ Date: _____
3. PADC by: _____ Date: _____
4. Cap. Gateway by: _____ Date: _____
5. W.H./ Obs. Precinct by: _____ Date: _____
6. Flood Control by: _____ Date: _____
7. WMATA by: _____ Date: _____
8. Condem. by: _____ Date: _____
9. RLA by: _____ Date: _____
10. Rental Accom. by: _____ Date: _____
11. Chinatown Distr. by: _____ Date: _____
12. Utility Clearance by: _____ Date: _____
13. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

1. Zoning by: _____ Date: _____
2. DPW — Permit and Records Division
   Access to Parking Street ☐ Street ☐ Alley
   Cleared by: _____ Date: _____
3. DPW - Consumer Engineer
   Cleared by: _____ Date: _____
4. ERA - Erosion Control
   Cleared by: _____ Date: _____

Restrictions of the Permit:

C. PLANS AND APPLICATION APPROVAL

☑ 1. Information Counter by: T D Date: 10-13-0
☐ 2. Information Center by: _____ Date: _____
   ☐ (a) ABC Board by: _____ Date: _____
   ☐ (b) Noise Control by: _____ Date: _____
   ☐ (c) Industrial Safety by: _____ Date: _____
   ☐ (d) Vector Control by: _____ Date: _____
   ☐ (e) D.C. Animal by: _____ Date: _____
   ☐ (f) Police Dept. by: _____ Date: _____
☑ 3. Zoning by: Lm Date: 6/13/03
   Zoning Update by: _____ Date: _____
☐ 4. DPW - Permit and Records Division/Deposit #
   Sidewalk Deposit $_____ Driveway Deposit $_____
   by: _____ Date: _____
☐ 5. Water/Sewer Design Branch
   Consumer Eng. by: _____ Date: _____
☐ 6. Environmental Regulation Administration
   ☐ Environmental Policy Review
   Control No.: _____
   by: _____ Date: _____
   ☐ Erosion Control by: _____ Date: _____
   ☐ Storm Water Mgmt. by: _____ Date: _____
   Plan No. _____
☐ 7. Mechanical Eng. Review by: _____ Date: _____
☐ 8. Plumbing Eng. Review by: _____ Date: _____
☐ 9. Electrical Eng. Review by: _____ Date: _____
☐ 10. Health Plan Review
   ☐ (a) Food Plan Review by: _____ Date: _____
   ☐ (b) Medical X-ray Plan Rev.
   by: _____ Date: _____
☐ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section)
   by: _____ Date: _____
☐ 12. Elevator Plan Rev. Sec. by: _____ Date: _____
☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
☐ 14. Construction Insp. Branch (Field Check)
   by: _____ Date: _____
☐ 15. Historic Pres. Div. by: _____ Date: _____
☑ 16. Structural Eng. by: Lm Date: 6/13/03
☐ 17. Permit and Certificate Issuance Counter
   By: _____ Date: _____

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639

☐ 18. Q.C. By: Lm Date: 6/13/03

ZONING

O Number _____ Date _____
ing Use(s) _____
SFD

☐ New bldg.
☐ P.O.D.
☐ File in room 329

No.:	BZA Case No.:	PUD Order No.:

DPW — PUBLIC SPACE

Street Name: _____
Street Width: _____
Road Width: _____
Sidewalk Width: _____
Parking: _____
Restrictions: _____

rd-375

PERMIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B448548

Date 1/29/03 (Type) NEW BLDG.

Address of work 3101 CHAIN BRIDGE ROAD N.W.

Lot 870 Square 1427

Permission is hereby granted to

(Owner) BRIAN LOGAN

NO.

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

TOTAL PERMIT FEE $

FILING FEE $

DATE

FEE PAYABLE $ 2744.64

FOR INSPECTIONS CALL: 7277562 442-4641

NEW SINGLE FAMILY HOUSE AS PER PLAT & PLANS.
CLEARED FOR EIS.
THIS PERMIT DOES NOT AUTHORIZE CROSSING PUBLIC SIDEWALK W/TRUCKS.
SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL INSTALLTION PERMITS ARE REQUIRED.

Builder

Width of Bldgs. Length Height Value $ No. of Bldgs.

Zone R-1-A To be occupied as No. of Stories 2 W/SUB-BSMT.

Height of terrace above grade Projections:

Address of owner 2162 CALIFORNIA ST. N.W.

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

SFD

Chief, Permit Issuance Branch

By (Permit Clerk)

D. CLARK
DIRECTOR

32301

Store# 0001 D.C. GOVERNMENT
Reg# 02 CASHIER OFFICE
Rec'd# 0260 01/29/03 at 12:01 Cl# 10
EB220121 BLD.STRUCTURE EQUI Amount $**2,744.64

PRE-FILE NUMBERS		ZONING DISTRICT	FILE NUMBER	PERMIT NUMBER	
P.A.D.C. No.:	C.G. No.:				By:
H.P.A. No.:	S.L. No.:	Ward No.:	Receipt No.:	Date:	Receipt No.:

★ ★ ★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

BLRA-33 (Rev. 10/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION; PERMIT PROCESSING DIVISION (727-7050)

APPLICATION FOR CONSTRUCTION PERMITS ON PRIVATE PROPERTY

(PRINT IN INK OR TYPE; DO NOT WRITE IN SHADED AREAS OR ON PAGE 4)

CLEARANCE TO FILE
By: Date:

ERASING, CROSSING OUT, WHITING OUT, OR OTHERWISE ALTERING ANY ENTERED INFORMATION WILL VOID THIS APPLICATION

(A) ALL APPLICANTS MUST COMPLETE ITEMS 1 THRU 27

1. Address of Proposed Work:	Suite No.:	2. Lot:	3. Square:	4. Application Date:
3101 CHAIN BRIDGE ROAD, NW		870	1427	11-27-01

5. Owner of Building or Property:	6. Address: *(include Zip)*	7. Phone:
BRIAN LOGAN	2162 CALIFORNIA ST, NW	Work: Home:

8. Agent for Owner: *(if applicable)*	9. Address: *(include Zip)*	10. Phone:
CHRISTY WHALEN INTERIOR SOLUTIONS, INC.	10616 BROOKE'S RESERVE RD CROOM, MD 20772	Work: 301-627- Home: 8718

11. Type of Proposed Work *(check all applicable boxes)*:

- ☑ New Building
- ☐ Addition
- ☐ Alteration and Repair
- ☐ Raze Building
- ☐ Retaining Wall
- ☐ Fence
- ☐ Shed
- ☐ Awning
- ☐ Garage
- ☐ Sign
- ☐ Other *(Specify)* _____

12. Description of Proposed Work:

NEW SINGLE FAMILY HOUSE

13. Existing Use(s) of Building or Property:	14. Ex. No. of Stories of Bldg.:	15. Ex. No. of Dwelling Units:	Official Use Only Miscellaneous FEE By: Date:
LOT	—	—	

16. Proposed Use(s) of Building or Property:	17. Prop. No. of Stories of Bldg.:	18. Prop. No. of Dwelling Units:
SFD	2 + B+SUBB	1

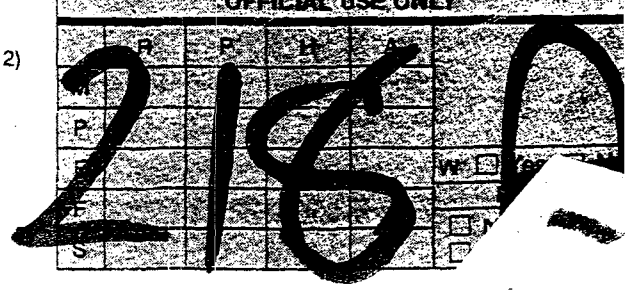
19. Starting Date of Work:	20. Completion Date of Work:	21. Method of Removing Construction Debris:	22. Does the proposed work involve **disturbing the earth** or razing a building?
ASAP	12/02	☑ Pick-up Truck ☐ Dumpster ☐ Other *(specify)*:	☑ Yes, answer **q. 23** ☐ No, SKIP **q. 23-27**

23. Is the area of disturbed earth more than 50 sq. ft.?	24. Soil Erosion Control Methods:	25. Area of Offsite Drainage:	26. No. of Footings or Columns:	27. Size of Footings of Columns:
☑ Yes, answer **q. 24-25** ☐ No, SKIP **q. 24-25**		sq. ft.		sq. ft.

ALWAYS SIGN THE APPLICATION ON PAGE 3 (SECTION I).

Complete Section B if the proposed work is **new building, addition or alteration.** (Page 2)
Complete Section C if the proposed work is **razing a building.** (Page 2)
Complete Section D if the proposed work is a **retaining wall.** (Page 2)
Complete Section E if the proposed work is a **fence.** (Page 3)
Complete Section F if the proposed work is a **shed/garage.** (Page 3)
Complete Section G if the proposed work is an **awning.** (Page 3)
Complete Section H if the proposed work is a **sign.** (Page 3)

OFFICIAL USE ONLY



2-0307 wd-375

(B) NEW BUILDING, ADDITION, & ALTERATION (COMPLETE ITEMS 28 THRU 60)

28. Architect's Name:	29. Lic. No.:	30. Architect's Address: *(include Zip)*	31. Phone:
DAVID KUDSON		1807 CALIFORNIA ST, NW	
32. Engineer's Name:	**33. Lic. No.:**	**34. Engineer's Address: *(include Zip)***	**35. Phone:**
36. Building Contractor's Name:	**36A. Lic. No.:**	**37. Contractor's Address:**	**38. Phone:**

39. Type of Construction	40. Fire Suppression:	41. Booster Pump:	42. Total Lot Area:	43. Breakdown of Lot Area (= 100%):
☐ Masonry ☐ Steel ☐ Wood ☑ Other: ☐ Concrete	☐ Fully Sprinklered ☐ Standpipe System ☐ Partially Sprinklered ☐ None ☐ Other:	☐ New ☐ Existing ☐ None	sq. ft.	a. Building: % b. Paved Area: % c. Greenery: %

44. Present Gross Floor Area of Bldg.:	45. Proposed Gross Floor Area of Bldg:	46. Floors involved in this permit:	47. **Projection beyond building line?**
— sq. ft.	sq. ft.	☑ All ☐ Floors _____	☐ Yes, answer **q. 48-52** ☑ No, SKIP **q. 48-52**

48. Number and type of **projection:**	49. Distance of **projection:**	50. Width of **projection:**	51. Width of building frontage: ft. 52. Signature of Owner **(projection only):**

53. Water or Sewer Excavation?	54. Driveway Construction?	55. Sheeting/Shoring Necessary?	56. Elevators involved?	57. No. and type of elev.:	58. Plans Certified by Engineer?
☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes, answer **q. 57** ☐ No, SKIP **q. 57**		☐ Yes, cert. is attached ☐ No

59. Estimated Cost of Work:
(a) New/Add.: $ 1250,000-
(b) Alt/Rep.: $ _____
Total: $ 1,250,000-

60. Volume of New Bldg. or Addition:
199,732 cubic ft.

OFFICIAL USE ONLY

Alter/Repair FEE		New Const. FEE		Filing Fee		TOTAL PERMIT FEE	
$		$ 3994 64		$ 1250 00		$ 2744 64	
By:	Date:	By:	Date: 1/27/03	By:	Date:	By:	Date: 1/27/03

(C) RAZING A BUILDING (COMPLETE ITEMS 61 THRU 83)

61. Raze Contractor's Name:	62. Contractor's Address: *(include Zip)*	63. Phone:

64. Insurance Company:	65. Policy or Certif. No.:	66. Expir. Date:	67. Raze Method:

68. Building Material:	69. Raze Entire Building?	70. Building Condemned?	70A. Building Vacant?	71. Public Space Vault?	72. Disconnect Water and/or Sewer?	73. Size of Water Connection:
	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	in.

74. Plumber's Name:	75. Lic. No.	76. Length:	77. Width:	78. Height:	79. Volume:	80. Party Wall?
		ft.	ft.	ft.	cu. ft.	☐ Yes ☐ No

81. Asbestos in the Building?	82. Raze Contractor Signature:	**OFFICIAL USE ONLY**		
☐ No ☐ Yes, Location _____		FEE	By:	Date:
	83. Owner's Signature:	$		

(D) RETAINING WALL (COMPLETE ITEMS 84 THRU 93)

The retaining wall will not obstruct any accessible parking required by D.C. Zoning Regulations

84. Cost of Work:	85. Material:	86. Height:	87. Color:	88. Location:
$		ft.		☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land*

* If party wall, the owner of the adjoining property must agree to the erection of the retaining wall and this application.

89. Signature of Adjoining Owner:	90. Phone: Work / Home	**OFFICIAL USE ONLY**		
		FEE	By:	Date:
91. Address of Adjoining Owner:	92. Lot: / 93. Square:	$		

A-81-2

(E) FENCE (COMPLETE ITEMS 94 THRU 102)

The fence will not obstruct any accessible parking required by D.C. Zoning Regulations

94. Material and type:	95. Height: ft.	96. Color:	97. Location: ☐ Entirely on Owner's Land ☐ Party Line with Adjacent Neighboring Land *

* If party fence, the owner of the adjoining property must agree to the erection of the fence and this application.

98. Signature of Adjoining Owner:	99. Phone: Work Home	
100. Address of Adjoining Owner:	101. Lot:	102. Square:

OFFICIAL USE ONLY		
FEE	By:	Date:
$		

(F) SHED OR GARAGE (COMPLETE ITEMS 103 THRU 113)

103. Number:	104. Length: ft.	105. Width: ft.	106. Area: sq. ft.	107. Height: ft.	108. Volume: cu. ft.	109. Estimated Cost of Work: $

110. Material of Roof:	111. Material of Sides:	112. Wall thickness:: ☐ External ( ) inches ☐ Party ( ) inches	113. Color:

OFFICIAL USE ONLY	
FEE $	
By:	Date:

(G) AWNING (COMPLETE ITEMS 114 THRU 123)

114. Number:	115. Color:	116. Type: ☐ Folding ☐ Fixed	117. Projections: Beyond bldg. line _____ in. Beyond pt. of attachm. _____ in.	118. Height of lowest part of awning: (a) _____ ft above sidewalk (b) _____ ft above parking (c) _____ ft above grade

119. Material of Frame:	120. Material of Covering:	121. Lettering on Awning? ☐ Yes ☐ No	122. Fixed posts? ☐ Yes ☐ No	123. Over sidewalk cafe? ☐ Yes ☐ No

OFFICIAL USE ONLY	
FEE $	
By:	Date:

(H) SIGN (COMPLETE ITEMS 124 THRU 144)

124. Number:	125. Electric Signs? ☐ Yes, answer q. 126-132 ☐ No, SKIP q. 126-132	126. Type: ☐ Incandes. ☐ Fluoresc. ☐ Neon	127. Power _____ VA	128. Electrical Contractor: Lic. No.:

129. Address of Electrical Contractor *(include Zip)*	130. Signature of Licensed Electrician:	131. Phone:	132. License No.:

133. Height relative to building and ground: (a) _____ ft _____ in above sidewalk (b) _____ ft _____ in above roof (c) _____ ft _____ in is bldg height (d) _____ ft _____ in above projection or window (e) _____ ft _____ in from roof to sign's bottom	134. Material of Sign:	135. Type of Sign:	136. Color:
	137. Width: ft.	138. Length: ft.	139. Area of Sign: sq. ft.
			140. Width of Business Frontage: ft.

141. C of O Number for Building:	142. Sign Contractor Lic. No.:
143. Sign Contractor's Address:	144. Phone:

OFFICIAL USE ONLY					
Sign FEE		Elect. FEE		Total FEE	
$		$		$	
By:	Date:	By:	Date:	BY:	Date:

(I) APPLICANT'S SIGNATURE:

A. **OWNER:** I hereby certify that I am the owner of the property; that the application and plans are complete and correct to the best of my knowledge; and that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Owner: _____ Address: _____ Date: _____

B. **AGENT:** I hereby certify that I have the authority of the owner to make this application. I declare that the application and plans are complete and correct to the best of my knowledge. The owner has assured me that if a permit (or permits) is issued, the construction will conform to the D.C. Construction Codes, the Zoning Regulations, and other applicable laws and regulations of the District of Columbia.

Signature of Agent: Thomas A Shaw Address: 10616 Brooke's Reserve Ct. Date: 11-27-01

Upper Marlboro, Md 20772

(J) APPROVALS (DO NOT WRITE ON THIS PAGE; OFFICIAL USE ONLY):

A. PERMIT CONTROL

- ☐ 1. Fine Arts by: _____ Date: _____
- ☐ 2. Historic by: _____ Date: _____
- ☐ 3. PADC by: _____ Date: _____
- ☐ 4. Cap. Gateway by: _____ Date: _____
- ☐ 5. W.H./ Obs. Precinct by: _____ Date: _____
- ☐ 6. Flood Control by: _____ Date: _____
- ☐ 7. WMATA by: _____ Date: _____
- ☐ 8. Condem. by: _____ Date: _____
- ☐ 9. RLA by: _____ Date: _____
- ☐ 10. Rental Accom. by: _____ Date: _____
- ☐ 11. Chinatown Distr. by: _____ Date: _____
- ☐ 12. Utility Clearance by: _____ Date: _____
- ☐ 13. General Liability Ins. Policy Clearance by: _____ Date: _____

B. CLEARANCE TO FILE PLANS

- ☐ 1. Zoning by: _____ Date: _____
- ☐ 2. DPW — Permit and Records Division
  Access ~~to Parking Street~~ ☐ Street ☐ Alley
  Cleared by: _____ Date: 11/29/01
- ☐ 3. DPW - Consumer Engineer
  Cleared by: KKC Date: 11/27/01
- ☐ 4. ERA - Erosion Control
  Cleared by: _____ Date: _____

Restrictions of the Permit:

This permit does not authorize crossing public sidewalk with trucks

SEPARATE ELECTRICAL, PLUMBING AND MECHANICAL INSTALLATION PERMITS ARE REQUIRED

CLEARED FOR OCS 1-29-03

TO REPORT WASTE, FRAUD, OR ABUSE BY ANY D.C. GOVERNMENT OFFICE OR OFFICIAL, CALL THE D.C. INSPECTOR GENERAL AT 1-800-521-1639

C. PLANS AND APPLICATION APPROVAL

- ☑ 1. Information Counter by: [illegible] Date: 11/27/01
- ☐ 2. Information Center by: _____ Date: _____
  - ☐ (a) ABC Board by: _____ Date: _____
  - ☐ (b) Noise Control by: _____ Date: _____
  - ☐ (c) Industrial Safety by: _____ Date: _____
  - ☐ (d) Vector Control by: _____ Date: _____
  - ☐ (e) D.C. Animal by: _____ Date: _____
  - ☐ (f) Police Dept. by: _____ Date: _____
- ☑ 3. Zoning by: [illegible] Date: 1/13/03
  Zoning Update by: _____ Date: _____
- ☐ 4. DPW - Permit and Records Division/Deposit # 105429
  Sidewalk Deposit $ _____ Driveway Deposit $ _____
  by: _____ Date: 1/27/03
- ☐ 5. Water/Sewer Design Branch
  Consumer Eng. by: KKC Date: 12/30/02
- ☐ 6. Environmental Regulation Administration
  - ☐ Environmental Policy Review
    Control No.: _____
    by: _____ Date: _____
  - ☐ Erosion Control by: [illegible] Date: 12/24/02
  - ☐ Storm Water Mgmt. by: _____ Date: _____

  Plan No. _____
- ☐ 7. Mechanical Eng. Review by: [illegible] Date: 1/24/03
- ☐ 8. Plumbing Eng. Review by: [illegible] Date: 1/24/03
- ☐ 9. Electrical Eng. Review by: [illegible] Date: 1/27/03
- ☐ 10. Health Plan Review
  - ☐ (a) Food Plan Review by: _____ Date: _____
  - ☐ (b) Medical X-ray Plan Rev. by: _____ Date: _____
- ☐ 11. D.C. Fire Dept. (Fire Prevention Plan Review Section) by: _____ Date: _____
- ☐ 12. Elevator Plan Rev. Sec. by: [illegible] Date: 11-23-02
- ☐ 13. Plumbing Insp. Rev. by: _____ Date: _____
- ☐ 14. Construction Insp. Branch (Field Check) by: _____ Date: _____
- ☐ 15. Historic Pres. Div. by: _____ Date: _____
- ☐ 16. Structural Eng. by: [illegible] Date: 1/27/03
- ☐ 17. Permit and Certificate Issuance Counter By: _____ Date: _____
- ☐ 18. Q.C. By: WLS Date: 1/29/03

ZONING

C of O Number _____ Date _____

Existing Use(s) SFD

☐ New bldg.
☐ P.O.D.
☐ File in room 329

BZA Case No.: | PUD Order No.:

DPW — PUBLIC SPACE

Street Name: Chain Bridge Rd.

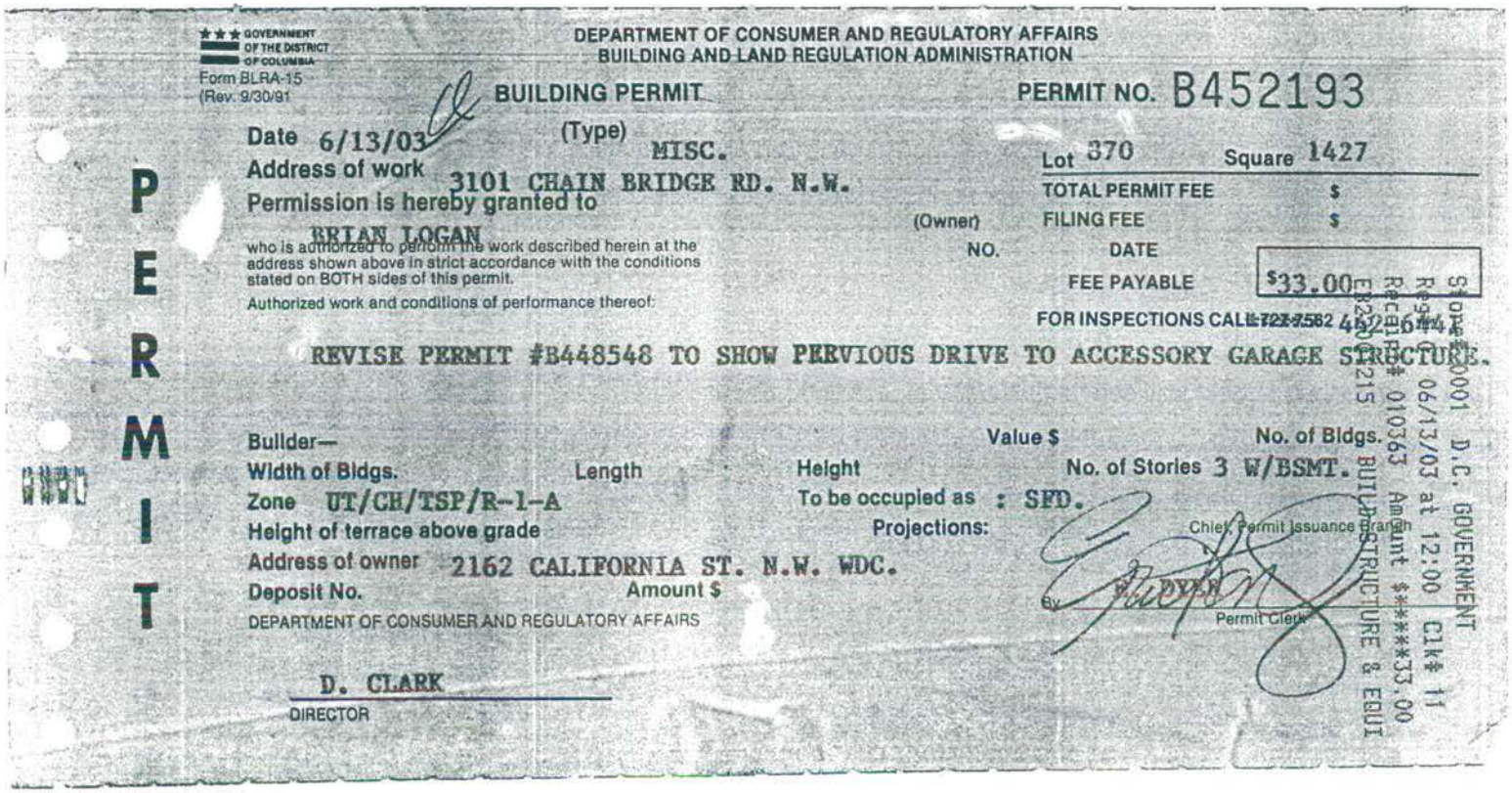
Street Width: _____

Road Width: _____

Sidewalk Width: _____

Parking: _____

Restrictions: _____



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

PERMIT

BUILDING PERMIT — PERMIT NO. B452193

Date 6/13/03 (Type) MISC.

Address of work 3101 CHAIN BRIDGE RD. N.W.

Lot 370 Square 1427

Permission is hereby granted to BRIAN LOGAN (Owner)

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

NO.

TOTAL PERMIT FEE $

FILING FEE $

DATE

FEE PAYABLE $33.00

Authorized work and conditions of performance thereof:

FOR INSPECTIONS CALL ~~727-7562~~ 442-4600

REVISE PERMIT #B448548 TO SHOW PERVIOUS DRIVE TO ACCESSORY GARAGE STRUCTURE.

Builder—

Value $ No. of Bldgs.

Width of Bldgs. Length Height No. of Stories 3 W/BSMT.

Zone UT/CH/TSP/R-1-A To be occupied as : SFD.

Height of terrace above grade Projections:

Address of owner 2162 CALIFORNIA ST. N.W. WDC.

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D. CLARK
DIRECTOR

Chief, Permit Issuance Branch

By DYLAN
Permit Clerk

Store 0001 D.C. GOVERNMENT
Reg# 01 06/13/03 at 12:00 Clk# 11
Recpt# 010363 Amount $*****33.00
E322 215 BUILD STRUCTURE & EBUI

Doc# 2000010298

Heritage Title: 00006

THIS DEED

Made and entered effective the 25th day of January, 2000, by and between

BARBARA C. HODGDON, TRUSTEE, PURSUANT TO A DECLARATION OF TRUST DATED AUGUST 10, 1988, party of the first part, and

BRIAN LOGAN, party of the second part:

WITNESSETH, that for and in consideration of the sum of SEVEN HUNDRED SIXTY THOUSAND AND 00/100 ($760,000.00) Dollars, the party of the first part does grant, unto the party of the second part, in fee simple all that piece or parcel of land, together with the improvements, rights, privileges and appurtenances to the same belonging, situate in the District of Columbia described as follows, to wit:

Part of the tracts of land known as "Whitehaven", and "St. Philip Jacob" described in accordance with a plat of survey recorded in the Office of the Surveyor for the District of Columbia in Survey Book 161 at page 11, as follows: **Beginning** for the same on the Southerly line of Chain Bridge Road at a peg at the most Northerly corner of the Land conveyed by W.C. and A. N. Miller Development Company to Warren D. Mullin and wife by Deed dated September 18, 1950 and recorded among the Land Records of the District of Columbia in Liber 9305 at Folio 180; thence along the Southerly Line of Chain Bridge road, North 45 degrees 15' east, 69.67 feet to a stone; thence Southeasterly to a point Distant North 42 degrees 35' 45" East, 75 Feet from the Southeasterly Corner of the Land conveyed to Mullin and wife, as aforesaid; thence south 42 degrees 35' 45" West, 75 feet to the Southeast Corner of the Land so conveyed to said Mullin and Wife; thence 41 degrees 52' 50" West, 218.20 feet to the said Southerly Line of Chain Bridge Road and the Place of Beginning. **Note:** At the date hereof the above described Land is designated on the records of the Assessor of the District of Columbia for Assessment and Taxation purposes as Lot 870 in Square 1427.

AND the party of the first part covenants that she will warrant specially the property hereby conveyed; and that said party of the first part will execute such further assurances of said land as may be requisite.

WITNESS the hand and seal of said party of the first part the day and year hereinbefore written.

Barbara C. Hodgdon

Barbara C. Hodgdon, Trustee

346-24-1383

STATE OF UTAH, ss:
COUNTY OF Washington

Acknowledged before me this 21 day of January, 2000 by BARBARA C. HODGDON.

LORETTA WINDER
NOTARY PUBLIC • STATE of UTAH
86 NORTH 200 WEST
HURRICANE, UT 84737
COMM. EXP. 1-8-2001

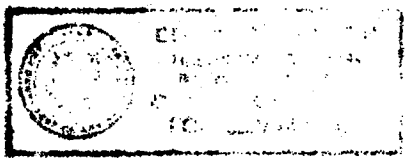
Loretta Winder

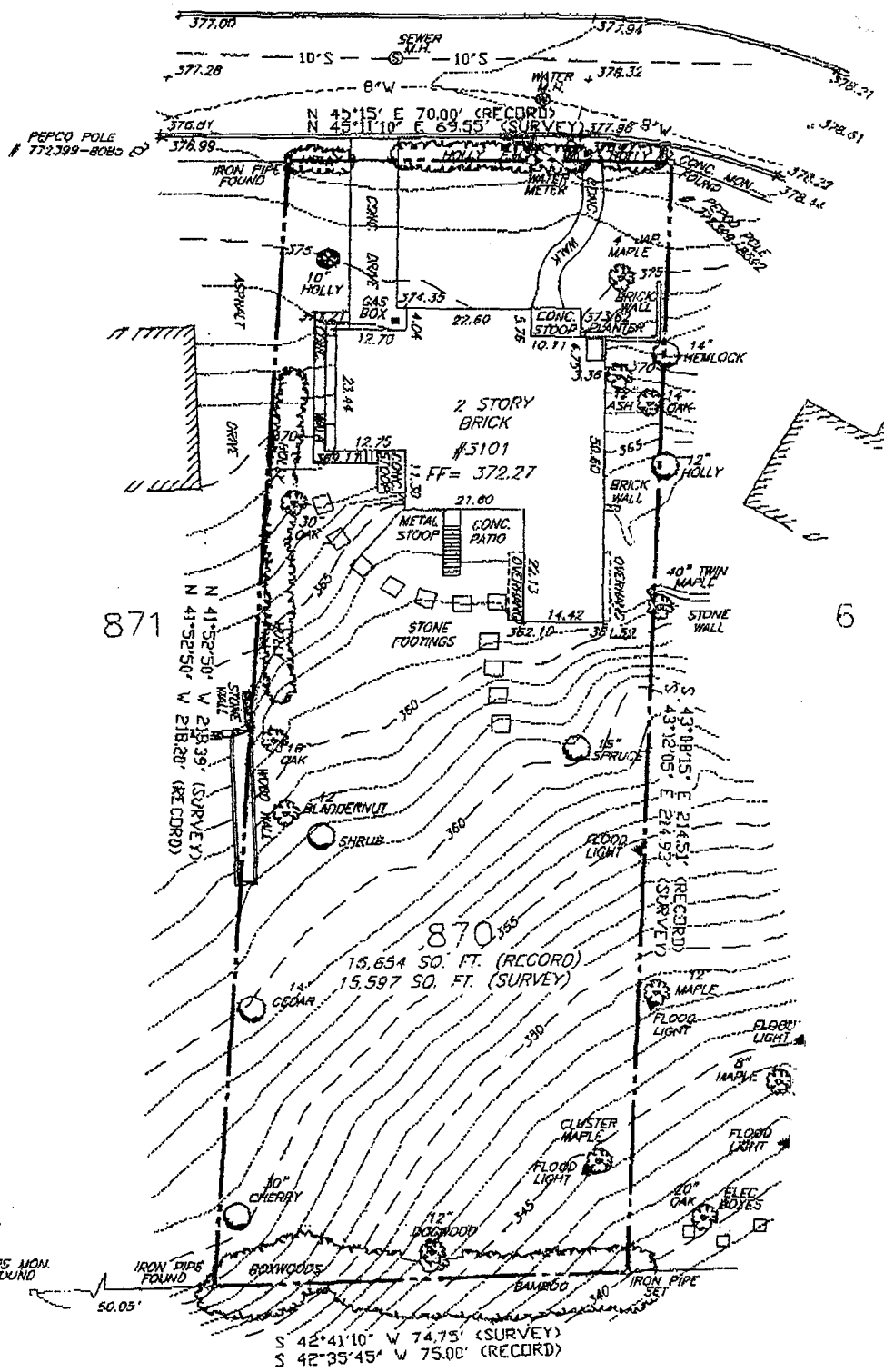
Notary Public
My commission expires:

Heritage Title & Escrow Co.

Return to:
Brian Logan
3101 Chain Bridge Rd NW
Washington DC 20016

Doc# 2000010298
Pages 2
02/02/00 09:28:55 AM
Filed & Recorded in
Official Records of
WASHINGTON D.C. RECORDER OF DEEDS
HENRY M. TERRELL
RECORDER OF DEEDS
Fees $16,748.00





NOTES:

1) HORIZONTAL DATUM IS BASED ON THE LAND RECORDS OF THE OFFICE OF THE SURVEYOR OF THE DISTRICT OF COLUMBIA

2) VERTICAL DATUM IS D.C. DEPARTMENT OF PUBLIC WORKS BASED ON BENCH MARKS 5-2 AND 5-48

3) UTILITIES SHOWN HEREON ARE BASED ON FIELD LOCATIONS AND SUPPLEMENTED WITH AVAILABLE PUBLIC UTILITY RECORDS AND MAY NOT DISCLOSE ALL UTILITIES ACTIVE OR ABANDONED. ALL UTILITY LOCATIONS SHOULD BE CONSIDERED APPROXIMATE AND MUST BE VERIFIED PRIOR TO CONSTRUCTION

BOUNDARY & TOPOGRAPHIC SURVEY

LOT 870 SQUARE 1421

WASHINGTON

DISTRICT OF COLUMBIA

MADDOX

EXHIBIIT B

Tree Inventory at 3101 Chain Bridge[1]

Tree	Location	Circumference[2]	Diameter	Permit required for removal	Permit received	Current Status
1. Spruce	rear yard, north side	47"	15"	yes	yes	removed
2. Oak	near south property line	50"	16"	yes	yes	removed
3. Oak	near south property line	94"	30"	yes	yes	removed
4. Japanese maple	north side of property	13"	4"	yes	no	removed
5. Hemlock	north property line	44"	14"	yes	no	irreparably damaged[4]
6. Ash	north side of old house	38"	12"	yes	no	removed
7. Dogwood[3]	near rear property line	38"	12"	yes	no	removed
8. Bladdernut	near south property line	38"	12"	yes	no	removed
9. Holly	front yard, south side	31"	10"	yes	no	removed
10. Oak	north side of property	44"	14"	yes	no	irreparably damaged[4]
11. Holly	on north property line	38"	12"	yes	no	irreparably damaged[4]
12. Twin Maple[5]	on north property line	125"	40"	yes	no	irreparably damaged[4]
13. Cluster maple	rear yard, north side	31, 25, 19, 19, 16"	10, 8, 6, 6, 5"	yes	no	irreparably damaged[4]
14. Cherry	rear property, south side	94"	30"	not applicable[6]		
15. Cedar	near south property line	44"	14"	not applicable[6]		

---

[1] As per "Boundary & Topographic Survey," dated March 15, 2000, by Maddox, Inc. Surveyors & Engineers. Only regulated trees (trees over 12" circumference) are listed. 11 DCMR 1568.1(c).

[2] Circumference equals 3.14 x diameter.

[3] Identifed as "dead or dying" in Exhibit 7. No accompanying arborist's statement as required by 11 DCMR 1568.2.

[4] Extensive damage to critical root zone has fatally damaged tree and/or will require tree removal due to unacceptable risk caused by loss of structural integrity of root system.

[5] Identifed as a Cherry in Exhibit 6, Arborist's sketch.

[6] Tree has been left standing.

Calculation of Total Circumference of Removed Trees[1]

Total circumference of all trees on lot except the 94" oak[2]:	754"
Total circumference of trees in 38"-75" category with permits for removal[3]:	97" or 13% of total circumference on lot
Plus fatally damaged 44" oak[4] (fulfills limit of 3 trees in 38-75" category):	141" or 19% of total circumference on lot
Plus all other regulated trees removed without permit:	343" or 45% of total circumference on lot
Plus all other trees which have been irreparably damaged without permit:	616" or 82% of total circumference on lot

---

[1] See Tree Inventory for individual tree circumferences used for above calculations.

[2] 94" oak was certified by an arborist to require removal and is therefore not included in calculations of total circumference of trees on lot.

[3] 11 DCMR, Section 1568.1(b) permits removal, cutting down, or fatal damaging of no more than three trees in this size range.

[4] 44" oak remains standing but has been fatally damaged during construction and has created an unsafe condition that will require removal.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

TREES & SLOPE INFORMATION FORM

NOTICE: IN COMPLIANCE WITH THE D.C. ZONING REGULATION, Section 1511, Trees & Slope Protection (TSP) Overlay Districts ". . . . . the general location and size of major trees. . . . " MUST BE SHOWN ON ALL APPLICATIONS BEFORE A BUILIDNG PERMIT WILL BE ISSUED

FAILURE TO NOTIFY THE ZONING OFFICE OF THIS INFORMATION MAY RESULT IN A FINANCIAL PENALTY AND /OR PERMIT DENIAL. All applications for any kind of construction (i.e. -greenhouses, additions, decks, etc.) must complete this form.

Check the appropriate response:

☐ I am building on a single family lot that has regulated trees. (Attached affidavit must be completed if checked)

☐ I am building on a single family lot that has no MAJOR TREES (trees of 12 inches or more in diameter measured at 4.5 feet above the ground).

☐ I hereby certify that the proposed construction will cause NO DISTURBANCE WITHIN THE DRIPLINE (outer perimeter of the crown) OF ANY TREE GREATER THAN 12 INCHES IN DIAMETER.

☒ I have major trees on my property and will need an Arborist or other care professional inspection before I can receive my permit.

Date 5/9/01 **Signature** _____
(Owner or Authorized Agent)

Lot size 15,654 s/f **Control Number** _____

Property address 3101 Chain Bridge Road NW, Washington, DC 20016

AFFIDAVIT
TREES & SLOPE PROTECTION (TSP) OVERLAY DISTRICTS

This form must be competed, signed and notarized by the owner or authorized agent of any property that falls within the TSP overlay district and must be accompanied by a set of two topographic site plans complete with contour lines, number and location of regulated trees existing on subject site. Topographic plans should reflect an illustration of total lot occupancy and impervious surface ratio.

---

1. How many regulated trees will be removed? 3
   (provide statement from Arborist or other tree care professional as proof of basis for removal of tree(s))
   15" Spruce
   16" Oak
   30" Oak
2. What is the circumference of each tree to be removed? _____
3. What is the total circumference of all trees to be removed? 61 inches
4. What is the impervious surface ratio on subject property? ~~N/A~~
5. Does subject property abut an environmentally sensitive natural area? Battery Kemble Park
   e.g. parkland, stream beds, etc: If so, provide impact statement of adverse effect, if any, of proposed construction on adjacent subject area.

None

I hereby certify that be information provided on this form is true and correct to the best of my knowledge.

Signature of Owner/Authorized Agent

Brian Logan

Notary:

Subscribed and duly sworn to before my by the above named applicant, on this 9th day of MAY, 2000.

Notary Public

My Commission Expires EMILY K. GUMPERT NOTARY PUBLIC, D.C. COMMISSION EXPIRES 4/30/2003

the CARE of TREES
9228 GAITHER ROAD · GAITHERSBURG, MARYLAND 20877 · (301) 948-5885 · FAX (301) 948-4353

January 16, 2001

Brian Logan Development
2162 California St., NW
Washington, DC 20008

Arborist: Joseph Christopher
International Society of Arboriculture
Certification Number MA-0096

Job Site: 3101 Chainbridge Rd., NW

Observations: The tree stands on the back/right side of the house, close to the property line. It is a Pin oak, 31 inches in diameter at 4.5 feet high. The crown of the tree is fully rounded in form. The trunk is straight and apparently free of structural defects. There appears to be a large number of dead branches ranging from 1 to 4 inches in diameter distributed throughout the crown. The extent of branch die back indicates a strong likely hood of an infection of Bacterial Leaf Scorch (Zylella fastidiosa), a disease of oaks which causes them to experience gradual decline and death. A sample of twigs was taken for testing, but the results are not yet returned. Of more immediate concern in terms of both structural stability and long term viability is the major damage to the trees critical root zone caused by the construction of a new driveway on the right side neighbor's property.

A cut was made across the entire root zone passing within 3 feet of the tree's root flare. As a result, the tree may be more susceptible to wind throw, especially when it leafs out and has an increased sail area. Both the neighbor's and my client's properties are within the potential target zone of the falling tree.

A longer term concern, if the tree does not blow over, is that a great number of roots were ripped off, leaving ragged wounds very susceptible to fungus pathogens such as Armillaria melea, which can cause the tree to decline and fail.

Because of the severe damage to the tree's roots and the resulting hazard to both client's and neighbor's property, as well as the overall poor condition for the tree, it is my opinion that the tree be taken down.

Jan 16 01 01:59p Care of Trees 301 948 4353 p.3

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B432497

PERMIT

Date 8/8/01 (Type) MISC.

Address of work 3101 CHAING BRIDGE ROAD N.W.

Lot 870 Square 1427

Permission is hereby granted to (Owner)

BRIAN LOGAN NO.

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

TOTAL PERMIT FEE $

FILING FEE $

DATE

FEE PAYABLE $25.00

FOR INSPECTIONS CALL ~~727-7662~~ 442-4641

Authorized work and conditions of performance thereof: REMOVE TREES.

REMOVAL OF TREES FROM MY RESIDENCE.
SURVEY OF TREES TO BE REMOVED ATTACHED.
PRIVATE PROPERTY ONLY/CLEARED FOR EIS.
THIS PERMIT DOES NOT AUTHORIZE CROSSING PUBLIC SPACE WITH TRUCKS.

Buildings Value of No. of Bldgs.

Width of Bldgs. Length Height No. of Stories

Zone R-1-A To be occupied as SFD

Height of terrace above grade Projections:

Address of owner

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Chief, Permit Issuance Branch

By Permit Clerk

D. CLARK 32301

DIRECTOR

PERMIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT (Type) MISC.

PERMIT NO. B447750

Date 8/6/02

Address of work 3101 CHAIN BRIDGE RD. N.W.

Lot 870 Square 1427

TOTAL PERMIT FEE $

FILING FEE $

Permission is hereby granted to

BRIAN LOGAN (Owner)

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

RENEWAL OF PERMIT #B432497
FIRST RENEWAL THROUGH 2/8/03

Sta: NO 0001 D. CLARK GOVERNMENT
Location: FEE PAYABLE CASHIER $25.00
Reg# 1 08/06/02 10:28 CLK: 18
FOR INSPECTIONS CALL 727-XXXX 442-4641
Receipt# 272165 Amount $*****25.00
EB22001215 BUILD STRUCTURE & EQUI

Builder—

Value $ No. of Bldgs.

Width of Bldgs. Length Height No. of Stories

Zone R-1-A

To be occupied as LOT

Height of terrace above grade

Projections:

Address of owner SAME

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Chief, Permit Issuance Branch

By Permit Clerk

D. CLARK
DIRECTOR

FILE COPY

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

Form BLRA-15
(Rev. 9/30/91

BUILDING PERMIT

PERMIT NO. B448687

Date 2/5/03 (Type) EMERGENCY RAZE

Address of work 3101 CHAIN BRIDGE RD, NW

Lot 0870 Square 1427

Permission is hereby granted to

(Owner) BRIAN LOGAN NO.

who is authorized to perform the work described hereon at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

TOTAL PERMIT FEE $

FILING FEE $

DATE

FEE PAYABLE $ 293.76

FOR INSPECTIONS CALL 727-7962

P E R M I T

EMERGENCY RAZE - DEMO EXIST STRUCTURE UNSAFE CONDITIONS

Builder— J. WILLIAMSON DEMO & HAULING

Value $ No. of Bldgs.

Width of Bldgs. Length Height No. of Stories 2

Zone R-1-B To be occupied as VACANT LOT

Height of terrace above grade Projections:

Address of owner SAME AS ABOVE

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

DCLARK

Chief, Permit Issuance Branch

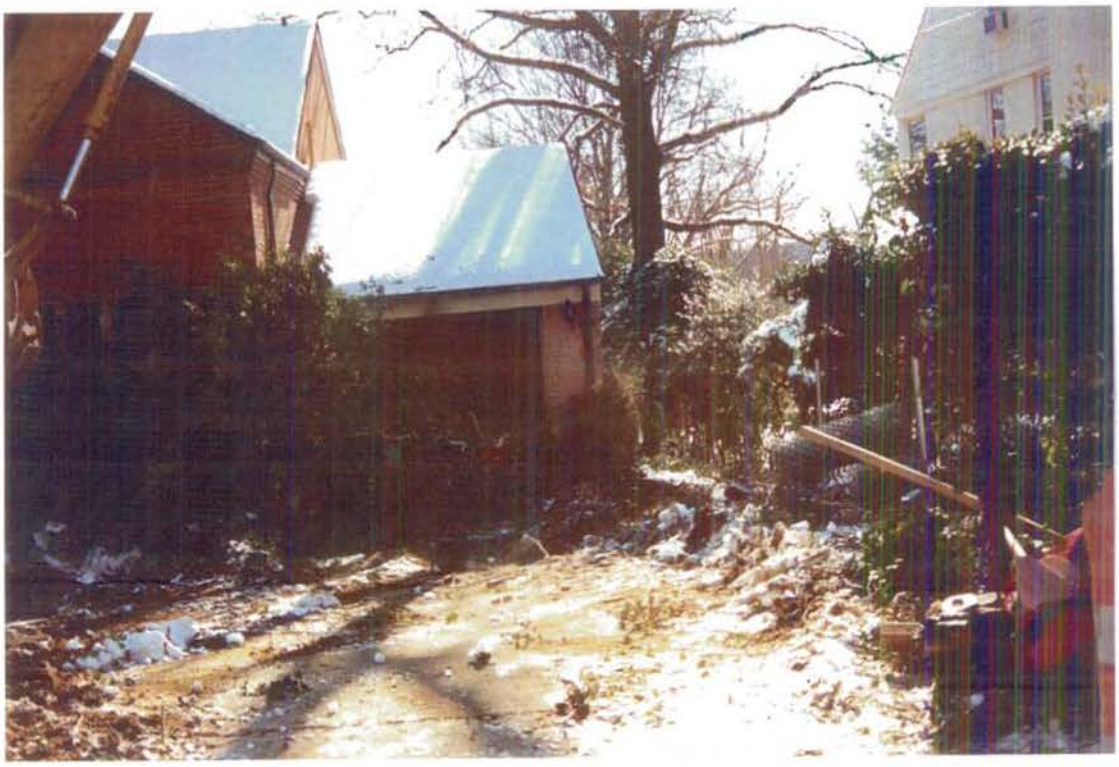
By

Permit Clerk

DIRECTOR




JOHN DEERE




690E LC


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Dear Ms. Lewis:
Within the Chain Bridge Road/University Terrace Overlay District, Saturday Feb. 8, 2003, demolition started and was completed on a house at 3101 Chain bridge Road N.W. A demolition permit was not posted and is still not in evidence. Can you please determine if one has been filed. The property is owned by Brian Logan and is posted with a sign to Brian Logan Development Company. More importantly a healthy protected tree was taken down of at least 75" in circumference. Its roots system alone is 15'. This morning a certified arborist, Frido Van Kesteren of Bartlett Trees, confirmed the tree is healthy. When he visited the site the construction foreman told him they took the tree down. The adjacent neighbor to the south has testified that the tree is healthy. The tree is currently being chopped up. We need an inspector on the site as soon as possible today, before the tree is hauled away and then a stop work order issued. By the terms of the regulations no tree greater than 75" in circumference can be removed. See 1514.1 c.

December 2, 2002 I notified the owner by letter that he was living in an
overlay district and provided a copy of the overlay regulations to him.

I left appeal form on job site

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DLRA-43 (Rev. 3/85)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION
BUILDING INSPECTION DIVISION

BUILDING INSPECTORS STOP WORK ORDER

Date 2-10-03 Ticket No.

Premises No. 3101 Time 3:40 P.M.

Builder or Owner Address 3101 Chain Bridge Rd NW

Permit No. Issued Percent of Job

REMARKS Stop Work as Per Sydney Lester & Bob Kelly zoning administrator Tree Slope Overlay DCMR-11 1519.1 Contact Bob Kelly on 442-9554 or 442-4576 Sydney Lester on 442-4551 or 442-9557 You have the right to appeal this order DCMR-12 1999 117.0

Stanley A. Neal
Construction Inspector 442-4577

85—7P567 wd82

ShawPittman LLP
A Limited Liability Partnership Including Professional Corporations

JOHN T. EPTING
202/663-8879
John.Epting@shawpittman.com

February 13, 2003

By Facsimile

Mr. Denzil Noble
Acting Administrator
Building and Land Regulation Division
Dept. of Consumer and Regulatory Affairs
941 N. Capitol Street, NE, 2nd Floor
Washington, DC 20002

Re: "Building Inspectors Stop Work Order" for 3101 Chain Bridge Road, NW

Dear Mr. Noble:

On behalf of the Property Owner, Brian Logan, (hereinafter the "Property Owner"), we hereby request that the Stop Work Order be rescinded for the reasons set forth herein.

"Building Inspectors Stop Work Order", 3101 Chain Bridge Road, NW

On February 10, 2003, Stanley Neal a Construction Inspector with the Department of Consumer and Regulatory Affairs (DCRA), Building and Regulation Administration (BLRA), issued a "Building Inspectors Stop Work Order" for the property located at 3101 Chain Bridge Road, NW. The "Remarks" section of the Stop Work order states that "Stop Work as per Sydney Lester & Bob Kelly, zoning administrator, Tree Slope Overlay DCMR 11 1519.1.....You have the right to appeal of this order DCMR 12 1999 117.0" (See Exhibit A.)

The quoted section "11 DCMR 1519.1" is part of the proposed Forest Hills Tree and Slope Overlay District (ZC Case No. 02-19) and is not applicable to this property on Chain Bridge Road, NW. For purposes of this letter, we assume that the alleged violation was of 11 DCMR 1514.1 (the general Tree and Slope Provisions) and/or 1568.1 (the Chain Bridge Tree and Slope Provisions) (See attached regulations, Exhibit B). 11 DCMR codifies the Zoning Regulations.

There is No Basis for the Stop Work Order: All Work At 3101 Chain Bridge Road, NW was Undertaken Under Validly Issued Permits, and in Compliance with the Chain Bridge Tree and Slope Overlay.

The Property Owner is in complete compliance with the Chain Bridge Tree and Slope Overlay and other applicable zoning regulations. In May 2001, the property owner filed the "Tree & Slope Information Form" indicating that there are major trees on the property and will require an arborist inspection before a permit can be received. See Exhibit C. The Property Owner also filed a form titled "Affidavit Tree & Slope Protection (TSP) Overlay Districts". On that Affidavit, the Property Owner indicated that 3 regulated trees would be removed (15" spruce; 16" oak; and 30" oak). See Exhibit D. The property owner also obtained a report from an arborist, certified with the International Society of Arboriculture, certification no. MA-0096, Joseph Christopher, The Care of Trees company, providing his observations and recommendations regarding

the 31" diameter[1] [92" circumference] Pin Oak at the back/right side of the house. The report evaluated the tree and stated the following:

> ....Of more immediate concern in terms of both structural stability and long term viability is the major damage to the tree[']s critical root zone caused by the construction of a new driveway on the right side neighbor's property. A cut was made across the entire root zone passing within 3 feet of the tree's root flare. As a result, the tree may be more susceptible to wind throw...Both the neighbor's and my client's properties are within the potential target zone of the falling tree....Because of the severe damage to the tree's roots and the resulting hazard to both client's and neighbor's property, as well as the overall poor condition for the tree, it is my opinion that the tree be taken down.

Based upon the arborist's letter, and tree survey (showing: trees to remain; trees to be removed (not subject to the TSP); trees to be removed (allowed under the TSP)[2]; and dead or dying trees to be removed, a building permit was issued on August 8, 2001 (B432497) for 3101 Chain[g] Bridge Road, NW to permit "removal of trees from my residence. Survey of trees to be removed attached...." (see Exhibit E). That permit was

---

[1] The tree is actually 27 inches in diameter.

[2] Read together Sections 1568.1(a) and (b) allow three trees with a circumference of more than 38 inches, and less than 75 inches in circumference, to be removed as a matter of right. The tree removal limitations of Section 1568.1 do not apply to any trees that may be removed under Section 1568.2 based upon a report of a certified arborist. In this case, even though the regulations permit three trees between 38 inches and 75 inches in circumference to be removed, in this case the Property Owner only sought to remove two such trees: a 15" diameter (57 " circumference) and a 17" diameter (70 inch circumference) oak. Those trees were approved for removal.

renewed (B447750 and B448706, attached as Exhibit F) and is valid on its face through August 8, 2003.

As indicated above, both 11 DCMR sections 1514.1 (the general tree and slope provisions) and 1568.1 (the specific Chain Bridge overlay provision) condition building construction with compliance with the specified tree removal limitations summarized in footnote 1. Yet, the Chain Bridge overlay tree and slope regulations, section 1568.2 are quite clear that these tree removal restrictions do not apply to removal of dead or unhealthy trees recommended for removal by an arborist certified by the International Society of Arboriculture. There is no restriction on the size of tree's circumference that can be removed with this section. Section 1514.1(b) has a similar provision.

In the subject case, a permit was issued to remove two permitted trees pursuant to Section 1568.1(b), three shrubs not governed by the Overlay and the larger pin oak governed by Section 1568.2. Because the trees were removed subject to a valid permit, the provisions of Sections 1514.1(f) and 1568.3 (requiring a special exception from the Board of Zoning Adjustment) are not applicable. Therefore, there is no basis for issuance of a stop work order.

In addition, because the tree removal permits were issued on August 8, 2001 and the owner has relied upon the issuance of the permits, any challenge to those permits

must be deemed untimely. *Waste Management of Maryland v. District of Columbia Board of Zoning Adjustment*, 775 A.2d 1117, 1122 (D.C. 2001). The District of Columbia Court of Appeals has held that two months between notice of a decision and appeal there from is the limit of timeliness. *Id.* "[I]n the absence of exceptional circumstances substantially impairing the *ability* of an aggrieved party to appeal – circumstances outside the party's control – we conceive of two months between notice of a decision and appeal there from as the limit of timeliness." *Id* (emphasis in original). The reasonable time period is calculated to allow the aggrieved party time to evaluate the feasibility of filing an appeal and to obtain counsel – not to allow the aggrieved party to wait until it is convenient to file the appeal. "This conception of the reasonableness standard does not countenance delay in taking an appeal when it is merely convenient for an appellant to defer making that decision." *Id.* That is because "deadlines for taking appeals serve important ends," such as providing the permitteed a period after which it may proceed safely in accordance with the permit. *Id.*

In addition to above referenced tree removal permits, the property owner has a validly issued permit to raze the existing structure at 3101 Chain Bridge Road, NW issued on February 5, 2003 (B448687) and a permit to construct a new single family dwelling issued on January 29, 2003 (B448548). DCRA's stop work order is impeding

work under these validity issued permits without basis and should be revoked immediately.

DCRA Has No Authority To Issue A Stop Work Order For Zoning Violations

The references in the issued stop work order to section 117 and the ability to appeal the issuance of a stop work order in section 122 clearly refer to the Building Code (12 DCMR). For instance, 12 DCMR section 117.1 provides that a stop work order can be issued where work is "being performed contrary to the provisions of the Construction Codes". Similarly, section 122 relates to appeals under the Building Code. No building code violation is alleged. The stop work order states on its face that the violation is under 11 DCMR, the Zoning Regulations, which is not within the authority of the Building Codes to issue a stop work order. In addition, since the subject trees are down, there is no work to stop. The penalty for such an alleged zoning violation, if any, is through the Civil Infractions provisions of 16 DCMR Chapter 32. Further, because the tree removal proceeded under validly issued permits consistent with section 1568.1, 11 DCMR section 1568.3 is not applicable and provides no basis for halting work on the single family house under a likewise validly issued permit.

Requested Relief

Accordingly, we request that the Stop Work order be released immediately so that work can proceed on the single family house under the validly issued permits.

Sincerely,

John T. Epting

Enclosures

cc: Brian Logan
David Clark
Karen Edwards, Esq.
Robert Kelly

Document #: 1306220 v.1

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

Building and Land Regulation Administration
Office of the Administrator

March 21, 2003

John T. Epting
ShawPittman LLP
2300 N Street NW
Washington, DC 20037-1128

Re: Stop Work Order for 3101 Chain Bridge Road NW

Dear Mr. Epting:

This letter is in response to your letter dated February 20, 2003 regarding the correct code citation for limitations on tree removal. You are correct in your assertion that the code section cited should have been Section 1514 of DCMR Title 11, where limitations are imposed regarding the total circumference of trees that will be removed.

The Department of Consumer and Regulatory Affairs (DCRA) is lifting the **stop work order** for 3101 Chain Bridge Road, NW, on Monday, March 24, 2003.

Thank you for bringing this matter to our attention.

Sincerely,

Denzil Noble
Acting Administrator

Cc: David A. Clark
Theresa Lewis
Robert W. Kelly
#167661

SUBDIVISION
SQUARE 1427

The undersigned certify that they are owners in fee simple of the property to be subdivided and are in peaceful possession thereof; that there are no pending suits or actions that affect title to the property; that parties to any deeds of trust have thereon indicated their consent; and that there is/are no interests or claims affecting title to the property other than such deeds of trust. The undersigned hereby subdivides Lot 870, Square 1427 into area Lot and Square 1427 and requests that this subdivision be recorded in the Office of the Surveyor of the District of Columbia.

WITNESSES	OWNERS
	BRIAN LOGAN

Subscribed and sworn before me this 25 day of Feb. 2003

Notary Public My Commission Expires 9/30/03

NUMBER OF TRUSTS: N/A

ASSENT BY TRUSTEES:

SURVEYOR'S OFFICE, D.C.

Made for: C. WHALEN

Drawn by: L.E.S. Checked by: F.S

Record and computations by: F. SLEEM

Requested at: 12:35 PM MARCH 31, 2003 A.D.

Recorded in Book 196 Page 169 S.O. 01808

Scale: 1 inch = 30 feet File No. 02-6036

SO-01808(2003)

OFFICE OF TAX AND REVENUE

3/26/ 2003

I certify that the following statements relating to this subdivision are correct.

1 Ownership agrees with our records: 3/26/03 KA

2 Real estate taxes are paid to: 3/31/03 KA

3 There are no unpaid assessments: 3/26/03 KA

Chief Property Tax Assessment Division

I acknowledge for the owners that this is not a tax certificate as intended by D.C. Code Section 47-408.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

03/31/03 2003

I certify that this subdivision complies with all applicable provisions of DCMR11, Zoning Regulation of the District of Columbia.

Zoning District: RESIDENTIAL R-1-A/C-3-C

3/28/ 2003

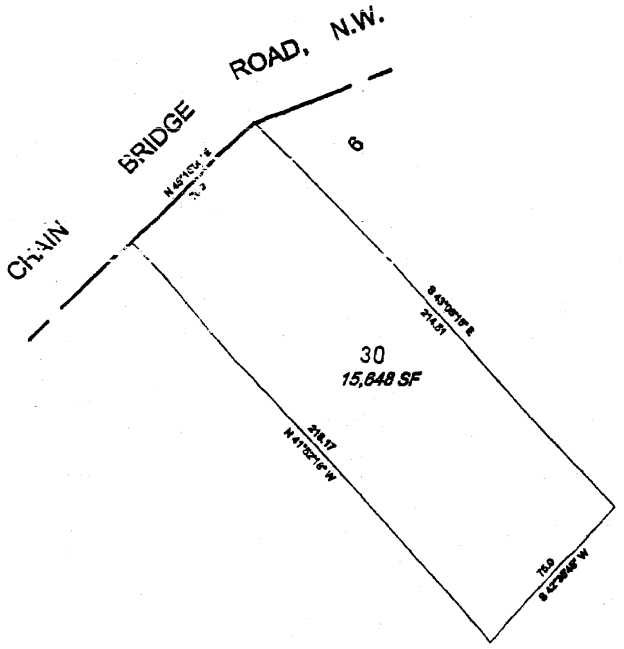
HISTORIC PRESERVATION

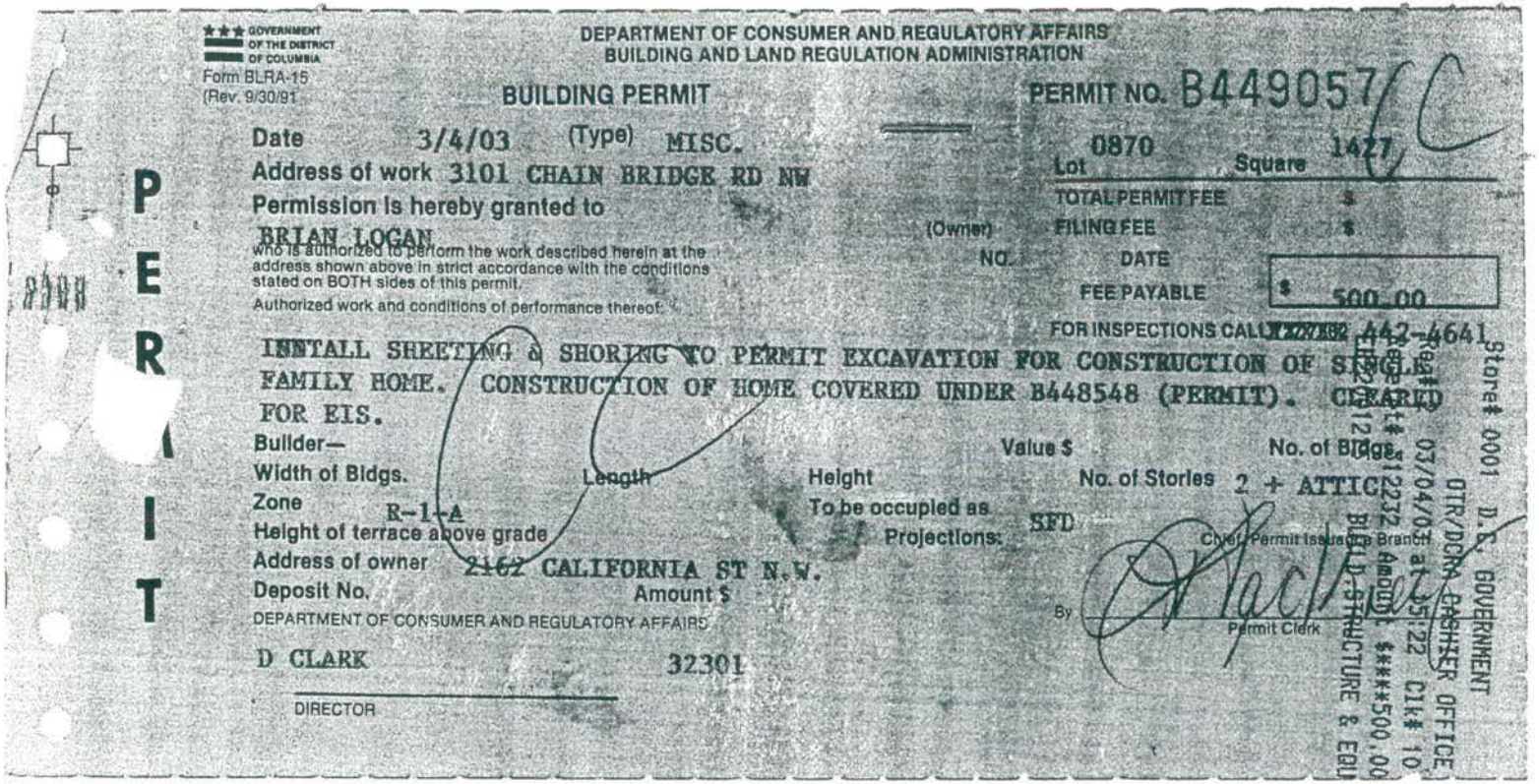
OFFICE OF THE SURVEYOR

March 31 2003

I certify that this plat is correct and is hereby recorded.

Surveyor, D.C.





GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B449057

Date 3/4/03 (Type) MISC.

Address of work 3101 CHAIN BRIDGE RD NW

Permission is hereby granted to

BRIAN LOGAN (Owner)

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

INSTALL SHEETING & SHORING TO PERMIT EXCAVATION FOR CONSTRUCTION OF SINGLE FAMILY HOME. CONSTRUCTION OF HOME COVERED UNDER B448548 (PERMIT). CLEARED FOR EIS.

Builder—

Width of Bldgs. Length Height No. of Stories 2 + ATTIC

Zone R-1-A To be occupied as SFD

Height of terrace above grade Projections:

Address of owner 2162 CALIFORNIA ST N.W.

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D CLARK 32301

DIRECTOR

Lot 0870 Square 1427

TOTAL PERMIT FEE $

FILING FEE $

DATE

FEE PAYABLE $ 500.00

FOR INSPECTIONS CALL [illegible] 442-4641

Value $ No. of Bldgs.

Chief, Permit Issuance Branch

By Permit Clerk

PERMIT

Store# 0001 D.C. GOVERNMENT
OTR/DCRA CASHIER OFFICE
03/04/03 at 15:22 Clk# 10
Rcpt# 12232 Amount $***500.00
BLD-STRUCTURE & EQU

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B451476

PERMIT

Date 5/20/03 (Type) POOL

Address of work 3101 CHAINBRIDGE RD. NW.

Lot 870 Square 1427

Permission is hereby granted to

(Owner) MR. BRAIN LOGAN

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

TOTAL PERMIT FEE $

FILING FEE $

NO. DATE

Store# 0001 FEE PAYABLE $ 953.00

Reg# 1 05/20/03 FOR INSPECTIONS CALL 442-4641

Receipt# 004234 Amount $****953.00

CONSTRUCTION OF IN-GROUND POOL. CLEARED FOR ELEC.

SEPARATE ELECTRICAL AND PLUMBING INSTALLATION PERMITS ARE REQUIRED.

P

Builder—

Value $ No. of Bldgs.

Width of Bldgs. Length Height No. of Stories 2

Zone R-1-A To be occupied as

Height of terrace above grade Projections: S.F.D.

Address of owner SAME

Deposit No. Amount $

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D. CLARK 32301

DIRECTOR

Chief, Permit Issuance Branch

By

Permit Clerk

A Newsletter of The Palisades Citizens Association

THE PALISADES NEWS

Representing The Greater Palisades Area | www.palisadesdc.org | Volume 14 No. 5, March 2003

PCA General Meeting

- Tuesday, March 4
- 7:30 PM
- Palisades Recreation Center
- General Membership vote on on Palisades Citizens Fund Fall 2002 grant proposals (see p. 4)
- Councilmember Jack Evans will discuss the DC budget, and efforts to move Primary Election Day earlier in the year
- Councilmember Kathy Patterson will discuss the DC budget, Ward 3 issues, and Judiciary Committee happenings
- Jerome Duval, Director of Outreach, DC Commission on National and Community Service, will talk about the new Citizens Corps (community-based citizens groups who assist neighbors in an emergency) and other opportunities for voluntary service

Agenda items and order are subject to change.

No More Overnights at Key for Pre-K Spots; Second Class is Possible

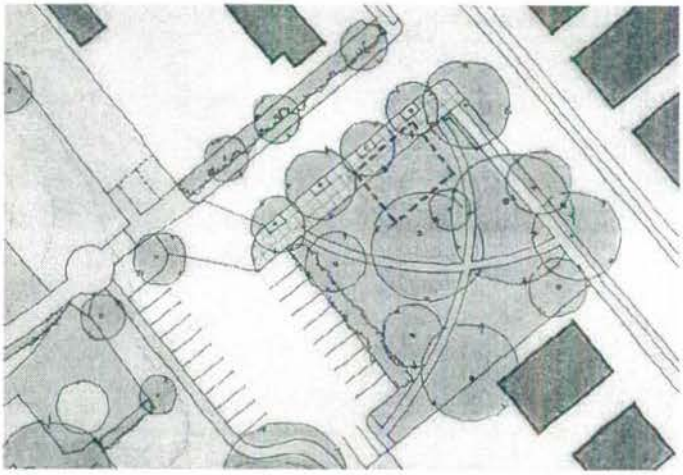
For years, parents have waited in lines, sometime spending the night in sub-freezing temperatures, to enroll their children in Key Elementary School's highly-praised Pre-K program. But no more!

Key School will follow DC Public School's new out-of-boundary enrollment policy created in the wake of criticism by

Continued on page 2

Membership Supports Razing, Not Preserving, Sherier Place House

The Palisades Recreation Center Advisory Council and the Friends of Palisades Park are very grateful to have received the support of the Palisades Community Association for our efforts to raze the abandoned house at 5136 Sherier Place. Our plan to use this site and adjacent parkland for an improved park entrance, passive green space and a safer parking area was the overwhelming choice among the seven ideas presented at the February 4 general meeting. With strong support also coming from the Department of Parks and Recreation, we believe that a consensus between the Palisades community and the District government has formed for finally taking action on this neglected site.



We now look forward to coming back before the PCA to complete our presentation of a new master plan for the Palisades Recreation Center. At the April 1 general meeting we will present our ideas for the most significant changes to the park since its construction in 1936. Public funding for fields improvements to Ward 3 recreation centers is now in place, so the Palisades community should act immediately to see that comprehensive improvements to our park are carried out. Over the past ten years dedicated residents and park users have come together to fund and carry out the tot lot renovation, numerous landscape enhancements and the re-construction of our tennis courts. The next step we take will be even more challenging. We hope to see a large turnout at the April meeting and encourage members of the community to contact us in the meantime at binsted@boo.net with ideas for improving our park.

[Editor's Note: 41 members voted in favor of the Palisades Recreation Center Advisory Council proposal; 19 voted to renovate it for some sort of public use; 6 voted to sell it for private use; and one person voted for a hybrid public/private use.]

—Mark Binsted, President, Palisades Recreation Center Advisory Council and Jimmy Ervin, President, Friends of Palisades Park

Preliminary sketch for new park entrance, above (5136 Sherier Place house is shown in dashed line).

Zoning, continued from page 4

pushing and prepare to congratulate one another.

Without the Mayor's mansion, we most likely will end up with in-town sprawl-like development, where the land is maximized for profit by building as many as 144 houses, if not more. As much as we revere the ideal, reality is what rules the day and in this case, that reality ought to remain focused on a legacy we can be proud of: the highest and best result for people and the environment.

3101 Chain Bridge Road

On Saturday, February 8, another old house and a healthy mature tree within the Chain Bridge Road Tree and Slope Overlay were demolished and cut down, several hundred feet in from Loughboro Rd. The tree removal was a clear violation of the overlay, which is meant to protect the heavily wooded nature of this part of the city and its watershed. This was done by the owner who purchased the property two years ago, and occupied it for more than a year, although he was not living in the house recently. It is important to note that the tree was healthy when it was cut down, a fact that was confirmed by a certified arborist.

A series of permits had been issued over the past year or so, and when the last one was nearly expired, the applicant filed for a permit to raze the structure on February 3, which was granted on February 5. This property, along with all others lying within the overlay, had never been flagged in the city's system as being protected, thereby allowing for a permit to be mistakenly issued. In addition, there have been a number of questions about the nature of what occurred; the permits issued, their timing, and whether or not the structure had, indeed, been legally declared unsafe. The removed tree was in excess of 75 circumference inches, and no tree inventory had been provided; both clear violations of the terms of the overlay.

5526-28 MacArthur Boulevard

Recently, I received a call from a homeowner on Macomb Street whose house backs up to two houses under construction at 5526-28 MacArthur between Macomb and Cathedral. There was a dispute about the location of a retaining wall that had been constructed as part of the project. The property owner called the city to request an inspection of the subject property, yet the city did not respond. The contractor insisted that the wall was built on his side of the property line and stated that a wall check had been performed to confirm this. However, surveys showed the wall was constructed nearly one foot further over than shown on plans approved by the city, and the wall check had never been performed. Frank Economides, the developer of property has only recently promised to take down the wall and replace it with one located within his boundary.

DCRA Testimony before Councilmember Sharon Ambrose

On February 7, ANC3D Chairman John Finney and I testified before Councilmember Sharon Ambrose's committee that was looking into matters about the Department of Consumer and Regulatory Affairs. Our testimony centered on the zoning office and its problems with enforcement and the interpretation / application of the zoning code to height, massing and other issues. Councilmember Ambrose was receptive to our concerns and made several remarks that could prove positive for the city as a whole. She suggested that additional overlays might be useful in protecting additional areas within our neighborhood and others around the city. And she mentioned that she might look into the possibility of separating the functions of the Building and Land Regulatory Administration from the Department of Consumer and Regulatory Affairs.

There are no easy solutions to these problems, but it is critically important to gain control over zoning / building issues now. The nation's capital should be setting the benchmark for leadership in moving the city forward while respecting its past. And this can only be done by proper enforcement of mandated overlays and citizens who are willing to raise questions when they believe something violative is at stake. In the end, this will keep open the window of residential architectural history in this city.

—Alan Aiches, PCA Zoning Chair

Residential Construction Zoning Alert

Applications for, or building permits have been issued by the city for the following properties in the Palisades:

- 2100 Foxhall, new residence / hotel, $821,900, John Giussepie, 703-934-4605
- 2501 Foxhall, res. renovation and addition, including new garage, $788,000, Ladislaus Von Hoffman
- 2929 University Terr, residential, $850,000, Mary Clute, 342-8220
- 3101 Chain Bridge Rd, new home, $1,250,000, Brian Logan
- 3101 Chain Bridge Rd, residential, $35,000, Steve Kay
- 4559 MacArthur Blvd, interior renovations of existing condo-apartments, $15,420, Chatel Real Estate
- 4611 47th St, residential, $84,000, Tom Lowe
- 4733 MacArthur, res. reconfigure, Singleton
- 4865 MacArthur, commercial, $21,225, Trish Cooper & Assoc., 726-7251
- 4935 Eskridge Terr, res. renovation, $50,000, Rick Gangloff, 301-949-6089

Continued on page 9

Subj:	**Arthur Levi**
Date:	5/21/03 08:40:42 Eastern Daylight Time
From:	STBKay
To:	BLogan5555

Brian:

Yesterday, two DC Zoning officials paid a visit to our site due to the insistent requests apparently being made by Arthur Levi, the owner of the house next door, to review our Studio Building for compliance with the Zoning Code. Mike met with them. They are: Leon Paul, the Zoning Reviewer with DCRA-BLRA, who originally approved our plans (202-442-4576) and Allen James, a Zoning Inspector (202-442-4592). The bottom line is that Leon Paul confirmed to Mike that our building is designed and is being constructed in accordance with the DC Zoning regulations. They simply had to pay a visit to the site in accordance with Mr. Levi's request. I guess that it's clear that we need to be careful with Mr. Levi.

He has also had an independent engineer stake-out his property line. These stakes simply confirm our stake-out, which shows that the property line bisects the crumbling stone wall, as well as the two timber retaining wall/planters.

Just wanted to keep you posted.

Steve

3117 Chain Bridge Road, NW Washington, DC 20016

May 21, 2003

Mr. Brian Logan
Brian Logan Real Estate
2162 California St NW
Washington, DC 20008

Dear Mr. Logan:

We are writing to you as concerned neighbors in reference to your property at 3101 Chain Bridge Road, NW (Square 1427, Lot 870). In particular, we are concerned about a potential violation of DCMR Title 11.

Review of construction documents filed with the District Of Columbia Government reveals that the proposed two-story accessory structure, which is designated on the Plat for Building Permit as a "new two-story accessory building, garage/studio," does not meet the DCMR definition for a garage. According to the DC regulations (Title 11, Chapter 1, Section 199), a private garage is defined as "a building or other structure, or part of a building or structure, not exceeding nine hundred square feet (900 ft.^{2}) in area, used for the parking of one (1) or more motor vehicles and having no repair or service facilities."

It is evident that the proposed accessory building cannot be a garage as the construction documents do not provide ingress or egress for motor vehicles to this building.

Furthermore, this structure is designated in the construction documents not just as a garage, but as a "garage/artist studio." In a letter from your architect, Mr. David Knudson, dated September 25, 2002, in response to questions posed by Mr. Leon Paul of the DCRA Building and Land Regulation Affairs Technical Review Branch Zoning Section, Mr. Knudson stated, "according to my understanding of 2300.3 in DCMR title 11, the garage can be used as an artist studio, and as such the garage has some amenities to function as a studio." Section 2300.3 in fact states, "An artist studio shall be a permitted use in either a private garage that is an accessory building located in a Residence District or in a building located on an alley lot." As indicated in the preceding paragraph, this structure is clearly not a garage, nor is it a building located on an alley lot. Since it is neither, the regulations do not provide for this subsidiary function as a studio.

Finally, in order to justify the two-story height of this structure, Mr. Knudson stated in the same letter of September 25, 2002 that, "the accessory building was designed as a garage with domestic quarters above. This is permitted under 2500.5 in DCMR Title 11 as I read it." He further stated that, "the accessory building when containing a garage and second-floor domestic's quarters can be built to a height of 20 ft. 0 in. as outlined in 2500.5-7 in DCMR title 11." However, 2500.5 clearly states, "In an R-1-A or R-1-B District only, an accessory private garage may have a second story used for sleeping or living quarters of domestic employees of the family occupying the main building." Once again, these regulations clearly pertain specifically to buildings serving a primary use as private garages. Since the proposed two-story accessory

building is not a private garage, as defined in DCMR Title 11, then it cannot have a "second-floor domestic's quarters."

In summary, the proposed structure is not designed to function as a garage and cannot be built as proposed without a variance from the Board of Zoning Adjustment, a process which allows local residents a right of response. The fact that a permit was incorrectly issued by the DCRA does not lessen your responsibility to abide by existing regulations. We refer you to a recent case on nearby Arizona Avenue in which a developer received incorrect permitting from the DC government, in violation of existing regulations of which the developer should have been aware, which led to legal action by the Chain Bridge Road/University Terrace Preservation Committee and resulted in indefinite postponement of the construction.

We would prefer to avoid legal action in this case. However, as residents of Chain Bridge Road, we are concerned to protect the unique beauty of our environment and to insure that developers abide by zoning regulations and overlays that were specifically designed to help protect the environment that we all share. We would like to meet with you on an informal basis to discuss these issues, hear your thoughts, and hopefully arrive at a mutually agreeable accommodation. However, if we have not heard from you within seven calendar days of receipt of this letter, we will assume that our only recourse is to consider legal action in this matter.

Please feel free to call Steve Wolf to arrange a meeting with the concerned neighbors. He may be reached at home at (202) 966-7399 in the evenings, or at work at (202) 645-5737.

Sincerely,

Steven S. Wolf on behalf of

Steven S. Wolf, M.D. 3117
Lisa S. Kelly, M.D.
Ronnie Steinwald 3115
Bruce Steinwald
Veronique LaGrange 3106
Benoit Blarel
Arthur Levi 3045
Jacqueline Gardes
Henry Sailer, Esq. 3111

CC:
Steven Kay, Encore Development
David Knudson, Architect
Judith Lanius, Chair, Chain Bridge Road / University Terrace Preservation Committee
Stuart Ross, President, Palisades Citizens Association
John Finney, Commission Chair, ANC 3-D
Alma Gates, Commissioner, ANC 3-D

Form 124 – Exhibit 1
(Revised 04/29/02)

Case No._____

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO FILE AN APPEAL

Pursuant to Section(s) §3100 and §3101 of the Zoning Regulations of the District of Columbia, a notice of intent to file an appeal is hereby taken from the administrative decision of: Zoning Administrator (Name of administrative officer and title)

made on: January 29, 2003 (Date of decision) to the effect that: for issuance of Building Permit No B448548 For a new single-family home in the CBUT/R-1-A

Address(es) of Affected Premises	Square(s)	Lot(s)	Zoning Districts
3101 Chain Bridge Rd	1427	870	CBUT/R-1-A

Present use of Property: Vacant

Proposed use of Property: Single-family dwelling with 2 story garage

Owner of Property: Brian Logan Telephone No.: (202) 966-4003

Address of Owner: 2162 California Street N.W Washington DC

Name, address and telephone number of lessee: N/A

Name, address and telephone number of appellant, if other than owner: Veronique Lagrange ± Benoit Blarel 3106 Chain Bridge Road N.W WDC 20016 (202)237-9033

From the date of this Notice of Intent to File an Appeal, Appellant will have 30 days (before the right of appeal expires) in which to submit Form 125 – Appeal with statement detailing the specific manner in which appellant is aggrieved by the administrative decision, the allegations of error in the administrative decision, and the relevant sections of the Zoning Regulations.

Date: 5/31/2003 Signature: Appellant* B. Blarel

* If the Notice of Intent to File an Appeal is filed by agent of the Appellant, Form 124 Intent to File an Appeal shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.

To be notified of hearing and decision:
(Appellant or Authorized Agent)*

Name: Veronique Lagrange ± Benoit Blarel

Address: 3106 Chain Bridge Rd NW Washington DC

Phone No.: (202) 237-9033 Fax No.: E-Mail: bblarel@worldbank.org

387 0682

Form 124 – Exhibit 1
(Revised 04/29/02)

Case No._____

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO FILE AN APPEAL

Pursuant to Section(s) 3110 and 3101 of the Zoning Regulations of the District of Columbia, a notice of intent to file an appeal is hereby taken from the administrative decision of: Zoning Administrator (Name of administrative officer and title)

made on: January 29, 2003 (Date of decision) to the effect that: for issuance of Building Permit No. B448548 for a new single-family home in the CBUT/R-1-A District at 3101 Chain Bridge Rd., N.W.

Address(es) of Affected Premises	Square(s)	Lot(s)	Zoning Districts
3101 Chain Bridge Rd.	1427	870	CBUT/R-1-A

Present use of Property: Vacant

Proposed use of Property: Single-family dwelling with 2-story garage

Owner of Property: Brian Logan Telephone No.: 202-387-0682

Address of Owner: 2162 California Street, N.W., Washington, DC

Name, address and telephone number of lessee: N/A

Name, address and telephone number of appellant, if other than owner: Veronica & Alan Bruce Steinwald

3115 Chain Bridge Rd., NW., Washington DC 20016 202-363-0712

From the date of this Notice of Intent to File an Appeal, Appellant will have 30 days (before the right of appeal expires) in which to submit Form 125 – Appeal with statement detailing the specific manner in which appellant is aggrieved by the administrative decision; the allegations of error in the administrative decision; and the relevant sections of the Zoning Regulations.

Date: June 1, 2003 Signature: Veronica Steinwald (Appellant) & Alan Bruce Steinwald

* If the Notice of Intent to File an Appeal is filed by agent of the Appellant, Form 124 Intent to File an Appeal shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.

To be notified of hearing and decision:
(Appellant or Authorized Agent)*

Name: Veronica Steinwald

Address: 3115 Chain Bridge Rd., NW Washington D.C. 20016

Phone No.: 202-363-0712 Fax No.: 202-363-2574 E-Mail: steinwal@erols.com

Form 124 – Exhibit 1
(Revised 04/29/02)

Case No._____

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO FILE AN APPEAL

Pursuant to Section (s) §3100 and §3101 of the Zoning Regulations of the District of Columbia, a notice of intent to file an appeal is hereby taken from the administrative decision of: Zoning Administrator (Name of administrative officer and title)

made on: January 29, 2003 (Date of decision) to the effect that: for issuance of Building Permit #B448548 for a new, single-family home in the CBVT/R-1-A District at 3101 Chain Bridge Road NW

Address(es) of Affected Premises	Square(s)	Lot(s)	Zoning Districts
3101 Chain Bridge Rd NW	1427	870	CBVT/R-1-A

Present use of Property: Vacant

Proposed use of Property: Single-Family Dwelling with 2-story garage

Owner of Property: Brian Logan Telephone No.: 202-387-0682

Address of Owner: 2162 California St, NW Washington, DC 20008

Name, address and telephone number of lessee: N/A

Name, address and telephone number of appellant, if other than owner: Steven S. Wolf & Lisa S. Kelly

3117 Chain Bridge Road NW Washington, DC 20016 202-966-7399

From the date of this Notice of Intent to File an Appeal, Appellant will have 30 days (before the right of appeal expires) in which to submit Form 125 – Appeal with statement detailing the specific manner in which appellant is aggrieved by the administrative decision, the allegations of error in the administrative decision, and the relevant sections of the Zoning Regulations.

Date: June 2, 2003 Signature: Steven S. Wolf & Lisa S. Kelly Appellant*

* *If the Notice of Intent to File an Appeal is filed by agent of the Appellant, Form 124 Intent to File an Appeal shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.*

To be notified of hearing and decision:
(Appellant or Authorized Agent)*

Name: Steven S. Wolf, MD & Lisa S. Kelly, MD

Address: 3117 Chain Bridge Rd NW Washington, DC 20016

Phone No.: 202-966-7399 Fax No.: E-Mail: steven.wolf@starpower.net

Form 124 – Exhibit 1
(Revised 04/29/02)

Case No. _____

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO FILE AN APPEAL

Pursuant to Section(s) 3100 and 3101 of the Zoning Regulations of the District of Columbia, a notice of intent to file an appeal is hereby taken from the administrative decision of: Zoning Administrator (Name of administrative officer and title)

made on January 29, 2003 (Date of decision), to the effect that for issuance of Building Permit No. B448548 for a new single family home in the CBUT/R-1-A District at 3101 Chain Bridge Road N.W.

Address(es) of Affected Premises	Square(s)	Lot(s)	Zoning Districts
3101 Chain Bridge Rd	1427	870	CBUT/R-1-A

Present use of Property: Vacant

Proposed use of Property: Single family dwelling w 2-story garage

Owner of Property: Brian Logan Telephone No.: (202) [illegible] 387

Address of Owner: 2162 California Street, N.W. Washington, DC 0682

Name, address and telephone number of lessee: N/A

Name, address and telephone number of appellant, if other than owner: Henry P. Sailer

3111 Chain Bridge Road, N.W. Washington, DC 20016 (202) 966-0077

From the date of this Notice of Intent to File an Appeal, Appellant will have 30 days (before the right of appeal expires) in which to submit Form 125 – Appeal with statement detailing the specific manner in which appellant is aggrieved by the administrative decision, the allegations of error in the administrative decision, and the relevant sections of the Zoning Regulations.

Date: June 2, 2003 Signature: Appellant's Hen P Sai

If the Notice of Intent to File an Appeal is filed by agent of the Appellant, Form 125 Intent to File an Appeal shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.

To be notified of hearing and decision:
(Appellant or Authorized Agent)*

Name:	Henry P. Sailer			
Address:	3111 Chain Bridge Rd, N.W. Washington DC 20016			
Phone No.:	202 966-0077	Fax No.:	202 966-0471	E-Mail: —

Certificate of Service

I, Henry P. Sailer, hereby certify that I have today caused a copy of the foregoing Notice of Intent to File An Appeal to be sewed on Brian Logan by causing it to be delivered to his premises at 2162 California Street, NW

Henry P. Sailer

June 2, 2003

Form 125 – Exhibit 1
(Revised 3/15/02)

Case No. _____

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPEAL

Notice: Se other side of appeal form for instructions

Pursuant to Section(s) § 3100 and § 3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken

from the administrative decision of: Zoning Administrator *(Name of administrative officer and title)*

made on: January 29, 2003 *(Date of decision)* ; to the effect that: for issuance of Building Permit No. B 448548 for a New Single Family House as per Plat & Plans in the CBUT/R-1-A District at 3101 Chain Bridge Road, N.W.

Address(es) of Affected Premises	Square(s)	Lot(s)	Zoning Districts
3101 Chain Bridge Road, N.W.	1427	870	CBUT/R-1-A

Present use of Property: Vacant

Proposed use of Property: Single-family dwelling with 2-story garage

Owner of Property: Brian Logan Telephone No.: (202) 387-0682

Address of Owner: 2162 California Street, N.W. Washington, D.C.

Name, address and telephone number of lessee: N/A

Name, address and telephone number of appellant, if other than owner: See attached.

State specifically manner in which appellant is aggrieved by the administrative decision, the allegations of error in the administrative decision, and the relevant sections of the Zoning Regulations (see reverse for more detailed explanation): See attached.

Please use a separate piece of 8½" x 11" to respond and attach it to the Form 125 Appeal.

Date: June 1, 2003 Signature: _____ *Appellant **

* *If Appeal is filed by agent of the Appellant, Form 125 Appeal shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.*

To be notified of hearing and decision:
(Appellant or Authorized Agent)*

Name: c/o Henry P. Sailer

Address: 3111 Chain Bridge Road, N.W. Washington, D.C. 20016

Phone No.: (202) 966-0077 Fax No.: (202) 966-0471 E-Mail: N/A

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED

Joining the Appeal Are:

1. Lisa S. Kelly, M.D. Lisa S. Kelly, MD

   Stevens S. Wolf, M.D. Stevens S. Wolf, MD

   3117 Chain Bridge Road, N.W.
   Washington, D.C. 20016
   Tel. 202-966-7399

2. Arthur L. Levi Arthur L. Levi

   22 Avenue Kleber
   Paris 75116, France
   Tel. 331-450-21141
   Owner of 3045 Chain Bridge Road, N.W.
   Washington, D.C. 20016

3. Veronica and Bruce Steinwald Veronica Steinwald

   3115 Chain Bridge Road, N.W.
   Washington, D.C. 20016
   Tel. 202-363-0712

4. Veronique LaGrange

   Benoit Blarel Benoit Blarel

   3106 Chain Bridge Road, N.W.
   Washington, D.C. 20016
   Tel. 202-237-9033

BZA Appeal No. _____

3101 Chain Bridge Rd, N.W.
(Lot 870, Square 1427)

This appeal is brought by Henry P. Sailer, Steven Wolf, M.D. and Lisa S. Kelly, M.D., Veronique LaGrange and Benoit Blarel, Bruce Steinwald and Veronica Steinwald, and Arthur L. Levi ("Appellants") from the Decision of the Zoning Administrator on January 29, 2003 for the issuance of Building Permit No. B448548 ("Permit") for a new single-family home in the CBUT/R-1-A District at 3101 Chain Bridge Road, N.W. ("Subject Property").

In support of this Appeal, the Appellants state that the permit was issued in error based on the following violations of the applicable Zoning Regulations, including:

1. The Zoning Administrator did not apply the provisions of the Chain Bridge Road / University Terrace Overlay ("CBUT") applicable to the Subject Property. 11 DCMR 1566-1569.
2. The Subject Property is not a single record lot as required by 11 DCMR 3202.3.
3. The Permit appears to violate the thirty percent (30%) lot occupancy requirement of the CBUT, 11 DCMR 1567.1. [tbd]
4. The Permit appears to violate the fifty percent (50%) maximum impervious surface requirement of the CBUT, 11 DCMR 1567.2.

5. The two-story building being constructed on the Subject Property does not comply with the applicable use and access requirements of 11 DCMR 2500.5 and 2117.8.

6. The Permit violates the tree removal limitations of the CBUT. 11 DCMR 1568. [tdb]

7. The Permit was issued without obtaining a Special Exception from the Board of Zoning Adjustment as required by 11 DCMR 1569.

For the foregoing reasons, the Permit violates the applicable Zoning Regulations and the Board should grant this Appeal.

Respectfully submitted,

Henry P. Sailer

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(202) 966-0077

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Veronica Steinwald

Bruce Steinwald

3115 Chain Bridge Road, N.W.
Washington, D.C. 20016
(202) 363-0712

Arthur L. Levi

22 Avenue Kleber
Paris 75116, France
Owner of 3045 Chain Bridge Road, N.W.
Washington, D.C. 20016
(331) 450 21141

Effects on Appellants

All of the appellants are close neighbors of the subject property. Its construction has introduced, and is waiting to introduce a completely alien scale of building into our close proximity, has adversely affected what were peaceful and rustic views, and all in all has greatly changed for the worse our quiet and conservative residential area.

Our signatures are appended to the Statement of Issues.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing BZA Appeal was transmitted by first-class mail, postage prepaid this 1st day of ~~June~~ July 2003, to:

Mr. Brian Logan

2162 California Street, N.W.

Washington, D.C.

Mr. Denzel Noble

Interim Zoning Administrator

Department of Consumer and Regulatory Affairs

941 North Capitol Street, N.E.

Room 2000

Washington, D.C. 20002

Advisory Neighborhood Commission 3D

P.O.Box 40846

Palisades Station

Washington, D.C. 20016

Henry P. Sailer