MEMORANDUM

TO: Geoffrey Griffis, Chair
Board of Zoning Adjustment

FROM: Alma Gates, ANC 3D

DATE: February 3, 2004

RE: Hearing on Order #17054

Chairman Griffis:

I regret not being able to attend the meeting this morning as I was a captive of the ice. Shortly before I embarked I witnessed a car slide down our hill into the gutter and decided the better part of valor was to remain home.

I did try to fax this earlier but was told the hearing was in process and I must deliver it in person.

Please accept my written testimony as part of the file and consider it in your deliberations.

BZA
Case No. 17054
Exhibit No. 47

Board of Zoning Adjustment
District of Columbia
CASE NO. 17054
EXHIBIT NO. 47

3. To limit permitted ground coverage of new and expanded buildings and other construction, so as to encourage a general compatibility between the siting of new buildings or construction and the existing neighborhood; and

4. To limit the minimum size of lots so as to prevent significant adverse impact on existing infrastructure, especially on traffic and pedestrian safety.

Brian Logan, through his own submissions to DCRA has shown that he was fully aware of the Overlay regulations. He used these regulations to his advantage when it suited him, and skirted them when it did not. Everything in dispute today should have required Logan to appear before the Board with requests for Special Exceptions which would have allowed the citizens of our community the right to respond in advance, not after the damage was already done.

The Overlay addresses the necessity to prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas. Mr. Logan must be required to correct the impervious coverage violation. Mr. Logan has presented drawings showing "pervious driveways" (a term not found anywhere in the zoning regulations) to the accessory building and restore these areas to more suitable pervious coverage. He must remove the second story from his accessory building since it will no longer carry the pretense of being a garage and will have no vehicular access that garages require. It is time for Mr. Logan to state that this accessory building is a pool house. His own job foreman informed me of its function when I visited the site. The structure must either be removed or lowered to a one story poolhouse which it clearly is.

I reiterate, should the BZA agree that there have been violations of the zoning code or the overlay plan, Advisory Neighborhood Commission 3D urges a severe reprimand of the office of zoning administrator in DCRA and punitive action against the builder. The Overlay regulations call for a moratorium on building permits for seven years.

Testimony of Alma Hardy Gates, ANC 3D-05
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC
BZA Application #17054

February 3, 2004

Good morning Chairman Griffis and members of the Board. I am Alma Gates, the single member district Advisory Neighborhood Commissioner for 3D-05, in which the property owned by Brian Logan at 3101 Chain Bridge Road is located.

The Advisory Neighborhood Commission held a regularly scheduled meeting on October 1, 2003, and despite at least three personal invitations from the Chair of the Commission, Brian Logan, declined to attend the hearing, nor did he send a legal representative. Thus by default, the Commission was dependent upon the testimony of protesting residents of Chain Bridge Road, led by Henry P. Sailer and Dr. Steven S. Wolf.

After listening to the appellant's testimony and raising questions, the Commission, by a 6-0-0 vote, adopted the following resolution to be presented to the BZA on this case:

> "The Commission finds that the residents of Chain Bridge Road made a persuasive, convincing case that either the zoning code and/or the Chain Bridge Road/University Terrace Overlay have been violated in several regards by DCRA's Zoning Administrator in issuing the building permit and by the builder during construction. The commission urges, therefore, that the BZA give serious, favorable consideration to the complaints filed by a group of Chain Bridge Road residents. Should the BZA agree that there have been violations of the zoning code or the overlay plan, the commission urges a severe reprimand of the office of zoning administrator in DCRA and punitive action against the builder."
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> The commission urges that this adopted resolution be given "great weight" by the BZA, as specified in D.C. law.

The great weight to which the Advisory Neighborhood Commission is entitled is based on the reasons or findings it presents to the Board to support its position. In this particular case the Commission would ask the Board to use the four points under "purpose" in the Chain Bridge Road/University Terrace Tree and Slope Protection Overlay as a guide when making its decision.

1. To preserve the natural topography and mature trees to the maximum extent feasible in a residential neighborhood;

2. To prevent significant adverse impact on adjacent open space, parkland, stream beds, or other environmentally sensitive natural areas;