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BZA Appeal No. _____

3101 Chain Bridge Road, 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 LaGronge and Benoit Blarel, Veronica Steinwald, and Arthur 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. The attached Permit and application as verified by DCRA show the Subject Property zoned R-1-A, not CBUT/R-1-A. There is no evidence that the property owner provided the required information under CBUT or that the permit was reviewed for compliance with CBUT.

2. The Subject Property, Lot 870, is an Assessment and Taxation Lot, 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. Based on the Plat attached to the permit application (no more detailed plans were found in DCRA's records), the lot occupancy

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exceeds 4,664.10 sf which is more than the thirty percent (30%) maximum permitted under CBUT.

4. The Permit appears to violate the fifty percent (50%) maximum impervious surface requirement of the CBUT, 11 DCMR 1567.2. Based on the Plat, the Subject Property has an impervious surface of approximately 9, 168 sf which exceeds the fifty percent (50%) maximum permitted of 7,773.5 sf.

5. The two-story accessory 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. Based on the permit application, the structure is in reality a prohibited pool house, not a garage with a second story domestic quarters. The Plat does not show any vehicular access to the purported garage. The two-story accessory building being constructed violates 401.3 because a new accessory structure is not authorized on a lot not meeting the 75-foot minimum lot width requirement. The lot width of the Subject Property ranges from 70 to 75 feet with an average of less than 75 feet.

6. The Permit violates the tree removal limitations of the CBUT. 11 DCMR 1568. The Permit application does not contain the tree inventory required under CBUT. On February 10, 2003, the then Zoning Administrator, Robert Kelly issued a Stop Work Order having determined that a prohibited tree under CBUT had been removed.

7. The Permit was issued without obtaining a Special Exception from the Board of Zoning Adjustment as required by 11 DCMR 1569. Based on the violations of CBUT set forth, a special exception is required.

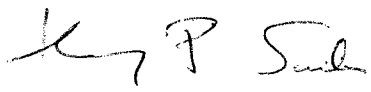
Appellants are continuing to investigate this matter in order to obtain more detailed documentation on the Permit which is currently not available. At the same time,

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the property owner is supposed to be submitting revised information to DCRA to allow review under CBUT. This information will enable Appellants to make a more detailed presentation of the zoning violations set forth as well as identify additional zoning violations that may exist.

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

Respectfully submitted,



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Joining the Appeal Are:

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