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February 20, 2004

Jerrily R. Kress, Director
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Government of the District of Columbia
441 4th Street, NW, Suite 210
Washington, DC 20001

Subject: ANC 7B Opposes BZA Application 17123 for Variance from Lot Area Requirement at 3139 and 3143 Westover Drive, SE

At a regularly scheduled and well-publicized public meeting of ANC 7B on February 19, 2004, with all commissioners present, ANC 7B voted unanimously to oppose the application of Beech Center, Inc., pursuant to 11DCMR 3103.2, for a variance from the lot area requirement under subsection 410.3, to allow the construction of two new single-family detached dwellings in the R-1-B District at premises 3139 and 3143 Westover Drive, S.E. (Square 5664, Lots 70 and 71). The resolution is:

"Be it resolved that for public safety, and to minimize risk to surrounding properties, ANC 7B opposes the application of Beech Center, Inc., pursuant to 11DCMR 3103.2, for a variance from the lot area requirement under subsection 410.3, to allow the construction of two new single-family detached dwellings in the R-1-B District at premises 3139 and 3143 Westover Drive, S.E. (Square 5664, Lots 70 and 71)."

During the January 15, 2004 ANC 7B meeting Mr. Daniel Caywood L.S., Maddox Engineering and Surveyors and Anthony Rivers, Philip Johnsons and Associates, answered questions for the attendees on the request. Representatives from the applicant were given another opportunity to speak at the February 19, 2004 ANC 7B meeting, prior to the commissioners voting on the request. After a discussion of the application during the February 19, 2004 meeting and the applicant answering additional questions, ANC 7B commissioners voted to oppose the application.

The reasons for opposing the application are:

- Lots 70 and 71 are not just irregular in shape in the horizontal plane but have extreme slope, possibly reaching 60 degrees. If these pie-shaped lots were located on flat ground with good soil a case might be made for granting a variance. However, the topography is so harsh and dramatic that even the construction of one house on the combined lots is a substantial and questionable undertaking. They have not been built on in the past because of their treacherous topography, vulnerable location, and poor soil. *Figures 1,2 and 3 are pictures of the lots taken from several angles. They show the imposing horizontal and vertical plane irregularity.*

- Lots 70 and 71 are located at the most vulnerable point of the landscape, right at the sharpest bend in the road. On either side of the subject lots are single-family custom homes with lots greater than 6000 sq ft and 8000 sq ft respectively. Forcing two modular homes into the space in

BZA
Case No. 17123
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO. 17123
EXHIBIT NO. 23

between, where the front[redacted] has the sharpest arc and the topograp[redacted]is the most pronounced, the lots are subject to landslides causing risk to adjacent properties. *Figure 4 shows a map of the area in question.*

- The most critical concern is the soil composition and its classification as having "poor potential for use as building sites because of slope and poor stability." This quote was taken from the Soil Survey of DC, 1976 written by the Department of Agriculture. *A map and two pages of text have been lifted from this report and appear as Figure 5. The map of Figure 5 shows that the soil of these lots is classified as MvD or Muirkirk Variant Complex, which have 15 to 40 percent slope (and in some cases slopes up to 60 degrees). This clearly describes lots 70 and 71.*

- The surface water runoff is rapid on this land leading to erosion, subject location has poor potential for use as building sites because of slope and poor stability. Cuts or excavations are difficult to stabilize, and the clay frequently slides, slumps, or flows down the surface onto roads below.

- The type soil in this location especially where it has been disturbed or graded, is severely limited or even sometimes dangerous for most building purposes. Because of instability, the clay, particularly where it is under pressure or load, can squeeze out from under foundations, allowing footings or basements to crack and settle. In extreme cases buildings have been severely damaged. Banks and fills constructed from the clayey material have been known to collapse, causing severe damage to property. *Figure 6 shows that even roadways can be casualties of this poor soil. The bedding under the roadway in front of the subject lots appears to have been squeezed and washed away. Other patches nearby show this to be a continual problem. "*

- Longtime residents of ANC 7B and Westover Drive, SE have, unfortunately, experienced firsthand the dangers of building or disturbing this type of soil, including the soil coming down the hill closing off Westover Drive, as is remembered by a 30-year resident of Westover, Drive, SE.

- Lots 70 and 71 of Square 5664 have poor potential for use as building sites because of the slope and poor stability. Cuts or excavations will be difficult to stabilize, and the clay frequently slides, slumps, or flows down the surface of cuts onto roads or other areas below. Because the area for each lot is less than the minimum area required by 15%, the opportunity for the foregoing problems to occur is increased.

At the hearing on this application scheduled for March 9, 2004, please allow any ANC 7B commissioner to represent ANC 7B. In addition to myself, these commissioners are:

Vincent Spaulding (Westover Drive is in his SMD)
Raymond Keith
Thetus Boyd
Yvonne Moore
Linda Eckles

Sincerely,

Kathy Chamberlain

Kathy Chamberlain
Chair, ANC 7B

attachments enclosed

Cc: ANC 7B commissioners

Figure 1:

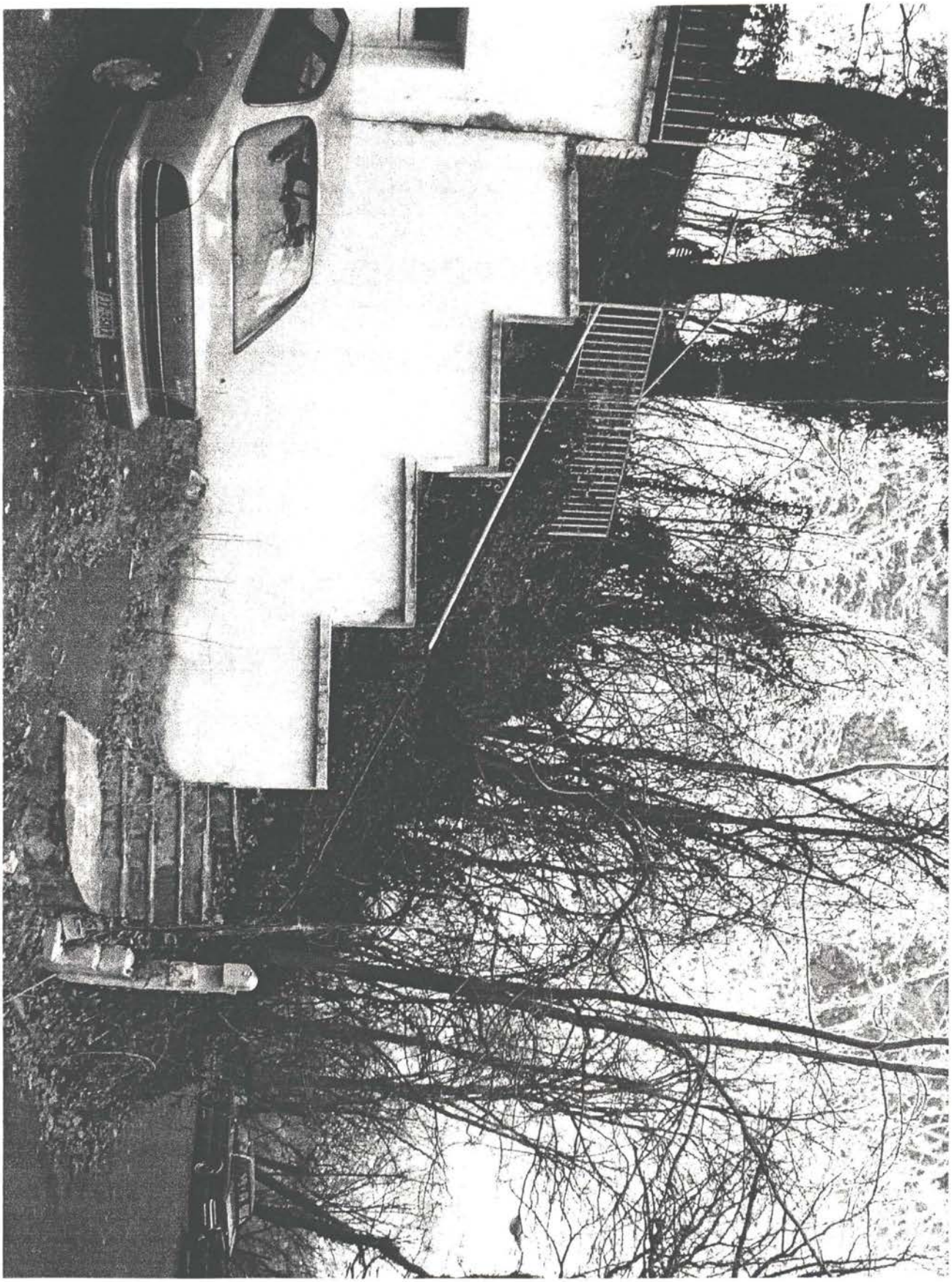
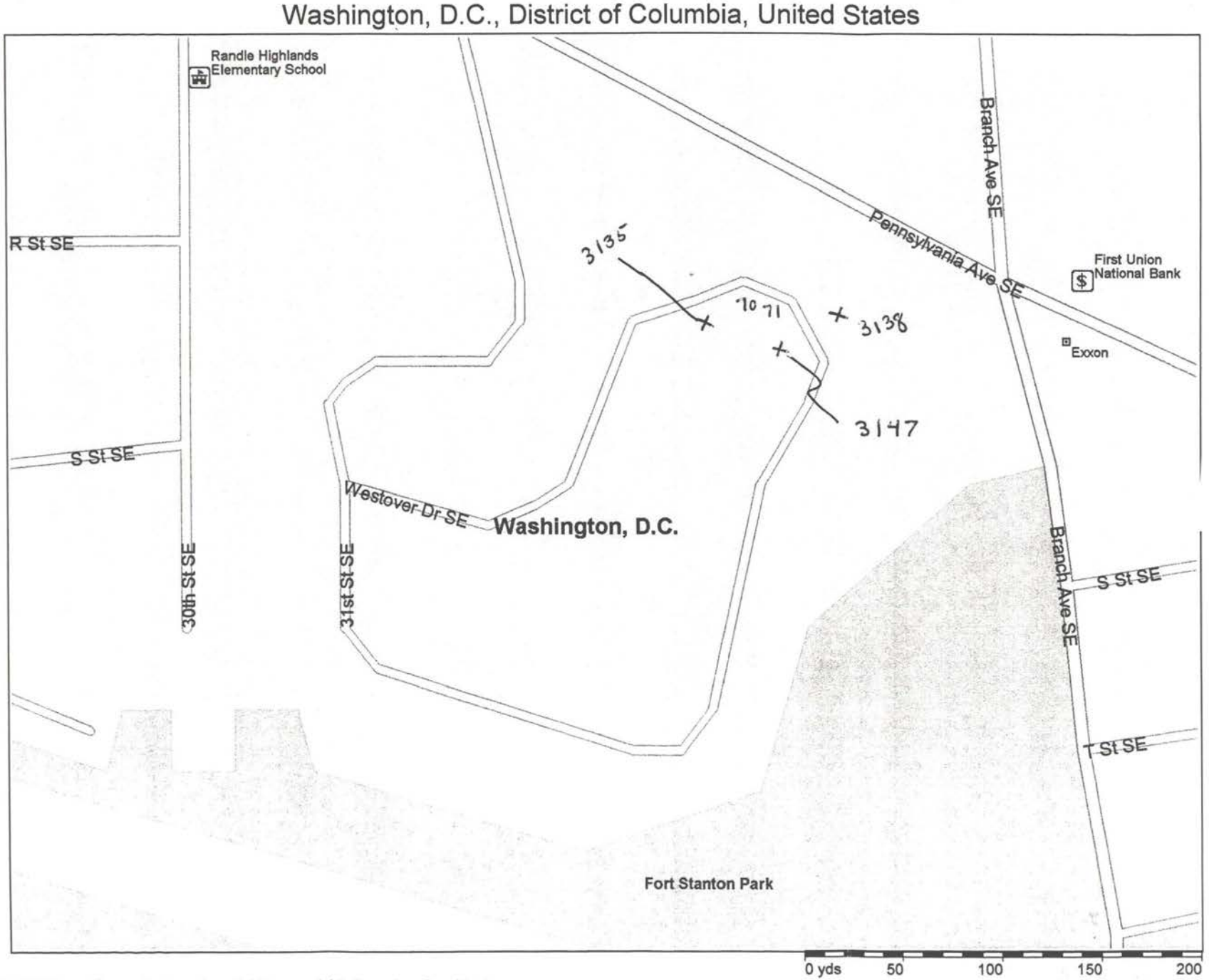


Figure 2:



Figure 3:

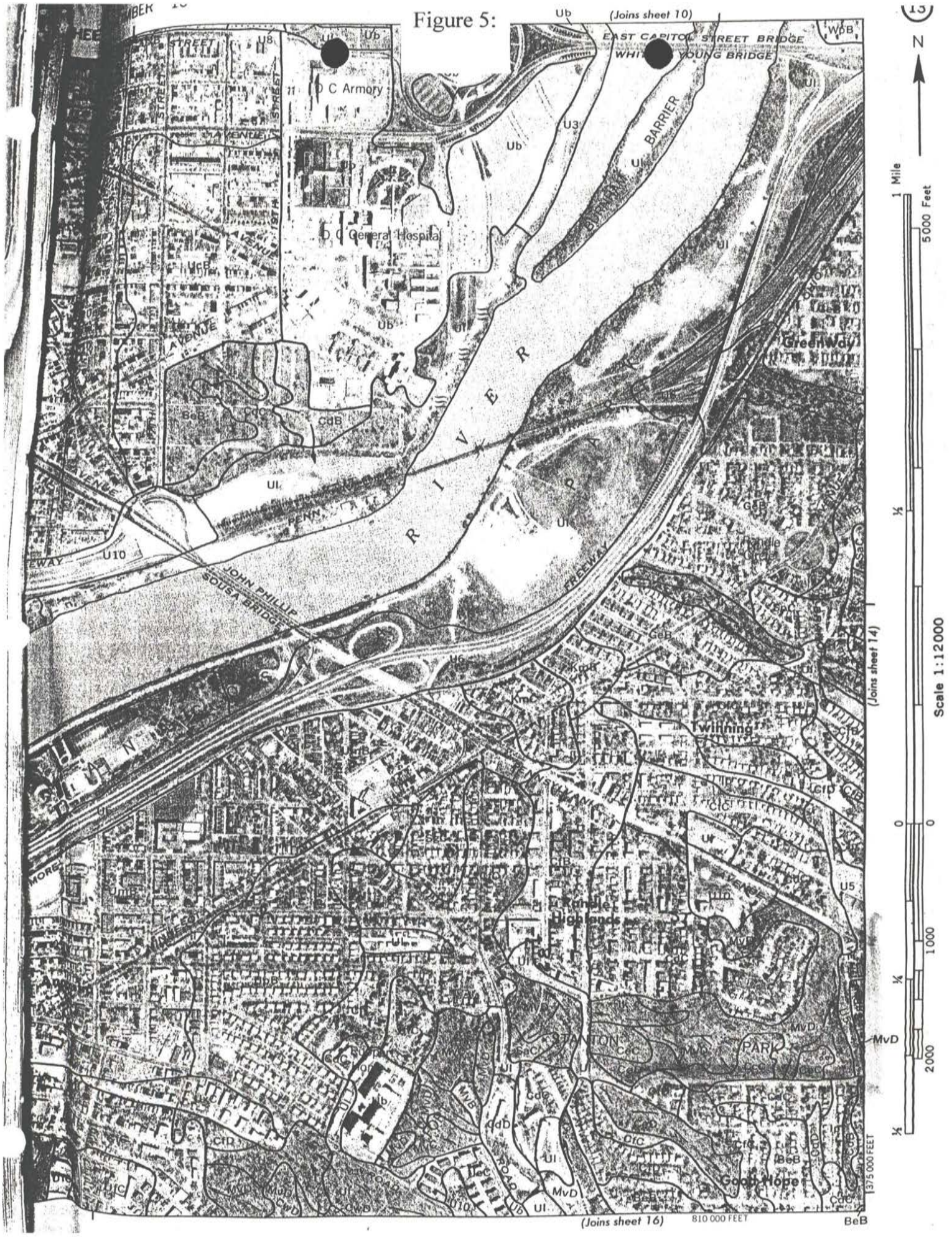




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Figure 4:

Figure 5:


EAST CAPITOL STREET BRIDGE
WHITE-YOUNG BRIDGE
(Joins sheet 10)
D C Armory
D C General Hospital
BARRIER
RIVER
PARK
PENN
AVENUE
JOHN PHILLIP SOUSA BRIDGE
FREEWAY
Greenway
Twining
Randle Highlands
STANTON
Good Hope
(Joins sheet 14)
(Joins sheet 16)
810 000 FEET
375 000 FEET
N
1 Mile
5000 Feet
Scale 1:12000

stone fragments or gravelly material at or near the surface. Included areas make up about 25 percent of the mapped acreage.

This complex has rapid permeability in the upper 31 inches and slow permeability below this depth. Runoff is slow to medium, and the available water capacity is low. There is a temporary perching or lateral movement of water on the clayey part of the subsoil.

This complex has poor potential for use as building sites because of poor stability. Cuts or excavations are difficult to stabilize, and the clay frequently slides, slumps, or flows down the surface of the cuts onto roads or other areas below. This complex, especially where it has been disturbed or graded, is severely limited or even sometimes dangerous for most building purposes. Because of instability, the clay, particularly where it is under pressure or load, can squeeze out from under building foundations, allowing footings or basements to crack and settle. In extreme cases buildings have been severely damaged. Banks and fills constructed from the clayey material in this complex have been known to collapse, causing severe damage to property. Disturbed areas of this complex are highly erodible and, thus, present a pollution hazard to nearby streams if adequate sediment control devices are not installed. Because of low available water capacity, this complex has only fair potential for landscaping, lawns, and vegetable gardens. It has only fair potential for most recreational uses because of sandiness.

MvC—Muirkirk Variant complex, 8 to 15 percent slopes. This complex consists of moderately sloping soils on the higher elevations of the Coastal Plain. The topography is generally a strongly dissected upland. Slopes are dominantly convex. Areas are generally irregularly shaped and range from about 1 acre to 15 acres in size. Muirkirk Variant soils are so variable and occur together in such an intricate pattern with several other similar soils that it was not practical to separate them in mapping.

A representative profile has a surface layer of dark yellowish brown loamy sand about 5 inches thick and a subsurface layer of yellowish brown loamy sand about 6 inches thick. The subsoil, between depths of 11 and 60 inches, is strong brown sandy loam in the upper part and red clay in the lower part.

Included with this complex in mapping are areas of Keyport fine sandy loam, Christiana silt loam, and Sunnyside fine sandy loam. Included areas make up about 25 percent of the mapped acreage.

This complex has rapid permeability in the upper 31 inches and slow permeability below this depth. Runoff is medium, and the available water capacity is low. There is a temporary perching or lateral movement of water on the clayey part of the subsoil.

This complex has poor potential for use as building sites because of poor stability. Cuts or excavations in this soil are difficult to stabilize, and the clay frequently slides, slumps, or flows down the surface of cuts onto roads or other areas below. This complex, especially where it has been disturbed or graded, is severely limited or even sometimes dangerous for most building purposes. Because of instability, the clay, particularly where it is under pressure or load, can squeeze out from under building footings or basements to crack and settle. In extreme cases buildings have been severely damaged. Banks and fills constructed from the clayey material in this complex have been known to collapse, causing severe damage to property. Disturbed areas of this complex are highly erodible and, thus, present a pollution hazard to nearby streams if adequate sediment control devices are not installed. Because of slope and low available water capacity, this complex has only fair potential for landscaping, lawns, and vegetable gardens. It has only fair potential for most recreational uses because of slope and sandiness.

MvD—Muirkirk Variant complex, 15 to 40 percent slopes. This complex consists of strongly sloping to steep soils on the higher elevations of the Coastal Plain. The topography is generally a strongly dissected upland. Slopes are dominantly convex. Areas are generally irregularly shaped and range from 1 acre to 35 acres in size. Muirkirk soils are so variable and occur together in such an intricate pattern with several other similar soils that it was not practical to separate them in mapping.

A representative profile has a surface layer of dark yellowish brown loamy sand about 5 inches thick and a subsurface layer of yellowish brown loamy sand about 6 inches thick. The subsoil, between depths of 11 and 60 inches, is strong brown sandy loam in the upper part and red clay in the lower part.

Included with this complex in mapping are areas of Keyport fine sandy loam, Christiana silt loam, and Sunnyside fine sandy loam. Also included are areas of severely eroded soils that have red or gray clay exposed at the surface; areas of soils that have sandy material at a depth of more than 60 inches; areas of soils that have slopes of as much as 60 percent; and areas of soils that have sandstone fragments or gravelly material at or near the surface. Included areas make up about 25 percent of the mapped acreage.

This complex has rapid permeability in the upper 31 inches and slow permeability below this depth. Runoff is rapid, and the available water capacity is low. In some areas there is lateral movement of water on the clayey part of the subsoil.

This complex has poor potential for use as building sites because of slope and poor stability. Cuts or excavations are difficult to stabilize, and the clay frequently slides, slumps, or flows down the surface of cuts onto roads or other areas below. This complex, especially where it has been disturbed or graded, is severely limited or even sometimes dangerous for most building purposes. Because of instability, the clay, particularly where it is under pressure or load, can squeeze out from under foundations, allowing footings or basements to crack and settle. In extreme cases buildings have been severely damaged. Banks and fills constructed from the clayey

Soil Surv DC
1976 Dept of Ag
1976

material have been known to collapse, causing severe damage to property. Disturbed areas are highly erodible, and this presents a pollution hazard to nearby streams if adequate sediment control devices are not installed. Because of slope and low available water capacity, this complex has poor potential for landscaping, lawns, and vegetable gardens. It has poor potential for most recreational uses because of slope and sandiness.

NeC—Neshaminy silt loam, 8 to 15 percent slopes. This moderately sloping, well drained soil is on ridgetops and side slopes of strongly dissected areas of the Piedmont Plateau. Slopes are dominantly convex. Areas are irregularly shaped and are about 2 to 9 acres in size.

A representative profile has a surface layer of dark grayish brown silt loam about 4 inches thick and a subsurface layer of yellowish brown silt loam about 5 inches thick. The subsoil is about 31 inches thick. It is 9 inches of strong brown heavy silt loam in the upper part; 16 inches of yellowish red clay loam in the middle part; and 6 inches of strong brown clay loam in the lower part. The substratum, between depths of 40 and 60 inches, is variegated loam.

Included with this soil in mapping are areas of Manor loam, Sassafras gravelly sandy loam, and Chillum silt loam. Also included are a few areas of Neshaminy soils that have a gravelly or stony surface and areas of severely eroded soils that have a surface layer of silty clay loam. Included areas make up about 15 percent of the mapped acreage.

Permeability is moderately slow. Runoff is medium. The available water capacity is high, and the hazard of erosion severe. Unlimed areas are generally medium acid. Internal drainage is good.

Because of slope, this soil has only fair potential for use as building sites, for lawn grasses, shade trees, ornamental trees, shrubs, vines, vegetable gardens, and for most recreational uses.

NeD—Neshaminy silt loam, 15 to 40 percent slopes. This strongly sloping to steep, well drained soil is on side slopes of strongly dissected areas of the Piedmont Plateau. Slopes are complex. Areas are irregularly shaped and range from about 2 to 50 acres in size.

A representative profile has a surface layer of dark grayish brown silt loam about 4 inches thick and a subsurface layer of yellowish brown silt loam about 5 inches thick. The subsoil is about 31 inches thick. It is 9 inches of strong brown heavy silt loam in the upper part; 16 inches of yellowish red clay loam in the middle part; and 6 inches of strong brown clay loam in the lower part. The substratum, between depths of 40 and 60 inches, is variegated loam.

Included with this soil in mapping are areas of Sassafras gravelly sandy loam, Manor loam, and Chillum silt loam and areas of soils that have slopes of more than 40 percent. Also included are a few areas of Neshaminy soils that have a gravelly or stony surface layer and areas of severely eroded soils that have a surface layer of silty clay loam. These included areas make up about 15 percent of the mapped acreage.

Permeability is moderately slow. Runoff is rapi
available water capacity is high, and the hazard of e
is severe. Unlimed areas are generally medium ac
ternal drainage is good.

Because of slope, this soil has poor potential for
building sites, for lawn grasses, shade trees, ornar
trees, shrubs, vines, vegetable gardens, and for
recreational uses. It has good potential for use a
kland or as habitat for some kinds of wildlife.

NuC—Neshaminy-Urban land complex, 8 to 1
cent slopes. This complex consists of moderately sl
well drained soils of the Neshaminy series, most ar
which have been graded, cut, filled, or othe
disturbed during urbanization. This complex
ridgetops and side slopes of urbanized areas of the
mont Plateau. Slopes are very complex and are con
concave. Areas are generally about 1 acre to 13 ac
size. Neshaminy soils and Urban land occur togetl
such an intricate pattern that it was not practi
separate them in mapping.

About 20 percent of this complex is areas of rela
undisturbed Neshaminy soils. In these areas, a rep
tative profile has a surface layer of dark grayish b
silt loam about 4 inches thick and a subsurface lay
yellowish brown silt loam about 5 inches thick. The
soil is about 31 inches thick. It is 9 inches of strong b
heavy silt loam in the upper part; 16 inches of yell
red clay loam in the middle part; and 6 inches of s
brown clay loam in the lower part. The substr
between depths of 40 and 60 inches, is variegated loa

About 20 percent of this complex is areas of distu
Neshaminy soils that have been covered by as much
inches of fill material or have had as much as two-t
of the original profile removed by cutting or grading

About 40 percent of the complex is Urban land, v
the soils are largely covered by concrete, as
buildings, or other impervious surfaces; where the
have been covered by more than 20 inches of fill mat
or where most or all of the profile has been cut
The fill material is most commonly from adjacent are
Neshaminy soils that have been cut or graded.

Included with this complex in mapping are are
Chillum silt loam, Manor loam, and Sassafras gra
sandy loam. Included areas make up about 20 perce
the complex.

Permeability is moderately slow in areas of this
plex where the soils are relatively undisturbed, and
variable in areas dominated by cuts, fills, and Urban
Runoff is rapid, and the hazard of erosion is severe
available water capacity is high in the relat
undisturbed areas, and it is moderate to very low i
areas dominated by cuts, fills, and Urban land. Mos
limed areas are medium acid. Internal drainage is goo

Areas of this complex that have not been urbanize
clude yards and open areas around and between build
These areas make up management units that range
about 500 to 7,000 square feet in size. The areas gene
are good for foundations and footings. Severely e

Figure 6:

