

**Statement to the BZA , April 11, 2006, in Opposition
to the Proposed Bender Subdivision on Chain Bridge Road
(BZA Application No. 17309)**

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Abstract: Compliance with all applicable requirements, especially storm-water management and tree preservation, calls for a redesign of the Bender project to include a peripheral greenway and limiting development to far fewer houses on larger lots, with home construction confined largely to the property's two distinct plateau areas. In the current design, storm-water management and tree preservation pose a dilemma, for there is not room enough for both. Trees present between and around construction sites could not survive the digging, trenching, and grading necessary for effective control of storm water, if indeed they could survive the home construction activity itself. A much more limited development based on a "matter of right," with no BZA special exception required, might be to the advantage of everyone.

**We live immediately to the south of the three-and-a-half-acre
Bender property and our home is the first facing directly onto Chain
Bridge Road below this proposed subdivision. As we look north we first
see trees, some of them quite large, along the narrow bench at the
southern edge of the property. Just beyond the bench, a steep grassy
grade rises to a sizable level area where, hidden in the far back, Gabriel
Murphy (from whose estate Mr. Bender bought the site) lived for over
half a century in the one home then occupying the property. While we
have always known further development of this property was surely**

coming, a project on the scale of the Bender subdivision, and one so out of keeping with the character of our unique neighborhood, was beyond our imagining.

The Bender property's salient characteristics include its two distinct north and south plateau areas, which are set off by steep grades between the two plateaus, and by grades on their east, south, and west sides. Also quite striking are the property's numerous beautiful trees, some of them quite large, which our zoning overlay is meant to protect. In addition, there is the property's setting in a neighborhood noted for its semi-rural atmosphere, historical significance, and its adjacent national parkland.

An intuitively attractive approach to development of the Bender a property would include:

- Establishing a peripheral greenway for an aesthetic buffer and for protection of trees and unstable slopes, and**
- Confining home construction principally to the two plateau areas where the trees are few and control of storm-water is less of a problem.**

This would of course mean fewer---and much larger---lots than the thirteen that Mr. Bender has proposed. As our neighbor Rudy

Djabbarzadeh has suggested, in the case of this unusual property a “matter of right” subdivision, of maybe seven homes, might work best for the neighborhood, for the BZA, and quite possibly even for Mr. Bender himself.

Realistically, BZA approval of the proposed theoretical subdivision might be to Mr. Bender’s advantage only if he sells off the 13 lots at a handsome profit and can leave the headaches of their development to others. But for the community and the BZA this could be a costly nuisance should this bring a long succession of further “special exception” requests by new owners of these lots as they seek to modify the plans under which the subdivision was originally approved.

A compelling case can be made for a development of far fewer homes inside a peripheral greenway, with construction confined largely to the property’s plateau areas. Our neighborhood preservation committee’s arborist and storm-water management engineer point to the dilemma that saving trees and controlling storm water poses as this project is now designed. Features for controlling storm water (for instance the numerous vegetative swales, dry wells, and connecting “under drains”) will require much digging, trenching, and grading in the relatively tight spaces between and around the home construction

sites. Encroachment on critical root zones of protected trees is therefore inevitable. On the project's southern tier, four large homes would crowd the boundary of the property close to us, and for the trees clustered there the combination of home construction and installation of storm-water management features would be deadly.

Incidentally, when the Office of Planning issued a report on the project in January it confessed to a lack of expertise about tree preservation even as it commended the applicant for presenting "tree protection measures which should lead to the continued rural character of the community..." To its credit, OP forwarded to our preservation committee Friday the new Urban Forestry Administration report which concluded that the Bender project "will almost assuredly not allow for preservation of the trees" that our special zoning overlay is meant to protect. For the OP, as a key advisor to the BZA, the lesson here is to avoid pronouncements it lacks the expertise and authority to defend.