

Statement and Exhibits
Rudi Djabbarzadeh

BZA Hearing July 18, 2006
Application No. 17309
Dorchester LLC

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17309

EXHIBIT NO. 149

Board of Zoning Adjustment
District of Columbia
CASE NO. 17309
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**STATEMENT BY RUDY DJABBARZADEH RE BZA APPLICATION NO. 17309
HEARING JULY 18, 2006**

My name is Rudy Djabbarzadeh, I own 3 properties adjacent to the Dorchester Property. I live at 2740 Chain Bridge Road and I own 2730 and 2738 Chain Bridge Road. My properties join the entire southern length of the Dorchester property – 475 feet of property line.

My statement will cover the following points:

- First I will explain my relationship to the Preservation committee,
- Second I will address my concerns re the SWM issues
- Third I will talk about the enormous problems that Lot F and D cause for my properties
- Finally I want to express my general objection to the granting of theoretical lots for the development of the Dorchester property.

I. I am a developer and a builder and usually find myself on the other side of this procedure. I have been in the community since 1987 and own my architectural and construction companies employing a staff of 19. Since 1990 we have completed 9 multimillion dollar new houses on Chain Bridge Rd. and University Terrace and currently have one under construction; all my projects are within 800 feet from the Dorchester Property.

In fact, the Chain Bridge Road/University Terrace Preservation Committee was created to oppose the development of five “by right” recorded lots I had purchased in 1997. The Committee’s initial opposition resulted in a constructive dialogue, which led me to reduce my development from 5 to 4 lots. Both sides considered this a successful process and outcome. The reason I explain this to you is to highlight that the

committee, as well as the neighborhood, is knowledgeable with regard to this process and understands the necessity of development, but wants it to take place within the parameters of reason.

II. To follow up on Ms. Sears' presentation on the SWM, I would like to add the following concerns:

A. It is important that SWM studies consider not only the property for which a SWM plan was devised but also include the impact to the adjacent properties as well as a review of the prior SWM history of these properties.

As far as prior history is concerned I can tell you that my neighbors, Mr. Olson, Swift, Wallace and Baxt, and myself have been working continuously on perfecting our SWM since we were flooded after heavy rains in 1991. Although the hydrostatic studies called only for an 18" pipe, we increased it to a 24" pipe; we also adjusted the pipe system after reviewing the run off from the properties to the north of us (upstream), including the Dorchester property and still we had to deal with flooding of two houses in 2001 and some of us last month.

My belief is that Dorchester needs to review their SWM not only from their property, but from a much larger area, including the impact on their neighbors to the west and south, and the run-offs on Chain Bridge Rd.

- B. SWM holding tanks collecting water from roofs and driveways are controversial in the sense that, they are not effective if not perfectly and meticulously installed, and I stress perfectly installed. This will shorten the life span of the system considerably and will render it obsolete. Mr. Bender's claim that all run off from roofs and driveways will be contained in holding tanks is very precarious.
- C. All of the water run off from the currently undeveloped Dorchester property is channeled to one location on the south side of the property at a 36" head wall which leads in to an 18" pipe that dives underground at my driveway and then exits into a small creek about 200ft down stream. Under the current system, properties at Mac Arthur Court have been flooded during times of heavy rains. Needless to say that the current system would be totally inadequate for the water run off of any extra houses, no matter how many.
- D. Mr. Bender assumes that it is his right to use other properties to channel his SW. He never approached us to discuss an easement for the transit of his SW. The fact that a pipe exists to serve one house with over 3.5 acres of now pervious land does not mean that it will be effective for the number of houses and impervious surfaces Mr. Bender proposes. Only if adequate measurements are undertaken by Mr. Bender can the possibility of an easement be considered.

Even if we were to agree to an easement, the current SWM system would have to be totally revised and adapted, otherwise my property, as well as the houses on lots A and D of the Dorchester Proposed Development, would be subject to serious flooding. One can not drain so many houses on 3.5 acres into one single outlet. This is not wise. Incidentally, my properties are all located downstream from the Dorchester property.

III. The proposed lots D and F are unacceptable, let me explain why:

- The first set of plans for lot “F”, which is the lot contiguous with my house, showed a house to be built within ten feet of my property and to tower over my residence by fifty-two feet. After the office of planning raised multiple objections to the proposed lot F - more specifically suggesting the elimination of Lot F and the absorption of its 9,569 square feet into the adjacent lots- two different revised schematic plans were submitted, which somewhat relocated the footprint of the house and reduced its size by 200sq ft to 6,622 sq ft, but the footprint of the presently proposed house disturbs the steep slope considerably and increases the risks of collapse of earth (the slope consists mainly of fill-dirt). The pitch of the slope is at a 50% incline, which means that for every 12 horizontal inches there is a 6 inch vertical drop. This slope is currently maintained by a dense, but controlled, growth of bamboo, which also serves as a privacy screen. The argument that bamboo is invasive can be easily addressed by the implementation of a concrete barrier to stop the bamboo from spreading. Even without the existence of such a barrier in the present situation there is no problem of containment.

The submitted landscaping plan for lot F is mind boggling in its total disregard of the neighboring property. It suggests southern magnolias, hemlocks and black oak to be planted on the edge of the property, on top of my 8' high retaining wall, the canopies of these trees would invade my property, depriving the property of light and causing major maintenance issues. The existing bamboo would serve the privacy for both lot F and my property, while effectively controlling the slope. Why replace something that is perfectly functional with something inadequate?

- The issues with proposed **Lot “D”** are self evident. As you see in the pictures the house on lot D, which is over 10,000 square feet, will tower 57’ over the 2730 Chain Bridge Rd. house while the horizontal distance between both houses is barely 50’! The development of this lot requires the removal of a 48’ high healthy magnolia (tree #35).

IV. My objections to granting theoretical lots for the development of the Dorchester Property.

The street frontage of the Dorchester Property allows a subdivision into 7 “by right” lots. Based on a purchase price of \$ 6 million – including the school house on ½ acre lot -, this would mean that the lot value would be close to \$750,000. In today’s market that would be considered close to a windfall for Mr. Bender. This means that Mr. Bender would not suffer any financial hardship based on a “by right” subdivision. On the other hand, the quality of life of the existing residents and future residents would be preserved as well as the environmental balance of the neighborhood.

Chain Bridge Road is a very unique street in this city, marrying city life with rural qualities. The subdivision of the Dorchester Property according to “by right” lots would protect the quality of the street for future generations. Specifically, it would allow protection of important and healthy trees, it would avoid an upheaval of the SWM systems, facilitate the construction management of the site, allow for these larger homes to be set on appropriate size lots, curtail the length of time that the development would be under construction, and control traffic and parking issues on Chain Bridge road, which is a street without any parking options nor sidewalks.

When the property was offered for sale, I offered to purchase the property with a guarantee clause not to exceed five lots, including the school house. Our reasoning was that families living on Chain Bridge Road NW would live quietly and privately with a National Park on one side of the street and the thought of putting an intensive subdivision across the street from it is contrary to the natural setting of this very

old historic street that needs to be preserved and to maintain its ecological balance with the Battery Kemble Park.

This mindless approach is arrogant, with no desire to communicate with the community, other than by intimidation and depletion of its resources.

At the end of the day all may look fine on paper, but in reality no plan is ever implemented to perfection. Given climatic surprises and job site conditions, the end result often differs from the intended plan. Problems are bound to surface at the time of construction and the neighborhood will have to take the brunt of the aggravation, be it flooding or collapse of retaining walls. This is not a far fetched prediction as this has already been happening on the western side of the property.

Experience has taught me that Mr. Bender will not be forthcoming to resolve such issues; for example: in 2003 a 90ft tree on the Dorchester property crashed onto my property and caused major damage. Its twin tree is subject to the same risk, but Mr. Bender has ignored all my requests (based on the advise of expert arborists) to remedy this risk. The removal cost of the fallen tree was \$20,410. The density of the proposed design will make the surviving trees perilous to houses on the development and to neighbors.

We are before you collectively to voice a very strong objection, surpassing a mere community concern, it is about what is feasible and what is not, what is right and what is wrong. The result of the development, if implemented as proposed, would be a very scarred area with a disastrous environmental impact.

I hereby strongly urge the board to deny Mr. Bender the theoretical subdivision for 13 lots, which can only be achieved at the direct expense and damage to the immediate neighbors and to the entire community . If the Board were to differ on this question, and – hard to imagine- would not see the major

SWM problems and tree preservation issues any subdivision over the “by right” count would cause - the Board must not accept Lot F as a buildable lot, and must insist on a different design of the house on Lot D. At any rate the current growth of bamboo on the steep slope of lot F should be preserved to prevent major problems.

I sincerely hope that the board will curtail the maximized subdivision to a more reasonable comprehensive subdivision plan that will provide a quality of living for present and future home owners.

Thank you for your attention.

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 **USGS Arlington, Virginia, United States** 07 Apr 2002



0 50 m

0 50 yd

Image courtesy of the U.S. Geological Survey
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 **SITE PLAN**

REVISIONS

RUDY E. DJABBARZADEH
2745 CLARK BRIDGE RD.
WASHINGTON, DC 20014

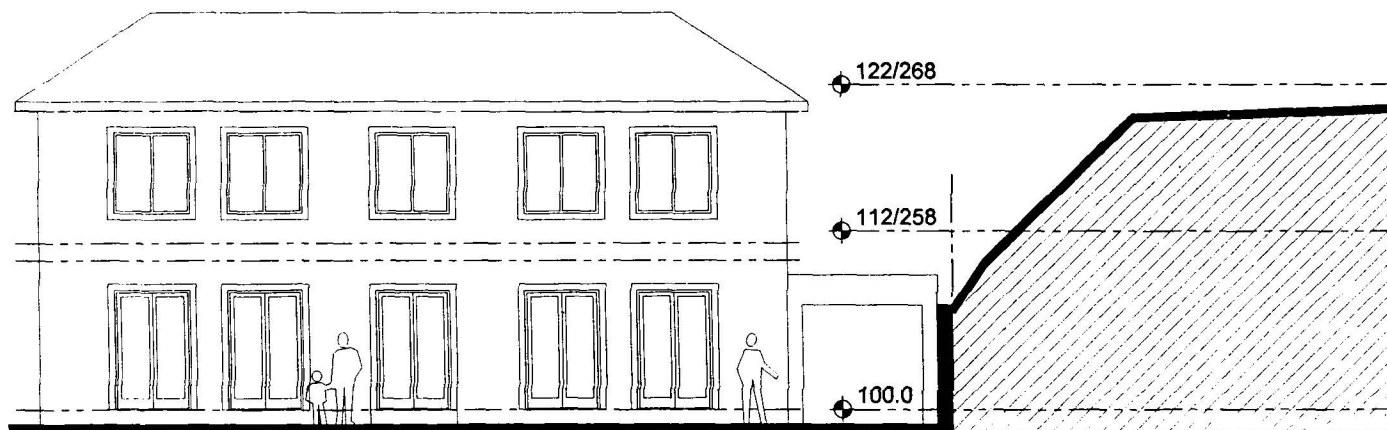
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SHEET

A2
JOB NUMBER
RA-05005.2740
DRAWN BY APP'D

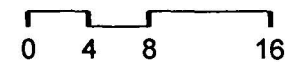






2740 CHAIN BRIDGE ROAD

R DORCHESTER, LLC



○ SITE SECTION 'B'

REVISIONS DATE

RUDY E. DJABBARZADEH
3101 CRENSHAW AVENUE, N.W.
WASHINGTON, DC 20007

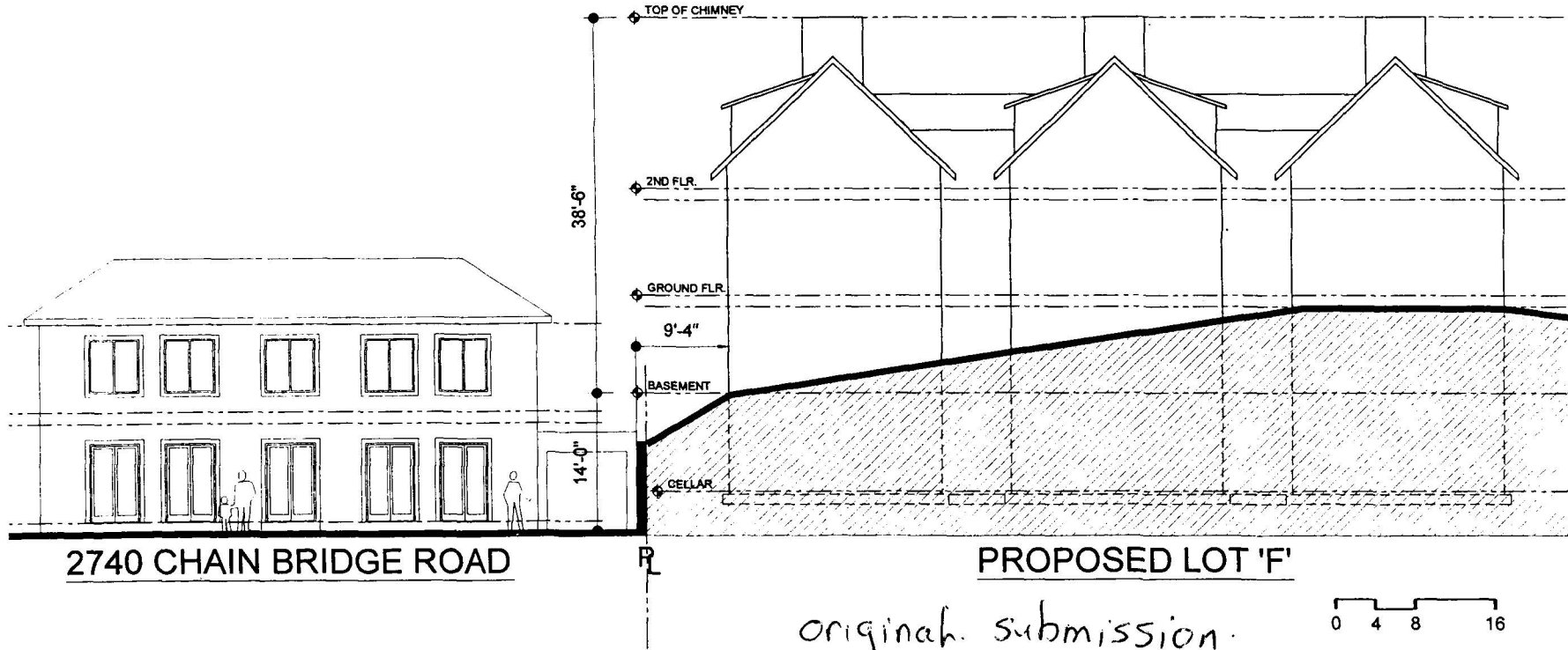
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SITE SECTION 'B'

SHEET NUMBER

JOB NUMBER
RA-05005.2740
DRAWN BY APPD DATE 01-01-06

A1.0



REVISIONS DATE

RUDY E. D. ZADEH
2140 Chain Bridge Road
Washington, DC 20018

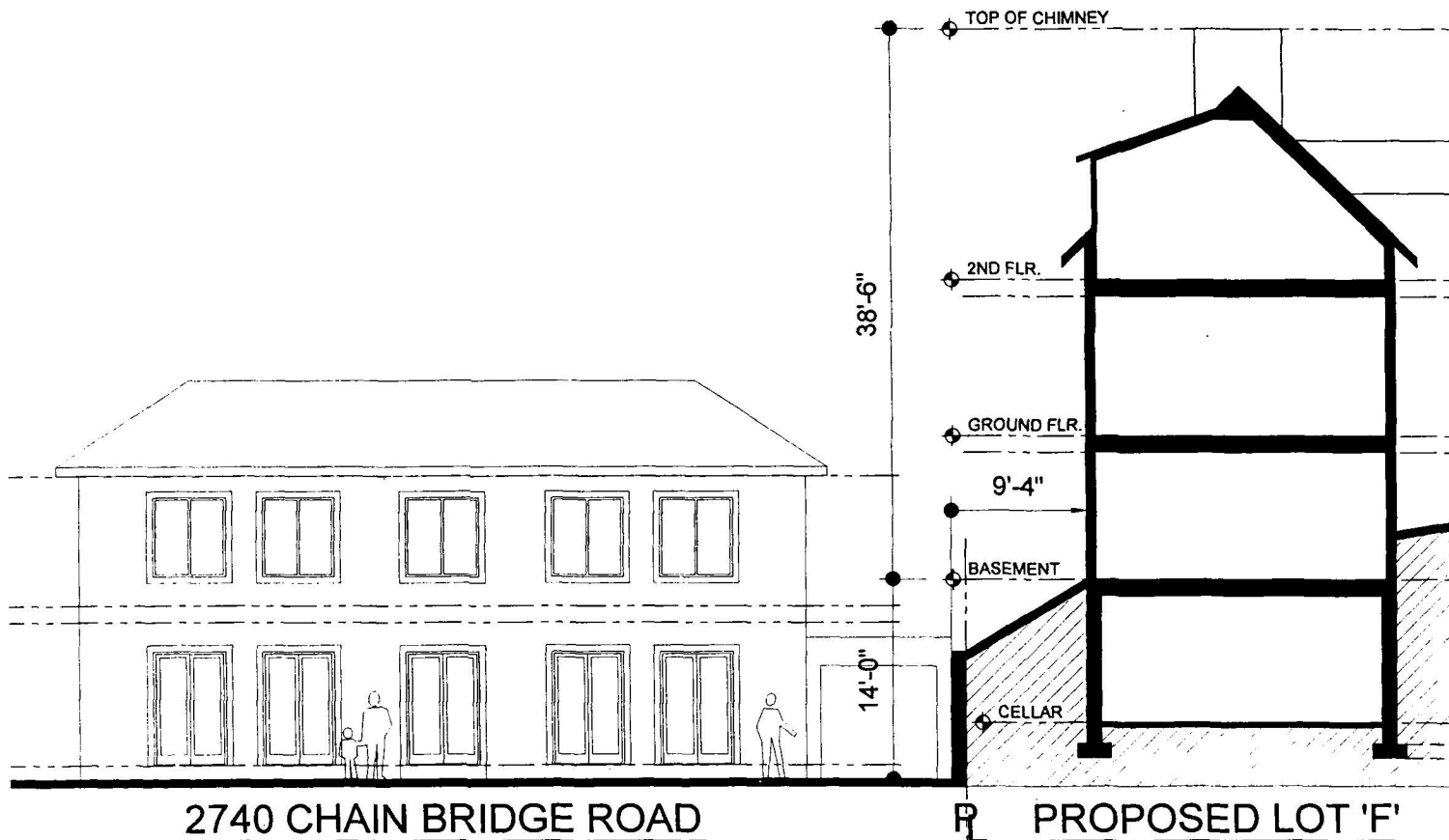
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SITE ELEVATION

SHEET NUMBER

JOB NUMBER
RA-05005.2740
DRAWN RCB APPD DATE 01-04-08

A1.1

⊙ SITE ELEVATION



REVISIONS DATE

RUDY E. D. ZADEH
2740 CHAIN BRIDGE ROAD
WASHINGTON, DC 20008

DRAWING TITLE

SITE SECTION 'A'

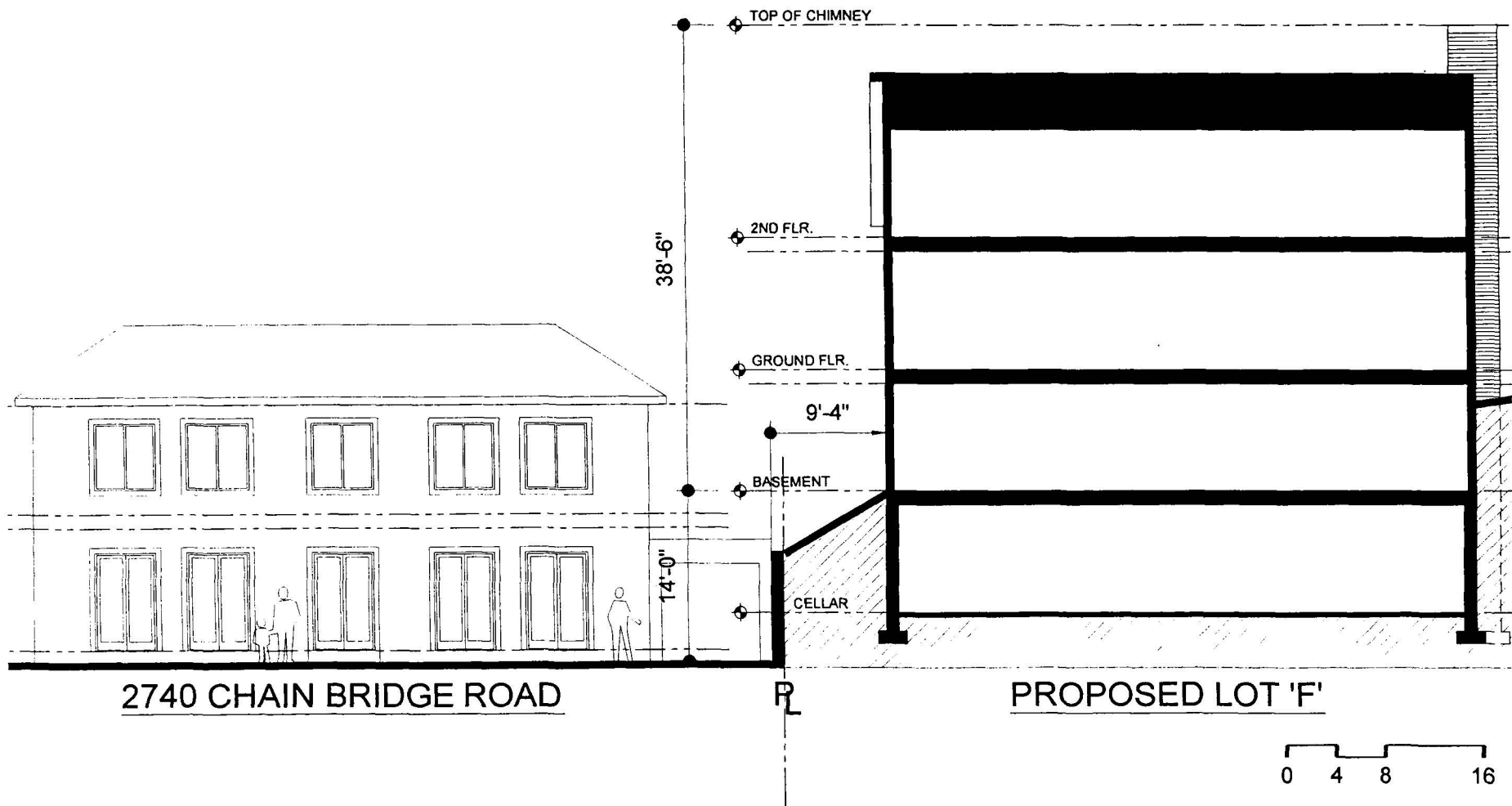
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JOB NUMBER
RA-05005.2740

DRAWN AND APP'D DATE 01-04-08

○ SITE SECTION 'A'



REVISIONS DATE

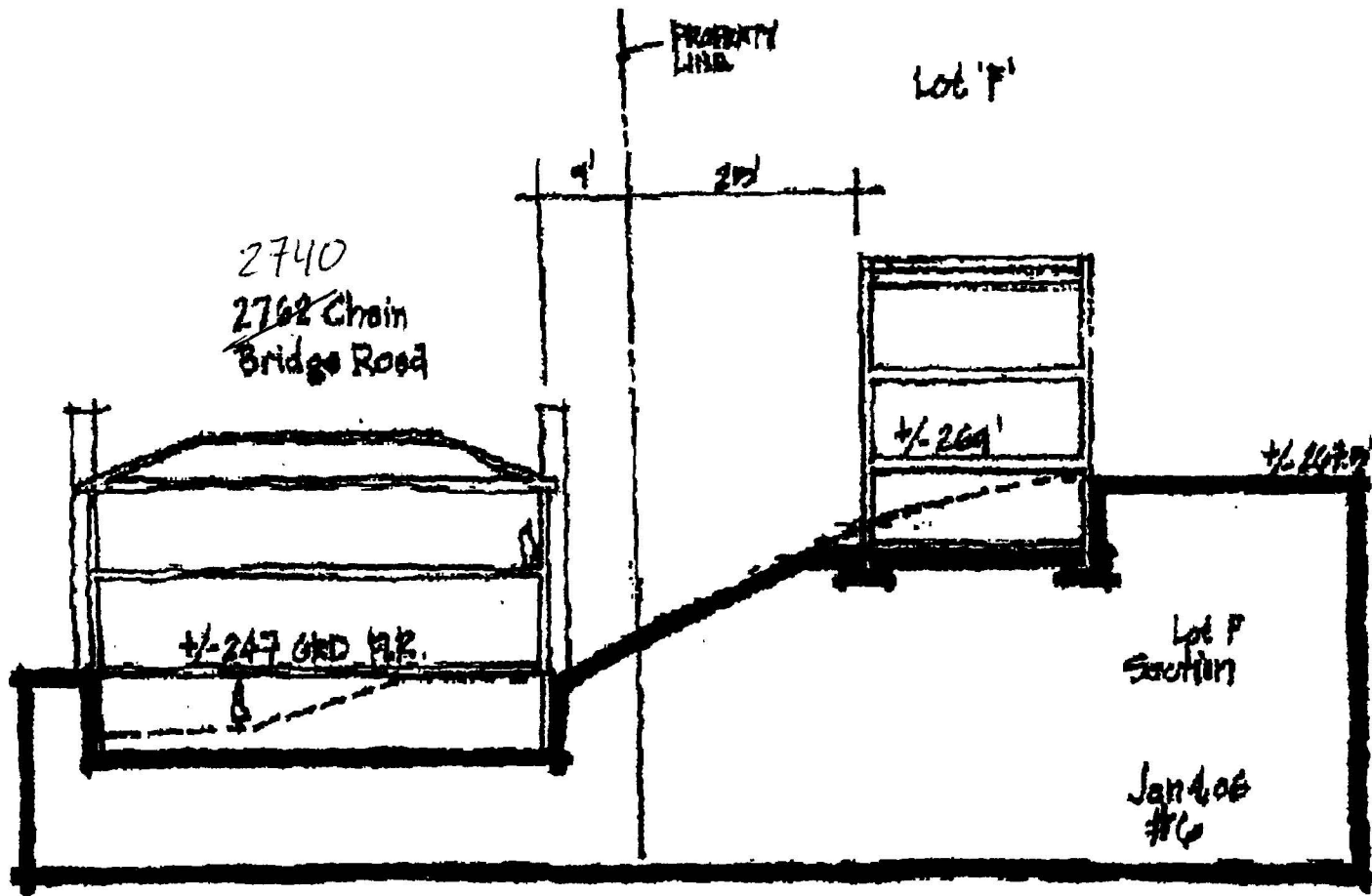
RUDY E. D. ZADEH
2740 CHAIN BRIDGE RD
WASHINGTON, DC 20015

DRAWING TITLE
SITE SECTION 'B'

SHEET NUMBER

JOB NUMBER
RA-05005.2740
DRAWN FOR APP'D DATE 01-04-08

A1.3



New Submission - incomplete -
SITE SECTION LOT 'F'

NEARCHITECTS
SLEY E. DARRAZADEN
ARCHITECTS

GRAPHIC TITLE
LOT 'F' SITE SECTION

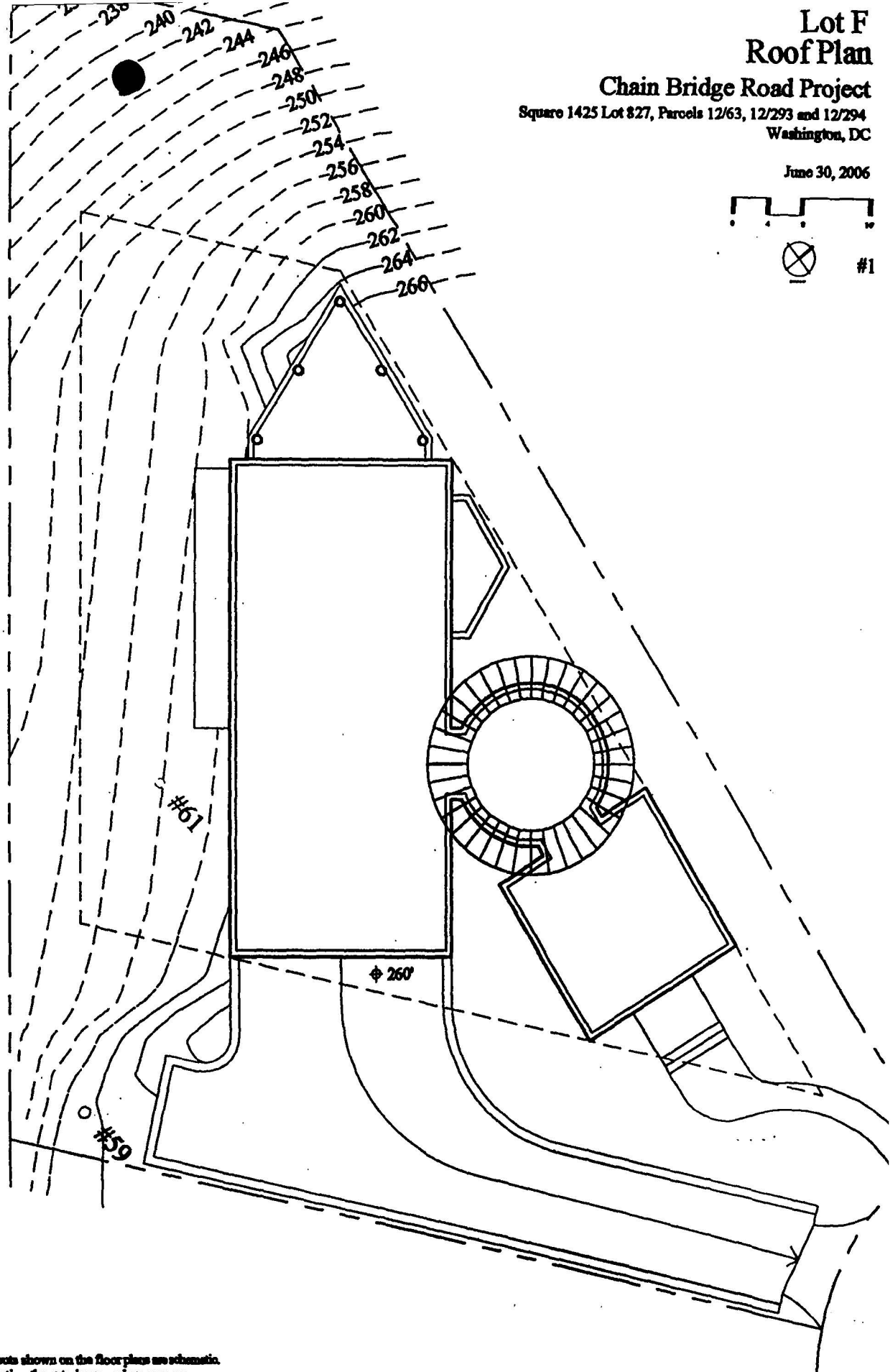
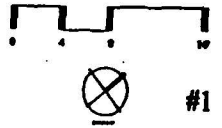
PAGE 01/01
A1.3
RA-000005.27-00
GRAPHIC APPENDIX

Lot F Roof Plan

Chain Bridge Road Project

Square 1425 Lot 827, Parcels 12/63, 12/293 and 12/294
Washington, DC

June 30, 2006

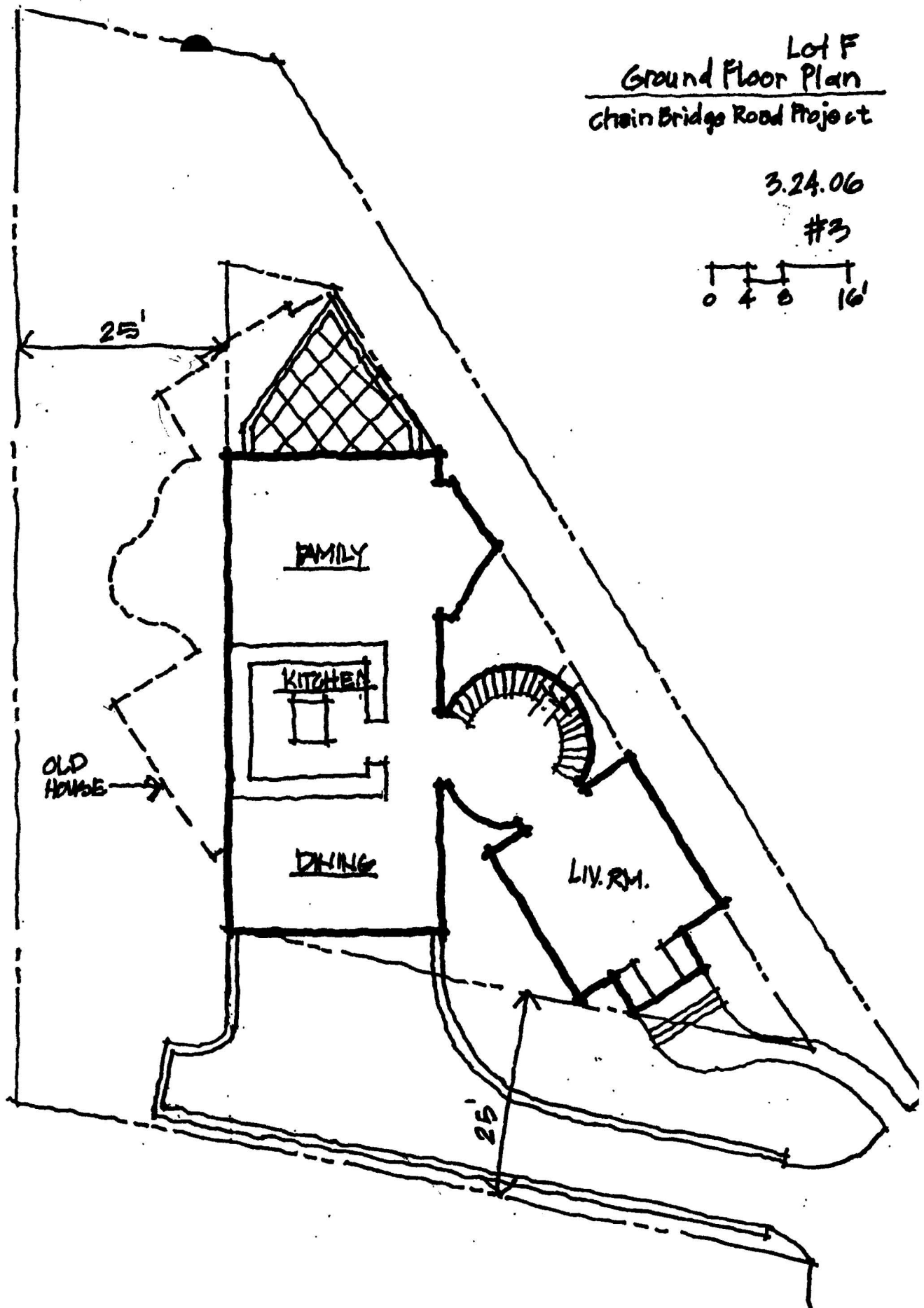
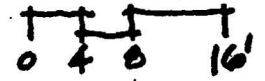


This interior layouts shown on the floor plans are schematic.
Changes not affecting the exterior envelope may occur.

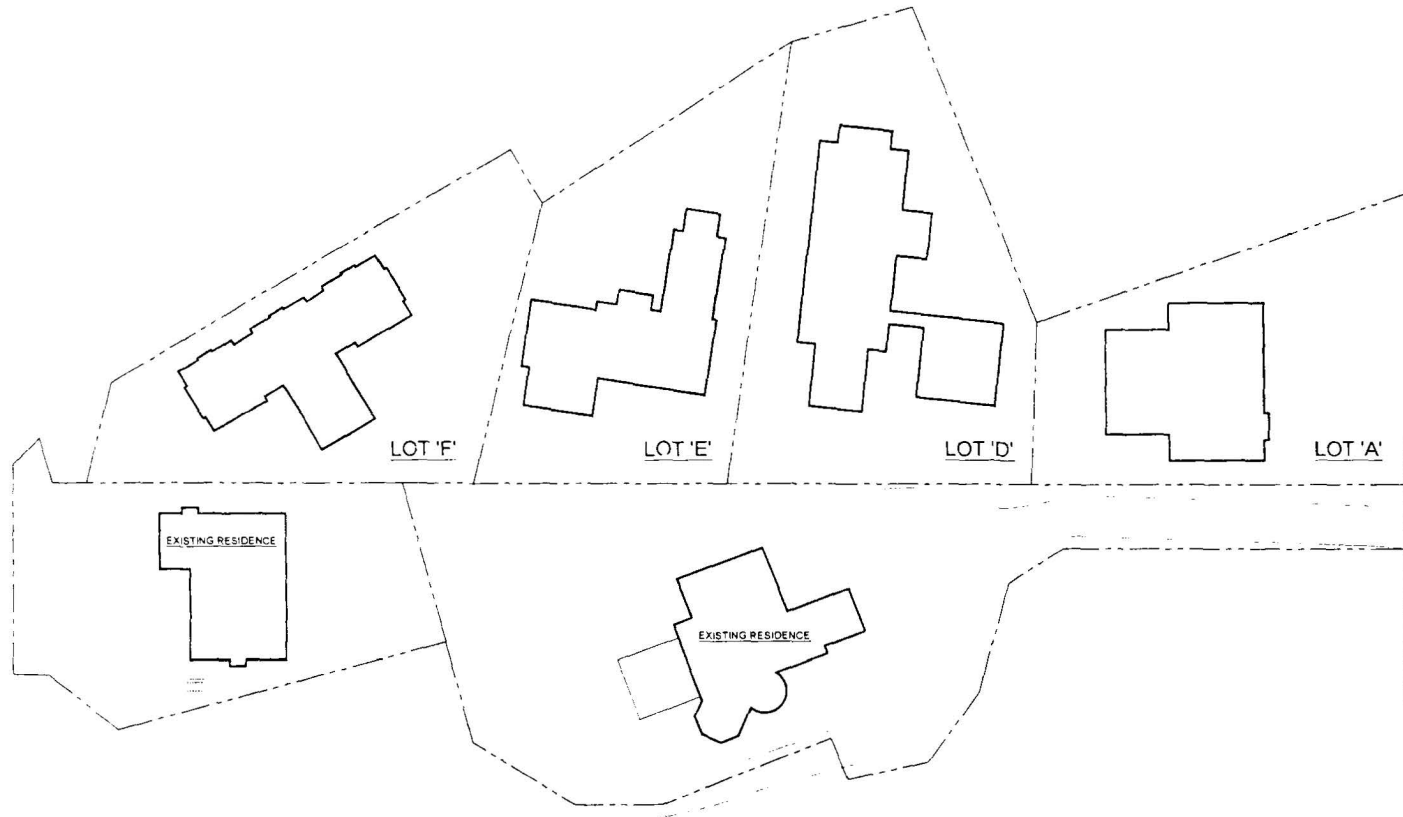
Lot F
Ground Floor Plan
Chain Bridge Road Project

3.24.06

#3



DORCHESTER, LLC



DJABBARZADEH RESIDENCE

○ SITE PLAN

REVISIONS _____ DATE _____

RUDY E. DJABBARZADEH
2140 CHAM BRIDGE RD
WASHINGTON, DC 20009

DRAWING TITLE

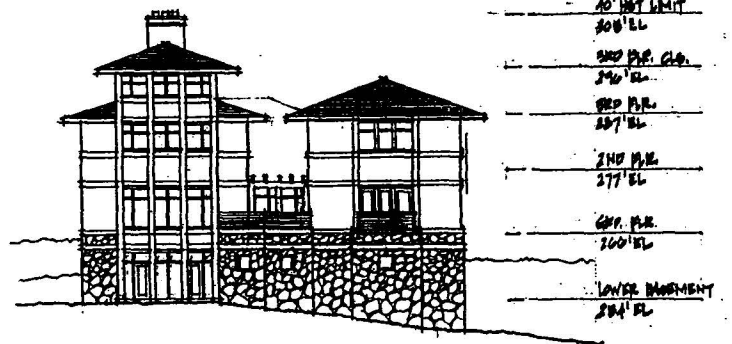
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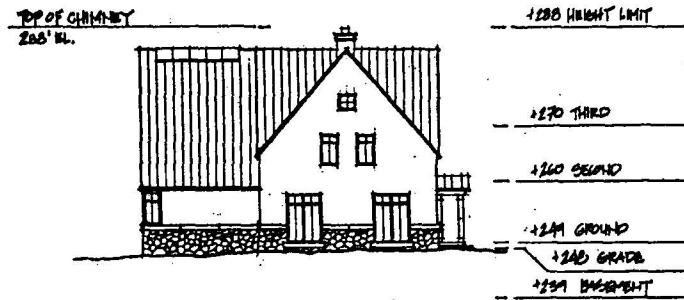
A2.0

SOUTHERN EXPOSURE



LOT 'D'
SOUTH ELEVATION
0 4 8 16 32'
SEPTEMBER 23, 2003

LOT D



LOT 'A'
SOUTH ELEVATION
0 4 8 16 32'
JANUARY 15, 2004

LOT A

REVISIONS DATE

RUDY E. ZADEH
2ND CLASS ARCHITECT
WASHINGTON, DC

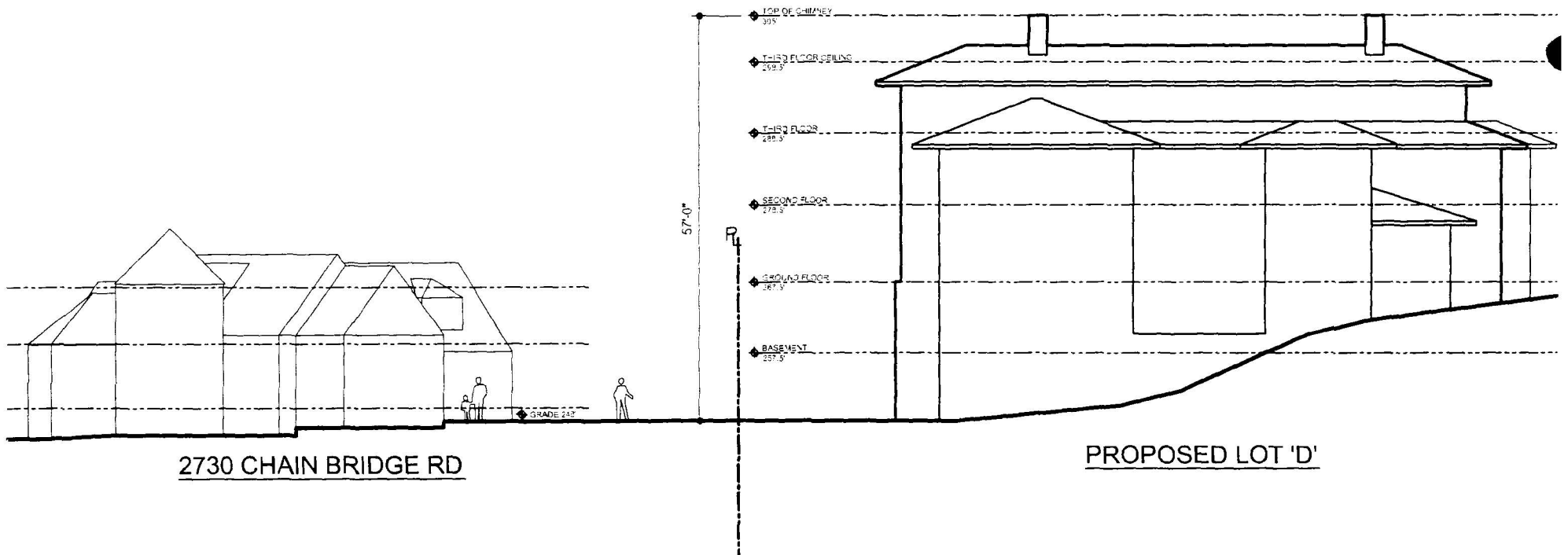
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SITE PLAN

SHEET NUMBER

JOB NUMBER
RA-05005.2740
DRAWN AND APP'D DATE 12-24-03

A2.2











BARTLETT TREE EXPERTS

12200 NEBEL STREET, ROCKVILLE, MD 20852-2687 • (301) 881-8550 • FAX (301) 881-9063

July 31, 2003

Mr. Rudy Djabbarzadeh
2740 Chain Bridge Road NW
Washington, DC 20016

Re: 2762 Chain Bridge Road NW, Washington, DC 20016

Dear Mr. Djabbarzadeh,

Oak tree and Tulip Poplar tree in rear were growing together as one tree up to July 10, 2003. This "combined" tree was surrounded by approximately 3-4 feet of soil and miscellaneous material fill. This situation began in my opinion as a retaining wall that was not maintained and it collapsed inward surrounding the trunk flairs with soil and extraneous material. Over time, the tree trunk flairs and support roots decayed as they were buried in a moist environment. This ultimately led to the failure of the Oak tree trunk that fell onto Mr. Rudy Djabbarzadeh's property at 2740 Chain Bridge Road on July 10, 2003. The remaining Tulip Poplar tree is not safe and should be removed as soon as possible.

Please call me if you have any questions regarding this.

Sincerely,

Kevin Carr
ISA Certified Arborist

GUARDIAN
TREE EXPERTS

THE F.A. BARTLETT TREE EXPERT COMPANY
SCIENTIFIC TREE CARE SINCE 1907



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