

October 24, 2012

VIA HAND DELIVERY

D C Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

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Re BZA Application No 18398 – Pre-hearing Statement and Revised Plans

Dear Members of the Board

Enclosed please find one original and 20 copies of the Applicant's pre-hearing statement and revised plans for the above-referenced case, scheduled for a public hearing on November 7, 2012. Please note, as explained in the enclosed statement, that the Applicant no longer requests variance relief. Instead, the Applicant now requests a special exception under Section 223 of the Zoning Regulations.

Should you or your staff have any questions, please do not hesitate to contact me

Sincerely,



Cary R. Kadlecsek

Enclosures

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18398
EXHIBIT NO 45

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2012, copies of the attached letter and enclosures were delivered via U S Mail or messenger to the following:

Stephen Gyor
D C. Office of Planning
1101 4th Street SW, Suite E650
Washington, DC 20024

ANC 2D
2122 California Street NW #62
Washington, DC 20009


Cary Kadlecek

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of Kenneth & Ellen Marks
ANC 2D02

BZA Application No. 18398
Hearing Date: November 7, 2012

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APPLICANT'S PRE-HEARING STATEMENT

This is the pre-hearing statement of Kenneth & Ellen Marks ("**Applicant**") for an application for a special exception to allow the construction of an addition to an existing single family row dwelling. The property that is the subject of this application is 2130 Bancroft Place NW (Square 2532, Lot 802) (the "**Property**") The Property is included in the R-3 Zone District

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment ("**BZA**" or "**Board**") approve a special exception under Section 223 of the Zoning Regulations (11 DCMR § 223) for an addition to a single family dwelling that does not comply with the lot occupancy (Section 403), rear yard (Section 404), and nonconforming structure (Section 2001.3) requirements. The requested relief is a change from the original application, in which variances from Sections 403, 404, and 2001.3 were requested. As explained below, the Applicant now requests a special exception because the proposed lot occupancy has been reduced to 70%, which is the maximum permitted for a special exception under Section 223. Variance relief is no longer required.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to Section 3104.1 of the Zoning Regulations (11 DCMR § 3104.1)

III. DESCRIPTION OF PROPERTY AND SURROUNDING AREA

The Property is located in the Kalorama Heights neighborhood of Ward 2. It is rectangular in shape and contains approximately 2,375 square feet of land area. The Property is mid-block on the south side of Bancroft Place between Phelps Place and Connecticut Avenue. It is bounded by substantially larger three-story row dwellings to the east and west, by Bancroft Place to the north, and by a 15-foot wide public alley to the south.

The Property is improved with a two-story single family row dwelling constructed circa 1907. The house was originally constructed as a one-story ballroom addition for the mansion immediately to the east (2128 Bancroft Place). A second story was added in 1926 to provide servant quarters to 2128 Bancroft Place. The building became a separate single family residence in 1960. The Property also includes a separate accessory garage at the rear with parking for two cars. The existing garage has a second story roof deck with perimeter plantings and privacy fence. The existing roof deck at the rear accessory structure is accessed via stairs in the exterior courtyard between the main residence and the garage. The garage opens on to the rear alley and abuts the rear property line. The garage and house are separated by an open courtyard containing landscaping and hardscaping. The existing house has a nonconforming lot occupancy of 62%.

The surrounding area is predominantly residential in character, with most of the buildings having been constructed prior to 1950. Most of the buildings along both sides of the block are single family three and four-story row dwellings, and most of these are nonconforming as to lot occupancy and/or rear yard. The buildings to the south across the alley are primarily row dwellings and multifamily apartment buildings.

IV. THE PROPOSED PROJECT

The proposed project will add to and reconfigure the existing structures in order to make the house more functional and more suitable for modern living standards. Architectural plans are included in Exhibit A. The addition will involve three main components. First, a third story will be added to the existing house. This additional story will provide an informal family room, as opposed to the formal living room originally constructed to serve as a ballroom. Second, a second story will be added to the garage structure to include a new master bedroom and bathroom. A green roof with extensive trees and plantings will be on the roof of this master suite. This green roof is intended to increase the amount of greenery on the property as requested by the immediate neighbors and to enhance the sustainability of the house. It is not intended for active recreational use as the only access to the green roof will be from a second story bedroom of the main house. Finally, an enclosed breezeway running along the eastern edge of the Property and within the courtyard will connect the ground floor of the existing house to the new master suite. The space below the breezeway (approximately six feet, eleven inches above the existing courtyard level) will remain open for increased landscaping and the preservation of existing brick pavers. The top of the breezeway will be a flat roof that will enable service access to the green roof above the master suite. The breezeway with flat roof is designed in a location on the Property that is cast in shadow for the majority of the day as to not block existing light into the exterior courtyard. The breezeway will be approximately six feet wide and will leave most of the courtyard open as it is today. Even though the garage and master suite will be separated from the rest of the house by all but the narrow enclosed breezeway, the entire house and garage will be considered one building for zoning purposes.

Following the addition, the house will have a height of approximately 31.5 feet. The new house will have a nonconforming residential lot occupancy of 70% (maximum permitted is 60%). There will continue to be no setback from the rear property line.

V. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF

The standard for special exception relief is that the proposed project is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and that relief can be granted without adversely affecting neighboring properties. Section 223 provides standards that the application must satisfy to determine that the proposed project will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and that it will not adversely affect neighboring properties. As demonstrated below, this application satisfies these standards.

A. The Light and Air Available to Neighboring Properties Shall not be Unduly Affected

The expanded house will be compatible with the neighboring houses, and the Applicant designed the project to be compatible with the surrounding neighborhood in a way that adjacent light and air will not be unduly affected. The proposed lot occupancy will not create any measurable impact because, as a practical matter, the lot occupancy will not be significantly different than the status quo. The proposed lot occupancy is an increase of only 8% from the status quo, and all of the increase is dedicated to the breezeway. Because the breezeway is so narrow, it will allow the landscaping and most of the width of the courtyard to remain.

The addition of the master suite above the garage and the third story above the existing house will not have any impact on light and air to adjacent properties. Compared to the two

adjacent houses, the proposed master suite and third story are small in scale. The entirety of the house at 2132 Bancroft (the house to the west) is taller than the proposed master suite and third story addition, so that house will not experience any adverse impacts on its light and air. The house at 2128 Bancroft (the house to the east) is taller than the proposed third story addition.

There will be no change to light and air to 2128 from the existing shadows of the privacy fence at the garage roof deck as well as the height of the existing landscape at this roof deck. For a majority of the day, this area is already in shadow.

The only element of the proposed addition that will have any impact on light and air to adjacent properties is the breezeway. However, because the breezeway will be along the eastern side of the Property and much shorter and smaller in scale than either of the adjacent houses, the house to the west (2132 Bancroft) will not be affected. The breezeway will add structure along the eastern side of the Property that is taller than the status quo, so it will have a nominal impact on the 2128 Bancroft's second story windows and small outdoor space. However, as the solar studies in Exhibit B show, the effect of the breezeway truly will be minimal on that house. Because the outdoor area of 2128 Bancroft is along the western side of that house, light will only be negligibly impacted by the addition of the breezeway. The western side of 2128 Bancroft will not get direct light in the morning when the sun is in the east and the rest of that house obstructs direct sunlight. The breezeway will not impact light when the sun is directly overhead to the south during mid-day because it does not obstruct any light from that angle. In addition, because 2132 Bancroft (the house to the west) is quite tall, it already blocks most of the afternoon light to 2128 Bancroft. Because it is much shorter than 2132 Bancroft and not separated a far distance from that house, the breezeway will not create a condition that will limit much more of that available light to 2128 Bancroft. In fact, as the solar studies show, the

breezeway only obstructs nominally more light than already occurs. Windows along the western side of 2128 Bancroft that are higher than the breezeway will not be impacted in any respect by the breezeway. The open courtyard on the Property and otherwise unobstructed areas of 2128 Bancroft will allow for continued sufficient air to 2128 Bancroft. Therefore, light and air available to 2128 Bancroft will not be unduly affected.

Properties either to the north across the street or to the south across the alley will not experience any adverse impacts on light and air. The street (60 feet wide) and alley (15 feet wide) provide a sufficient separation distance such that light and air will be unaffected on those properties.

B. The Privacy of Use and Enjoyment of Neighboring Properties Shall not Be Unduly Compromised

Privacy and use and enjoyment of neighboring properties will be largely unaffected by the proposed addition. Because it is at the rear of the Property and shorter than the adjacent properties, the proposed master suite will not affect privacy or use and enjoyment of any neighboring properties. It will not provide any additional sightlines into neighboring properties, and it will not affect any neighbor from using and enjoying his/her property because it will not be overly large or intrusive. Similarly, the proposed third story will not affect any neighboring properties. It will not provide any new sightlines onto neighboring properties in a way that will affect privacy. Also, it will not affect the ability for any neighbors to enjoy their property because it will not be overly imposing or visually intrusive.

As with light and air, only the house to the east (2128 Bancroft) will experience a negligible impact on privacy and use and enjoyment from the addition of the breezeway. The walkway above the enclosed breezeway will allow people to be closer to the western side of

2128 Bancroft, however, because this walkway will be only to access the green roof above the master suite for maintenance, people will rarely use this flat service roof and intrude upon the privacy of 2128 Bancroft. Similarly, the use and enjoyment of the small second floor outdoor area of 2128 Bancroft will be only negligibly impacted by the breezeway. The Applicant has designed the breezeway so that it will be visually pleasing from the east, including architectural detailing and attractive railings. In addition, the Applicant has discussed with the owner of 2128 Bancroft placing greenery along the eastern-facing wall of the breezeway to soften its visual impact and plans to continue discussions with the owner prior to the hearing. Therefore, the privacy and use and enjoyment of any neighboring properties will not be unduly compromised.

C The Addition, as Viewed from the Street and Alley, Will Not Substantially Intrude upon the Character, Scale, and Pattern of Houses Along the Street Frontage

Put simply, the proposed addition will make the house more consistent with the character, scale, and pattern of houses along the street frontage. Nearly all of the houses in this block of Bancroft Place, on both sides of the street, are three or more stories. Furthermore, the vast majority of houses – if not all – on the same side of Bancroft Place in this block exceed the matter-of-right lot occupancy of 60%, and many of them exceed it by a large amount, as illustrated in Exhibit C. Please see the attached Site Map exhibit with approximate building footprints; this merely will illustrate visually the adjacent building footprints. Finally, most of the houses along the same side of the block have rear garages (both attached to and detached from the main houses) that meet the rear property lines along the alley, and some of those garages contain two stories. Therefore, the proposed addition of a third story, increased lot occupancy, and having no rear yard will not appear to be inconsistent with other houses in the neighborhood. In fact, the existing house appears more out of character, scale, and pattern than the proposed house will be.

D The Addition is in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps

Because the proposed addition satisfies the criteria set forth in Section 223, it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The standard of proof for this special exception is that it will not *unduly* affect light and air to neighboring properties and that it will not *unduly* compromise privacy and use and enjoyment of neighboring properties. The standard is not that there will be no impact. Since only the adjacent property to the east will experience only *negligible* impacts, the proposed addition is consistent with the standards for special exception approval.

VI. EXHIBITS

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| EXHIBIT A | Architectural Plans and Elevations |
| EXHIBIT B | Solar Studies |
| EXHIBIT C | Illustration of Lot Coverage of Other Houses within the Block |

VII. CONCLUSION

Because of the foregoing reasons, the Applicant satisfies the criteria for special exception relief and respectfully requests that the Board approve this application.

Respectfully submitted,
GOULSTON & STORRS, P C


Allison Prince


Cary Kadlec