

Sheridan-Kalorama Historical Association, Inc.
2330 California Street, NW
Washington, D.C. 20008

RE: BZA Application No. 18398

November 7, 2012

Dear Chairman and members of the board:

I am Kindy French, president of the Sheridan-Kalorama Historical Association. SKHA is dedicated to preserving the Sheridan-Kalorama Historic District, which is characterized by primarily residential buildings designed by locally and nationally prominent architects and by its development as an in-town enclave with a significant amount of green space. SKHA appreciates this opportunity to testify before you.

The revised plans – with the proposal for a skywalk running along Ms. Carstens' property at 2128 Bancroft – poses concerns.

The 2100 block of Bancroft Place is an integral part of the Sheridan-Kalorama Historic District. Preservation issues are, of course, a matter for the Historic Preservation Review Board, and I will not get into those here.

What matters for purposes of this hearing is the fact that 2130 Bancroft Place, as well as the two adjacent properties and the house across the street, along with most of the 25 houses in this block, are subject to "conservation easements" designed to protect the façade, other elevations, and open space.

When the Marks bought 2130 Bancroft just last year, they did so with the full knowledge that this property was subject to what is called a “Scenic, Open Space and Architectural Facade Easement.” The acceptance by the L’Enfant Trust of the donation indicates that it found the building to be a valuable artifact as it is.

The easement states that its purpose is too “assist in preserving a historically important land area or a certified historic structure and in *preserving open space for the scenic enjoyment of the general public.*” Also, it is the “intent of the parties that the Facade, Building and Property (except for minor changes in landscaping) *remain essentially unchanged.*” Because this building has been a viable single-family residence for more than a half-century and, in fact, the Marks’ are leasing it to a family of 4, for just that purpose, there is no reason to think that the building shouldn’t remain essentially unchanged.

The decision of most property owners in this block to sign such easements did not happen by chance. Instead, it resulted from mutual efforts by homeowners over the years to preserve the character of this block in what is one of the most cohesive streets in Sheridan-Kalorama.

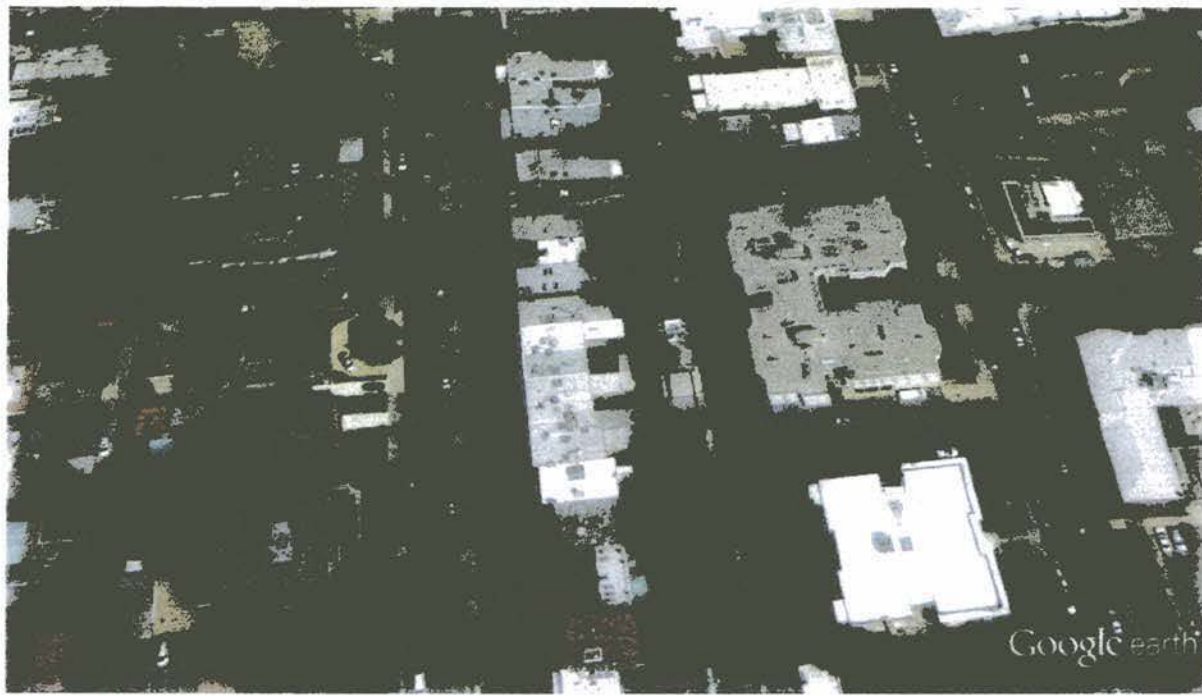
Questions about one’s “enjoyment” of his or her property obviously depend on the facts in each case. Here, the Marks are asking the Board to approve a project that would violate limitations that they voluntarily accepted when they bought this house and that the other homeowners on this block also placed on

themselves, to protect their properties.

Respecting this easement – and saying “no” to the applicants – would be in harmony with the general purpose and intent of the Zoning Regulations and zoning map. This block of Bancroft Place consists entirely of attached houses, and thus side yards are not required and are not present. What is important, therefore, is the requirement of open space under the Regulations, and it is important to preserve what now exists.

The Marks point out that a number of houses in this area already occupy more than 60% of their lots. These excesses are grandfathered; they precede the zoning regulations and the historic district designation and would not be approved today. This particular property is typical of attached houses in our district, which have the configuration of house facing the street, green space behind the house, and a detached garage on the alley. Should this special exception be granted, it would set a precedent that would threaten the green space of our district, one of its most significant characteristics.

2100 & 2200 Block Wyoming Avenue



1800 24th Street



2200 'Q' Street



Kalorama Circle



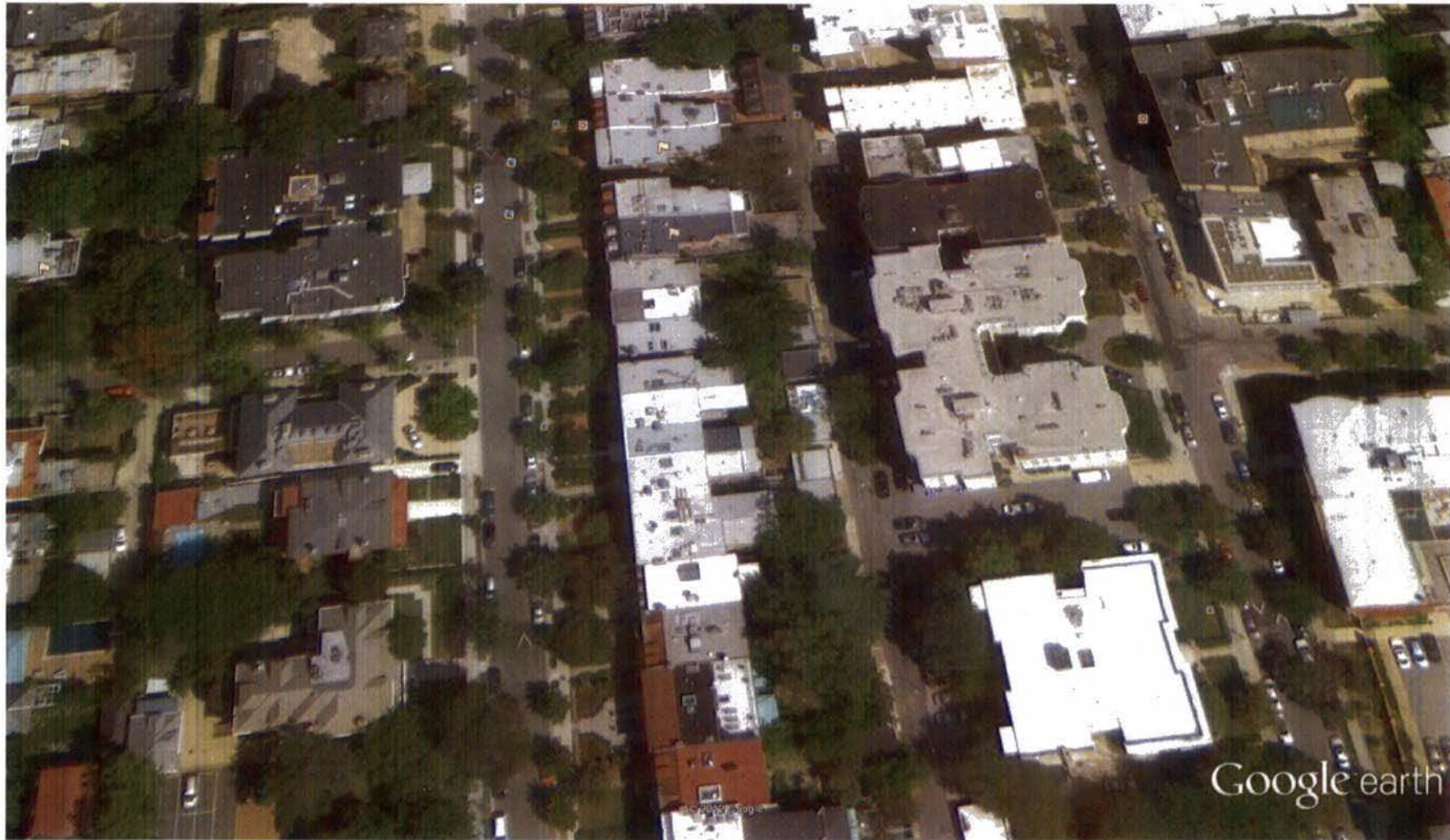
There is, however, a broader question that the Board may wish to ask: Why is this case being heard, if the applicants knew when they bought the property that there is an easement preventing construction of the desired addition?

This approach puts the cart before the horse. It compels the Neighbors – and the Board – to expend limited resources on a public zoning hearing when the applicants have no legal right to build the proposed addition. The applicants bear the burden of proof in zoning cases, and the negative impact on adjacent neighbors here is clear. The legality of any construction under a *private* easement agreement is a matter to be resolved prior to the applicant requesting that the Board devote *public* resources to consideration of this case.

Thank you.

2100 & 2200 Wyoming

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18398
EXHIBIT NO. 50



Google earth

feet
meters



Wyoming Alley



Wyoming Alley



1800 24th



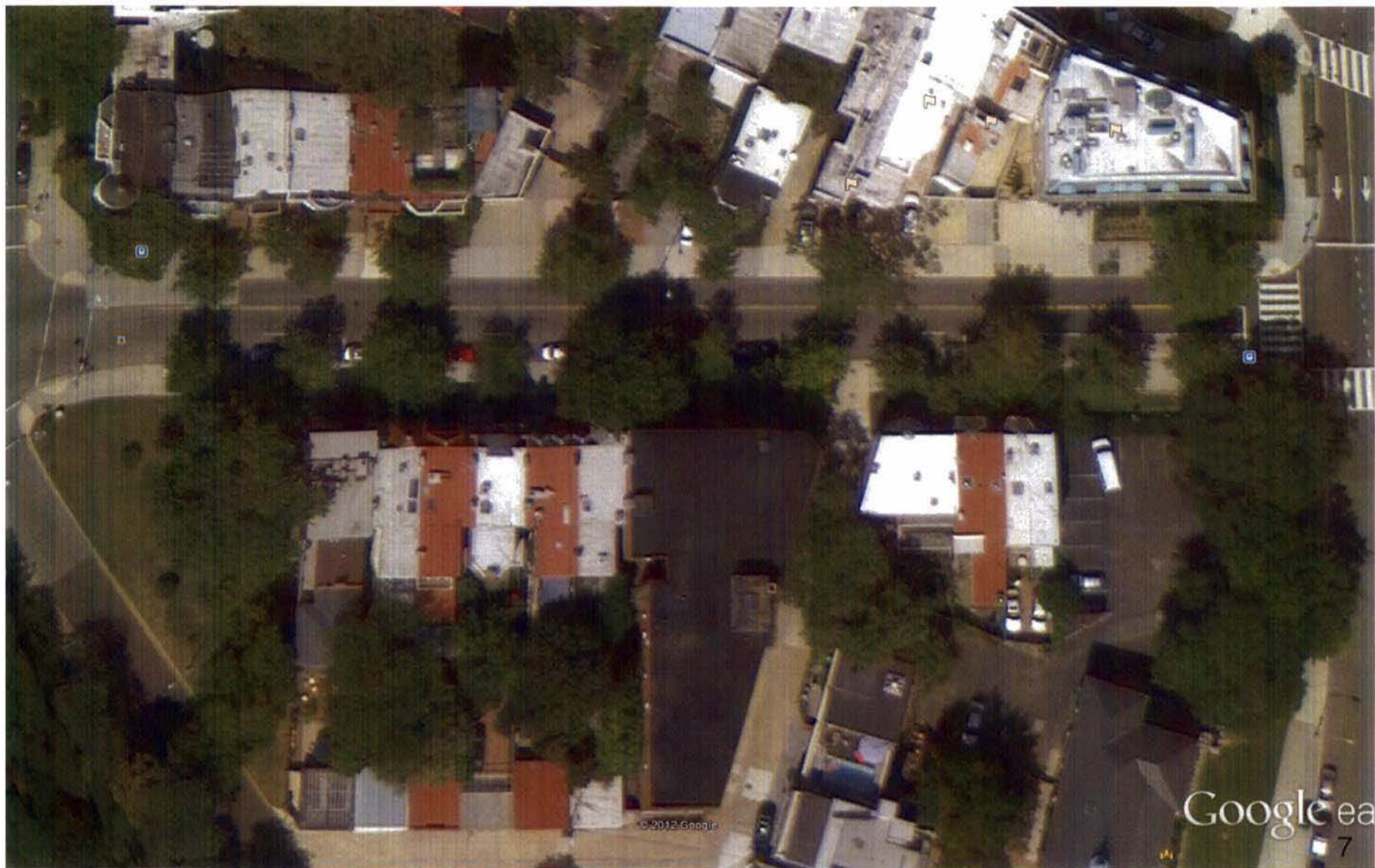
24th Street Alley



24th Street Alley



2200 'Q'



'Q' Street Alley



'Q' Street Alley



Kalorama Circle

