



BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA



FORM 129 – ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT

Before completing this form, please review the instructions on the reverse side.

Pursuant to §§ 3012.5 and 3115.1 of Title 11 DCMR Zoning Regulations, the written report of the Advisory Neighborhood Commission (ANC) shall contain the following information:

IDENTIFICATION OF APPEAL, PETITION, OR APPLICATION:

Case No.:	BZA 18398	Case Name:	Application of Kenneth and Ellen J. Marks
Address or Square/Lot(s) of Property:	2130 Bancroft Place, NW		
Relief Requested:			

ANC MEETING INFORMATION

Date of ANC Public Meeting:	1	2	/	1	7	/	1	2	Was proper notice given?:	Yes	☒	No	☐
Description of how notice was given:	Local Community News Paper (The Current), ANC Mail Listserve, and ANC Website												
Number of members that constitutes a quorum:	2				Number of members present at the meeting:	2							

MATERIAL SUBSTANCE

The issues and concerns of the ANC about the appeal, petition, or application as related to the standards of the Zoning Regulations against which the appeal, petition, or application must be judged (a separate sheet of paper may be used):

See Attached Exhibit A
Background Resolution (2 pages)

The recommendation, if any, of the ANC as to the disposition of the appeal, petition, or application (a separate sheet of paper may be used):

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18398
EXHIBIT NO. 59

See Attached Exhibit B

AUTHORIZATION

ANC	2	D	Recorded vote on the motion to adopt the report (i.e. 4-1-1):	2-0	
Name of the person authorized by the ANC to present the report:			Eric Lamar or David Bender		
Name of the Chairperson or Vice-Chairperson authorized to sign the report:			David R Bender		
Signature of Chairperson/ Vice-Chairperson:		David R Bender		Date:	12/21/12

ANY APPLICATION THAT IS FOUND TO BE INCOMPLETE MAY NOT BE ACCORDED "GREAT WEIGHT" PURSUANT TO
11 DCMR §§ 3012 AND 3115.

Board of Zoning Adjustment
District of Columbia
CASE NO. 18398
EXHIBIT NO. 59

Sheridan-Kalorama Advisory Neighborhood Commission 2D
RESOLUTION - Re: BZA No. 18398, 2130 Bancroft Place, N.W.

Whereas ANC 2D met on June 18, August 27, October 22 and December 17, 2012 Notice for these regularly scheduled meetings were duly given, and all members attended. At all 4 of these ANC meetings a presentation was made to consider requests from property owners Kenneth and Ellen Marks first for changes requiring variances and now a special exception from the lot occupancy limit in order to build a "breezeway" or "hyphen" approximately four feet above grade in order to connect the existing main floor of the house to a newly constructed bedroom built over the garage;

Whereas the proposed plan would have a deleterious effect on the light and air of the immediate adjacent neighbor at 2128 Bancroft Place owing to the proposed construction of a large 9 foot high wall immediately adjacent to her property, as demonstrated both in the plans provided by the applicant and by photos provided by the neighbor;

Whereas the proposed exception would reduce green space in the Sheridan-Kalorama neighborhood, which is at a premium in this older, long-established area of the District of Columbia;

Whereas the proposed construction would diminish the neighbors' enjoyment of their properties, which are included in the Sheridan-Kalorama Historic District, and that diminution is a separate ground for denying the requested exception;

Whereas 2130, 2128 and 2132 Bancroft Place are subject to conservation easements granted in perpetuity that legally protect all facades and open spaces on these properties and 16 other properties on Bancroft Place;

Whereas these restrictions on changes to these properties protect the character of the block as a whole, and not just individual properties, and there are several dozen other easements in this neighborhood that contribute in a similar fashion to the character of Sheridan-Kalorama;

Whereas the easements on Bancroft Place set the baseline for determining the neighbors' enjoyment of their properties and were intrinsic to the purchase and enjoyment of the adjacent owner at 2128 Bancroft Place; the owners of 2130 Bancroft Place purchased that property with full knowledge that the conservation easement did not permit their proposed changes;

Whereas while we understand that the Board has determined not to address easement issues on the ground that the Board does not have jurisdiction over them, the ANC respectfully asks the Board to re-consider that decision, because the issue does not involve jurisdiction to do anything about the easements. The easements do exist, they help define the neighbors' enjoyment of their properties, and the Board need do nothing further than acknowledge that the easements exist, that they limit development, and that the proposed "breezeway" or "hyphen" cannot be built unless the L'Enfant Trust approves the proposed changes;

Whereas the L'Enfant Trust, which was granted the pertinent easements here, has refused to state whether it will approve the proposed changes at this time, even though the L'Enfant Trust's disapproval of the proposed changes would override any favorable rulings by any District of Columbia agency;

Whereas ANC 2D believes that the issues raised here are sufficiently important to numerous property owners and to the Sheridan-Kalorama neighborhood as a whole that they should be resolved before public agencies decide whether to approve any proposed changes; and

Whereas the public interest in these issues has prompted the ANC 2D to urge the L'Enfant Trust to state its position before further public resources are devoted to this proposal and to request a prompt response;

Now, therefore, let it be resolved that Sheridan-Kalorama Advisory Neighborhood Commission 2D recommends that the Board defer a decision until such time that the applicants demonstrate that the proposed changes have been approved by the L'Enfant Trust. Should the Board determine that it will decide the issue without knowing the views of the L'Enfant Trust, ANC 2D that the application be denied.

This resolution was adopted by unanimous vote, all members being present, at the meeting on December 17, 2012.

Respectfully submitted,

EXHIBIT B

ANC2D

Minutes

December 17, 2012

Our Lady Queen of the Americas

2200 California Street

7:00 PM

8. Old Business:

8.1 2130 Bancroft Place Expansion Project....Following an update and discussion of the property, including the L'Enfant Trust, Commissioner Lamar moved (and it was seconded) that, "ANC 2D endorses that the application for 2130 Bancroft Place, NW, be denied". **APPROVED**

Attested by:

David R. Bender, Chair/Secretary

December 21, 1012

This motion was approved by a roll call vote of 2-0 on
December 17, 2012, at a scheduled and noticed public meeting
Of ANC 2D at which a quorum was present.