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October 8, 2002

MARY CAROLYN BROWN
202-862-5990
mcbrown@hklaw.com

VIA HAND DELIVERY

Board of Zoning Adjustment for the
District of Columbia
441 4th Street, N.W., Suite 210S
Washington, D.C. 20001

Re: BZA Application No. 16932
2138-40 Bancroft Place, N.W.

Dear Members of the Board:

On behalf of ICG Bancroft Associates, LLC, the applicant in the above-referenced case, we are submitting herewith an original and twenty copies of its pre-hearing statement. Thank you for your consideration of this submission.

Very truly yours,

Carolyn Brown

Enclosure

cc: Advisory Neighborhood Commission 1D (w/ encl.)
D.C. Office of Planning (w/ encl.)

WAS1 #1126284 v1

BZA
Case No. 16932
Exhibit No. 23

Board of Zoning Adjustment
District of Columbia
CASE NO.16932
EXHIBIT NO.23A1

BEFORE THE BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF:	)	
	)	
ICG BANCROFT ASSOCIATES, LLC	)	**BZA Case No. 16932**
2138 BANCROFT PLACE, N.W.	)	
Square 2532, Lots 56 and 811	)	**Hearing: October 22, 2001**
ANC 1D	)	
	)	

STATEMENT OF THE APPLICANT

I.
NATURE OF RELIEF SOUGHT

This statement is submitted on behalf of ICG Bancroft Associates, LLC ("ICG" or the "Applicant") in support of its application to the Board of Zoning Adjustment for special exception relief. Pursuant to 11 DCMR §§ 223 and 3104.1, ICG seeks approval to construct an addition to a single-family dwelling that does not meet the rear yard requirements under section 404 of the Zoning Regulations. The property is located in the R-3 District at premises 2138 Bancroft Place, N.W., (Square 2532, Lots 56 and 811). The property is also located within the Sheridan-Kalorama Historic District and contributes to the character of the historic area.

II.
JURISDICTION OF THE BOARD

The Board of Zoning Adjustment ("BZA" or "Board") has jurisdiction to grant the special exception relief requested pursuant to D.C. Code § 6-641.07 and section 3104 of the Zoning Regulations (11 DCMR).

III.
BACKGROUND

A. Description of the Subject Property

The subject property consists of Lots 56 and 811 in Square 2532. It is located at the southeast corner of Bancroft and Phelps Places, N.W., with a fifteen foot alley located at the rear (south) of the property. Lot 56 comprises the majority of the site and contains approximately 4,211 square feet of land area. Lot 811 is a small rectangular parcel at the southeast corner of the site and contains approximately 60 square feet of land area. Together, Lots 56 and 811 form an irregularly shaped lot. The grade drops off sharply by approximately twelve feet from the front of the property to the rear, creating an exposed basement level at the back of the building.

The property is presently improved with a three-story building that was originally designed as a single-family residence. The building, together with the two buildings across the alley to the south, was used for many years as a private school known as the Kingsbury Center. ICG proposes to return the Kingsbury's former administrative office structure back to residential use and create two single-family attached row dwellings (hereinafter referred to as the "east dwelling" and the "west dwelling").

B. Description of Surrounding Area

The surrounding Sheridan-Kalorama neighborhood is characterized by late-nineteenth and early-twentieth century rowhouses, detached dwellings and small-scale apartment buildings. A three-story rowhouse abuts the ICG property to the east. Across Bancroft Place to the north are three- and four-story rowhouses. To the west across Phelps Place is Kalorama Square, a residential development consisting of approximately twenty-four row dwellings. To the south across the alley are additional row dwellings.

C. Project Description

As part of the conversion of the existing building back to residential use, ICG will subdivide the property into two record lots for the east and west dwellings, and construct additions at the rear of the existing structure. An addition to the east dwelling will replace an unsympathetic two-story wing along the east property line with an in-fill addition extending the full height of the building. It will project no farther, however, than the existing rear wall of the west dwelling and does not require any zoning relief. The second rear addition, for both the east and west dwellings, consists of a garage at the basement level, with a garden patio on top. Both the garage and patio will be divided for privacy and security between the east and west dwellings. This addition will comply with the Zoning Regulations in all respects except the rear yard requirements. Under section 404 of the Zoning Regulations, properties located in the R-3 District must have minimum rear yard depth of twenty feet. After construction of the proposed addition, the property will have a rear yard of only four and one-half feet.

Because of the configuration of the lot and adjoining property, the existence of the fifteen-foot alley, the sloping topography of the site, and the architect's skillful design, the addition will not adversely affect the one rowhouse that abuts the subject property to the east, or the two properties across the alley to the south, which are also owned by ICG. These two buildings, which were the classroom portion of the former Kingsbury Center, are also being returned to residential row dwellings as a matter of right under the Zoning Regulations.

IV.
THE APPLICANT MEETS THE TEST FOR SPECIAL EXCEPTION RELIEF FOR AN ADDITION TO A SINGLE-FAMILY DWELLING OR FLAT IN THE R-3 DISTRICT UNDER 11 DCMR § 223.

A. Standard for Approving Special Exception Relief

Relief granted through a special exception is presumed appropriate, reasonable and compatible with other uses in the same zoning classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, "[t]he Board's discretion ... is limited to a determination of whether the exception sought meets the requirements of the regulations." *First Baptist Church of Washington v. District of Columbia Board of Zoning Adjustment*, 432 A.2d 695, 701 (D.C. 1981) *quoting Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973). If the applicant meets its burden, the Board must ordinarily grant the application. *Id.*

B. Standard of Review for Additions to Dwellings

Section 223 of the Zoning Regulations permits, by special exception approval, an addition to a single-family dwelling or flat that does not comply with all of the area requirements for residential districts, provided it meets the provisions set forth in section 223. Specifically, the addition "must not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property" in the following respects:

(a) the light and air available to neighboring properties shall not be unduly affected;

(b) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

(c) the addition, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street frontage; and

(d) in demonstrating compliance with paragraphs (a), (b), and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition to adjacent buildings and views from public ways.

Additionally, the lot occupancy of the dwelling or flat, together with the addition, shall not exceed seventy percent in the R-3 District. 11 DCMR § 223.3. Finally, the Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials or other features for the protection of adjacent and nearby properties. 11 DCMR § 223.4. As described below, ICG meets these standards and is thus entitled to the special exception relief requested.

C. <u>The Light and Air Available to Neighboring Properties is Not Unduly Affected.</u>

The proposed additions will not unduly affect the light and air of the adjacent properties. The only abutting property is the row dwelling to the east. ICG discussed the project with the abutting neighbor to the east, and designed the improvements to ensure that the proposed addition will not cause any adverse impacts. The garage addition will abut the neighbor's adjoining garage and rooftop patio, and the privacy fence on the new construction will not extend any higher that the existing privacy fence on the adjoining property that separates the two parcels. The upper portion of the garage addition will include a garden wall to the neighbor's patio, with a height of no more than six feet, as measured from the patio level of the east dwelling. Because the limited height and size of the addition will be no taller than the abutting improvements to the east, it will not adversely affect the light or air of the neighbor's house or yard to the east. The light and air of ICG's property to the south will also be protected by the fifteen-foot alley and the small scale of the proposed garage. To the north and west, the property fronts on public streets

and thus does not affect any adjacent private properties in these directions. Consequently, and as demonstrated by the exhibits herein, the proposed addition meets the first test for special exception relief under section 223 of the Zoning Regulations.

D. The Privacy of Use and Enjoyment of Neighboring Properties is Not Unduly Compromised.

The proposed addition has likewise been carefully designed so that the privacy of the adjacent property will not be compromised. Except for the patio walls and fences, the garage addition will be below the first floor level of the east and west dwellings. The additions abut blank walls and a privacy fence of the adjacent property to the east and, thus, will have no effect on the neighbors' use and enjoyment of their house and yard. In fact, the garden wall created by the addition will enhance the privacy of use and enjoyment of the neighbor's patio area. The proposed addition likewise does not create any objectionable conditions for ICG's properties to the south. No adjacent properties are located to the north and west. As demonstrated by the evidence of record, the privacy of use and enjoyment of all adjacent properties will be unaffected. ICG therefore meets the second test for special exception relief under section 223 of the Zoning Regulations.

E. The Addition, Together with the Original Building, as Viewed from the Street, Alley, and Other Public Ways, Does Not Substantially Intrude Upon the Character, Scale and Pattern of Houses Along the Street Frontage.

The proposed addition also has been carefully designed to complement the existing building and blend in with the existing scale and character of the Sheridan-Kalorama Historic District. The existing building is large, measuring approximately forty-three feet wide, fifty-five feet deep and approximately forty-three feet in height to the top of the parapet, as measured from the front of the building.[1] In comparison, the three-car

[1]For zoning purposes, the height of the building is calculated at only thirty-three feet, which

garage at the basement level is relatively small, particularly in light of the twelve-foot grade change from the front of the property to the rear. It measures approximately eleven feet in height to the top of the garage roof, all of which is below the finished grade of the front of the house. A wall constructed of brick piers and decorative grill work extends another six feet above the garage roof level, which creates the privacy barrier between the subject property and the rowhouse to the east.

The garage addition will greatly enhance the streetscape and pedestrian experience along Phelps Place by eliminating an unattractive parking area cluttered with cars and replacing it with a sensitively designed structure, which helps to frame the street and provide enclosed parking. The west elevation of the garage has been broken down into several elements to avoid the appearance of a monolithic brick wall. The elevation is further softened with a strip of landscaping between the public sidewalk and the west wall of the building. This design treatment successfully counters the dominant effect of the retaining wall at Kalorama Square across Phelps Place to the west.

The design of the addition was recommended for approval in concept by the D.C. Historic Preservation Board ("HPRB") on February 7, 2002, with minor modifications. The staff report noted, and the HPRB found, that the garage addition is consistent with the character of the historic district and with the purposes of the historic preservation law. The Board and the staff also recommended that the applicant restudy the wall above the garage roof by introducing lighter elements to relieve the monolithic brick expanse at the south property line. The applicant is currently working with the community and HPRB staff on

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is measured from the finished grade level at the middle of the front of the building to the ceiling of the top story.

this issue and requests flexibility from the Board to incorporate the final design modifications as recommended for approval by HPRB.

The design review process required under the District's historic preservation law helps ensure that the additions will not visually intrude upon the character, scale and pattern of houses along the street frontage or at the alley elevation. A copy of the HPRB Staff Report and the HPRB meeting transcript are attached as Exhibit F. Thus, ICG meets the third test for special exception relief under section 223 of the Zoning Regulations.

F. Graphic Representation is Sufficient to Represent the Relationship of the Proposed Addition to Adjacent Buildings and Views from Public Ways.

Architectural drawings and photographs are provided in Exhibits D and E to this statement to illustrate the relationship of the proposed addition to the adjacent buildings and view from public ways. Thus, ICG meets the requirement of this section.

G. The Lot Occupancy of the Dwelling or Flat, Together with the Additions, Does Not Exceed Seventy Percent in the R-3 District.

The addition will not increase the existing 57.5% lot occupancy of the site because the addition does not extend above the level of the main floor of the building, and thus is not included in the lot occupancy calculation. *See* definitions of "Percentage of Lot Occupancy" and "Building Area," 11 DCMR § 199. Thus, ICG also meets the requirement of this section.

H. Proficiency of Proposed Design Precludes the Need for Special Treatments to Protect Adjacent and Nearby Properties.

The additions proposed for the ICG property have been professionally designed, with appropriate input from the HPRB staff, in order to protect adjacent properties. The Applicant submits that, based on the proficiency of the design and the professional assurances from HPRB, no further special treatment of the addition is necessary.

V.
CONSULTATION WITH THE COMMUNITY

ICG representatives met with Advisory Neighborhood Commission ("ANC") 1D on September 19, 2002, to discuss the proposed addition. ICG will return to the ANC on October 21, 2002, the day prior to the Board's hearing on this matter, for an official ANC vote on this matter. ICG will meet with the Sheridan-Kalorama Historical Association on October 8, 2002.

VI.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

Exhibit A:	Portions of real estate plats showing the subject property highlighted in yellow;
Exhibit B:	A portion of the Zoning Map showing the subject property highlighted in yellow;
Exhibit C:	Surveyor's Plat of the Subject Property;
Exhibit D:	Architectural Drawings;
Exhibit E:	Photographs of the Subject Property and Vicinity;
Exhibit F:	Historic Preservation Review Board Staff Report dated February 7, 2002, Recommending Approval of the Design in Concept and HPRB Meeting Transcript;
Exhibit G:	Outline of Testimony of Representative of ICG LLC; and
Exhibit H:	Outline of Testimony of Guillermo Rueda and/or Andrew Singletary, Singletary Rueda Architects.

VII.
WITNESSES

A. Representative of ICG Bancroft Associates, LLC, property owner

B. Andrew Singletary and/or Guillermo Rueda, Singletary Rueda Architects

VIII.
CONCLUSION

Based on the foregoing, the proposed addition meets the standard for special exception relief under section 223. The proposed addition will not adversely affect the light, air or privacy of adjacent properties, or visually intrude upon the character of the neighborhood. Moreover, approval of the requested relief will be in harmony with the general purpose and intent of the Zoning Regulations and Maps, as required under section 3104.1. Accordingly, ICG respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: _____

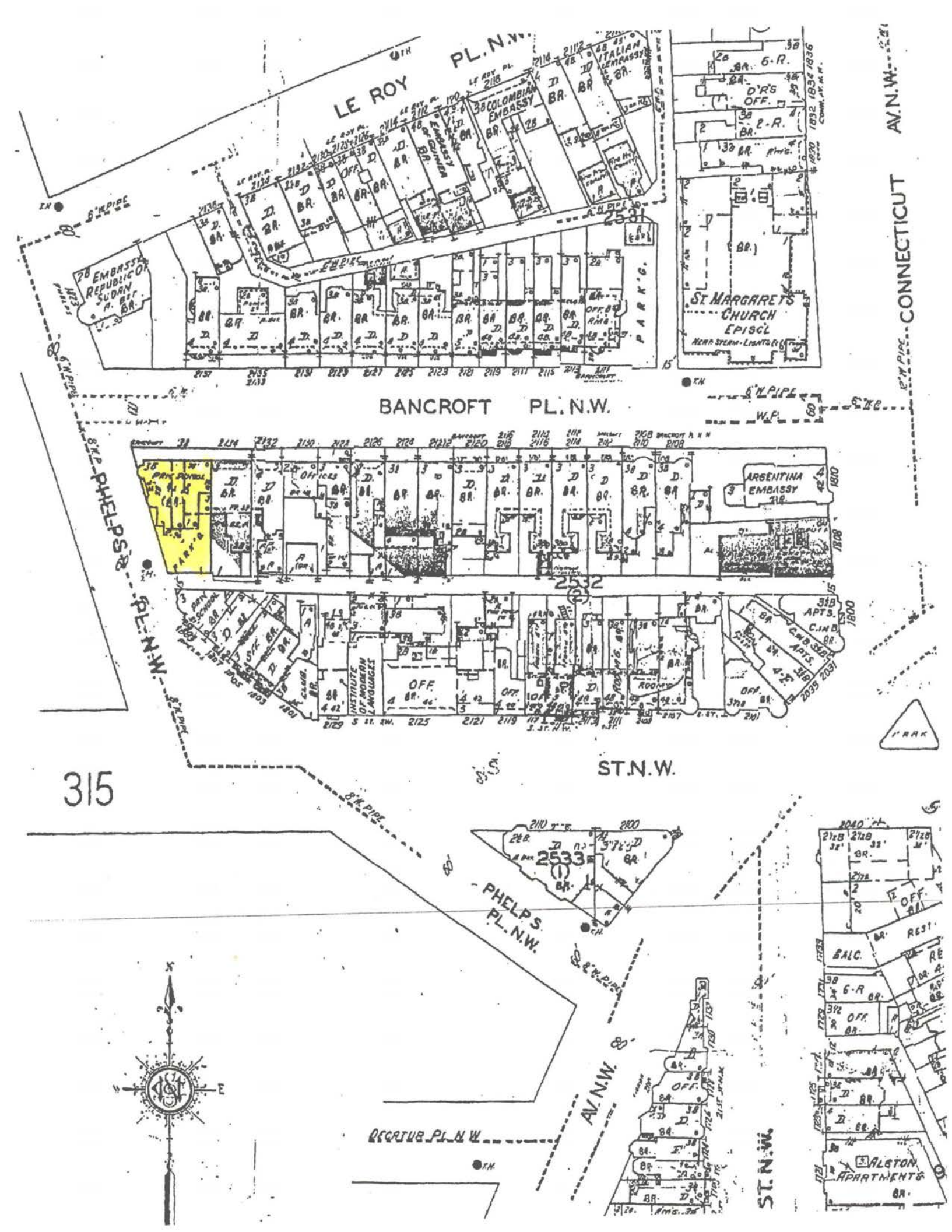
Christopher H. Collins
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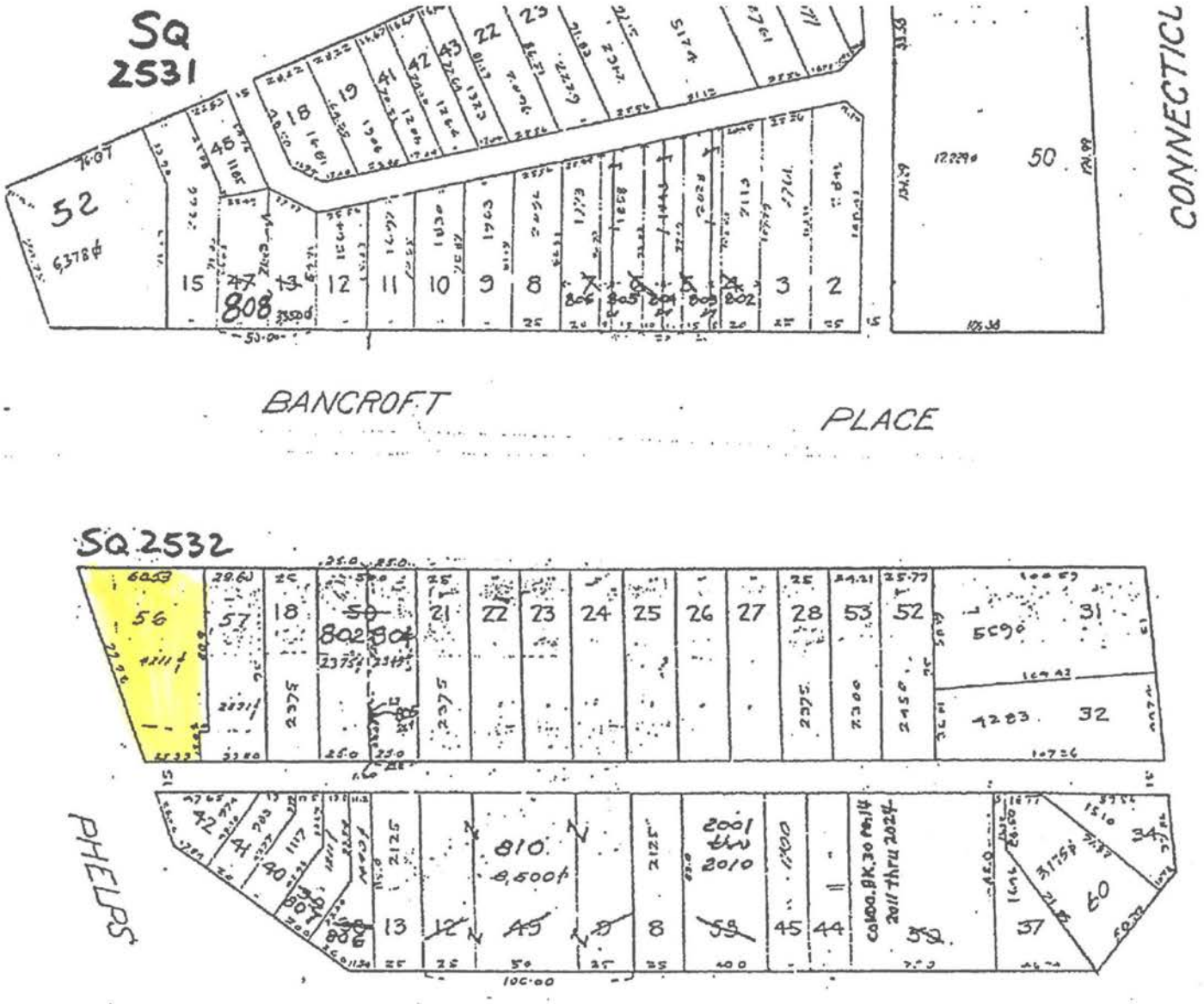
October 8, 2001

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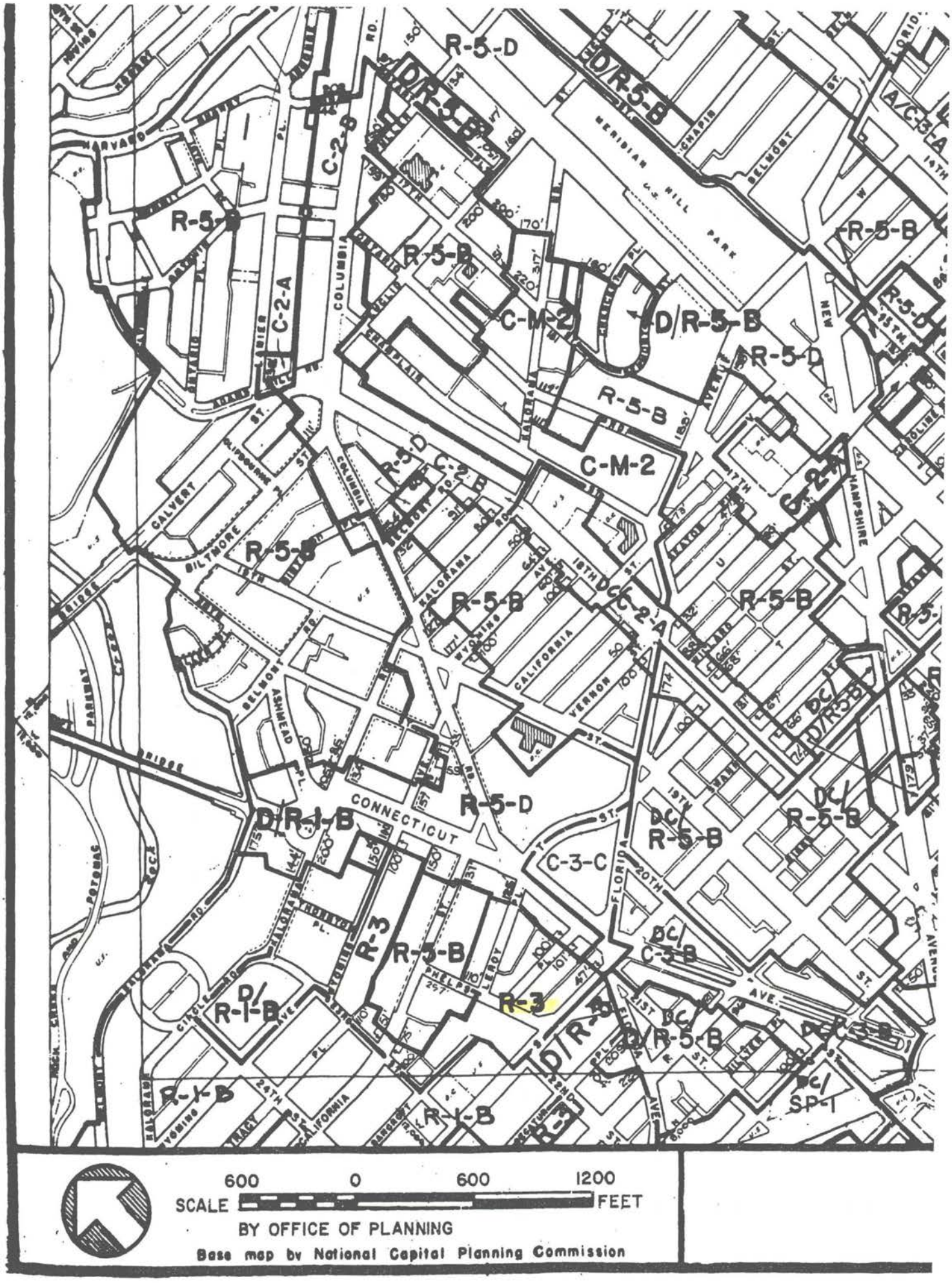
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CALIFORNIA ST.
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LEROY PL.
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ENVOY APTS.
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THE LONSDALE
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BANCROFT PL. N.W.
PHELPS PL. N.W.
ST. N.W.
PHELPS PL. N.W.
DECATUR PL. N.W.
AV. N.W.
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ITALIAN EMBASSY
COLOMBIAN EMBASSY
EMBASSY OF GUINEA
EMBASSY REPUBLIC OF SUDAN
ST. MARGARET'S CHURCH EPISC.
ARGENTINA EMBASSY
INSTITUTE OF MODERN LANGUAGES
ALSTON APARTMENTS
PARK


SQ 2531
CONNECTICUT
BANCROFT PLACE
SQ 2532
PHELPS
S ST.
SQ 2533
PLACE




R-5-D
D/R-5-B
C-2-B
C-2-A
R-5-A
R-5-B
C-M-2
R-5-D
C-2-B
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DC/R-5-B
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DC/R-5-B
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DC/R-5-B
D/R-1-B
C-3-C
R-3
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R-1-B
R-1-B
DC/C-2-B
DC/R-5-B
DC/SP-1
R-1-B
R-3
CONNECTICUT
MERIDIAN HILL PARK
NEW HAMPSHIRE AVENUE
COLUMBIA ROAD
CALVERT STREET
BILTMORE
ASHMEAD PL.
CALIFORNIA
VERNON
FLORIDA AVE.
LEROY PL.
PHELPS PL.
WYOMING
CIRCLE
18TH ST.
20TH ST.
21ST ST.
19TH ST.
17TH ST.
16TH ST.
15TH ST.
BRIDGE
PARKWAY
600 0 600 1200
SCALE FEET
BY OFFICE OF PLANNING
Base map by National Capital Planning Commission



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., 12-18, 2001

Plat for Building Permit of SQ-2532 LOT 56

Scale: 1 inch = 20 feet Recorded in Book 147 Page 97

Receipt No. 6627

Furnished to: HOLLAND & KNIGHT

Surveyor, D.C.

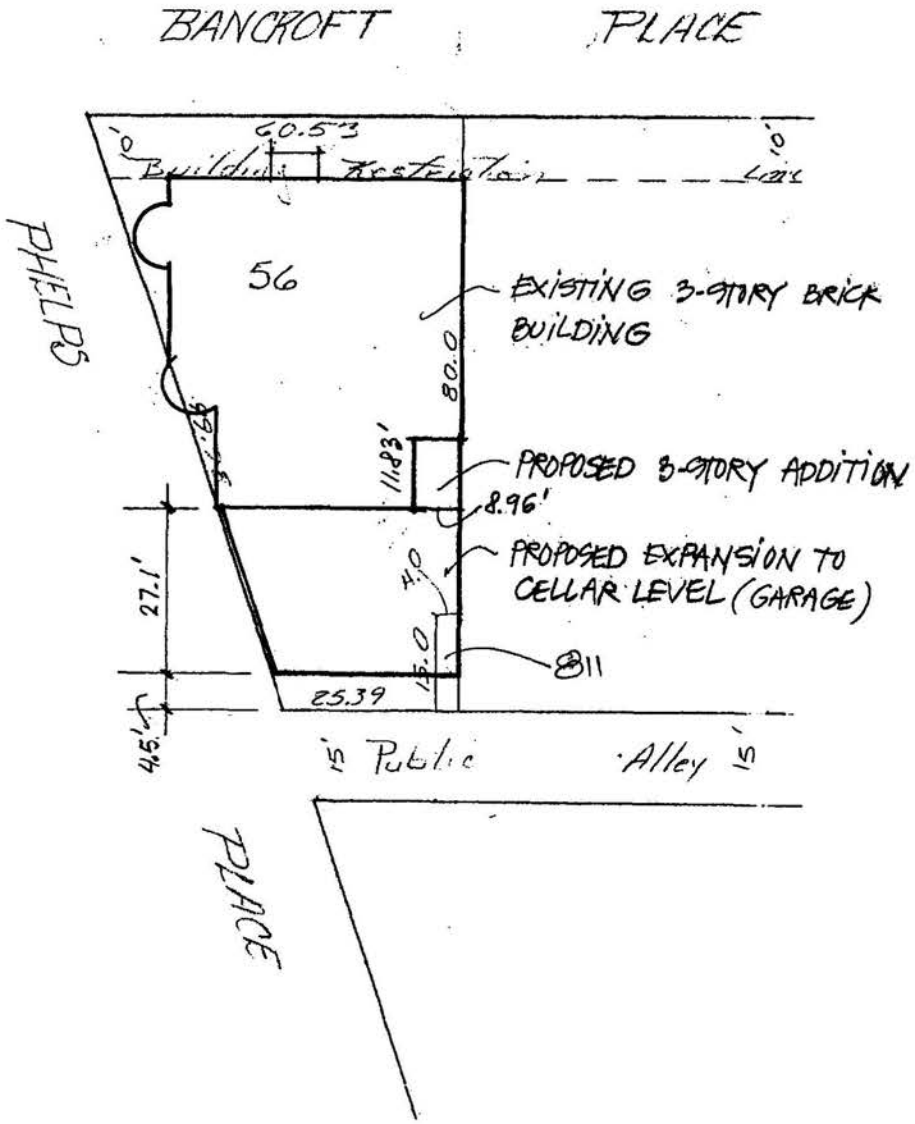
By: DA

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

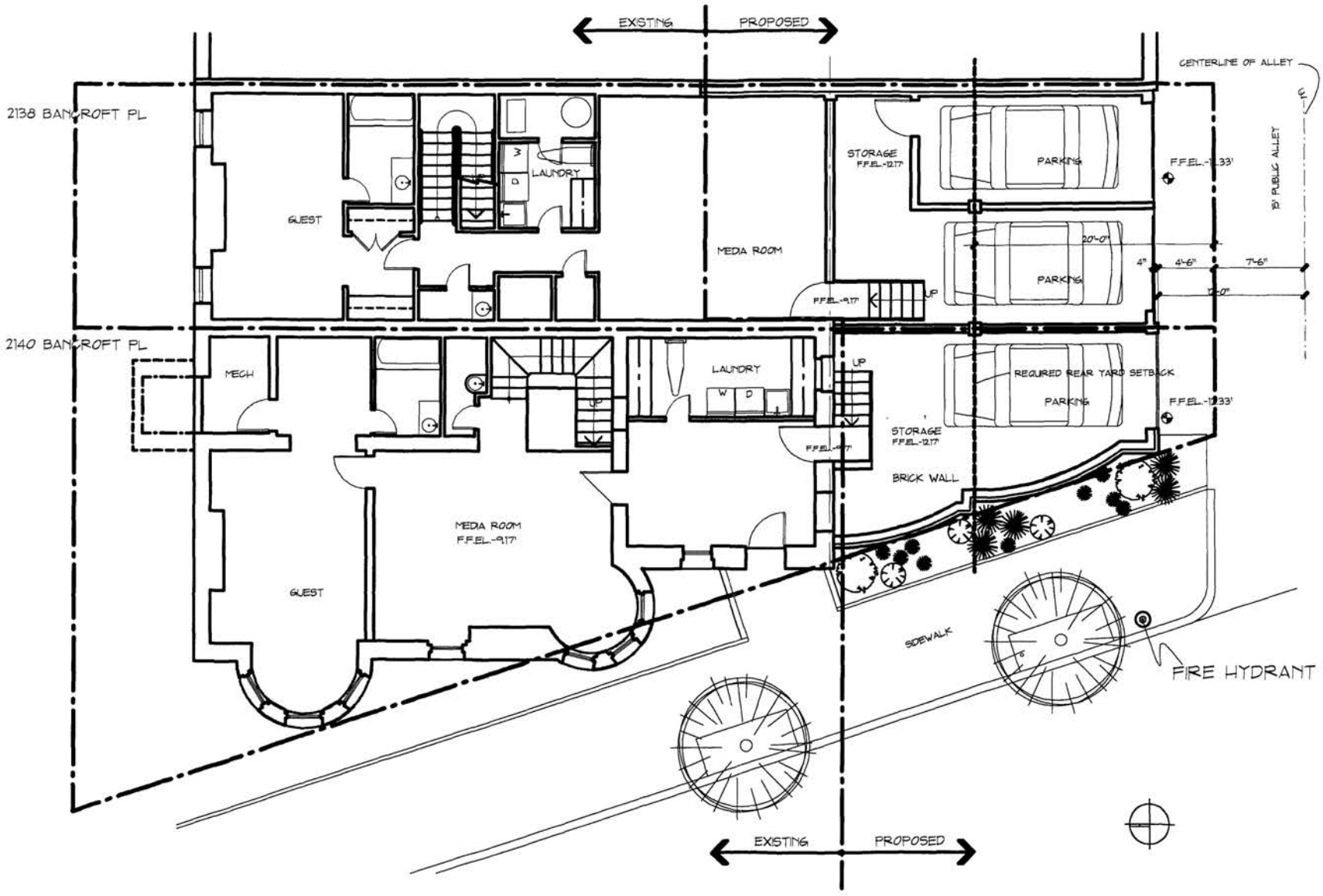
Date: 2 JANUARY 2002

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.







1/101 BASEMENT PLAN
1/4" = 1'-0"

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100 East New Street
Shepherdstown, WV 25443
304-876-2448 p
email: SiRu@intrepid.net
http://www.siruarchitects.com

CERTIFICATION

DATE	DESCRIPTION
10/6/02	BZA PRELIMINARY
10/8/02	BZA SUBMISSION

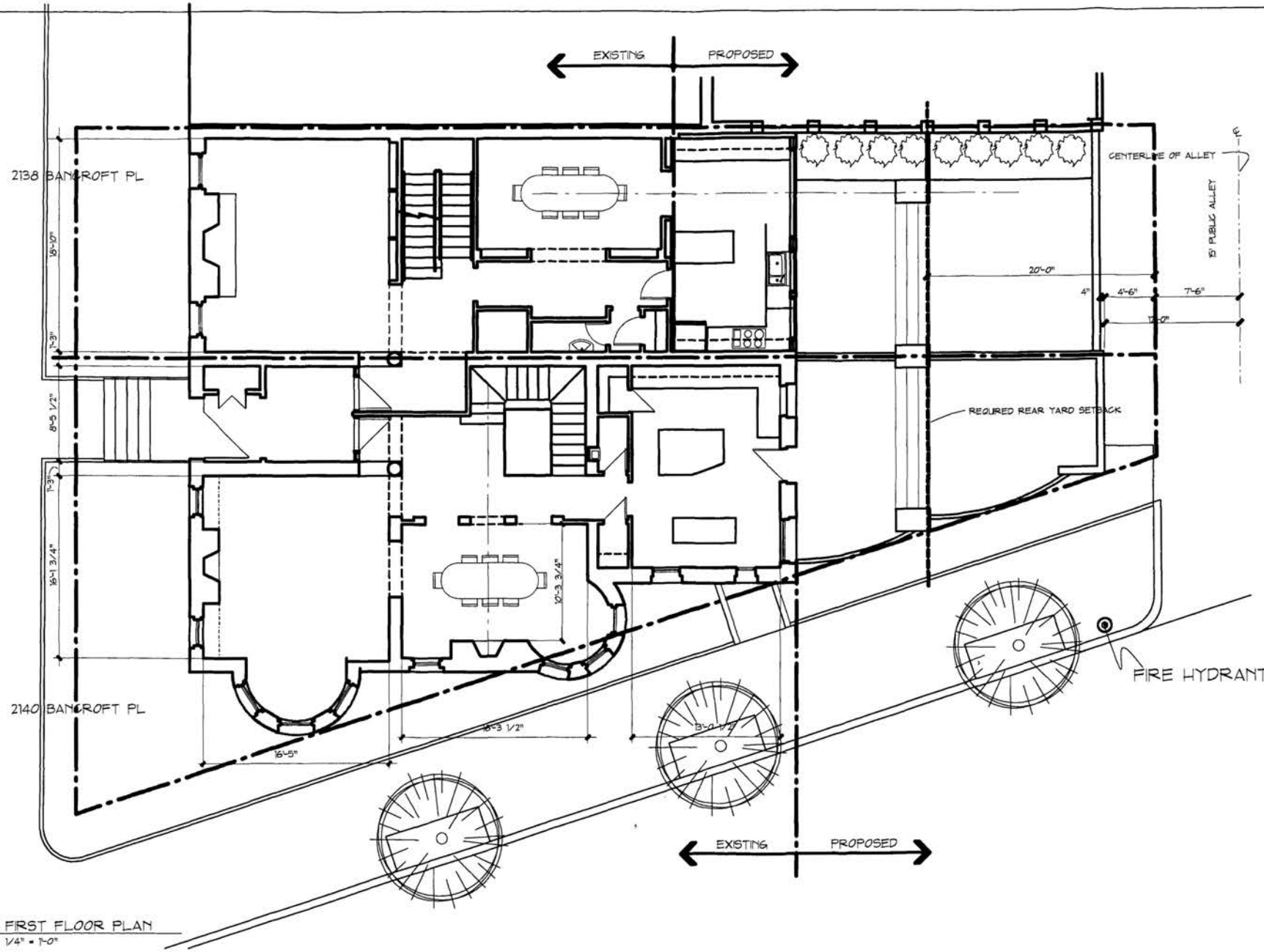
2138 BANCROFT
2140 BANCROFT

ICG Development

BASEMENT PLAN

ICG

A1.1



1/102 FIRST FLOOR PLAN
1/4" = 1'-0"

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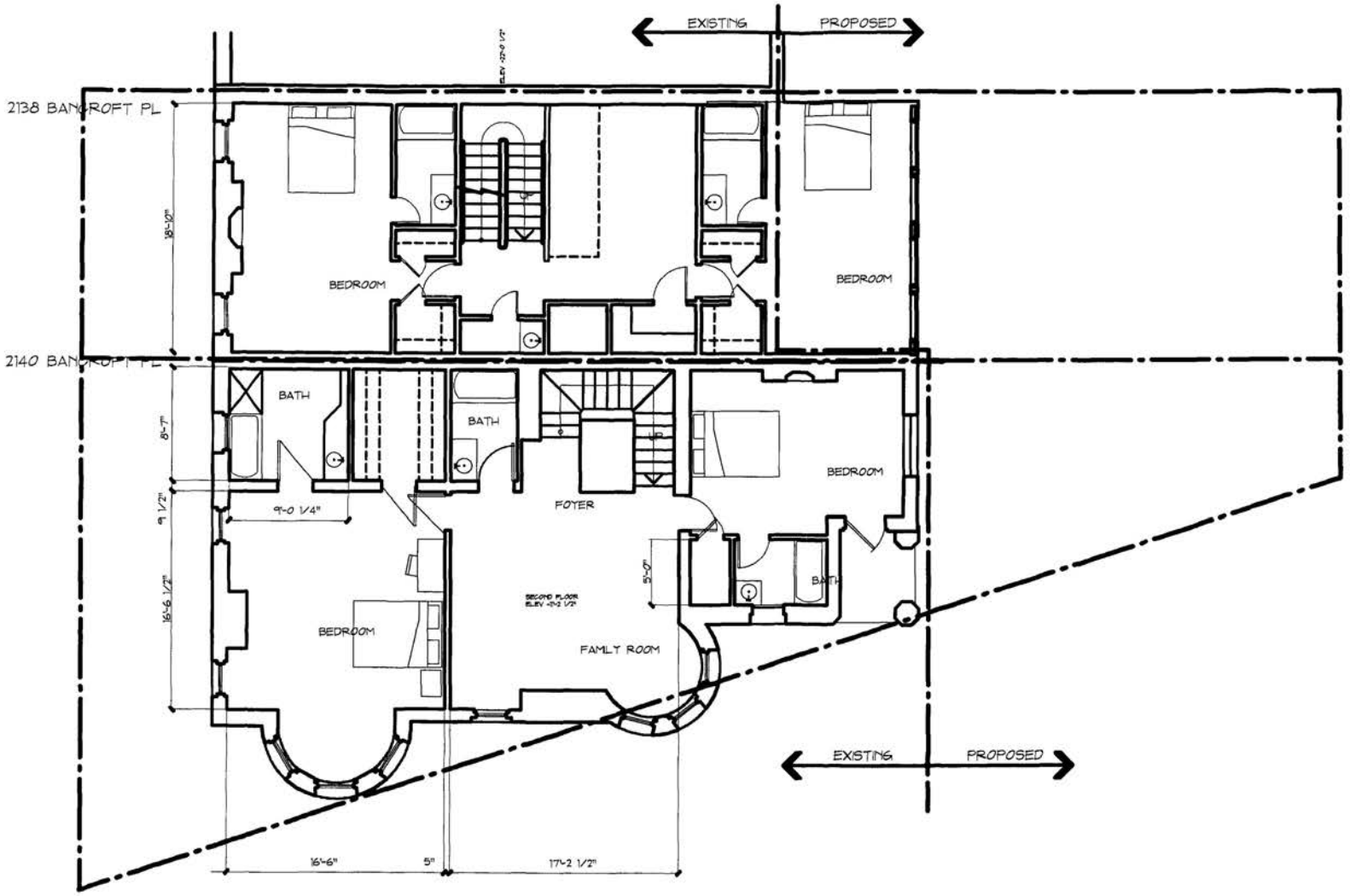
2138 BANCROFT
2140 BANCROFT

ICG Development

FIRST FLOOR PLAN

ICG

A1.2



1/103 SECOND FLOOR PLAN
1/4" = 1'-0"

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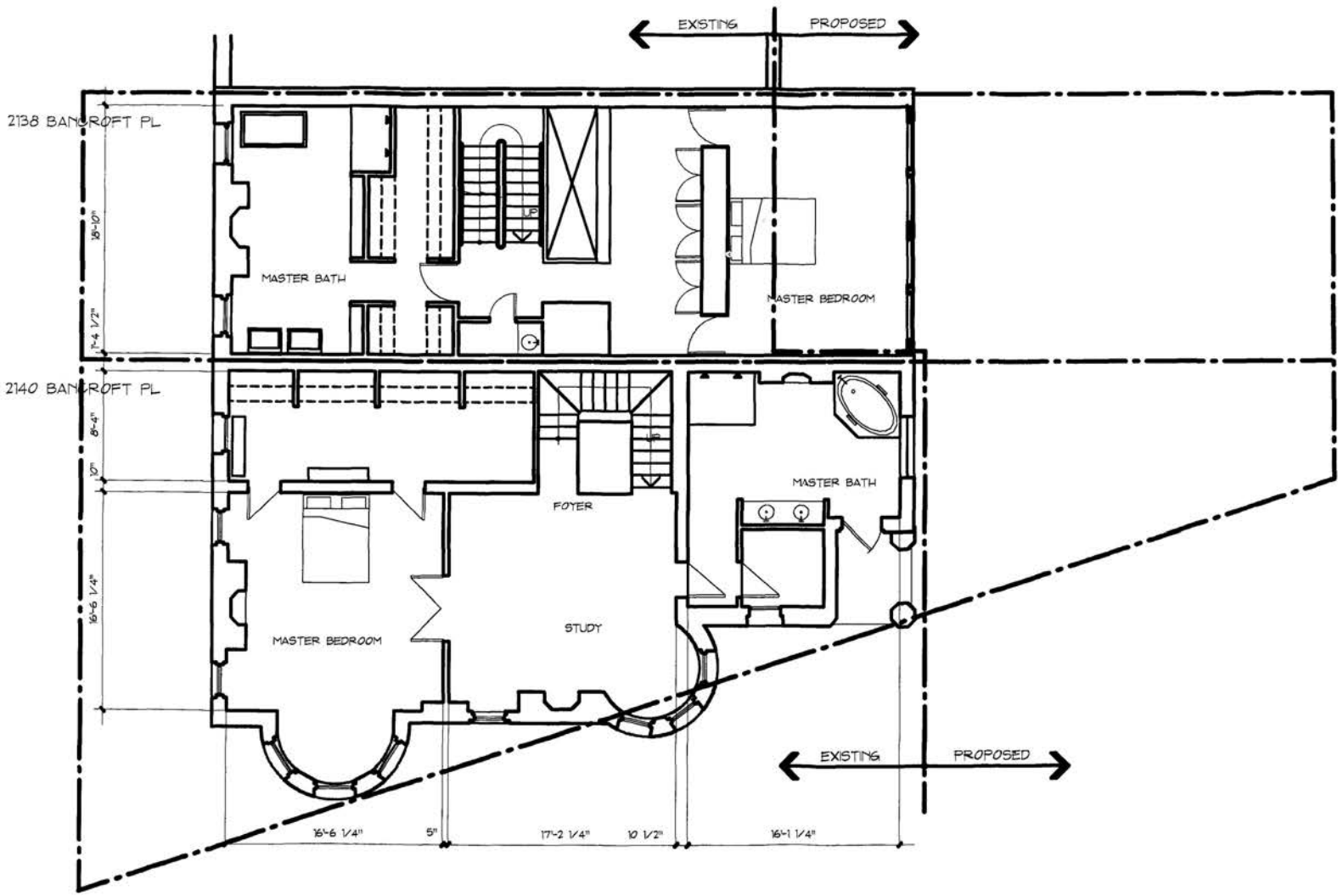
2138 BANCROFT
2140 BANCROFT

ICG Development

SECOND FLOOR PLAN

ICG

A1.3



1/104 THIRD FLOOR PLAN
1/4" = 1'-0"

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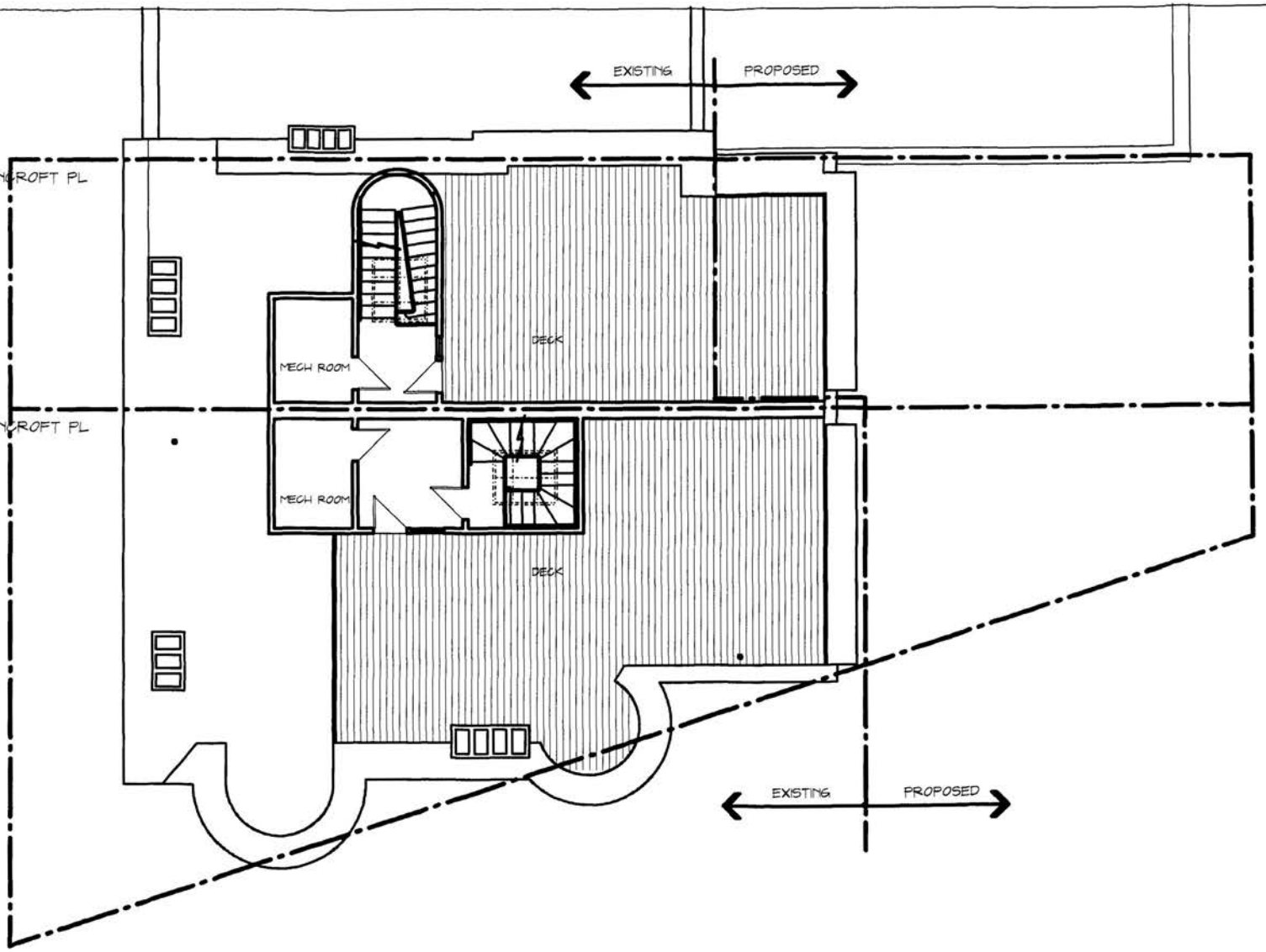
2138 BANCROFT
2140 BANCROFT

ICG Development

THIRD FLOOR PLAN

ICG

A1.4



1/105 ROOF PLAN
1/4" = 1'-0"

SiRu
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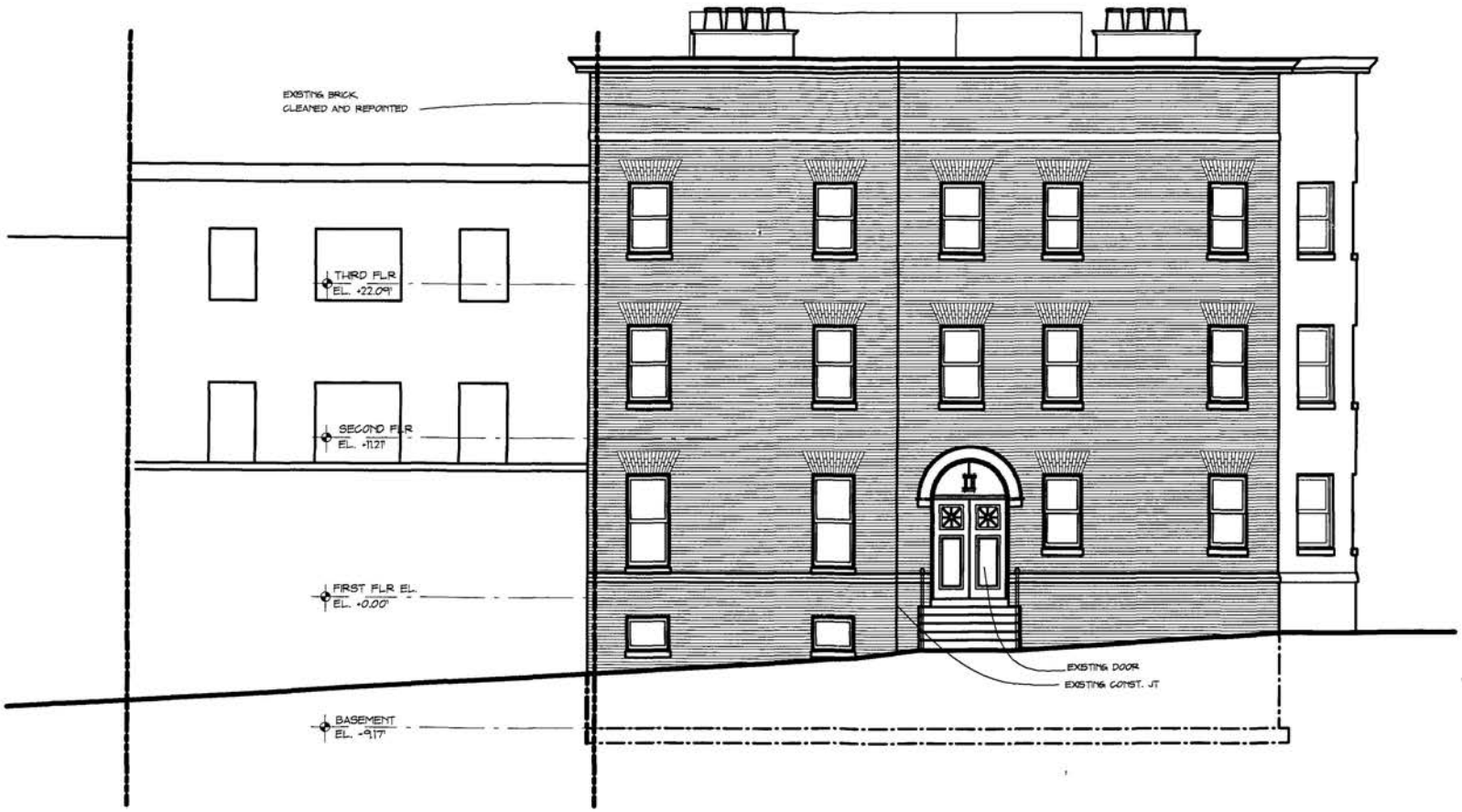
2138 BANCROFT
2140 BANCROFT

ICG Development

ROOF PLAN

ICG

A1.5



1 / 3.01 NORTH ELEVATION
1/4" = 1'-0"

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CERTIFICATION

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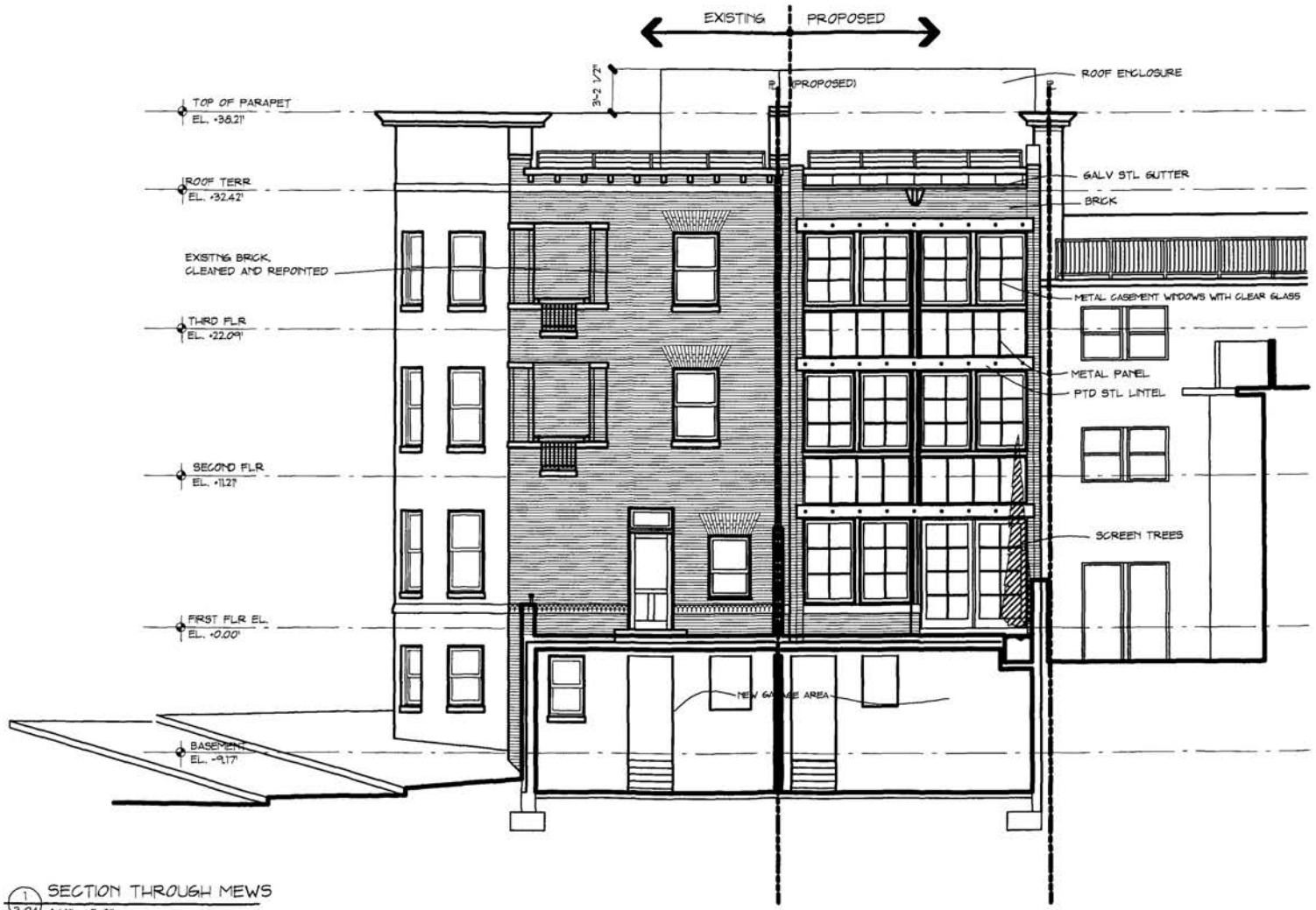
2138 BANCROFT
2140 BANCROFT

ICG Development

NORTH ELEVATION

ICG

A3.1



1/3.04 SECTION THROUGH MEWS
1/4" = 1'-0"

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SOUTH BUILDING ELEVATION
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A3.2



1 / 3.02 SOUTH ELEVATION
1/4" = 1'-0"

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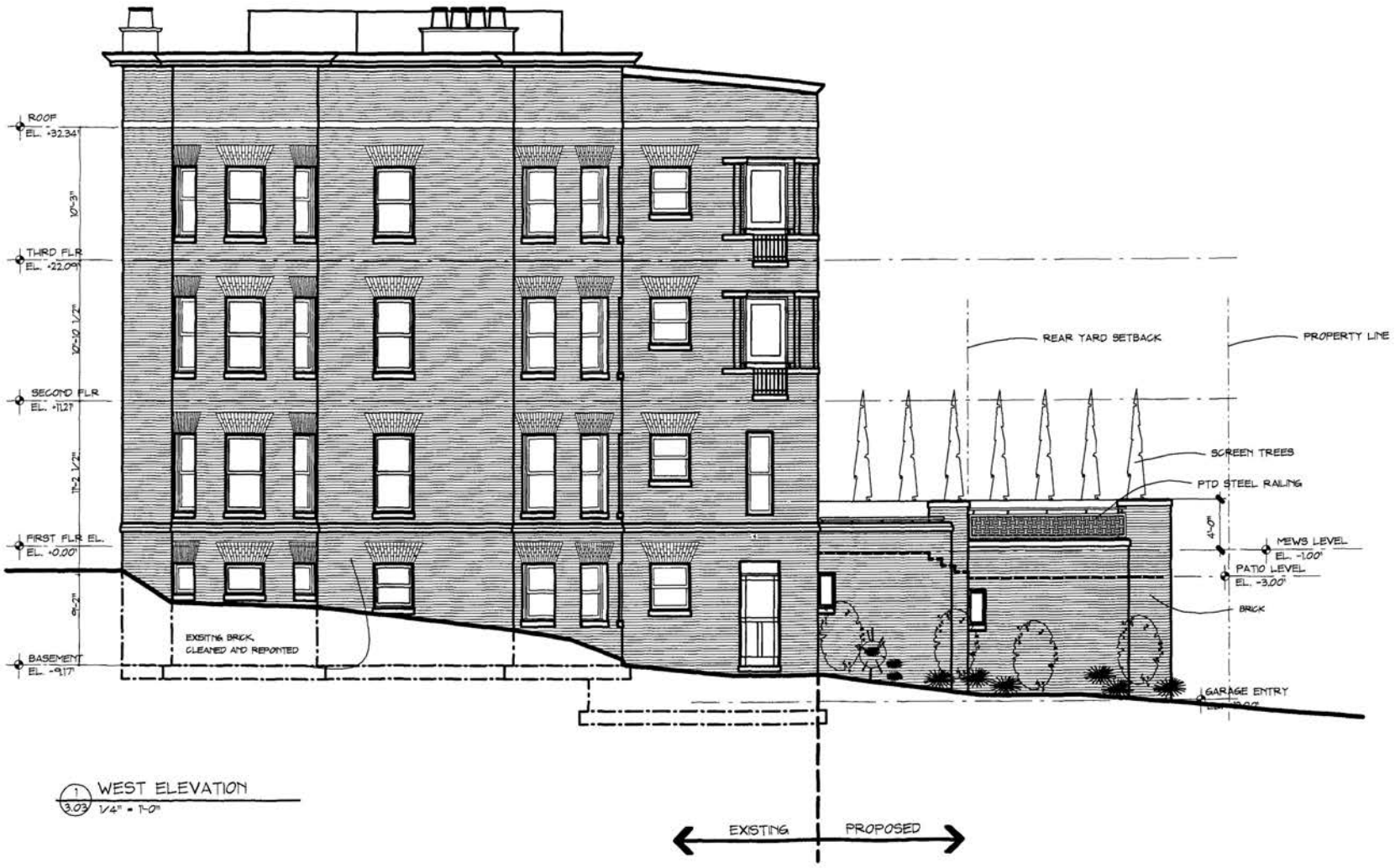
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SOUTH ALLEY ELEVATION
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A3.3



1/3.03 WEST ELEVATION
1/4" = 1'-0"

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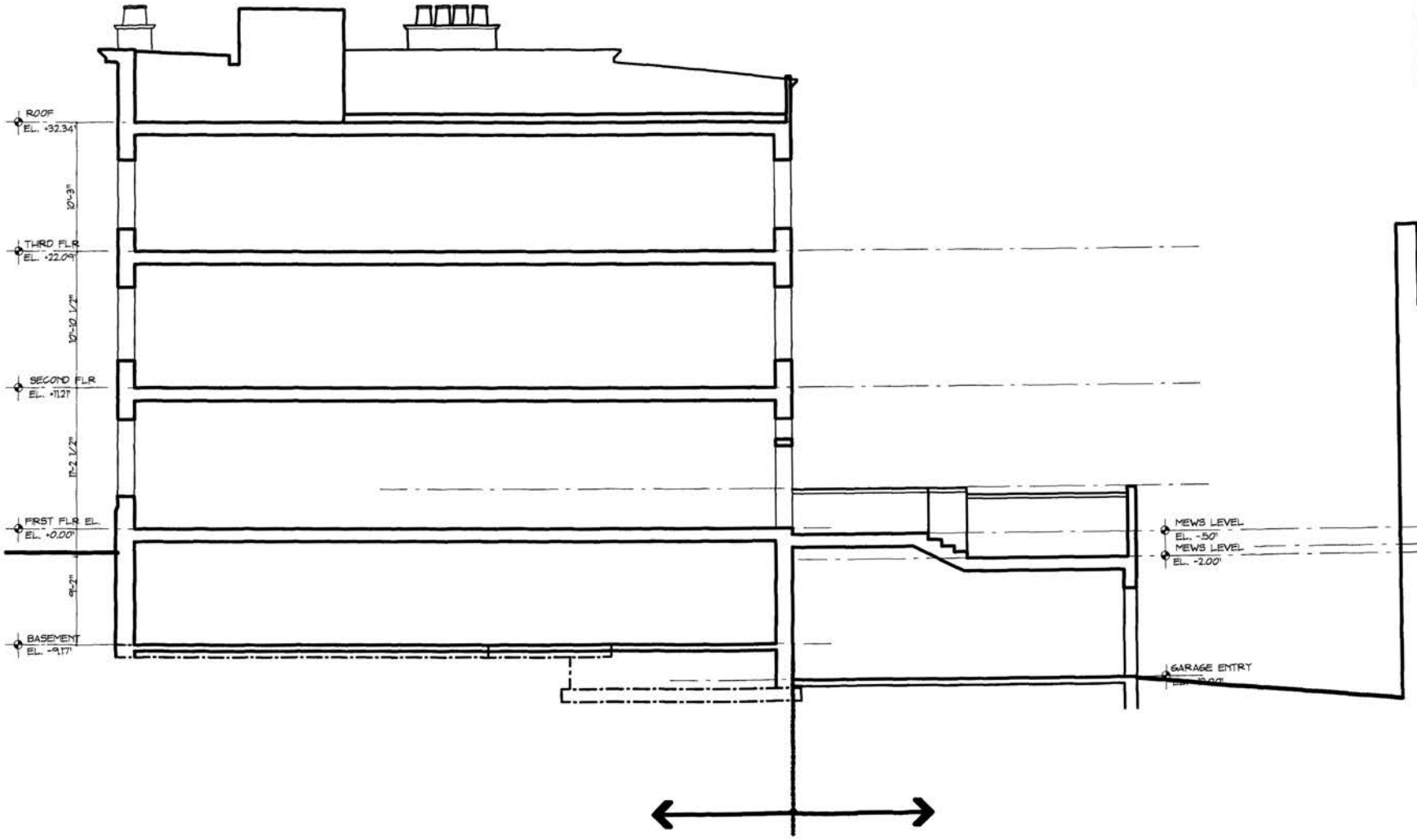
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ICG Development

WEST ELEVATION

ICG

A3.4



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ICG Development

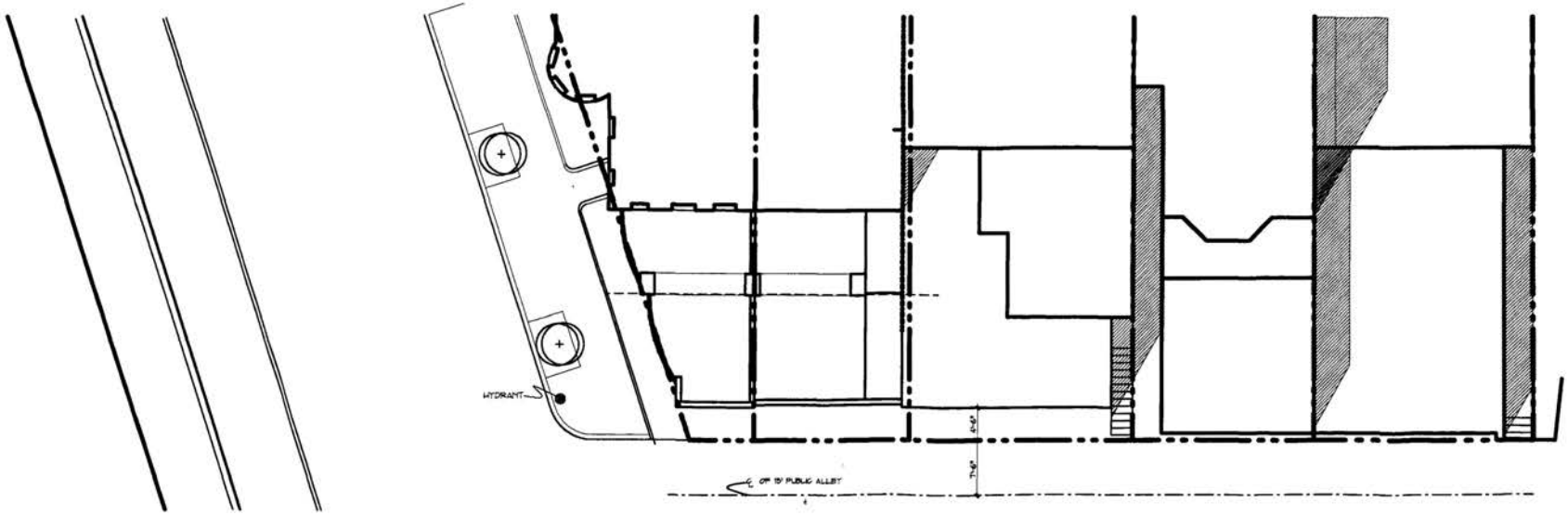
CROSS SECTION THRU ALLEY

ICG

A3.5



1 SITE SECTION/ALLEY ELEVATION



2 ALLEY ELEVATION PLAN

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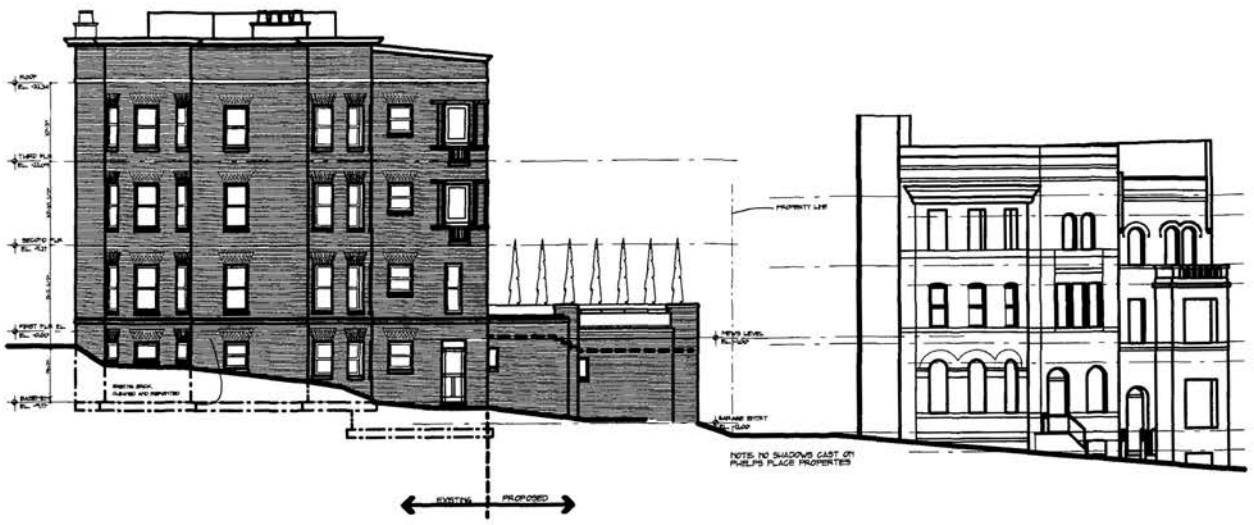
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ICG Development

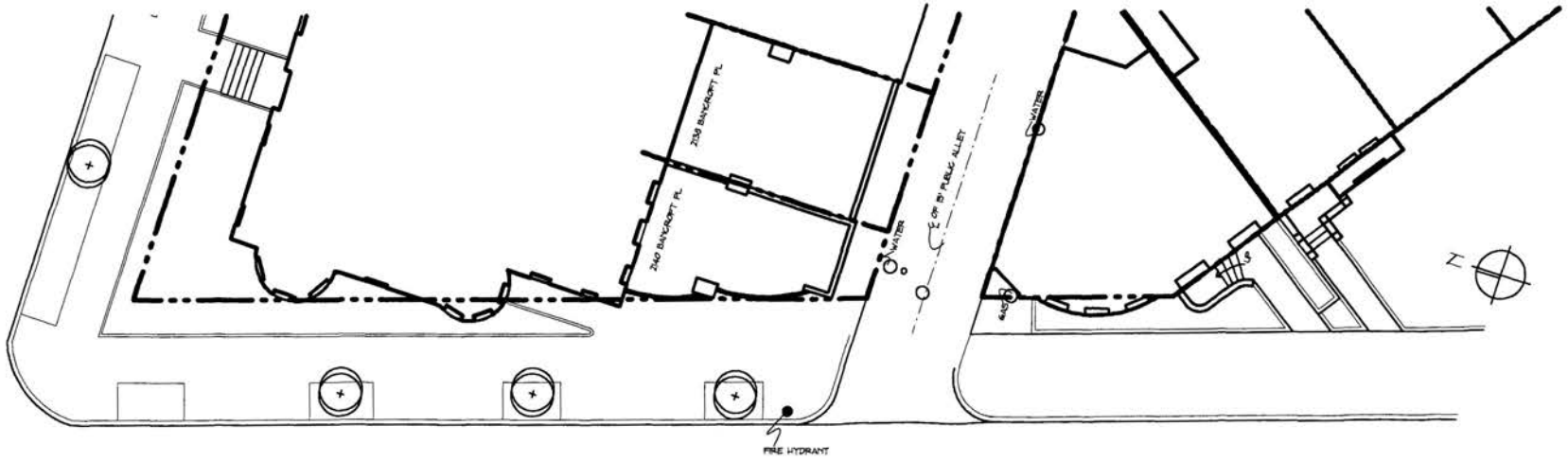
LIGHT & AIR STUDY

ICG

A4.1



WEST ELEVATION/PHELPS PLACE



WEST ELEVATION PLAN

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ICG Development

LIGHT & AIR STUDY

ICG

A4.2

















