

Board of Zoning Adjustment
Applicant: Nam Dinh Pham
Application Number 18970
Not meeting the rear setbacks

Dear Board Members,

My name is Christopher Cahill the neighbors at 4343 Garfield Street.

I am in receipt of the Office Of Planning's approval letter for aforementioned project.

The approval letter states or implies that I am working with the neighbors resolving outstanding issues on the project. This could not be further from the truth. After a careful review of the plans and a couple of discussions with the neighbor and their architect, I lost faith that they would be able present a project that would be acceptable to us.

I have clearly conveyed to the neighbor that I am not in favor of the addition and the negative impact it would have on my property. With no setback from the property line it would be impossible to demolish and rebuild a structure without needing access to my property and affecting my well-established landscape. Under no circumstances will I provide access thru my property.

I would like to clear up a couple of mistruth's that are stated in the OP approval letter.

The letter states:

*223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
(a) The light and air available to neighboring properties shall not be unduly affected;*

The proposed new addition would likely not substantially affect the light and air available to neighboring properties more so than the existing addition. The proposed addition would be approximately 160 sf larger than the existing addition and is located where the existing deck is currently situated, atop the garage. Due to the large size of the lot and the siting of the home on the northeastern part of the lot, light and impacts to the north, south and west should be negligible. Light and air impacts to the neighbor to the east could minimally increase with the introduction of the expanded addition area where there is currently a deck. Several large trees along the eastern property boundary likely would not be impacted by the addition, but one tree may need protection.

Our perspective:

The addition would expose us to over 50% more visible building along our property line. The new addition as proposed is 8' longer and substantially taller then the present

structure. The new portion of this addition would block substantially more light to our side yard of which already has limited light exposure. The additional height will also block additional light into our yard.

There are trees planted along the property whose trunks are adjacent to the garage wall. To build the addition they would need to remove a substantial amount of the foliage and would virtually kill the tree. The aforementioned tree presently blocks this view of their home. All three trees would be affected by the construction.

The letter states:

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; The privacy of use and enjoyment of neighboring properties, specifically the neighbor to the east, should not likely be compromised, primarily because the expanded addition would not include windows facing the eastern neighbor. The Applicant worked with the eastern neighbor, located at 4343 Garfield Street, to relocate AC units proposed on top of the addition, as well as to redirect roof rainfall from the addition to an internal drainage system. The distance between the Applicant's property and properties to the north, south and west is great and thus their privacy of use and Enjoyment should likely not be unduly compromised.

Our perspective:

The new addition would significantly change the perspectives from our patio and breakfast room, which we used extensively. This would significantly compromise our enjoyment of the space. What is not shown on the drawings is a commercial size blower that will be required to vent their stove. The vent will be located on the wall facing our property and discharging right onto our patio

By extending the house 8.5' towards the front property line it would be directly in front of my bedroom window. There would be a direct view into my bedroom from their kitchen.

As for addressing our concerns, the two topics that they addressed, such as the AC location and the rain runoff, were only two of a long list of concerns we had.

The Letter states:

223.4 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.

OP does not recommend special treatment for the proposed addition in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties. The Applicant has been working with the

neighbor to the east, 4343 Garfield Street, in order to address design concerns as well as drainage, landscaping and tree protection.

Our perspective:

The applicant has not satisfactorily addressed any of these issues. We have been given no assurances that measures would be taken to protect the trees, our property or our privacy.

When we purchased our home we did extensive research to insure that this property could not be further developed and that our situation would never be further impacted. The idea that rules could be change to benefit one neighbor at a significant cost to another never crossed our minds.

In review, we adamantly object to the approval of the addition and strongly feel that this will negatively impact our privacy, enjoyment of our property as well as change the light and airflow to our side property. Furthermore, we are sure that this will negatively impact our ability to market/sell our home. In addition, we feel that this would negatively affect the value of our home.

Sincerely, Christopher J Cahill