

Testimony of Jane Waldmann

BZA Case 18990

June 16, 2015

Good morning, Commissioners,

I am Jane Waldmann, owner and resident at 5332 42nd Street, NW, the property adjoining that of the applicants. I have occupied my property since 1985

Let me be clear – I have never opposed the applicants' desire to have a deck. I do strongly oppose the proximity of the proposed deck to our shared property line.

My opposition focuses on my desire to maintain my privacy in the enjoyment of my porch, to allow light into my basement, and to maintain the value of my property. Section 223.2 (b) states "the privacy of use and enjoyment of neighboring properties shall not be unduly compromised." My fence and original deck, now a screened porch, were carefully designed to permit light to pass through while preserving privacy. My stairs on our joint property line are in their original location, contributing to a buffering space between the two properties. My stairs were mirrored by stairs, since demolished, on the applicants' property. Applicants' Option 4, which keeps their stairs in their original location, is the only one that maintains the original 8 foot distance between outdoor living spaces. Option 4 also allows the most light to my basement. These together with the resulting symmetry and maintenance of scale in Option 4 will help to maintain my property's value.

The symmetrical design of our nearly ninety year old houses, with approximately eight feet, four on each side of the property line, between the original porches, recognized the desirability of distance to protect privacy. The kitchen door landing leading to steps continued that separation of the two properties. Privacy screens are not a substitute for space.

In their Burden of Proof Statement, the applicants contend that without a deck they will have “no recreational outdoor space,” The applicants go on to say they assumed they would be “allowed to make repairs or construct a *similar* deck...” and when they learned they would have to replace rather than repair, sought to “maximize” the space. This then appears to be a question not of whether or not they will be able to build a deck but whether or not they will be able to build a significantly larger deck than was there or is permitted without special exception.

The applicants have repeatedly referred to the size of my porch as the standard they should be allowed to equal. Applicants’ claim to the contrary, my porch and landing total a maximum of 200 sq.ft., very slightly larger than applicants’ Option 4 and considerably smaller than applicants’ other three options as seen in Appendix 1.

I am aware that ANC3E has passed a resolution supporting the application. Parts of that resolution are misleading and/or inaccurate. The ANC resolution does not specifically endorse any of the four proposals submitted by the applicants. Its language does, however, imply support for retaining the symmetry of the two houses – something achieved only by Option 4.

Applicants have cited the support of neighbors but those neighbors are minimally, if at all, affected by their proposal. Mine is the property that will be unduly compromised.

When the applicants first approached me about (re)building a deck, I was supportive of the idea. It simply didn’t occur to me that they would plan something that eliminated their part of the 90 year old de facto buffer that stairs on both sides of our property line provided between our outdoor living spaces. When alternative designs were presented, I agreed to Option 4 only to be told that it “wasn’t their favorite.” I later learned that it was offered only as a sort of failsafe to ensure they could have a deck of some sort. After our last appearance here, in the interests of coming to some agreement, I advised the applicants that I would not oppose Option 2 – which provides some minimal

distancing of applicants' deck from my property. Applicants advised me that they were not interested.

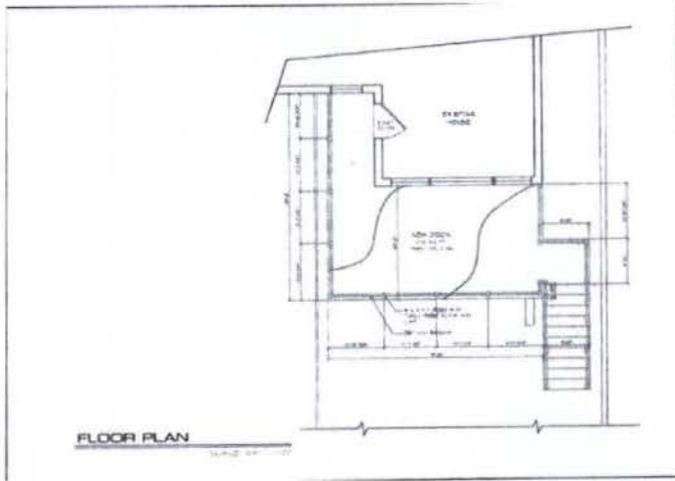
I find it troubling that the applicants present options only to later remove them from consideration, and that they seem unwilling to consider alternative solutions – such as fencing their back yard – to achieve their goals but instead insist that I should find a privacy screen the solution to my concerns.

Zoning regulations are designed to protect current and future property owners and to provide a reliable framework for changes to land use. If a special exception is granted in this instance, it will set a precedent that will make it more difficult to deny similar future relief requests and will undermine confidence in the regulatory process.

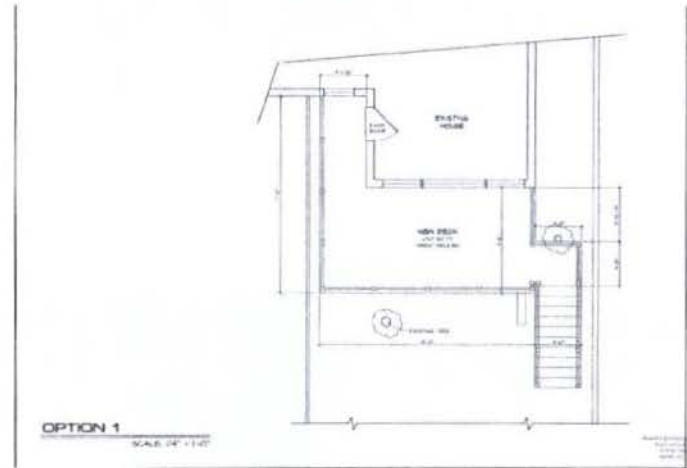
I respectfully request that if you do opt to grant a special exception/variance that you recognize my concerns and do so only for Option 2 or Option 4. Thank you.

BZA 18990 Waldmann statement – Exhibit 1 Deck Options – 5330 42nd Street NW

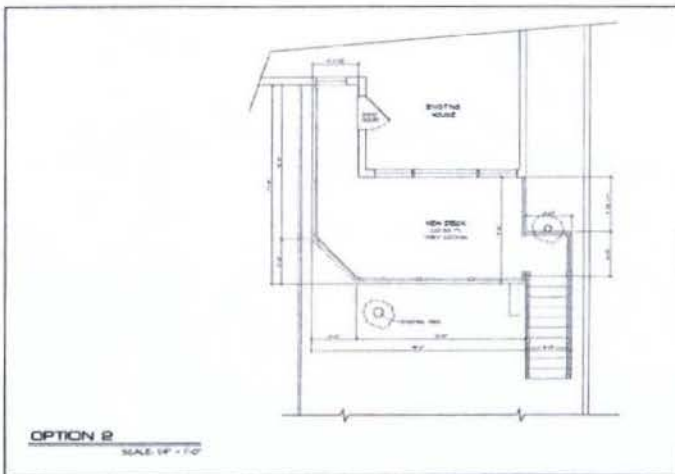
Original - 224 sq. ft., stairs in side yard buffer



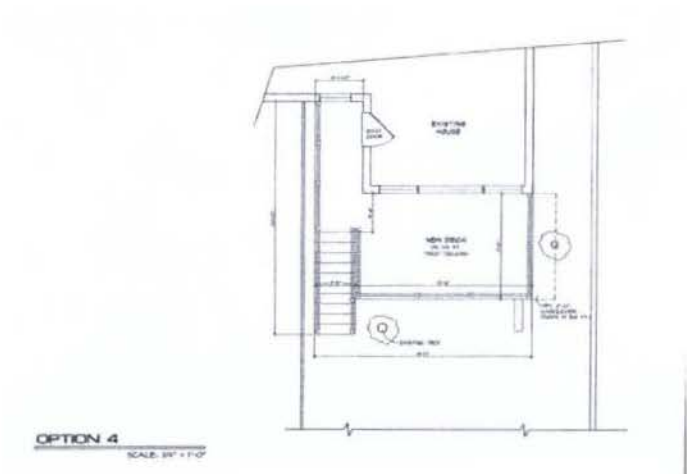
Option 1 – 230 sq. ft., stairs in side yard buffer



Option 2 – 222 sq. ft., stairs in side yard buffer



Option 4 – 195 sq. ft. – stairs on shared property line



5332 42nd Street, NW



Facing alley



Facing applicants' property



Stairs to landing – porch on left, applicants' property to right



Looking out basement door toward alley