

Jeffrey Francer

1725 Swann St. NW
Washington, DC. 20009

December 1, 2015

Board of Zoning Adjustment
441 4th St. NW, Suite 200
Washington, DC 20001

Via Email

Re: BZA Application No. 19156 (Application of Brad Edwards)

Dear Sir or Madam:

On behalf of my wife Lori Bettinger and myself, the residents of 1725 Swann St. NW, I write to **oppose** BZA Application 19156. We live directly next to, and share a wall with, 1723 Swann St. NW, the property for which several zoning variances are sought. If built, the proposed construction, including a new 102 square foot deck that would be erected directly outside one of our bedrooms, would:

- decrease the privacy and security we currently have in our bedroom,
- decrease the amount of light and sky we can see from our first floor kitchen,
- decrease our property value, and
- result in the applicant's property being the only building of its type on the block to have an 8 foot x 10 foot balcony extending from the the second floor, thus decreasing the uniformity of buildings in this historic zone.

Moreover, the applicant is able to build a back porch or roof deck with no hardship within the current footprint of the house, as many others on the block have done with no variance.

For these reasons, the applicant has failed to satisfy the burden of proof necessary to justify the variances, and they should be denied by the Board.

The applicant's proposed balcony would allow users of the balcony to look into our bedroom at close distance and block light coming into our home.



Figure 1

The applicant is seeking to build a deck that would extend out of the second story of his property by 8.5 feet, where no similar buildings have such a protrusion. The applicant's proposed balcony would be directly next to one of our bedrooms and would allow users of such balcony to look directly into one of our bedrooms from a distance of less than 3 feet. Moreover, any noise from users of the proposed balcony at such a close distance would adversely effect the ability to sleep in that bedroom. We are also concerned that our security on the second floor would be significantly decreased because it would be possible to access our second floor windows from the applicant's proposed deck.

The proximity of the applicant's proposed deck to our second story bedroom is shown in Figure 1 above. Our home is to the right of the brick wall, and the applicant's property is to the left of the brick wall. The applicant's proposed deck would extend 8 feet out of the second floor windows to the left of the brick wall, and the balcony would abut our property line and second floor bedroom. Thus, the balcony would be clearly visible through our bedroom windows at close distance. Furthermore, such a large balcony



Figure 2

protruding from the second floor would block light that currently enters our first floor kitchen (the windows on the bottom right of Figure 1).

We have consulted a highly experienced real estate agent who has informed us that in her professional opinion the decreased privacy, light, and security would significantly and negatively affect our property value compared to the status quo. This expert opinion is attached as an appendix to this letter.

Other houses of the same design on our street have back porches without a need for a variance, and the applicant's design would decrease the uniformity of the row houses in our historic district.

As illustrated in Figure 2 above, several other houses have back porches on the second floor without a need for a variance. Other property owners have merely built porches into their houses in a way that does not extend the length of their homes. Thus, there is no hardship that justifies the need for the applicant's proposed variance. It is easily possible for the applicant to build a porch within the existing footprint of his home as other neighbors have done.

The applicant's house is the first in a row of approximately 10 houses of the same design. As shown in Figure 2, none of these houses has a balcony that significantly protrudes from the back of the building. All balconies are built into the back of the houses, and do not extend from the back wall. The applicant's proposed balcony, on the other hand,

would effectively add an additional outdoor room to the second story of the building and would not be uniform with the other similarly-designed 100 year old row houses.

* * *

We would like the Board to understand that we would not oppose a back porch, similar to others on the street, located on the ground floor or on applicant's roof. Such a porch would not decrease privacy or security in second floor bedrooms, and it would not block light from entering other houses. We were disappointed to learn of the full extent of this proposal based on the Board's official notice to us. However, the applicant's proposed structure as filed would cause a substantial detriment to our property. Moreover, the applicant could build a back porch within the current footprint of the house with no hardship, as many others on our street have already done. For these reasons, the applicant has failed to satisfy the burden of proof necessary to justify the variances, and the Board should deny the application.

Respectfully submitted,

/s/

Jeffrey K. Francer

Appendix

Cahill·Tully·Crossland
Long & Foster Real Estate
4400 Jenifer Street, N.W. 20015

November 29, 2015

Dear Jeff,

David and I were concerned – even alarmed – to hear that your neighbors at 1723 Swann St NW were applying for a variance to build an elevated deck on the back of their property. As real estate agents, we believe such a structure would significantly diminish the value of your house.

First, from the plans we saw, there appear to be issues of security and privacy. Your privacy would be violated by the deck's proximity to your back bedroom. Anyone sitting on the deck would be able to look right into the room, and we wonder how easy it would be for someone to gain access to that room from the deck. Second, from your bedroom you would be able to hear activities on the deck. Noise would become a major factor in your day to day life. We have to assume that anyone going to the expense of building this elevated deck would want to spend significant time on the structure.

Finally, we have concerns about the engineering of such an elevated deck. Structures such as the one in the plans are visually disturbing. In fact, the District has temporarily stopped issuing permits for the construction of "pop up" floors on old buildings for both safety and aesthetic reasons.

Our professional estimate of reduction of value of your home would be something in the \$50,000 - \$100,000 range. We hope you can successfully block the issuance of a permit for this structure.

Yours sincerely,



Susan Cahill-Tully.