February 24, 2000

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OFFICE OF ZONING
DISTRICT OF COLUMBIA

Board of Zoning Adjustment
D.C. Office of Zoning
441 Fourth Street, N.W., Suite 210
Washington, D.C. 20001

Re: Application Number 16558

Dear Sir or Madam:

The undersigned hereby request party status in the proceeding relating to the above-noted Application. In support of this request, we state as follows:

a. Our names and address are:

Ruth Uhlmann and Craig Mathews
3902 Jocelyn Street, N.W.
Washington, D.C. 20015

b. We request to appear and participate in this proceeding as a party.

c. We shall appear in opposition to the Application.

d. We shall appear on our own behalf.

e. The grounds for our request are:

1. We are the owners and occupants of the property at 3902 Jocelyn Street, N. W.

2. We hold title to our property in fee simple.

3. Our property abuts the premises as to which the Application requests a variance.

4. The structural addition sought by the Application would be situated in the applicant's rear yard, which is directly adjacent to our property. It would extend to a line only eight feet from our property, thereby intruding on our

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Board of Zoning Adjustment
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privacy and diminishing our enjoyment of our property. It would also pose a risk that the property would be deemed less desirable by any prospective purchaser.

5. Attached to this request for party status is a memorandum to the Board of Zoning Adjustment setting forth more fully the adverse impact of the proposed addition and the grounds for our opposition.

Respectfully Submitted,

Ruth Uhlmann

Craig Mathews

Tel: (202) 363-3177
Fax: (202) 966-8978

February 24, 2000

To: The Board of Zoning Adjustment

From: Ruth Uhlmann and Craig Mathews
Owners of the property at 3902 Jocelyn Street, N.W.

Re: Application No. 16558 for a Variance at Premises 5308 39th Street, N.W.

We have received a copy of the notice from the Board of Zoning Adjustment advising that an application for variance from Sections 404.1 and 2001.3 (b) and (c) has been filed to allow a proposed addition in the rear yard of premises at 5308 39th Street, N.W., Square 1751, Lot 14 (Application No. 16558). We have also reviewed the file for Application No. 16558 at the Office of Zoning, as well as more recent drawings that have been shown to us by the applicant.

Our property abuts the rear of the premises at 5308 39th Street. The proposed addition would be constructed in the applicant's rear yard, directly adjacent to our property. For the reasons set forth below, we strongly oppose the application.

1. There are no peculiar and exceptional practical difficulties characterizing the applicant's premises. The lot area (6,750 square feet) substantially exceeds the R-1-B minimum. (Dimensions are taken from the file folder for Application No. 16558.) The lot width (90 feet) is almost twice the required minimum. The property is conveniently rectangular, with no unusual topographic, soils, or other special conditions. It therefore does not satisfy the criteria for a variance specified in the zoning regulations, Sec. 3107.1. The applicant, who is the sole regular occupant of the premises, simply wants a bigger kitchen.

2. The applicant's large lot contains ample space in which additional structure can be built without need for a variance. Nonetheless, she proposes to build in the rear yard, which is the only non-conforming area of her entire property. This is not an appropriate use of the variance procedure.

3. The proposed addition would create a substantial structure, the main floor of which would be raised at least one-half floor above grade, that would extend into the rear yard of the premises at 5308 39th Street. It would overlook our house and garden from a distance of eight feet. We use our garden daily during most of the year. The proposed addition would deprive us of its privacy and thus of its enjoyment. The applicant informs us that the addition would also require her to remove a large pine on her property that presently

screens our garden from the view from her second floor, thereby further diminishing our privacy.

4. The proposed addition would be situated immediately to the east of our house and garden. Its proximity would reduce the light and air that we now enjoy, particularly in the morning. Light and air are important amenities in a residential neighborhood. This is a major reason why house lots, even if they are corner lots, are required to have rear yards conforming to the usual setback requirements.

5. The proposed addition would diminish the attractiveness of the view from the sidewalk and from the opposite side of the street. Between the applicant's house and ours, there is now a pleasant vista of open space and trees, including the large pine that the applicant says she would have to cut down. (We do not know what further vegetation may be removed to facilitate construction or provide access to the construction site.) The Application itself includes photographs showing how attractive the area between the houses presently is. The proposed addition would replace this vista with a substantial new structure that would crowd our two houses together and largely eliminate the open area between them.

6. For the foregoing reasons, we believe that the proposed addition could also adversely affect the value of our property. We should not be compelled to bear the risk that a prospective purchaser will be of the same opinion.

7. The fundamental purpose of the zoning regulations in residential neighborhoods such as ours is to preserve the character of the neighborhood, on which all homeowners are entitled to rely. To grant the requested variance despite harm to neighbors would subvert this principle. We have supported and will continue to support our neighbors' variance requests that enhance, or at least do not diminish, the amenities of the neighborhood. The opposite is true in this case.

8. In conversations with us and other neighbors, the applicant has made various statements that warrant comment:

    a. The applicant alleges that the proposed addition would not harm us because we have no windows facing her house. We do, in fact, have a first floor window in the living room which faces her house directly, and others through which her addition would be visible on a diagonal. Moreover, as noted above, a prime concern is that the proposed addition would reduce the privacy of our garden.

    b. The applicant proposes that her rear yard (her west side) be treated as though it were her side yard, despite the fact that her address is on 39th Street (her east side) where her front door is also located. The relative dimensions of her west and south yards conflict with this suggestion. If her rear yard were to be treated as a side yard, her side yard on the south side of her property would have to be considered her rear yard. The south side conforms to the zoning regulations as a

side yard but not as a rear yard. In fact, it not only lacks the required 25 foot setback, but would be even more non-conforming than her actual rear yard, since her house is closer to her property line on the south (16 feet) than on the west (approximately 20 feet).

c. The applicant has informed us that if her request for a variance is denied, she will instead construct a deck in her rear yard. This solution would be preferable from our perspective. A deck conforming to the zoning regulations would be a relatively low horizontal structure, far less invasive of light and air than the vertical structure proposed in the present Application.

We hereby advise that we shall appear at the hearing before the Board on March 15, 2000 to present our views in opposition to the application for variance. By separate communication, we are concurrently requesting party status in the proceeding.

Respectfully submitted,

Ruth Uhlmann

Craig Mathews

3902 Jocelyn Street, N.W.
Washington, D.C. 20015

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Fax: (202) 966-8978