

March 12, 2025

To the Board of Zoning Adjustment:

Re: Case # 21263 4632 Charleston Ter. NW

I am writing to express my concern with and opposition to the referenced BZA case. I am Applicant's adjacent neighbor, at 4634 Charleston Ter., NW. Applicant is a nice person, a good neighbor. However, my multiple efforts to reach out to Applicant so she understands my concerns have not led to resolution. I am hence in the unfortunate position to oppose her proposal.

Applicant's proposal

Applicant proposes to install an Accessory Structure just 18 inches from her home (substantially closer than the regular 25 ft minimum distance), increasing Applicant's lot occupancy by over 25% (from under 40% currently to almost 50% lot occupancy), and exceeding the permitted Accessory Structure size by 44% (from 450 to 652 sq ft). Embedded in the Accessory Structure approval would be waiver of regular set back requirements – hence the ability to push only 3.77 ft from my adjacent property line, i.e., starting considerably closer to my home than the already as close as permitted under Zoning Regulations proximity of our houses. This considerable additional lot occupancy is concentrated entirely in Applicant's backyard, tending towards my side, only 3.77 ft to my (adjacent) property line - as I understand it.

The proposal in addition pushes high and close to the property line of a condo with a three panel set of French doors facing the back of Applicant's yard.

The total proposed new deck is approx 692 sq ft (652 sq ft with a roof plus 40 sq ft uncovered). This amount of deck from my perspective is fine! My concern is solely with the roof. Still worth noting that this juggle in deck/roof spacing enables Applicant to keep the requested lot occupancy a hair below 50% while visually (with the continuous deck and almost touching new roof) it would appear just over 50% - a threshold that would trigger more stringent approval requirements, as I understand it.

Summary of concerns

The proposed structure does not meet the criteria for special exception in accordance with 901.2 and 901.3 (and 5201.4(a),(b) and(d)):

Re 901.2(a): An oversized "Accessory Structure" that practically takes over Applicant's backyard, pushing in particular towards my property line and the property line with the condo facing the back of Applicant's yard is not in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps in our close in, tightly spaced city neighborhood. Our tight lots are not designed to accommodate massive Accessory Structures.

Re 901.2(b) (and 5201.4(a) and (b)): The proposed Accessory Structure would affect adversely the use and enjoyment of my adjacent property – and the condo facing the back of Applicant’s backyard. The proposed roof would remove the limited remaining open space in that direction – as viewed from my back terracing and in particular from my all glass sunroom (and living room and kitchen which draw on the prominent sunroom windows), and would tower over the three panel French doors in the condo facing Applicant’s backyard, clearly blocking light and air.

It is striking that Applicant’s many photos do not show at all my close adjacent property in relation to the proposed new structure, in particular my sunroom windows with an expansive view directly on the now open space proposed to be occupied by the new structure. This omission seems non-compliant with Applicant’s burden of proof under 901.3, including the responsibility under 5201.4(d) to present graphical representations that sufficiently represent the relationship of the proposed structure to adjacent buildings.

Applicant’s proposal is not in harmony with the intent and purpose of Zoning Regulations

When we buy into a neighborhood we expect to have certain rights and certain restrictions. Living on tight city lots, we expect to be surrounded by neighboring walls and windows. Hence the remaining open space is precious. We count on the Zoning Regulations to protect us. Yes, it is possible to ask for exceptions - that are in harmony with the intent and purpose of the Zoning Regs (and do not unduly affect neighboring properties). Do we really want our limited open space - intentionally so set by the Zoning Regulations - to be blocked by massive structures that are only possible with numerous substantial exceptions? Is that consistent with the intent and purpose of the Zoning Regulations?

Would you like to see this structure going up on your next door neighbor’s property – coming even closer to your house than your neighbor’s house? This is a question of what we envision our tight lot city neighborhood to be, what valuable boundaries the Zoning Regulations are protecting. I think this proposal falls outside of these boundaries. The exceptions requested go beyond what is in harmony with our neighborhood.

Applicant has not met her burden of proof re adverse impact on neighbors

Applicant does not meet her burden of proof to establish lack of adverse impact on neighboring properties, and even makes some questionable statements in her submission dated December 18, 2024, Exhibit # 9, that require correction.

First, Applicant writes in her statement that their photos demonstrate there are no windows directly facing the deck. It is indeed remarkable given Applicant’s representative’s expertise in preparing these presentations that the many photos submitted of her backyard do not manage to include even one with a glimpse of my very obvious home next door. My photos show how prominent the now open space in Applicant’s backyard clearly is from my sunroom and back yard terracing.

(Note that Applicant's initial architectural plans also did not reference my adjacent property. Only on March 5, 2025 Applicant made a supplemental submission of plans that reference adjacent properties. As of this writing, this omission re the photos still has not been corrected.)

Even more clear is the light and air that would be stifled by a roof structure towering considerably higher than the current fence in front of the condo three panel French doors. Applicant did submit photos of the condo building but somehow reaches a conclusion at odds with the photos themselves. Applicant's photos, in particular photo #s 6, 7, 8 and 14, as well as their plans, show the proximity of Applicant's property to the condo building. Applicant's photo # 8 shows a view facing Applicant's house, I think similar to the view from the condo French doors. What is currently open view (towards Applicant's house) above the fence would be structure under Applicant's proposal. The new roof height would be particularly dominant as Applicant envisions the new deck continuing straight - at a level even higher than the highest level of her current deck – the new roof would correspondingly be above the new considerably higher deck.

Continuing with Applicant's questionable statements, Applicant writes that "there is ample room between the proposed deck [and roof?] and adjacent buildings". This is not accurate as the proposed roof will begin only 3.77 ft from my property line, about 4 ft closer to my house than our homes' current as close as permitted under Zoning Regs, spacing. Their proposal manages to get this close because Accessory Structures, meant to be at least 25 ft away (not only 18 inches!), do not require set off. Allowing a structure with relaxed set off so close to adjacent houses does not feel in harmony with Zoning Regulations - and certainly is NOT providing "ample room between the proposed [structure] and adjacent buildings".

The proposed new structure similarly would get very close to Applicant's property line in the back, facing the condo French doors.

Of perhaps even greater concern than proximity is the proposed height. The proposed roof peak would reach just below the Applicant's (main level) living room windows. At this height, even standing, the new roof would completely dominate the view from my sunroom (and kitchen and living room which draw on the prominent sunroom windows). This roof height is particularly prominent on my main level because my house is positioned lower than Applicant's. The new roof would block entirely the view in that direction from my back terrace as well. No remaining open space in that direction! The new roof would dominate even more the view – and block the light and air – from the condo three panel French doors – which face the proposed new structure directly.

In sum, Applicant summarily dismisses genuine concerns re impact on my and the condo owner's adjacent properties, in some cases with questionable statements. Such perfunctory dismissal does not meet Applicant's burden of proof to address adverse impact – a responsibility Applicant carries even if not opposed.

There are potential solutions

There are less intrusive alternatives to address Applicant's desire to age in place and enjoy the outdoors while protecting from the sun. For example, a retractable awning would make it possible to have coverage, protecting from the sun, without need for a permanent roof. I will submit a picture of an example of a retractable awning.

Surely if Applicant's architect is tasked with coming up with a solution that meets Applicant's objectives while addressing harmony with the Zoning Regulations and averting adverse impact on neighbors, Applicant will be able to come up with a workable solution.

Photos

I will submit photos that show the view from my sunroom and backyard of the current open space where the structure is proposed, as well as put in perspective the location of the condo three panel French doors facing Applicant's backyard – and how the proposed 652 sq ft structure would dominate Applicant's backyard. I will also show the current tight spacing between our houses (which would be even tighter with the proposed new structure) and an example of a retractable awning.

Conclusion

I am requesting that the BZA reject Applicant's request as she has not met her burden of proof required to approve the requested exceptions. Specifically:

1. An "Accessory Structure" that requires three substantial exceptions (only 18 inches to main structure, reaching around 50% of lot occupancy and 44% larger than the regular Accessory Structure maximum size), overwhelming Applicant's limited remaining backyard space is not in harmony with the purpose and intent of the Zoning Regulations and Zoning Maps in our close in, tightly spaced, city neighborhood; and
2. This particular structure imposes undue adverse impact on my adjacent property, becoming the dominant view from my all glass sunroom (and kitchen and living room which draw on the sunroom windows) and clearly removes light and air from the three panel French doors on the condo facing Applicant's backyard.

Less intrusive options are possible that accomplish Applicant's objectives while properly taking into consideration harmony with zoning intent and purpose, and adverse impact on neighbors. Applicant should be advised to pursue such less intrusive options.

I appreciate your consideration of this important matter.

Regards,
Deborah James

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