

Boklye Kim
2300 Vinewood Blvd

Dear ZBA Committee,

My property borders 18 Heatheridge at the rear property line. I am speaking out to oppose the appeal that would otherwise cause a financial burden and affect our daily home living. The proposed sunroom construction would encroach 22 ft into the 40 ft setback required by zoning and has started already but been stopped by the building department because it was proceeding without a permit.

I would like to address the following statements submitted to the zoning board of appeals (ZBA).

Submitted by 18 Heatheridge: the new sunroom will have the same setback as the existing house and the property is separated by trees and vegetation from the neighbors'.

1. The original structure was built in 1953. The 40' setback was imposed after the original house was built and before the current ownership of the property. Therefore, the position of the original structure relative to the current setback requirement seems irrelevant and cannot be used to undermine the zoning requirement or to justify adding a new non-conforming structure.

2. The natural cover or vegetation they mention between our house and theirs is mostly on my side of the fence. I submitted pictures and a document that we have had long standing disputes with this homeowner regarding the trees they removed, that used to screen our properties. They cleared most growths on their side when they moved in, 2001-2, to maximize their backyard space regardless of our privacy concerns. The aerial view they submitted for "natural cover between houses" does not represent the real picture at the ground level.

ZBA Report (c) Allowing this variance will not do justice to the rights of others in the neighborhood. For my property, if the variance is allowed the sunroom would be directly behind, 18 feet away from my property line. In addition, their remaining backyard will be significantly reduced to 18 feet deep area between the sunroom and our property, which will result in their outdoor activities around the sunroom extremely close to my property. Bringing their indoor and outdoor space so close to us would inflict difficulty in protecting our privacy.

ZBA Report (e), Submitted by 18 Heatheridge: the sunroom does not result in a decrease in the minimum existing setback. This is an understatement. Two feet more can be substantial already when there's only 18 ft left in the 40 ft required setback. But the real situation is that the variance they are asking is not mere additional two feet in the existing non-conforming structure. The new 20x15 sqft sunroom would extend into the backyard next to the existing non-conforming structure with the 22 foot encroachment running the whole side dimension, that is 20 feet long. The new structure would be comparable in size to the existing non-conforming structure that is the size of 22x14, but it is depicted much smaller in the diagram submitted by the owners.

Their encroachment would impose substantial financial cost for me to fill the rear area with evergreens that would screen the views to protect our privacy and the subsequent loss of my usable backyard space occupied by the screening evergreens and landscaping. Without the screening trees now, their new sunroom partially framed is clearly visible from my house along with their outdoor furniture, picnic tables and bbq grills that were moved very close to the property line already. I doubt they would have much space for thick enough evergreens for screening on their backyard once the sunroom is built. This lack of screening will be worse in the winter season when my existing trees go bare without leaves.

Justification of this variance is not met since it does not offer the intended public benefits, that our rights and our privacy would be significantly compromised.

ZBA Report (b) The hardship or practical difficulty raised for the stormwater management by the owners: Would there be simpler alternatives? (d) The self imposed hardship or practical difficulty cannot be clearly understood due to the lack of information about the cause of the water problem or any consideration for alternative solutions to adding a non-conforming sunroom that is deemed to affect the lives of other neighbors. Would the water runoff of the 2nd story structure added around 2002-2005 be the possible cause of the problem?

My main concern is that the encroachment into the zoning requirement negatively affects the lives of some neighbors, especially ours whose property is directly behind the new structure. I propose recommendations for alternate plans for diverting stormwater without causing the unwarranted expenses and difficulties to neighboring properties.

Thanks.

Boklye