

18634

4913 4th Street, NW
Washington, DC 20011-6104
July 23, 2013

Richard S. Nero, Jr.
Deputy Director of Operations
Office of Zoning
441 4th Street, NW
Suite 200-S/210-S
Washington, DC 20001

Re: Application No. 18634

Dear Mr. Nero:

Thank you for speaking with me by phone yesterday. You may recall that I phoned for assistance in finding 11DCMR Section 3104.1, Sections 403-404, R-3 District. I was directed to this regulation as a result of recent communication from your office (please see attached copy).

As I say, my next door neighbor has plans to have a deck built at the rear of her home. I wanted to read the regulations beforehand. In our conversation, you kindly advised that section 403 (lot occupancy) specifies 60 percent and section 404 (rear yard) specifies twenty feet.

I mentioned that the architect/builder agreed to allow me to see the plans to which you shared that I am free to see the plans at the Office of Zoning.

The purpose of this letter is to bring attention to my MEMORANDUM OF UNDERSTANDING (please see attached copy) which has been submitted to the architect/builder along with the adjoining neighbor located at 4911 4th Street, NW (Square 3303, Lot 40).

It is my understanding that, to date, there has been no issuance of a permit. Once this step is finalized I wish, in turn, to submit the same copy of my MEMORANDUM OF UNDERSTANDING, for the record, in the event any problems arise.

Again, I thank you for your time.

Sincerely,



Terry Stewart (Ms.)

Attachments

cc: Ms. Mary Ellen Curtain

BOARD OF ZONING ADJUSTMENT

District of Columbia

CASE NO.

18634

EXHIBIT NO.

25

Board of Zoning Adjustment
District of Columbia
CASE NO.18634
EXHIBIT NO.25



JUL 18 2013

**APPLICATION NO. 18634
TO WHOM IT MAY CONCERN:**

Notice is hereby given that the Board of Zoning Adjustment (BZA) has tentatively placed the following application on its Expedited Review Calendar for a decision without a public hearing at 441 4th Street, N.W., Suite 200 South, Washington, D.C., 20001 on September 17, 2013, at 9:30 a.m. This is also the location of the Office of Zoning.

Application of Mary Ellen Curtain, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear deck addition to an existing one-family row dwelling under section 223, not meeting the lot occupancy (section 403) and rear yard (section 404) requirements in the R-3 District at premises 4911 4th Street, N.W. (Square 3303, Lot 40).

If you wish for this application to be removed from the Expedited Review Calendar and scheduled for a hearing, you may either file a request for party status in opposition to the application or a request for removal and hearing of the application with the Office of Zoning no later than 14 days prior to the above-cited expedited review. This case is located within Advisory Neighborhood Commission 4D.

Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Request form, a copy of which is attached hereto. This form may also be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. A request for removal and hearing must be accompanied by a statement indicating that you or your representative intend to appear as a witness at the hearing and also include a summary of the testimony to be given at that time. The BZA Chairperson may deny a request to remove an application if the proffered testimony is irrelevant. If this application is removed, the only public notice of the hearing date will be posted in the Office of Zoning up until the date of the hearing.

If you have any questions about this application, please call (202) 727-6311, or visit the office at 441 4th Street, N.W., Suite 200 South, Washington, D.C. 20001. Please refer to the application number when you write or call about this case.

SINCERELY

A handwritten signature in black ink, appearing to read "R. Nero", is written over the word "SINCERELY".

RICHARD S. NERO, JR.
Deputy Director of Operations
Office of Zoning

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

MEMORANDUM OF UNDERSTANDING

TO: James Noel, Owner
NOEL DESIGN BUILD GROUP
3224 Northhampton Street, NW
Washington, DC 20015

FROM: Terry Stewart, Home Owner
4913 4th Street, NW (Square 3303, Lot 0041)
Washington, DC 20011-6104

DATE: June 27, 2013

RE: Building of Deck at Rear of Adjoining Property located at
4911 4th Street, NW
Washington, DC 20011
Home Owner: Ms. Mary Ellen Curtin

Mr. James Noel, thank you, along with Ms. Mary Ellen Curtin, for meeting with me today for the purpose of addressing my concerns regarding the proposed deck referenced above. I have recapped, below, points of our discussion. Kindly inform me of any errors so that I may have accurate documentation for my record.

- 1.) Work hours will begin between 7:30 and 8:00 AM and end no later than 4:00 PM.
- 2.) Anticipated duration of the job will not exceed one week, weather permitting.
- 3.) Time will be devoted exclusively to this job and not divided among jobs at other locations so as to cause delay.
- 4.) James Noel has kindly agreed to share plans, once finalized, by way of e-mail, with Terry Stewart before job commences.
- 5.) The job is expected to commence and end sometime in August 2013.
- 6.) The proposed deck will have the following dimensions: 8' deep, 4' (?) wide, and 36" tall. There will be 4 poles at 12x12x30'. None of the poles will stand flush against adjoining owner, Terry Stewart's, fence located at the rear of her property. The poles will be approximately 9" away from the referenced fence.
- 7.) The poles, as well as other parts of the deck structure will not obstruct, in any way, homeowner Terry Stewart's view from the rear windows located on the first level of her adjoining property.

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MEMORANDUM OF UNDERSTANDING
Terry Stewart

- 8.) While not discussed in the June 27, 2013 meeting, homeowner, Terry Stewart, kindly requests that the crew not lean themselves against the rear fence and also not lean, shove, nor push any work materials against the referenced fence.
 - 9.) James Noel has assured that the crew will not play music (or any broadcasts) loudly during this job.
 - 10.) James Noel has assured that the crew will be responsible for clean-up of any work debris, materials, nails, and so forth that come onto the property of homeowner Terry Stewart's property. Homeowner has agreed to unlock the rear fence in order that the crew may have access for any necessary clean-up.
 - 11.) NOEL DESIGN BUILD GROUP will assume responsibility and liability for any damage (structural and otherwise) to homeowner Terry Stewart's adjoining property.
 - 12.) NOEL DESIGN BUILD GROUP is accountable to the Department of Consumer and Regulatory Affairs (DCRA) of the District of Columbia for construction safety.
 - 13.) Homeowner, Terry Stewart, requests of James Noel that he kindly clarify any errors herein so that she has accurate documentation for her record.
- cc: Ms. Mary Ellen Curtin
DCRA (upon permit issuance)