407 E Street, N.E.
Washington, DC 20002
December 27, 2004

RECEIVED
D.C. OFFICE OF ZONING
2005 JAN -3 AM 8:49

Richard S. Nero, Jr.
Chief, Support Services & Quality Control
Board of Zoning Adjustment
441 Fourth Street, N.W.
Suite 210-South
Washington, DC 20001

Re: BZA Application No. 17264 (407 E Street, N.E.) Murphy Supplemental Materials

Dear Mr. Nero:

Per your request, I have enclosed the following supplemental information concerning my application, which was originally filed on October 28, 2004:

- An updated Form 120 reflecting the section number under which we are seeking relief (i.e., Section 403).
- An updated Form 135 reflecting the actual size of the deck (8' x 14") rather than the 10' x 15' measurement reflected in the original application.
- A plat reflecting where the deck currently stands and how it relates to the adjacent properties.
- A dimensioned architectural drawing depicting the structure as it currently stands (the structure was built in 2002 and replaced a larger structure that was in place when the house conveyed to us in 1997).
- In addition, I have enclosed some recent photographs showing our recent renovations and how they relate to the deck that was completed in 2002. *Cf.* Ex. E.

I apologize for the delay in getting you these materials, but with the recent news of expecting our second child, the holidays, and a difficult time getting the elevations were the culprit.

I appreciate your understanding and should you require any additional information or have any questions, please do not hesitate to call me at (202) 383-5169.

Sincerely,

Michael L. Murphy, Esq.

BZA
Case No. 17264
Exhibit No. 26

Board of Zoning Adjustment
District of Columbia
CASE NO. 17264
EXHIBIT NO. 26

RECEIVED
D.C. OFFICE OF ZONING
2005 JAN -3 AM 8:49

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

October 29, 2004

Michael Murphy
Jill Murphy
407 E Street, N.E.
Washington, D.C. 20002

Re: BZA Application No. 17264 (407 E Street, N.E.) Murphy

Dear Mr. & Mrs. Murphy:

The Office of Zoning received the above-cited application on October 28, 2004. As Rick Nero of my staff discussed with you by telephone on October 29, 2004, please be advised that your application filing has not been accepted as complete, and as such, will not be scheduled for a public hearing until the following is complied with:

1. Specify on the BZA Application Form 120, and Self-Certification Form 135, the specific sections of the Zoning Regulations for which you are requesting variance relief (example: section 403 (lot occupancy) and section 404 (rear yard)).

2. Amend your Surveyor's plat by showing, to scale, the location of all structures on the subject property, including the existing row dwelling and the proposed deck.

3. Submit dimensioned architectural drawings (site plan and elevations) depicting the proposed deck addition and how it relates to the subject premises and neighboring properties.

Please call Richard S. Nero, Jr., Chief, Support Services and Quality Control at (202) 727-6311, if you have any questions relevant to the foregoing.

SINCERELY,

JERRILY R. KRESS, FAIA
Director, Office of Zoning

rsn

Form 120 — Exhibit 1
(Revised 04/29/02)

Case No.

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPLICATION

Notice: Click Here for Application Form Instructions

Pursuant to Sections §3103.2 – Use Variance, §3103.2 – Area Variance and/or §3104.1 – Special Exception of Title 11 DCMR – Zoning Regulations an application is hereby made, the details of which are as follows:

Address(es)*	Square(s)*	Lot No(s)*	Zoning Districts*	Relief Being Sought*	Section No(s)*
407 E Street, N.E., Washington, DC 20002	812	42	R-4 (Residential)	Use Variance	3103.2 Sec. 2

Present Use of Property:*	Residential, Owner Occupied						
Proposed Use of Property:*	Residential, Owner Occupied						
Owner of Property:*	Michael & Jill Murphy			**Telephone No.:***	(202)547-2782		
Address:*	407 E Street, NE	**City:***	Washington	**State:***	DC	**Zip:***	20002

Written paragraph specifically stating the "who, what, and where of the proposed action(s)". This will serve as the Public Hearing Notice:*

Michael and Jill Murphy, owner occupants of 407 E Street, NE, request a use variance for the single-level deck that was built and completed in 2002 and that replaced the two-level structure that was in existence when the house conveyed to them in 1997. This structure has already been approved by the Historic Review Committee and is identical in size and scope to the decks located at 413 E Street, NE and 415 E Street, NE.

Estimated Construction Cost:	$4,000.00	**Advisory Neighborhood Commission Single-Member District(s):***	6C08
Date:* 12/28/2004	**Signature:**		

* The Owner of the Property for which the application is made or his/her authorized agent. In the event an authorized agent files an application on the behalf of the Owner, a letter signed by the Owner authorizing the agent to act on his/her behalf shall accompany the notice of application.

To be notified of hearing and decision:

(Owner or Authorized Agent*)

Name:*	Michael L. Murphy, Esq.						
Address:*	407 E Street, NE	**City:***	Washington	**State:***	DC	**Zip:***	20002
Phone No.:*	(202)383-5169	**Fax No.:**	(202)383-5414	**E-Mail:**	mmurphy@omm.com		

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Form 135 — Side 1
(Revised 03/15/02)

Case No.

ZONING SELF-CERTIFICATION FORM

Project Address(es)*	Square(s)*	Lot No(s)*	Zoning District*	ANC(s)/Single Member District(s)*
407 E Street, N.E., Washington, DC 20002	812	42	R-4 (Residential)	SMD02 6C08

CERTIFICATION

The undersigned agent hereby certifies that the following zoning relief is required from the Board of Zoning Adjustment in this matter pursuant to:

Relief Sought	☑ §3103.2 - Use Variance	☐ §3103.2 - Area Variance	☐ §3104.1-Special Exception
Pursuant to Subsections	Section 403		

Pursuant to 11 DCMR §3113.2, the undersigned agent certifies that:

1. **the agent is duly licensed to practice law or architecture in the District of Columbia;**
2. **the agent is currently in good standing and otherwise entitled to practice law or architecture in the District of Columbia; and**
3. **the applicant is entitled to apply for the variance or special exception sought for the reasons stated in the application.**

The undersigned agent and owner acknowledge that they are assuming the risk that the owner may require additional or different zoning relief from that which is self-certified in order to obtain, for the above-referenced project, any building permit, certificate of occupancy, or other administrative determination based upon the Zoning Regulations and Map. Any approval of the application by the Board of Zoning Adjustment does not constitute a Board finding that the relief sought is the relief required to obtain such permit, certification, or determination.

The undersigned agent and owner further acknowledge that any person aggrieved by the issuance of any permit, certificate, or determination for which the requested zoning relief is a prerequisite may appeal that permit, certificate, or determination on the grounds that additional or different zoning relief is required.

The undersigned agent and owner hereby hold the District of Columbia Office of Zoning and Department of Consumer and Regulatory Affairs harmless from any liability for failure of the undersigned to seek complete and proper zoning relief from the Board of Zoning Adjustment.

The undersigned owner hereby authorizes the undersigned agent to act on the owner's behalf in this matter.

Owners Signature		Owner's Name	Michael L. Murphy, Esq.
Agent Signature		Agent Name	Michael L. Murphy, Esq.
Date*	12/28/2004	DC Bar No.	480163 or Architect Registration No.

OFFICE OF ZONING DETERMINATION
(DCMR Title 11 §3113.2)

Based upon review of the application and self-certification, this application is

☐ **Accepted for filing.**

☐ **Referred to the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, for determination of proper zoning relief required.**

☐ **Rejected for failure to comply with the provisions of**

- ☐ **DCMR Title 11 §3113.2; or**
- ☐ **DCMR Title 11 Zoning Regulations.**

Explanation

Signature:		Date	

Jerrily R. Kress, FAIA Director
District of Columbia Office of Zoning

441 4th Street, N.W. Ste. 210-S, Washington, D.C. 20001
(202) 727-6311 * (202) 727-6072 fax * www.dcoz.dc.gov

Form 135 — Side 2

INSTRUCTIONS

Any request for self-certification that is not completed in accordance with the following instructions shall not be accepted.

1. All self-certification applications shall be made on Form 135. All certification forms must be completely filled out (front **and** back) and be typewritten or printed legibly. All information shall be furnished by the applicant. If additional space is necessary, use separate sheets of paper to complete this form.
2. Complete one self-certification form for each application filed. Present this form with the Form 120 Application to the Office of Zoning, 441 4th Street, N.W., Suite 210, Washington, D.C. 20001.

ITEM	EXISTING CONDITIONS	MINIMUM REQUIRED	MAXIMUM ALLOWED	PROVIDED BY PROPOSED CONSTRUCTION	VARIANCE Deviation/Percent
Lot Area (sq. ft.)	**753 sq. ft.**	**n/a**	**n/a**	**n/a**	**n/a**
Lot Width (ft. to the tenth)	**15.06'**	**n/a**	**n/a**	**n/a**	**n/a**
Lot Occupancy (building area/lot	**451.8' (60%)**	**n/a**	**60%**	**74%**	**14% (Deck 2nd)**
Floor Area Ratio (floor area/lot area)	**1260 sq. ft. (3 levels)**	**n/a**	**n/a**	**n/a**	**n/a**
Parking Spaces (number)	**0**	**0**	**0**	**0**	**0**
Loading Berths (number and size	**0**	**0**	**0**	**0**	**0**
Front Yard (ft. to the tenth)	**0**	**0**	**0**	**0**	**0**
Rear Yard (ft. to the tenth)	**15'**	**15'**	**15'**	**0**	**0% (Yard 1st)**
Side Yard (ft. to the tenth)	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**
Court, Open (width by depth	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**
Court, Closed (width by depth	**n/a**	**n/a**	**n/a**	**n/a**	**n/a**
Height (ft. to the tenth)	**30'**	**n/a**	**n/a**	**n/a**	**n/a**

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., August 17, 2004

Plat for Building Permit of SQUARE 812 LOT 42

Scale: 1 inch = 10 feet Recorded in Book 16 Page 83

Receipt No. 13830

Furnished to: SHANTEE

Surveyor, D.C.

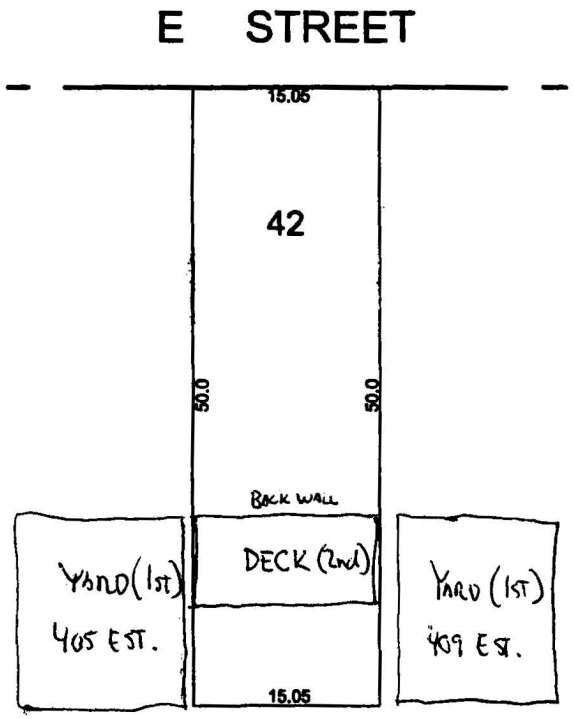
By: L.M.A. BM .

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat;and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

_____
(Signature of owner or his authorized agent)

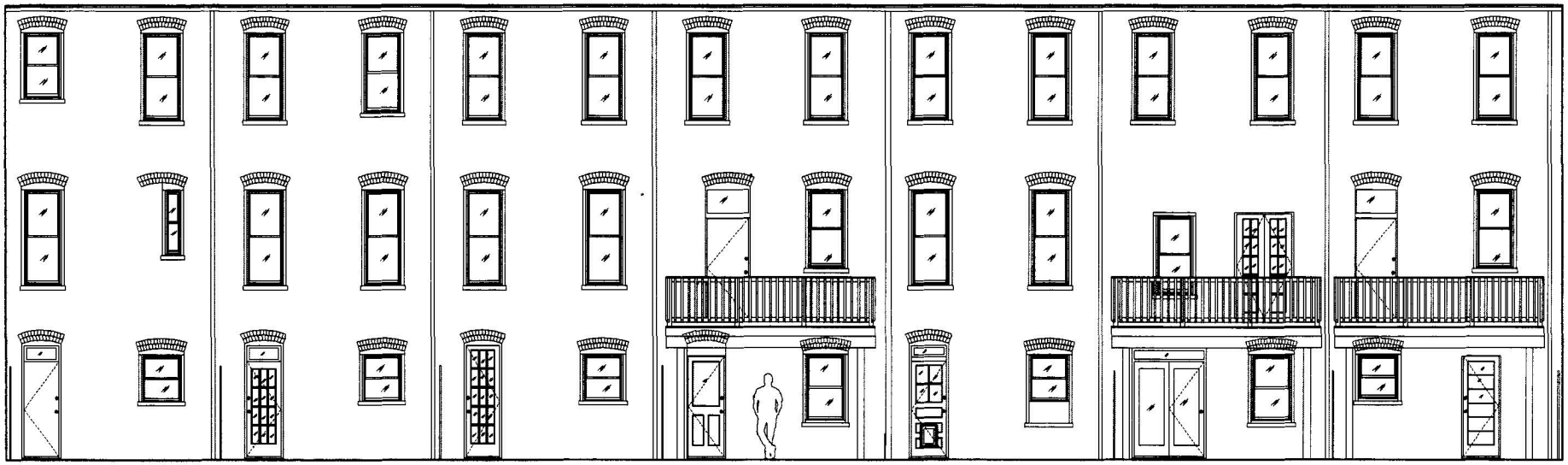
NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



SUPPLEMENTAL
EXHIBIT
B



Rear Elevation of 407 E Street, NE
Scale: 1/4"=1'-0"



Rear Elevation of 401-413 E Street, NE
Not to Scale



Note: updated view of the rear (upper windows restored; door leading to previous level of deck has been bricked up)



Note: door leading to deck from kitchen

SUPP. EXHIBIT E



Note: updated view of the rear (upper windows restored; door leading to previous level of deck has been bricked up)



Note: door leading to deck from kitchen

SUPP. EXHIBIT E



Note: updated view of the rear (upper windows restored; door leading to previous level of deck has been bricked up)



Note: door leading to deck from kitchen

SUPP. EXHIBIT E