

December 6, 2017

via IZIS

Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001

Re: BZA Application No. 19608- Additional Materials; Updated Floor Plans and Renderings

Dear Members of the Board:

Enclosed are the final Floor Plans and Renderings that have been approved by the Historic Preservation Review Board (“HPRB”). On November 26, 2017, the Applicant met with the Board of Mount Olivet Evangelical Lutheran Church (the “Church”), the owner of the adjacent property at 1308 Vermont Avenue, N.W. The discussions between the Applicant and the church are ongoing, but the Applicant anticipates a letter of support from the Church by the time of the continued hearing on December 13, 2017.

At the hearing, the project architect testified as to how the Applicant explored other options to achieve the permitted density and lot occupancy permitted in the RA-2 Zone, but that none of the alternative scenarios would be permitted as a matter-of-right. Enclosed is “Option B”, which extends the addition further into the rear yard than the proposed plan. This option was shown to the Church and they preferred the proposed plan. Option B, shown on page 3, would not be permitted as a matter-of-right because it creates a nonconforming side yard (5 ft.) on the north side of the building and would require both special exception relief (side yard) and variance relief (C § 202.2- expanding a nonconforming structure).

Option B eliminates the Applicant’s ability to provide additional parking, which was a specific request by the Church. As demonstrated on page one of “Option B”, the current

proposed plan allows the Applicant to provide eight (8) parking spaces, whereas Option B only allows the Applicant to provide four (4) spaces (see page 2 of Option B).¹ While the additional parking is not required by the zoning regulations, both scenarios require variance relief, therefore the Applicant believes the proposed plan allows for the most efficient use of space on the lot.

The Office of Planning suggested the Applicant extend the building to the rear while leaving the two-foot three-inch (2 ft. 3 in.) side yard. However, the Applicant would again need both special exception and variance relief under this scenario. Subtitle F § 306.5 provides, “in the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).” The bay windows project into the required side yard, making that portion of the side yard less than two feet (2 ft.). Accordingly, the Applicant would need special exception relief for the side yard and variance relief for expanding a nonconforming structure (C §202.2). The Applicant initially requested that HPRB permit the Applicant to close the side yard, which would eliminate any need for relief. However, HPRB would not permit the Applicant to close the side yard.

The Applicant faces a unique situation because HPRB will not permit the Applicant to close the existing nonconforming side yard and the bay windows make the side yard less than two feet (2 ft.). This unique situation leads to a practical difficulty for the Applicant, because it must request relief to do any meaningful addition to the Building. The proposed plans have been approved by HPRB and the layout is the most efficient use of space. Extending the building further into the rear yard creates an awkward structure and layout, as demonstrated on pages 3-7

¹ Spaces 5, 7 and 8 are eliminated and there is no navigable back up area for space 4, so it would not be approved.

of “Option B.” At the permitted height of fifty feet (50 ft.), Option B would cast shadows to the north and south; it would also obstruct what could be a natural rear court formed by the sides of 1308/1314 and the rear of 1310 and the existing carriage houses on 1316-1318 Vermont. Both Option B and the option proposed by the Office of Planning require the Applicant to request special exception relief and variance relief. Both of those scenarios require the addition to further encroach into the rear yard, eliminating parking. As any scenario would require relief, the proposed plan is the best scenario as it allows for the most efficient use of space on the lot.

Sincerely,

A handwritten signature in black ink that reads "Martin P. Sullivan". The signature is written in a cursive style with a large initial "M".

Martin P. Sullivan, Esq.
Sullivan & Barros, LLP
Date: December 6, 2017