

January 2, 2018

**via IZIS**

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

**Re: BZA Application No. 19608- Construction Management Agreement**

Dear Members of the Board:

Enclosed is a proposed Construction Management Agreement (“CMA”) between the contract purchaser of 1310 Vermont Avenue, N.W. (the “Applicant”) and Mount Olivet Evangelical Lutheran Church (the “Church”), owner of the adjacent property at 1308 Vermont Avenue, N.W. The proposed CMA outlines what the Applicant believes are the main concerns regarding the potential impacts of the proposed project on the Church. The proposed CMA is based on an email the Applicant received from the Church which listed the specific requests now contained in the CMA. The Applicant and the Church are continuing to work out the details of the CMA.

In addition to submission of this CMA, at the continued hearing on December 13, 2017, the Board requested that the Applicant briefly summarize its variance argument. The Applicant has submitted detailed arguments regarding the variance test in its Applicant’s Statement, Prehearing Statement, and most recently in its submission on December 6, 2017 (Exhibit 49). To summarize, the Applicant is faced with a unique condition of the property - the nonconforming side yard, and the impact on any proposed addition of the design requirements of the Historic Preservation Review Board (“HPRB”). A side yard is not required in the RA Zones; however, the nonconforming side yard cannot be eliminated due to HPRB concerns. An addition that goes

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straight back (i.e. does not enclose the side yard as proposed) impacts the interior configuration of the building, making it difficult to use the space efficiently. That type of addition would also be limited in width, because it would have to provide a conforming side yard of eight feet on the north property line as well. Accordingly, providing a compliant building would significantly impact the layout of the bedrooms and produce a less desirable building, which would be unnecessarily burdensome for the Applicant. The proposed addition maintains the existing rear setback, provides for the most efficient use of space, and has been approved by both the ANC and HPRB.

Sincerely,

A handwritten signature in black ink that reads "Martin P. Sullivan". The signature is written in a cursive style with a horizontal line underneath it.

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Martin P. Sullivan, Esq.  
Sullivan & Barros, LLP  
Date: January 2, 2018