

**MEMORANDUM**

TO: District of Columbia Board of Zoning Adjustment

FROM: Karen Thomas, Case Manager
Joel Lawson, Associate Director Development Review

DATE: March 27, 2012

SUBJECT: Extension Request – BZA Case 17964A, 6100-6120 Georgia Avenue, NW

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Applicant:	Emory United Methodist Church
Address:	6100-6120 Georgia Avenue, NW
Ward / ANC	Ward 4; ANC 4A
Project Summary:	Construction of a new building containing church, office, retail, residential and recreation uses, in the C-2-A District for which the BZA in case 17964 approved relief from the height, floor area ratio, lot occupancy and loading facility requirements and a special exception for multiple roof structures and required setbacks.
Date of Order Issuance:	March 4, 2010
Previous Extension:	None
Date of Order Expiration:	March 4, 2012

PHOTO(S) OF SITE:

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17964-AEXHIBIT NO. 72

Existing Site Condition (2012) (previous photo not available).

EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 of the Zoning Regulations allows for the extension of a BZA approval for “good case” shown upon the filing of a written request by the applicant before the expiration of the approval; provided that the BZA determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond.

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The application submitted to the BZA is dated February 15, 2012 and has been in the public record since filing. §3130.9 further provides that a time extension filed at least 30 days prior to the expiration date shall toll the expiration date to allow the BZA to consider the request.

- (b) **There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application.**

Zoning Regulations:

There were no changes to the Zoning Regulations which would undermine the Board's justification for approving the original application.

Surrounding Development:

No substantial change is anticipated in the nature of surrounding development. While a mixed-use development is proposed at the corner of Missouri Avenue and Georgia Avenue, this development would not impact the material facts upon which the BZA based its original approval.

Proposed Development:

The application indicates that no changes to the approved development are proposed as part of this extension request.

- (c) **The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria.**
- (1) **An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;**
 - (2) **An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or**
 - (3) **The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.**

The applicant has cited an inability to obtain sufficient project financing due to market conditions beyond their reasonable control. The applicant has submitted the sources of funding which were initially assigned to the development. Due to economic uncertainties of the market this offer of funding has been rescinded. In addition, the applicant has submitted an affidavit demonstrating the continued search for financing in order to finalize a construction contract with a general contractor and builder.

Flexibility: The applicant first filed its request for a time extension on February 15, 2012, approximately 3 weeks prior to the expiration of its standing order. The applicant has requested flexibility from the 30-day filing period prior to the expiration date, and requests that the Board continue to toll the expiration date until the Board hears the request on April 10, 2012 (See BZA 17679 A). The applicant has stated that the church needed additional time to verify the information in the submitted affidavit. OP has no objection to this request.

OP is satisfied that the applicant has made attempts to move the project to completion and **recommends approval** of the extension request for a period of two years until March 4, 2014.