



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: October 23, 2012
SUBJECT: Extension Request – BZA Case 18109-A, 5127-5131 Nannie Helen Burroughs Avenue, NE

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Applicant:	Jordan & Keys, PLLC for the District of Columbia and the Washington Metropolitan Community Development Corporation
Address:	5127-5131 Nannie Helen Burroughs Avenue, N.E.
Ward / ANC	Ward 7; ANC 7C
Project Summary:	Renovation of the existing Strand Theatre building to adjoin it with the two-story structure located along its west elevation and the construction of a two-story side addition along the west elevation of the western building.
Date of Order Issuance:	October 14, 2010
Previous Extension:	None
Date of Order Expiration:	October 14, 2012

PHOTO(S) OF SITE:

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18109-A

EXHIBIT NO. 34



Site Photograph in September 2010 OP Report



Site Photograph taken October 8, 2012

EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 of the Zoning Regulations allows for the extension of a BZA approval for “good

Board of Zoning Adjustment

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cause” 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.**

The application submitted to the BZA is dated September 5, 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 have been no changes to the zoning district classification of the subject property.

Surrounding Development:

There have been no significant projects approved since the previous approval was granted by the BZA.

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.**

Due to current economic and market conditions, the applicant has been unable to secure financing for the project without a retail tenant. However, a Letter of Intent from a national chain retail tenant has recently been acquired and calls for delivery of the retail space in the first quarter of 2014. The commitment of this tenant in concert with a Federal Historic Rehabilitation Tax Credit insures funding for the development. As a building permit application cannot be submitted prior to October 14, 2012, an extension will allow the applicant to proceed with development plans.