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MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: ✓ Maxine Brown-Roberts, Project Manager

DATE: March 19, 2013

SUBJECT: Extension Request – BZA # 18174, 732 15th Street, SE

RECOMMENDATION

The Office of Planning recommends **approval** of the requested two-year extension of BZA Order 18174

SUMMARY TABLE

Applicant:	EDCO LLC
Address:	732 15 th Street, S.E. (Square 1077, Lot 808)
Ward/ANC/Historic District:	Ward 6/ANC-6B/Not within a historic district
Project Summary:	Conversion of the existing commercial building to residential use and enlarge it with a 2-story addition to accommodate 5 apartment units
Order Effective Date:	March 23, 2011
Previous Extension:	None
Order Expiration Date:	March 24, 2013

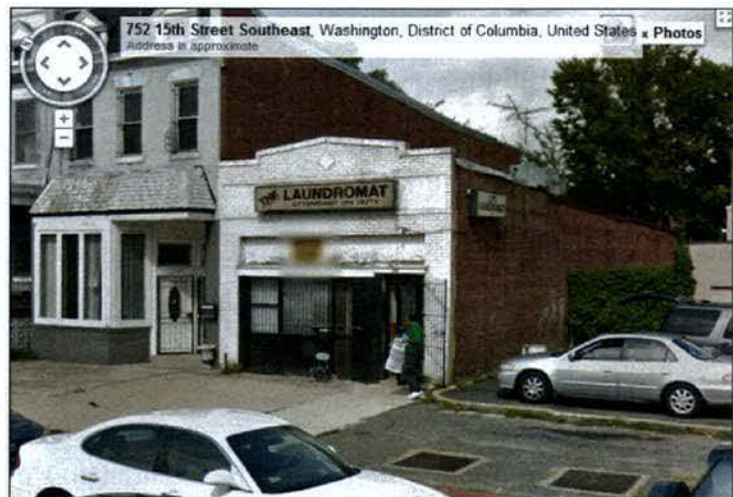
BOARD OF ZONING ADJUSTMENT
 District of Columbia

CASE NO. 18174

EXHIBIT NO. 37



2011 Photograph



2013 Photograph

Board of Zoning Adjustment
 District of Columbia
 CASE NO. 18174
 EXHIBIT NO. 37



EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 allows for one extension of a Board of Zoning Adjustment (BZA) approval time period of up to two years. Section 3130.6 further allows approval if “good case” is shown upon the filing of a written request by the applicant before the expiration of the approval; and provided that the Board of Zoning Adjustment 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 an extension request, dated February 22, 2013, to the BZA and it has been in the public record since filing.

- (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 commission’s justification for approving the original application; and**

The property retains its C-2-A zone designation and the recommendations of the Comprehensive Plan. BZA Order 18174 was approved on March 15, 2011 to allow a two-story addition to an existing one-story building. The Order approved:

- Variance from § 2001.3 and § 772.1 (lot occupancy) to allow an addition to a nonconforming structure; and
 - Variance from § 2101.1 (parking) to provide no parking where 3 spaces are required.
- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:**
- (a) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant’s reasonable control;**
 - (b) 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**
 - (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant’s reasonable control.**

Behind Tab F of the applicant’s submission is a sworn statement which states that the applicant has been unable to secure financing from two banks that cited market conditions as the primary reason for not providing financing of the project. The applicant further state that they have taken actions to move the project forward by spending approximately \$60,000 which includes site acquisition and more detailed architectural and engineering plans.

OP believes that the applicant has met the requirements of Section 3103.6 and recommends that the requested two-year extension be granted.