

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Karen Thomas, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: April 23, 2013
SUBJECT: Extension Request – BZA Case 18182A, 1718-1734 7th St. NW

Applicant:	Lincoln Westmoreland Housing (LWH)
Address:	1710 -1730 7th Street NW
Ward / ANC	Ward 2; ANC 2C
Project Summary:	Subdivision of the existing square in order to develop a new 50-60 unit apartment building requiring WMATA's permission for a portion of the proposed site. Variance relief from parking, loading, rear yard, floor area ratio and special exception relief from the roof structure requirements.
Date of Order Issuance:	April 5, 2011
Previous Extension:	None
Date of Order Expiration:	April 5, 2013

PHOTO(S) OF SITE:

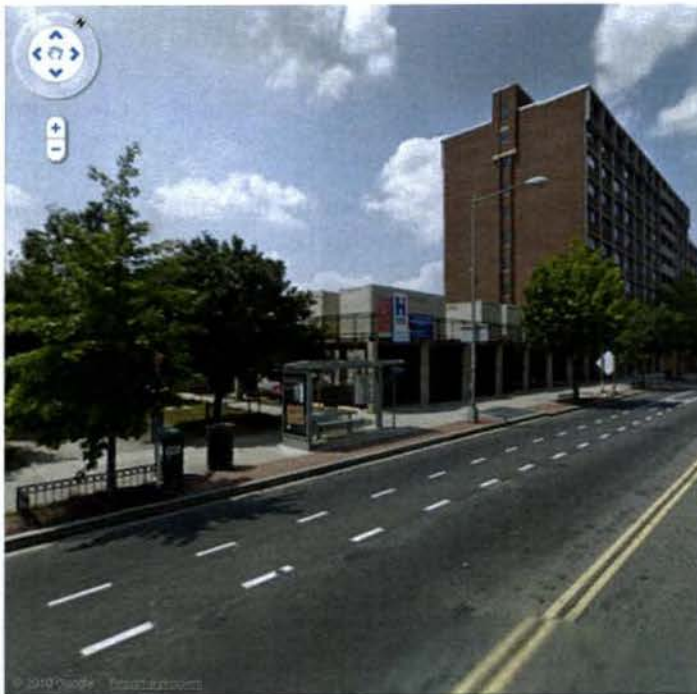


Photo (2011: OP Report BZA 18182)

BOARD OF ZONING ADJUSTMENT
 District of Columbia
 CASE NO. 18182-A
 EXHIBIT NO. 34



Photo: 2012 (Bing maps)

EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 of the Zoning Regulations allows for the extension of a BZA approval for “good 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 March 7, 2013 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 has been no substantial change to the zoning regulations that would impact the material facts upon which the Board based its original approval.

Surrounding Development:

While there have been significant development projects in the neighborhood of the Shaw Metro Station on 7th Street, it would not significantly impact the material facts upon which the BZA made 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’s reasons for the requested extension are justified, as being beyond the applicant’s control, including the delays in securing financing from DHCD and HUD, as well as the approval date of WMATA’s air rights to build on its property, which may well be after the BZA’s order expires on April 5, 2013. The applicant continues to make efforts to proceed to the building permit phase, and estimates filing in April 2013, with construction completion around December 2014. Therefore, OP supports the extension request on evidence of the applicant’s sworn testimony.