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District of Columbia
Office of Planning



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review *JSW*
DATE: January 28, 2014
SUBJECT: Extension Request – BZA Case 18291-A, 1140 6th Street NE

Applicant:	Mt. Olive Baptist Church, the owner of record
Address:	1140 6th Street NE
Ward / ANC	Ward 6; ANC 6C
Project Summary:	Variance approval to increase the allowable lot occupancy under § 401 and to waive the onsite parking required under § 2101.1 for a child development center use for 50 children and 12 staff.
Date of Order Issuance:	February 17, 2012
Previous Extension:	None
Date of Order Expiration:	February 27, 2014

PHOTO(S) OF SITE:



Photograph in December 2011 OP Report



Site Photograph, January 14, 2014

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18291

EXHIBIT NO. 42

Board of Zoning Adjustment

District of Columbia

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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 was submitted to the BZA and parties to this case on January 6, 2014, and has been in the public record since the 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 Board’s justification for approving the original application.**

Zoning Regulations:

There has been no change in the material facts upon which the Board based its original approval

Surrounding Development:

No development projects have been constructed nearby that would significantly impact the subject property

Proposed Development:

No changes to the approved development are proposed as part of this extension request and no change in the zoning relief originally approved was requested

- (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;**

In a letter dated December 30, 2013, Catherine Milles, Chairperson of the Trustee Board, explained that the church has been unable to secure financing for the proposed construction in the two years since the requested relief was approved despite its diligent pursuit. The letter also stated that an additional two years would provide the necessary time to secure the required financing and submit a building application.

- (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**

Not applicable in this case

- (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant’s reasonable control.**

Not applicable in this case

Based on the information, the Office of Planning concluded that this request generally meets the standards for approval of the requested 2-year extension until February 27, 2016