

BEFORE THE ZONING COMMISSION AND
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

FORM 150 – MOTION / REQUEST

Before completing this form, please review the instructions on the reverse side. Print or type all information unless otherwise indicated. All information must be completely filled out.

CASE NO.: 18291

Motion/Request of: ☒ Applicant ☐ Petitioner ☐ Appellant ☐ Party ☐ Intervenor ☐ Other _____

Motion/Request to:

- | | |
|---|---|
| ☐ Amend the Relief Sought
☐ Waive Posting / Affidavit of Posting Requirement
☐ Waive Notice Requirement to Shorten Period of Time Case is Advertised in the DC Register
☐ Accept a Proffered Expert Witness
☐ Allow Non-Authorized Representative to Perform Cross-Examination
☐ Reopen the Record | ☐ Reopen a Hearing (before decision)
☐ Dismiss on the Merits
☐ Postpone
☐ Continue
☐ Correct a Transcript
☐ Waive the following Time Deadline (i.e. 14-day filing deadline)
☒ Other: <u>Request for a Two-Year Extension of Order No. 18291</u> |
|---|---|

Points and Authorities:

On a separate sheet of 8 1/2" x 11" paper, state each and every reason why the Zoning Commission (ZC) or Board of Zoning Adjustment (BZA) should grant your motion or request, including relevant references to the Zoning Regulations or Map.

CERTIFICATE OF SERVICE

I hereby certify that on this 6 day of January, 2014

I served a copy of the foregoing Motion or Request to each Applicant, Petitioner, Appellant, Party, and/or Intervenor, and the Office of

Planning in the above-referenced ZC or BZA case via: ☐ Mailed letter ☐ Hand delivery ☒ E-Mail ☐ Other _____

BOARD OF ZONING ADJUSTMENT
District of Columbia

Signature: _____

Print Name: Martin P. Sullivan

CASE NO. 18291

Firm/Organization: Mount Olive Baptist Church

EXHIBIT NO. 44

Address: 1140 6th Street, NE, Washington, DC 20002

Phone No.: _____

E-Mail: _____

To be notified of hearing and decision: (Maker of Motion/Request or Authorized Agent)

In the event an authorized agent files a Motion or Request on behalf of the Maker of the Motion or Request, a letter signed by the Maker of the Motion or Request authorizing the agent to act on his/her behalf shall accompany the notice of application, petition, or appeal.

Print Name: Martin P Sullivan, Sullivan & Barros, LLP

Address: 1990 M Street, NW, Washington, DC 20037

Phone No.: 202-503-1704

E-Mail: _____

msullivan@sullivanbarros.com

Board of Zoning Adjustment
District of Columbia
CASE NO.18291
EXHIBIT NO.44

January 6, 2014

Via E-mail

Board of Zoning Adjustment
441 4th Street, NW
Suite 200S
Washington, DC 20001
bzasubmissions@dc.gov

Re: BZA Order No. 18291; Motion for a 2-Year Extension; Mt. Olive Baptist Church

Dear Members of the Board:

I am writing on behalf of Mt. Olive Baptist Church to request a two-year extension of the expiration date for BZA Order No. 18291, pursuant to 11 DCMR § 3130.6.

In BZA Order No. 18291 (a summary order; hereinafter the "Order"), the Board approved area variance relief from the lot occupancy requirements under Section 403, the rear yard requirements under Section 404, the nonconforming structure provisions of Section 2001.3, and the off-street parking requirements of Section 2101.1, to restore an existing church building and construct an addition thereto, at premises 1140 6th Street, N.E. (Square 829, Lot 65). The proposed work includes the restoration of, and addition to, a 98-year old church building for the purpose of establishing a matter-of-right child development center.

The Order was issued on February 17, 2012, and became effective on February 27, 2012. Pursuant to § 3130.6, this request is timely filed because it is being filed prior to the expiration of the Order. This request meets the requirements of § 3130.6 as follows:

(a) The request has been served on all parties to the application;

(b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application; and

Board of Zoning Adjustment
January 6, 2014

(c) By the attached letter from the Chairperson of the Church's Board of Trustees, the Applicant has demonstrated that there is good cause for the extension, because of the Church's inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control

Based on the information above, the applicant respectfully requests an extension of two years. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin P. Sullivan". The signature is written in a cursive, slightly slanted style.

Martin P. Sullivan

Enclosures

cc: Office of Planning, Arthur Jackson
ANC 6C
Tony Goodman, ANC 6C-06

Mt. Olive Baptist Church
1140 6th Street, NE
Washington, DC 20002

December 30, 2013

Office of Zoning
Government of the District of Columbia
One Judiciary Square
441 4th Street NW
Suite 210S
Washington, DC 20001

Re: Motion to Extend BZA Order No. 18291

Dear Members of the Board:

I am writing on behalf of Mt. Olive Baptist Church (the "Church"), the owner of the property located at 1140 6th Street, NE. I am the Chairperson of the Board of Trustees for the Church. In that role, I have been involved in attempting to secure funding for the project approved by this Board in BZA Order No. 18291. Despite the fact that the Church has diligently pursued the necessary funding and financing for this project, it has not yet secured such funding.

Due to economic conditions, the Church has experienced a lower amount of member donations. In addition, several lenders have told the Church that tougher lending restrictions are currently preventing these lenders from financing this project. The Church is still committed to this important project, including the creation of a child development center, and expects to eventually secure the necessary funding. Providing an additional two years would provide the time necessary for the Church to secure funding and submit a building permit application.

We therefore respectfully request that the Board grant the Motion for a 2-year extension.

Respectfully,

Catherine Mills

Name: CATHERINE MILLS

Title: Chairperson, Trustee Board

Mt. Olive Baptist Church
1140 6th Street, NE

Washington, DC 20002

December 30, 2013

Office of Zoning
Government of the District of Columbia
One Judiciary Square
441 4th Street NW
Suite 210S
Washington, DC 20001

Re: Motion to Extend BZA Order No. 18291

Dear Members of the Board:

Mt. Olive Baptist Church ("Owner"), the owner of the above-referenced property, hereby authorizes Sullivan & Barros, LLP, to represent Owner in all proceedings before the D.C. Board of Zoning Adjustment concerning the above-referenced BZA case, including the attached Motion for a 2-year extension of the BZA Order..

Sincerely,

Mt. Olive Baptist Church

By: Catherine Mills

Name: CATHERINE MILLS

Title: Chairman, Trustees Board

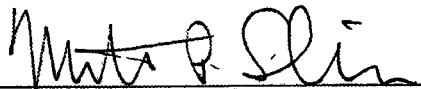
CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2014, a copy of this submission was e-mailed to the following persons:

Arthur Jackson, Office of Planning
arthur.jackson@dc.gov

Advisory Neighborhood Commission 6C
c/o Karen Wirt, Chair
karen.wirt@anc.dc.gov

Tony Goodman
ANC 6C-06 SMD Commissioner
Waid6tony@gmail.com



Martin P. Sullivan