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District of Columbia
Office of Planning

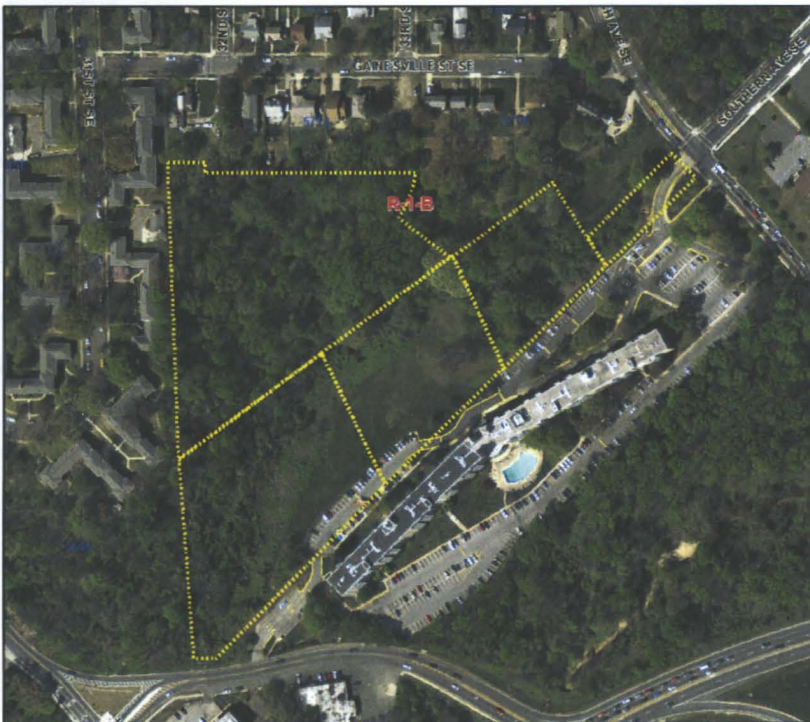


MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Paul Goldstein, Case Manager
Joel Lawson, Associate Director Development Review
DATE: September 10, 2013
SUBJECT: Extension Request – BZA Case 17837, Hillcrest

Office of Planning (OP) Recommendation	Approval
Applicant	Hillcrest Homes Associates, LP
Address	Parcels 208/4, 208/61, 208/64, 208/65, and 215/27
Ward / ANC	Ward 7; ANC 7B
Project Summary	Construction of 54 detached dwellings
Date of Original Order Issuance	June 23, 2009 (however, due to an appeal filed to the D.C. Court of Appeals, the Board's decision was effectively tolled until the court issued its final decision on August 25, 2011)
Date of Original Order Expiration	August 25, 2013

AERIAL PHOTO



2012 Aerial Photo (subject property highlighted)

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 17837

EXHIBIT NO. 69



EVALUATION OF THE EXTENSION REQUEST

Section 3130.6 of the Zoning Regulations allows for one 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. This application requests that an extension, the project's first, be granted. OP has no objection to the extension request.

In order to grant an extension, the BZA must determine 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 July 25, 2013 and, according to the application, it has been served on all parties to the original application. Section 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;**

The application indicates that there have been no changes to the project in any material respect, and that no material facts have changed upon which the Board relied in granting the application.

- (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 application indicates that efforts to finance the project have been unsuccessful due to the court case, tight financial markets, and deterioration of residential real estate especially in the project's sub-market. As further explained in the affidavit included with the application, Applicant attempts to finance the project were fruitless. Challenging conditions were beyond the Applicant's reasonable control, and OP therefore has no objection to the two-year extension request.