

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen Gyor AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: January 19, 2016
SUBJECT: Extension Request – BZA Case 18511A, 1018 Irving Street NW

Address:	1018 Irving Street NW (the “Subject Property”)
Applicant:	Alleyoop LLC (the “Applicant”)
Legal Description:	Square 2851, Lot 837
Ward / ANC	Ward 1/1A; ANC 1A
Zone	R-4: row dwellings and flats
<i>Project Summary:</i>	Subdivision of an alley lot into three separate lots and conversion of an existing automotive repair shop to an office use and two artist studios. Separately, the applicant has filed a further application to allow a change of permitted use within this space (BZA 18511B).
Date of Order Issuance:	January 23, 2014
Previous Extension:	NA
Date of Order Expiration:	January 23, 2016

PHOTO(S) OF SITE:



Board of Zoning Adjustment

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 January 6, 2016 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 not been a substantial change in zoning that would impact the material facts upon which the BZA based its original approval.

Surrounding Development:

There has not been a substantial change to the nature of surrounding development that would impact the material facts upon which the BZA based 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 has indicated that there is good cause for the extension due to inability to secure a tenant due to the current economic and market conditions beyond the Applicant’s reasonable control. However, the applicant should provide the normally submitted, more robust indication of their efforts to lease the space as permitted. If sufficiently explained, this plus the filed application to amend the permitted uses would constitute good cause for an extension of the existing approval.