

June 9, 2016

Via IZIS

Marnique Y. Heath
Board of Zoning Adjustment
441 4th Street, NW
Suite 200S
Washington, DC 20001

Re: BZA Order No. 18805; Request for a 2-Year Extension

Dear Chairperson Heath and Members of the Board:

I am writing on behalf of 1831 14th Street, LLC (the "Applicant"), to request a two-year extension of the expiration date for BZA Order No. 18805, pursuant to Subtitle Y § 705. In BZA Summary Order No. 18805 (the "Order"), the Board granted special exception relief from the rear yard requirements of subsection 774.2 to build a second floor addition to the existing building (the "Building") located at 1829-1831 14th Street (the "Property"). The Property is located in the ARTS/C-3-A zone district (ARTS-3 under the 2016 Zoning Regulations).

The Property is located within the jurisdiction of ANC 1B-12. ANC 1B did not submit an official report related to the Application because it failed to reach a quorum for two (2) straight months. However, the Single Member District Commissioner for 1B-12, Zahra Jilani, submitted a letter of support urging the Board to approve the Application. The Office of Planning recommended approval, and DDOT expressed no objection. There were no parties or persons in opposition. The Application requested special exception relief under 774.1 to do an addition which would add 1,000 square feet of gross floor area on the second floor. The Building's first floor occupies 100% of the lot, and the second and third floors only occupy a portion of the lot. The Applicant requested this relief based on the request of the tenant, which required additional space. The Application was approved and a Summary Order was issued on July 31, 2014.

Following issuance of the Order, the tenant unexpectedly vacated their lease. The Applicant is in the process of searching for a replacement tenant, and would like to have the Order remain in effect to provide alternatives for prospective tenants. It is expected that the Applicant will eventually proceed with the addition, as a significant amount of time and money have been spent in preparing for the addition and renovation.

The tenant's unexpected departure has caused a delay in the project, requiring an extension of the existing Order. Subtitle Y § 705.1 provides that the Board may extend the time periods for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board 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 Applicant is serving this request on all parties to the original Application.

- (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; and*

There is no substantial change in any of the material facts upon which the Board based its original approval of the Application.

- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one (1) 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.*

We assert that there is good cause for the extension due to the unexpected loss of the tenant, as discussed above.

For these reasons, the Applicant is respectfully requesting a two-year extension of the time period for validity of Order No. 18805.

Sincerely,



Martin P. Sullivan

Enclosures

cc: Office of Planning, Joel Lawson
ANC 1B
James Turner, Chair, ANC 1B
John Carlos Green, ANC 1B-12