

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Request for a Time-Extension, BZA Case No. 21160
1314 21st Street, NW (Square 69, Lot 228)

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of Three Tables, The LLC (the “**Applicant**”), owner of the property located at 1314 21st Street, NW (Square 69, Lot 228) (the “**Property**”). The Applicant is requesting a 6 month time extension of BZA Order No. 21160 (the “**Order**”). The Order granted the Applicant the Use Variance relief from the matter of right uses of U § 401.

The relief was granted in order to permit a prepared food shop and retail use in an existing nonconforming use (art gallery) on the first floor of the existing building. The Summary Order was issued on October 15, 2024, and became effective ten days later on October 25, 2024. Therefore, the Order is set to expire on April 25, 2025. The Applicant requests the extension from Y-702.2 pursuant to Y-705.2.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to Y-705.2.

III. The Applicant Meets the Requirements of Subtitle Y-705.2.

Subtitle Y-705.2: The Board may extend the time periods in Subtitle Y § 702.1 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 will serve 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 that would undermine the Board's justification for approving the original application; and**

There is no substantial change in 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.

(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.**

There is good cause for the requested time extension due to the Applicant's inability to obtain a Certificate of Occupancy within the time required under the BZA Order. Although the Applicant has diligently pursued permit approvals and scheduled inspections in a timely manner, the overall process has taken longer than anticipated. While issuance of the Certificate of Occupancy is expected in the near future, it may occur after the current expiration date of the BZA Order.

IV. CONCLUSION.

For the reasons stated above, the Applicant respectfully requests that the Board grant the one-year time extension.

Respectfully submitted,

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros, LLP
Date: April 8, 2025