

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** July 14, 2017  
**SUBJECT:** Extension Request: BZA Case 18987A, 1124 Florida Avenue, N.E.

Address	1124 Florida Avenue, N.E.
Applicant	Meredith Moldenhauer
Legal Description	Square 4070, Lot 808
Ward, ANC	Ward 5, ANC 5D
Zone	MU-4
Project Summary	Construction of a five-story multi-family building with 46 dwelling units and 27 off-street parking spaces
Date of Order Issuance	July 23, 2015
Date of Order Expiration	August 2, 2017

**PHOTOS OF SITE**



**Google 2015**



**Google 2016**

**EVALUATION OF THE EXTENSION REQUEST**

Subtitle Y Section 705 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 the BZA determines 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 June 22, 2017 and contains a Certificate of Service indicating that it was served on all parties. Subtitle Y §705.1 (a) 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**

Since the granting of BZA Application No. 18987, new zoning regulations, ZR16, have gone into effect, renaming the zoning classification of the subject property from C-2-A to MU-4. MU-4 is similar to the former C-2-A zone, and results in no substantial changes to the material facts upon which the Board based its original approval.

### **Surrounding Development**

There have been no significant projects approved since the previous approval was granted by the BZA.

### **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 been unable to obtain all required governmental approvals within the time frame allotted. To date, the applicant obtained a raze permit and demolished the previous improvements to the property, obtained plumbing, gas and foundation permits, and submitted plans to DDOE and DC Water for review. However, the applicant has not yet been able to file for building permits and, therefore, requests a two-year time extension to be able to apply for and receive those permits.

The Office of Planning recommends the Board grant the extension request.