

December 10, 2015

Via IZIS

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

Re: BZA Order No. 18701-A; Request for a 2-Year Extension

Dear Members of the Board:

I am writing on behalf of 1247 ESE, LLC (the “Applicant”), to request a two-year extension of the expiration date for BZA Order No. 18701-A, pursuant to 11 DCMR § 3130.6. In BZA Summary Order No. 18701-A (the “Order”), the Board granted use variance relief to operate a restaurant in the first floor space (the “Premises”) within an existing building (the “Building”) located at 1247 E Street, SE (the “Property”). The Property is located in the R-4 zone district. The Building has been used as a mixed-use building for its entire 100-year plus history, including grocery store and confectioner use in the area of the Premises.

At one point, the Premises was used as a private club; which is a permitted use in the R-4 zone. This use effectively extinguished the legal nonconforming status of the Premises, prompting the need for the use variance relief granted in Application No. 18701. The Application was unanimously supported by ANC 6B by a vote of 10 – 0. Several neighbors also filed letters in support. The Application was approved on February 25, 2014, with several conditions for the restaurant use. A revised Summary Order was issued shortly after issuance of the initial Order, to correct the form language at the end of the Order, which first noted only a 6-month approval period, rather than the two years provided for applications for which renovation is needed.

Following issuance of the Order, the Applicant renovated the first floor space as well as the residential portion of the Building. The permit process and the renovation took longer than expected, and was not completed until February 2015, at which time a broker was hired to find a restaurant tenant. That search is proceeding, but has not been completed yet. More time is needed to find an appropriate tenant. A timeline of the Applicant’s post-hearing process is attached hereto as Exhibit A.

This area of the District is currently undergoing an influx of infill residential development, seeing the addition, or planned addition, of numerous residential units in the area surrounding the Property, including the development of the Buchanan School property catty corner to the Property. The additional residential units planned in the area will be a great incentive to prospective restaurant tenants, but prior to these planned projects, the market for the location of a restaurant in this location has, in the broker's opinion, been waiting for more of these residential units to be completed and occupied.

The combination of these two conditions has caused a delay requiring an extension of the existing Order, pursuant to 11 DCMR § 3130.6. The Applicant is serving this request on all parties to the original Application. There is no substantial change in any of the material facts upon which the Board based its original approval of the Application. And we assert that there is good cause for the extension due to the time necessary for entitlement of the renovation, as well as the inability to secure a tenant due to the current economic and market conditions beyond the Applicant's reasonable control.

Finally, the subject space has never been used for residential use, and the proposed, conditioned, restaurant use is an ideal use of the space (although slightly ahead of the market for such use), as evidenced by the strong support for the original application. For these reasons, the Applicant is respectfully requesting a two-year extension of the time period for validity of Order No. 18701.

Sincerely,



Martin P. Sullivan

Enclosures

cc: Office of Planning, Joel Lawson
ANC 6B
Kirsten Oldenburg, Chair, ANC 6B
Nick Burger, ANC 6B-06