

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Elisa Vitale, Case Manager  
*JL* Joel Lawson, Associate Director Development Review  
**DATE:** May 26, 2017  
**SUBJECT:** Extension Request – BZA Case 18897A, 1504 Swann Street NW

Address:	1504 Swann Street NW
Applicant:	Julian Hunt and Lucrecia Laudi
Legal Description:	Square 191, Lot 817
Ward / ANC:	Ward 2; ANC 2B
Zone:	DC/R-4 (1958) RF-2 (2016)
Project Summary:	Approved variances from lot occupancy and rear yard to allow construction of an addition to an existing single-family dwelling and conversion to a flat.
Date of Order Issuance:	June 25, 2015
Date of Order Expiration:	June 16, 2017

**PHOTO(S) OF SITE:**



**Figure 1: Google Street view - November 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 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 April 24, 2017 and has been in the public record since filing. §705.1 (a) 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:**

The zone name has changed as a result of the comprehensive update of the zoning regulations. New zone names went in to effect in September 2016. The zone name of the property was DC/R-4 at the time of the original approval and is now RF-2.

### **Surrounding Development:**

No substantial change to the nature of surrounding development that would impact the material facts upon which the BZA based its original approval has occurred.

### **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 received the summary order in June 2015 and submitted building permit plans to the Department of Consumer and Regulatory Affairs (DCRA) in August of 2016. The permit review process at DCRA took eight (8) months with the building permit (B1611765) being issued in March 2017. The applicant has indicated that additional time is required to bid the project and obtain project financing.

The Office of Planning (OP) has reviewed the submitted materials and has no objection to the requested two-year time extension.