

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Elisa Vitale, Case Manager
JL Joel Lawson, Associate Director Development Review

DATE: May 16, 2018

SUBJECT: Extension Request – BZA Case 19249A, 1850 5th Street, NW.

Address	1850 5 th Street, NW
Applicant	Jonathan Kuhn Architect, Agent, on behalf of Property Owner, Jennifer Wisdom.
Legal Description	Square 3093, Lot 0046
Ward / ANC	Ward 1 / ANC 1B
Zone	RF-1
Project Summary	The Applicant is proposing to construct a new flat on a vacant lot in the RF-1 zone.
Date of Order Issuance	May 31, 2016
Previous Extension	Not applicable.
Date of Order Expiration	May 31, 2018

OP Recommendation: OP Recommends that the requested time extension be **approved**.

PHOTO(S) OF SITE: Photo of site from 2016 BZA Application, Exhibit 6, February 19, 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 19, 2018 and has been in the public record since filing. Subtitle Y §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 2016 Zoning Regulations became effective September 6, 2016; however, there is no substantial change in zoning that would impact the material facts upon which the BZA based its original approval.

Surrounding Development: There has been no substantial change to the nature of surrounding development that would impact the material facts upon which the BZA based its original approval.

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;**

The Applicant states that a change in employment status of the Property Owner has resulted in a delay in the ability to obtain financing.

- (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**

As previously stated, a change in employment for the Property Owner and its subsequent impact on the ability to obtain financing has resulted in delays in applying for building permits.

- (3) **The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant’s reasonable control.**

Not applicable.