

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 402

Case No. 80-12C

May 16, 1983

On May 14, 1981, by Order No. 342, the Zoning Commission of the District of Columbia granted approval to the application of Nicos C. Asprides, Trustee for Cabogon Investments. The approval for a consolidated Planned Unit Development (PUD) and related change of zoning from R-1-B to C-2-A (formerly D/C-2-A) for a portion of lot 917 in Square 1299. The PUD site is located at 2141 Wisconsin Avenue, N.W. and would comprise a proposed mixed-use development with ninety-two condominium apartments and 2,009 square feet of commercial space on the first floor. Order No. 342 is due to expire on May 29, 1983.

Pursuant to Paragraph 7501.76 of the Zoning Regulations of the District of Columbia, the Zoning Commission has the authority to extend the period of validity of a PUD for good cause shown upon proper request of the application before the expiration of approval.

By letter dated May 3, 1983, counsel for the applicant requested that the Zoning Commission extend the validity of the PUD approval granted on May 14, 1981. The letter stated, in part, that:

"The point at which the contract purchaser was ready to commence working drawings for the project and obtain financing for the construction of the residential development coincided with an unexpected and tremendous softening of the real estate housing market, brought on in large part by skyrocketing interest rates. Despite the contract purchaser's background in the real estate industry, it was impossible to obtain financing for residential development when all market indicators showed a downward spiral. The contract purchaser explored every possible avenue that would permit development of the project to go forward; yet met with no success. As a result, he was unable to meet his commitments pursuant to the terms of his contract and he is no longer the contract purchaser of the subject property. Forced to abandon his plans, he lost his

\$50,000 deposit on the property in addition to the expenses incurred in the processing of the PUD application, including the fees for architectural drawings, consultant's fees, and attorney's fees.

The owner of the property has been actively offering the property for sale to any developer willing to purchase the property and to develop it. For the same reasons that the previous contract purchaser was unable to proceed forward with his plans, however, at present, there is no contract purchaser who is willing to make that commitment."

The Zoning Commission is mindful of the current unfavorable economic climate for the housing industry. The Commission also understands the budgeting, marketing and other development constraints associated with a housing development. The Commission believes that an extension of time, as requested by the applicant is not unreasonable, that the rationale for granting approval for the PUD has not changed, and that there will be no adverse consequences incurred by accommodating the request.

It is therefore hereby ordered that the validity of Zoning Commission Order No. 342 is EXTENDED for a period of two years, until May 29, 1985. Prior to the expiration of that time, the applicant shall file an application for a building permit, as specified in Paragraph 7501.81 of the Zoning Regulations. Construction shall start within five years of the date of the consolidated PUD approval.

Vote of the Zoning Commission taken at the public meeting held on May 16, 1983: 4-0 (Commissioners John G. Parsons, Walter B. Lewis, George M. White, Lindsley Williams, to extend - Maybelle T. Bennett, not present not voting).



LINDSLEY WILLIAMS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat