

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 20184-B
Fort Lincoln-Eastern Avenue, LLC
Property bounded by Eastern Avenue, Bladensburg Road, and Fort Lincoln Drive N.E.
(Square 4325, Lots 44, 802 and Parcel 174/15)

HEARING DATE (20184): June 24 and July 1, 2020

DECISION DATE (20184): September 16 and November 4, 2020

ORDER ISSUANCE DATE (20184): April 20, 2022

DECISION DATE (20184-A): June 12, 2024

ORDER ISSUANCE DATE (20184-A): June 26, 2024

DECISION DATE (20184-B): March 26, 2025

SUMMARY ORDER ON REQUEST FOR
ONE-YEAR TIME EXTENSION

ORIGINAL APPLICATION AND 1ST TIME EXTENSION. In Application No. 20184, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) approved the request by Fort Lincoln-Eastern Avenue, LLC (the “**Applicant**”) for special exceptions under Subtitle U § 421 and under Subtitle C § 305.1 to allow a new residential development of 51 townhouse dwellings in a theoretical lot subdivision in the RA-1 and RA-4 zones. The Board issued Order No. 20184 on April 20, 2022 (the “**Order**,” Exhibit 2). Pursuant to Subtitle Y § 604.11, the Order became effective ten days after issuance. Pursuant to Subtitle Y § 702.1, the Order was valid for two years from the time it became final.

On June 12, 2024, the Board granted a one-year time extension in Application No. 20184-A that extended the validity of the Order to April 20, 2025. (Exhibit 2.)

REQUEST FOR ONE-YEAR TIME EXTENSION. On January 24, 2025, the Applicant submitted a request that the Board grant a one-year extension of Order No. 20184. (Exhibits 1-4.)

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Board of Zoning Adjustment

District of Columbia

CASE NO.20184B

EXHIBIT NO.11

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NOTICE OF THE REQUEST. Pursuant to Subtitle Y § 705.2(a), the Applicant provided proper and timely notice of the request for time extension to the parties to the underlying case. (Exhibit 4.)

PARTIES. The parties to this case were the Applicant, Advisory Neighborhood Commission ("ANC") 5C, Pineview Association, and Fort Lincoln Civic Association, Inc.

ANC REPORT. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on February 13, 2025, at which a quorum was present, the ANC voted to oppose the request. (Exhibit 10.)

OFFICE OF PLANNING ("OP") REPORT. OP submitted a report recommending approval of the time extension request. (Exhibit 8.)

DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT. DDOT did not submit a report to the record.

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT ("DMPED") REPORT. DMPED submitted a letter in support of the time extension request. (Exhibit 7.)

PARTY IN OPPOSITION. The Fort Lincoln Civic Association, Inc. submitted a letter in opposition to the time extension request. (Exhibit 6.)

CONCLUSIONS

This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

Pursuant to Subtitle Y § 705.2(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.2(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.2(c), good cause for the extension must be demonstrated 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.

Based upon the record before the Board and having given great weight to the appropriate recommendations and reports filed in this case, the Board finds that the Applicant has met the criteria of Subtitle Y § 705.2 to extend the validity of the underlying order.

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Pursuant to Subtitle Y § 705.4, the Board's decision on the request shall be in writing and shall become final and effective upon its filing in the record and service upon the parties.

DECISION

It is therefore **ORDERED** that the request for a one-year time extension to the validity of the Board's approval in Order No. 20184 is hereby **GRANTED**, and the Order shall be valid until **April 20, 2026**.

VOTE: 3-0-2 (Frederick L. Hill, Chrishaun S. Smith, and Tammy M. Stidham to APPROVE; Carl H. Blake and Lorna L. John not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:



SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: April 1, 2025

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.