

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Karen Thomas, Case Manager  
MBR  
Maxine Brown-Roberts, Associate Director Development Review

**DATE:** June 5, 2026

**SUBJECT:** Extension Request – First Extension Request BZA Case 20716A

### **I. BACKGROUND**

BZA Order No. 20716, effective July 23, 2024, approved area variance relief from the alley record lot requirements of Subtitle C § 306.1 to permit the subdivision of one existing alley record lot into six new alley record lots. The approved relief allowed the construction of six attached, two-story plus cellar principal dwelling units, each on its own newly created alley record lot, within the RF-1 zone.

The Order became effective on July 23, 2024, and will expire on July 23, 2026, absent an extension. The Applicant now requests a time extension of the approved relief pursuant to Subtitle Y §§ 702.1 and 705.2.

### **II. OP RECOMMENDATION**

OP recommends that the requested two-year time extension be **approved**.

### **III. LOCATION AND SUMMARY**

|                           |                                                                                                                                                                                                       |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant:                | A Street Development, LLC                                                                                                                                                                             |
| Legal Description:        | Square 4564, Lots 122, 123, 124, 125, 126, and 127                                                                                                                                                    |
| Ward / ANC                | 7; ANC 7D                                                                                                                                                                                             |
| Zone                      | RF-1, which permits rowhouses and flats. An alley lot may be developed with a one family dwelling or may be subdivided provided it has frontage along a public alley with a minimum width of 24 feet. |
| Project Summary:          | The Applicant is requesting a two-year time extension of BZA Order No. 20716.                                                                                                                         |
| Date of Order Issuance:   | 20716 – Approved June 15, effective July 23, 2024                                                                                                                                                     |
| Previous Extension:       | None                                                                                                                                                                                                  |
| Date of Order Expiration: | July 23, 2026                                                                                                                                                                                         |
| Proposed Extension:       | July 23, 2028                                                                                                                                                                                         |

#### **IV. EVALUATION OF THE EXTENSION REQUEST**

Subtitle Y § 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 March 18, 2026 and has been in the public record since filing. The filings indicate that a copy of the subject application and all supporting documentation were served to ANC 7D, the only parties of record to the application.

**(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:**

Since the time of the original approval, there have been no changes to alley lot regulations that would affect the approved area variance relief. Proposed changes to the alley lot regulations under [ZC 25-06](#) currently under review by the Zoning Commission would not impact the proposed extension request.

**Surrounding Development:**

There have been no changes in the area surrounding the 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;**
- (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 states that ownership of the property transferred on March 2, 2026, approximately five months before the expiration of BZA Order No. 20716. The new ownership group indicates that it has been engaged in evaluating the project, reviewing the existing approvals, and determining whether to proceed under the approved plans.

A change in ownership shortly before an order's expiration is a condition beyond the applicant's reasonable control, consistent with §705.2(c)(3). The new owner did not control the timing of the prior owner's actions, the status of the approvals at the time of transfer, or the limited period remaining before expiration.

Further, the Applicant explains that, because the ownership change occurred close to the expiration date, it has **not had sufficient time** for due diligence in order to determine the appropriate development path and required governmental approvals. The inability to complete these steps before the expiration date is consistent with §705.2(c)(2), which recognizes delays in securing governmental approvals or completing necessary pre-development work when such delays are outside the applicant's reasonable control.

Based on the information provided, OP finds that the Applicant has demonstrated good cause under Subtitle Y §705.2(c). The timing of the ownership transfer, the need for project evaluation, and the limited period remaining before expiration constitute a condition beyond the applicant's reasonable control under §705.2(c)(3) and have resulted in an inability to complete necessary steps before the expiration date under §705.2(c)(2).

The requested extension would allow the Applicant a reasonable opportunity to complete due diligence and pursue required approvals while maintaining the validity of the existing BZA Order.

#### **V. OTHER DISTRICT AGENCIES**

As of the date of this report, no other agency's comments had been filed to the record.

#### **VI. ADVISORY NEIGHBORHOOD COMMISSION**

As of the date of this report, comments from the ANC had not been filed to the record.

#### **VII. COMMUNITY COMMENTS TO DATE**

As of the date of this report, no community comments had been filed to the record.