

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



**BZA Application No. 20763-A
MR H Street Land, LLC and MR 617 H Street 2 Capital, LLC
613-617 H Street, NW (Square 453, Lots 847 and 848)**

HEARING DATE (20763): July 13, 2022
DECISION DATE (20763): July 27, 2022
ORDER ISSUANCE DATE (20763): August 2, 2022
DECISION DATE (20763-A): June 26, 2024

**SUMMARY ORDER ON REQUEST FOR
TWO-YEAR TIME EXTENSION**

ORIGINAL APPLICATION. In Application No. 20763, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) approved the request by MR H Street Land, LLC and MR 617 H Street 2 Capital, LLC (the “**Applicant**”) for an Area Variance from the rear yard requirements of Subtitle I § 205.1, pursuant to Subtitle X § 1002, in order to construct a new, attached, eleven-story with parking garage and penthouse mixed-use building in the D-5-R zone. The Board issued Order No. 20763 on August 2, 2022 (the “**Order**,” Exhibit 3). 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.

REQUEST FOR TWO-YEAR TIME EXTENSION. On April 18, 2024, the Applicant submitted a request that the Board grant a two-year extension of Order No. 20763. (Exhibits 5, 9.)

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 10.)

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 2C.

ANC REPORT. The ANC did not submit a written report into the record.

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OFFICE OF PLANNING (“OP”) REPORT. OP submitted a report recommending approval of the time extension. (Exhibit 13.)

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT did not submit a written report into the record.

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.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

DECISION

It is therefore **ORDERED** that the request for a two-year time extension to the validity of the Board’s approval in Order No. 20763 is hereby **APPROVED**, and the Order shall be valid until **August 2, 2026.**

VOTE: 4-0-1 (Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Tammy M. Stidham to APPROVE; Frederick L. Hill 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.

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ATTESTED BY:  On behalf of
SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: July 3, 2024

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.