



MEMORANDUM

TO: **District of Columbia Board of Zoning Adjustment**
FROM: *JL* Joel Lawson, Associate Director Development Review
DATE: September 12, 2025
SUBJECT: First Extension Request – BZA Case 20856A

I. RECOMMENDATION

OP recommends that the requested two-year time extension be approved. OP is not, in this case, opposed to the requested waiver from the filing requirements of Subtitle Y § 702, as the application indicates that attempts were made to file in a timely manner, and it was filed shortly after the expiration of the original Order.

II. LOCATION AND SUMMARY

Address:	451 Park Road NW
Applicant:	BD Contractor Services for Christopher and Hoa Bergerson, owners
Legal Description:	Square 3036 Lot 25
Ward / ANC	Ward 1; ANC 1E
Zone	RF-1, low to moderate density residential
Project Summary:	<p>The Applicant proposes to construct a new two-story with cellar accessory building that is partially within the rear yard of the primary structure, for which the following relief was approved:</p> <ul style="list-style-type: none"> Subtitle E § 5003.1, Building Area (450 sq. ft maximum allowed, 655 square feet proposed) pursuant to Subtitle E §5201 and Subtitle X § 901.2; Subtitle E § 5004.2, Accessory Building Rear Yard, (20 ft. minimum required; 13.75 ft proposed) pursuant to Subtitle E § 5201 and Subtitle X § 901.2; and Subtitle U §301.1(e) (a new accessory building may not be used as or converted to a dwelling unit for five years after constructed; less than five years proposed) pursuant to Subtitle X § 901.2.
Date of Order Issuance:	May 16, 2023
Previous Extension:	None
Date of Order Expiration:	May 16, 2025
Proposed Extension:	Two years to May 16, 2027, waiver from Subtitle Y § 702 filing deadline requested

Board of Zoning Adjustment

District of Columbia

CASE NO. 20856A

EXHIBIT NO. 6

III. LOCATION OF SITE:



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 June 2, 2025 and has been in the public record since filing. Although this is after the date of expiration for the original approval, the applicant notes that they attempted to file in a timely manner, but were unable to do so. The applicant has requested a waiver from this timing provision (Exhibit 5). OP is not opposed to this waiver.

The filings indicate that a copy of the subject application and all supporting documentation were served to ANC 1E.

(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 original BZA approval in 2020, the Zoning Commission has not approved substantial changes to the zoning regulations that would impact the material facts upon which the Board based its original approval. The Zoning Commission is currently reviewing proposed text

amendments in the Omnibus Text Amendment Case 25-12 which could render some of the relief approved in the original application no longer required.

Surrounding Development:

OP is not aware of any proximate development which would impact the material facts upon which the BZA based its original decision.

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 notes financial circumstances for the family and increased project costs including construction loan interest rates and material expenses. They continue to pursue financing and have explored various loan programs without success to date. But the applicant notes that they remain committed to the project.

V. OTHER DISTRICT AGENCIES

As of the date of this report, no other agency 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.