District of Columbia
Office of Planning

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Michael Jurkovic, AICP, Development Review Specialist
MBR Maxine Brown-Roberts, Associate Director Development Review

DATE: November 25, 2026

SUBJECT: BZA Case 21170A: 723 Oneida Place, NW, First Two-Year Time Extension Request

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I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the requested two-year time extension.

II. LOCATION AND SITE DESCRIPTION

Address:	723 Oneida Place, NW
Applicant:	Sullivan and Barros, LLP on behalf of Rotimi and Omotara Ogunbiyi
Legal Description:	Square 3158; Lot 42
Ward / ANC:	Ward 4; ANC 4B
Zone:	R-2
Approved Application:	Relief granted for additional Lot Occupancy to accommodate a detached accessory dwelling.
Date of Order Issuance:	September 30, 2024
Previous Extension:	None
Date of Order Expiration:	September 30, 2026
Proposed Extension:	**Two Years to September 30, 2028**

III. ZONING REQUIREMENTS and RELIEF REQUESTED

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 September 23, 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 the Office of Planning and ANC 4B. There were no other parties to the original application.

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(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 approval in 2024, ZC 25-12 - Omnibus Text Amendment was approved by Zoning Commission and enacted. The following new requirement may affect this application:

5004.1 An accessory building other than a shed may be located within a rear yard in an R zone provided that the accessory building is:

(c) Set back a minimum of three feet (3 ft.) from a rear lot line, except that no setback shall be required where the rear lot line of the property abuts an alley or street.

5005.3 In the R-1 and R-2 zones, an accessory building other than a shed shall be set back a minimum of three feet (3 ft.) from a side lot line, except that no set back shall be required where the side lot line of the property abuts an alley or street.

The approved plans show that the proposed structure would not be set back from the side lot lines to the south and east.

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 proposed development received relief to increase the lot occupancy of the property to 50% in order to accommodate a new two-story, detached accessory dwelling unit in the R-2 zone.

(c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one (1) 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 attests that they have been unable to move forward with the project because of delays outside their reasonable control. Specifically, there has been an ongoing landlord-tenant matter which is scheduled for hearing on November 13, 2026, well past the expiration date of September 30, 2026. Until that legal matter is resolved the Applicant is unable to proceed with construction.

OP believes that the Applicant has demonstrated good cause for not being able to move the project forward and needs the requested time extension for the resolution and permitting. OP therefore recommends **approving the requested 2-year time extension.**

IV. OTHER DISTRICT AGENCIES

As of the writing of this report, there are no comments from other District Agencies in the record.

V. ADVISORY NEIGHBORHOOD COMMISSION

ANC 4B has provided a letter in support at Exhibit #7.

VI. COMMUNITY COMMENTS

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

Attachment: Location Map

