

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Request for a Time-Extension, BZA Case No. 20821
1717 E Street, NE (Square 4546, Lots 198 and 199)

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of 1717 E Street NE, LLC (the “**Applicant**”), owner of the property located at 1717 E Street, NE (Square 4546, Lots 198 and 199) (the “**Property**”). The Applicant is requesting a one-year time extension of BZA Order No. 20821 (the “**Order**”). The Order granted the Applicant the following relief:

- Special exception relief from the subdivision requirements of C § 302.2;
- Special exception relief from the rear addition requirements of E § 207.5;
- Area Variance relief from the front setback requirements of E § 206;
- Area Variance relief from the rear yard requirements of E § 207 and;
- Use Variance relief from the matter of right uses of U § 301.

The relief was granted in order to combine three lots, create two theoretical lots, and construct a new, three-story, three-unit apartment building on each lot in the RF-1 zone. The Summary Order was issued on March 27, 2023, and became effective ten days later on April 6, 2023. Therefore, the Order is set to expire on April 6, 2025. The Applicant requests the extension from Y-702.1 pursuant to Y-705.2.

II. JURISDICTION OF THE BOARD.

The Board has jurisdiction to grant the special exception relief requested pursuant to Y-705.2.

III. The Applicant Meets the Requirements of Subtitle Y-705.2.

Subtitle Y-705.2: The Board may 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; provided, that the Board 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 Applicant will serve all parties 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; and

There is no substantial change in 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.

(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.**

There is good cause for the extension due to the Applicant's inability to secure the required approval and permits prior to the expiration of the BZA Order. Specifically, the project has experienced significant permitting delays due to an extended subdivision process and challenges related to obtaining necessary approvals. The subdivision process was prolonged due to the discovery of an erroneous lien, which required additional time to resolve before the Applicant could proceed with filing for the necessary permits. The Applicant has been actively engaged in the permitting process for over a year. However, due to circumstances beyond the Applicant's control, DOB and DOEE have not yet issued all required approvals. The permitting process has been further complicated by delays associated with obtaining a digging permit, which is necessary to conduct critical soil sampling.

The project requires soil samples from 50 feet below grade to support the pile foundation. However, securing these samples requires excavation, which in turn requires a permit. The permit issuance has been delayed due to prolonged agency reviews, and the Applicant remains concerned

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that DOB may recommend restarting the permitting process due to the extended timeline, despite the Applicant's continued efforts to move the project forward.

IV. CONCLUSION.

For the reasons stated above, the Applicant respectfully requests that the Board grant the one-year time extension.

Respectfully submitted,

Alexandra Wilson

Alexandra Wilson
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