

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Applicant's Request for a Time-Extension, BZA Case No. 21170
723 Oneida Place, NW (Square 3158, Lot 42)

I. INTRODUCTION AND NATURE OF RELIEF SOUGHT.

This Statement is submitted on behalf of Rotimi Ogunbiyi and Omotara Ogunbiyi (collectively, the “**Applicant**”), owners of the property located at 723 Oneida Place, NW (the “**Property**”). The Applicant is requesting a two-year time extension of BZA Order No. 21170 (the “**Order**”). The Order granted the following relief:

- Special Exception from the lot occupancy requirements of Subtitle D § 210.1, pursuant to Subtitle D § 5201 and Subtitle X § 901.2.

The relief was granted in order to construct a new two-story accessory building to be used as an accessory apartment in the R-2 zone. The Order was issued on September 30, 2024 and is therefore set to expire on September 30, 2026. 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 requested extension due to pending litigation at the Property that is beyond the Applicant's reasonable control. The Applicant has been dealing with a pending landlord-tenant matter at the Property. The initial hearing in that matter has been scheduled for November 13, 2026. Until this matter is resolved, the Applicant is unable to proceed with construction.

This delay is not the result of any lack of diligence by the Applicant. The scheduling of the court proceedings is outside the Applicant's control, and the Applicant is unable to accelerate that timeline. Without an extension, the Board's Order risks expiring before this pending litigation can be resolved, through no fault of the Applicant's own.

Accordingly, good cause exists under Y-705.2(c)(3) for the Board to extend the validity of its Order in Case No. 21170 for a period of 2 years to allow the pending litigation to be resolved and the Applicant to thereafter proceed with the approved project.

IV. CONCLUSION.

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

Respectfully submitted,

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros, LLP
Date: September 23, 2026