

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Matthew Jesick, Development Review Specialist
JL for Joel Lawson, Associate Director Development Review

DATE: November 19, 2021

SUBJECT: Extension Request – BZA #19841B, 900-914 55th Street, NE

I. SUMMARY

Applicant	Habitat for Humanity
Address	900-914 55 th Street, NE
Legal Description	Square 5204, Lot 22
Ward / ANC	Ward 7; ANC 7C
Zone	R-2
Project Summary	17 new affordable semi-detached and detached dwelling units on a single record lot. In addition to subdivision relief to construct more than one building on a single record lot, some of the theoretical lots also required side yard relief.
Date of Order Issuance	January 27, 2019
Original Order Expiration	January 27, 2021
Automatic Covid Extension to	January 27, 2022
Presently Requested Extension	January 27, 2024

II. RECOMMENDATION

OP Recommends that the requested time extension be **approved**.

III. SITE PHOTO



IV. ANALYSIS

Subtitle Y Section 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 27, 2021 and has been in the public record since filing. The applicant also states at Exhibit 2 that the application has been served to the ANC, which was the only party to the original case.

- (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

There have been no substantive changes in the zoning for the site that would impact the Board’s original review.

Surrounding Development

Since the original application there has been no substantial change to surrounding development in the neighborhood.

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.**

Exhibits 2 and 2D describe a variety of factors that have inhibited the applicant’s ability to construct the project, mostly stemming from the Covid-19 pandemic. The applicant states that financing for this project is contingent on the sale of another project, which has been delayed by the pandemic. The situation has been exacerbated by increases in construction costs from more expensive materials and

a scarcity of available contractors. The applicant also states that their internal operations have been impacted by the pandemic, by the removal of some funding sources, and a lack of staff and volunteers. OP finds that the inability to obtain financing is due to market forces beyond the applicant's reasonable control.

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

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