

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Board of Zoning Adjustment



**BZA Application No. 19841-B**  
**Habitat for Humanity of Washington D.C.**  
**900-914 55th Street, N.E. (Square 5204, Lot 22)**

<b>HEARING DATE</b> (19841):	October 24, 2018 and January 16, 2019
<b>DECISION DATE</b> (19841):	January 16, 2019
<b>ORDER ISSUANCE DATE</b> (19841):	January 17, 2019
<b>ORDER ISSUANCE DATE</b> (19841-A):	January 7, 2021
<b>DECISION DATE</b> (19841-B):	December 1, 2021

**SUMMARY ORDER ON REQUEST FOR**  
**TWO-YEAR TIME EXTENSION**

**ORIGINAL APPLICATION.** In Application No. 19841, the Board of Zoning Adjustment (“**Board**” or “**BZA**”) approved the request by Habitat for Humanity of Washington D.C. (the “**Applicant**”) for a special exception under Subtitle C § 305.1 from the subdivision regulations of Subtitle C § 302.2, and for area variances from the side yard requirements of Subtitle D §§ 307.1 and 307.4 to replace two detached dwelling units with 17 new semi-detached and detached dwelling units on a single record lot in the R-2 Zone. The Board issued Order No. 19841 on January 17, 2019 (the “**Order**,” Exhibit 2B). Pursuant to Subtitle Y § 604.11, the Order became effective ten days after issuance. Pursuant to Subtitle Y § 702.1, the Order was valid for two years from the time it became effective.

**REQUEST FOR ONE-YEAR COVID-19 TIME EXTENSION.** The Applicant’s request for a one-year Covid-19 time extension, pursuant to Subtitle Y § 705.7, was administratively granted in Order No. 19841-A, noting that the Order would be valid until January 27, 2022.

**REQUEST FOR TWO-YEAR TIME EXTENSION.** On September 27, 2021, the Applicant submitted a request that the Board grant a two-year extension of Order No. 19841, as extended by Order No. 19841-A. (Exhibits 1-2D.)

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Board of Zoning Adjustment  
District of Columbia  
CASE NO.19841B  
EXHIBIT NO.5

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**NOTICE OF THE REQUEST.** Pursuant to Subtitle Y §§ 705.2(a), the Applicant provided proper and timely notice of the request for time extension to the parties to the underlying case. (Exhibit 2.)

**PARTIES.** The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 7C.

**ANC REPORT.** The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 11, 2021, at which a quorum was present, the ANC voted to support the request. (Exhibit 4.)

**OFFICE OF PLANNING ("OP") REPORT.** OP submitted a report recommending approval of the time extension. (Exhibit 3.)

**DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT") REPORT.** DDOT did not submit a report to the record.

**CONCLUSIONS**

This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to 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.

Pursuant to Subtitle Y § 705.2(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. Pursuant to Subtitle Y § 705.2(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, under Subtitle Y § 705.2(c), good cause for the extension must be demonstrated 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.

Based upon the record before the Board and having given great weight to the appropriate recommendations and reports filed in this case, the Board finds that the Applicant has met the criteria of Subtitle Y § 705.2 to extend the validity of the underlying order.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

**DECISION**

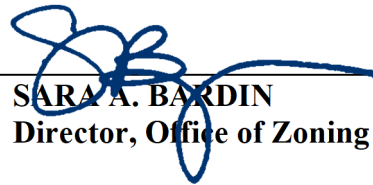
It is therefore **ORDERED** that the request for a two-year time extension to the validity of the Board's approval in Order No. 19841 is hereby **APPROVED**, and the Order shall be valid until **January 27, 2024**.

**VOTE: 4-0-1** (Lorna L. John, Carl H. Blake, Chrishaun S. Smith, and Robert E. Miller to APPROVE; Frederick L. Hill not present and not participating)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**ATTESTED BY:**

  
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**SARA A. BARDIN**  
**Director, Office of Zoning**

**FINAL DATE OF ORDER:** December 7, 2021

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.