

# Holland & Knight

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March 5, 2026

## **VIA IZIS**

Board of Zoning Adjustment  
of the District of Columbia  
441 4<sup>th</sup> Street, NW, Suite 210S  
Washington, DC 20001

**Re: Request for a Two-Year Time Extension  
BZA Order No. 20584A  
2329 Champlain Street, NW (Square 2563, Lot 113)**

Dear Members of the Board:

This letter is submitted on behalf of Kings Creek LLC (the “Applicant”) for approval of a two-year extension of BZA Order No. 20584A, regarding property located at 2329 Champlain Street, NW (Square 2563, Lot 113) (the “Property”).

Included with this submission are the following:

- Pursuant to Subtitle Y § 1600.1(e) of the District of Columbia Zoning Regulations (the “Zoning Regulations”), the required filing fee of \$1,622.40, which represents 26% of the original filing fee; and
- An authorization letter from the Applicant (Exhibit A).

### **I. Background on Prior BZA Approval**

Pursuant to BZA Order No. 20584, having a final date of March 30, 2022, and an effective date of April 9, 2022 (Exhibit B) (the “Order”), the Board of Zoning Adjustment (“BZA” or “Board”) granted the following areas of zoning relief in order to expand an existing two-story building into a four-story with penthouse and cellar, 33-unit apartment house in the RC-1 zone<sup>1</sup> at the Property:

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<sup>1</sup> The zone district in which the Property is located is now known as the RA-2/RC zone.

- Special exception from the floor area ratio (“FAR”) requirements of Subtitle K § 701.1, pursuant to Subtitle K § 716 and Subtitle X § 901.2;
- Special exception from the maximum permitted building height and story requirements of Subtitle K § 702.1, pursuant to Subtitle K § 716 and Subtitle X § 901.2;
- Special exception from the lot occupancy requirements of Subtitle K § 703.1, pursuant to Subtitle K § 716 and Subtitle X § 901.2; and
- Special exception from the court requirements of Subtitle K § 706.1, pursuant to Subtitle K § 716 and Subtitle X § 901.2.

Pursuant to BZA Order No. 20584A, having a final date of May 21, 2024, and an effective date of May 31, 2024, the Board granted a two-year time extension of the Order (Exhibit C) (the “Extension Order”).

Pursuant to Subtitle Y § 702.1, and as set forth in the Extension Order, the Applicant is required to file a building permit application no later than March 30, 2026. **As set forth herein, the Applicant requests that the Board extend BZA Order No. 20584A for a period of two years, such that a building permit application for the approved project is required to be filed no later than March 30, 2028.**

This extension is requested pursuant to 11-Y DCMR § 705, which allows the Board to extend the time periods set forth in Subtitle Y § 702.1 for good cause shown. As set forth below, there is good cause shown for this extension request.

## **II. Compliance with Subtitle Y § 705**

Pursuant to 11-Y DCMR § 705.2, the Board may extend the time periods of 11-Y DCMR § 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 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;
- 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
- 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.

For the reasons set forth below, this application meets the standards of 11-Y DCMR § 705.1 to extend the time period of the Extension Order.

**A. Service on All Parties to the Application**

The Applicant served a copy of this extension request on Advisory Neighborhood Commission (“ANC”) 1C, the ANC in which the Property is located, and which was the only party to the original application. *See* Certificate of Service at the end of this letter.

**B. No Substantial Change in Any Material Facts**

The Applicant's plans for the project are unchanged from the plans approved in the Order. The plans are consistent with the relief approved in the Order and the Applicant is not requesting any new areas of relief.

**C. Substantial Evidence of Good Cause for the Extension**

As detailed in the letter signed by Michael Dyer, the Chief Operating Officer of G&G, LLC, the Managing Member of the Applicant development company (Exhibit D) (the “Applicant's Letter”), the Applicant has been unable to submit a building permit application for the approved project, despite its good faith efforts to do so, due to the existence of conditions beyond the Applicant's reasonable control. These reasons largely stem from the Property's previous use as a gas station, subsequent environmental impacts, and the extensive clean-up efforts that have been undertaken by the Applicant.

As provided in the Applicant's Letter, the Applicant first encountered complications at the Property during early remediation of the Property in 2021, when a spark from drilling activities ignited fumes beneath the building. The Applicant immediately suspended construction and engaged environmental consultants to thoroughly investigate the incident. Subsequent analysis revealed that elevated VOC levels and gasoline-impacted soils beneath the structure created inhalation and flashover risks, which required construction activities to cease.

As a result, the Applicant worked diligently with environmental consultants, foundation contractors, and regulatory agencies to find solutions to proceed with construction. Ultimately, it was determined that the building would need to be razed to safely address the contaminated soils beneath the building. Therefore, the Applicant obtained Raze Permit No. R2300116 (Exhibit E), and continued coordination with DC Water, DDOT, and other reviewing agencies.

Through the efforts of highly skilled contractors and environmental professionals to carry out a highly technical and carefully sequenced approach, other than certain portions of the footprint, the building has been safely demolished as shown in the progress photos at Exhibit F. The next step is for BP to complete environmental testing of the exposed soils and any remediation required to be compliant with DOEE's standards. This process was delayed due to the recent

inclement weather. However, the Applicant anticipates that BP will soon begin soil testing. Following completion of the soil testing, the Applicant will obtain a “No Further Action” letter from DOEE, which is expected by the end of 2026, with filing a building permit and commencement of construction anticipated to begin by early 2027.

As set forth in the Applicant’s letter, the Applicant is committed to redevelopment of the Property and has actively undertaken extensive and complex steps to move forward with remediation of the Property and future construction of the approved project. The Applicant is requesting this extension to allow for continued efforts to move forward with site redevelopment.

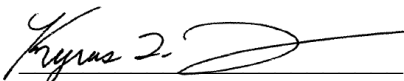
**III. Conclusion**

The Zoning Regulations provide in Subtitle Y § 705.3 that a time extension granted pursuant to Subtitle Y § 705.1 shall not exceed two years. The requested extension is for a period of two years and thus complies with Subtitle Y § 705.3.

We believe that the facts recited above and set forth in the attached Affidavit provide a sufficient basis under Subtitle Y § 705.1 *et seq.* for the Board to grant the requested extension.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:   
Kyrus L. Freeman  
Madeline Shay Williams

Attachments

cc: Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that on March 5, 2026, a copy of the foregoing BZA extension application was served by electronic mail on the following at the addresses stated below.

**District of Columbia Office of Planning**

Radhika Mohan

Radhika.mohan@dc.gov

Maxine Brown-Roberts

Maxine.BrownRoberts@dc.gov

**District Department of Transportation**

Erkin Ozberk

erkin.ozberk1@dc.gov

**Advisory Neighborhood Commission 1C**

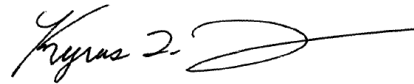
1C@anc.dc.gov

Commissioner Peter Wood, Chair ANC 1C

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Commissioner Jean Evans, SMD 1C07

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