

# Holland & Knight

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October 18, 2019

## VIA IZIS AND HAND DELIVERY

Board of Zoning Adjustment  
District of Columbia  
441 4th Street, N.W., Suite 210S  
Washington, D.C. 20001

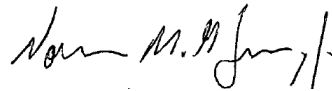
**Re: Property Owner Jemal's Academy LLC's Response to DCRA Motion to Dismiss Appeal and Property Owner's Motion to Dismiss Appeal  
BZA Appeal Case No. 20026**

Dear Members of the Board:

On behalf of Jemal's Academy, LLC (the "Property Owner"), we hereby submit this Property Owner Jemal's Academy LLC's Response to DCRA Motion to Dismiss Appeal and Property Owner's Motion to Dismiss Appeal, to Board of Zoning Adjustment ("BZA") Appeal No. 20026, of Arboretum Neighborhood Association which appealed the zoning certification relating to the property at premises 3400 New York Avenue, NE, certifying that an Adult Rehabilitation Center is a matter of right use in the PDR-1 zone.

Respectfully submitted,

HOLLAND & KNIGHT LLP



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Norman M. Glasgow, Jr.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 18, 2019, a copy of the foregoing Property Owner Jemal's Academy LLC's Response to DCRA Motion to Dismiss Appeal and Property Owner's Motion to Dismiss Appeal was served on the following:

Donald M. Temple, Esq.  
1310 L Street, NW  
Suite 750  
Washington, DC 20005  
dtemplelaw@gmail.com

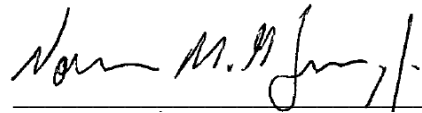
Via U.S. Mail and Email

Adrienne Lord-Sorensen, Esq.  
Office of the Attorney General  
for the District of Columbia  
441 4<sup>th</sup> Street, NW, Suite 1010 South  
Washington, DC 20001  
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Via U.S. Mail and Email

ANC 5C  
P.O. Box 92352  
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Via U.S. Mail and Email



Norman M. Glasgow, Jr.

**Before The D.C. Board of Zoning Adjustment**

**Re: BZA Appeal 20026 of Arboretum Neighborhood Association**

**Property Owner Jemal's Academy LLC Response to DCRA Motion to Dismiss Appeal and  
Property Owner's Motion Dismiss Appeal**

**I. RESPONSE TO DCRA'S MOTION TO DISMISS.**

Property Owner has no objection to DCRA's Motion to Dismiss.

**II. PROPERTY OWNER'S MOTION TO DISMISS APPEAL 20026.**

Jemal's Academy LLC through undersigned counsel respectfully submits this Motion to Dismiss Board of Zoning Adjustment Appeal Number 20026 of Arboretum Neighborhood Association which has appealed the zoning certification relating to the property referenced below certifying that an Adult Rehabilitation Center is a matter of right use in the PDR-1 zone at premises 3400 New York Avenue, N.E.

**A. THE APPEAL IS MOOT.**

As was stated by counsel, for the property owner at the public hearing, the appeal should be dismissed as moot since there is no contract or agreement or authorization on behalf of the property owner for use of the subject site as a community based institutional facility ("CBIF") ("Adult Rehabilitation Center") at the subject property.

The comments, statements and testimony at the hearing established that the building on the subject property is not presently occupied and since there is no agreement to use the property for the purposes stated in the appeal, the case should be dismissed as moot.

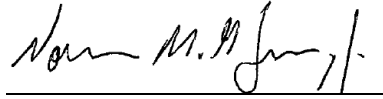
**B. THERE IS NO CASE OR CONTROVERSY.**

The advertisement for this appeal references a specific piece of property for a specific use. Since that use is not going into this property and there is no building permit application or lease agreement for it to be so used, there is no case or controversy before the Board for this property concerning the CBIF use that is purportedly being challenged by the appeal.

**III. CONCLUSION.**

Based upon the foregoing and the record in this case and the argument on the Motions filed by DCRA and by the property owner, Appeal No. 20026 should be dismissed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Norman M. Glasgow, Jr.", written over a horizontal line.

Norman M. Glasgow, Jr.  
Holland & Knight LLP

**CERTIFICATE OF SERVICE**

I hereby certify that on October 18, 2019, a copy of the foregoing Motion to Dismiss was submitted to the Zoning Commission (Via IZIS) and was served to the following individuals stated below via electronic mail and/or U.S. Mail.

Donald M. Temple, Esq.  
1310 L Street, N.W.  
Suite 750  
Washington, D.C. 20005  
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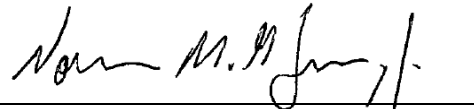
VIA EMAIL AND U.S. MAIL

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