

**DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

One Judiciary Square
441 4th Street, NW
Washington, DC 20001

Appeal by Advisory Neighborhood Commission 3D
and Rohit Kumar

BZA Appeal No. 20944

MOTION TO DISMISS APPEAL AS MOOT

Karan Keith Agarwal, on behalf of Silverstone Investment Group LLC (Silverstone), property owner and party, files this Motion to Dismiss this appeal from Advisory Neighborhood Commission 3D and Rohit Kumar (together as “Petitioner”) as moot, and in support states as follows:

I. Background

This case involves construction at a residential property located at 5122 Cathedral Ave NW (“Property”) pursuant to Building Permit B2303238 issued March 1, 2023. Petitioner asserted that construction at this property was out of compliance with various zoning regulations. Upon further review, DOB issued a notice to revoke Building Permits B2303238 and B2305686 (a revision to the former permit) on September 27, 2023. DOB then issued a subsequent permit B2310998 on January 31, 2024 that was revoked on March 8, 2024, due to another set of missed zoning related issues on the part of DOB. Following the most recent permit revocation, the property owner completely re-designed the house and shared the proposal with the appellants and BZA via electronic service on June 10, 2024.

At the Virtual Public Hearing of June 12, 2024, the Board of Zoning Adjustment granted Appellants’ Motion to Postpone the hearing to allow for the proposed drawings, that were amenable to the appellants, be submitted to the DOB for review.

On August 5, the property owner via USPS certified mail, delivered the full set of drawings to all adjacent neighbors. Moreover, on August 14, 2024, the property owner submitted the drawings to the BZA record along with an email to all parties informing of this forthcoming Motion to Dismiss.

II. All Relevant Objections from Appellants have been incorporated

Zoning related issues related to the previous property design that related to yard setbacks, lot occupancy, pervious area and demolition classification were addressed to the appellant’s satisfaction as noted by the testimony from Tricia Duncan, ANC 3D Chairperson submitted to

BZA record on June 11, 2024, “if the final building permit is consistent with what we see here today it is likely that a follow up hearing will not be needed.”

Drawings submitted to DOB for new Building Permit B2408898 were shared with appellants via both USPS certified mail and digital service. Permit B2408898 is currently under review by DOB under the Accelerated Program Review process with a review meeting date of September 9, 2024. In the event the drawings are found to comply, a permit is usually issued within a few days of the meeting.

In the interest of judicial economy, granting the motion to dismiss will allow for the BZA and parties to avoid a costly and time consuming hearing.

III. Conclusion

For the foregoing reasons, the property owner requests that the Board dismiss the current appeal as moot because the challenged permit has already been surrendered, and the new drawings submitted to DOB as part of Permit B2408898 address all zoning concerns noted in the Appeal.

Respectfully submitted,

Karan Keith Agarwal
Property Owner and Managing Member,
Silverstone Investment Group

CERTIFICATE OF SERVICE

I certify that on August 22, 2024 a copy of the foregoing was sent via electronic mail and/or the electronic filing system to:

Advisory Neighborhood Commission (ANC) 3D
3D02@anc.dc.gov

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