Form 125 — Exhibit 1
(Revised 03/15/02)

Case No. BZA-2002-1234

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPEAL

Notice: Click Here for Appeal Form Instructions

Pursuant to Section (s) §3100 and §3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken

from the administrative decision of:*	David Clark, Director, Dept. Consumer and Regulatory Affairs		
made on*	7/15/03 -- 11/7/03	, to the effect that*	

permits were issued for plans noncompliant with Title 11 Zoning Regulations, including Sections 400.1, 400.7, 402.4 404.1, 411.5, 411.10, 2101.1, 2201.1, 2201.5, 2204.7, 2502.1, 2503.1.

Address(es)* of Affected Premises	Square(s)*	Lot(s)*	Zoning Districts*
5111 Connectucut Av NW	1989	162	R-2, R-5-B

Present Use of Property:*	Construction, sales, business		
Proposed Use of Property:*	CRF, Assisted Living Facility		
Owner of Property:*	Sunrise Development	Telephone No.:*	703-273-7500
Name, address and telephone number of lessee:			

Owner Contact: Paul Klaassen, Director & CEO
Sunrise Senior Living & Sunrise Development
7902 Westpark Drive
McLean, VA 22102

Name, address and telephone number of appellant, if other than owner:

Anne Page Chiapella, &
Nebraska Avenue Neighborhood Assn.
5126 Nebraska Ave., N.W.
Washington, D.C. 20008

ANC 3G
P.O. Box 6252, Northwest Station
Washington, D.C., 20015

State specifically manner in which appellant is aggrieved by the administrative decision, the allegations of error in the administrative decision, and the relevant sections of the Zoning Regulations (see reverse for more detailed explanation).

Please use a separate piece of 8 ½" x 11" to respond and attach it to the Form 125 Appeal.

Date:*	Jan 6, 2003	Signature:	Anne Page Chiapella

* If appeal is filed by agent of the Appellant, Form 125 Appeal shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.

BZA
Case No. 17127
Exhibit No. 1

To be notified of hearing and decision:
(Appellant or Authorized Agent)*

Name:*	A. P. Chiapella ANC 3G	5126 Nebraska Ave., NW; Washington, DC 20008 P.O. Box 6252; Northwest Station, Washington, DC, 20015					
Address:*		City:*	Washington	State:*	D.C.	Zip:*	20008 / 20015
Phone No.:*	301-443-4715 202-363-5803	Fax No.:	301-443-4715 202-686-4366	E-Mail:	pc62w@nih.gov uppernwdc@juno.com		

Board of Zoning Adjustment
District of Columbia
CASE NO.17127
EXHIBIT NO.11

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED

3/4G Chevy Chase
Advisory Neighborhood Commission 3/4G
MAILING ADDRESS: P.O. BOX 6252 Northwest Station Washington, DC 20015

CHEVY CHASE OFFICE
5601 Connecticut Ave. NW
Washington, DC 20015
(202) 363-5803
FAX (202) 686-4366
E-mail uppernwdc@juno.com

January 5, 2004

Mr. Geoffrey Griffis
Chairman
Board of Zoning Adjustment
441 4th Street NW
Washington, D.C. 2001

Re: Appeal of Zoning Administrator/Director of DCRA Approval of Building Permits Issued on and before November 7, 2004, for Square 1989, Lot 162 (5111 Connecticut Avenue, NW)

Dear Mr. Griffis and Members of the Board:

At the ANC 3G's publicly announced meeting of November 24, 2003, by a vote of 6-0 (a quorum being four), ANC 3/4G agreed to join the Nebraska Avenue Neighborhood Association's appeal of the administrative decisions of DCRA Zoning Administrator and/or David A. Clark, Director of DCRA to approve permits issued on and before November 7, 2003, for Square 1989, Lot 162 (5111 Connecticut Avenue, NW).

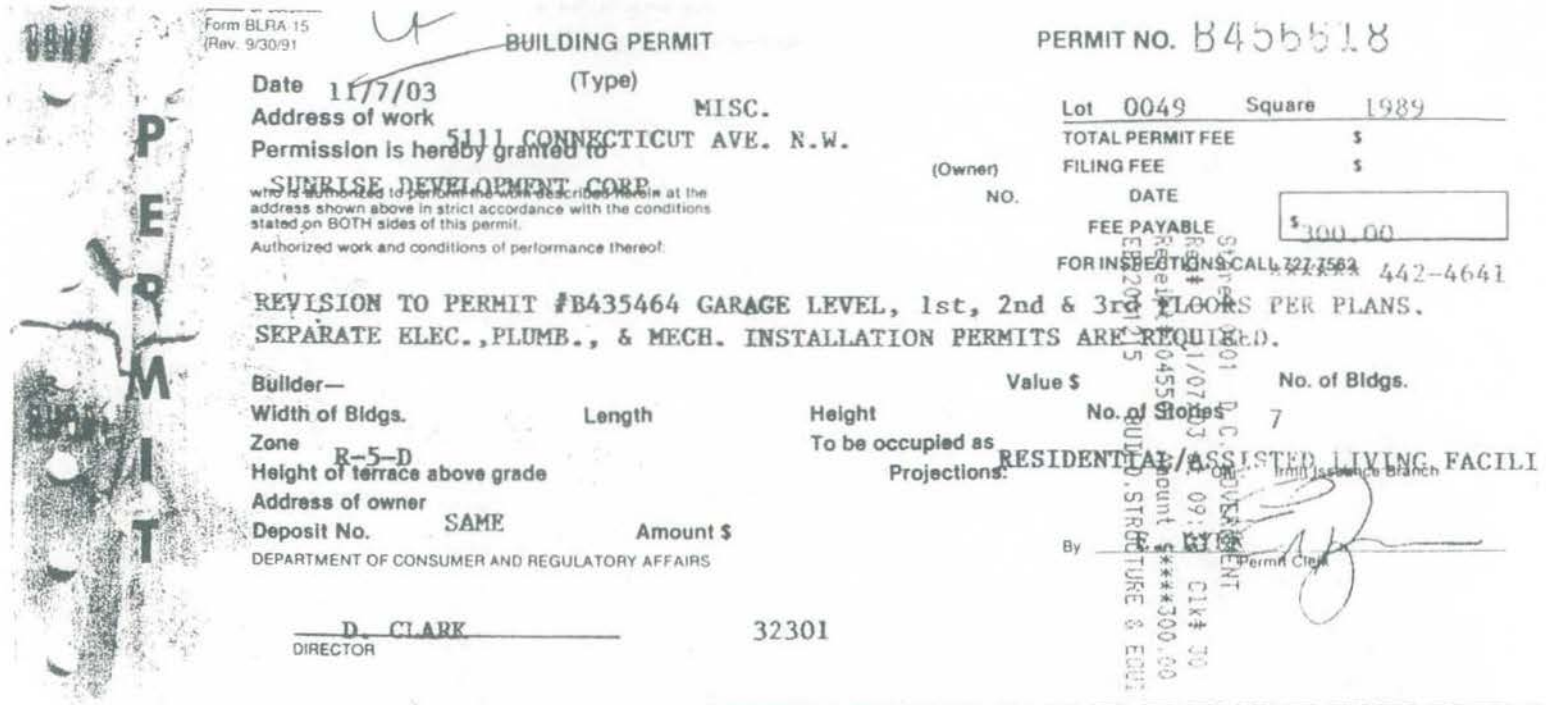
We ask that the Board grant "great weight" to the ANC's decision.

Sincerely yours,

Anne M. Renshaw

Anne Mohnkern Renshaw
Chair
ANC 3/4G

Cc: Council Member Kathy Patterson
Council Member Adrian Fenty
Ms. Jerrily Kress



Form BLRA 15
(Rev. 9/30/91)

PERMIT

BUILDING PERMIT
(Type)

PERMIT NO. B455518

Date 11/7/03
Address of work MISC.
5111 CONNECTICUT AVE. N.W.
Permission is hereby granted to
SUNRISE DEVELOPMENT CORP.
(Owner)
who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.
Authorized work and conditions of performance thereof:

Lot 0049 Square 1989
TOTAL PERMIT FEE $
FILING FEE $
NO. DATE
FEE PAYABLE $300.00
FOR INSPECTIONS CALL 727-7562 442-4641

REVISION TO PERMIT #B435464 GARAGE LEVEL, 1st, 2nd & 3rd FLOORS PER PLANS.
SEPARATE ELEC.,PLUMB., & MECH. INSTALLATION PERMITS ARE REQUIRED.

Builder—
Width of Bldgs. Length Height
Zone R-5-D
Height of terrace above grade
Address of owner
Deposit No. SAME Amount $

Value $ No. of Bldgs.
No. of Stories 7
To be occupied as RESIDENTIAL/ASSISTED LIVING FACILI
Projections:

By
Permit Clerk

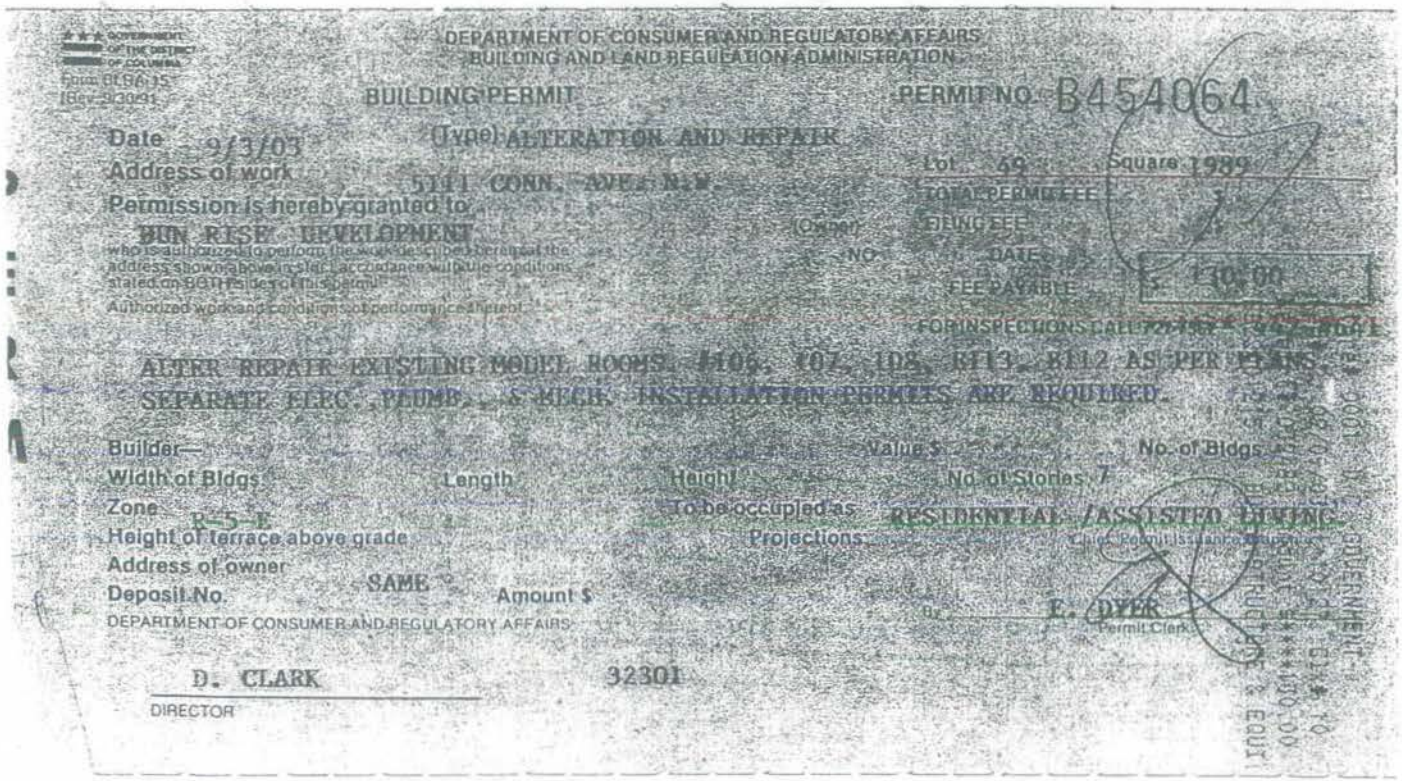
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D. CLARK
DIRECTOR

32301

Permit Issuance Branch

RECEIPT # B0455518 11/07/03 09:41 CSH 30
BUILD,STRUCTURE & EQUI 5 SUNRISE DEVELOPMENT
Amount $****300.00
D.C. GOVERNMENT



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA 15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B454064

Date 9/3/03
(Type) ALTERATION AND REPAIR
Address of work 5111 CONN. AVE., N.W.
Permission is hereby granted to
SUN RISE DEVELOPMENT
(Owner)
who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.
Authorized work and conditions of performance thereof:

Lot 49 Square 1989
TOTAL PERMIT FEE
FILING FEE
NO. DATE
FEE PAYABLE $30.00
FOR INSPECTIONS CALL 727-7562 442-4641

ALTER REPAIR EXISTING MODEL ROOMS, #106, #07, 108, #113, #112 AS PER PLANS.
SEPARATE ELEC., PLUMB., & MECH. INSTALLATION PERMITS ARE REQUIRED.

Builder—
Width of Bldgs. Length Height
Zone R-5-E
Height of terrace above grade
Address of owner
Deposit No. SAME Amount $

Value $ No. of Bldgs.
No. of Stories 7
To be occupied as RESIDENTIAL /ASSISTED LIVING
Projections

By E. DYER
Permit Clerk

Chief, Permit Issuance Branch

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D. CLARK
DIRECTOR

32301

RECEIPT # B0454064 09/03/03 10:41 CSH 30
BUILD,STRUCTURE & EQUI 5 SUNRISE DEVELOPMENT
Amount $****30.00
D.C. GOVERNMENT

(3)

(Rev. 9/30/91)

PERMIT

BUILDING PERMIT

PERMIT NO. B454323

Date 8/25/03 (Type) NEW BLDG.

Address of work 5111 CONNECTICUT AVE. N.W.

Lot 49 Square 1989

Permission is hereby granted to

(Owner) SUNRISE CORP

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

TOTAL PERMIT FEE $

FILING FEE $

NO. DATE

FEE PAYABLE $ 120.00

FOR INSPECTIONS CALL ~~727-7562~~ 442-4641

REVISE PERMIT #B435464 PER DRAWINGS ON 7TH FLOOR ONLY.
SEPARATE ELEC., PLUMB., & MECH. INSTALLATION PERMITS ARE REQUIRED.

Builder—

Width of Bldgs. Length Height No. of Stories 7

Zone To be occupied as CRF

Height of terrace above grade Projections:

Address of owner

Deposit No. Amount $

Value $ No. of Bldgs.

Chief, Permit Issuance Branch

E. DYER

Permit Clerk

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D. CLARK 32301

DIRECTOR

Receipt# 022085 Amount $****120.00 Clk# 15
08/29/03 13:07
EB22 1215 BUILD,STRUCTURE & EQUI
GOVERNMENT
0001

PERMIT

★★★ GOVERNMENT OF THE DISTRICT OF COLUMBIA

Form BLRA-15
(Rev. 9/30/91)

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT

PERMIT NO. B454323

Date 8/19/03 (Type) MISC.

Address of work 5111 CONNECTICUT AVE. N.W.

Lot 162 Square 1989

Permission is hereby granted to

(Owner) SUNRISE CORP

who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

Authorized work and conditions of performance thereof:

TOTAL PERMIT FEE $

FILING FEE $

NO. DATE

FEE PAYABLE $ 120.00

FOR INSPECTIONS CALL 727-7562 **** 442-4641

REVISED PERMIT #B435464 OF NEW BLDG. PER DRAWINGS ON 6TH FLOOR ONLY.

Builder—

Width of Bldgs. Length Height No. of Stories : 7

Zone :R-5-E To be occupied as CRF

Height of terrace above grade Projections:

Address of owner

Deposit No. SAME Amount $

Value No. of Bldgs.

Chief, Permit Issuance Branch

E. DYER

Permit Clerk

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

D. CLARK 32301

DIRECTOR

Receipt# 022085 Amount $****120.00 Clk# 15
08/29/03 13:07
EB22 1215 BUILD,STRUCTURE & EQUI
GOVERNMENT
0001

(3)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT PERMIT NO. B454596

PERMIT

Date 8/13/03 (Type) REVISION

Address of work 5111 CONNECTICUT AVE, NW

Lot Square

Permission is hereby granted to
SUNRISE DEVELOPMENT (Owner)
who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.
NO.

TOTAL PERMIT FEE $
FILING FEE $
DATE
FEE PAYABLE $ 120.00

FOR INSPECTIONS CALL 727-7562

Authorized work and conditions of performance thereof:

REVISION TO EXIST PERMIT #B435464 AS PER ATTACHED DRAWING

Builder—
Width of Bldgs. Length Height No. of Stories 7
Zone R-5-D To be occupied as CFR
Height of terrace above grade Projections:
Address of owner McLEAN, VA
Deposit No. Amount $
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Value $ No. of Bldgs.

Chief, Permit Issuance Branch

By WASHINGTON
Permit Clerk

DCLARK
DIRECTOR

Store# 0001 D.C. GOVERNMENT
Rec# 1 08/13/03 at 14:14:15 Clk# 15
ReceipT# 02****120.00
EB2001215 BUILDING STRUCTURE & EQUI

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Form BLRA-15
(Rev. 9/30/91

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUILDING AND LAND REGULATION ADMINISTRATION

BUILDING PERMIT PERMIT NO. B453159

PERMIT

Date 7/15/03 (Type) ELEVATOR

Address of work 5111 CONN. AVE., N.W.

Lot Square

Permission is hereby granted to
SUN RISE OF CONNECTICUT (Owner)
who is authorized to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.
NO.

TOTAL PERMIT FEE $
FILING FEE $
DATE
FEE PAYABLE $ 170.00

FOR INSPECTIONS CALL ***** 442-4641

Authorized work and conditions of performance thereof:

TWO TRACTION 7'0" X 5'0" STEEL ELEVATOR FOR PASSENGER USE
LOCATED IN THE CENTER OF BUILDING.

Builder—
Width of Bldgs. Length Height No. of Stories 8
Zone To be occupied as RESIDENTIAL/HOUSING.
Height of terrace above grade Projections:
Address of owner SAME
Deposit No. Amount $
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Value $ No. of Bldgs.

Chief, Permit Issuance Branch

E. DEJR
Permit Clerk

D. CLARK 32301
DIRECTOR

Store# 0001 D.C. GOVERNMENT
Rec# 1 07/15/03 at 11:58 Clk# 1
ReceipT# 01****170 Amount $
EB2001215 BUILDING STRUCTURE & E

4

DISTRICT OF COLUMBIA GOVERNMENT

Office of the Surveyor

(5)

Wall Report for SQUARE 1989 LOT 162

Scale: 1 inch = 40 ' feet Recorded in Book 194 Page 37

S.O. SEAL S.O. Receipt No. S-05068

Received by [signature]
Surveyor, D.C.

Date: June 5, 2003

REGISTERED LAND SURVEYOR'S CERTIFICA

I certify that the wall locations shown hereon have been determined by me, or under my direction, in accordance with Chapter 28, of Title 10 DCMR, and that I have not engaged in the construction layout on this site.

RLS S

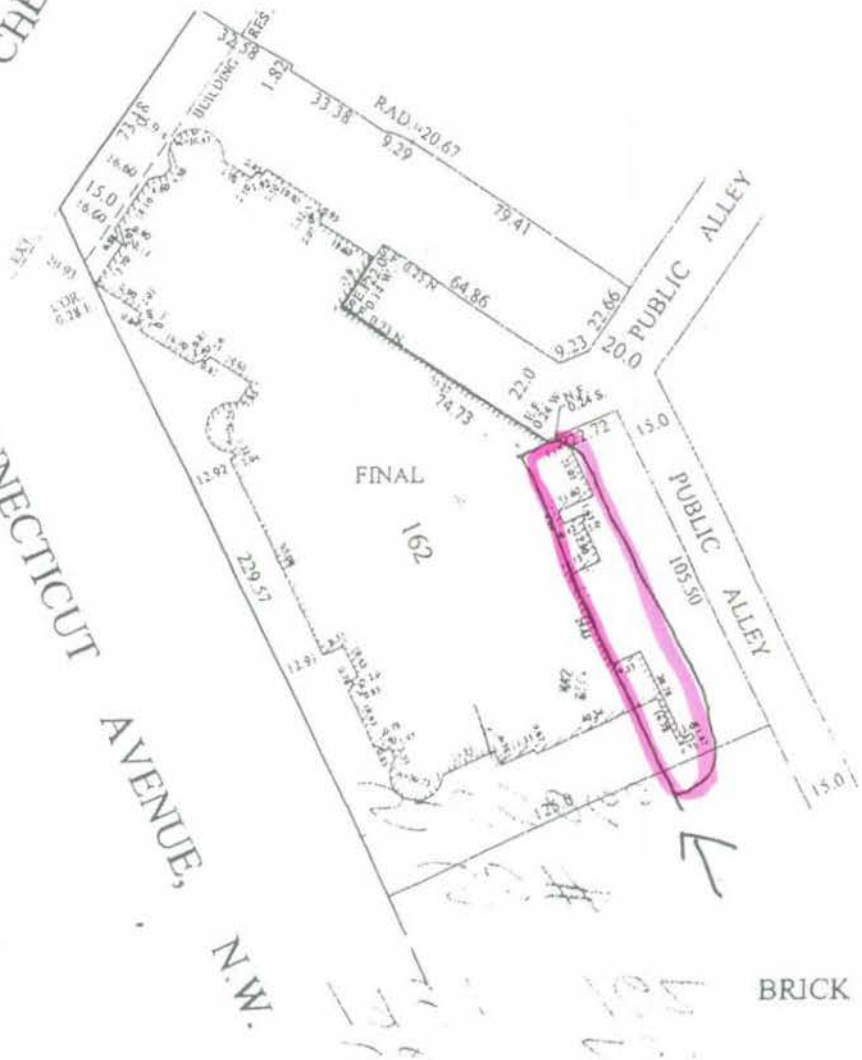
[signature]
Signature

5-27-03
Date

DISTRICT OF COLU
MICHAEL J. BA
No. 96-9
REGISTERED
LAND SURVEY

WALL TEST REPORT

CHEVY CHEVY CHASE PARKWAY, N.W.



CONNECTICUT AVENUE, N.W.

BRICK WALLS LOCATED

(23)

DISTRICT OF COLUMBIA BOARD OF APPEALS AND REVIEW

APPEAL OF NEBRASKA AVENUE NEIGHBORHOOD ASSOCIATION

RE: BUILDING PERMITS NO. B435464 and B442149 ISSUED FOR 5111 CONNECTICUT AVENUE, N.W.

DOCKET NO. BAR 02-5872-BP

PROPERTY OWNERS CROSS APPEAL AND NOTICE OF INTENTION TO INTERVENE

On behalf of Sunrise Connecticut Avenue Assisted Living, LLC (hereinafter "Sunrise"), the owner of the property located at 5111 Connecticut Avenue, N.W. (hereinafter "Subject Property"), we respectfully request that the Board of Appeals and Review (the "Board" or "BAR") deny the above-referenced appeal of the Nebraska Avenue Neighborhood Association. (hereinafter "NANA") as it was not filed in a timely manner in accordance with D.C. MUN. REGS. tit. 1 §503.2 (2002).

The building permits in dispute were issued by the Department of Consumer and Regulatory Affairs ("DCRA") on March 8, 2001, and January 22, 2002. The first permit authorized the construction of an assisted living facility (community residence facility) that provides housing for the handicapped (as that term is defined in Fair Housing Act) on the Subject Property. The second permit authorized the modification of the elevator penthouse structure and elevator system for the facility. NANA challenged each permit in two separate appeals that were filed with the District of Columbia Board of Zoning Adjustment ("BZA") claiming that the building permits did not satisfy the Zoning Regulations. The BZA denied each appeal and determined that the permits were valid.

Perv B4421

BZA
Case No. 17127
Exhibit No. 1

The permits at issue have been subjected to an extraordinary level of scrutiny. The first permit was issued only after DCRA conducted an exhaustive eight-month review of the building permit application. The subsequent modification of the elevator penthouse and elevator equipment, Building Permit No. B442149, also received significant review and scrutiny by DCRA. This appeal is merely another attempt by NANA to prevent this project from being constructed.

NANA's appeal of the original building permit and subsequent modification permit does not satisfy the requirements of D.C. MUN. REGS. tit. 1 §503.2 (2002). That section requires that

> An aggrieved person, owner of property, or licensee shall file the notice of appeal with the Board within fifteen (15) days after service of the notice of the act, decision, or order with respect to which the appeal is filed.

The original building permit was issued on March 8, 2001. NANA was obviously aware of the issuance of the building permit, since it filed an appeal with the BZA on March 16, 2001. Similarly, NANA filed another appeal with the BZA on March 19 and 20, 2002, this time contesting the validity of the modification permit which was issued on January 22, 2002. Therefore, NANA has failed to satisfy the statutory requirements of D.C. MUN. REGS. tit. 1 §503.2 (2002). NANA should not be allowed to obtain a waiver of this requirement. NANA was fully aware of the issuance of the building permit and modification permit. Sunrise is the party that will be adversely affected if the Board allows the appeal to be heard. The Board should follow its enumerated regulations and not condone NANA's continued harassment of Sunrise.

Sunrise, as the property owner and party in interest, also hereby requests the opportunity allowed to participate in the Board's appeal process. Sunrise will be able to provide relevant

information to the Board as necessary throughout the process and assist DCRA in its defense of the validly issued building permits.

This appeal was mailed to Sunrise on July 19, 2002, thus, this cross appeal is filed in accordance with D.C. MUN. REGS. tit. 1 §§501.5 and 503.4 (2002).

CONCLUSION

The Board should dismiss NANA's appeal because it was not filed in a timely manner, nor does it have any substance or merit. Additionally, the Board should grant Sunrise, as the property owner and building permit holder, the ability to participate in this hearing process.

Respectfully submitted,

Allison C. Prince

Allison C. Prince, Esq.
Paul A. Tummonds, Jr., Esq.
Shaw Pittman LLP
2300 N Street, N.W.
Washington, D.C. 20037

Date: July 30, 2002