IN THE DISTRICT OF COLUMBIA COURT OF APPEALS

Anne Page Chiapella 5126 Nebraska Ave., NW Washington, DC 20008 and Nebraska Avenue Neighborhood Association Anne Page Chiapella, President 5126 Nebraska Ave., NW Washington, DC 20008 Petitioners, V. DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT One Judiciary Square 441 4th Street, N.W. Suite 210 Washington, D.C. 20001 Respondent	)	Case No. _____

PETITION FOR REVIEW OF AN ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

Petitioners, Anne Page Chiapella and the Nebraska Avenue Neighborhood Association, respectfully petition this Court for review of Final Order of the District of Columbia Board of Zoning Adjustment (the "Board"), dated June 2, 2005, dismissing Appeal No. 17127. Appeal No. 17127 challenged the issuance of Building Permits Nos. B454315 and, B456618. These permits are revisions to Permit No. B435464, issued March 8, 2001.

BZA
Case No. 17127
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO.17127
EXHIBIT NO.29

In support hereof, Petitioners state as follows;

1. The Board applied the wrong legal standard;

2. The Board's Order is not supported by findings of fact based on the substantial evidence of record;

3. The Board's [rulings on] procedural and jurisdictional motions were erroneous;

4. The Board's conclusions of law were erroneous;

5. The Board's procedural actions were legally deficient and deprived the Petitioner of due process of law; and

6. The Board's actions were arbitrary and capricious.

WHEREFORE, Petitioners respectfully request that this Court of Appeals

(a) Hold unlawful, reverse and set aside Decision and Order No. 17127 issued June 2, 2005; and

(b) Grant such other relief as this Court may deem just and proper.

A copy of Order No. 17127 is attached.

Dated June 24, 2005

Respectfully Submitted,

Anne Page Chiapella, Ph.D.
5126 Nebraska Ave. NW
Washington, DC 20008
H: (202) 966-9619; W: (301) 443-4715

and

Nebraska Avenue Neighborhood Association
5126 Nebraska Ave. NW
Washington, DC 20008

Anne Page Chiapella

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition for Review from Order No. 17127 of the District of Columbia Board of Zoning Adjustment was served by first-class mail, postage prepaid, this twenty fourth day of June, 2005, upon:

Geoffrey Griffis, Chair
D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Allison Prince, Esq.
Shaw Pittman LLP
2300 N Street, NW
Washington, D.C. 20037

Lisa Bell, Esq.
Office of the General Counsel
Department of Consumer and Regulatory Affairs
941 North capital Street, NE, 9th Floor
Washington, D.C. 20002

Robert Gordon, Chairperson
Advisory Neighborhood Commission 3/4 G
Post Office Box 6252
Chevy Chase Community Center
5100 Connecticut Ave., NW
Washington, DC 20015

Anne Page Chiapella

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Intention to Intervene was mailed, first class, postage prepaid, this 18th day of July 2005 to:

Anne Page Chiapella
President, Nebraska Avenue Neighborhood Association
5126 Nebraska Avenue, N.W.
Washington, D.C. 20015

D.C. Board of Zoning Adjustment
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001
Attn: Jerrily Kress

Advisory Neighborhood Commission 3G
Post Office Box 6252
Northwest Station
Washington, D.C. 20015

Alan H. Bergstein, Esq.
Office of the Attorney General
441 4th Street, N.W.
Room 680N
Washington, D.C. 20001

Edward E. Schwab, Esquire
Office of the Attorney General
Appellate Division
441 4th Street, N.W.
6th Floor South
Washington, D.C. 20001

Paul A. Tummonds, Jr.

Document #: 1488312 v.1

District of Columbia Court of Appeals
500 Indiana Avenue, N.W.
Washington, D.C. 20001

GARLAND F. PINKSTON
CLERK OF COURT

Telephone: 879-2700
Area Code 202

June 28, 2005

05-AA-656 Anne Page Chiapella, et al vs. D.C. Board of Zoning Adjustment

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

Dear Sir/Madam:

Pursuant to the rules of this Court I am transmitting, herewith, a copy of the petition for review filed June 24, 2005, in the above-entitled case.

Yours very truly,

Garland F. Pinkston
Clerk of Court

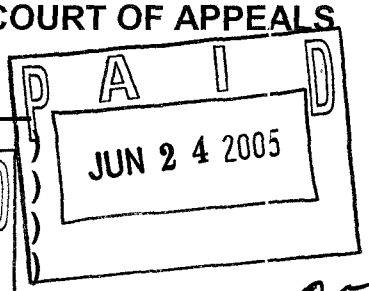
By: _____
Information Center Supervisor

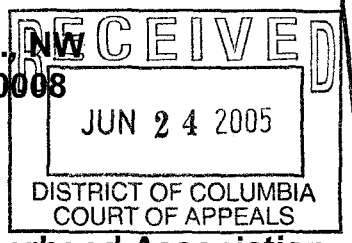
cc: Edward Schwab, Esq.

BZA
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IN THE DISTRICT OF COLUMBIA COURT OF APPEALS





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5126 Nebraska Ave., NW
Washington, DC 20008

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Nebraska Avenue Neighborhood Association
Anne Page Chiapella, President
5126 Nebraska Ave., NW
Washington, DC 20008

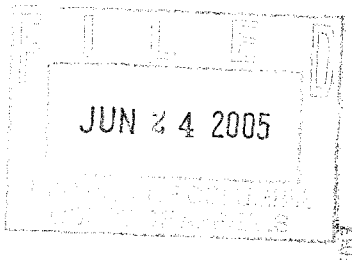
Petitioners,

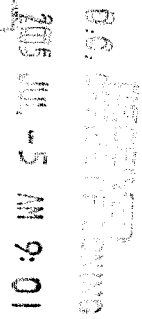
V.

DISTRICT OF COLUMBIA BOARD
OF ZONING ADJUSTMENT
One Judiciary Square
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Respondent

Case No. 05-AA-656





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