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

September 7, 2001

NO. 01-AA-1182 President & Director of Georgetown College vs. DC Board of Zoning Adjustment

District of Columbia Board of Zoning Adjustment
Jerrily Kress, Director
One Judiciary Square, Suite 210 South
441 - 4th Street, N.W.
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 on September 5, 2001 in the above-entitled case.

Yours very truly,

Garland F. Pinkston
Clerk of Court

By: _____
Information Center Supervisor

cc: Charles L. Reischel, Esq.

BZA
Case No. 16566
Exhibit No. 254

Board of Zoning Adjustment
District of Columbia
CASE NO.16566
EXHIBIT NO.254

IN THE DISTRICT OF COLUMBIA
COURT OF APPEALS

THE PRESIDENT AND DIRECTORS OF GEORGETOWN COLLEGE **Healy Hall** **37TH and O Streets, N.W.** **Washington, D.C. 20057,**	
Petitioner,	
v.	**No.** 01AA1182
DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT **One Judiciary Square** **441 4th Street, N.W.** **Suite 210-S** **Washington, D.C. 20001,**	
Respondent.	

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DISTRICT OF COLUMBIA
COURT OF APPEALS

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

Petitioner, The President and Directors of Georgetown College (hereafter "Georgetown" or the "University"), hereby respectfully petitions this Court for review of an Order of Respondent, the District of Columbia Board of Zoning Adjustment ("Board" or "BZA"), dated March 29, 2001, concerning Application No. 16566, Georgetown's request for approval of a special exception for its Campus Plan – Years 2000-2010 ("Campus Plan"), as modified on reconsideration by the Board in Order No. 16566A on August 6, 2001 (collectively, the "Orders"). Copies of both Orders are attached hereto.

Application No. 16566 before the Board constitutes a contested case within the meaning of the D.C. Administrative Procedure Act, D.C. Code §§ 1-1501 *et seq.* While the Board's

Orders approved much of Georgetown's proposed Campus Plan, they declined unlawfully certain critically important aspects that Georgetown proposed. In addition, the Board attached numerous conditions to its granting of Georgetown's special exception application, many of which dictate the minutiae of the manner in which Georgetown conducts its affairs. Enforcement of and compliance with the Orders will accordingly interfere with Georgetown's ability to fulfill its educational mission, and, indeed, certain aspects of the Orders conflict with Georgetown's obligations under federal law. Georgetown is thus adversely affected and aggrieved by the Board's Orders. This Court has jurisdiction to review the Board's Orders pursuant to D.C. Code §§ 1-1510 and 11-722, as well as Rule 15 of this Court's Rules.

The grounds for Georgetown's petition are that the Board's Orders are legally deficient and unlawful insofar as its findings and conclusions, including certain conditions therein, are:

1. in excess of the BZA's statutory jurisdiction, authority and limitations, particularly insofar as they regulate Georgetown's "business" rather than its use of the land and impose regulatory obligations on Georgetown that should properly be administrative or police functions of the District of Columbia;

2. in excess of the BZA's statutory jurisdiction, authority and limitations, insofar as they impose obligations on Georgetown that are inconsistent with its obligations under federal law, including without limitation, its obligations under the federal Family Educational Rights and Privacy Act of 1974 ("FERPA");

3. not supported by substantial evidence in the record of the proceedings, specifically that the Order's findings are conclusory, incomplete and unsupported by the evidence and its conclusions do not flow rationally from the findings made;

4. arbitrary, irrational, capricious, an abuse of discretion and otherwise not in accordance with applicable law, including, without limitation, the D.C. Administrative Procedure Act, § 1-1501, *et seq.*;

5. in violation of the District of Columbia's statutory mandate that the BZA act to further the availability of educational opportunities;

6. adopted without compliance with the procedures and processes required by law, including provision of proper notice and opportunity for hearing;

7. in violation of the rights of Georgetown and its students, including those guaranteed under the District of Columbia Human Rights Act, D.C. Code § 2501 *et seq.* and the United States Constitution; and

8. plainly erroneous and inconsistent with District of Columbia zoning regulations and statutes.

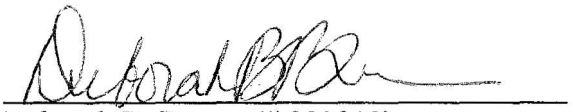
WHEREFORE, in consideration of the foregoing, Georgetown respectfully prays that this Court

a. hold unlawful and set aside 1) all those findings, conclusions and conditions in the Orders that are challenged by the Petitioner, and 2) all actions taken by the Board or its members pursuant to such findings, conclusions and conditions; and

b. grant such other and further relief as this Court may deem just and proper.

Dated: September 5, 2001

Respectfully submitted,



Deborah B. Baum (# 393019)
J. Thomas Lenhart (# 181024)
Maureen Dwyer (# 370608)
SHAW PITTMAN
2300 N Street, N.W.
Washington, D.C. 20037
Phone: 202-663-8000

Attorneys for Petitioner
President and Directors of Georgetown College

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of September 2001, copies of the foregoing Petition for Review of an Order of the Board of Zoning Adjustment were served by first class U.S. mail, postage prepaid, on the following:

Peter Pulsifer, Chairperson
Advisory Neighborhood Commission 2E
Saint John's Episcopal Church
3265 S Street, N.W.
Washington, D.C. 20007

Scott Anderson, General Manager
Hillandale Homeowners Association
3939 Hillandale Court, N.W.
Washington, D.C. 20007

Charles R. Braun
Hillandale Homeowners Association
4030 Chancery Court, N.W.
Washington, D.C. 20007-2144

Barbara B. Downs, President
Citizens Association in Georgetown
3222 N Street, N.W.
Washington, D.C. 20007

Patricia Scolaro, President
Burleith Citizens Association
1807 37th Street, N.W.
Washington, D.C. 20007

Georgetown Residents Alliance
Don W. Crockett, Esquire, Chairman
3070 Q Street, N.W.
Washington, D.C. 20007

R.D. Andrew, President
Foxhall Community Citizens Association
1413 Foxhall Road, N.W.
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Stephen A. Hopkins, President
Cloisters In Georgetown Homeowners'
Association, Inc.
3524 Reservoir Road, N.W.
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Deborah Brand Baum

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