District of Columbia Court of Appeals

DOCKETING STATEMENT

Appeal No. 02-AA-802

1) Full caption: Father Flanagan's Boys Home v.
District of Columbia Board of Zoning Adjustment

2) Party filing appeal or petition: Father Flanagan's Boys Home

3) Superior Court or Agency Docket No.: Application No. 16791

4) Superior Court Judge: N/A

5) Timeliness of Appeal or Petition for Review:

a) Date of entry of judgment or order appealed from: June 21, 2002

b) Filing date of any post-judgment motion: N/A

c) Date of entry of order deciding post-judgment motion: N/A

d) Date notice of appeal or petition filed: July 19, 2002

e) Statute or Rule fixing time limit for filing appeal or petition: Rule 15(a)

6) Appeal from Superior Court: N/A

a) Is the order appealed from a final order (i.e., does it dispose of the action as to **all** claims by **all** parties)?
_____yes _____no

b) if no:

i) Did Superior Court direct the entry of judgment in accordance with Super. Ct. Civ. R. 54 (b)?
_____yes _____no
If yes, give the date_____

or ii) Is the order properly appealable as the grant or denial of an injunction under D.C. Code §11-721 (a) (2) (a)? _____yes _____no

or iii) Has the order been certified for appeal under D.C. Code §11-721 (d)? _____

c) If none of the above applies, what is the basis for jurisdiction?_____

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7) Has any other notice of appeal or petition for review been filed in this case? _____yes XX no
If yes, give date and D.C.C.A. case number:_____

8) Has this appeal or petition previously been before the Court?
_____yes XX no If yes, give the D.C.C.A. Case number _____

9) Are there any appeals or petitions involving the same underlying order, or to counsel's knowledge, involving substantially the same issues, currently pending before this Court? _____yes XX no
If yes, give D.C.C.A. case number and issue(s):_____

BZA
Case No. 16791
Exhibit No. 79

10) Does this case turn on the validity or correct interpretation or application of a particular statute or case?
XX yes _____no If yes, give popular name and citation of statute and/or case.
(1) D.C. Board of Zoning Adjustment Enabling Statute: D.C. Code Section 6.641.07; (2) D.C. Administrative Procedure Act: D.C. Code Section 2-501 et seq.; (3) D.C. Human Rights Act: D.C. Code Section 2-1401.01 et seq.; (4) DCMR Title 11 (Zoning Regulations).

11) State concisely the principal issue(s) in this appeal or petition: Whether the BZA's Order appealed from was not supported by substantial evidence in the record, and was arbitrary, irrational, capricious, an abuse of discretion, beyond the scope of the agency's authority, and otherwise not in accordance with applicable law, including the D.C. APA.

Board of Zoning Adjustment
District of Columbia
CASE NO.16791
EXHIBIT NO.79

12) Does this appeal or petition present any new question of law? XX yes _____ no

If yes, what is that question: Whether the BZA may ignore its previous rulings and review four separate building permit applications on four separate lots as one application to build one facility, largely because the lots are owned by the same owner?

13) Nature of relief sought below: (does not apply to criminal cases)

- ☐ damages — amount sought $_____ amount received $_____
- ☐ injunctive relief: ☐ temporary ☐ preliminary ☐ permanent
  - ☐ granted ☐ denied
- ☐ declaratory relief: ☐ granted ☐ denied
- ☐ attorney fees: amount sought $_____ amount received $_____
- ☒ other specify: set aside BZA Order No. 16791 and reinstate revoked permits

14) Nature of Disposition Below:

- ☐ bench trial
- ☐ jury verdict
- ☐ summary judgment
- ☐ grant/denial of injunction
- ☐ default judgment
- ☒ agency order
- ☐ dismissal
  - ☐ forum non conveniens
  - ☐ lack of jurisdiction
  - ☐ failure to state a claim
  - ☐ failure to prosecute
- ☐ other (specify) _____

15) Do you intend to order any portion of the transcript for the appeal or petition? _____yes XX no

a) If yes, have all arrangements been made for its preparation? _____yes _____no

b) If yes, date ordered _____

c) If no, why not According to Rule 17, it is the responsibility of the BZA to file a stenographic transcript with the court.

d) Estimated date of completion _____

e) Estimated number of pages: _____

f) Name of court reporter(s): _____

16) Attach copy of Order or Judgment from which appeal or petition taken.

17) Name, addresses and telephone numbers of trial or agency counsel for all parties: Office of the Corporation Counsel, 441 Fourth Street, N.W., Suite 1060 N, Washington, D.C. 20001-2700; (202) 727-6248

18) Should a settlement conference be scheduled in this appeal or petition? _____yes XX no

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I certify that the above information is accurate to the best of my knowledge.

Signature (attorney for appellant or *pro se* party)

(Type or Print)

NAME Phil T. Feola, Esq, SHAW PITTMAN LLP

ADDRESS 2300 N Street, N.W., Washington, D.C. 20037

TELEPHONE NUMBER (202) 663-8789

Certificate of Service

I certify that a copy of the foregoing was mailed, postage prepaid, this 29th date of July 2002, XX 2002 to:

Name Mr. Geoffrey Griffis, Chairperson
Address District of Columbia Board of Zoning Adjustment
Suite 210
~~441 4th Street, N.W.~~
Washington, D.C. 20001

Name Southeast Citizens for Smart Development Inc
Address c/o Andrea Ferster, Esq.
1100 17th Street, N.W.
Washington, D.C. 20036

(attach an additional sheet if necessary)

Signature

Type or print name Phil T. Feola

4-0692-2 wd-207

District of Columbia Court of Appeals **Appeal No. 02-AA-802**

Docketing Statement for Father Flanagan's Boys Home v. District of Columbia Board of Zoning Adjustment

Certificate of Service (continued)

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