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FOR THE DISTRICT OF COLUMBIA
Appellate Division
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Fax # (202) 727-0431

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Fax: 7276012

From: K. Walters

Date: 5/2/05

Re: Cleveland Park Neighbors

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16970
390

Board of Zoning Adjustment
District of Columbia
CASE NO.16970
EXHIBIT NO.390

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

April 29, 2005

05-AA-408 Cleveland Park Neighbors, 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 April 28, 2005, in the above-entitled case.

Yours very truly,

Garland F. Pinkston
Clerk of Court

By: _____
Information Center Supervisor

cc: Edward Schwab, Esq.

3/25/05
Victoria Braszr
Kathryn Thurman

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 16970
EXHIBIT NO. 390

APPELLATE DIVISION
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THE CLEVELAND PARK NEIGHBORS
c/o William Taylor
3301 Highland Place, N.W.
Washington, D.C. 20008,

GAYLORD NEELY & LINDA BADAMI
3207 Highland Place, N.W.
Washington, D.C. 20008

SALLIE &BRUCE BECKNER
3225 Highland Place
Washington, D.C.

PAID
APR 28 2005

HENRY P. LITTLE
201 Mission Street, 4th Floor
San Francisco, CA 94105

and

STEVEN R. HUNSICKER
3083 Ordway Street, N.W.
Washington, D.C.

Petitioners,

v.

No. 05-AA-408

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT
Room 210
441 Fourth Street, N.W.
Washington, D.C. 20001

Respondent.

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

NO.

2005 MAY -2 P 2:29
OFFICE OF THE ATTORNEY GENERAL FOR THE

Petitioners The Cleveland Park Neighbors,[1] Gaylord Neely and Linda Badami, Sallie and Bruce Beckner, Henry P. Little and Steven R. Hunsicker (collectively the "Petitioners"), petition for review the order of the District of Columbia Board of Zoning Adjustment ("Board") dated March 29, 2005, published in the D.C. Register on April 8, 2005, in BZA Application No. 16970, granting, in part, the request of the applicant, the National Child Research Center ("NCRC"), for a special exception to increase the enrollment of an existing child development center from 120 to 185 children and to staff from 28 to 44, and to authorize the construction of an addition to an existing building and the construction of an accessory building. The Board denied the Application as to the requested increases in enrollment and staff and granted the application with regard to the new construction. In support hereof, petitioners state as follows:

1. Respondent erred in finding that the proposed new construction constituted an "accessory" building and, therefore, that no additional relief from either sections 2516 (as special exception) or 3203 (a use variance) of the zoning regulations (11 DCMR) was required.

2. Respondent erred in finding that no relief was needed from on-site parking requirements and that section 2100.5 of the zoning regulations applies to a subject property as a whole.

3. After having made its decision to deny the application, Respondent erred in reopening the record to allow the bifurcation of the request for increases in enrollment and staff from the

[1] The Cleveland Park Neighbors is an ad-hoc group that was granted party status in the underlying matter. The members of this group (with addresses) are: William & Danny Ince, 3224 Highland Place, N.W.; Charles Both, 3411 33rd Place, N.W.; Laine Shakel Kaufmann, 3230 Highland Place, NW; Pam Pelletreau, 3220 Highland Place, N.W.; Marc and Nancy Fetterman, 3318 Ordway Street, N.W.; Jane & Reeve Vanneman, 3071 Ordway Street, N.W.; Gregory Craig, 3155 Highland Place, N.W.; Stuart Sotsky, MD, 3067 Ordway Street, N.W.; Joann C. Mclaughlin and Charles Briody, 3053 Ordway Street, N.W.; William and Susan Taylor, 3301 Highland Place, N.W.; Dorothy Rich, 3301 Newark Street, N.W.