

DISTRICT OF COLUMBIA  
COURT OF APPEALS

WASHINGTON CANOE CLUB )  
1524 T Street, N.W. )  
Washington, D.C. 20009 )

and )

C & O CANAL ASSOCIATION )  
1700 Q Street, N.W. )  
Washington, D.C. 20009 )

Petitioners, )

v. )

No. \_\_\_\_\_

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

Respondent. )

PETITION FOR REVIEW FROM AN ORDER OF THE  
DISTRICT OF COLUMBIA ZONING COMMISSION

Petitioners, the Washington canoe Club and the C & O Canal Association, petition for review the order of the District of Columbia Zoning Commission dated December 11, 2003, published in the D.C. Register on April 9, 2004, in Case No. 02-30 (Order No. 02-30), granting the request of the applicant, the President and Directors of Georgetown College (the “University”), for special exception and variance relief from the requirements of the W-O District to allow a boathouse use

.<sup>1</sup> In support hereof, petitioners state as follows:

1. Respondent's decision is inconsistent with the Land Use Element of the Comprehensive Plan.

2. The Zoning Commission erred when it granted the University’s request for a special exception from all the off-street parking requirements of 11 D.C.M.R. § 2101.1 since the Zoning Commission failed to properly apply the special exception criteria of §§ 3104 and 923.2 of the zoning regulations.

3. The Zoning Commission erred when it granted the University’s request for an area variance from the required waterfront setback requirements contained in § 937.1 of the zoning regulations, since the University failed to demonstrate that an exceptional situation or condition affects it’s property, that such conditions result in practical difficulties or undue hardship to it and that such relief could be granted without causing substantial detriment to the public good or impair the intent, purpose or integrity of the zone plan.

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<sup>1</sup> A copy of the order was never received by petitioners, who were also parties to the Zoning Commission's order in the matter, but the Order was published as indicated, in the D.C. Register.

4. The Commission's findings are not supported by substantial evidence in the record and they bears no rational relationship to the relief requested and granted.

5. Respondent's decision is otherwise arbitrary, capricious, not supported by substantial evidence and in violation of applicable law in that it fails to address all relevant issues raised by those opposed to the request.

WHEREFORE, Petitioners request that the Court of Appeals vacate the order of the Zoning Commission and direct the Zoning Commission to deny the special exception and area variance relief requested..

Respectfully submitted,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 26, 2004, a copy of the foregoing Petition for Review was mailed, first-class, postage prepaid, to: Norman M. Glasgow, Jr., Esquire, Wilkes, Artis, Hedrick & Lane, 1666 K Street, N.W., Washington, D.C. 20005; and Advisory Neighborhood Commission 2B, 1526 Connecticut Avenue, N.W., Washington, D.C. 20036.

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Richard B. Nettler