

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR



April 28, 2006

Mr. Russ Williams
Managing Director
Apple Tree Institute for Education Innovation
400 7th Street, S.E.
Washington, D.C. 20003

Re: 138 12th Street, N.E.

Dear Mr. Williams:

The Department of Consumer and Regulatory Affairs (DCRA) has reviewed your Application for Construction Permits on Private Property, regarding 138 12th Street, N.E. (File Job #3758-A), which was received on February 9, 2006.

This letter serves to notify you that the above-referenced application does not meet applicable District of Columbia Zoning Regulations and therefore can not be approved. More specifically, the proposed use as a public charter school fails to meet the District of Columbia's R-4 residential zone district requirements for:

1. minimum lot area (9,000 square feet required),
2. minimum width of lot (120 feet required), and
3. minimum parking spaces (10 spaces required).

Our decision not to approve the submitted application is based on the District of Columbia Zoning Commission's adoption of an Emergency Text Amendment defining charter schools as public schools, and changing various requirements for public schools to locate in the R-4 Residential District as matter of right on February 13, 2006, and the District of Columbia Zoning Regulations codified at Title 11 of the District of Columbia Municipal Regulations (DCMR). The Zoning Commission's Emergency Text Amendment was effective immediately and applies to all pending applications on the date the text amendment was adopted.

Please be advised that decisions of the Zoning Administrator may be appealed to the Board of Zoning Adjustment, in accordance with DCMR Chapter 31.

Sincerely,

Handwritten signature of Bill Crews.

Bill Crews
Zoning Administrator

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April 27, 2006

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: *By Order of*
Faye Ogunneye, Chief
Zoning Review Branch

SUBJECT: Proposed Addition to Existing and Conversion from a Private Club Structure to Public Charter School located at premises 138 12th Street, N.E., Lot(s) 820 (Per Sub) in Square 988, Zoned R-4

Review of plans for the proposed addition to existing and conversion from private club structure to public charter school/elementary school at the above subject premises indicates that the Board of Zoning Adjustment approval is required as follows:

1. Special exception pursuant to Section 206.1 to allow less than minimum lot area and minimum lot width for public charter school in the R-4 Residential Zone District. (Section 3104.1)
2. Special exception pursuant to Sections 206.3 and 2101.1 to allow number of required parking spaces for number of staff/teachers of charter school in the R-4 Residential Zone District. (Section 3104.1)

NOTES AND COMPUTATIONS

ADDRESS: 138 12th Street, N.E.
 Public Charter School

LOT(S): 820 (Per Sub)
 ZONED: R-4

SQUARE: 988

	<u>REQUIRED</u>	<u>ALLOWED</u>	<u>PROVIDED</u>	<u>VARIANCE</u>
LOT AREA	9,000 Sq. Ft.		4,230 Sq. Ft.	4,770 Sq. Ft. (53%)
LOT WIDTH	120'		36'	84' (70%)
LOT OCCUPANCY (70%)		2,961 Sq. Ft.	Existing: 1,432 Sq. Ft. Proposed: 1,157 Sq. Ft. Total: 2,589 (61%)	
FLOOR AREA RATIO ()		N/A	N/A	
PARKING SPACES	10		3	7 (70%)
LOADING BERTHS	N/A		N/A	
FRONT YARD	N/A		N/A	
REAR YARD	20' min.		50.4'	
SIDE YARD	N/A		N/A	
COURT, OPEN	N/A		N/A	
COURT, CLOSED	N/A		N/A	