

D.C. OFFICE OF ZONING

December 19, 2011

2011 DEC 19 PM 12:32

By E-Mail and Hand Delivery

Board of Zoning Adjustment
441 4th Street, NW
Suite 210S
Washington, DC 20001
bzasubmissions@dc.gov

Re: BZA Application No. 18291; 1138-1140 6th Street, N.E.; Square 829; Lot 65

Dear Members of the Board,

Please accept the enclosed:

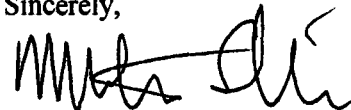
(i) A letter from the D.C. Zoning Administrator dated December 14, 2011, with his determination that a Child Development Center is permitted as a matter-of-right in the building located at 1138 6th Street, N.E., Lot 65 in Square 829. This letter was the basis for the Applicant withdrawing its Special Exception request.

and

(ii) a copy of an e-mail from Ms. Valerie Ware, Program Manager of the Child Care Licensing Unit, Early Childhood Education Division of the D.C. Office of the State Superintendent of Education, in which Ms. Ware provides her office's determination that the second floor space to be provided as proposed in BZA Application No. 18291 will meet that department's requirement for outdoor or rooftop play space in a Child Development Center pursuant to Title 29, Chapter 3 of the DCMR. This e-mail is provided to show that the Applicant, by including the proposed second floor addition, will comply with 11 DCMR 330.5(b) by providing all play space required by licensing on the same lot as the Child Development Center.

Please accept these documents into the record for BZA Case No. 18291. Thank you.

Sincerely,



Martin P. Sullivan

enclosures

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18291

EXHIBIT NO. 31

Board of Zoning Adjustment
District of Columbia
CASE NO. 18291

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



December 14, 2011

Via Emailed PDF and US Mail

Martin P. Sullivan
Sullivan & Barros, LLP
1990 M Street, NW- Suite 200
Washington, DC 20036

Re: 1138 6th Street, N.E. – Square 829, Lot 65 – Mount Olive Baptist Church

Dear Mr. Sullivan:

This letter confirms my office's determination, per our telephone discussion on December 6th, 2011, that a Child Development Center is permitted as a matter-of-right if located in the building (the "Building") on the above-referenced property located at 1138 6th Street, N.E., Square 829, Lot 65 (the "Property") in the R-4 zone district.

According to the materials I have reviewed - including the current Certificate of Occupancy No. B98182, photos of the building (including the above-ground building connection), and representations of the history of the Mt. Olive Baptist Church at this location – I have determined that Child Development Center Use is permitted as a matter of right on the Property, pursuant to 11 DCMR § 330.5(b).

Section 330.5(b) provides:

330.5 The following uses shall be permitted as a matter of right in an R-4 District:

- (b) Child/Elderly development center located in a building that was built as a church and that has been used continuously as a church since it was built; provided, that all of the play space required for the center by the licensing regulations shall be located on the same lot on which the center is located;

According to the information you provided, I have determined that the Building consists of the originally constructed church building (referred to here as the "Old Church" portion of the Building), constructed well before 1958, and an addition to that church building (known as the "New Church" portion of the Building). The Old Church and New Church portions of the

Building are connected via an above-ground connection and therefore are one "building" under the D.C. Zoning Regulations.

Because Mt. Olive Baptist Church has operated continuously as a church in this Building from its original construction (circa 1915) to the present time, a Child Development Center may be operated in the Building as a matter-of-right - with no need for Special Exception approval - provided that all of the play space required for this child development center by the licensing regulations is located on the Property.

The information which you provided to me is attached to this letter, including your e-mail, a copy of the Certificate of Occupancy, and Google Earth photos showing the Building and the Building's connection.

Please feel free to contact me if you have any questions.

Sincerely, 

Matthew Le Grant
Zoning Administrator

Enclosures

File: Det Let re 1138 6th Street, N.E to Sullivan 12-14-11









6th Street Northeast / 011

Go

Martin Sullivan

From: Ware, Valerie (OSSE) [valerie.ware@dc.gov]
Sent: Sunday, December 18, 2011 10:57 PM
To: Martin Sullivan
Subject: Re: Question Regarding Child Development Center for Mt Olive Baptist Church 1138 Sixth Street, NE

Mr. Sullivan, per our conversation, the specifics you mentioned about the proposed playspace would be acceptable per DCMR 29, chapter 3, child development facilities regulations Valerie A. Ware, Program Manager for Child Care Licensing.

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"Putting District Residents Back to Work – One Hire at a Time"
Learn more at <http://onecityonehire.org>

From: Martin Sullivan <msullivan@sullivanbarros.com>
To: Ware, Valerie (OSSE)
Cc: delores.johnson@bhiinternational.com <delores.johnson@bhiinternational.com>
Sent: Fri Dec 16 12:53:55 2011
Subject: Question Regarding Child Development Center for Mt Olive Baptist Church 1138 Sixth Street, NE

Dear Ms. Ware,

I am writing on behalf of Mt. Olive Baptist Church. Per our discussion, I was asking if our proposed second floor play space would suffice as required outdoor play space under Chapter 29-3 of the DCMR. In order to qualify for matter-of-right zoning under the Zoning Regulations (11 DCMR 330.5(b)), the Center must provide all of its required play space on the same lot on which the center is located.

Our proposed second floor addition will be very large, with high ceilings, lots of natural light, skylights, and solar panels. It will be an addition on top of the existing roof of the existing church building. We would like this large, dedicated space (completely separate from all classroom and administrative space) to be considered as in compliance with your Department's requirements for "play space." The rooftop addition will be very similar to conventional outdoor space, but safer of course. Per our discussion, you stated that the proposed second floor space would qualify to satisfy the play space requirement, and I am just writing to confirm that.

Thank You! Please contact me if you have any questions.

Best Regards,

Marty Sullivan
Sullivan & Barros, LLP
1990 M Street NW, Suite 200
Washington, DC 20036
202-503-1704 (Office and Cell)
msullivan@sullivanbarros.com

PLEASE NOTE the new firm name and my new e-mail address. Please update your records with the new e-mail address msullivan@sullivanbarros.com.