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March 19, 2012
VIA HAND DELIVERY

Office of Zoning
Board of Zoning Adjustment
441 4th Street, NW
Suite 200-S
Washington DC 20001

Re: Statement of Compliance with DC Zoning Regulations - 5350 Chillum Place, NE Washington DC 20011

Dear Board of Zoning Adjustment :

I am writing on behalf of my client, Ms. Betty Williams, with regard to her application for a special exception to DC Zoning Regulations for the property located at 5350 Chillum Place, NE Washington DC. As a threshold matter, we sincerely thank the Board of Zoning Adjustment (the "Board") for their attention and review of our application. Please accept this detailed statement as proof pursuant to Sections 3104.1 of Title 11 of the District of Columbia Municipal Regulations (the "Zoning Regulations") that the grant of a special exception to Ms. Williams and her child care business will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property.

Pursuant to Sections 3104.1 of Title 11 of the Zoning Regulations, special exceptions for child development centers in any residential district are governed by Section 205 of the Zoning Regulations. Also, note that any use or structure permitted in R-1 Districts under Section 205 are also permitted as a special exception in an R-2 District if approved by the Board under Section 3104. Section 205 sets forth the specific conditions for granting a special exception for child development centers. Please note that pursuant to Section 205.2, Ms. Williams' center currently meets and, after approval of this special exception application, will meet each and every applicable code and licensing requirement instituted by the District of Columbia Office of the State Superintendent of Education.

Section 205.3 of the Zoning Regulations requires that the child development center be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance. Please note that Ms. Williams' child development center will not create any traffic issues or unsafe conditions for picking up and dropping off children. First, Ms. Williams' home is located only approximately 3-4 blocks from the Fort Totten Metro Station on the Red, Yellow and Green lines. Further, Ms. Williams' home is located near several metro bus locations, with the E2, E3, and E4 Military Road-Crosstown bus lines all stopping within blocks of Ms. Williams' home. Several of Ms. Williams' clients use metro and/or the bus to drop-off and pick-up their children. In fact, this is one of the biggest assets of Ms. Williams' business, that her clients do not need to drive to access her facility as the majority of clients live in the District of Columbia and as a matter of habit do rely on personal vehicles for daily travel purposes. For your reference, we have attached as Appendix A to this letter, a copy of a map of the aforementioned Metro bus line and Metro Station that displays how close public transportation is in relation to Ms. Williams' home. Additionally, as a matter of practice, Ms. Williams' children do not all arrive or leave her home at the same time. Ms. Williams is generally open Monday-Friday, 7 am – 6 pm, but several of her clients have different pick-up and drop-off times, such that there is never any crowding or traffic near her home. Following the Board's grant of the requested special exception it is not expected that the additional students will materially differ the existing pick-up and drop-off patterns of Ms. Williams' clients.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18392
EXHIBIT NO. 5



Section 205.4 of the Zoning Regulations requires that the child development center provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors. Please note that Ms. Williams' home already has 1 off-street parking space behind her house off the public alleyway. Further, please note that Ms. Williams' direct neighbor, Ms. Constance McMillan, at 5348 Chillum Place, NE, has agreed to permit Ms. Williams to have full use of the extra 1 off-street parking spot behind Ms. McMillan's residence. For your reference we have attached as Appendix B to this letter, evidence of this agreement signed by Ms. McMillan. These 2 off-street parking spaces provide ample parking for the 1 additional teacher Ms. Williams will hire when the special exception and applicable licensing requirements are met to work with up to 12 children. Pursuant to Section 2101.1 of the Zoning Regulations, Ms. Williams is only required to have 1 space for each 4 teachers and other employees. We note that that even Ms. Williams' 1 parking space behind her home is sufficient to meet the off-street parking requirements of the Zoning Regulations, but that Ms. Williams is pleased to exceed the minimum requirements by using Ms. McMillan's space. Finally, even though Ms. Williams is not required to have more than 1 off-street parking space by the Zoning Regulations, we note that using Ms. McMillan's off-street parking space is a more efficient use of land than attempting to build an additional space behind Ms. Williams' property. The use of Ms. McMillan's off-street parking space is a better design and landscaping of real property, and keeps more green space, grass, vegetation, and bushes in the area – where building a new space would destroy the landscaping of real property and much green space. This is especially relevant to an urban property within the District of Columbia. Finally, the use of Ms. McMillan's off-street parking, as the direct neighbor to Ms. Williams, also ensures that any parking for the child development center will provide for a safer ingress or egress to the location from the alley located behind Ms. Williams' center. In sum, the use of Ms. McMillan's off-street parking will have less adverse impact on neighboring properties than would a building of a new off-street space behind Ms. Williams home.

Section 205.5 of the Zoning Regulations requires that the child development center, including any outdoor play space provided, be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions. Please note that Ms. Williams' home is ideally situated between multiple public parks and playgrounds, which provide ample access for children to play outside in a manner that will not be objectionable to adjacent or nearby properties. First, the LaSalle-Backus Education Campus is ideally located approximately 2-3 blocks, a short 3 minute walk, down the street from Ms. Williams' home. This facility has a tremendous playground area for the children of her child development home. Ms. Williams uses this playground on a daily basis with her children, and it has been an exceptional asset to her business. Additionally, Ms. Williams is also very close to Fort Circle Parks, which provides additional outdoor play areas. For your reference we have attached as Appendix C to this letter, evidence of the location of the LaSalle-Backus Education Campus and Fort Circle Parks in relation to Ms. Williams' home. Finally, Ms. Williams also has a play area in the rear of her home that is appropriately fenced-in, and safe and separate from other areas. Please note that in the almost 1.5 years since Ms. Williams has been operating the business no neighbor or other citizen has complained about noise, activity, visual, or other conditions related to the outdoor play of Ms. Williams' children.

Section 205.6 of the Zoning Regulations notes that the Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties. While we do not believe anything additional is required given that Ms. Williams is in full compliance with the conditions of the Zoning Regulations, we acknowledge this requirement and are willing to take reasonable steps to address any of the Board's remaining concerns, if any, with the special exception application.

Section 205.7 of the Zoning Regulations requires any off-site play area used by the child development center be located so as not to result in endangerment to the individuals in attendance at center in traveling between the play area and the center itself. Please note that Ms. Williams has never



had any issues in making the short 3 minute walk to and from the LaSalle-Backus Education Campus from her home with the children. Ms. Williams and the children can access the LaSalle-Backus Education Campus using only side-roads that are not full of busy traffic. Further, once the special exception is approved and applicable licensing requirements are met, Ms. Williams will have an additional full-time employee to supervise the children and their outdoor playtime.

Section 205.8 of the Zoning Regulations notes that the Board may approve more than 1 child development center in a square or within one thousand feet (1,000 ft.) of another child development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors. Please note that we are aware of no other child development centers within one thousand feet (1,000 ft.) of Ms. Williams' home. However, even if such a center were to exist, we are confident that the center is on a different street, and traffic and congestion would not be an issue given the location of the center not being adjacent to Ms. Williams' home.

Section 205.9 of the Zoning Regulations requires that the Board, before taking final action on an application for use as a child development center, submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports. Ms. Williams fully supports this information sharing with other District of Columbia regulators and agencies, and is happy to address any additional questions, if any.

Section 205.10 of the Zoning Regulations requires that the referral to the D.C. Department of Human Services request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District of Columbia. Ms. Williams fully believes that the proposed center can meet each and every licensing requirements in accordance with all applicable laws, and is happy to address any questions, if any additional questions, if any.

Finally, as way of additional background, please note that Ms. Williams is a loving mother, grandmother, and long-time resident of the District of Columbia, who accomplished her lifelong dream of starting a successful child development home in December 2010. For many years prior to starting the business, Ms. Williams was known as the neighborhood nanny, frequently providing babysitting and other child-rearing services for fun in her spare time away from her prior job in the retail industry. Ms. Williams is beloved in her community, and hopes to expand to a child development center in order to provide her excellent and in-demand services to more children within the District of Columbia. The law firm of DLA Piper has been truly impressed by Ms. Williams' commitment to children, and firmly believes that the District of Columbia would be a better place with Ms. Williams helping even more children and families of the District than she already does on a daily-basis.

Should you have any questions with regard to this application, please do not hesitate to contact me at (202) 799-4340, or by email at john.holahan@dlapiper.com

Sincerely,

A handwritten signature in blue ink, appearing to read 'John P. Holahan', followed by a stylized flourish.

John P. Holahan, Esq.