Mrs. Michelle Morgan-Lopez
2427 Monroe St., NE
Washington, DC 20018-2901
ANC 5A-10

Rec'd.
7.31.01

I reside in SMD 5A-10 whose Commissioner is Ruth Goodwin. I have lived at this address for nearly twenty years. For the last three years I have reduced my work to part time in order to care for my invalid mother Mrs. Mary Durham. I am a very active member of Calvary Episcopal Church and the Order of the Daughters of the King. I volunteer at the Washington Center for Aging Services and Medstar Manor. I actively support the Hospital For Sick Children, The Episcopal Children's Center and many other community service opportunities.

The following is my testimony opposing BZA Case No. 16723 before the Zoning Commission at this Hearing on July 31,2001 for which no notification was posted at the proposed site.

Attachments:

Exhibit A
Exhibit B
Exhibit C
200 Ft Neighbors Memo
Church Petition
Title 11 Municipal Regulation pgs. 2-13 & 2-14

BZA
Case No. 16723
Exhibit No. 39

Board of Zoning Adjustment
District of Columbia
CASE NO.16723
EXHIBIT NO.39

RE: Title 11 Municipal Regulations 205.3 and 206.2 (objectionable traffic conditions, unsafe for picking up and dropping off children, noise) See exhibits A & B

On neither side of the 2400 block of Lawrence St. NE between the school and the playground are there currently sidewalks for the children to use to reach the school from their parents cars or the play areas. The 3300 block of Hoover Rd is a one-lane road where two cars cannot pass each other unless one pulls off to the side. This is a very dangerous area for foot traffic since foot traffic is essentially walking in the street. Drivers fail to stop completely at the Lawrence St. stop sign. Also, the conditions of the streets are atrocious with patched pothole upon patched pothole. These are small streets that are already over used by through traffic from Rhode Island Ave. Autos dropping off and picking up students will undoubtedly create a bottle neck in the morning and evening.

Re: Title 11 Municipal Regulations 205.4 and 206.3 (provide sufficient off-street parking to meet reasonable needs of teachers, other employees, and visitors) See exhibits A & B

Granting the requested variance will further increase objectionable traffic conditions. Parents dropping off and picking up students will also need parking spaces. There simply is not enough on street parking space available for this. Additionally, the proposed director Mrs. ~~Curry~~ Burke indicated at the July 18, 2001 5A-10 Special Call Meeting that her goal was to double the enrollment of students in the near future. On street parking is simply not sufficient to handle the traffic associated with 120 drop off and pick ups per day for the currently requested number of 60 students much less for double that number.

Re: Title 11 Municipal Regulations 205.5 and 206.2 (no objectionable impacts on adjacent or nearby properties due to noise or activity, visual conditions or traffic) See exhibit C

Other objectionable impacts on adjacent and nearby properties will involve the playgrounds. For the twenty or so years that a child development center operated at the proposed site, there was a constant problem with loud

screaming in the morning, at noon, and in the evening. The children were allowed to throw trash, mulch, sticks, and other debris into the alley. Objects were also thrown at my pet dog. Neither the school nor the church, which owns the property, took responsibility, each saying the other party should clean the alley or that I should call the city to have the alley swept. The fence along the perimeter is allowed to become overgrown with weeds providing a hiding place for vagrants, drunks, prostitutes with their clients, and other objectionable persons. They leave behind beer and liquor bottles, used condoms and syringes and all maner of items not suitable for a children's play area. I have personally swept behind five houses in the alley because the school/church would not. Property owners across from the playground have and still clean the vegetation from the fence or pay to have someone spray it. Within the last two days, vegetation has been cleared from inside the playground and some of the surrounding area, but the fence was not touched as usual. For these reasons, the playground is objectionable due to noise, activity, and unsightly visual impacts.

The people applying for BZA Case No. 16723 apparently operated a school on this site this past school year without the proper zoning and permits. I stood at my kitchen door in April of 2001 and watched a child deliberately throw a seven-inch stick at and hit my automobile, which was parked inside my yard. When I called this to the attention of the attendant, she indicated that the child "said he didn't do it." This same attendant later told me at the 5A-10 Special Call Meeting that the child would not lie, which could only mean that I was lying on the child. This shows me that the level of cooperation we can we can expect from the school will be much less than desirable since that attendant turned out to be the proposed director of the school, Mrs. ~~Curry~~BURKE.

Summary

I find it curious that the 5A-10 Commissioner Goodwin who was not present at her own Special Call Meeting (understandably since she says she was ill) of July 18,2001 would recommend <u>for</u> BZA Case No. 16723 at the July 25,2001 ANC 5A meeting. The exact opposite was in fact the result of the vote by the albeit small number of persons attending the call meeting. We voted <u>against BZA Case No. 16723.</u> At the ANC meeting, Commissioner Goodwin blatantly and vehemently advised the other commissioners that ***she***

was in favor of the school. The mixed messages seemed to confuse the commissioners enough for Mrs. Goodwin to have ***her*** way with close vote. I find the ethics here to be questionable since Commissioner Goodwin has been involved in the planning stages of this school with Mrs. ~~Curry~~ BURKE and others. I am seeking advice regarding that situation.

In conclusion, as a resident of the District of Columbia I find it objectionable that teachers and others from Maryland would come into our city and neighborhood and try to create jobs for themselves. This was done without contacting neighbors who would be impacted by the school as is required by law. It came out in the Special Call Meeting that the plan was to notify neighbors after the school plans had been finalized. The two years or so that the day care center was closed had been very peaceful without the noise and activity we had endured for so long. While I am in support of educating our children to the best of our ability, the recent illegal school activity was enough to allow us to see that we will have the same terrible problems we suffered with for twenty years. We are talking about a residential neighborhood and enough is enough!

Thank you

Exhibit A





2400 Block Lawrence St., NE



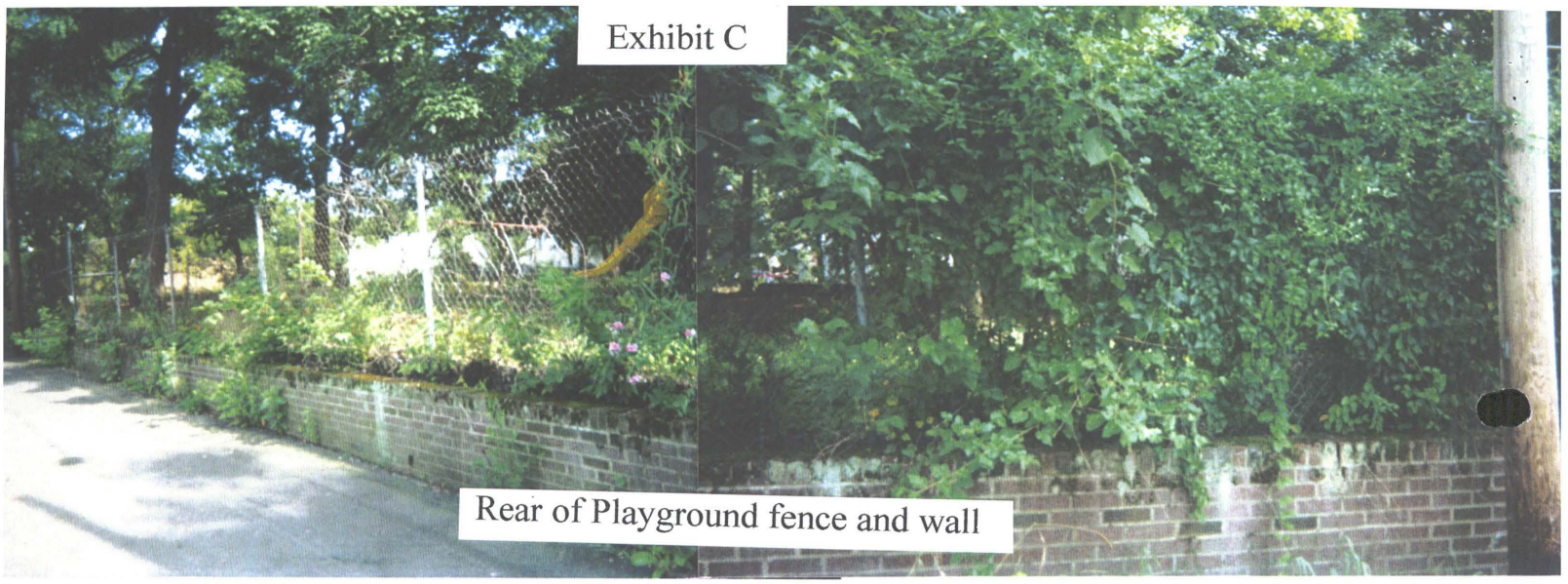


Exhibit B



3300 Block Hoover Rd., NE

Exhibit C



Rear of Playground fence and wall

Playground



Rear of 2427 Monroe St., NE

203.11 If the Zoning Administrator determines that an application for a Home Occupation Permit appears to meet the conditions of §§203.4 through 203.8, but to be inconsistent with the general purpose and intent of this section, the Zoning Administrator may certify the application to be decided as an appeal by the applicant to the Board of Zoning Adjustment.

203.12 In making the determination pursuant to §203.11, the Zoning Administrator may consider, but not be limited to, the cumulative impact of one (1) or more home occupations.

SOURCE: *Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988).*

204 ACCESSORY BUILDINGS (R-1)

204.1 The following buildings shall be permitted as accessory buildings in R-1 districts incidental to the uses permitted in this chapter:

(a) Private garage, subject to the special provisions of chapter 23;

(b) Private stable as accessory use to a dwelling and under conditions specified in §208 of this chapter; and

(c) Other buildings or structures customarily incidental to the uses permitted in R-1 districts under the provisions of this chapter.

SOURCE: §3101.6 of Regulations effective May 12, 1958; renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988).

205 CHILD DEVELOPMENT CENTERS (R-1)

205.1 Use as a child development center shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

205.2 The center shall be capable of meeting all applicable code and licensing requirements.

205.3 The center shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off children.

205.4 The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.

205.5 The center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise or activity, or visual or other objectionable conditions.

MEMO TO: Mrs. Ruth Goodwin, ANC Commissioner

FROM: See Attached Signatures

RE: Proposed Charter School Playgrounds

DATE: June 27, 2001

It has come to our attention that McKendree Church is attempting to open a charter school in the building that has previously housed a day care center on Lawrence St. We have had ongoing concerns regarding this building's use for many years. We were very pleased when this center closed down for a period of time.

Concerns are not limited to, but have included:

1) Littering of the alley with trash and debris from the school yard by the children
2) Sticks, small branches etc. have been thrown at pets while the pet was in IT'S OWN YARD
3) The foliage and weeds along the fence are not kept cleared thereby providing hiding places for vagrants who leave bottles, bags, trash, Used syringes, condoms, cans, etc.
4) Monroe Street residents have had to sweep the alley, and clear away foliage from the fence for many years.
5) Loud screaming that sounds as if it were coming from your own yard

In short, this facility has been a horrendous neighbor. Attempts to resolve problems have been met with hostility and indifference. For these reasons, we are very much against a school in this location. The fence to the playground constantly has holes in it cut by children and not repaired by the church. This block is habitated mostly by older residents who would prefer not to have to listen to the noise associated with a school.

While we are not against children being educated, we are against it taking place in an area zoned for residential use.

Sincerely yours,

Residents of 2415 through ~~2439~~ 2443 Monroe St., NE

Nellie L. Cureton 2415
Julia J. Williamson 2419
Joan Ivy-Bradley 2423
Michelle Morgan-Lopez 2427
Anthony G Shirley 2435
Margaret Thompson 2443

Petition from church members; only one lives in 5A-10 and this address is church property *

PETITION

We, the residents of the 5A10 Neighborhood of Washington, D.C., support the existence and the establishment of a school and child development center in the William Bishop Educational Center, located 2420 Rhode Island Avenue, N.E., Washington, D.C. 20018 of the McKendree Simms-Brookland United Methodist Church.

	Name (Print)	Signature	Address	Phone Number
1.	Members of the Church George Jones	M. George Jones	514 44th St N.E. 20018	399-8780 NO
2.	Arabelle Finney	Arabelle Finney	2012 Perry St. NE	529-725 NO
3.	Lynda Royce	Lynda M Royce	1426 Kearney St NE	832-9354 NO
4.	Virginia Reese	Virginia Reese	5831 Colorado Ave. NW	726-2443 NO
5.	LESTER H POPE	Lester H Pope	121 53RD ST SE	584-5827 NO
6.	Vera R. Trappier	Vera R. Trappier	4414 DuBois Pl. SE	584-3734 NO
7.	Herman Cobb	Herman Cobb	701 Crittenden St. N.E.	832-8094 NO
8.	Eleanor H. Hamilton	Eleanor H Hamilton	1372 Q St N.W	667-4952 NO
9.	KARL L. ORE	Karl Ore	1456 Legate Rd NW	291-1779 NO
10.	DALE R. Ore DR 8/12/01	Dale R. Ore	1456 Legate Rd NW	291-1779 NO
11.	VELMA Zeigler	Velma Zeigler	1806 Kearny St N.E.	526-0623 NO OK
12.	LT Davenport	LT Davenport	242 Lawrence St NE	529-3075 OK
13.	Margaret Coates	Margaret Coates	1338 Gallatin St NE	529 1707 NO
14.	KATHARINE FAISON	Katharine Faison	46 V St. NE DC	832 9350 NO
15.	Mary E. Hayman	Mary E. Hayman	5715 Ingraham St. NE. DC.	529 7065 NO
16.	Lucille Ratliff	Lucille Ratliff	3142 Monroe St. N.E.	832-5055 NO OK
17.	Bertha Cobb	Bertha Cobb	701 Crittenden St. NE	832-8094 NO
18.				
19.				
20.				

* Church address

Petition/Memo from neighbors within 200 ft of playground

MEMO TO: Mrs. Ruth Goodwin, ANC Commissioner

FROM: See Attached Signatures

RE: Proposed Charter School Playgrounds

DATE: June 27, 2001

It has come to our attention that McKendree Church is attempting to open a charter school in the building that has previously housed a day care center on Lawrence St. We have had ongoing concerns regarding this building's use for many years. We were very pleased when this center closed down for a period of time.

Concerns are not limited to, but have included:

1) **Littering of the alley with trash and debris from the school yard by the children**
2) **Sticks, small branches etc. have been thrown at pets while the pet was in IT'S OWN YARD**
3) **The foliage and weeds along the fence are not kept cleared thereby providing hiding places for vagrants who leave bottles, bags, trash, Used syringes, condoms, cans, etc.**
4) **Monroe Street residents have had to sweep the alley, and clear away foliage from the fence for many years.**
5) **Loud screaming that sounds as if it were coming from your own yard**

In short, this facility has been a horrendous neighbor. Attempts to resolve problems have been met with hostility and indifference. For these reasons, we are very much against a school in this location. The fence to the playground constantly has holes in it cut by children and not repaired by the church. This block is habitated mostly by older residents who would prefer not to have to listen to the noise associated with a school.

While we are not against children being educated, we are against it taking place in an area zoned for residential use.

Sincerely yours,

Residents of 2415 through 2439 Monroe St., NE

see attached for signatures

205.6 The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it shall deem necessary to protect adjacent and nearby properties.

205.7 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.

205.8 The Board may approve more than one (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.

205.9 Before taking final action on an application for use as a child development center, the Board shall submit the application to the D.C. Departments of Public Works and Human Services, and the D.C. Office of Planning for review and written reports.

205.10 The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements set forth in the applicable laws of the District.

SOURCE: Final Rulemaking published at 29 DCR 4913, 4917 (November 5, 1982); renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988).

206 PRIVATE SCHOOLS AND STAFF RESIDENCES (R-1)

206.1 Use as a private school, but not including a trade school, and residences for teachers and staff of a private school, shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions specified in §3108 of chapter 31 of this title, subject to the provisions of this section.

206.2 The private school shall be located so that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions.

206.3 Ample parking space, but not less than that required in chapter 21 of this title, shall be provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

SOURCE: §3101.42 of Regulations effective May 12, 1958; as amended by Final Rulemaking published at 29 DCR 4913, 4919 (November 5, 1982); renumbered by Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988).

207 UTILITIES (R-1)

207.1 Use as an electric substation with nonrotating equipment, natural gas regulator station, or public utility pumping station shall be permitted in an R-1 district if approved by the Board of Zoning Adjustment in accordance with the conditions