

ANC 6A Testimony Before the Zoning Commission

RE: Case No. 07-03 Text Amendment - Minimum lot dimensions in the Residential Districts

Advisory Neighborhood Commission (ANC) 6A unanimously supports this text amendment because it will eliminate the defect in current zoning law which allows exemptions from compliance with the required minimum lot area and lot width criteria of 401.3, even in cases where the use of the property has changed.

We strongly urge the Zoning Commission to adopt this amendment on an emergency basis. On February 13, 2006, the Zoning Commission considered the related Charter Schools Text Amendment (Case No. 06-06). At that time, the Commission determined that it was appropriate to set down that amendment on an emergency basis. We believe that the conditions warranting that action still exist and apply equally in this case.

Pressures for charter school expansion have led charter schools to look to inappropriate locations in residential neighborhoods. In the short time since the Zoning Commission made its initial ruling on the Charter Schools Text Amendment, we have already seen a test case involving AppleTree Institute's matter-of-right claim to occupy an existing property on 12th Street NE that does not meet the lot area and lot width requirements set forth in 401.3. AppleTree has just recently applied to the Public Charter School Board for two new expansion campuses other than the 12th Street site.

Delaying the effective date of this amendment until final order would leave the issues surrounding the location of charter schools in residential districts unresolved and the standards for future projects ambiguous. If the existing law is not amended promptly, there is potential for a school campus to cause severe harm to the character of our residential neighborhoods.

The text amendment before you points out the ambiguity in how existing law treats changes of use regarding 'grandfathering' exemptions from zoning requirements. The 'grandfathering' exemptions were intended to protect existing use, not to provide carte blanche for future uses. We recommend that the Zoning Commission and the Office of Planning conduct a complete review of the zoning code to identify other exemptions for pre-1958 buildings and properties that should be eliminated when a significant change in use is occurring.

ZONING COMMISSION
District of Columbia

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EXHIBIT NO. 9

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