ON MAY 11, 2004, THE BOARD STRUCK THIS DOCUMENT FROM THE RECORD.

BZA
Case No. 17092
Exhibit No. 25

Board of Zoning Adjustment
District of Columbia
CASE NO.17092
EXHIBIT NO.25

Kenneth S. Katz
3411 Fessenden Street, NW
Washington, D.C. 20008

Zoning Commission
Board Of Zoning Adjustment
441 4th Street, NW
Suite 210 South
Washington, DC 20001

D.C. Office of Zoning
2003 JAN -5 AM 9:07

Re: Case Number 17092

Tuesday, December 30, 2003

To the Honorable Members of the Board of Zoning Adjustment,

I am writing to support Wagtime as both a client and District of Columbia homeowner. I am confident that you will determine Wagtime is complying legally with all District requirements pertaining to the certificate of occupancy granted for an appropriately zoned business location. With respect to complaints that Wagtime represents a nuisance, it is clear that appellants make vastly overstated, if not outright fraudulent claims. It is also clear that appellants define nuisance as anything they would rather not experience, irrespective of the right to run a legally compliant business establishment. Wagtime is neither more of a nuisance, nor less concerned with minimizing undesired neighborhood impact than any other similar dog care businesses facility located in the area.

Due diligence is a homebuyer responsibility. I knew when purchasing my home that across the street a large facility was in the process of major development, and that the service stations nearby had the ability to change or be redeveloped within zoning laws by right. Knowing the potential impact each of these might have on the neighborhood was an important consideration in my home buying calculation. Never did I consider I could simply change their duly held rights by appealing to the BZA.

The BZA is being requested to withdraw the certificate of occupancy granted to Wagtime without any evidence of ongoing illegal activity. Such a decision would grant appellants power to undermine the contract of a standing zoning designation, unilaterally altering the conditions of occupancy *after the fact*. To allow such disregard of legal principles is to present any business with an impossible task. To do so when Wagtime provides such a well-run service to the community, sincere in its commitment to minimizing neighborhood impact is an affront to all.

Many would welcome such an irresponsible BZA decision. Indeed, those service stations in my neighborhood present many nuisances. It would certainly be easier for me to likewise forgo working with those businesses and simply appeal to the BZA to remove their occupancy based on those activities that while legal are nonetheless nuisances. Thousands of us await the opportunity to take advantage of such an ill-considered BZA decision.

I respectfully submit that the appeal to revoke the certificate of occupancy granted to Wagtime is wholly without merit and should be dismissed. Such a dismissal would encourage appropriate community negotiation so that the rights of all are upheld.

Sincerely,

Kenneth S. Katz

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