Allegations of Error

- That a "24-hour dog boarding and grooming" use is neither a matter of right use nor similar to any matter of right use permitted in a C-3-A zoning district by sections 721 or 741 of the Zoning Regulations and/or that any Zoning interpretation or decision in relation to a 24-hour dog boarding use that ignores or fails to reflect substantive and essential characteristics of a 24-hour dog boarding use in claiming otherwise violates the basic policy of the Zoning Commission as expressed in these sections and sections 101 and 199 of the Zoning Regulations and elsewhere.

- That a "24-hour dog boarding" use is a custodial use and that any Zoning interpretation or decision in relation to a 24-hour dog boarding use that ignores or fails to reflect this substantive and essential characteristic of a 24-hour dog boarding use and/or its comparability with a temporary detention facility violates the basic policy of the Zoning Commission regarding custodial uses such as temporary detention facilities as reflected in sections 101, 199 and 801.7(k) of the Zoning Regulations and elsewhere.

- That a "24-hour dog boarding" use is similar to a "stable" use and that any Zoning interpretation or decision in relation to a 24-hour dog boarding use that ignores or fails to reflect the strict comparability of a 24-hour dog boarding use and a stable use violates the basic policy of the Zoning Commission regarding animal-related custodial uses such as stables as reflected in sections 101, 199 and 208 of the Zoning Regulations and elsewhere.

- That a "24-hour dog boarding and grooming" use is a use with significant adverse external effects and that any Zoning interpretation or decision in relation to a 24-hour dog boarding use that ignores or fails to reflect this substantive and essential characteristic of the use violates the basic policy of the Zoning Commission regarding uses with external effects as reflected in sections 101, 199 and 804 of the Zoning Regulations and elsewhere.

- That a Zoning interpretation or decision allowing a "24-hour dog boarding and grooming use" at 1412 Q Street, NW at the boundary line of the C-3-A zoning district exceeds the Zoning Administrator's prerogatives because it in effect changes the C-3-A zoning of the site to a CM or M zoning or similar and/or because it in effect changes the zoning of the adjacent property located at 1414 Q Street, NW across the C-3-A zone district boundary in the R-5-B zone district to a C, CM or M zoning or similar, and such changes in zoning districts are the provenance of the Zoning Commission pursuant to section 102 of the Zoning Regulations and elsewhere.

We intend to prove our case by offering expert and other testimony and written evidence in support of each of our allegations of error.

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Exhibit No. 3

Board of Zoning Adjustment
District of Columbia
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EXHIBIT NO.33