March 24, 2004

VIA HAND DELIVERY

Mr. Geoffrey Griffis,
Chairman, Board of Zoning Adjustment
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: BZA Appeal Number 17092

Dear Chairman Griffis,

This letter is submitted on behalf of the appellants, Stephanie Mencimer, et al., in BZA Appeal Number 17092.

1. Request to Amend the Appeal

Please find enclosed (Attachment 1) an amended Form 125 (BZA Appeal) together with Certificate of Occupancy (No. 69395) issued on January 28, 2004. The purpose of this requested amendment of BZA Appeal no. 17092 is to add Certificate of Occupancy (No. 69395) to the appeal. The Acting Zoning Administrator issued Certificate of Occupancy (No. 69395) on January 28 (after the first hearing of this appeal on January 20) to replace Certificate of Occupancy (No. 57903), which is the C of O at issue in this appeal, when it expired on January 31, 2004.

2. Submission of Requested Materials

At the hearing for this appeal on January 20, 2004, the Board requested the appellants to submit into the record pages 34 and 35 from the book *Architectural Acoustics* (1988) by M. David Egan. Please find these pages, together with the summary noise table that refers to these pages and that the Board received at the January 20 hearing, appended (Attachment 2).

3. Key to Photograph Exhibit

At the hearing for this appeal on January 20, 2004, the Board accepted into the record the attached photograph. The appellants inadvertently omitted to give the Board the key to the labels on the photograph, so the key is appended (Attachment 3) to this letter with the photo in question.

4. Errata

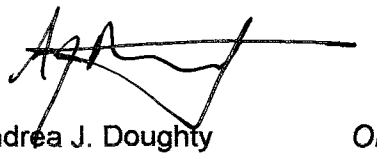
At the hearing for this appeal on January 20, 2004, and in the appellants pre-hearing submission for this appeal, the appellants inadvertently gave the Board an incorrect reference. On pages 335 and 336 of the official transcript of the January 20 hearing, Mr. Macy (representing the appellants) and Ms. Chiu (a witness for the appellants) are quoted as referring to regulations contained in chapters 9 and 18 of Title VIII of the DC Municipal Regulations (DCMR). The correct reference is to chapters 9 and 18 of Title VIII of the *DC Code*. This error is also made on pages 28 and 29 of the appellants' pre-hearing submission, where all references to particular sections of the DCMR on these pages are in fact references to the named sections of the *DC Code*.

BZA
Case No. 17092
Exhibit No. 74

Board of Zoning Adjustment
District of Columbia
CASE NO.17092
EXHIBIT NO.74

The appellants apologize to the Board for any inconvenience that may have been caused by this mistaken reference to the DCMR instead of the DC Code, and request that the Board accepts this correction of the pre-hearing submission and the transcript record for this appeal.

Respectfully submitted,



Andrea J. Doughty *On behalf of the Appellants*

1417 Q Street, NW
Washington, DC 20009
Tel. (202) 319.1151
Fax. (202) 319.2808

Attachments

cc: Ms. Jerrily Kress, Director, Office of Zoning (By hand)
Mr. Bennett Rushkoff, on behalf of DCRA (By hand)
Mr. Edward Donohue, on behalf of WagTime, LLC (By hand)
Ms. Andrea Ferster, on behalf of Mid-City Development Company (By hand)

Form 125 — Exhibit 1
(Revised 03/15/02)

Case No. 17092

BEFORE THE BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

APPEAL

Notice: Click Here for Appeal Form Instructions

Pursuant to Section (s) §3100 and §3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken

from the administrative decision of:*	Mr. Denzil Noble, Acting Zoning Administrator, DCRA		
made on*	01/28/2004	, to the effect that*	

A CERTIFICATE OF OCCUPANCY (PERMIT NO. 69395, ATTACHED) BE ISSUED FOR A 24-HOUR DOG BOARDING USE TO BE LOCATED AT 1412 Q STREET, NW. THIS IS A REQUEST TO AMEND APPEAL NO. 17092 (OF PERMIT NO. 57903) TO INCLUDE PERMIT NO. 69395 WHICH WAS ISSUED BY THE ACTING ZONING ADMINISTRATOR WHEN PERMIT NO. 57903 EXPIRED.

Address(es)* of Affected Premises	Square(s)*	Lot(s)*	Zoning Districts*
1412 Q STREET, NW	0209	0878	ARTS/C-3-A

Present Use of Property:*	OFFICE SPACE		
Proposed Use of Property:*	DOG BOARDING KENNEL		
Owner of Property:*	1412 QUE ST. LLC ET AL	Telephone No.:*	(202)797-0852
Name, address and telephone number of lessee:			

LISA SCHREIBER & OFER KHAL, WAGTIME, LLC 1412 Q STREET, NW WASHINGTON, DC 20009 TEL. 202-234-8825

Name, address and telephone number of appellant, if other than owner:

STEPHANIE MENCIMER, ET AL 1414 Q STREET, NW WASHINGTON, DC 20009 TEL. 202-328-9794

State specifically manner in which appellant is aggrieved by the administrative decision, the allegations of error in the administrative decision, and the relevant sections of the Zoning Regulations (see reverse for more detailed explanation).

Please use a separate piece of 8 ½" x 11" to respond and attach it to the Form 125 Appeal.

Date:*	03/23/2004	Signature:	

* If appeal is filed by agent of the Appellant. Form 125 Appeal shall be accompanied by a letter signed by the appellant authorizing the agent to act on his behalf in this appeal.

To be notified of hearing and decision:
(Appellant or Authorized Agent)*

Name:*	ANDREA DOUGHTY						
Address:*	1417 Q STREET, NW	City:*	WASHINGTON	State:*	DC	Zip:*	20009
Phone No.:*	(202)319-1151	Fax No.:	(202)319-2808	E-Mail:	andrea@capitalpolicies.com		

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Attachment (cont.)

Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
941 North Capitol Street N.E. room 2100
Washington D.C. 20002
Tel. (202) 442 - 4470 Fax (202) 442 - 4862

C of O

CERTIFICATE OF OCCUPANCY

PERMIT NO.
CO 69395

THIS PERMIT IS VALID ONLY FOR THE PREMISES OF THE PROJECT ADDRESS

DATE : 1/28/2004

ADDRESS:	FLOOR(S):	PRCL ID: 0209 (square) 0000- 0878 (lot)
1412 Q ST NW	FIRST, FL. & MEZZANINE	WARD : 2 ZONE : CM3

PERMISSION IS HEREBY GRANTED TO:
CORPORATION : WAGTIME LLC
ID No.: L09504

TRADING AS:

APPROVED USES:
OTHER - SEE DESCRIPTION

PREVIOUS USES:
OTHER - SEE DESCRIPTION

TYPE:	BZA NO:	OCCUPIED SQ. FOOTAGE:	OCCUP. LOAD:	EXPIRATION DATE:
CHANGE OF OWNERSHIP		1,248		NONE

DESCRIPTION OF USE:
24HR. DOG BOARDING & GROOMING WITH ACCESSORY RETAIL SALE OF PET SUPPLIES

FEE :

FEE :

$33.0

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, VALID ONLY for the premise at the above address or part thereof, and for the purpose(s) indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises used therefor, will render this Certificate VOID and a NEW Certificate must be obtained.

David A. Clark
DIRECTOR

PERMIT CLERK:
LEON PAUL

Department of Consumer & Regulatory Affairs
District of Columbia Government

Noise Measures from Various Sources

Noise Source	Inside/Outside	dBA peak	dBA (Average)
Whispering @ 5 feet [1]	N/A	N/A	20
Quiet Office/Library [1]	Inside	N/A	40
Large Office [1]	Inside	N/A	50
Large Store [1]	Inside	N/A	50
Commercial Garage [7]	Inside	N/A	55
Cicadas [2]	Outside	N/A	57
Chicken Shed [3]	Inside	92	71
Passenger Car @ 50 feet Traveling@ 55mph [2]	Outside	N/A	71
One Large Dog Barking @ 50 feet [2]	Outside	N/A	72
Reception/Lobby Area [2]	Inside	N/A	78
Classroom [2]	Inside	N/A	78
Factory (light to medium work) [7]	Inside	N/A	78
Military Helicopter @ 500 feet [2]	Outside	N/A	80
Vacuum Cleaner @ 3 feet [2]	Inside	N/A	81
Two Motorbikes [6]	Outside	103	81
Large Trucks @ 50 feet Traveling@ 55mph [2]	Outside	N/A	86
Piggeries (Auto-fed) [4]	Outside	104	72
Two Dogs Barking @10 Feet [5]	Outside	104	N/A
Riveter @ 35 feet [7]	Outside	N/A	97
Dog Kennel [2]	Inside	N/A	108
Amplified Rock Music Performance [2]	Inside	N/A	121

1 League for the Hard of Hearing, Noise Levels in Our Environment Fact Sheet. Available at http://www.lhh.org/noise/decibel.htm.
2 M.David Egan, Architectural Acoustics, 1988, p. 34-35.
3 Farm Noise Hazards: Noise Emissions during Common Agricultural Activities, Australian Centre for Agricultural Health and Safety, 2002, p.36. Available at http: www.acahs.med.usyd.edu.au/nfidc/Farmnoise.pdf.
4 Farm Noise Hazards: Noise Emissions during Common Agricultural Activities, Australian Centre for Agricultural Health and Safety, 2002, p. 43. Available at http: www.acahs.med.usyd.edu.au/nfidc/Farmnoise.pdf.
5 Farm Noise Hazards: Noise Emissions during Common Agricultural Activities, Australian Centre for Agricultural Health and Safety, 2002, p.38. Available at http: www.acahs.med.usyd.edu.au/nfidc/Farmnoise.pdf.
6 Farm Noise Hazards: Noise Emissions during Common Agricultural Activities, Australian Centre for Agricultural Health and Safety, 2002, p.42. Available at http: www.acahs.med.usyd.edu.au/nfidc/Farmnoise.pdf.
7 Van Nostrand's Scientific Encyclopedia, Seventh Edition, Vol.II, 1989, p. 1986.
N/A = Not applicable

Compiled by Lisa Chiu, 2004

EXTRACT FROM: ARCHITECTURAL ACOUSTICS (1988), M.I. IID EGAN **Attachment (cont.)**

NOISE LEVEL DATA

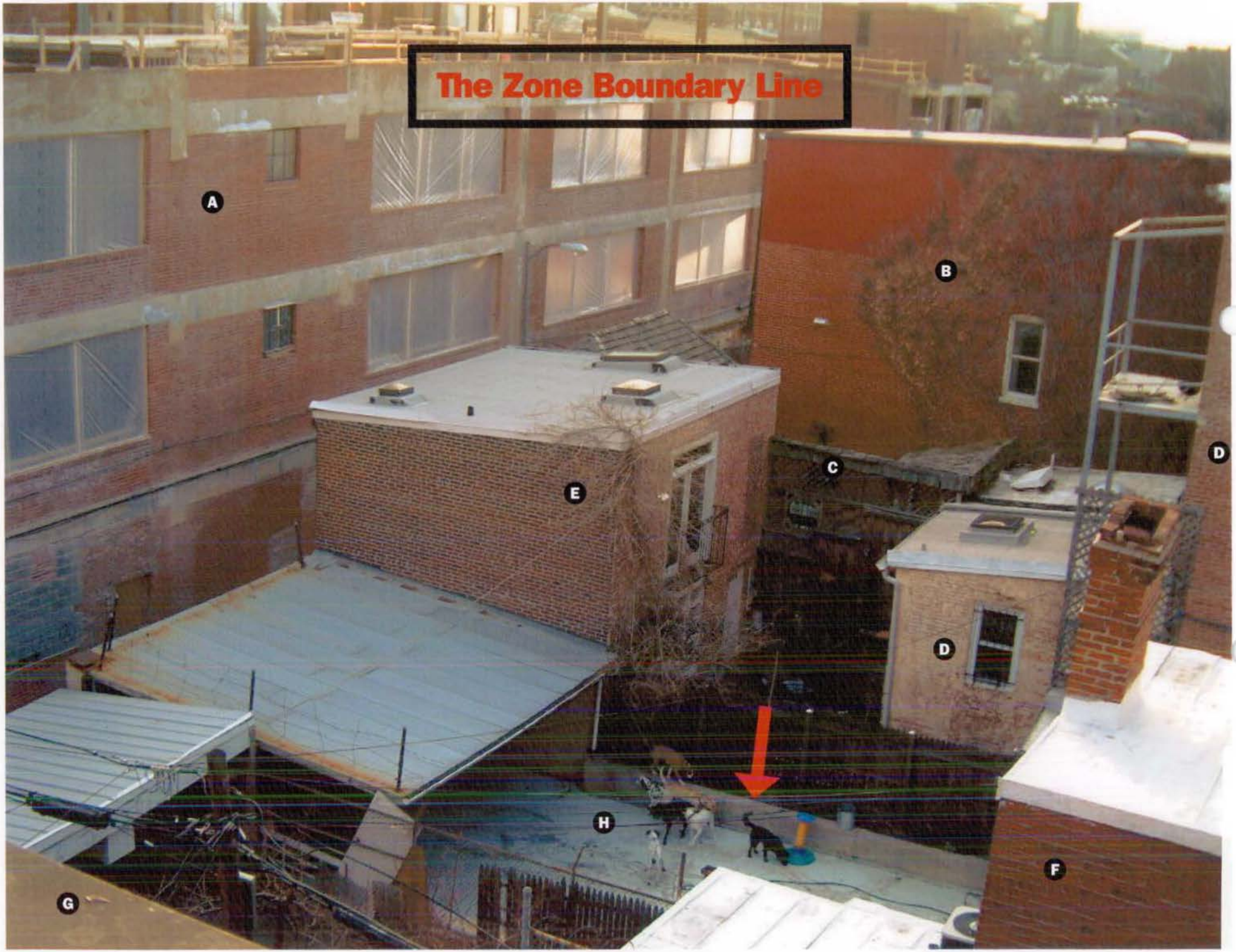
The table presents noise data at octave-band center frequencies for familiar residential, outdoor, transportation, and building activity noise sources. Intermittent or peak noises may exceed the data given in the table by 5 dB or

	Sound Pressure Level (dB)								dBA
Example Source	63 Hz	125 Hz	250 Hz	500 Hz	1000 Hz	2000 Hz	4000 Hz	8000 Hz	
Home									
Alarm clock at 4 to 9 ft (ringing)	..	46	48	55	62	62	70	80	80
Electric shaver at 1 ½ ft	59	58	49	62	60	64	60	59	68
Vacuum cleaner at 3 ft	48	66	69	73	79	73	73	72	81
Garbage disposal at 2 ft	64	83	69	56	55	50	50	49	69
Clothes washer at 2 to 3 ft (wash cycle)	59	65	59	59	58	54	50	46	62
Toilet (refilling tank)	50	55	53	54	57	56	57	52	63
Whirlpool, six nozzles (filling tub)	68	65	68	69	71	71	68	65	74
Window air-conditioning unit	64	64	65	56	53	48	44	37	59
Telephone at 4 to 13 ft (ringing)	..	41	44	56	68	73	69	83	83
TV at 10 ft	49	62	64	67	70	68	63	39	74
Stereo (teenager listening level)	60	72	83	82	82	80	75	60	86
Stereo (adult listening level)	56	66	75	72	70	66	64	48	75
Violin at 5 ft (fortissimo)	..	..	91	91	87	83	79	66	92
Normal conversational speech at 3 ft	..	57	62	63	57	48	40	..	63
Outdoors									
Birds at 10 ft	..	..	..	..	..	50	52	54	57
Cicadas	..	..	..	..	35	51	54	48	57
Large dog at 50 ft (barking)	..	50	58	68	70	64	52	48	72
Lawn mower at 5 ft	85	87	86	84	81	74	70	72	86
Pistol shot at 250 ft (peak impulse levels)	..	..	..	83	91	99	102	106	106
Surf at 10 to 15 ft (moderate seas)	71	72	70	71	67	64	58	54	78
Wind in trees (10 mi/h)	..	..	..	33	35	37	37	35	43
Transportation									
Large trucks at 50 ft (55 mi/h)	83	85	83	85	81	76	72	65	86
Passenger cars at 50 ft (55 mi/h)	72	70	67	66	67	66	59	54	71
Motorcycle at 50 ft (full throttle, without baffle)	95	95	91	91	91	87	87	85	95
Snowmobile at 50 ft	65	82	84	75	78	77	79	69	85
Train at 100 ft (pulling hard)	95	102	94	90	86	87	83	79	94
Train siren at 50 ft	88	90	110	110	107	100	91	78	109
Car horn at 15 ft	..	..	..	92	95	90	80	60	97
Commercial turbofan airplane at 1 mile (from takeoff flight path)	77	82	82	78	70	56	..	..	79
Military helicopter at 500 ft (single engine, medium size)	92	89	83	81	76	72	62	51	80
Interiors									
Amplified rock music performance (large arena)	116	117	119	116	118	115	109	102	121
Audiovisual room	85	89	92	90	89	87	85	80	94
Auditorium (applause)	60	68	75	79	85	84	75	65	88
Classroom	60	66	72	77	74	68	60	50	78
Computer equipment room	78	75	73	78	80	78	74	70	84
Dog kennel	..	..	90	104	106	101	89	79	108
Gymnasium	72	78	84	89	86	80	72	64	90
Kitchen	86	85	79	78	77	72	65	57	81
Laboratory	65	70	73	75	72	69	65	61	77
Library	60	63	66	67	64	58	50	40	68
Mechanical equipment room	87	86	85	84	83	82	80	78	88
Music practice room	90	94	96	96	96	91	91	90	100
Racquetball court	82	85	80	85	83	75	68	62	86
Reception and lobby area	60	66	72	77	74	68	60	50	78
Teleconference	65	74	78	80	79	75	68	60	83

more, depending on source or environment. For many practical problems, however, the data can be considered to be typical source levels at the given distance and condition, or average general activity levels for interiors. The data can be used for design purposes if proper consideration is given to especially loud equipment or sources which may exceed it, unusual site conditions, and any other conditions that deviate from normal. For example, it is prudent to measure transportation noise at proposed building sites near highways, airports, etc., so design data will represent existing noise sources and reflect specific site features. Note also that many modern aircraft, trucks, and office equipment are not as loud as examples in the table.

Note: Sources for noise level data include *Journal of the Acoustical Society of America, Sound and Vibration, Noise Control Engineering Journal,* and technical publications of the U.S. Environmental Protection Agency and National Bureau of Standards (U.S.).

EXTRACT FROM: ARCHITECTURAL ACOUSTICS (1988) M. DAVID EGAN



Attachment 3

KEY to PHOTOGRAPH labeled "The Zone Boundary Line"

"A"	is the 85-condominium property under development as "Lofts 14" (1401 Church Street, NW) and owned by Mid-City Development Company, LLC (Intervenor in BZA Appeal No. 17092)
"B"	is the residence at 1416 Q Street, NW, owned by Mr. John Weaver and Mr. Forrest Smith (Co-appellants in BZA Appeal No. 17092)
"C"	is the exterior deck of 1416 Q Street ("B" above)
"D"	is the residence at 1414 Q Street, NW, owned by Ms. Stephanie Mencimer and Mr. Erik Wemple (Co-appellants in BZA Appeal No. 17092)
"E"	is the carriage house at 1414 Q Street ("D" above)
"F"	is the rear of the rowhouse property located at 1410 Q Street, NW.
"G"	is the window ledge of the Berret School (from where the photograph was taken), the 12-condominium property located at 1408 Q Street, NW, and site of the Condominium residences owned, respectively, by Mr. Gary Ridley (Unit 32) and Mr. Mark Rabbage (Unit 22), Co-appellants in BZA Appeal No. 17092.
"H"	is the exterior dog run of the WagTime boarding kennel located at 1412 Q Street, NW.
Red arrow	points at the concrete boundary fence between 1412 Q Street and 1414 Q Street, which demarcates the north-south running zone boundary line between the C-3-A zone district and the R-5-B zone district.