May 4, 2004

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

RECEIVED
D.C. OFFICE OF ZONING

Re: BZA Appeal Number 17092: Adoption of Letters submitted to BZA

Dear Chairman Griffis,

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

Per the Board's instructions to parties at its March 30 hearing of this appeal, the appellants adopt as part of their submissions to the BZA the attached letters to the BZA in respect of this appeal from members of the public, most of whom are residents of the 1400 block of Q Street. The reason that the appellants believe that these letters should form part of the record in this appeal is that the appellants believe that each of the attached letters speaks to the zoning questions at issue in this appeal, including in many cases by speaking to the intensity of WagTime's boarding kennel use and its impact on the neighboring property owners (e.g. consistently excessive noise and odor that prevents use of nearby outdoor spaces, prevents opening of windows and prevents peaceful enjoyment of even interior spaces; canine fecal and other waste run-off into the rear alley; canine fecal waste deposits in the surrounding area; dangerous dogs on the loose; illegal parking; and, traffic congestion.)

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: Mr. Bennett Rushkoff, on behalf of DCRA
Mr. Edward Donohue, on behalf of WagTime, LLC
Ms. Andrea Ferster, on behalf of Mid-City Development Company, LLC

BZA
Case No. 17092
Exhibit No. 86

Board of Zoning Adjustment
District of Columbia
CASE NO.17092
EXHIBIT NO.86

Attachment 1

List of Letters adopted by the Appellants in BZA Appeal No. 17092

1. Exhibit No. 34: Letter of William A Collins, Jr. of 1450 Q Street
2. Exhibit No. 35: Letter of Richard R. Hopper of 1408 Q Street, #3
3. Exhibit No. 37: Letter of Jack Evans, Council Member, Ward 2
4. Exhibit No. 38: Letter of Carolyn Peery of 1433 Q Street
5. Exhibit No. 39: Letter of Deborah Burand of 1434 Q Street, #201
6. Exhibit No. 40: Letter of Lisa and Daniel Chiu of 1448 Q Street
7. Exhibit No. 41: Letter of Joan D. Ferraris of 1440 Q Street
8. Exhibit No. 42: Letter of Mark O'Brien of 1417 Q Street
9. Exhibit No. 52: Letter of Jon L. Norenburg of 1440 Q Street
10. Exhibit No. 54: Letter of Tony MacDonald of 1408 Q Street, #31
11. Exhibit No. 55: Letter of Raymond F. Sandall and Russell S. Applegate of 1449 Q Street
12. Exhibit No. 56: Letter of James A. Baker, Jr. of 1424 Q Street
13. Exhibit No. 58: Letter of Charles B. Yulish of 1438 Q Street
14. Exhibit No. 59: Letter of Cynthia Fleek Yulish of 1438 Q Street
15. Exhibit No. 60: Letter of Denis Michael Reidy of 1408 Q Street, #11
16. Exhibit No. 61: Letter of William A. Lash of 1408 Q Street, #13
17. Exhibit No. 62: Letter of Michaela Schrader of 1408 Q Street, #22
18. Exhibit No. 63: Letter of Ronald J. Dovel of 1408 Q Street
19. Exhibit No. 64: Letter of Robert J. Featherstone of 1408 Q Street, #21
20. Exhibit No. 65: Letter of Johnnie, Scott Rice, Constituent Services Director for Council Member David Catania
21. Exhibit No. 66: Letter of Louis A. Cipro of 1426 Q Street
22. Exhibit No. 67: Letter of Christina M. Handley, 1418 Q Street

BZA Exhibit No. 34

Thursday, January 15, 2004

The Hon. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 2000`

RE: Support for Appellants in Appeal #17092 (Wagtime, 1412 Q Street NW)

Dear Chairman Griffis and Members of the Board:

The purpose of my letter is to request your support in revoking the inappropriately issued Certificate of Occupancy for Wagtime Dog Kennel located at 1412 Q Street NW and to make you aware of the diminishment in my quality of life since Wagtime Kennel opened on the block where I live last July.

Sharing your home with a dog kennel is much more than I bargained for when I purchased my home on the 1400 block of Q Street, NW. Since Wagtime has opened, the tree box in front of my house, which I paid over $400 to have a brick border professionally installed and for which I have spent countless dollars and hours caring is now a litter box overflowing with dog feces. There was an occasional problem with dog owners not properly disposing of their dog feces before Wagtime Kennel opened last July, but the problem is now out of control. City officials have repeatedly told me that this is an enforcement problem, which it may indeed be. However, after numerous calls to the DC Metropolitan Police Department's non-emergency line to report dog walkers from Wagtime who are not properly disposing of the feces from the dogs they are walking, I can assure you that no action has been taken by the DC Police and that they have no interest in enforcing the City's regulations related to dog waste and litter. In fact, I have been harshly lectured on more than one occasion for "wasting" the valuable time of the DC Metropolitan Police Department by reporting such violations. I have now surrendered the tree box in front of my house to Wagtime Kennel and the dogs it "manages" and the tree box currently runneth over with feces from the dogs Wagtime Kennel boards.

Secondly, the barking from the dogs boarded at Wagtime Kennel is at times maddening! How the poor employees stand the noise is beyond me. I can no longer use the alley behind my house to reach my gym or dry cleaners due to the dog barking; noise and the waste water run off from Wagtime Kennel, which is hosed directly into the alley and drains westward towards 15th Street, NW. The stench of dog urine and feces is over powering and disgusting and I believe it presents numerous health concerns. As a responsible adult, I avoid unnecessary risks. Therefore, I can no longer use the alley behind my home except to

access my parking spaces and to put my garbage cans out for collection due to Wagtime Kennel's noise and waste management "practices."

However, these are not the most dangerous risks associated with Wagtime Kennel and the alley behind my home. Of greatest concern, the alley behind my home has become Wagtime's ad hoc dog run. I am now regularly greeted with dog feces when I exit my car after parking behind my home in the parking spaces that I own. I have been frightened by off-leash dogs from Wagtime that run up to "greet" me when I exit my car or the gate from my yard into the alley. This can be quite frightening especially when the dog is a large one. I have also been repeatedly barked and growled at by off-leash dogs from Wagtime in the alley while the "responsible" employee looks on. When I have reported such behavior to the DC Metropolitan Police Department, I have been told that there is nothing that they can do. Because of this unbelievably irresponsible behavior, I have put Wagtime, their landlord, and their Counsel on notice. Should I ever be attacked or bitten by a dog being boarded at Wagtime Kennel, I will not rest until I have exhausted every legal remedy available to me under the laws of the District of Columbia. I view this behavior as criminal.

Why should a law-abiding, tax paying citizen of the District of Columbia have to live this way? I believe the zoning code is designed to protect citizens like myself from being co-located with incompatible businesses or operations. This is why I believe that the zoning code never intended for dog kennels to be located next to residences.

I will not even get into the double parking on Q Street of Wagtime customers and the traffic jams they cause, the Wagtime Kennel vehicle with "Wagtime" vanity license plates issued in Virginia that is perpetually parked illegally on our block, and the inappropriateness of a dog kennel being placed in a row house on a residential block. I invite each of you to visit Wagtime Kennel and make your own determination as to the City's inappropriate application of the zoning regulation to this type of business.

I hope that you will deny Wagtime Kennel's dog boarding use. While I have not been impressed with the owner's and staff's interest in being a good neighbor, I do not take issue with Wagtime Kennel's operation as a retail pet supply store or the dog grooming operations. Wagtime Kennel's boarding and kennel use on a residential block is incompatible with its surroundings and unfair to its neighbors and its Certificate of Occupancy must be revoked due to its improper issuance. I hope that you will agree and act accordingly.

Sincerely,

William A. Collins, Jr.
1450 Q Street NW
Washington, DC 20009

BZA Exhibit No 35

Board of Zoning Adjustment
for the District of Columbia
Office of Zoning
441 4th Street, NW
Suite 210 South.

RECEIVED
D.C. OFFICE OF ZONING
2007 JUN 15 PM 1:37

RE: Appeal of Wagtime's 24-hour boarding kennel Certificate of Occupancy at 1412 Q Street NW - **BZA appeal number 17092**

To Whom It May Concern:

I am writing as a concerned resident of 1408 Q Street NW Washington, DC 20009. I would like to support the appeal of the Zoning Administrator's Decision to allow a 24-hour boarding kennel named Wag Time LLC to be operated on the premises of 1412 Q St, NW. I firmly believe that the Certificate of Occupancy for the business named Wag Time was issued in error and in violation of DC municipal laws and regulations.
The laws indicate that Wag Time can operate as a grooming facility, but the Zoning Administrato's logic behind permitting occupancy for a 24-hour boarding kennel for dogs seems insufficient and in clear violation of the law and is disruptive to the neighborhood and even unsanitary.

Since the appeal covers the legal violations in greater detail, I choose to write to you to illustrate some of the points being made by the appellants.

Noise: Wag Time has outdoor "running" or "airing" area for their boarders. Each day dogs can be heard barking incessantly for hours on end. Cars dropping off and picking up dogs from the "kennel" services often block traffic, leave their engines running, and cause other cars blocked behind them to honk in the morning and evening. Dogs coming to and from Wag Time often get into fights on the street which is not only noisy, but potentially dangerous for dogs, owners, and nearby pedestrians. The dog barking, car noise, and dog fighting have clearly lowered the quality of life in this neighborhood and often make simple relaxation at home or even sleeping difficult.

Hygiene: There is often a strong odor of canine fecal matter and urine coming from the direction of Wag Time's outdoor area. Perhaps eventworse, someone at Wag Time has often simply hosed dog waste into the alley behind the building. These are not only problems of odor and unsightliness, but also of public health and safety. In addition, the patrons of Wag Time often stop in front of the nearby buildings of Q Street to relieve their bladders and deposit fecal waste - much of which is often left to rot on the sidewalk or in the nearby grassy areas, gardens and lawns. This has clearly had a visible impact on neighborhood hygiene, but it is also a nuisance for pedestrians who step into the remainingfecal deposits.

Noise and deteriorating neighborhood hygiene are only two of the many difficulties that the neighborhood must endure as a result of the Certificate of Occupancy for the 24-hour kennel.

BZA
Case No. 17092
Exhibit No. 35

BZA Exhibit No. 85

I wholeheartedly support Appeal number **17092**.

Thank you.

Richard R. Hopper
1408 Q Street NW (#3)
Washington, DC 20009

Exhibit No. 37

COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

January 14, 2004

Geoffrey Griffis, Chair
Board of Zoning Adjustment
441 Fourth Street, NW
Suite 210-S
Washington, DC 20001

RE: BZA: 17092: Appeal of Zoning Administrator's Decision regarding a 24 hour dog kennel at 1412 Q Street, NW

Dear Chairman Griffis:

I am writing in support of the appeal before the Board of Zoning Adjustment in matter of the dog kennel located at 1412 Q Street, NW (BZA No. 17092).

I agree with the appellants that the Zoning Administrator should not have issued a Certificate of Occupancy for the dog kennel as a matter of right. Dog boarding is not a use identified by the District's regulations, nor is dog boarding similar in nature to a pet shop. The kennel is incompatible with the commercial and residential zones adjacent to the business. Further, a kennel is substantially different than the previous business located at the address. The previous business, a real estate office, had little or no impact on the neighborhood.

Since the kennel opened for business, my office has received repeated complaints from the neighbors regarding noise levels and odors stemming from animal waste and cleaning chemicals.

As always, thank you for your consideration in this matter.

Sincerely,

Jack Evans
Councilmember, Ward 2

BZA
Case No. 17092
Exhibit No. 37

1433 Q Street, NW
Washington, DC 20009

January 17, 2004

BZA Exhibit No. 38

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

Dear Sir:

BZA No. 17092—Appeal of Zoning Administrator's Decision Allowing the Location of a 24-Hour Dog Boarding Kennel at premises 1412 Q Street, NW

I am a resident of the 1400 block of Q Street NW and am writing to express my full support of the appellants in the Board of Zoning Adjustment's (BZA) case number 17092.

I have been a resident of this block for twenty five years, and neighbors and I have both endured a lot of problems and enjoyed a lot of changes for the better. I am also a dog lover and a dog owner, and have been for much of my time on the block.

I am also excited about and active in the 14th and U Main Street program, and delighted that the commercial blocks of 14th and U and P Streets are developing, so we really do have local services.

However, I believe that the granting of a certificate of occupancy for a 24 hour boarding kennel in the middle of the otherwise residential block is a major step backwards. The impact on the neighbors on the south side of Q and future neighbors on the north side of Church is unreasonable, both from a noise and a health standpoint.

I understand that there is a need for this kind of business in the District. Not only does dog boarding assist dog owners, it provides needed stimulation and exercise to the dogs themselves. However, such facilities need to be sited ***completely within*** appropriate commercially zoned areas and with premises that take ***adequate precautions to minimize environmental impact***. This would include such matters as sound proofing, setbacks, no open dog runs near residential areas, adequate sanitation facilities, and adequate enforcement.

I fully support the appellants in their case that DCRA were wrong in deciding to issue a C of O to Wagtime in respect of a dog boarding kennel at 1412 Q Street NW. This decision should be reversed by the Board of Zoning Adjustment and Wagtime should be required to immediately cease the kennel aspect of its operation.

Sincerely,

Carolyn Peery

BZA Exhibit No 39.

January 15, 2004

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

Dear Mr. Griffis:

BZA No. 17092—Appeal of Zoning Administrator's Decision Allowing the Location of a 24-Hour Dog Boarding Kennel at premises 1412 Q Street, NW

I am a resident of the 1400 block of Q Street NW in the District and am writing to express my full support of the appellants in the Board of Zoning Adjustment's (BZA) case number 17092.

While I am not named in the appellants' brief that was submitted in connection with this case, I would like to add my voice to the concerns expressed therein. Given the location of my home (midway down the 1400 block of Q Street, NW, on the south side of the street), I am not affected as significantly as those residents of Q Street who live adjacent to Wagtime. However, I also have noted many of the deleterious effects described in that brief on the neighborhood since the arrival of Wagtime.

I also have grown increasingly concerned about the welfare of the dogs that are being boarded at Wagtime and the staff who have been vested with their care. In early December I personally observed staff of Wagtime chasing an escaped dog up and down the 1400 block of Q Street. The dog repeatedly ran back and forth across Q Street while trying to outmaneuver its wouldbe captors, thereby posing not only a risk to the dog but also to oncoming traffic and the dog's pursuers.

In conclusion, I fully support the appellants in their argument that the DCRA inappropriately issued a Certificate of Occupancy to Wagtime in respect of a dog boarding kennel at 1412 Q Street NW. Like them, I would urge that this decision be reversed by the Board of Zoning Adjustment and that Wagtime be required to immediately cease the kennel aspects of its operation.

Yours truly,

Deborah Burand

Deborah Burand
1434 Q Street, NW, #201
Washington, DC 20009

BZA Exhibit No. 40

Thursday, January 13, 2004

The Hon. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 2000`

Dear Chairman Griffis and Members of the Board:

We are residents of Q Street N.W. and are writing to express our complete support of the appellants in the Board of Zoning Adjustment's (BZA) case number 17092.

As a community, the 1400 block of Q Street N.W. has been enthusiastic supporters of commercial development in the Logan Circle area. As a result of those efforts, we enjoy the opportunity to walk to a grocery store, a hardware store, several furniture stores, coffee shops and an increasing number of restaurants. Most of this development has significantly increased the quality of life in this neighborhood. Wagtime, however, has proven to be an exception.

As a 24-hour indoor/outdoor boarding kennel, the facility's operation results in significant noise, odor, and waste runoff into the back alley. The noise levels from dogs at the facility barking have been measured to consistently and significantly exceed DC noise ordinances—even when the dogs are indoors. Despite the noise levels, the neighborhood has been unable to get the Department of Consumer Regulatory Affairs or the Metropolitan Police Department to enforce the DC Noise ordinances.

As neighbors who live on the west end of the 1400 block of Q Street N.W., we have fortunately been spared much of the noise impact. However, the facilities' practice of hosing the back patio off and into the back alley means we have to transit large pools of water contaminated with dog urine, feces and dog hair on a near daily basis. As a result we cannot walk, bike or drive through the back alley without negotiating this pool of waste. That fact combined with the intense odor of dog urine that emanates from the facility during even moderately warm weather has taken away the option to use the alley if we choose to walk or bike toward the east.

In addition to these negative impacts, we have also noticed a significant increase in the amount of dog feces in the tree boxes, front yards, and even the sidewalks since Wagtime has opened and dog traffic through the neighborhood has increased. Not all dog owners care to obey DC Law which requires them to pick up after their animals, as a result plants in the tree boxes have been killed and residents must walk the sidewalks with caution lest they tread in dog excrement.

As dog owners, we understand the need for services such as Wagtime's. Dogs require space, playtime and supervision. However, as homeowners, we also question the wisdom of placing such a facility in a location that is surrounded on all sides by residential uses. The negative impact to these adjacent residences is far too great, and we would argue the negative impact runs down the street with the contaminated water washed out of the facility.

As a result, we fully support the appellants in their view that DCRA was wrong to issue a C of O to Wagtime permitting the operation of a dog boarding kennel at 1412 Q Street NW. This decision should be reversed by the Board of Zoning Adjustment and Wagtime should be required to immediately cease the boarding and kennel aspect of its operation.

Sincerely,

Lisa and Daniel Chiu
1448 Q Street N.W.
Washington, DC 20009

BZA Exhibit No. 41

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

January 15, 2004

Dear Chairman Griffis:

BZA No. 17092—Appeal of Zoning Administrator's Decision Allowing the Location of a 24-Hour Dog Boarding Kennel at premises 1412 Q Street, NW

I am a resident of the 1400 block of Q Street, NW, Washington, DC and I fully support the appellants in the Board of Zoning Adjustment case number 17092.

I have lived in my present home since 1988 and, along with my neighbors on the 1400 block, have been highly proactive in both the residential and commercial aspects of development of our neighborhood. Our most important achievement was successfully marketing 1440 P St. to Whole Foods which, I believe, is clear evidence of our pro-business position. When we became aware of the relocation of WagTime to 1412 Q, we met with the owner, Ms. Schreiber, to determine her intended use. Recognizing the incompatibility, I, on behalf of the Q Street Association, wrote to the Department of Consumer and Regulatory Affairs, prior to their issuance of the WagTime Certificate of Occupancy (C of O) requesting that the C of O not be issued for the dog boarding component of WagTime's operation. The arguments against allowing a dog kennel in the midst of a residential neighborhood were as compelling then as they are now; albeit, at the time, they were theoretical. Since WagTime's occupancy of 1412 Q, the impact has become real even to me and I live many houses to the west. I respectfully request that the Board of Zoning Adjustment 1) reverse the entirely inappropriate decision by DCRA to issue a C of O to WagTime for their dog boarding kennel use at 1412 Q Street NW and 2) please relieve the burden on WagTime's immediate neighbors, by requiring WagTime to immediately cease the same dog boarding kennel use.

Thank you for your consideration.

Yours sincerely,

Joan D. Ferraris
1440 Q St. NW

1417 Q Street, NW
Washington, DC 20009

BZA Exhibit No. 42

January 16, 2004

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

Dear Sir

BZA No. 17092—Appeal of Zoning Administrator's Decision Allowing the Location of a 24-Hour Dog Boarding Kennel at premises 1412 Q Street, NW

I am a resident of the 1400 block of Q Street NW in the District and am writing to express my full support of the appellants in the Board of Zoning Adjustment's (BZA) case number 17092.

I was also one of a number of people who wrote to the Department of Consumer and Regulatory Affairs, prior to their issuance of the Certificate of Occupancy (C of O) in question, giving my view that the Certificate should not be issued in respect of the dog boarding component of Wagtime's operation. It was clear at the time to anyone with basic common sense that the location of a dog kennel at this property would unavoidably have a significantly damaging impact on the welfare of the neighboring residents and on the local environment: dogs bark, it cannot be avoided. Multiple dogs together bark constantly, and at very loud levels which are well known to frequently exceed noise control limits. They also produce waste, which causes odor even when specially treated, and which can be hazardous to individuals as well as the environment. Thus, unless setbacks and other special site arrangements are made, dog kennels will unavoidably have an adverse impact, which is inconsistent with the principles underlying the zoning regulations as well as other regulations such as DC's *Environmental Policy Act*.

Wagtime's proprietor made it clear from the outset that she intended to use the open yard at 1412 Q Street, which by definition cannot be soundproofed and is *directly adjacent* to a residentially zoned home and thus part of the residential zone for noise control purposes, as an outdoor kennel run. This use should have, by itself, been enough for DCRA to realize that this operation would not be at all similar to a pet shop and therefore to refuse to issue the C of O. The slope of the yard into the alley was always going to give rise to waste run off problems to the environment. DCRA was also made aware that the proprietor had had major noise problems in Wagtime's previous (totally indoor) location and that they had not been addressed (e.g., with sound proofing).

Even if the DCRA felt that it needed a more concrete basis than common sense to refuse the issuance of the C of O, there is ample solid evidence of the damaging impact of dog kennels, and thus their dissimilarity to pet shops, available. To take just one example: in 2001 the Baltimore County Planning Board undertook a thorough review of this issue. Their comprehensive report was, and still is, publicly available including on the County's website (http://resources.co.ba.md.us/Documents/Imported_Documents/p/po_kennel0601.pdf). Amongst other things, the report notes that:

> *"The overriding and most contentious challenge associated with commercial kennels is the noise impact of barking dogs.....the noise quality of a barking dog is very different from background, or "white" noise such as traffic".*

It further notes that:

> *"Other challenges associated with commercial kennels may include increased traffic.....commercial kennels also generate much waste, which in turn generates odor. Both have the potential to become a nuisance as the majority of kennel owners bag solid waste and dispose of it in outdoor trash cans*

or bins where the odor can emanate to adjacent properties. Nuisances such as these adversely affect the strength of neighborhoods and quality of place. "

Since 2002, Baltimore County's zoning regulations have specifically and separately defined dog kennels and dog grooming facilities and note that they are not the same (Section 101). The regulations further specify that neither the term "dog kennel" nor "dog grooming facility" includes pet shops, veterinarians' offices or veteriniariums.

Further, the County's zoning regulations require setbacks of 200 feet from the nearest property line zone, for all aspects of a dog kennel or dog boarding facility (Section 421). In granting any special exceptions relating to dog kennels, the Zoning Commissioner may impose additional conditions or restrictions, such as increasing buffers, requiring odor, noise, or animal waste disposal mitigation, and setting limits on the number and breeds of dogs, to ensure that the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding area.

Baltimore County is only one of many places throughout the country which have already addressed the issue of how to balance the growing demand for kennel facilities in urban areas with the rights of residents to quietly enjoy their properties, and the kinds of requirements imposed in Baltimore County—which 1412 Q Street NW does not meet, and was not required by DCRA to meet—are quite typical (See the attached table). In the absence of clear guidance from the District's zoning regulations, DCRA could and should have used common sense in assessing Wagtime's proposed dog boarding use and should have looked to the information on impact and impact abatement measures available from elsewhere when forming that assessment.

Unfortunately, DCRA did not do either of these things so that now we residents have had to endure six months of hard evidence of the impact. I understand that a good deal of proof of this has been provided to the BZA by the appellants, including that the barking from Wagtime frequently—and unavoidably, given the use of the open rear yard as a dog run—exceeds legally allowable noise levels (which both DCRA and the Metropolitan Police Department have so far not been prepared to enforce in this case despite repeated requests from residents).

The damaging impact of Wagtime has been most severe on the directly adjacent neighbors. However, I would like make it clear that it is not restricted only to them. I live on the other side of the street from Wagtime, and about three properties along (i.e., with the width of Q Street and Wagtime's building between my house and Wagtime's rear yard). Yet, even with my doors and windows closed I am frequently annoyed by the dogs barking in that rear yard including very early in the morning and on weekends. I also have to put up with the traffic problems that are caused by cars blocking either Q Street or the alley behind my house while dog owners drop off or pick up their dogs. Luckily, because I live on the other side of the street, I have not had to transit through the rear alley behind Wagtime with the constant bad odor and dog waste run-off.

I understand that there is a need for this kind of business in the District. Not only does dog boarding assist dog owners, it provides needed stimulation and exercise to the dogs themselves. However, such facilities need to be sited ***completely within*** appropriate commercially zoned areas and with premises that take ***adequate precautions to minimize environmental impact*** in a manner consistent with DC's zoning and other regulations. This would include such requirements for sound proofing, setbacks, no open dog runs near residential areas, adequate sanitation facilities, and so on, which 1412 Q Street NW with its open rear yard cannot meet.

Consequently, I fully support the appellants in their case that DCRA were wrong in deciding to issue a C of O to Wagtime in respect of a dog boarding kennel at 1412 Q Street NW. This decision should be reversed by the Board of Zoning Adjustment and Wagtime should be required to immediately cease the kennel aspect of its operation..

Yours sincerely

Mark O'Brien

BZA Exhibit No. 42

ATTACHMENT

Summary of Zoning Regulations for Dog Kennel and/or Boarding Facilities in Various Jurisdictions

The following table summarizes some key aspects of the zoning regulations in various jurisdictions in the United States that aim to control the impact of dog kennels/boarding/day care facilities on the neighboring properties as well as the general environment. As can be seen these regulations commonly restrict proximity to neighboring properties (setbacks), noise, odor and traffic/parking.

The regulations for each jurisdiction included in the table can be found at:

Jurisdiction	Zoning Regulations
Baltimore County, MD	*Baltimore County Zoning Regulations, Section 421, Animal Boarding Place, Kennel, Pet Shop, Veterinarian's Office, Veterinarium.*
Howard County, MD	*Howard County Zoning Regulations, Section 131 Conditional Uses, N.1.30, Kennels and Pet Grooming Establishments.*
Caln Township, Chester County, PA	*Caln Township, Chester County, Pennsylnania, Ordinance No. 2003*, allowing Kennels by Conditional Use in the I-2 Industrial District and Establishing Associated Conditional Use Regulations.
Canaan Township, Wayne Co., PA	*Canaan Township Zoning Ordinance, Article V – Supplementary Regulations Applicable to Specific Uses, Section 125-23: Kennels.*
Bernalillo County, NM	*Bernalillo County Code, Chapter 6 - Animals*
Leavenworth, KS	*The Zoning Ordinance of the City of Leavenworth, Kansas Section 21.902 Special Use Permits B. 2 Kennels – Breeding and Boarding*
San Diego County, CA	San Diego County *Zoning Ordinance, Part 3 – Animal Regulations*
City of Vancouver, WA *(proposed)*	*City of Washington Vancouver Development Code, Title 20.850 – Dog Day Care*

ATTACHMENT

Summary of Zoning Regulations for Dog Kennel and/or Boarding Facilities in Various Jurisdictions

Place	Space	Setbacks	Noise, fencing	Other
Baltimore Co., MD	Not specified	All aspects of a kennel, including exercise areas, septic systems, etc must be situated at least 200 feet from nearest property line.	See next column.	If exceptions are granted for any reason, the Zoning Commissioner may impose additional conditions or restrictions, such as increasing buffers, requiring odor, noise, or animal waste disposal mitigation, and setting limits on the number and breeds of dogs, to ensure that the proposed use will not be detrimental to the health, safety, or general welfare of the surrounding area.
Howard Co., MD	Three acres for up to 10 dogs. Five acres for 11 dogs or more.	For up to 10 dogs, 100 feet from lot lines for kennels, runs and structures. For 11 or more dogs, 200 feet from lot lines for kennels, runs and structures and 100 feet from street line. These may be reduced so long as it does not adversely affect neighborhood as regards, noise, odors, visual impact or otherwise.	All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.	Odors must not be detectable at lot lines. Other details in Dept. of Planning and Zoning brochure on Conditional Uses.
Caln Township, Chester Co. PA	Not specified.	No animal shelter may be within 200 feet of any adjoining property. No runs within 100 feet of any adjoining property.	No dogs outside between 9:00pm and 7:00 am. Business must be enclosed by a fence at least 8 feet high. Fence must be at least 20 feet from property line.	A plan for waste disposal must be submitted in order to be approved. Sewage disposal and water supply must be adequate and meet applicable regulations. Regular waste disposal. Sewer system must be approved. Operator of business shall not allow any animals to create objectionable noise, odors or other disturbances.

BZA Exhibit No. 42

Canaan Township, Wayne Co., PA	3 Acres or 10,000 square feet per dog, whichever is greater.	Structure housing dogs must be at least 300 feet from property line.	No dogs outside between 8:00pm and 8:00am. Noise barrier at least 6 feet high or dense vegetative planting shall fully encircle kennel areas not enclosed in a building.	Adequate off street parking, including one space per employee and one space for each four dogs.
Bernalillo Co., NM	75 Square feet for each dog under 30 pounds, 100 square feet for dogs between 30 and 60 pounds, 125 square feet for larger dogs. Adequate facilities for exercising must be provided.		No excessive noise. No night time noise allowed at all.	There must be a waste removal system in place. Interior floors must be smooth and easily cleanable and impervious to water. Facility must be structurally sound and constructed of nontoxic material.
Leavenworth, KS	Two acres	Kennel buildings and runs at least 75 feet from lot line.	Adequate screening to prevent dogs getting excited. Materials for fences specified. Loud, frequent or habitual barking, howling or yelping a nuisance and subject to specified penalties. .	
San Diego Co., CA	Not specified.	No kennel within 50 feet of any interior lot line, or 25 feet of any rear lot line except where lot line is contiguous to an alley. Where operation abuts a residential use, setbacks must be maintained in accordance with residential zoning requirements.	Kennel must follow specified parts of County's Noise Abatement and Control regulations. Must be enclosed in a non-transparent fence, at least 6 feet high.	Animal odors shall not be detectable beyond lot lines. Daily removal of waste. Use of disinfectants mandatory to prevent spread of disease, odors and flies.

BZA Exhibit No. 42

City of Vancouver, WA. *(proposed in revised Devlopment Code currently in preparation)*				
Kennels (overnight boarding allowed)	Same rules for kennels apply as to horse stables, animal sales yards, riding academies, feed yards etc.	Kennels shall be located not less than 50 feet from any property line.	See next column.	Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses.
Day care (no overnight boarding allowed, operating hours limited to 7am to 7pm)	When property commercially zoned, property must be a minimum of 10,000 square feet for first 10 dogs, and 50 square feet for each additional dog. Maximum of 30 dogs on premises. For other zoning, a minimum of 1 acre for the first 10 dogs and 100 square feet for each additional dog. Total number of dogs allowed no more than 20.	Outdoor areas that dogs use must be a minimum of 50 feet from any property line. The specific case where the property is zoned commercial but where it abuts a residential district is identified and these setback requirements emphasized.	See next column.	Operator must provide a plan of operation that demonstrates the control of odor, dust, noise, waste management, drainage, security and that the facility will not constitute a nuisance or health problem to adjoining property or uses.

BZA Exhibit No. 42

BZA Exhibit No. 52

1440 Q St NW
Washington DC 20009

18 January 2004

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

Dear Sir

BZA No. 17092—Appeal of Zoning Administrator's Decision Allowing the Location of a 24-Hour Dog Boarding Kennel at premises 1412 Q Street, NW

I am offended by the way legitimate attempts to resolve this issue were ignored. "Due process" to this point has been mostly a means to intimidate the appellants. I am exceedingly proud of their thorough and conscientious report. I hope they will finally get a fair hearing.

I am a fifteen-year resident at this address and an active participant directly and indirectly in dozens of efforts, and in associated zoning issues, to promote business and community development in this neighborhood. This includes bringing the community together for twice annual block cleanups and tree-box planting (we include even the businesses, like Wagtime, that do not participate). We conceived of and brought to fruition the locating of Fresh Fields, inviting them into our backyard, much to their management's surprise. We fully anticipated the current nearby development boom. No doubt, Wagtime will bolster its non-existent defense with a charge and non-existent evidence that we are anti-business. Well, we are against one aspect of Wagtime's business but we are on record as "for" dozens of other businesses.

I consider Wagtime to have been the least cooperative, most deceitful and worst neighbor we have had in the neighborhood, with the exception only of two violence-ridden nightclubs now long gone. As a long-term participant in neighborhood improvement, I was hugely offended to receive a notice from Wagtime falsely claiming to have been a major participant in developing this neighborhood. They have been a detraction in every way possible, starting with the hideous exterior in what is otherwise a classically elegant block—the logic of historical zoning defeated again. At my address, I don't suffer from the barking but I hear it every time I walk by. I do suffer from more dogs delivering more urine and feces on plants we have purchased and carefully tended.

Mostly, I object to the injury that Wagtime has done to the quality of life of my neighbors and to the injustice the community and my neighbors received from an indifferent bureaucracy... one that seems to hold hands over eyes and ears, concluding they see and hear nothing wrong; yet, it's obvious to everyone else. Rather than using nuance to avoid thoughtful action, **it's time for a little common sense and the duck-rule to prevail here—this duck stinks and quacks like a 24-hour boarding kennel and should not be located adjacent to residences.**

Sincerely yours,

Jon L. Norenburg

BZA Exhibit No. 54

Tony MacDonald
1408 Q Street, NW
Unit #31
Washington, DC 20009

By Facsimile: 202-727-6072

The Honorable Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

RE: BZA No. 17092: Appeal of Decision permitting
24-Hour Dog Boarding Kennel at premises 1412 Q Street, NW

Dear Chairman Griffis and Members of the Board:

I am a resident of the Berret School located at 1408 Q Street and the former Chair of the Berret School Condominium Association. The residents of the Berret School are directly and substantially impacted by the operations of a 24-hour boarding kennel at 1412 Q Streets and, therefore, have a significant interest in your decision in this matter. In general, I am writing to support the appeal of the Q Street Association and others seeking to reverse the decision of the Department of Consumer and Regulatory Affairs to issue a Certificate on Occupancy (C of O) to WagTime with respect to its right to operate a dog boarding kennel at 1412 Q Street.

It is exciting to be a resident of a vibrant neighborhood that supports commercial, arts and residential uses. To maintain the diversity and to avoid conflicts; however, it is very important that the residents be able to rely on the BZA to take a hard look at the actual proposed uses and the applicable regulations, particularly where the proposed use in not explicitly permitted as of right. I will defer to the formal appeal for the legal and technical arguments, but would like to highlight two explicit objections I have to the BZA's interpretation that a boarding kennel is a permissible use that is somehow compatible with the other allowable commercial uses or the neighborhood.

Unlike other businesses in the neighborhood and listed in the regulations, the operation of a boarding kennel by its very nature invites as many people and dogs as possible to come into the neighborhood on a transient basis. The more successful the WagTime's kennel operation becomes, the greater the conflict there will be with the neighborhood and the clearer it is that the operation is fundamentally unlike other permissible uses. More often than not, daily dog boarders come in during the early morning and evening on the way to and from work. This results in illegal and double parking of vehicles, precisely at the time that it is important to keep a steady and safe flow of traffic on Q Street, as well as to permit residents access to their cars and parking (already in short supply.) WagTime specifically touts its ability to offer an outside run for its dogs, as well as overnight boarding for dogs. The BZA does not need the benefit of a sound meter or the actual

BZA Exhibit No. 54

record of community conflicts, to recognize that the community impacts of barking and potential human health impacts of fecal runoff that result from bringing a large number of dogs together in a confined space is not in any way the same as or comparable to operating a pet store or veterinary clinic in the neighborhood. Again, the reality is that the more successful that WagTime is in attracting dogs to its kennel and boarding operation the greater the conflicts and the clearer it is that this use in not like other permissible commercial uses in the neighborhood.

The BZA should have recognized the inherent conflict of the proposed kennel operation with the applicable regulations and with the community at the time of the initial application, and I strongly urge you to reconsider that decision at this time. I respectfully request that you reverse the initial decision of the Board of Zoning Adjustment, and that the C of O for WagTime be revoked or amended to prohibit operation of a boarding kennel.

I appreciate your assistance in circulating this letter to other Members of the Board. If you have any questions, I can be reached at 202-939-0973. Thank you very much for you consideration

Sincerely,

Tony MacDonald

January 19, 2004

1449 Q Street NW
Washington, D.C.

BZA Exhibit No. 55

Mr. Geoffrey Griffis, Chairman
Board of Zoning Adjustments
441 Fourth Street, NW, Suite210 South
Washington, D.C. 20001

Subject: BZA No. 17092 (Wagtime, 1412 Q Street NW)

Dear Sir:

We are residents of the 1400 block of Q Street NW and we are writing in support of the Appellants in Appeal of BZA No. 17092.

Although the negative impact of Wagtime has more affect on residents on the south side and east end of the 1400 block of Q Street NW, the entire block is affected in varying degrees. Q Street is one way eastbound from Massachusetts Avenue NW to Rhode Island Avenue NW and is used by through traffic to avoid the hassle of Dupont and Logan Circles. The street is busy most of the day with traffic particula rly heavy during morning and evening rush hours. Because of double parking in front of Wagtime during these busy periods of traffic while people are dropping off or picking up their pets, the traffic often becomes backed up as far as 15th Street on the west. Impatient drivers start blowing their horns which, in addition to the dog barking problem suffered by neighbors adjacent to Wagtime, is another incident of disturbing the peace.

Granted, some neighbors are not offended by the existence of Wagtime (they are pet owners). Aonce friendly block, people are now taking sides over Wagtime with resulting feelings of hostility against one another. It just doesn't seem right that a business should be creating such an adverse environment. The whole concept of a business such as Wagtime locating in a residential block is absurd. The proprietor obviously has no respect for the majority of property owners in this block.

Consequently, we reiterate our full support of the Appelants Appeal of BZA No. 17092.

Very truly yours,

Raymond F. Sandall

Raymond F. Sandall

Russell S. Applegate

Russell S. Applegate

JAMES A. BAKER JR
1424 Q STREET, NW
WASHINGTON, DC 20009

BZA Exhibit No. 56

January 19, 2004

The Hon. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

BZA No. 17092: Appeal of Zoning Administrator's Decision Allowing the Location of a 24-Hour Dog Boarding Kennel at premises 1412 Q Street, NW

Dear Chairman Griffis and Members of the Board:

As a dog owner on the 1400 block of Q Street, I believe that it is wrong to have a kennel in a downtown residential neighborhood. The Wagtime group has been less than responsive to the concerns of the neighborhood. I personally would not allow my pet to be boarded at such a place where the lack of concern for cleanliness. Wagtime's facilities may be cleaned on a regular basis however their idea of washing urine and excrement into the ally for the neighbors to deal with is deplorable. Walking down the ally between Q and Church has become a nasty event. When it is warm it smells of urine and you have to look were you step for fear of stepping in excrement. The Wagtime facility has made no concessions towards cleaning it up, and is feeding the rodent community.

The tree boxes on Q Street have also becomes a source of further cleanliness issues, with the increased traffic of pets being walked to the facility and owners who do not clean up after them. I repeatedly have to clean multiple dogs' excrement up from in front of my home on a regular basis. Excess excrement from other animals is a health risk to my pet as each with set of droppings my pet is potentially being exposed to an unknown medical history of a strange animal.

I have no objections to a retail operation in the facility as it was a real estate office for years, but a kennel and boarding operation is inappropriate and a nuisance for the Neighbors who have invested their time, money, and efforts to neighborhood beautification and have seen this community through the hard times of it renaissance.

I fully support the appellants in their case that the Department of Consumer and Regulatory Affairs was wrong in their decision to issue a Certificate of Occupancy to WagTime in respect of a dog boarding kennel at 1412 Q Street NW. This decision should be reversed by the Board of Zoning Adjustment and WagTime should be required to immediately cease the kennel aspect of its operation.

Thank you for you consideration.

Sincerely,

James A. Baker Jr.

James A. Baker Jr

BZA Exhibit No. 58

Charles B. YULISH
1438 Q Street NW
Washington, DC 20009
202 234-8888

Jan. 18, 2004

BZA
Office of Zoning
441 4th Street NW
Washington, DC

Re: BZA Appeal No. 17092

To Whom It May Concern:

As a long-time resident of Q street between 15th and 14th streets, along with many residents in the area, am terribly disturbed by manner in which the WagTime Time dog grooming center recently opened for business on Q street. While I would not object to a store that does retail business there, the operation of an overnight kennel is a hazard to all of us in the neighborhood and should not be allowed.

Given the untrustworthy history of the WagTime business, the health and safety issues and the noise from the dogs at night, this business is unsuitable and the boarding and kennel function should be prohibited.

The proprietor of WagTime has an adversarial attitude toward the neighborhood. That is unfortunate, but not the issue. The issue that I support is the requirement that there be no overnight boarding of animals by WagTime. That prohibition would permit the neighborhood to accept WagTime as the sole business entity in this area of Q street.

I respectfully request that the BZA take into account the overwhelming opposition of the neighbors to the overnight boarding of animals by WagTime and that you prohibit this practice.

Sincerely

BZA
Case No. 17092
Exhibit No. 58

BZA Exhibit No. 59

Cynthia Fleek
1438 Q Street NW
Washington, DC 20009
202 332-4243

Date: January 19, 2004

To: BZA

From Cynthia Yulish

Re: Appeal 17092 Wag Time Boarding of Dogs

I am opposed to the boarding overnight of animals by Wag Time
A normal retail business there is acceptable, but as the only retail store in a completely residential street that noise, smell and anima waste run-off from this establishment is unacceptable.

I urge you to terminate this boarding practice.

BZA
Case No. 17092
Exhibit No. 59

DENIS MICHAEL REIDY, PH.D.

BZA Exhibit No. 60

January 14, 2004

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

Dear Sir,

BZA No. 17092—Appeal of Zoning Administrator's Decision Allowing the Location of a 24-Hour Dog Boarding Kennel at premises 1412 Q Street, NW

I am a resident of 1408 Q Street NW in the District and I am writing to express my full support of the appellants in the Board of Zoning Adjustment's (BZA) case number 17092. I have not been actively involved with the discussions nor the appeal surrounding the relocation of the Wagtime Dog kennel from its former location to its present site on our block. And while that particular residence at 1412 Q Street had been a real estate office, it was so consonant with the tone of the rest of the block that it never struck me that it was a business, until the bright sky blue-and-orange façade of Wagtime went up in its place, an obvious change from its previous user. But the matter of such jarring colors on one of the prettiest streets in the District was minor to the other jarring facts that arose as the business settled in and commenced operations (all of this starting even before they were given their permit):

-that this was a business that planned on boarding up to 35 dogs over nights and weekends
-that dogs would be locked indoors or in a small cement-floored space behind the building
-that the same space would be hosed down periodically to wash dog feces into the alley.

The immediate issue that I saw, apart from how the neighborhood might feel about this, was that it was absurd to think that such a business would find adequate a building that would be small for a medium-sized family, and to be surrounded with no setback by other residences? How could anyone actually run a dog kennel out of a building or location little different than one's own home?

So, of course, naturally, I assumed that the permit would not be granted, not only for the sake of the local residents but also because of inappropriateness of the space for such a business and the obviously cruelty in confining dogs to such conditions. Therefore, I was completely taken by surprise, including given the initial intransigence of the business to even wait for the permit to come, to find the permit granted as if this were a simple transition from a real estate office, and not into a pen for animals. It is not fair to the dogs, and it is not fair to the neighbors, neither of whom seem to have been given much choice in this affair.

I was asleep at the switch to think that this was a "no-brainer" and, obviously, someone was also asleep at the switch when they approved this request: to allow multiple animals to be confined within a space smaller than some people's entire homes, and within feet of the homes of residents of the District. So, with this letter, I correct my previous oversight and state clearly my reason why this use of 1412 is inappropriate. And I am told that it's not too late for you to correct this oversight and help us preserve the peace of one of the best neighborhoods that we have.

Thank you for your consideration,

Denis Michael Reidy

Denis Michael Reidy, Ph.D.

1408 Q STREET NW, #11 • WASHINGTON, DC • 20009
PHONE: 202-667-3626 • DenisMichaelHugh@aol.com

BZA Exhibit No. 61

The Hon. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

BZA No. 17092: Appeal of Zoning Administrator's Decision Allowing the Location of a 24-Hour Dog Boarding Kennel at premises 1412 Q Street, NW

Dear Chairman Griffis and Members of the Board:

I fully support the appellants in their case that the Department of Consumer and Regulatory Affairs was wrong in their decision to issue a Certificate of Occupancy to WagTime in respect to a dog boarding kennel at 1412 Q Street, NW. I am a resident in the Berret School at 1408 Q Street, NW and I am disappointed that a Certificate of Occupancy was issued to a dog kennel on a primarily residential street. I am annoyed by barking dogs from the rear yard of 1412 Q Street on a daily basis as well as an increase in the amount of cars double parked as WagTime customers "drop off" their dog for the day. My other concern is that I feel that the ally behind WagTime is unsafe due to waste run off and I need to walk through that ally on a daily basis to get to my car.

The decision should be reversed by the Board of Zoning Adjustment and WagTime should be required to immediately cease the kennel aspect of its operation.

Thank you for your consideration.

Sincerely,

William A Lash

William A. Lash
1408 Q Street, NW #13
Washington, DC 20009

Michaela Schrader
1408 Q Street, NW, Apt. 22
Washington, DC 20009

BZA Exhibit No. 62

January 17, 2004

Mr. Geoffrey Griffis
Chairman
Board of the Zoning Adjustment
441 4th Street, N.W., Suite 210 South
Washington, DC 20001

BZA Appeal No. 17092—Appeal of Zoning Administrator's Decision for 24-Hour Dog Boarding Kennel at 1412 Q Street, NW, Washington, DC 20009

Dear Chairman Griffis:

I am a resident of 1408 Q Street, NW and I would like to express my support of the appellants in the above referenced appeal against a 24-Hour dog boarding facility (WagTime) at 1412 Q Street, NW.

I have been living in this neighborhood for about 4 years now and witnessed the positive change into a vibrant community with businesses and residents living side by side making it worthwhile to live in the District and fulfilling the Mayor's vision of a diverse and vibrant inner District community. However, this balance has been severely disrupted by the opening of the above mentioned 24-Hour dog kennel (with open yard in the back, directly adjacent to residential properties). While I do not turn against a business operating on a residential street in that property as such, the nature of that business as a dog boarding facility (with open-air run off!) makes a normal conduct of life impossible. The last 6 months since the opening of the dog kennel have been a nightmare which should have been obvious for everyone with common sense from the beginning:

- **Intrusive dog barking in the early morning hours and at night, including on weekends, that goes on for hours at a time** (I made diverse log entries into the neighborhood log and also phoned the landlord of the property). Calls from harassed neighbors were left uncalled by the police as well as DCRA. I had to relocate visiting guests due to the unbearable noise levels from dog barking (and the occasional shouting by WagTime employees) in the guestroom which faces to the west toward WagTime which is just 2 houses down Q Street from us; unfortunately this possibility eludes my husband and me since we live here, and hoped to do so permanently, and have our bedroom on the same side facing WagTime.

- **The amount of fecal matter on the sidewalks on Q Street and adjacent private properties (!)** which may be caused either by employees of WagTime walking the dogs

Tel. (202) 332-6794 Fax (202) 332-6795
Mschrader@IMF.ORG

BZA Exhibit No. 62

Michaela Schrader
1408 Q Street, NW, Apt. 22
Washington, DC 20009

(the neighbors to the west of WagTime had to install a fence to keep the dogs –and the fecal waste—off their own property) or by customers going to or coming from WagTime.

- **A noticeable and unacceptable increase of traffic and illegal parking.** During the drop-off and pick-up of the dogs (usually during rush hour, at a time when the normal flow of traffic is increased anyway) customers frequently park in second row or block off the alley ways around the business. My greatest fear is that it is only a matter of time until a serious accident will occur with customers jumping out of their cars in a hurry to drop of the dogs and other cars speeding by, although I naturally do hope that this will never be the case. It is just a disaster waiting to happen, like the unfortunate dog that got killed while being in WagTime care (the dog had run out of the business into the street and was run over by a car).

- **Waste-run off in the alley way behind the business, odor and waste problems.** I myself witnessed and alerted the DC Health Department, Dr. Keller, to an incident in the summer where the drain in the yard of WagTime overflowed and fecal matter was merely washed away by WagTime staff into the public alley behind. The odor and waste run-off behind the businesses yard is considerable and I cannot see how the "residents to be" in the new Metropolis loft building will be able to cope with that. By the way, my appeal to the Health Department was brushed off with the comment that DCRA was responsible and that the feces was not clearly recognizable as such—that despite the fact that we produced photos that undeniably and clearly documented just that)

Dear Chairman Griffis, I personally appeal to you and your common sense on an issue that everybody not directly concerned seems to treat as "well, glad it is not my back-yard". I sincerely hope that the use of that business as dog-boarding facility and kennel will not be extended in view of the above mentioned reasons. WagTime's boarding and kennel use and the requirements on a residential block are simply incompatible: in an almost symbiotic relationship with residents and businesses living side by side—which is characteristic of a vibrant inner city life— due respect needs to be paid to the special requirements of each to make it work. An open-air 24-hours dog boarding facility next to residential condos and houses ignores just that.

Sincerely yours,

Michaela Schrader

Tel. (202) 332-6794 Fax (202) 332-6795
Mschrader@IMF.ORG

BZA 17092

BZA Exhibit No. 63

To the Board of Zoning Appeals –

To whom it may concern:

I was ask you today to give serious consideration of the matter of appropriate zoning for WagTime.

As a resident of 1408 Q St NW, the noise, sanitation and other matters associated with dog boarding has ruined any use of our rear/outdoor space. Further, the barking penetrates even reasonable windows that are closed.

The current zoning of boarding is just plain wrong. I would ask you to rectify this matter.

Thank you

Ronald J. Dovel
1408 Q St NW #2
WDC 20009

RECEIVED
D.C. OFFICE OF ZONING
2004 JAN 20 AM 9:59

BZA
Case No. 17092
Exhibit No. 63

BZA Exhibit No. 64

1408 Q Street, N.W., Apt. 21
Washington, D.C. 20009-7812

January 17, 2004

D.C. OFFICE OF ZONING
RECEIVED
2004 JAN 20 AM 10:00

The Hon. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 20001

BZA No. 17092: Appeal of Zoning Administrator's Decision
Allowing the Location of a 24-Hour Dog Boarding Kennel at
1412 Q Street, NW

Dear Chairman Griffis and Members of the Board:

I fully support the appellants in their case that the Department of Consumer and Regulatory Affairs erred in its decision to issue a Certificate of Occupancy to enable WagTime to operate a dog boarding kennel at 1412 Q Street NW. A kennel was not contemplated by C-3-A zoning, and WagTime's operation of one is a blight on this neighborhood.

The Board of Zoning Adjustment should reverse this decision and require WagTime to cease operating a kennel immediately.

Thank you for you consideration.

Sincerely,

Robert J. Featherstone

Robert J. Featherstone

BZA
Case No. 17092
Exhibit No. 64

BZA Exhibit No. 65

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

(202) 724-7772

DAVID A. CATANIA
Councilmember-At-Large

January 15, 2004

Mr. Geoffrey H. Griffis
Chairman, Board of Zoning Adjustment
441 Fourth Street, NW
Room 210 South
Washington, DC 20001

Dear Chairman Griffis:

This letter is in regard to the Certificate of Occupancy granted to Wagtime, LLC located at 1412 O Street, NW. I write this letter in support of Advisory Neighborhood Commission (ANC)2F and the Q Street Residents Association in opposition to Wagtime being located in their community. Following a thorough investigation by my staff, I must agree with and support the community. I question if the Q Street residents quality of life, their health and their noise levels were ever considered? Their concerns seem to be more than reasonable and should be given great weight in their appeal to your board.

Although my office is a strong advocate for the small business community, I feel that common sense should be used when issuing a Certificate of Occupancy to a business. I am surprised that a 24 hour dog kennel would be allowed within such a close proximity to residential dwellings. I don't think this was well thought out and I doubt that serious consideration was given to what the community wanted or was willing to accept.

I would very much like you to re-evaluate your decision to allow Wagtime to operate in their current location and to please consider the quality of life of the people who live in the neighborhood. After all, nobody wants to come home to dog stench and dogs barking all hours of the day and night.

I am in support of this community and their efforts on this issue.

Sincerely,

Johnnie Scott Rice

Johnnie Scott Rice
Constituent Services Director

Cc: Joan Ferraris Q Street Residents Association

BZA Exhibit No: 66

Tuesday, January 13, 2004

The Hon. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street, NW
Washington, DC 2000`

Dear Chairman Griffis and Members of the Board:

I am writing in support of the Appellants in Appeal #17092 (Wagtime, 1412 Q Street NW)

As a thirty-three year resident of the 1400 block of Q Street, I feel I can assess the impact of Wagtime on the community. Myself and other residents of this block have a long history of community involvement stretching back over decades and have actively worked to improve the business and residential environment in with we live. I am very gratified that after thirty plus years I can now begin to purchase goods and services within my neighborhood without have to go elsewhere to spend my dollars. This increase in commercial activity within the 14th Street corridor for the most part has been a benefit to me and the neighborhood with the exception of Wagtime

Since Wagtime has opened for business, seven doors to the east, the quality of life and peace and quiet of the neighborhood have been negatively impacted. Often while trying to enjoy outside activities in my yard, I have encountered the sound of barking dogs emanating from Wagtime and on two occasions have heard barking while inside my home with the windows closed.

In addition to the noise, there are now, on a nearly daily basis, pools of water located in the alley behind my home that contain dog hair, urine and fecal matter, with the accompanying odors, that are washed into the alley by Wagtime. In the past, I have cleaned the alleyway behind my home on a fairly frequent basis from spring through fall. However, because of the runoff, I will have to live with the accumulation of trash and hope the city will do a better job of cleaning the alley.

Another noticeable change is the amount of fecal matter on the sidewalks and in the tree boxes in the 1400 block of Q. I and many of my neighbors participate in a spring and fall cleaning, planting and mulching of all the tree boxed on the block. Over the years we have literally invested thousands of dollars in this effort. Since the location of Wagtime on this block the amount of dog traffic has increased considerably with many patrons walking their dogs to and from the site. Unfortunately not all dog owners respect the law or other peoples property, resulting in many plants being damaged or killed by owners allowing their dogs to walk through or urinate and/or defecate in the tree boxes. It is not uncommon to encounter feces on the sidewalks or evidence of some unfortunate pedestrian having "stepped in it". While walking on this block, you now have to keep your eyes on the sidewalk or suffer the consequences

This is in addition to traffic problem created by Wagtime's patrons double parking on Q Street while dropping off or picking up their pets. The majority of this activity taking place during the morning and evening rush hours. Also, the staff uses the alley between Q and Corcoran Streets to illegally park their cars adding to the traffic congestion on Q Street.

BZA Exhibit No. 66

I do not deny the need for the type of service that Wagtime provides or question their patrons right to own dogs or utilize their service. I do however question providing these services in a location what is surrounded on all sides by residential use. There is a business located on 14th Street a couple blocks from Wagtime that offers similar services, less the outdoor activity area, and it's impact on the surround neighborhood is negligible. Wagtime's boarding and kennel use on a residential block is incompatible with its surroundings. If the boarding and kennel uses were denied, I feel, the impact on the neighborhood described above would diminish to an acceptable level.

Sincerely,

Louis A Cipro
1426 Q Street NW
Washington, DC 20009

BZA Exhibit No. 67

Sunday, January 18, 2004

The Hon. Geoffrey Griffis, Chairman
Board of Zoning Adjustment
441 4th Street NW
Washington DC 20003

Dear Chairman Griffis and Members of the Board:

I am writing in support of the Appellants in Appeal #17092 (Wagtime, 1412 Q Street NW).

As the resident of 1418 W Street NW, I can attest that the quality of life and impact of Wagtime on the community has been negative. My house is the only house on Q Street with a large front yard as my house is set back from the street. I repeatedly requested in a very nice manner to the owner of Wagtime to ask her clients not to walk their dogs in my yard. There was a significant increase in the amount of fecal matter in my yard which is a rock garden. And the pebbles were increasingly displaced from my yard caused by the dogs. I observed on many occasions people retrieving their animals from Wagtime and proceeding to walk them into my yard. Additionally, I'm allergic to animals and become nauseated every time I walk by Wagtime which I do at least twice a day to obtain transportation to and from work. The stinch is unbearable and emanates from the building. As a landlady who rents out the first floor of my residence, I have had potential tenants decline to rent the apartment because of Wagtime. Additionally, I was forced to put up a gate to prevent Wagtime clients from walking their dogs in my yard and it cost me $3000. I did not want to put up an iron gate but did not have a choice. I notified the owner of the building as I believe it is his obligation to be socially responsible as well as the owners.

The clients of Wagtime perpetually double park and walk their pets on Q street in order to let them defacate and urinate. They throw the feces in my garbage cans on Monday and Thursday forcing me to wash out my bins constantly. For these reasons, I think justly that the boarding and kennel should be denied continued activity.

Sincerely

Christina M. Handley
Owner 1418 Q St NW
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