

LAW OFFICES
GRIFFIN & MURPHY, LLP

1912 SUNDERLAND PLACE, N.W.
WASHINGTON, D.C. 20036-1608

TELEPHONE: (202) 429-9000

FACSIMILE: (202) 232-7365

WWW.WASHLAW.COM

MARK G. GRIFFIN (DC, MD)
BRIAN P. MURPHY (DC, MD)
ASHLEY E. WIGGINS (DC, MD, VA)
MERIDITH H. MOLDENHAUER (DC, MD, VA)
ERIC M. DANIEL (MD, DC*)

*pending

DIRECT DIAL: (202) 530-1482

DIRECT E-MAIL: MMOLDENHAUER@WASHLAW.COM

December 13, 2012

VIA HAND DELIVERY

Chairman Lloyd Jordan
Board of Zoning Adjustment
441 4th Street, N.W., Suite 210S
Washington, DC 20001

Re: BZA Case No. 18474
1232 9th Street, NW (Lot 911, Square 368)
Opposition to Request to Defer Hearing and Amend Application

Dear Chairman Jordan:

On behalf of the Party in Opposition, we ask that the Board deny the Applicant's request to defer the hearing scheduled for December 18, 2012 to amend the application. The Applicant seeks to amend its application to include variances from requirements that prohibit animals on exterior facilities and has claimed that such use is "critical to its business operation." Having received notification only 3 business days prior to the hearing, the Party in Opposition finds this last minute change to be prejudicial. The Applicant has repeatedly represented both at the ANC 2F's Community Development Committee meeting and at the at-large ANC meeting that they would be able to conduct their business in compliance with the special exception provisions prohibiting such external use. In addition, the Applicant has represented that the dog day care use is "widely supported by the surrounding neighborhood." Testimony both for and against the dog day care use has been expressed at the Community Development Committee and at-large meetings. In instances of testimony in favor of the project, many supported the project only on the condition that external yards are prohibited as required under the special exception provisions.

If the Board accepts the Applicant's request to defer the hearing and amend the application, the Party in Opposition asks that the hearing take place in January, providing more than enough time to re-notice the community. If the requested extension is granted, we are hopeful that the Chair's proven ability to maintain an expeditious calendar will potentially

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18474
EXHIBIT NO. 33

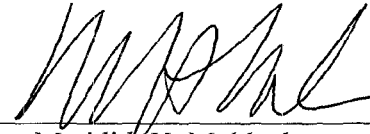
Board of Zoning Adjustment
District of Columbia
CASE NO. 18474
EXHIBIT NO. 33

2012 DEC 14 AM 8:42
D.C. OFFICE OF ZONING

provide an opportunity to squeeze this case in during January or February rather than the Applicant's assertion that March is the next available date.

Sincerely,

GRIFFIN & MURPHY, LLP

A handwritten signature in black ink, appearing to read 'MH', is written over a horizontal line.

By: Meredith H. Moldenhauer

CC: Lelia M. Jackson Batties (via email)
Ms. Jennifer Steingasser, District of Columbia Office of Planning
Mr. Joel Lawson, District of Columbia Office of Planning
Mr. Stephen Mordfin, District of Columbia Office of Planning