

-----Original Message-----

From: EdHorv <EdHorv@aol.com>

To: lwagtime <lwagtime@aol.com>; anc2f06 <anc2f06@gmail.com>

Sent: Sat, Nov 24, 2012 7:53 am

Subject: Unending barking disturbing neighbors

Lisa,

Dog barking from your 9th Street NW facility has gotten worse and has been terrible this Thanksgiving weekend. Everytime I stepped out of our home around the corner - just a few hundred or fewer feet from Wagtime dogs were barking. It sounds like both large and small dogs on all 3 levels of your outside areas were barking from the time we woke up until we went to sleep.

This morning, Saturday, November 24, 2012 the barking was so loud that it could be heard in our rear bedroom facing Blagden Alley. My 93 year old mother had been trying to sleep and the dog barking kept her awake and was disturbing to her. It is difficult for her to relax when in bed and with both thermal windows and storm windows the sound of barking still penetrated the room. She shouldn't have to cover her ears or use earplugs to be able to rest in her room.

Please keep your dogs inside at all times. There are about 150 condominium homes approved to be built on the same half of the block where your facility is on 9th Street NW. Some will be as close as about 60 feet from your property. This will represent tens of millions of dollars of investment in residences and this neighborhood will not tolerate uncontrolled noise from your facility. I wrote to you several weeks about concerns I and other neighbors have, if anything noise has gotten worse. We will oppose any extended use of your facility and will pursue formal action through DC government enforcement agencies to have noise controlled in this residential neighborhood.

Ed Horvath
929 M Street NW
Washington DC 20001
202 289 7273

MAR 5

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18474

EXHIBIT NO. 50

-----Original Message-----

From: EdHorv <EdHorv@aol.com>

To: lwagtime <lwagtime@aol.com>

Sent: Mon, Oct 29, 2012 9:30 am

Subject: Nuisance level of noise - many neighbors peace, order, and quiet compromised

Lisa,

Over the past few months we've been experiencing frequent periods of disturbing noise from Wagtime's 9th Street facility. For there first few years of your operations loud barking was rare and seemed to be fairly well controlled. Lately, over the past few

Board of Zoning Adjustment
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months the noise level - in DC Government terms - it has risen to the level of adversely impacts our rights to peace, order, and quiet. This is not tolerable and we hope you will address and manage this situation rather than moving to a situation where you and Wagtime operations are again pitted against a residential community near a facility you operate.

Of particular concern are your use of outdoor areas - the use of a rooftop deck seems to be a particular area of uncontrolled noise. In the past we only heard sounds when outside. Now the level of barking noise has been entering our home and that of a number of neighbors. I've have at least a half-dozen neighbors who are property owners on the 900 block of M Street NW independently complain to me about the disturbing noise and the nuisance. One of our neighbors stated they believed that one or more of your staff seem to taunt and rile up multiple dogs into barking frenzies. We've heard the barking sounds interrupt our normally quiet environment 7 days a week from early morning until late evening.

We expect you to take immediate action to immediately control this situation and stop the use of the rooftop deck if you cannot control and eliminate this nuisance noise. I followed the actions and activities associated with conflicts between Wagtime and your former neighbors on Q Street. I can assure you that in this neighborhood we are very experienced in protecting our residential rights and exercising DC Government protections through compliance enforcement with occupancy, use, and noise.

Just check with the Washington Convention Center, the Marriott Hotel project, the new Giant, and City Center DC. They have all recognized they need to work with us and respect residents' rights to peace, order, and quiet to bring and keep their projects and operations on track. The best outcome would be to not hear from you or the dogs you care for anytime in the near future.

Ed Horvath
929 M Street NW
Washington DC 20001

202 289-7273
edhorv@aol.com

-----Original Message-----

From: EdHorv <EdHorv@aol.com>

To: LWAGTIME <LWAGTIME@aol.com>

Sent: Sat, Nov 24, 2012 2:19 pm

Subject: Fwd: Nuisance level of noise - many neighbors peace, order, and quiet comprom

Lisa,

Here is a message sent to you several weeks ago. As I noted, most of my neighbors on the north side of the 900 block of M St that are on or in Blagden Alley have raised

concerns with me over the past few months. One who works nights and tries to sleep in during the day is preparing to move away to avoid the disturbance encountered from the barking dogs.

Ed Horvath

From: EdHorv@aol.com

To: lwagtime@aol.com

Sent: 10/29/2012 8:30:33 A.M. Eastern Standard Time

Subj: Nuisance level of noise - many neighbors peace, order, and quiet compromised

Lisa,

Over the past few months we've been experiencing frequent periods of disturbing noise from Wagtime's 9th Street facility. For there first few years of your operations loud barking was rare and seemed to be fairly well controlled. Lately, over the past few months the noise level - in DC Government terms - it has risen to the level of adversely impacts our rights to peace, order, and quiet. This is not tolerable and we hope you will address and manage this situation rather than moving to a situation where you and Wagtime operations are again pitted against a residential community near a facility you operate.

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Ed Horvath
929 M Street NW
Washington DC 20001

202 289-7273
edhorv@aol.com

——Original Message——

From: EdHorv <EdHorv@aol.com>
To: ckebler <ckehler@altusre.com>
Sent: Sat, Nov 24, 2012 4:20 pm
Subject: Re: 917 M Street proposed development

Charlie,

We learned recently that Wagtime has requested a zoning variance for their facility at 1232 9th St. NW, Washington, D.C. 20001. This facility is less than 100 feet from the 917 M Street and 9th Street developments you've been representing. I don't believe they are operating within their current permits and lately they have expanded and have outdoor dog runs at ground level, at a second floor, and at a 3rd floor level.

Over the past few months we've had a significant increase in uncontrolled barking from multiple dogs as early as 6:30 am and until late hours of the night. This morning at 6:35 am we could hear the distinct barking inside our rear bedroom that has thermopane windows and storm windows. I believe this would be a significant problem for potential homeowners of the properties to be developed. The facility operated in this location for about the past 8 years with little impact while there were more vacant properties isolating them. Almost all of my immediate neighbors have expressed concerns about the noise and one is planning to move out since he finds it intolerable. I believe they are only officially permitted to use interior space for doggie day care. Some of our neighbors use their facility and are happy to have it nearby, but it has gotten worse over the past few months. I'm concerned that permitting expansion would be problematic and contrary to residential development and sales.

Some neighbors received notice from the Board of Zoning Appeals about the proposed changes, we haven't received anything at our home. The rear of our property is about 150 feet from the rear of theirs, but we seem to currently be in direct earshot of the barking dogs.

I've attached an approved BZA application from another Wagtime site that is not near residences. I'd rather have you and your clients informed and have an opportunity to object if you wish at the December 18, 2012 scheduled hearing. It is to be discussed on this week's ANC meeting in this area. Meeting agenda is included below.

I plan to protest the BZA application at this time as an individual to protect my own interests. I encourage you to share notice of this activity with your clients.

Ed Horvath
929 M Street NW

**ADVISORY NEIGHBORHOOD COMMISSION 2F
COMMUNITY DEVELOPMENT COMMITTEE MEETING
Wednesday, November 28, 2012, 7:00 PM
The Washington Plaza Hotel
10 Thomas Circle, NW**

1. Meeting Agenda
2. Approval of Agenda
3. 1232 9th Street, NW, which is scheduled to be heard before the BZA on the morning of Tuesday, December 18 The application requests special exception approval and variances in order to permit the use of the subject property for pet grooming, animal boarding and animal shelter uses in the C-2-A District.
4. 1225 Eye Street, NW Starbucks-DDOT request for sidewalk café.
5. 1301 Street, NW Bar Bari-DDOT request for sidewalk café.

In a message dated 8/22/2012 9:12:42 A.M. Eastern Daylight Time, ckehler@altusre.com writes:
Ed,

Thank you for your email. I will attempt to answer your questions in the same order that they were presented below but please remember that these are conceptual plans so some of the specificity that you are looking for has not been developed yet. Yes, we will have a penthouse, which will be setback at least 1:1 from the building edge. I anticipate that it will be at least ten feet back and I have asked the architects to include it on all future renderings and drawings. We can do a shadow study but have not done one yet.

I anticipate that the trash will be collected in compactor internal to the building and will be removed from the garage or through a dedicated bay.

I believe Section 2200.5 of the zoning regulations exempt the project from the loading requirement, and all the move-in/out can be accommodated from the garage or through the front, given that the average unit size is under 800 square feet.

I need to think about your comments about the snow removal and really appreciate the photos. We do not anticipate any public space requests for storm water run-off. Typically we manage it all on site before it is discharged into the sewer, but I will know more once our civil engineers are on board. I think that the development of the property would improve the condition of the alley since it does not look like any run-off is controlled on the site now.

Please let me know if I can provide any additional information. Thank you.

Charlie

From: <EdHorv@aol.com>

Date: Wed, 22 Aug 2012 00:46:17 -0400

To: Charlie Kehler <ckehler@altusre.com>, <anc2f06@gmail.com>, <rgneidich@aol.com>

Subject: 917 M Street proposed development

Charlie,

I look forward to hearing more about the particulars for the planned multi-unit building at 917 M Street NW. After your presentation last night to the Blagden Alley-Naylor Court Association I have a few additional issues that I hope you will be able to address Wednesday evening at the ANC-2F Community Development Committee meeting.

The drawings presented did not include a mechanical penthouse structure. Are there plans for such an additional structure to the roof? If yes, what size will it be and how will it be placed? We're also interested in seeing your sun angle projections since your property will be about 60 feet from our home and is likely to immediately impact the hours of direct sunlight we now enjoy and change the circulation of air currents for our home and those of our neighbors.

Please describe the placement and consideration of trash receptacles for the building's approximately 60 units. The placement of trash containers and rat control are high priority concerns in this neighborhood as you heard last night.

You or one of your colleagues mentioned that this project is exempt from requirements to provide a loading dock and that you anticipate all deliveries, including move ins to be through the front entrance. What is the basis for such an exemption? It is not something we generally see with multi-unit buildings with so many units.

Street parking is extremely limited in this immediate neighborhood and current residents fiercely oppose loss of even a single residential parking place and encourage frequent ticketing of non-compliant vehicles parked in alleys and blocking street access. Where do you expect delivery vehicles to park while unloading, loading, or providing services to residences in this building?

As I also mentioned, this immediate neighborhood is a challenge for all whenever there is even a moderate snow fall. In 2010, the last time we had heavy snows there were a number of unoccupied properties in Blagden Alley and snow was piled anywhere it could be pushed or blown. We had outright fights in the alley as individual property owners paid contractors to dig their cars and parking spaces out and blocked others with walls of plowed ice. There just isn't anywhere to pile or push snow that doesn't adversely impact adjoining properties. With the entrance for your parking garage in the broad section of the alley system in the middle of the block what, if any design considerations have you made for vehicles to negotiate egress to the planned garage? Do your plans include any public space requests for additional water runoff drainage since in heavy snows and rains the broad portion of the alley can have significant bodies of standing water?

We expect you to take immediate action to immediately control this situation and stop the use of the rooftop deck if you cannot control and eliminate this nuisance noise. I followed the actions and activities associated with conflicts between Wagtime and your former neighbors on Q Street. I can assure you that in this neighborhood we are very experienced in protecting our residential rights and exercising DC Government protections through compliance enforcement with occupancy, use, and noise.

Just check with the Washington Convention Center, the Marriott Hotel project, the new Giant, and City Center DC. They have all recognized they need to work with us and respect residents' rights to peace, order, and quiet to bring and keep their projects and operations on track. The best outcome would be to not hear from you or the dogs you care for anytime in the near future.

Ed Horvath
929 M Street NW
Washington DC 20001

202 289-7273
edhorv@aol.com

-----Original Message-----

From: edhorv <edhorv@aol.com>

To: anc2f06 <anc2f06@gmail.com>; Edward.G.Horvath <Edward.G.Horvath@gmail.com>; rgneidich <rgneidich@aol.com>

Sent: Wed, Nov 28, 2012 1:41 pm

Subject: Wagtime - opposition to special exemption by myself and adjoining neighbors

Mike, November 28, 2012

I'm expecting to attend tonight's ANC meeting and hope to speak in opposition to the special zoning exemption being sought by Wagtime. Richard and I did not receive notice from BZA about this issue, but our adjoining neighbor, George Tittmann, 927 M Street NW did and approached me to express his concern about current operations and his opposition to any expansion of their operations or use that would involve exterior space primarily based on noise from barking dogs. Our neighbor Carolyn Smith, 931 M Street lives in her carriage house right on Blagden Alley. The word she used to describe Wagtimes current and recent operations has been "intollerable." Another of our neighbors who lives in Blagden Alley about 100 feet from the rear of Wagtime's 9th Street property, Michele Verdun said that if the zoning variance is approved he will immediately put his property on the market and move.

We are all property owners and residents who have experienced exponential increases in the frequency (almost constant) and loudness of dog barking at most hours of the day and night over the past few months. While checking my roof after the recent hurricane winds I had a direct view of 2 relatively new outdoor dog runs on the rear of the 2nd and 3rd floors of the building where Wagtime has its operations. I could see several staff

walking around above the dog runs and could hear multiple dogs barking in a frenzy while the staff watched. Over the summer the noise level and frequency has gotten worse. During this past weekend it was particularly bad and I personally heard a stream of barking from multiple dogs as early as 6:30 am. from inside our rear bedroom where my 93 year-old mother was trying to sleep.

We are concerned about current operations not being in conformity with current zoning and use authorizations. We oppose BZA approval of any special exemption to permit Wagtime to expand or continue the current level of outdoor use of space for dog runs.

I personally ask that you not support an ANC report in favor of a variance from Wagtime on the use of outdoor space since to me and my neighbors we consider this to be a detriment to the public good and inconsistent with our interests in enjoying peace, order, and quiet in our homes.

I have has a few exchanges with Wagtime management and was unaware that recent increases in noise may be directly attributable to the expanded development and use of 2nd and 3rd floor outdoor dog runs. ANC2F was quite involved over a period of several years when Wagtime had their original location on the 1400 block of Q Street NW. In that facility they expanded their operations beyond what was permitted. I believe the same owners are still managing Wagtime and while the engaged in conversations had a documented history of not taking steps to bring their operations in compliance with DC regulations and agreements with neighbors.

We don't oppose having dogs in the neighborhood and homes, but we do oppose activities whether from humans or pets that substantially disturb our peace, order and quiet.

Ed Horvath
929 M Street NW
Washington DC 20001

202 289-7273
edhorv@aol.com

ckehler@altusre.com

Being immediately adjacent to the Washington Convention Center has advantages, but this block is also subject to external controls and closures for national security concerns. When the FBI or Secret Service secure an area there is not much for anyone to do to challenge barriers or restrictions they occasionally impose on the neighborhood.

Ed Horvath & Richard Neidich
929 M Street NW
Washington DC 20001-4303

edhorv@aol.com
202 302 0231 mobile
202 289 7273 home land line

rgneidich@aol.com
202 302 6320 mobile

-----Original Message-----

From: EdHorv <EdHorv@aol.com>

To: LWAGTIME <LWAGTIME@aol.com>

Sent: Tue, Nov 27, 2012 2:22 am

Subject: Re: Nuisance level of noise - many neighbors peace, order, and quiet comprom...

Lisa,

We did notice a respite from the barking since your recent response. Yesterday morning I ran into one of our neighbors whose home is right on Blagden Alley. She is quite a tolerant person and has had several dogs at a time in her home. However, she described the noise from dogs barking from before sunrise to bedtime as intolerable. She has owned her home and lived in this neighborhood for about 30 years and commented that Wagtime needs to keep barking controlled. We don't believe that use of outdoor space as a commercial dog facility is appropriate in this residential neighborhood. We don't tolerate disruptions to our peace, order, and quiet from humans or their pets. I don't believe that current your use conforms to property use regulations and look forward to having you move all of your operations back indoors at all times.

Ed

In a message dated 11/26/2012 9:16:53 P.M. Eastern Standard Time, LWAGTIME@aol.com writes:

Hi Ed,

I just wanted to check and see if the level of noise/barking since our initial e-mail has decreased? We really do want to have a good relationship with all neighbors and want to be sure that you understand that we are available and on site at all times to help monitor the noise and barking level so everyone can be happy and comfortable.

Looking forward to hearing from you,

Lisa Schreiber

In a message dated 11/24/2012 2:19:14 P M. Eastern Standard Time, EdHorv@aol.com writes:
Lisa,

Here is a message sent to you several weeks ago. As I noted, most of my neighbors on the north side of the 900 block of M St that are on or in Blagden Alley have raised concerns with me over the past few months. One who works nights and tries to sleep in during the day is preparing to move away to avoid the disturbance encountered from the barking dogs.

Ed Horvath

From: EdHorv@aol.com

To: lwagtime@aol.com

Sent: 10/29/2012 8:30:33 A M. Eastern Standard Time

Subj: Nuisance level of noise - many neighbors peace, order, and quiet compromised

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Of particular concern are your use of outdoor areas - the use of a rooftop deck seems to be a particular area of uncontrolled noise. In the past we only heard sounds when outside. Now the level of barking noise has been entering our home and that of a number of neighbors. I've have at least a half-dozen neighbors who are property owners on the 900 block of M Street NW independently complain to me about the disturbing noise and the nuisance. One of our neighbors stated they believed that one or more of your staff seem to taunt and rile up multiple dogs into barking frenzies. We've heard the barking sounds interrupt our normally quiet environment 7 days a week from early morning until late evening.