

MANUEL R. GERALDO, ESQUIRE

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D.C. OFFICE OF ZONING

2013 MAY 20 AM 11:54

May 15, 2013

District of Columbia Government
Board of Zoning Adjustment
441 4th Street, N.W., Suite 200/210-S
Washington, D.C. 20001

Re: Application Number 18584

Dear Sir or Madam:

I have enclosed for filing Form 140, Party Status Request. I am submitting the form on my behalf. Please consider this letter also as an attachment responding to the Party Status Criteria Questions in Form 140. I also intend to testify at the hearing on this application and to cross-examine witnesses.

1. **How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?**

I own 1316 Pennsylvania Avenue, S.E., Washington, DC in a partnership known as 1316 Professional Building. My property is 3 properties away from applicant's property approximately 100 feet. An animal boarding facility will have an adverse impact this rapidly improving neighborhood of small businesses and residences. An animal boarding facility will result in noise impact for the neighbors because of barking dogs. Sound levels may exceed 100 dB. There is no tree or other natural barriers. In addition, an animal kennel and animal grooming facility will result in foul odors from the animals and animal waste. The location of an animal kennel with the attendant noise and odor adjacent to my property will negatively impact the fair market value of my property. Owning property such as mine that can be used as a residence or a business is less desirable because of the noise and odor.

2. **What legal interest does the person have in the property?**

As noted above, I own 1316 Pennsylvania Avenue, SE, Washington, DC 20003 (Lot 1043, Square 0807).

3. **What is the distance between the person's property and the property that is the subject of the application before the Commission/Board?**

100 feet, plus or minus

4. **What are the environmental, economic, or social impacts that are likely to**

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18584
EXHIBIT NO. 23

1316 PENNSYLVANIA AVENUE, S.E. • WASHINGTON, DC 20003 •
PHONE: (202) 544-2888 EMAIL MGERALDO@RGLAW.NET

Board of Zoning Adjustment
District of Columbia
CASE NO. 18584
EXHIBIT NO. 23

affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?

Besides the issues noted above in my response to Question 1, clients of mine who come for appointments will encounter dogs, noise and waste. The location of an animal kennel that City Dogs estimates will serve 45 dogs per day will negatively impact the limited public parking on the street. Parking in this neighborhood is already at a premium especially at a day. A housing development being proposed across the street from the applicant is seeking a variance of the parking requirements for a multi-unit building. The proposed kennel is not a compatible use in this neighborhood. There are already at least two animal grooming businesses located within 1 ½ blocks of the applicant. Sewers in the neighborhood already back up during rain storms. An animal kennel may contaminate soil, water quality and generate odor as well as adversely impact sewers in the area. I am also concerned with flies and insects, escapes of animals, and the presence of aggressive animals in an essentially residential neighborhood with some small businesses. Finally, there is available space for lease and/or purchase on F Street, SE, between 14th and 13th Street, SE that is much better suited for an animal kennel because it does not abut homes used as residences. Car repair shops and auto body shops are located on F Street, SE.

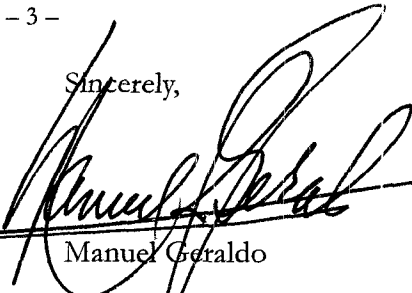
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.

The applicant will not be aggrieved if the application is denied. There is no harm to the applicant as the zoning permits many other uses. As an animal lover, I am also concerned by the claim that City Dogs will not use the outdoor yard for the animals since dogs need daily exercise. We often think of exercise only as a health issue, but it has significant day-to-day effects on a dog's behavior as well. Dogs--particularly puppies and young dogs--have a lot of energy, and if they don't get the chance to burn it off, destructive behavior is often the result. If City Dogs will not use the long yard, then I assume it will be taking 45 dogs for daily walks in the neighborhood. This will only result in animal waste on the sidewalks and limited green.

Your favorable consideration of my party status request would be appreciated.

May 15, 2013

Sincerely,


Manuel Geraldo

MRG/ddv

Enclosure

CC: D.C. Board of Zoning Adjustment, Richard S. Nero, Jr., Deputy Director of Operations, Office of Zoning, 441 4th Street, NW, Suite 200/210-S, Washington, DC 20001; Kasse Andrews-Weller, 1314 Pennsylvania Avenue, SE, Washington, DC 20003; Martin P. Sullivan, Esquire, 1990 M Street, NW, Suite 200, Washington, DC 20036



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

Name:	Manuel R. Geraldo		
Address:	1316 Pennsylvania Ave., SE, Washington, DC 20003		
Phone No(s):	(202) 544-2888	E Mail:	mgeraldo@rglaw.net
I hereby request to appear and participate as a party in Case No.:			
Signature:		Date:	May 9, 2013
Will you appear as a(n)	☐ Proponent	☒ Opponent	Will you appear through legal counsel? ☐ Yes ☒ No

If yes, please enter the name and address of such legal counsel.

Name:			
Address:			
Phone No(s):		E Mail:	

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf; |
2. A summary of the testimony of each witness (*Zoning Commission only*);
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (*Zoning Commission only*); and
4. The total amount of time being requested to present your case (*Zoning Commission only*). *30 minutes*

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board? *See separate attachment*
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.