



**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:	Kasse Andrews-Weller		
Address:	1314 Pennsylvania Ave S.E. DC 20003		
Phone No(s):	202 546 4926	E Mail:	kasseawc@aol.com
I hereby request to appear and participate as a party in Case No.:		18584	
Signature:	Kasse Andrews-Weller	Date:	June 21 st , 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:	BOARD OF ZONING ADJUSTMENT District of Columbia		
Address:	CASE NO. 18584		
Phone No(s):		E Mail:	EXHIBIT NO. 26

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*).

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 attached*
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee) *see attached*
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.) *see attached*
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? *see attached*
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. *see attached*
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. *see attached*

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.

Board of Zoning Adjustment
District of Columbia
CASE NO. 18584
EXHIBIT NO. 26

Person vs. Party in a Proceeding

Any person or representative of an organization may provide written and/or oral testimony at a public hearing. A person who desires to participate as a party in a proceeding, however, must make a request and must comply with the provisions on this form. A party has the right to cross-examine witnesses, submit proposed findings of fact and conclusions of law, receive a copy of the written decision of the Zoning Commission or Board of Zoning Adjustment, submit a Motion for Reconsideration or Rehearing, and exercise any other rights of parties as specified in the Zoning Regulations. Approval of party status is contingent upon the requester clearly demonstrating that his or her interest will be more significantly, distinctively, or uniquely affected by the proposed zoning action than that of other persons.

INSTRUCTIONS

Any request for party status as provided in the District of Columbia Zoning Regulations (11 DCMR Zoning) that is not completed in accordance with the following instructions shall not be accepted.

1. All applications shall be made pursuant to this form. If additional space is necessary, use separate sheets of 8½" x 11" paper to complete the form (drawings and plans may be no larger than 11" x 17").
2. Present this form and supporting documents to the Office of Zoning at 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, not less than fourteen (14) days prior to the date set for the hearing.



If you need a reasonable accommodation for a disability under the Americans with Disabilities Act (ADA) or Fair Housing Act, please complete Form 155 - Request for Reasonable Accommodation.

District of Columbia Office of Zoning
441 4th Street, N.W., Ste. 200 S, Washington, D.C. 20001
(202) 727 6311 * (202) 727 6072 fax * www.dcoz.dc.gov * dcoz@dc.gov

2013 JUN 21 PM 4:01

Kasse Andrews-Weller Form 140-Party Status Request for Case # 18584

Party Status Criteria Responses:

1. Granting the applicants' request for special exception and variance will have negative impacts on my health, environmental, social, and economic well being. The applicant's current City Dogs facility at 18th St NW lack of adherence to zoning requirements clearly demonstrates that they lack credibility of being good neighbors as stated in their application to open another facility at 1310 Pennsylvania Ave. (See Attachment A. Photos of overflowing plastic bags of animal waste in unlined and uncovered plastic trash cans). They have demonstrated failure to comply with zoning requirements and will have an adverse impact on my property.

Their application states that the animal waste will be in placed in "lined and heavily lidded metal container." Also note the condition of the fence in the rear of their facility at 1832 18th Street.

I visited the facility with my neighbor, Pat Fisher. I was overcome with the odor of the animal waste. It was gagging and flies and maggots surrounded the cans in the 77 degree weather. The photos were taken on three visits to their site on two consecutive days by me and witnessed by Pat Fisher. On those visits, dogs were barking from inside the facility and were clearly from the public alley abutting their 18th St NW facility. There were no open windows at the time of the barking. Given these existing conditions in their current facility, I have no reason to doubt that my property will be subject to objectionable odors, noise, rodent infestation and vermin in my house and yard.

Also the owner, Jesse Heier readily admitted at the June 4, 2013 6B ANC meeting during his allotted time, that the neighbors complain of the noise from the barking dogs inside their facility. This concludes that objectionable noise is an issue. Mr. Heier's admission that there are complaints questions any assurance that I have of tranquillity and quiet enjoyment of my residence.

These voluntary admissions by the owner, Mr. Heier concerning noise complaints he receives questions the validity that my property

will be negatively impacted. I do not want to forfeit my continued pleasure of a quiet, bark-less environment in exchange for noise and odors emanating from a facility serving a daily average of 45 dogs.

I live in a residence at 1314 Pennsylvania that is adjacent to the commercial abutting property, The Moss Group at 1312. There is an open courtyard that allows me a clear view from several vantage points (my bedroom, porch/deck, backyard, and dining room) of the boarding area of the property and facility's skylights, windows, and concrete walls. (See Attachment B. Photos of 1310 from my property). These areas will all be subjected to odors and noise.

2. I am a retired and disabled Air Force Colonel who proudly served 30 years. I purchased my home in October 2000 and completed a major renovation using a significant portion of my retirement funds to ensure 1314 Pennsylvania Ave would be suitable as I intend to reside here. I want to live comfortably and independently as long as I am able and have made the necessary modifications to ensure as my mobility decreases, there will be no issue for me to remain as self-sufficient as possible. As a result of my military career, I have been diagnosed and am being treated for Post Traumatic Stress Disorder (PTSD), sleep disorder, recurring flashbacks, horrible nightmares and other injuries resulting in permanent disabilities that impair my mobility and affect my emotional and physical well-being.

My situation is complicated by a long-standing fear of dogs. The BZA granting the City Dogs will cause undue duress and exacerbate the stress that I am currently suffering. (See Attachment C. References to substantiated documentation on the health affects of barking dogs).

3. My home is located at 1314 Pennsylvania Av. SE, well within the 200 foot radius of the proposed business. It has been my residence since 2000, and I have homestead exemption status.

4. I have spoken with numerous professionals involved in real estate. There will be an economical impact with a decrease in my property value and any future sales revenue if the BZA approves the special exception and variance to City Dogs.

City Dogs does not have parking for the drop off and pick up for their clients nor have they requested parking. This is another negative impact that has direct consequences on my quality of life. Their facility is within a few feet of a METRO Bus Zone for the 30's buses. There are only two metered spaces in front of the properties of 1316 and 1318 on the immediate 1300 block of Pennsylvania Ave. In addition to my registered handicapped parking space in front of my residence at 1314 Pennsylvania, there are two other parking spaces that are always occupied. (See Attachment D. Photos of 1300 block of Pennsylvania). This block is a vibrant and heavily traversed pedestrian corridor with children riding bikes, carriages and strollers. The METRO bus riders, including me, who use this mode of public transportation need to be assured that our quality of life and right for clear, unobstructed access to the bus zone is not violated by the clients of City Dogs. Customers using the METRO bus stop consists of senior residents from the public housing units on G and 13th Streets, as well as disabled residents, such as myself, who require the bus to be as close to the curb as possible so that there is not a gap from the curb to step down and step up versus having the bus curbside so there is the ability to step from the curb onto the bus. With parking already at a premium in this block, human nature will prevail for those who want to pick up and/or drop off dogs. They will inevitably park in the bus zone, double park, or park in my handicapped permit space for their own convenience rather than to be considerate of those of greater need.

The neighborhood takes great pride in the tree box landscape that is provided by the City and the beautiful landscaped flowering pear tree lined median separating inbound and outbound Pennsylvania Ave. There will definitely be a negative environmental impact from daily dog feces and urination on the flora as well as more incentives for rodent infestation with the increased influx of dogs in the area. The 1300 Pennsylvania and 13th St neighbors already suffer enough from rodents without adding addition wood to an already flaming fire.

5. If approved, the outcome will be detrimental to my mental and physical well being. I will be diligent and persistent in calling the appropriate DC government offices and public officials to report any infractions.

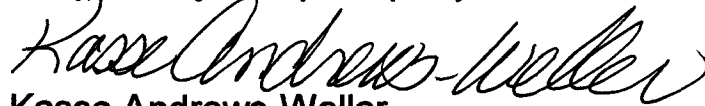
6. Unlike the general public:

- I am within the 200 foot radius and will be directly impacted by the daily average potential of 45 dogs in close proximity to my residence everyday of the week
- I will be subject to intermittent dog barking 24/7
- I will be subjected to odors of animal waste and all the vermin and rodent infestation that is associated with such waste
- The thriving flora in the 13th St and Pennsylvania block, my own yard, and in the beautiful tax payer subsidized tree boxes and median on Pennsylvania will be under great risk of dying from the influx of additional dog presence

and finally

- As a disabled veteran suffering from PTSD, I will be significantly, distinctively and uniquely affected more than the general public by the proposed zoning action.

Respectfully, I request party status based on the above criteria.

A handwritten signature in black ink, appearing to read "Kasse Andrews-Weller". The signature is fluid and cursive, with the first name "Kasse" being more prominent.

Kasse Andrews-Weller

Attachments (4)

As stated



Attachment A
Photos of City Dogs
Animal Waste
Day 2 at 10:00 a.m.

Section Nine:
The Cure for
the Barking
Epidemic and
All of Our Dog
Related
Problems

Poster: The Symptoms & Side Effects of Force-
Feeding Noise into the Domestic Environment

This link will take you to the **Noise Exposure Chart** subsection, where, along with an explanatory page, you will find a chart, **created by the Barking Dogs Webmaster**, that lists the symptoms and side effects of chronic noise on those who suffer with it being forcibly projected into their homes, from the immediate impact to the end organ damage that often stems from long-term exposure.

Section Ten:
The Barking
Dog News

Section
Eleven:
Barking Dogs
YouTube

Debilitation Sets In as Every Aspect of Domestic Life
is Degraded

Also **written by the Barking Dogs webmaster**, this page provides an overview of how chronic barking and other intrusive noise impacts the health, happiness, and general functioning of those exposed to it.

Sec Twelve:
Barking Dogs
Facebook

Sec Thirteen:
The Barking
Dogs Bulletin
Board

Illness and Emotional Distress are Potentiated
The United States Environmental Protection Agency Office of Noise Abatement and Control published this article that cites noise as a significant contributing factor to heart and circulatory disease, as well as possibly serving to impair immune function. It goes on to discuss the psychological impact of chronic noise, including an examination of the process by which annoyance over noise can result in extreme emotional responses accompanied by equally extreme behavior.

Sec Fourteen:
About This
Website

Sec Fifteen:
The Kitchen
Sink

Link to Us!

Dog Training
Workshop

Health and Well-Being Are Imperiled

By studying the impact that chronic noise has on people in hospitals, researchers from **Johns Hopkins University** have drawn some important conclusions that can be extrapolated to those

[Dog Science Network](#)

[New Animal Control.Org](#)

[Barkingdogs.net Home Page](#)

subjected to the noise of chronic parking. The Johns Hopkins team concluded that, among hospital patients exposed to varying degrees of noise, that the extent to which the people suffered rose and fell right along with the noise level, as did their blood pressure. They also found that noise contributes to errors, interferes with healing and recovery, and has the potential to trigger Inflammatory responses. However, that should come as no surprise since European studies, also cited in the article, found that exposure to high noise levels increases the risk of heart attack by 50% for men and by 75% for women.

Heart Attack Risk is Significantly Increased

Researchers from **the Institute for Social Medicine** conducted a research study that demonstrated a clear, mild-to-moderate link between exposure to chronic noise and your likelihood of experiencing a heart attack. Remarkably, the research team found evidence to show that, even if noise does not annoy you, it may still be hurting you.

Sleep is Disrupted, Possibly Leading to Severe Physical as Well as Emotional Impairment

The British Journal of Occupational and Environmental Medicine published research with implications for everyone kept awake by noise. Their study clearly indicates that by allowing your barking dog to interrupt your neighbor's sleep, you may be impacting his judgment, impairing his coordination, slowing his reaction time, and dramatically increasing the chances that he will meet death or injury on the highway. Moreover, **the British Medical Association** has warned that, by allowing your barking dog to disrupt your neighbor's sleep, or by disrupting his sleep through any means for that matter, you are also greatly increasing the chances

that his days will be marred by psychological suffering as he is overtaken by acute stress, anxiety, and depression.

When sleep is Disturbed, Risk of Stroke and Heart Attack is Increased Significantly

According to ***The European Heart Journal***, the sound of a barking dog, or other noise, or anything else that reduces the amount of sleep you get to less than seven hours per night, greatly increases the chances that you will suffer a stroke, and/or a heart attack.

Stress Develops, Further Imperiling Health

Researchers from **Sydney's Garvan Institute** published a study in ***the Journal of Experimental Medicine*** showing that stress often results in the release of a hormone called neuropeptide Y (NPY). NPY serves to prevent the human immune system from functioning properly, which can result in colds, flu, and even cancer. We know from other empirical research cited on this page that noise creates stress. Now we know that stress fosters illness. Thus, all doubt has been removed. Prolonged exposure to noise, like that of a barking dog, can make you very sick.

Violence and Rancor are Frequently Generated

One of the most pernicious side effects of exposing people to chronic barking is the rancor and violence that so frequently follow. In an effort to demonstrate that phenomena, we have created this link which will take you to ***the Barking Dog News***, where you will find stories of violent posturing, murder and mayhem that resulted when unworkable "anti-barking" laws

The deleterious effect of long term exposure to the noise of chroni... Page 5 of 5
forced people to square off with their neighbors - and
try to settle it themselves.

The Health Effects of Environmental Noise - Other
than Hearing Loss

Published by the Australian government, this
2004 document shows that the folks Down Under
have come to understand the health risks that our
ever present acoustic blight now poses to modern
man.

**This page is the index of Section Seven:
the Harm section of barkingdogs.net**

Written by Craig Mixon, Ed.D.,
Spanish translation - Traducción al español
Email us at quiet@barkingdogs.net

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Craig Mixon, Ed.D., 2003-2013.



RECEIVED
D.C. OFFICE OF ZONING
2013 JUN 21 PM 4:03

Attachment D
1310 Penn. relation
to entrance/sidewalk
No yard



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D.C. OFFICE OF THE ATTORNEY GENERAL
2013 JUN 21 PM 4:03

Attachment D
Photos of street life
1300 Penn



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D.C. OFFICE OF ZONING
2013 JUN 21 PM 4:

Attachment D
Photo of Street Life
1300 Penn.



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D.C. OFFICE OF ZONING
2013 JUN 21 PM 4

Attachment D
Bus unable to pull
curb side due to illegal parking



Attachment D
Photos of 1310 Penn
Proximity to Bus Zone



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2013 JUN 21 PM 4: 03

Attachment D
Photos of 1300 Penn
Bus Zone

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D.C. OFFICE OF ZONING
2013 JUN 21 PM 4:03



Attachment D
Photos of parking
situation on 1300 Penn
Cars illegally parked in bus zone

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P.C. OFFICE OF ZONING

703-543-8671

GLASS ONLY
SOLO VIDRIO
CO-MINGLED

Attachment A
Animal Waste at City Dogs
1832 18th St NW
Day 1 at 1:00 p.m.

703-543-8671

GLASS ONLY
SOLO VIDRIO
CO-MINGLED

NO PARKING
CARS WILL BE
TOWED AWAY AT
OWNER'S EXPENSE

Attachment A
Animal Waste at City Dogs
1832 18th St NW
Day 1 at 8:00 p.m.

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2013 JUN 21 PM 4:02

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Attachment A
City Dogs Abutting Public
Alley. Audible Dog Barking
with windows closed



Attachment B
My backyard
window of 1310 Animal
boarding to left (West)

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OFFICE OF ZONING

2015 JUL 21 PM 4:02

ASS ONLY
LOBBY
CHANGES

Attachment A
Photo of City Dogs
Fence
1832 18th St. NW



Attachment A
Photo of City Dogs
Facility abutting public
alley

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2013 JUN 21 PM 4:02



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2013 JUN 21 PM 4:02

Attachment B
Photos of 1310 Roof with
Skylight and window in
"Boarding warehouse area" from
1314 my house

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D.C. OFFICE OF ZONING

2013 JUN 21 PM 4:02

Attachment B
My bedroom window
at 1314 Pennsylvania
abutting balcony at 1312



Attachment B
Photos of 1310 Penn from
1314 Penn - skylights
My Master Bedroom View

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2013 JUN 21 PM 4: 02

Attachment B
1310 Boarding area window
from 1314 Back porch
and yard. (Note st. light)



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D.C. OFFICE OF ZONING
2013 JUN 21 PM 4:02
HILARY B. BROWN
HILARY.BROWN@DCGOV.GOV

BarkingDogs.net



2013 JUN 21 PM 4:02

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D.C. OFFICE OF ZONING

Section One: Quieting Your Own Dog

This page is the index of **Section Seven:**
the Harm section of barkingdogs.net

Section Two: Personally Silencing Your Neighbor's Dogs

The Deleterious Impact of Exposing People to Noise

Health Deteriorates as Emotional Distress is
Fostered and Functioning is Impaired

This link will take you to the index of a website that features noise-related information **provided by the World Health Organization**. Once there, click on *Adverse health effects of noise*. There you will learn that intrusive sound, like that of a barking dog, constitutes a potent stressor that can result in increased blood pressure, essential hypertension, increased heart rate, ischemic heart disease, headaches, nausea, an altered blood flow, changes in blood viscosity and blood lipids, and shifts in electrolyte balance, along with elevations in gastrointestinal motility. In addition, according to WHO, exposure to noise increases drug use, fosters substance abuse, and promotes anxiety, stress, irritability, depression, aggression, interpersonal conflict, and sexual impotency.

Section Three: The Barking Laws and the Courts

Section Four: To Quiet Your Home Town

Section Five: The Noise Activist's Guide

Section Six: More Info on Chronic Barking

Section Eight: The Cause of the World's Chronic Barking and Biting Epidemics

Understanding Systemic Noise Truama

Written by the Barking Dogs Webmaster, this page will tell you how and why noise injures people and under what circumstance noise trauma occurs. In addition, it contains an explanation of why some people are traumatized by noise while others are not.