

Eugene Ulm
4843 Reservoir Road
Washington, DC
November 25, 2014

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Mr Lloyd Jordan, Chairperson
Board of Zoning Adjustment (BZA)
441 4th Street, NW
Suite 2105
Washington, D.C 20001
Email: BZAsubmissions@dc.gov

Re: BZA# 18669 for 4824 MacArthur Blvd , NW

Dear Mr. Jordan,

My wife and I are the owners of 4843 Reservoir Road, Washington DC. We are within 200 feet of the proposed Diva Dog kennel to be located on MacArthur Blvd.

We strongly oppose the approval of this dog kennel. The facts that dog kennels are completely unregulated in Washington DC, there is no regulatory authority and no authority has the ability to make binding decisions on this proposed dog kennel puts our livelihood, happiness and property values at risk

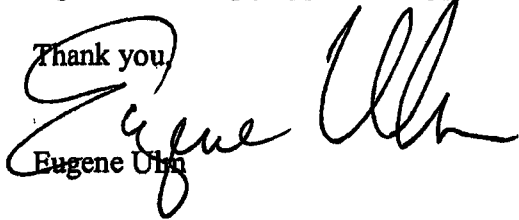
This is a residential neighborhood Because of the lack of regulation, there may be five dogs, but there also may be 50 or more. Regardless of the number, there will be excessive noise, waste and odor. And, neither I nor my neighbors will have any recourse.

The fact that the owner of Diva Dogs has already operated as a dog kennel for hire without permission of this board or any other authority reinforces our likely loss of livelihood and property as a direct result of siting this unregulated dog kennel

Further, the owners of Diva Dogs have publicly stated their intent to utilize a neighborhood park on the corner of MacArthur and Reservoir and the surrounding area for the dogs to urinate and defecate for commercial purposes This park is directly across the street from one school and within several blocks of three more. The fecal waste of 50+ dogs urinating and defecating three or more times a day will mean the loss of the park to the neighbors Diva Dogs will be unable to guarantee the temperament of the dogs and further underscore the loss of the park that the neighborhood will suffer

Again, we strongly oppose the approval of the proposed Diva Dogs dog kennel.

Thank you,


Eugene Ulm

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18669
EXHIBIT NO. 32

Board of Zoning Adjustment
District of Columbia
CASE NO.18669
EXHIBIT NO.32

FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.

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.)

NAME: Last Ulm		First Eugene and Carolyn		Middle I.	
ADDRESS: Street 4843 Reservoir Rd. N.W.		Apt. # (if any)	City Washington, DC	State D.C.	Zip Code 20007
Phone No. 703 981 2651 (cell)		Fax No.		E-Mail geneulm@pos.org	
I hereby request to appear and participate as a party.			Signature		Date
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: Last		First		Middle I.	
ADDRESS: Street		Ste. # (if any)	City	State D.C.	Zip Code 20007
Phone No.		Fax No.		E-Mail	

WITNESS INFORMATION:

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

1. A list of witnesses who will testify on the person'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:

On a separate piece of paper, please answer all of the following questions referring to 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?
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 appeal or application before the Commission/Board? (Preferably no farther than 200ft.)
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.

Eugene Ulm

Party Status Criteria (RESPONSES)

- 1 We will suffer the loss of
 - Property values by the establishment of an unregulated dog kennel within 200 feet of our home. The dog kennel will be the source of excessive noise, odor and fecal waste.
 - The loss of the happy enjoyment of our home. Noise, odor and waste emanating from the unregulated dog kennel will cause the loss of outdoor areas, as well as the loss of sleep.
2. We are the owners and occupants of 4843 reservoir road.
3. We are approximately 175 feet from the proposed dog kennel
4. The owners of Diva Dogs have stated their intended use of a public park on the corner of MacArthur Blvd and Reservoir road as well as the surrounding neighborhood to urinate and defecate the dogs. Diva Dogs cannot guarantee the safe temperament of the kenneled dogs. The park will be lost to local residents and local areas will suffer environmental damage.
5. Diva Dogs has already operated as a kennel for hire without permission of this board or any other authority. There has been no outreach to local neighbors regarding the potential impact of the dog clinic on the neighborhood. There is not a record of responsible behavior; any agreement as to the nature of the proposed kennel would not be binding nor does the desire for cooperation exist.
- 6 According to our research, the ability to grant special permission for this dog kennel under the existing zoning does not exist. This is not a valid application. Further, there is no history Washington, DC EVER approving a dog kennel directly abutting a residential neighborhood. Further, according to our research, there is no existing authority that can regulate the number of dogs, or almost any other dog kennel function.

In short, this is a request for the approval of an unregulated dog kennel using an invalid application under circumstances where there is ZERO previous precedent for approval of a dog kennel abutting a residential neighborhood.