

**Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D**

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December 9, 2013

Mr. Lloyd Jordan, Chairman
Board of Zoning Adjustment
One Judiciary Square
441 Fourth Street, NW
Suite E650
Washington, D C 20001

RE: BZA Application 18669 for a special exception to add dog boarding to Diva Dogs grooming business at 4824 MacArthur Boulevard, NW DC Zoning Regulations, Sections 735 and 3104 Animal boarding regulations (C-2).

Dear Mr. Jordan:

At its regularly scheduled and publicly noticed meeting on December 4, held at the American University School of International Service, with a quorum present at all times, ANC3D considered the application of Diva Dogs Inc. (BZA 18669) for a special exception to board dogs at its current dog grooming establishment at 4824 MacArthur Boulevard, NW. The property is located in a C-2-A zone

The Commission voted 6-3-1 to deny the application for a pet boarding establishment at this location.

BACKGROUND AND ANC3D ACTION

At its June 5, 2013 meeting, ANC3D approved the application (BZA 18572) of Diva Dogs for a dog grooming business operated by tenants John C. Kim and April Lee at this location. The BZA approved the application on June 28, 2013. A Certificate of Occupancy (CO1302238) was issued on August 8, 2013 and the business is in operation

In September, 2013, Diva Dogs filed an additional application with the BZA for a special exception to add dog boarding to their grooming business. Diva Dogs also appeared before ANC3D at its November 6, 2013 meeting.

Several residents who live behind the 4824 MacArthur Boulevard building have objected to a dog boarding establishment at this location. They maintain that the addition of dog boarding would create an unregulated dog kennel adjacent their properties that would create objectionable conditions for neighbors from animal noise, odor and waste.

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Diva Dogs stated that they have addressed these issues and submitted a petition in support from neighbors. Diva Dogs offered not to walk any of the boarded animals on Reservoir Road near the homes of the opposing neighbors. Diva Dogs also stated they would be willing to limit the number of boarded dogs to six. The opposing neighbors stated they do not want any dogs boarded at this location.

The Office of Planning (OP) recommended approval of the application, subject to conditions that (1) the applicant provide additional information regarding noise mitigation and odor control as required in the zoning regulations, (2) that all animals enter and exit the business through the front door facing MacArthur Blvd, and (3) that the rear facing rooms in the building's basement and second floor would not be occupied by animals.

Section 735.2 of the Zoning Requirements specifies that animal boarding shall not abut a Residence Zone. OP stated that 4824 MacArthur Blvd does not abut a Residence Zone and that the nearby R-1-B district is across an alley.

Opposing neighbors disagreed. Several ANC3D Commissioners also questioned OP's position that this did not abut a Residence Zone because the only separation between the rear of 4824 MacArthur Blvd and the neighbors' property is a service alley used by both neighbors and businesses.

ANC3D voted 6-3-1 to deny BZA Application 18669. ANC3D believes the property at 4824 MacArthur Boulevard does abut a Residential Zone, and therefore, the application for a special exception does not meet the Zoning requirements.

Therefore, ANC3D urges the Board of Zoning Adjustment to deny this application and requests that its decision be given great weight in consideration of this application.

ANC3D designates ANC3D05 Commissioner W Philip Thomas to represent the Commission before the BZA on this application.

Thank you,

A handwritten signature in black ink, reading "Penny Pagano". The signature is fluid and cursive, with the first name "Penny" and last name "Pagano" clearly distinguishable.

Penny Pagano
Chair, ANC3D