January 12, 2004

Mr. Eric Wemple
c/o City Paper
Washington, DC

Dear Mr. Wemple:

I regret that I will no longer be able to provide testimony in your case on January 20, 2004 as previously planned. Due to the unexpected death of my brother I will be out of state at that time. Alternatively, I am sending you my views on your case to use as you see fit, and hope they may provide insight that can be incorporated into a resolution of your issue.

I breed and exhibit show dogs. I am a mediator for the Animal Matters Hearing Board in Montgomery County, Maryland, which holds regular hearings on animal complaints. I previously was a member of that Board for six years. I am a Legislative Liaison to the American Kennel Club for local dog clubs, alerting them to regional and national issues of pending pet legislation.

I do not believe the retail activities of your neighbor are appropriate under a pet shop designation. Pet shops traditionally provide supplies, tropical fish, small caged pets or occasional puppies and kittens, and have limited hours of operation. Any consistently large number of dogs would constitute a commercial kennel and should require appropriate space, licensing and conditions. For example, in Montgomery County a recent license granted for a boarding kennel mandated no outside runs, due to the proximity of neighbors. I can't imagine that the intention was to license dog boarding in a high density area, or to allow multiple dogs in outside runs without time restrictions.

The only acceptable use of the license might be dog grooming, which should take place during normal business hours. Any such use should include periodic inspections for licensing compliance, as well as an immediate review of the eligibility of the current licensee.

If there are questions I might assist in answering after January 23rd, I may be reached at (301) 299-2292 or at rbenman@erols.com.

Ruth B. Benman

Ruth B. Benman
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Case No. 17092
Exhibit No. 47

Board of Zoning Adjustment
District of Columbia
CASE NO. 17092
EXHIBIT NO. 47