BOARD OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA

Appeal by Wagtime, LLC of the Zoning Administrator's March 2, 2005, Notice of Revocation of Certificate of Occupancy No. CO69395, authorizing Wagtime, LLC to use the premises 1412 Q Street, NW, (Square 0209, Lot 0878) for 24-Hour Dog Boarding and Grooming) and Accessory Retail Sales.	) BZA No. 17325

REQUEST FOR PARTY STATUS

Pursuant to 11 DCMR § 3106, Stephanie Mencimer, Erik Wemple, John Weaver, Forrest Smith, Gary Ridley, Mark Rabbage, and Mid-City Development Company (hereinafter "Homowners"), who are individuals and entities who own property within 200 feet of 1412 Q Street, N.W., hereby file this motion to appear as a party in opposition to the above-captioned appeal filed by Wagtime, LLC ("Wagtime") of the Notice of Revocation of Certificate of Occupancy ("C of O") No. CO69395, issued by Zoning Administrator Toye Bello on March 5, 2005. Homeowners will be represented in this proceeding by Andrea C. Ferster, 1100 17th Street, N.W. 10th Fl., Washington, D.C. 20036. Letters authorizing the undersigned counsel to represent the Homeowners in this proceeding is attached hereto.

Each of the Homeowners owns property within 200 feet of the property that is the subject of Wagtime's appeal[1], at the following addresses:

Mid City Development Company, LLC
1327 14th Street, N.W. Suite 300
Washington, DC 20005

2005 NOV 14 PM 2:31

1 Mid City Development Company is the owner of a majority of the residential condominium units located at 1401 Church Street, N.W., which is within 200 feet of 1412 Q Street, N.W.

BZA
Case No. 17325
Exhibit No. 19

Board of Zoning Adjustment
District of Columbia
CASE NO. 17325
EXHIBIT NO. 19

Stephanie Mencimer, owner
1414 Q Street, N.W.
Washington, D.C. 20009

Erik Wemple, owner
1414 Q Street, N.W.
Washington, D.C. 20009

John Weaver, owner
1416 Q Street, N.W.
Washington, D.C. 20009

Forresst Smith, owner
1416 Q Street, N.W.
Washington, D.C. 20009

Mark Rabbage, owner
1408 Q Street, N.W.
Washington, D.C. 20009

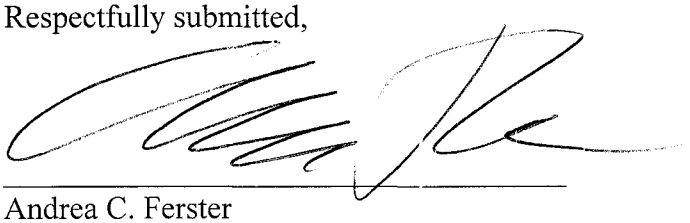
Gary Ridley, owner
1408 Q Street, N.W.
Washington, D.C. 20009

Each of these Homeowners will be adversely affected and aggrieved if the subject appeal is granted. Homeowners previously appealed the issuance by the D.C. Department of Consumer and Regulatory Affairs ("DCRA") of a certificate of occupancy permitting Wagtime to conduct "24-hour Dog Boarding and Grooming and ancillary retail sales" on the property. See Appeal of Stephanie Mencimer, *et al,* BZA Appeal No. 17092 (Oct. 15, 2004). This Board granted their appeal, and determined that dog boarding was not permitted as a matter-of-right in the relevant zone district, which decision is now a final order. After this decision became final, DCRA revoked Wagtime's certificate of occupancy.

Wagtime's appeal of DCRA's action is fundamentally a collateral attack on this Board's decision in BZA Appeal No. 17092, a proceeding in which Homeowners invested significant time and resources, whose outcome has a substantial impact on the value and quiet enjoyment of their property. Homeowners will be significantly, distinctively, and uniquely affected if Wagtime's appeal is allowed. The Individual Homeowners reside next door to a 24-hour, indoor/outdoor dog boarding facility, and are subjected to the noise of more than 20 dogs confined in a small yard and to the odors of their wastes. The unrelenting noise and smells emanating from Wagtime's operations have made living in the neighborhood unbearable for them. Mid City Development is seeking to sell condominium units within 1401 Church Street. N.W. Its ability to sell these units as well as the value of this property has been severely compromised by the noise and odors associated with Wagtime's operations. Accordingly, the Homeowners will be more significantly, distinctively, and uniquely affected in character and kind by the proposed appeal than other persons in the general public.

For the foregoing reasons, the Homeowners' request for party status should be granted.

Respectfully submitted,



Andrea C. Ferster
1100 17th Street, N.W., 10th Fl.
Washington, D.C. 20036
(202) 974-5142

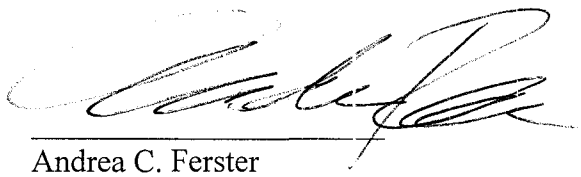
CERTIFICATE OF SERVICE

I hereby certify that, on June 14, 2005, a copy of the foregoing Request for Party Status was served by mail on, or as otherwise indicated:

Bennett Rushkoff
Assistant D.C. Attorney General
441 4th Street, N.W. Room 600 South
Washington, D.C. 20001

Edward L. Donohue
Holland and Knight LLP
2099 Pennsylvania Avenue, N.W. Suite 100
Washington, D.C. 20006

Charles Reed, Chair
ANC 2F
5 Thomas Circle
Washington, D.C. 20005



Andrea C. Ferster

metropolis
development company

different by design

June 9, 2005

Mr. Geoffrey Griffis,
Chair, DC Board of Zoning Adjustment,
441 4th Street, NW, Suite 210 South,
Washington, DC 20001

Re: BZA Appeal Number 17325 (Revocation of C of O for 1412 Q St., NW)

Dear Chairman Griffis,

I hereby authorize Andrea C. Ferster, Esq. to represent Mid City Development Company, LLC before the Board of Zoning Adjustment in all matters pertaining to this appeal.

Sincerely,

Scott Pannick

Managing Member of
Metropolis Development Company, LLC
Managing Member of:
Mid City Development Company, LLC
1327 14th Street, NW, Suite 300
Washington, DC 20005

June 10, 2005

Mr. Geoffrey Griffis,
Chair, DC Board of Zoning Adjustment,
441 4th Street, NW, Suite 210 South,
Washington, DC 20001

Re: BZA Appeal Number 17325 (Revocation of C of O for 1412 Q St., NW)

Dear Chairman Griffis,

We hereby authorize Andrea C. Ferster, Esq. to represent us before the Board of Zoning Adjustment in all matters pertaining to this appeal.

Sincerely,

Stephanie Mencimer

1414 Q Street, NW
Washington, DC 20009

Erik Wemple

1414 Q Street, NW
Washington, DC 20009

John Weaver

1416 Q Street, NW
Washington, DC 20009

Forrest Smith

1416 Q Street, NW
Washington, DC 20009

June 10, 2005

Mr. Geoffrey Griffis,
Chair, DC Board of Zoning Adjustment,
441 4th Street, NW, Suite 210 South,
Washington, DC 20001

Re: BZA Appeal Number 17325 (Revocation of C of O for 1412 Q St., NW)

Dear Chairman Griffis,

We hereby authorize Andrea C. Ferster, Esq. to represent us before the Board of Zoning Adjustment in all matters pertaining to this appeal.

Sincerely,

M Rabbage
Mark Rabbage

1408 Q Street, NW, Unit 22
Washington, DC 20009

Gary Ridley

1408 Q Street, NW, Unit 32
Washington, DC 20009