

**4911 Ashby Street, NW
Washington, DC 20007**

December 28, 2013

Zoning Commission for
the District of Columbia
441 4th Street, NW
Suite 220-S
Washington, DC 20001

RE: Zoning Commission Case No. 08-06
Subtitle B: Definitions

Members of the Zoning Commission:

The term “Abut” is used frequently throughout the current zoning regulations. It is a term that is not included in the definitions; however, its intent has been to express a particular relationship between two properties, objects or property owners. Two recent BZA Cases, No. 18474 (Wagtime) and No. 18669 (Diva Dogs), have brought into focus the importance of the term “Abut,” the need for clarity and perhaps a formal definition prior to approval of the Zoning Regulation Revision (ZRR).

Both of the aforementioned cases involved applications for dog boarding facilities and their relationship to nearby residential properties. When attempting to assess the impact on nearby residences, the BZA was confronted with the fact there is no definition for the term “Abut” other than that found in Webster’s Dictionary. Both the Zoning Administrator and Steven Sher of Holland and Knight offered definitions, but these were subjective interpretations, and neither party, nor the BZA turned to Webster’s for clarity of its meaning.

In the cases cited, Section 735 Animal Boarding (C-2) permits animal boarding by special exception but is clear that the use *shall not abut a Residence Zone*; and, external yards or other external facilities for the keeping of animals shall not be permitted (Emphasis Added).

The term "Abut" that requires the attention of the Zoning Commission prior to ZRR approval. What definition will be provided in the ZRR and how will the term to be applied? Without answers, there is no clarity and little protection for residential zone districts when they share a common line of demarcation with a commercial zone district. Both of the cases noted support the contention that this term is in need of a definition prior to approval of the ZRR.

Also of concern is the ability of the Zoning Administrator to provide an interpretation of a zoning term in a single case that has the potential to change the intent of existing zoning regulations. Because the Diva Dogs case has not been decided, it will not be discussed further, but members of the Zoning Commission are strongly encouraged to review the video of BZA Case No. 18669 and the interpretation of the Zoning Administrator on the meaning of the term "abutting" districts.

Webster's Dictionary offers two definitions for "abut."

1. To touch along a border or with a projecting part;
2. a. To terminate at a point of contact;
b. To lean for support.

To border on: Touch

Please include this letter in the ZRR record file under **Subtitle B, Definitions.**

Thank you for the opportunity to bring this matter to your attention for consideration as a needed ZRR definition.

Wishing you a very Happy New Year!

Sincerely,



Alma H. Gates

cc: Matthew Legrant (by email)