

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
CASE NO. 14-10 (Text Amendments to 11 DCMR (Zoning), Chapters 7 & 8)
Thursday, October 23, 2014

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Testimony of Alma Hardy Gates
Neighbors United Trust

Good evening members of the Zoning Commission. I regret I am unable to deliver this testimony in person tonight, however I feel strongly about the changes being proposed for § 735.1 of the Zoning Regulations.

During the October Zoning Regulation Revision Review (ZRR) hearings it was noted that the term “abut” would continue to rely on Webster’s Dictionary for definition. It appears the Office of Planning (OP) wishes to substitute the term “adjacent” and will also rely on Webster’s for definition as “adjacent” is not contained in the current or proposed list of Definitions. Is this the correct solution as both terms, abut and adjacent would be dependent on Webster’s for definition?

BZA Case No. 18669 devoted considerable discussion to the location of the C-2-A Zone in which Diva Dogs, the subject dog boarding site is located relative to the R-1-B residential zone. Only a 16 ft. alley [zone district line is at the center of the alley] divides the two zones. The Zoning Administrator considered these two zones as “confronting” rather than abutting or adjacent.

Prior to any decision by the Zoning Commission in Case No. 14-10, a proper term which describes the relative location of two points must be made. The Zoning Commission should not let escape the opportunity to address the location issue, which may also address some of the use issues.

The term that is chosen must be used consistently within the zoning regulations, be applicable across all zones when it is used and not require or be open to interpretation by the Zoning Administrator. A review of the Webster’s definition of “*adjacent*” may be the correct definition as defined in 1b below:

Webster’s defines *adjacency* (n):

1. something that is adjacent
2. the quality or state of being adjacent: CONTIGUITY

Webster’s defines *adjacent* (adj):

ZONING COMMISSION
District of Columbia
CASE NO. 14-10
EXHIBIT NO. 8
ZONING COMMISSION
District of Columbia
CASE NO. 14-10
EXHIBIT NO. 8

- 1a. not distant: NEARBY
 - 1b. having a common border: ABUTTING
 - 1c. immediately preceding or following
2. *of two angles*: having a common vertex and side

Section 735.1 *The animal boarding use shall not abut a Residence Zone*, should not be changed to permit animal boarding within 25 ft. of a residence zone as a special exception. The regulation is very clear, no boarding

Proposed - a separation of 25 ft. What is to prevent a special exception request for a separation of 16 ft. as was the request in Case No. 18669?

Moving from *No Animal Boarding* to special exception Animal Boarding within 25 ft. removes all protection and predictability for residential zones. It is rare that a special exception is not approved, yet in the past year the BZA did not approve applications submitted for at least two dog boarding locations abutting residential zones. Making use approval easier through a special exception is a move in the wrong direction especially when low density residential has the potential to be negatively affected. Nothing in the proposed changes ensure there will not be some impact and currently there is none.

Why is the Zoning Commission seeking a change in the regulations? Why is "The prohibition of animal boarding being replaced by a Special Exception which promises 25-ft. of separation between a Residential Zone and dog boarding? Why was § 735.1 initially placed in the zoning regulations and what has changed to lessen the impact of dog boarding on Residential Zones? In recent BZA cases the residents were very clear that they did not support dog boarding abutting the Residential Zone. The Zoning Commission needs to respect the outcome of recent BZA cases and not move to a Special Exception for dog boarding when the Mixed Use or Commercial Zone abuts a Residential Zone.

Please, leave § 735.1 as it currently stands to ensure protection and predictability in Residential Zones.

Sincerely,



Alma H. Gates
Administrator