

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Crystal Myers, Case Manager  
*JL* Joel Lawson, Associate Director Development Review

**DATE:** May 18, 2018

**SUBJECT:** BZA Case 19746 - request for special exception relief to operate an animal boarding use at 1371-1375 H ST NE

**I. OFFICE OF PLANNING RECOMMENDATION**

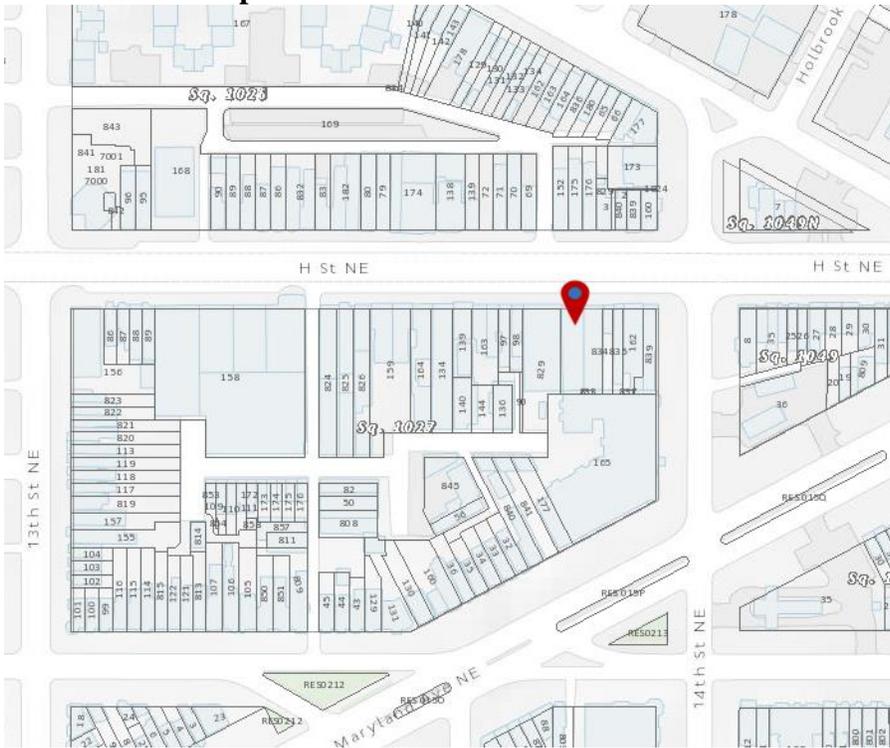
The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to H §1109.1:

- Subtitle H § 1101.4 – animal boarding use located outside a basement or cellar

**II. LOCATION AND SITE DESCRIPTION**

Address	1371-1375 H ST NE
Legal Description	Square 1027, Lot 166
Ward/ANC	Ward 6; ANC 6A
Lot Characteristics	The subject property is a 5,040 SF 100 ft. x51 ft. rectangular lot
Zoning	NC-15
Existing Development	There are two buildings on the lot. The Applicant has been operating an animal grooming, daycare and boarding business in the building on the eastern half of the lot.
Historic District	N/A
Adjacent Properties	Two one-story commercial buildings
Surrounding Neighborhood Character	The surrounding neighborhood is mixed use on H ST NE.

### III. Location Map



### IV. PROPOSAL DESCRIPTION and ZONING REQUIREMENTS

The Applicant is a dog grooming and dog daycare business with boarding services located in an existing commercial building, zoned NC-15. The NC zones only permit animals boarding as a matter of right when the animals are kept in the cellar or basement of a building. Special exception relief is required if the animals are boarded in another location in the building.

The business has been operating on the site since January 1, 2018. In February, the Applicant learned from DCRA that special exception relief is required for them to continue boarding animals on the ground floor. The Zoning Administrator has given them permission to continue their animal boarding service while their case goes through the BZA review process.

### V. OFFICE OF PLANNING ANALYSIS

*1109.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:*

*(a) Animal care and boarding uses not meeting the conditions of Subtitle H § 1101.4(h), subject to the conditions of Subtitle H § 1105.1(a);*

The animals are being boarded on the ground floor so special exception relief is requested.

*1105.1 In areas other than designated use areas, the uses in this section shall be permitted if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to any applicable provisions of each section:*

(a) *Animal care uses, not meeting the conditions of Subtitle H § 1101.4(g), subject to the following:*

(1) *The use shall not be located on a lot that abuts an R, RF, or RA zone;*

The lots that abut the site are all zoned NC-15.

(2) *The use shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste;*

(3) *The use shall take place entirely within an enclosed and soundproofed building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed;*

The proposed use is located and designed to not produce objectionable noise or odor to nearby properties. No windows face the adjacent properties and the windows and doors on H ST NE remain closed. The proposed use currently exists on the property and according to the Applicant both adjacent neighbors are in support.

(4) *All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by an air filtration system (for example, High Efficiently Particulate Air "HEPA" filtration) or an equivalently effective odor control system;*

As mentioned earlier, the animal boarding currently exists on the site and the adjacent neighbors support allowing animal boarding services to continue. The Applicant's animal waste disposal procedure is to enclose the waste in waste disposal containers. The waste is picked up by a qualified waste disposal company twice a week. The building's air filtration system effectively controls potential odors.

(5) *External yards or other external facilities for the keeping of animals shall not be permitted;*

There are no external yards or open space facilities on the site. The animals would always be kept inside the building.

(6) *The sale of pet supplies shall be permitted as an accessory use;*

Pet supplies are sold on the site.

(7) *The principal use shall not be for the housing, feeding and care of stray or abandoned animals whether for profit or not for profit; and*

The Applicant would continue to not house, feed, or care for stray or abandoned animals at this facility.

(8) *The Board of Zoning Adjustment may impose additional requirements pertaining to the location of building entrances or exits; buffers, fencing;*

*soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board of Subtitle H-45 Zoning Adjustment deems necessary to protect adjacent or nearby property;*

No additional requirements are recommended.

### **Special Exception under Subtitle X Chapter 9**

*901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:*

*(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The use is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. Animal care and animal boarding are both designated uses in the zone. Though special exception relief is necessary to continue operating on the ground floor, appropriate ventilation and waste management practices prevent the use from negatively impacting neighbors.

*(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

The use has not adversely affected the use of neighboring properties. The Applicant's business is designed so that the adjacent properties are not subject to objectionable conditions. The use does not include changes to the existing building and the animals are kept indoors. Both adjacent neighbors have expressed support to the Applicant.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT filed a report stating they have no objection to the zoning relief (Exhibit 40). At the time of the staff report, no other District agency had submitted comments.

## **VII. COMMUNITY COMMENTS**

The Applicant reports that both adjacent neighbors are in support. As of the writing of this report, no report has been submitted from ANC 6A.