

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: December 18, 2012
SUBJECT: BZA Case 18474 – 1232 9th Street, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the following special exceptions:

- § 735, Animal Boarding;
- § 736, Pet Grooming; and
- § 739, Animal Shelter.

II. LOCATION AND SITE DESCRIPTION

Address	1232 9 th Street, N.W.
Legal Description	Square 368, Lot 911
Ward	2
Lot Characteristics	Rectangular shaped lot with alley access
Zoning	C-2-A – medium density community business center commercial zone
Historic Districts	Blagden Alley-Naylor Court
Existing Development	Three-story commercial building with an apartment on the third floor and no off-street parking
Adjacent Properties	North: Art Gallery South: vacant commercial building East: Across 9 th Street, Convention Center West: Across public alley, a restaurant
Surrounding Neighborhood Character	Mixture of residential, commercial, office and government uses



III. APPLICATION IN BRIEF

The subject property is improved with a three-story building with a pet store on the first floor and no on-site parking. The pet store is in possession of a certificate of occupancy dated May 9, 2005, predating the adoption of a text amendment requiring special exception approval by the Board for pet shops in 2007, and is therefore grandfathered. The applicant proposes to continue the pet shop use and requests special exception approval to permit animal boarding, pet grooming and animal shelter uses within the cellar, first and second floors of the building.

The subject property is located within the Blagden Alley-Naylor Court Historic District, and is a contributing structure. No parking is provided and the application proposes no increase in the gross floor area of the building. Therefore, no off-street parking is required.

The third floor of the building is improved as a residential apartment and is currently vacant.

No external yards are proposed.

IV. ZONING REQUIREMENTS

C-2-A Zone	Regulation	Existing	Proposed	Relief
Lot Width § 401	None prescribed	20 feet	20 feet	None Required
Lot Area § 401	None prescribed	2,475 SF ¹	2,475 SF	None Required
Parking § 2120.3	None	None	None	None Required ²
Floor Area Ratio § 401				
-Residential Uses	2.5 max.	0.3	0.3	None Required
-Other Uses	1.5 max.	1.5	1.5	
-TOTAL	2.5 max.	1.8	1.8	

V. OFFICE OF PLANNING ANALYSIS

a. Animal Boarding

735.1 *The animal boarding use shall not abut a Residence Zone.*

The subject property and all surrounding properties are zoned C-2-A.

735.3 *The animal boarding use shall take place entirely within an enclosed and soundproof 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 and no animals shall be permitted in an external yard on the premises.*

¹ The applicant informed the Office of Planning that there is a property line dispute between the subject property and the lot to the south, and that the area of property in dispute was not included in the FAR calculation for the maximum square footage permitted for nonresidential use.

² Historic resources are exempt from the requirement to provide additional parking when there is no increase in gross floor area, pursuant to § 2120.3.

The proposed use would be located within a masonry building and therefore capable of soundproofing the use. Windows and doors would be kept closed. Floors would be cleaned with a water/chemical mixture that breaks down urine odor. A HEPA filtration system would be installed in the building to absorb odor from within the building. Animal waste would be placed in bags and stored in closed waste disposal containers until pick-up by a qualified waste disposal company three times a week.

- 735.4 *The animal boarding use shall place all animal waste 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 means of an air filtration system (for example, High Efficiency Particulate Air "HEPA" filtration) or an equivalently effective odor control system.*

As stated above, a HEPA filtration system would be installed and animal waste would be collected at least once weekly.

- 735.5 *The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances and exits; buffers, barriers, and 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 deems necessary to protect adjacent or nearby property.*

The Office of Planning makes no recommendations for additional requirements.

- 735.6 *External yards or other exterior facilities for the keeping of animals shall not be permitted.*

No external yards or other exterior facilities are proposed.

b. Pet Grooming

- 736.2 *The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste.*

The proposed use would be located within a masonry building and therefore capable of soundproofing the use. Windows and doors would be kept closed. Floors would be cleaned with a water/chemical mixture that breaks down urine odor. A HEPA filtration system would be installed in the building to absorb odor from within the building. Animal waste would be placed in bags and stored in closed waste disposal containers until pick-up by a qualified waste disposal company three times a week.

- 736.3 *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. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system.*

As stated above, a HEPA filtration system would be installed and animal waste would be collected three times a week.

736.4 *The pet grooming establishment shall not abut an existing residential use or Residence District.*

The subject property does not abut an existing residential use or residence district. The third floor apartment is vacant and therefore not an existing residential use.

736.5 *External yards or other external facilities for the keeping of animals shall not be permitted.*

No external yards or other external facilities are proposed.

736.7 *The Board may impose additional requirements as it deems necessary to protect nearby properties.*

The Office of Planning makes no recommendations for additional requirements.

c. Animal Shelter

739.2 *The animal shelter shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste.*

The proposed use would be located within a masonry building and therefore capable of soundproofing the use. Windows and doors would be kept closed. Floors would be cleaned with a water/chemical mixture that breaks down urine odor. A HEPA filtration system would be installed in the building to absorb odor from within the building. Animal waste would be placed in bags and stored in closed waste disposal containers until pick-up by a qualified waste disposal company three times a week.

739.3 *The animal shelter shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping.*

The existing building is constructed of masonry materials, soundproofing the building.

739.4 *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. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system.*

As stated above, a HEPA filtration system would be installed and animal waste would be collected at least once weekly.

739.5 *The animal shelter shall not abut an existing residential use or a Residence District.*

The subject property does not abut an existing residential use or residence district. The third floor apartment is vacant and therefore not an existing residential use.

739.6 *External yards or other external facilities for the keeping of animals shall not be permitted unless the entire yard is located a minimum of two hundred (200) feet from an existing residential use or Residence District.*

No external yards or other external facilities are proposed.

739.7 *The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties*

The Office of Planning makes no recommendations for additional requirements.

The Historic Preservation Office (HPO) indicated that it had no comments on the application, but did note that the location of the property within the Blagden Alley Historic District would require review of any exterior alterations on the alley side of the building similar to the standards required for the front.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated October 18, 2012, indicated that it had no objections to the application.

VII. COMMUNITY COMMENTS

The applicant informed OP that the ANC 2F, at its regularly scheduled meeting of December 5, 2012, voted to support the application.

Fifty-eight letters from residents and business owners were submitted to the application in support of the application.

The adjacent property owner to the south submitted a letter to the file in opposition.

The owner of the adjacent business to the north submitted a letter to the ANC in support of the application.

Attachment: Location Map

