

**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Stephen J. Mordfin, AICP, Case Manager  
 Joel Lawson, Associate Director Development Review  
**DATE:** January 22, 2013  
**SUBJECT:** BZA Case 18490 – 3100 14<sup>th</sup> Street, N.W.

**I. OFFICE OF PLANNING RECOMMENDATION**

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

- § 736, Pet Grooming; and
- § 737, Pet Shop

and **approval** of the following area variances:

- § 736.4, to permit a pet grooming establishment to abut existing residential uses and Residence Districts; and
- § 737.3, to permit a pet shop to abut existing residential uses and Residence Districts.

subject to the following condition:

That any activities associated with the visiting veterinarian and pet adoption events take place entirely within the store only.

**II. LOCATION AND SITE DESCRIPTION**

Address	3100 14 <sup>th</sup> Street, N.W.
Legal Description	Square 2674, Lot 721
Ward	1
Lot Characteristics	Large unusually shaped lot with alley access on the north side of the lot
Zoning	C-3-A – medium bulk major business and employment center
Existing Development	Three-story shopping mall with below-grade parking



Adjacent Properties	North: Commercial buildings South: Across Irving Street, apartment and mixed use residential/commercial buildings East: Across 14 <sup>th</sup> Street, mixed use residential/commercial buildings West: Athletic field and public school across Hiatt Place
Surrounding Neighborhood Character	Mixed-use commercial and residential buildings generally along 14 <sup>th</sup> Street, with residential uses to the east and west.

### III. APPLICATION IN BRIEF

The subject property is improved with a three-story shopping center building consisting of 540,000 gross square feet, 1,000 below grade parking spaces, 80 bicycles parking spaces and common shared interior loading facilities for the entire building accessed from the public alley off Hiatt Place. The proposed pet store would consist of 12,437 square feet and be located on the first floor in the southwest corner of the building near the intersection of Hiatt Place and Irving Street, N.W. It would front on both Hiatt Place and Irving Street, with pedestrian access from Irving Street only.

The proposed business would operate a pet shop selling pet supplies and small animals that would occupy approximately 2.05 percent of the retail space, and provide grooming services for animals in a space that would occupy 5.25 percent of the store. Pet grooming for between seven and ten pets a day would take place in a separate room within the store. Groomed pets would generally remain at the store for one hour, but typically no more than several hours. Refuse would be kept within the store before being placed within the shopping center's dumpsters, located within building and emptied several times a week.

A veterinarian would provide services twice per month to provide basic check-ups and vaccinations as an accessory use. Several times a year the store would host pet adoption events, also as an accessory use.

No external yards are proposed.

### IV. OFFICE OF PLANNING ANALYSIS

#### a) Special Exception Relief pursuant to § 736, Pet Grooming Establishment

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 existing building is constructed of masonry materials, soundproofing the building. Pet grooming would take place within separate rooms from the rest of the store, with acoustical or hard ceilings to further absorb sound. The space has no operable windows and the doors would be kept closed. Odors would be filtered through the building's ventilation system. Waste would be kept within the store and placed in the shopping

center's covered dumpsters, located inside the building, preventing odors from emanating to adjacent properties.

- 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.*

All animal waste would be placed in plastic bags and disposed of in large covered dumpsters within the building that would be emptied several times per week. Odor would be controlled by the shopping center's air filtration system.

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

A request for variance relief to permit the pet grooming establishment to abut existing residential uses and Residence Districts is included as a part of the application. If the Board approves that request, the use would be in conformance with this criterion.

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

No external yards or other exterior facilities are proposed.

- 736.6 *The sale of pet supplies is permitted as an accessory use.*

- 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.

**b) Special Exception Relief pursuant to § 737, Pet Shop**

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

The existing building is constructed of masonry materials, soundproofing the building, the space has no operable windows and doors would be kept closed. Acoustical or hard ceilings would further absorb sound. Odors would be filtered through the building's ventilation system. Waste would be kept within the store and placed in the shopping center's covered dumpsters, located inside the building, preventing odors from emanating to adjacent properties.

737.3 *The pet shop shall not abut an existing residential use or a Residence District.*

A request for variance relief to permit the pet shop to abut existing residential uses and Residence Districts is included as a part of the application. If the Board approves that request, the use would be in conformance with this criterion.

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

No external yards or other exterior facilities are proposed.

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

The applicant proposes two accessory uses, a visiting veterinarian twice per month and pet adoption events that would occur infrequently. As these accessory uses are related to the care and ownership of pets, the Office of Planning supports the proposal, but recommends that these events take place entirely within the store only to protect adjacent or nearby properties.

c) **Variance Relief from § 736.4.** *The pet grooming establishment shall not abut an existing residential use or Residence District.*

d) **Variance Relief from § 737.3.** *The pet shop shall not abut an existing residential use or a Residence District.*

**i. Exceptional Situation Resulting in a Practical Difficulty**

The subject property is large, almost five acres in size, and improved with a shopping mall for multiple uses, and not as a single use on one lot. The proposed pet store and grooming establishment would occupy a 12,457 square feet of retail space within a 540,000 square foot building, a shopping mall on a large lot surrounded by multiple property owners.

The residence district across Hiatt Place is improved as a public school and not likely to become residential. Directly across Irving Street is a mixed-use building under construction with ground floor retail. Therefore, although the subject retail space is located across the street from a residence district, the space would not directly face existing or proposed residential uses.

**ii. No Substantial Detriment to the Public Good**

Special exception criteria for pet uses were established to protect adjacent residents from potential adverse effects of these uses. In this case the proposed use is not an in-line store, but a retail space within a larger shopping center. Common facilities for refuse removal, air filtration and the interior storage of dumpsters make this location different from an in-line store, as the public has no access to the dumpsters and individual retail spaces do not control the air filtration system for the building.

**iii. No Substantial Harm to the Zoning Regulations**

The requested variances would not result in substantial harm to the Zoning Regulations. Location of use within a shopping mall reduces the potential impact this use could have on nearby residential properties.

**V. COMMENTS OF OTHER DISTRICT AGENCIES**

No comments were received from other District agencies.

**VI. COMMUNITY COMMENTS**

ANC 1A, at its regularly scheduled meeting of January 9, 2013, voted to support the application.

Attachment: Location Map

