

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: January 12, 2018

SUBJECT: BZA Case 19671 (3509 12th Street, N.E.) for an animal boarding use

I. OFFICE OF PLANNING RECOMMENDATION

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

- U § 513.1(m), Animal Boarding Uses

If approved, this would be the applicant’s second location within the District. The first is located at 3303 11th Street, N.W. and was approved pursuant to BZA Order 19342.

II. LOCATION AND SITE DESCRIPTION

Address	3509 12 th Street, N.E.
Applicant	Patrick W. Flynn
Legal Description	Square 3928, Lot 45
Ward, ANC	Ward 5, ANC 5B
Zone	MU-4
Lot Characteristics	Rectangular lot with rear alley access
Existing Development	One-story commercial building with rear alley access
Adjacent Properties	North, South and West: One-story retail buildings East: Across the public alley, an institutional use
Surrounding Neighborhood Character	Commercial district along 12 th Street, with low density housing to the east and west
Proposed Development	Animal boarding, including overnight boarding, pet grooming and retail sales of pet supplies. ¹

¹ Pet grooming establishments are considered animal boarding uses if more than ten animals are on the premises at a time, pursuant to B § 100.2 of the Zoning Regulations.

III. ZONING REQUIREMENTS and RELIEF REQUESTED

Zone: MU-4	Regulation	Existing	Proposed	Relief
Height G § 403.1	50-foot max.	< 50 feet	No change	None Required
Lot Width	None	20.20 feet	No change	None Required
Lot Area	None	2,020 sq. ft.	No change	None Required
Floor Area Ratio G § 402.1	1.5 max.	0.52	No change	None Required
Lot Occupancy	None	52 percent	No change	None Required
Rear Yard G § 405.2	15-foot min	39.5 feet	No change	None Required

The applicant proposes to operate an animal boarding establishment within an existing one-story commercial masonry building (1,050 square feet) with no basement. In addition to daytime boarding of up to 25 dogs at a time, the applicant would provide overnight care for up to 20 dogs at a time, dog training, pet grooming² for dogs that are boarded, and sell pet accessories (permitted as a matter-of-right). Hours of operation are proposed to be Mondays through Fridays, 7:30 am to 8:30 pm, Saturdays, 9 am to 12:00 noon and Sundays, 3:00 p.m. to 6:00 p.m.

IV. OFFICE OF PLANNING ANALYSIS

(i) Special Exception Relief pursuant to U § 513.1(m), Animal Boarding

(1) The animal boarding use shall take place entirely within an enclosed building;

The proposed animal boarding use would take place within an enclosed building.

(2) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties, including residential units located in the same building as the use. Additional noise mitigation shall be required for existing buildings not originally built for the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

There are no residential units located within the same building as the proposed use. The subject building is of masonry construction, effectively making it sound-proof. The applicant does propose to install sound-proof drywall, acoustical tiles, caulking and noise reducing insulations.

(3) The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;

New windows would be installed on the front of the building facing 12th Street, and kept closed. There are no windows at the rear of the building facing an institutional use. The rear door is solid core.

(4) No animals shall be permitted in an external yard on the premises;

No external yards are proposed.

(5) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;

² Pursuant to Subtitle B Sec. 100.2, pet grooming is animal boarding if more than ten pets are on the premises at a time.

The applicant proposes to double-bag all animal waste and place it within closed waste disposal containers for collection at least once-a-week.

(6) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;

The applicant proposes to utilize an air filtration system to control odors.

(7) Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;

The application indicates that impervious and washable floor finish and wall finish materials a minimum of 48-inches from the floor would be installed.

(8) External yards or other exterior facilities for the keeping of animals shall not be permitted; and

No external facilities are proposed.

(9) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits; buffers, banners, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property;

OP makes no recommendations for additional requirements.

ii. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?

The proposal would allow for an animal boarding facility, including training, grooming and the sale of accessory pet supplies within a mixed-use zone designed to cater to the surrounding residential neighborhoods. The application is in conformance with the criteria required by the Zoning Regulations for the establishment of the use.

iii. Would the proposal appear to tend to affect adversely, the use of neighboring property?

In addition to conforming to the above cited criteria for animal boarding, the applicant proposes to hire handlers trained in techniques to keep the dogs quiet and to use industry standard music to calm the dogs, minimizing impacts to neighboring properties.

V. COMMENTS OF OTHER DISTRICT AGENCIES

DDOT, in a memorandum dated January 10, 2018 (Exhibit 32), stated that it had no objection to the application.

No other comments were received from other District agencies.

VI. COMMUNITY COMMENTS

ANC 5B, at its regularly scheduled meeting of June 28, 2017, voted in favor of a use variance to permit the proposed use.

Attachment: Location Map

