Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- June 14, 1967

Appeal No. 9234 Grace Calragno, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was authorized at the meeting of the Board on June 20, 1967.

EFFECTIVE DATE OF ORDER -- July 25, 1967

ORDERED:

That the appeal to extend the nonconforming use (dog haberdashery, retail pet supplies, sales of dogs, bathing, trimming and servicing of dogs) to second floor and basement and for variance from the use provisions of the R-5-D District to permit the use of the rear yard for same at 2149 P Street, NW., lot 805, square 67, be denied.

As a result of the inspection of the property by the Board and from the record and evidence adduced at the public hearing, the Board finds the following facts:

(1) Lot 805 is occupied by a three (3) story building with a small rear yard.

(2) The premises are leased by Mr. Calvin B. Hartman, Jr. who operates Poodles and Pals on the first floor and uses the second and third floors for residential purposes. Mr. Hartman has been conducting his business on the premises for nearly eight (8) years.

(3) Mr. Hartman proposes to extend the business to the second floor and retain the third floor as his residence.

(4) Mr. Hartman proposes to utilize the rear yard as a dog run or exercise area. Mr. Hartman explained that he has other facilities including a boarding kennel in Chantilly, Virginia and that according to his understanding of the term, no dogs are boarded on the subject premises.

(5) There was considerable opposition at the public hearing and on file including a letter from John B. Gunion, attorney for one of the opponents, calling the Board's attention to Police Regulations of the District of Columbia, Article XVII, Section 1, concerning barking and howling distrubances of dogs.

OPINION:

In the opinion of the Board the dog haberdashery is not a neighborhood business and the expansion of the nonconforming use would be objectionable and have an adverse affect on the residential neighborhood.

There is no record to support a variance and in the opinion of the Board reasonable use of the property can be made without a variance in the R-5-D District provisions of the Zoning Regulations.

It is further the opinion of the Board that the keeping of dogs on the premises over night constitute dog boarding. The existing occupancy permit for the premises does not provide for boarding of dogs, and therefore, the keeping of dogs on the premises over night is in violation of the existing occupancy permit.