



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

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June 5, 2024

Mr. Frederick Hill
Chairperson
Board of Zoning Adjustment
441 4th Street NW, Suite 200
Washington, DC 20001
bzasubmissions@dc.gov

RE: Board of Zoning Adjustment Application to operate a corner store on the first floor and basement of an existing mixed-use building in the R-3/GT zone at 3428 O Street, NW (BZA# 21157)

Dear Chairperson Hill,

On June 3, 2024 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by eight commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (5-3-0) with regard to the above-referenced matter:

For BZA case #21157, ANC 2E is providing a resolution to the Board of Zoning Adjustment (BZA) regarding the zoning relief being sought for the property at 3428 O Street NW. A renter that is already operating their business at the location is applying for this relief on behalf of the owner of the property.

The zoning relief requested by BZA case #21157 is to allow for a corner store that sells prepared food. The applicant is seeking both an area variance and a special exception. In short, the area variance would allow the applicant to operate as a corner store notwithstanding the fact it is within 750 feet of a commercially zoned lot. The special exception would allow the applicant to sell prepared foods, which is not allowed by-right even as a corner store. Addressing the special exception first: the critical element is that no special exception shall be granted if the intended use is likely to become objectionable to neighboring property because of noise, traffic, deliveries, or other objectionable conditions. Due to the unusual procedural

COMMISSIONERS:

Kishan Putta, District 1 Topher Mathews, District 2 Paul Maysak, District 3
Joe Massaua, District 4 Mimsy Lindner, District 5 Gwendolyn Lohse, District 6
Daniel Chao, District 7 John DiPierri, District 8

history of this case, this analysis is somewhat unusual because the intended use is not merely theoretical. We have nearly four years of observations to judge whether it has in fact become objectionable. And the ANC concludes that it has.

Most notably, the ANC concludes that the large crowds that critically cannot be contained within the establishment create a routine objectionable condition. The applicant has made attempts and promised plans to address these crowds and the detrimental impact they have, but these attempts have not and will not succeed without a fundamental shift in shop operations. Therefore, the ANC cannot support the special exception at this time.

With regards to the map variance, the ANC has no objection to this property operating as a corner store in conformity with the relevant corner store regulations concerning use, which among other things prohibit the sale of prepared foods without the aforementioned special exception.

Commissioners Paul Maysak (2E03@anc.dc.gov) and Gwendolyn Lohse (2E06@anc.dc.gov) are the Commission's representative in this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Gwendolyn Lohse" with a long horizontal flourish extending to the right.

Gwendolyn Lohse
Chair, ANC 2E