



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

3265 S Street, NW • Washington, DC 20007
(484) 885-8814 • anc2e@dc.gov

September 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 September 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 (8-0-0) with regard to the above-referenced matter:

Since 2019, ANC 2E has issued multiple public resolutions regarding the Board of Zoning Adjustments (BZA) relief being sought for 3428 O Street NW. The BZA applications for the property have primarily focused on two requests from the applicant who is leasing the property's first floor and basement for its business: (1) to have a Corner Store (area variance) and (2) to have a Prepared Food Shop (special exception) at this property.

2024 and Summer Dialog: In 2024, ANC 2E already issued two resolutions regarding this requested relief, [one on January 26th](#) seeking Council's help, and [one on June 5th](#). On June 12th, the BZA held a public hearing to consider the applicant's requests. Despite the hearing extending for multiple hours, the BZA decided to defer its decision until a later hearing, scheduled for September 25, 2024.

ANC Outreach: At the June 12th BZA hearing, the BZA requested ANC 2E to have discussions with the applicant regarding potential solutions to address the quality-of-life issues raised by opposing residents, with emphasis on addressing on use of resident stoops for customer seating given the lack of seating at the leased

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	

property for the applicant's business model. An endless amount of time has been spent by the single member ANC representative and other ANC representatives on the topic with the applicant and surrounding neighbors.

Applicant Actions: The applicant has begun a new practice to retain staff who stand on the sidewalk during peak periods to monitor the activity of its patrons and, as needed, request that the patrons not loiter or eat on residents' stoops or block public property while consuming food from their business. The applicant did attempt to negotiate to pay for designated seating for their customer at neighboring properties, however a deal to pay for designated seating was not reached. The applicant has also been focused on assigning staff to remove any trash in public areas and maintaining a written log specifically for surrounding neighbors' concerns.

Positions of Surrounding Residents: With regard to the opposing and supporting neighbors, the positions of both groups have not changed. ANC 2E recognizes both the quality-of-life complaints and those who see the benefit of the business.

ANC Support for Area Variance (Corner Store): For BZA case #21157, ANC 2E provides a supplemental resolution to the BZA. ANC 2E supports the applicant's request for an Area Variance to operate a corner store at this location.

Referring to the BZA for the Special Exception (Prepared Food): ANC 2E has no zoning expertise, or enforcement power. Our June 3rd ANC 2E resolution stated that the ANC could not at that time support the Special Exception request of the applicant. At this time, our ANC has a disagreement over the Special Exception. ANC 2E looks to the BZA to make a judgment regarding the Special Exception relief sought by this applicant.

If the Special Exception is granted, ANC 2E urges the BZA to impose conditions that address the concerns regarding adverse impacts to residential quality of life. ANC 2E welcomes ongoing dialog with the applicant on this and other matters.

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, reading "Gwendolyn Lohse", followed by a long horizontal flourish line.

Gwendolyn Lohse
Chair, ANC 2E