

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**



**BZA Application No. 21160
Three Tables, The LLC
1314 21st Street, N.W. (Square 69, Lot 228)**

HEARING DATES: September 18, 2024, October 2, 2024
DECISION DATE: October 2, 2024

SUMMARY ORDER

Relief Requested. The application requests, pursuant to Subtitle X § 1002, a use variance from the use restrictions of Subtitle U § 401, to allow a prepared food shop and retail use in an existing nonconforming use (art gallery) on the first floor of an existing three-story, mixed-use building in the RA-2/DC zone at premises 1314 21st Street, N.W. (Square 69, Lot 228).

The zoning relief requested in this case was self-certified. (Exhibit 393-B – Updated; Exhibit 4 – Original.)¹

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 2B, the “affected ANC” pursuant to Subtitle Y §§ 101.8 and 403.5(b) of the Zoning Regulations (Title 11 of the DCMR, Zoning Regulations of 2016, to which all references are made unless otherwise specified).

Notice of the Application and Public Hearing. The Board of Zoning Adjustment (the “Board”) referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

ANC Report. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on May 8, 2024, at which a quorum was present, the ANC voted to support the application. (Exhibit 17.) The ANC report raised no issues or concerns.

Office of Planning (“OP”) Report. OP submitted a report recommending approval of the application. (Exhibit 425.)

District Department of Transportation (“DDOT”) Report. DDOT did not submit a report to the record related to this application.

¹ The application was amended to withdraw the originally requested special exception and area variance, and request a use variance instead, as noted in the caption above.

Persons in Support. The Board received letters in support of the application. (Exhibits 21-80, 83-296, 298-363, 365-392, 394-424, 426-455, 458-466, 468-472, 474, 476, 478, 480-484.)

At the September 18, 2024 public hearing, Kavitha Cardoza and Che Ruddell-Tabisola testified in support of the application.

Persons in Opposition. The Board received a letter in opposition to the application. (Exhibit 479.)

CONCLUSIONS

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form where granting an application when there was no party in opposition. As a summary order, it does not constitute binding legal precedent on the Board and shall not be considered by the Board in evaluating future applications.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested variance relief can be granted because:

- There exists an exceptional or extraordinary situation or condition related to the property;
- The exceptional condition creates a practical difficulty, in the case of an area variance, or an undue hardship, in the case of a use variance, in complying with the Zoning Regulations;
- The relief can be granted without substantial detriment to the public good; and
- The relief can be granted without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

DECISION

Based on the case record and the testimony at the hearing, the Board concludes that the applicant has satisfied the burden of proof for the requested relief:

- Use Variance from the use restrictions of Subtitle U § 401, pursuant to Subtitle X § 1002, to allow a prepared food shop and retail use in an existing nonconforming use (art gallery) on the first floor of an existing building at premises 1314 21st Street, N.W. (Square 69, Lot 228).

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibit 6 of the record, as required under Subtitle Y §§ 604.9 and 604.10, subject to the following **CONDITIONS**:

1. The Applicant shall limit the number of seats that may be occupied for any tea service to a maximum of 17 seats.
2. The Applicant shall limit beverage sales to water and tea, and shall limit food sales to tea biscuits and cookies. No other food items shall be sold. The approved food and beverage

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items (tea, water, tea biscuits, and tea cookies) may be consumed on premises or taken to go. Tea may be taken to go in any form (ex. loose leaf, tea bags, brewed and poured into a to-go cup).


3. The Applicant shall not install or utilize cooking equipment at the subject property except for cooking equipment required to prepare and serve tea and accompanying pre-made tea biscuits or cookies. The Applicant shall not bake or cook biscuits, cookies, or other food items on site.
4. The Applicant shall not permit yearly revenue from food and beverage sales to exceed the yearly revenue from the pottery gallery sales (artisan tea wares, handicrafts, and unique gift items).

VOTE: 3-0-2 (Frederick L. Hill, Chrishaun S. Smith, and Anthony J. Hood to APPROVE; Lorna L. John and Carl H. Blake not present, not participating)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

ATTESTED BY:


SARA A. BARDIN
Director, Office of Zoning

FINAL DATE OF ORDER: October 15, 2024

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS, UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.