

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA Application No. 21334
Della Barba Company
1382 East Capitol Street, NE (Square 1035, Lot 814)

HEARING DATE: September 10 and November 19, 2025; January 28, 2026
DECISION DATE: January 28, 2026

SUMMARY ORDER

RELIEF REQUESTED. The application requests the following relief in order to allow a new corner store operating as an eating and drinking establishment on the 1st floor and basement of an existing two-story row building (residential on second floor) with outdoor seating in public space in the RF-1 zone:

- Special Exception under the corner store requirements of Subtitle U § 254.14, pursuant to Subtitle X § 901.2

The zoning relief requested in this case was self-certified. (Exhibit 48 (Final Revised).)¹

PARTIES. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6A, 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 June 12, 2025, at which a quorum was present, the ANC voted to support the relief originally requested by the Applicant. (Exhibit 36.) The ANC report raised no issues or concerns.

OFFICE OF PLANNING ("OP") REPORT. OP testified at the January 28, 2026 public hearing recommending approval of the amended application requesting special exception relief under the corner store requirements of Subtitle U § 254.14.

¹ The application was amended to withdraw two areas of relief: a use variance to convert a fast food use to a restaurant use with outdoor seating, and a special exception from the minimum vehicle parking requirements. Prior to the January 28, 2026 public hearing, special exception relief was added under the corner store use requirements of Subtitle U § 254.14. See prior self-certification form in Exhibit 4.

OP previously recommended approval of use variance relief in its report dated November 5, 2025. (Exhibit 42.) Additional memorandums from OP noted they needed more information or additional time to review the application and were not able to provide a recommendation. (Exhibits 33 and 50.)

DISTRICT DEPARTMENT OF TRANSPORTATION (“DDOT”) REPORT. DDOT submitted a report indicating that it had no objection to the original application because it concluded that the relief would not result in any adverse impacts to the District’s transportation network. (Exhibit 35.)

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 special exception relief can be granted because:

- It is in harmony with the general purpose and intent of the Zoning Regulations and Map;
- It will not tend to affect adversely the use of neighboring property; and
- Pursuant to Subtitle X § 901.2(c), the relief satisfies the specified conditions for special exception relief.

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:

- Special Exception under the corner store requirements of Subtitle U § 254.14, pursuant to Subtitle X § 901.2

Accordingly, it is **ORDERED** that the application is **GRANTED** consistent with the plans shown in Exhibits 6A1, 6A2, 6A3, 20 of the record, as required under Subtitle Y §§ 604.9 and 604.10, subject to the following **CONDITIONS**:


1. The hours of operation shall not exceed 7:30am to 10:00pm, Monday through Sunday.
2. The Applicant shall not utilize or permit music or other amplified sound outside the corner store.
3. The Applicant shall provide trash screening as shown in the renderings in Exhibit 6A3.

VOTE: 3-0-2 (Carl H. Blake, Brittney Drakeford, and Robert E. Miller to APPROVE;
two Board seats vacant)

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: February 4, 2026

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 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.