

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
)	
GF, Inc.)	Case No.: 19-PRO-00033
t/a Il Canale)	License No: ABRA-083707
)	Order No: 2019-530
)	
Application to Renew a)	
Retailer's Class CR License)	
)	
at premises)	
1063-1065 31st Street, N.W.)	
Washington, D.C. 20001)	

BEFORE: Donovan Anderson, Chairperson
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ALSO PRESENT: GF, LLC, t/a Il Canale, Applicant

Matthew L. Devendorf, Counsel, on behalf of the Applicant, Protestant

Louise Sagalyn, Protestant

Richard G. Murphy, Chairperson, Advisory Neighborhood Commission (ANC) 2E, Protestant

John Uhar, Abutting Property Owner, Protestant

Roger Uhar, Abutting Propwerty Owner, Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DENYING RECONSIDERATION

In Board Order No. 2019-449, the Alcoholic Beverage Control Board dismissed the protest filed by Louise Sagalyn for failing to qualify as an abutting property owner under D.C.

Official Code § 25-601(1). The Board dismissed the protest because her property at 3071 Canal Street, N.W., does not abut the establishment operated by GF, LLC, t/a Il Canale, (Applicant) which is located at 1063-1065 31st Street, N.W.

Subsequently, Ms. Sagalyn filed for reconsideration arguing that she should be deemed an abutting property owner because the Applicant allegedly “uses the unpermitted shed it built on Lot 0842 for its daily business. *Mot. for Reinstatement*, at 1. She further provides that DCRA has issued a stop work order for Lot 0842 addressed to 1065 31st Street, N.W., and the establishment previously proposed to put a summer garden on that location. *Id.* She also adds that Lot 0842 has no address and directly borders her property, and argues that the lot should be considered part of the restaurant’s property. *Reply*, at 1.

The Applicant argues that its renewal application only concerns 1063-1065 31st Street, N.W. and that Ms. Sagalyn’s property does not border these locations, which indicates that she does not qualify as an abutting property owner. *Applicant’s Response*, at 1-2.

The Board takes administrative notice of the official zoning map of the District of Columbia. The map shows that 1063 31st Street, N.W., occupies Lot 0064, while 1065 31st Street, N.W., occupies Lot 0819. *Zoning Report for 1063 31st Street N.W.*; *Zoning Report for 1065 31st Street, N.W.* (on file with ABRA). These two lots border an alley and Lot 0842, but do not border Ms. Sagalyn’s lot. *Id.* Lot 0842 is the alleged site of the shed, which is described in the zoning map as having an address of Canal Road, N.W., with no number. *Zoning Map for Canal Road, N.W.* (on file with ABRA). Ms. Sagalyn’s property is located at 3071 Canal Street, N.W., and occupies Lot 0833, which borders Lot 0842. *Zoning Map for 3071 Canal Street, N.W.* (on file with ABRA). The Board notes that the Applicant’s license does not presently cover Lot 0842.

The Board agrees with the Applicant, and denies reconsideration of Board Order No. 2019-449. Under § 25-601(1), standing to protest a liquor license application is granted to “abutting property owner[s].” D.C. Code § 25-601(1). As noted in § 101.2, the Board measures distances between properties from the “property lines of the places.” 23 DCMR § 101.2 (West Supp. 2019). This means that “as a matter of law, when two lots have property lines that touch, those lots are considered abutting under § 25-601, because there is no distance between the lots in accordance with § 101.2.” *In re Park Place, Inc., t/a The Park Place at 14th*, Case No. 13-PRO-00153, Board Order No. 2014-026, 2 (D.C.A.B.C.B. Jan. 15, 2014). It also means that when two properties do not share a property line they cannot be deemed abutting. *In re States & Letters Restaurant, LLC, t/a The Dabney*, Case No. 15-PRO-00020, Board Order No. 2015-286, 2 (D.C.A.B.C.B. Jun. 3, 2015).

In this case, the official zoning map shows that the property lines of the Applicant’s establishment do not border Ms. Sagalyn’s property. The mere use of the shed on a separate property does not move the Applicant’s property lines. Moreover, the use of the Applicant’s address on a stop work order does not overrule the official zoning map. Consequently, the Board finds no persuasive reason for disturbing its prior standing determination.

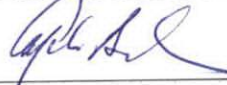
ORDER

Therefore, the Board, on this 10th day of July, hereby **DENIES** the motion for reinstatement and reconsideration. The ABRA shall deliver a copy of this order to the Parties.

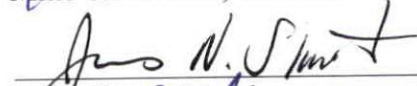
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Mike Silverstein, Member



James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. *See* D.C. App. Rule 15(b) (2004).