

a Roll Call Hearing on December 5, 2022, 2022, in accordance with D.C. Official Code § 25-601. The Application was protested by Advisory Neighborhood Commission (ANC) 1B, a group of residents and property owners, and two abutting property owners, Michelle Ringuette and David L. Price, who are also separately members of the group.

Subsequently, the Applicant filed a motion to dismiss the Abutting Property Owners. The Abutting Property Owners object to the motion because they argue their building shares a wall with the Applicant’s building. Nevertheless, as part of the motion, the Applicant describes and cites the Board’s precedent regarding the determination as to whether two properties are abutting. *Mot. to Dismiss*, at 2. Specifically, the motion states:

“[A]s 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 [23 DCMR] § 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). “. . . [T]he Board has held that a property that is separated by an alley and does not share a property line cannot be deemed abutting for the purposes of standing.” *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) Additionally, in an advisory opinion, the Board noted that when determining whether a property is abutting it “should not consider areas not under the ownership or control of the applicant.” *An Interpretation of D.C. Official Code § 25-333*, Board Order No. 2019-446, at 5 (D.C.A.B.C.B. May 22, 2019) (Advisory Opinion).

Id.

In this case, the Abutting Property Owners own 1324 Florida Avenue, N.W., and the Applicant is a tenant at 1328 Florida Avenue, N.W. *Id.* As noted in the lease, the Applicant only leases a portion of the premises, and that portion is separated by a vacant area not owned or occupied by the Applicant, which separates the Applicant’s leased property from the Abutting Property Owners’ property. *Id.* at 3. Under these circumstances, the arrangement of the properties does not qualify Michelle Ringuette and David L. Price as abutting property owners pursuant to D.C. Official Code § 25-601.

The Board notes that this determination does not impact Ms. Ringuette and Mr. Price’s standing as part of the group.

ORDER

Therefore, for the above-mentioned reasons, the Board on this 25th day of January 2023, hereby **GRANTS** the motion to dismiss the Abutting Property Owners Michelle Ringuette and David L. Price. A copy of this Order shall be provided to the parties.

District of Columbia
Alcoholic Beverage Control Board

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Jeni Hansen, Member

I dissent from the position taken by the majority of the Board.

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Edward Grandis, Member
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Edward S. Grandis, 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, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official 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; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR

§1719.1 (2008) 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).