

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

In the Matter of:)
)
Elmar, LLC)
t/a Vision Lounge)
)
Application to Renew a)
Retailer’s Class CT License)
)
)
at premises)
707 H Street, N.E.)
Washington, D.C. 20002)
_____)

Case No.: 22-PRO-00104
License No.: ABRA-121350
Order No.: 2023-044

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: Elmar, LLC, t/a Vision Lounge, Applicant

Joel Kely and Graham Grossman, Designated Representatives, on behalf
of a Group of Five or More Residents or Property Owners, Protestants

Graham Grossman, on behalf of Advisory Neighborhood Commission
(ANC) 6C, Protestant

Marc Knobbe, Abutting Property Owner (Conditional), Protestant

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER DISMISSING ABUTTING PROPERTY OWNER

The Application filed by Elmar, LLC, t/a Vision Lounge (Applicant), to renew a Retailer’s Class CT License, having been protested, came before the Alcoholic Beverage Control Board for 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)

6C, a group of residents and property owners, and Marc Knobbe who attempted to obtain standing as an abutting property owner.

The Board notes that as “[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)

In this case, an investigation conducted by ABRA found that Mr. Knobbe’s property is located at 727 7th Street, N.E. The licensed location is located at 707 H Street, N.E. Based on an examination of the zoning map, the properties appear separated by an alley. Therefore, Mr. Knobbe does not qualify for standing in this matter where the properties do not have property lines that touch.

ORDER

Therefore, for the above-mentioned reasons, the Board on this 25th day of January 2023, hereby **DISMISSES** Mr. Knobbe’s protest. A copy of this Order shall be provided to the parties.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac43cb9eb9d5f09e4b730093d1dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 54f7ae373f820de6ac8c1b332d42949ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fcaadfb6e146d7f4b75bd7917d2bd

Bobby Cato, Member

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Rafi Aliya Crockett, Member
Key: b560e91845e1f9e4016155e5c12f81cc

Rafi Crockett, Member

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Jeni Hansen, Member
Key: 82172931f0506447491b56f9c2a41899

Jeni Hansen, Member

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

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bdca7f9f0040ec14adeb52541ce5

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).