

Before the Board of Zoning Adjustment, D. C.

Application No. 12038, of Peter J. Fitzgerald, pursuant to Sub-Section 8207.2 of the Zoning Regulations, for a special exception under Section 7109 and Sub-section 7104.2 to permit a change of non-conforming use from an office to a pottery school and office and under Sub-section 7105.2 for permission to extend the same to the basement area, or in the alternative, a special exception under Paragraph 3104.42 to permit a school in the R-5-D District at the premises 2534 - K Street, N. W., (Square 16, Lot 893).

HEARING DATE: January 21, 1976, February 18, 1976

DECISION DATE: February 24, 1976

FINDINGS OF FACT:

1. The property is located in a R-5-D District.
2. The property is improved with a three story brick structure.
3. The last recorded Certificate of Occupancy for the ground floor was No. B-85349, dated April 9, 1973 for an office use. An office use is first permitted in a C-1 District. The upper floors are used as apartments.
4. The proposed use is as a pottery school, with no more than nine (9) students in a class and no more than one (1) class at a time. Total enrollment is now approximately 75 people, with class sizes generally of 6-7 people. The basement of the premises would be used for storage. A school is a use first permitted in an SP District.
5. A large number of students at the school will come from the neighborhood.
6. The applicant submitted a survey showing that 55% of the students who attend classes either walk , ride bicycles, take the bus or are picked up and dropped off by car.
7. There will be no structural changes to the building.

8. The subject property is surrounded on two sides by a parking lot. Across the street to the west freeway ramps. On the north, K Street is elevated and effectively separates the property from other property in the northerly direction.

9. The Municipal Planning Office by report dated January 16, 1976, recommended approval of the application subject to the condition that the existing sign be replaced.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the change of non-conforming use is permissible, as a school is first permitted in an SP District and an office is first permitted in a C-1 District. The Board concludes that the use would be a neighborhood facility and will also not be objectionable to the neighborhood. The Board concludes that the use will not adversely affect the present character or future development of the area. The Board concludes that the extension of the use will not involve any structural alteration. The Board conclude that the existing signs are in character with the Foggy Bottom Area. Therefore, ordered that the application for change and extension of use be GRANTED.

VOTE: 3-0 (Mrs. McZier, Mr. McIntosh and Mr. Harps to grant, Mr. McCants recusing himself and Lilla Burt Cummings, Esq., abstaining not having heard the case.)

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

ATTESTED By: \_\_\_\_\_

*Steven E. Sher*  
STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF ORDER: MAR 9 1976

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.