

PUBLIC HEARING--June 16, 1965

Appeal #8233 Nancy B. Reuter, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on June 22, 1965:

**ORDERED:**

That the appeal to change a nonconforming use from a hand weaving studio and retail sales to a ready to wear apparel shop at 1263 - 35th Street, N.W., lot 845, square 1221, be conditionally granted.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot has a frontage of 23.50 feet on 35th Street and a depth of 49 feet to a public alley in the rear. The lot contains an area of 1152 square feet. The property is improved with a two-story building designed for commercial use and with the first floor having been used until recently as a hand weaving studio.

(2) An inspection of this and surrounding properties indicates nonconforming uses across N Street and at the northwest corner of 35th and N Street. Directly opposite across 35th Street is the old Hospital building.

(3) There was objection to the granting of this appeal registered at the public hearing. The owner of 1259 - 35th Street is in favor of the granting of this appeal. The contention of the objectors was the change of use would be a down-grading from the hand weaving studio with retail sales; that when a nonconforming use has been changed to a conforming or more restrictive use, it cannot be changed back to a nonconforming or less restrictive use; that the shop will draw traffic and people from outside the area and that this new use will lower the residential value of their homes.

**OPINION:**

From an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board found that three corners of this intersection have nonconforming uses and the old Hospital building on the other corner, which, in our opinion creates what appears to be a local shopping area. We are further of the opinion that the location of this particular building is such as not to be objectionable to the neighborhood and to not affect adversely the present character or future development of the neighborhood in accordance with these regulations and the Comprehensive Plan for the District of Columbia. The Board also finds that the previous use as well as the proposed use are in the same commercial class, and that this use as well as the previous use were not altogether neighborhood facilities, but could draw customers from other than the local community.

In conclusion the Board is of the opinion that the new use will not create the conditions complained of such as increased traffic, increased number of persons coming to the shop, nor in our opinion will it downgrade the neighborhood or lower the value of their homes.

In view of the above it is our opinion that this exception will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said zoning regulations and maps.

This Order shall be subject to the following condition:

- (a) No neon or gas tube displays shall be located on the outside of the building, nor shall any such displays, if placed inside the building, be visible from the outside of the structure.