

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- June 14, 1967

Appeal No. 9255 Nancy B. Reuter, appellant.

The Zoning Administrator, District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on June 20, 1967.

**ORDERED:**

That the appeal for permission to extend a nonconforming men's apparel shop to part of first floor and second floor at 1263 - 35th Street, NW., lot 845, Square 1221, be denied.

**FINDINGS OF FACT:**

- (1) The subject property is located in an R-3 District.
- (2) The property is improved with a two-story brick row structure with a store front window on the first floor.
- (3) The first floor is occupied as a men's apparel shop and the upper floor is used residentially.
- (4) It is proposed to extend the present nonconforming use to the second floor of the building.
- (5) Appellant states that most of the added facility for the nonconforming use would be used for storage of merchandise.
- (6) There was considerable opposition to the granting of this appeal. The Citizens Association of Georgetown opposed the appeal and the record contains five letters opposing this appeal.

**OPINION:**

We are of the opinion that the extension of this nonconforming use would have an adverse effect upon the present character and future development of the neighborhood.

The extension of nonconforming uses should only be done under very limited circumstances. In this instance, we have a small nonconforming use that is at present having no significant adverse affect upon the neighborhood. If such a use is to remain in the residential district, then we feel that it should remain in its present state without enlargement. The nonconforming use statute contemplates that the property will eventually return to a use that is permitted within the zoning classification, not that the nonconforming use will thrive and expand.

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

ATTESTED:

By: James E. Bess  
JAMES E. BESS  
Secretary of the Board