GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs

Office of the Director

May 26, 2005

[Served via email and regular mail]

Jack McKay, Chair
Mount Pleasant Advisory Neighborhood Commission, 1-D
P.O. Box 43529
Washington, D.C. 20010

Re: ANC 1-D Irving Street Zoning Resolution

Dear Commissioner McKay:

This letter is in response to a May 23, 2005 Advisory Neighborhood Commission 1-D (ANC-1D) Resolution related to the property located at 1636 Irving Street, N.W. In the Resolution, ANC-1D requested that the Department of Consumer and Regulatory Affairs (DCRA) refrain from issuing any Certificate of Occupancy for the property, as presently configured, pending approval from the D.C. Office of Zoning. The Resolution suggests, in support of the requested action, that the building permit issued for the property on December 17, 2004 allows the conversion of the Property into a seven-unit apartment house in violation of the minimum lot area requirements of 11 DCMR § 401.3 and § 330.5(c).

Records show that on September 9, 2004, DCRA issued a building permit (B465646) to construct a three-story rear addition to the structure. Several months later, on December 17, 2004, DCRA issued a second building permit (B468513) authorizing the property owner to construct an additional three units for a total of seven units in the structure. DCRA's examination of property records and information available to the agency disclosed errors in the review and issuance of the building permits. As you are aware, the structure is now complete and units are now for sale; in fact, only cosmetic work remains. The building code official has determined that the structure meets building code requirements.

At the very time when I have committed to restoring the confidence of the community in this agency, I cannot allow this situation to undermine that confidence. While there is no way that I can correct this situation to the satisfaction of all the affected parties, I will not penalize those who relied upon the flawed decisions of the regulatory agency charged with approving the work.

I am deeply disturbed that such gross mistakes were made at the highest levels of the zoning administration with such serious consequences. I apologize to the Commission and to the community for this error.

BZA
CASE No 17411
EXHIBIT No.44

Board of Zoning Adjustment
District of Columbia
CASE NO. 17411
EXHIBIT NO.44

The Zoning Administrator will not deny the property owners a Certificate of Occupancy for the property on the basis of the zoning review error. ANC 1D, of course, has the right to appeal this decision to the Board of Zoning Adjustments (BZA).

Finally, it is important that you know that I have not taken this matter lightly. In addition to ordering a complete review of the procedures used by the Zoning Administrator in this matter, I will take appropriate and serious personnel actions against those staff members involved. Be assured that I will not allow poor staff performance to impact the credibility of this agency or undermine the "foundation of an R-4 District," as the ANC Resolution states.

Should you have further questions regarding this matter, please feel free to contact me at (202) 442-8936 or via email at patrick.canavan@dc.gov. You may also contact my Chief of Staff, Theresa Lewis, at (202) 442-8937.

Sincerely,

Patrick J. Canavan, Psy.D.
Director

cc: Deputy Mayor Stanley Jackson
Councilmember Jim Graham