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ANC 1-D Irving Street Zoning Resolution

Passed by unanimous vote at the legally noticed, public monthly meeting of May 23, 2005, with a quorum present.

Resolved, that ANC1D advises the District Department of Regulatory and Consumer Affairs (DCRA) to refrain from issuing any certificate of occupancy for the residences at 1636 Irving Street Northwest, as currently configured, pending approval from the District Office of Zoning ; resolved further, that ANC1D advises the District Office of Zoning to review this property immediately for possible violations of R4 zoning regulations, and notify the ANC of any decisions and concerns, with full description of rationale.

Issues and Concerns

The building at 1636 Irving Street Northwest has been developed into seven dwelling units on a lot of 2997 square feet area. According to DCMR 11, 401.3, an "apartment house" in an R-4 district must have 900 square feet of lot per dwelling unit, implying no more than three dwelling units on this lot. The posted construction permit specifies that the permit is "subject to zoning approval of number of units in zone".

This development, if allowed, would eliminate the very foundation of an R-4 District, namely that "the R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement" (Title 11, Section 330.3). Most row houses can, within the 900 square foot per apartment rule, be divided into three dwelling units; whereby they become, by DCMR definition, "apartment houses"; whereby, if the precedent set by this development stands, it might be possible to increase the number of apartments without limit, in disregard of the 900 square foot per apartment rule. Such a precedent would be catastrophic for R-4 neighborhoods in Mount Pleasant, Columbia Heights, and elsewhere in the District of Columbia.

BZA
CASE No. 17411
EXHIBIT NO. 55

Board of Zoning Adjustment
District of Columbia
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