

Burden of proof for 1534 Swann Street NW Washington DC 20009

Owner Matthew Seligman

3103.5(a)

Mr. Seligman proposes to add a door in a current first level rear window space then construct a 9'x 17' first level deck behind the house on his property. The proposed deck will be made with Fiberon flooring and railing above an existing sunken concrete area to create an outdoor area for relaxation and entertainment.

The property is unique compared to other properties in the area, creating the need for a variance for this project. Mr. Seligman's lot (#92, see page 2) is substantially smaller than the other lots in the in the Square (#191). As a result, there is less space behind the back of the house than on other properties. Moreover, the space behind the house is a concrete slab sunken 4' below grade. The sunken concrete slab is bordered by a brick retaining wall to the ground level, and above ground it is bordered by a wooden board fence to the rear and a metal gate to the side alley (see attached pictures). Wooden stairs lead from the sunken concrete slab to the metal gate to the side alley. There is no access to the sunken concrete slab from the first floor of the residence. A door from the sunken concrete slab leads into the basement apartment (which Mr. Seligman owns) underneath the main residence. The current state of the rear area makes it unusable for either the main residence or for the basement apartment. By contrast, many neighbors have ample space for outdoor living spaces and have built decks and porches (see pictures).

Additionally, Mr. Seligman's residence has insufficient interior common space. Mr. Seligman's house is approximately 10' shorter than other houses on the block, which results in little usable common space. It has only approximately 600 square feet of space on the first floor (see attached surveyor's plat). Of this 600 square feet, a substantial portion is occupied by stairs to the second level and by the furnace and other utilities. There is thus no common space aside from the living room area and the dining room area on the first floor. Both provide little space because both must keep a walking space clear to get from the front of the first floor to the kitchen in the rear. The living area has room enough only for a small couch and a single chair and the dining area has room enough only for a small dining table. Pictures of the interior space, furnished prior to its sale to Mr. Seligman in August of 2014, are available at <https://www.redfin.com/DC/Washington/1534-Swann-St-NW-20009/home/9867969>. As a result, there is no room for people to stand and congregate in either. By contrast, other houses have larger footprints that facilitate larger common areas on the first floor of those houses.

Mr. Seligman's proposed project would solve these problems. The new deck would provide sufficient common space on the first floor to compensate for the limited interior common space and the lack of a traditional back yard. The deck would provide exterior space with direct access from the main residence, which is currently lacking. A rebuilt stairway will permit access to the grade level alley from the sunken concrete slab. The existing door from the basement apartment will remain, thereby preserving the space for the basement apartment.

Mr. Seligman's project will achieve these ends without substantially harming neighbors. The deck project is consistent with the neighborhood, in which most properties have rear decks. Among these nearby properties is lot #88 - which has a similar footprint but with a grade level rear area (as opposed to sunken concrete slab) and for which a variance was granted to build a rear deck. Mr. Seligman's deck project will be constructed entirely inside of the property lines, alongside the existing board on board privacy fence with approximately 1' to 18" of deck railing visible above the fence from the outside. The use of visually pleasing materials along with keeping the

project within the existing fence line will minimize the visibility of the structure to the surrounding neighborhood as well as make sure the project remains within the property lines. The project will also retain superior light access for the basement apartment. Unlike other basement apartments on the block, the basement apartment on Mr. Seligman's property has full-size windows in the front (compared to the standard very small 6-inch windows at the ceiling that others have), which is apparent from the street view available at <https://www.redfin.com/DC/Washington/1534-Swann-St-NW-20009/home/9867969>. As a result, the main living area of the basement apartment has vastly more light than others on the block and will continue to have vastly more light than others on the block after the deck is built.

Five neighbors, including the board of the condo that owns the parking spaces immediately behind the Mr. Seligman's property and the current renter of the basement apartment, have been shown the plans and have submitted letters of support. Two others - the owner of the property across the side alley at 1532 Swann Street and the renters of the adjacent house at 1536 Swann Street - were consulted orally and gave their approval. In accord with the views of the neighbors, the neighborhood ANC has approved the project. At the ANC hearing, its members expressed that their approval was based on the positive support of the neighbors, and on the unique nature of Mr. Seligman's property. In particular, the ANC cited the fact that the deck would not reduce any green space because it will be built over the current sunken concrete slab - a feature that other properties on the block do not share.

Finally, this dwelling was constructed decades before 1958 and therefore was not designed with the current zoning regulations in place. Moreover, the project is consistent with the intent of the Zoning Regulations because it does not decrease the amount of open green space due to the uniqueness of the current sunken concrete slab arrangement. Accordingly, there would be no harm to the Regulations by granting the variance.

Back view 1534 Swann Street



Neighboring properties



Tax Map lot 92 highlighted



