



Subject Property
400 Seward Square

404 Seward Square

400 Seward Square, SE

BZA APPLICATION NO. 20289

OCTOBER 28, 2020

Discussion of Sufficiency of Relief

Overview of Project and Requested Relief

- The Property is currently improved with an existing, purpose-built apartment building with 15 units. However, the C of O is only for 14 units.
- The Applicant is proposing to add 2 units in existing space on the cellar level.
- The Subject Property has 3,445 square feet of land area and cannot add residential units as a matter-of-right (per the 900 ft. rule).
- The Applicant is therefore requesting area variance relief from E § 201.7, in order to permit 2 additional residential dwelling units in the cellar level of the Building and make the existing 15th unit a legal unit, for a total of 17 residential units.
- The Board has approved similar requests for relief in Case No. 19625, Case No. 19570, and Case No. 19196.
- The Applicant is not proposing any exterior construction.



Seward Square SE
Washington, District of Columbia
Google
Street View - Oct 2018

Subject Property
400 Seward Square

404 Seward Square



Subject Property
400 Seward Square

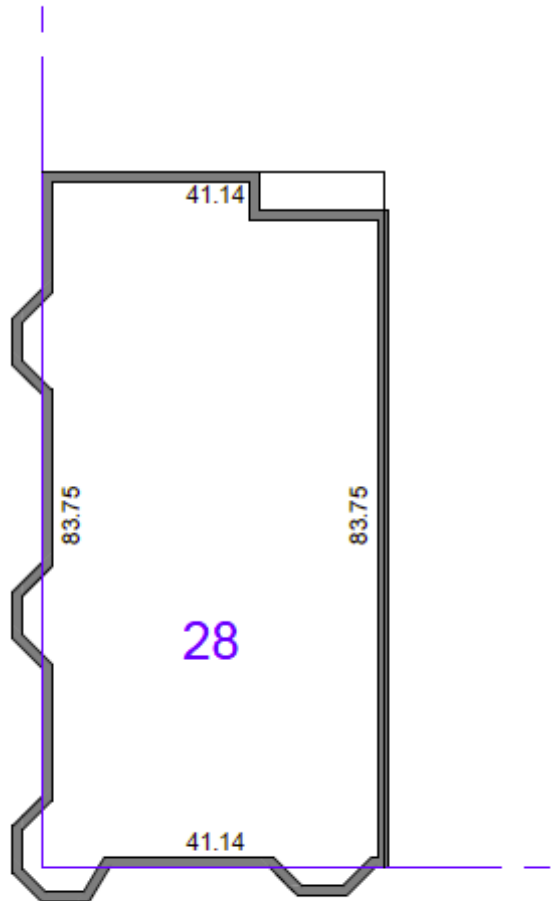


4th Street

Seward Square

Pennsylvania Ave

4th STREET, S.E.



SEWARD SQUARE, S.E.

0 10 30 60 100



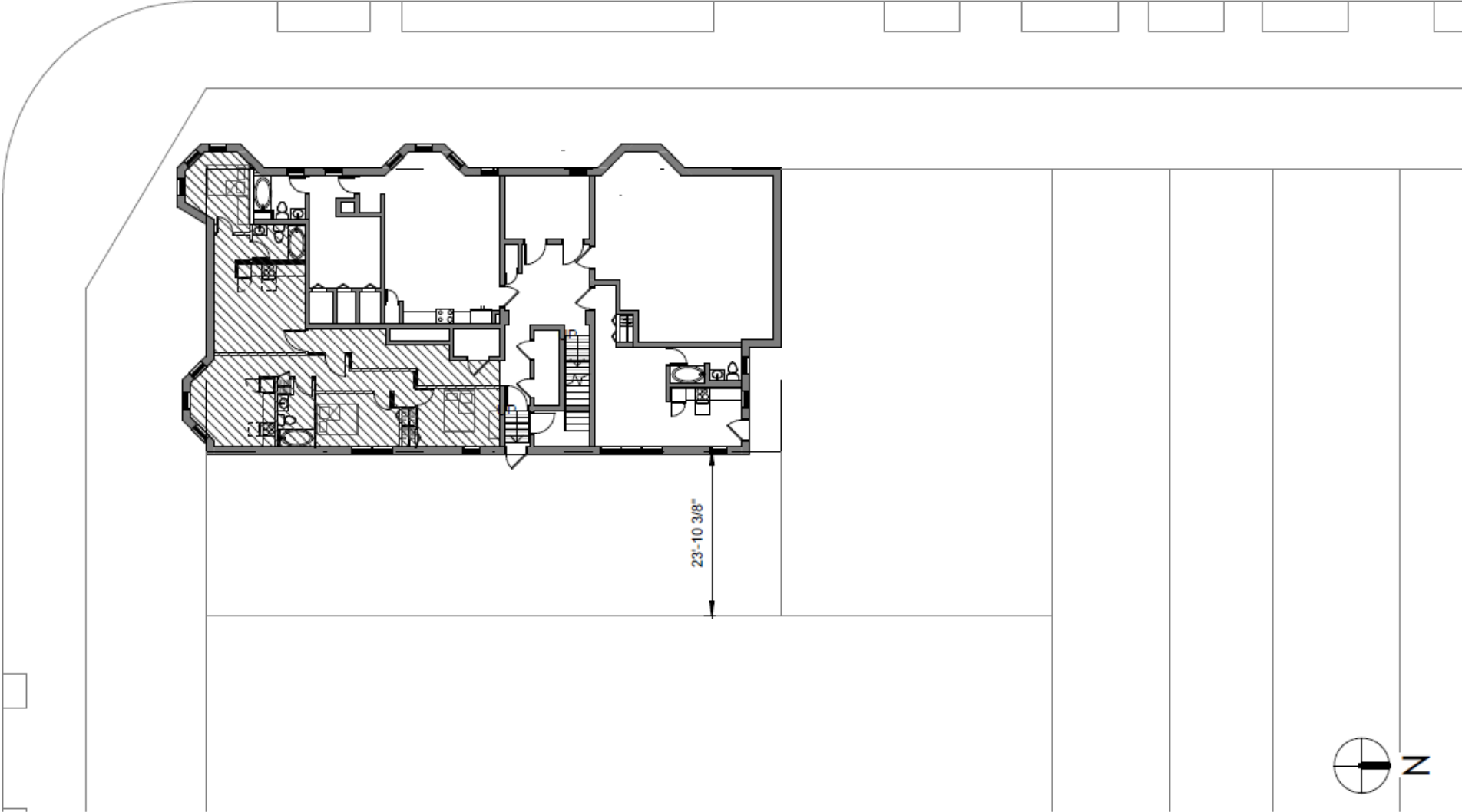
SCALE: 1:20

Plat

 NEW UNITS

4TH ST SE

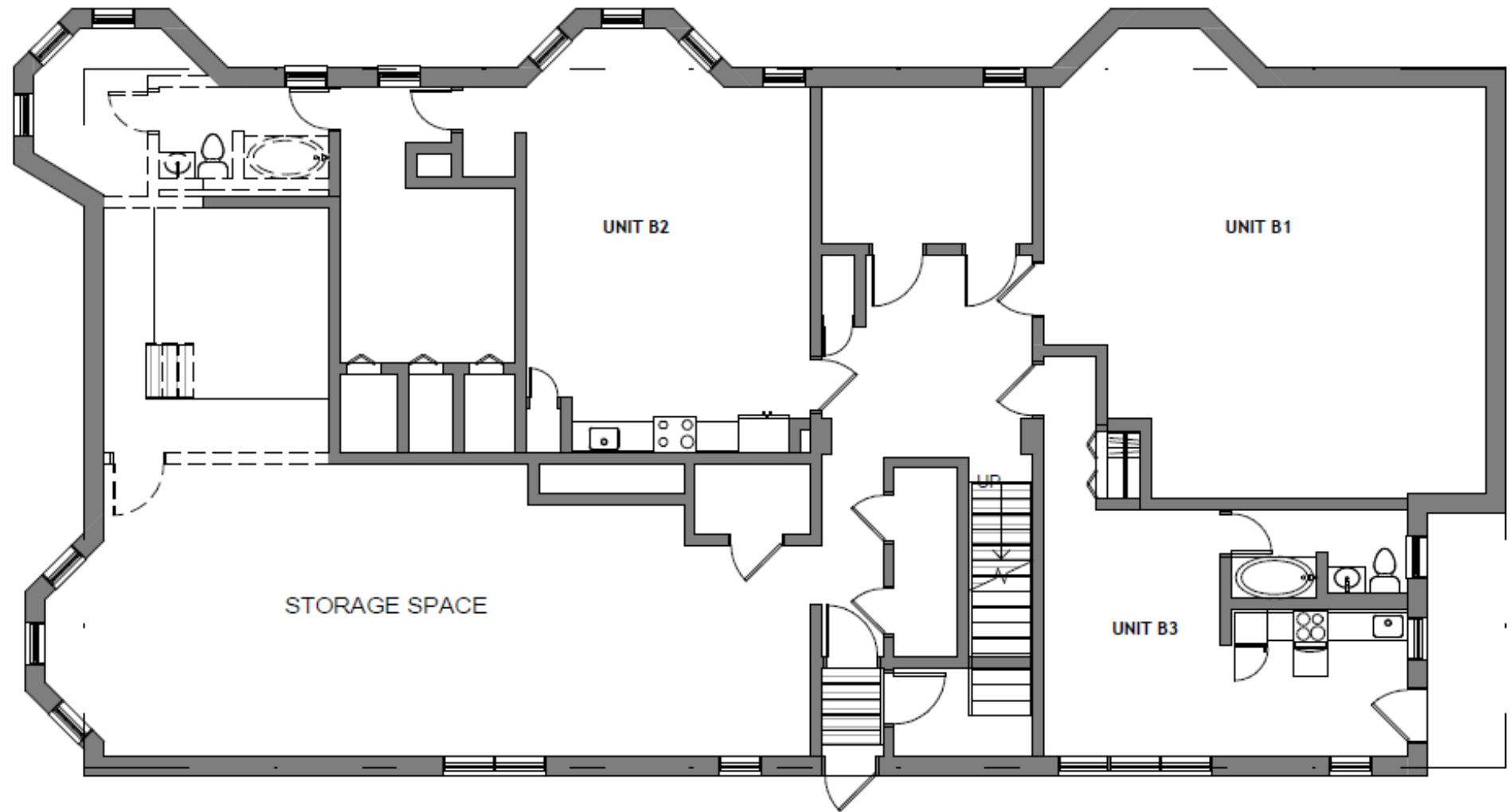
SEWARD SQ SE



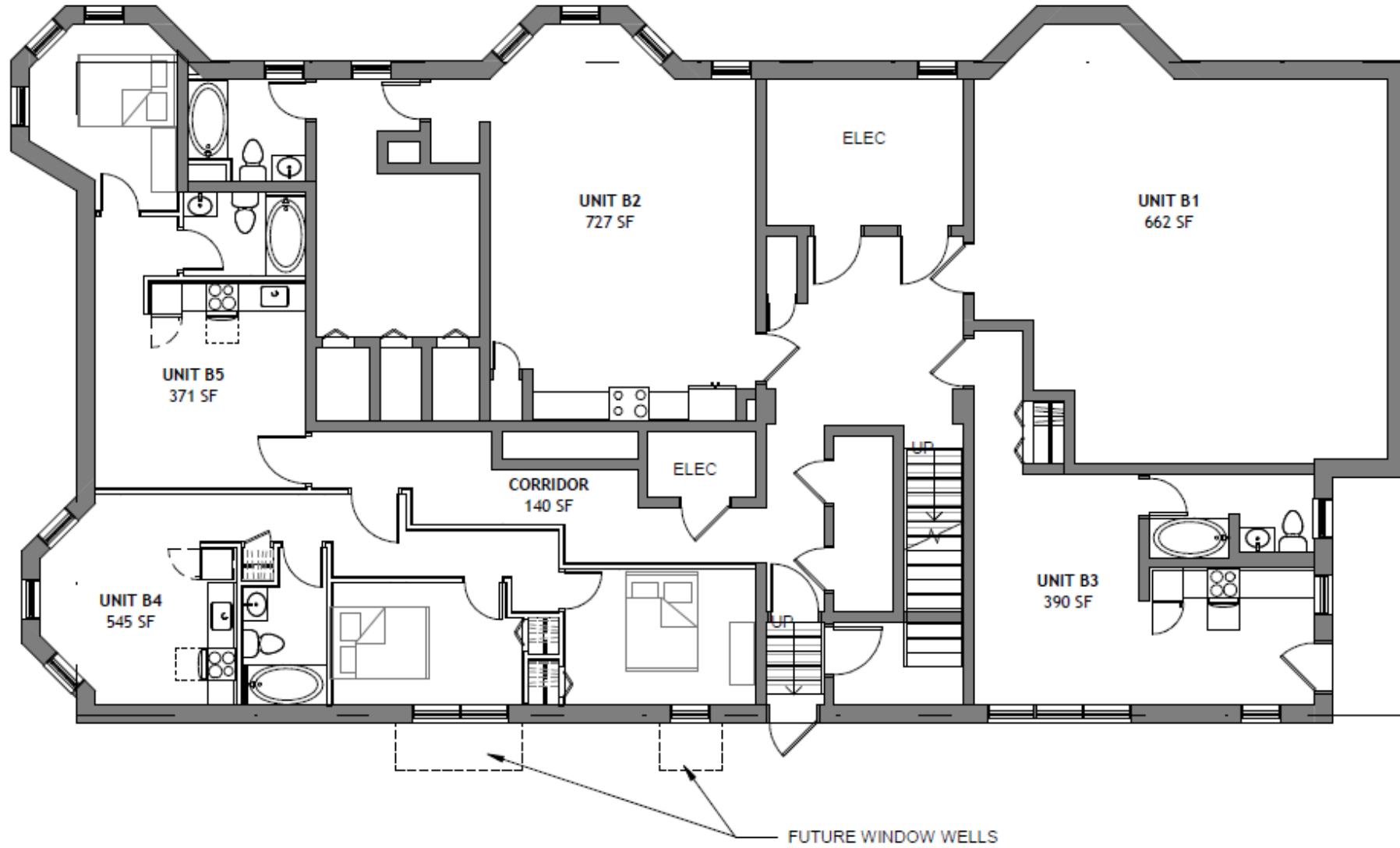
23'-10 3/8"



EXISTING BASEMENT LEVEL



PROPOSED BASEMENT LEVEL



VARIANCE REQUIREMENTS OF SUBTITLE X § 1002

1) The Property is Uniquely Affected by an Exceptional Situation/Condition

- The Subject Property is unique because it is improved with a purpose-built apartment Building which was constructed in 1905 and became legally nonconforming upon the adoption of the 1958 Zoning Regulations.
- The Building contains a significant amount of now-idle space on the cellar level, adjacent to existing units on that level.
- The current storage space has not been used by the residents for some time and that space will continue to be vacant without the requested relief.
- The residents already have in-unit laundry and storage space in each unit.

VARIANCE REQUIREMENTS OF SUBTITLE X § 1002

2) *Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Owner*

- If the Regulations were applied, the Subject Space would remain unoccupied and the Applicant would be unable to dedicate the Subject Space to any meaningful use.
- Leaving the cellar unoccupied has already created maintenance and security issues that pose safety risks to tenants, as it is the lowest level of a corner lot that has high visibility.
- The existing units have storage space and in-unit laundry facilities; accordingly, the Subject Space could not be used for additional amenities or storage.

VARIANCE REQUIREMENTS OF SUBTITLE X § 1002

2) Strict Application of the Zoning Regulations Would Result in a Practical Difficulty to the Owner

- The Applicant has also investigated the possibility of enlarging existing units adjacent to the Subject Space, by adding that space to existing units.
- This option presents a practical difficulty as Unit B2 is separated from the Subject Space by a load-bearing wall and Units B1 and B3 are separated from the Subject Space by the Building's stairwell.
- To relocate a load-bearing wall or stairwell would be extremely difficult, costly, and disruptive to the existing tenants. Even if this were feasible from a financial or construction standpoint, the Applicant would be left with overly large units in the cellar level.
- Regarding the existing fifteenth unit, if relief were not granted, the Applicant would have to eliminate an existing unit in which someone is living.

VARIANCE REQUIREMENTS OF SUBTITLE X § 1002

3) *No Substantial Detriment to the Public Good Nor Substantial Impairment to the Intent, Purpose and Integrity of the Zone Plan*

- The Applicant is proposing to make an existing unit legal and convert idle space in a purpose-built apartment building into 2 residential units.
- The Applicant is proposing residential use in the space—a use permitted in the RF-3 Zone.
- Area variance relief from the 900 ft. rule as it relates to purpose-built apartment buildings was specifically enumerated in the 2016 Zoning Regulations to allow apartment buildings to expand, so long as the request meets the variance test.
- The relief requested is minimal—only 2 additional units—and the Subject Property is impacted by a unique situation in that the ground floor space will be vacant and cannot be put to any use as a matter-of-right without creating a practical difficulty for the Applicant.
- It's also a great way to provide additional housing in the area without the need for an addition.

Conclusion

- Office of Planning is recommending approval of the application.
- DDOT has no objection to the application.
- ANC 6B supports the application.
- The adjacent neighbor at 404 Seward Square, SE, has submitted a letter in support.