400 Seward Square, SE

Washington, D.C. 20003 | Square 819, Lot 28

S|B

BZA CASE NO. 21491



APPLICANT'S TEAM

Tim Barley
400 Seward Square, LLC

Martin Sullivan
Applicant's Counsel (Sullivan & Barros, LLP)

Board of Zoning Adjustment
District of Columbia
CASE NO. 21491
EXHIBIT NO. 28

The Property



BUILDING

Purpose-built apartment house, constructed 1905; four stories plus cellar

LOT

3,445 sq. ft. corner lot

ZONE / OVERLAY

RF-1/CAP; Capitol Hill Historic District

UNITS

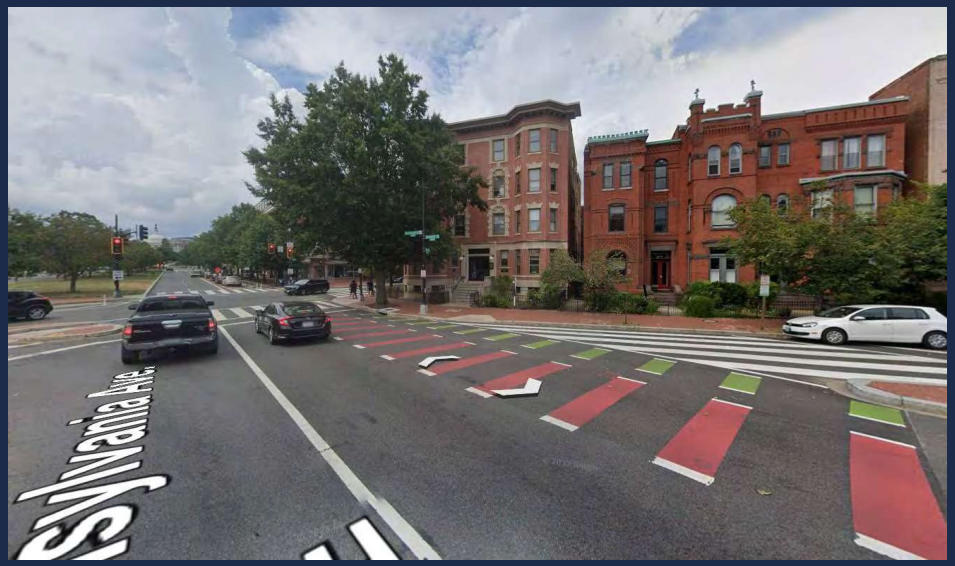
15 existing units; Certificate of Occupancy for 14

LOCATION

ANC 6B02; 8-minute walk to Capitol South Metro

The Applicant proposes, through this application, to legalize the 15th unit and add two additional dwelling units to the vacant cellar space.

Existing Conditions



View from Pennsylvania Avenue, SE



Corner of 4th Street and Seward Square, SE

No exterior change to the building's height or footprint. The two new units are located entirely within existing cellar space and require no additional excavation.

Relief Requested

Area variance from Subtitle U § 301.5(b) (900-foort rule) pursuant to Subtitle X § 1002, to legalize the existing fifteenth unit and add two units in the cellar, for a total of 17 units.

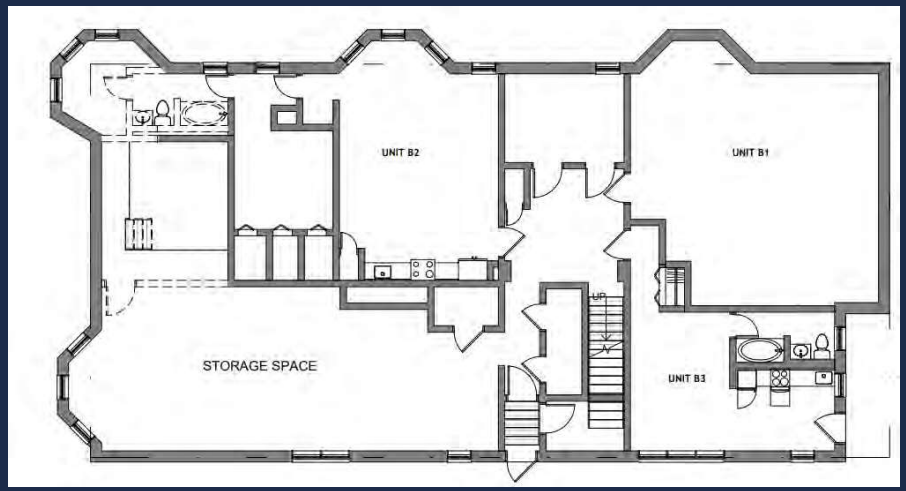
14 Units on Certificate of Occupancy

15 Units existing; the 15th dates to at least the 1970s

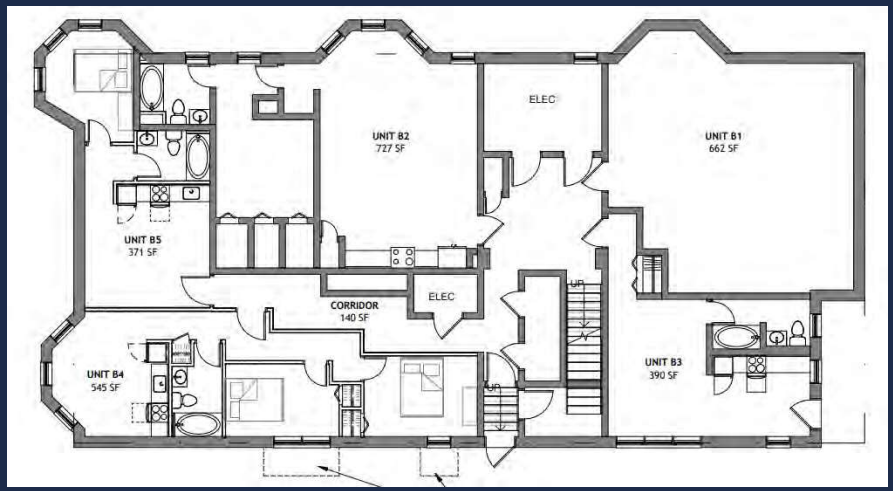
17 Units proposed (two new cellar units)

Subtitle U § 301.5(b) provides that a purpose-built apartment house built prior to 1958 may renovate or expand, provided that there is 900 square feet of lot area per dwelling unit. The Property consists of 3,445 square feet of lot area and therefore, the Applicant requests area variance relief

EXISTING BASEMENT LEVEL



PROPOSED BASEMENT LEVEL



Case History

2020

- BZA Case No. 20289 filed
- OP recommended approval; DDOT no objection
- ANC 6B voted to support (Oct. 13, 2020)
- Board approved 4-0-1 on Nov. 4, 2020; order final Nov. 18, 2020

2020–2026

- Applicant obtained building permits within the two-year window
- Permits expired due to architect error, after pause due to Covid and economic conditions
- Order No. 20289 expired when the underlying permits expired

2026

- Application re-filed May 15, 2026 for the same relief, exact same proposal
- Neighbor letter of support (July 20)
- ANC 6B P&Z Committee unanimously recommended that the ANC support approval (Sept. 3)
- Full ANC voted unanimously (8-0) to support BZA approval (Sept. 8)
- OP report supporting approval (Oct. 9)
- Architect of the Capitol report supporting approval (Oct. 12)

Exceptional Condition

AREA VARIANCE TEST | SUBTITLE X § 1002 | PRONG 1 OF 3

1

Pre-1958 purpose-built apartment house

- Built in 1905, the building predates the Zoning Regulations' lot-area-per-unit standard and cannot conform without substantial alteration.

2

Longstanding fifteenth unit

- The Building has a longstanding fifteenth dwelling unit that has existed since at least the 1970s, despite Certificates of Occupancy reflecting only fourteen units, predating current ownership.

3

Vacant, isolated cellar space

- The cellar contains substantially underutilized space that cannot practically be incorporated into existing units due to structural and layout constraints, which would make renovations costly and disruptive. The vacant space has also presented security concerns, including an unauthorized individual staying there overnight.

Practical Difficulty

AREA VARIANCE TEST | SUBTITLE X § 1002 | PRONG 2 OF 3

1

Alternatives are structurally impractical

Incorporating the cellar into existing units would require moving load-bearing walls and the stairwell: costly, inefficient, and disruptive to tenants in occupied units.

2

Resulting units would not work

Combined units would be inconsistent in size and layout with the rest of the building; folding the space into first-floor units would add circulation and reduce functionality.

3

Strict compliance removes an occupied unit

Without relief, the longstanding fifteenth unit would be eliminated and a substantial portion of the cellar would remain underutilized.

No Substantial Detriment or Impairment

AREA VARIANCE TEST | SUBTITLE X § 1002 | PRONG 3 OF 3

1

No exterior or massing change

All work is interior; no change to height, footprint, lot occupancy, or rear yard, and no additional excavation.

2

History

The Board previously approved the same relief for the identical proposal, finding that the application satisfied the variance standards under Subtitle X § 1002. The circumstances underlying that approval remain materially unchanged.

3

Consistent with the zone plan and surrounding area

Apartment use is contemplated in RF-1, and the requested relief is limited in scope and tailored to the unique conditions of this historic apartment building. The proposal is consistent with the existing multifamily character of the surrounding neighborhood and represents an appropriate adaptive reuse of existing building area.

Support in the Record

Agency / Party	Position	Record
Office of Planning	Recommends approval	Ex. 23
Architect of the Capitol	No objection; not inconsistent with RF-1/CAP	Ex. 24
ANC 6B	Unanimous support	Ex. 27
Neighbor, 125 4th Street, SE	Letter of support	Ex. 20
Prior case (BZA No. 20289)	Same relief granted 4-0-1 in 2020	Order No. 20289

Additional notice mailed Aug. 5, 2026 to the eight closest properties, including both abutting neighbors.

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., March 3, 2020

Plat for Building Permit of: SQUARE 819 LOT 28

Scale: 1 inch = 20 feet

Recorded in Book 65 Page 5

Receipt No. 20-03026 Drawn by: A.S.

Furnished to: ALEXANDRA M. WILSON

"I hereby certify that the dimensions and configuration of the lot(s) hereon depicted are consistent with the records of the Office of the Surveyor unless otherwise noted, but may not reflect actual field measurements. The dimensions and configuration of A&T lots are provided by the Office of Tax and Revenue and may not necessarily agree with the deed description(s)."

Anup Shrestha
for Surveyor, D.C.

I hereby certify that on this plat on which the Office of the Surveyor has drawn the dimensions of this lot, I have accurately and completely depicted and labeled the following:

1) all existing buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, and any existing face-on-line or party wall labeled as such, well as projections and improvements in public space - with complete and accurate dimensions;

2) all proposed demolition or raze of existing buildings duly labeled as such; all proposed buildings and improvements - including parking spaces, covered porches, decks and retaining walls over four feet above grade, any existing face-on-line or party wall labeled as such, as well as projections and improvements in public space and the improvements used to satisfy pervious surface or green area ratio requirements - with complete and accurate dimensions, in conformity with the plans submitted with building permit application _____; and

3) any existing chimney or vent on an adjacent property that is located within 10 feet of this lot.

I also hereby certify that:

1) my depiction on this plat, as detailed above, is accurate and complete as of the date of my signature hereon;

2) there is no elevation change exceeding ten feet measured between lot lines; or if so, this elevation change is depicted on a site plan submitted with the plans for this permit application;

3) I have/have not (*circle one*) filed a subdivision application with the Office of the Surveyor;

4) I have/have not (*circle one*) filed a subdivision application with the Office of Tax & Revenue; and

5) if there are changes to the lot and its boundaries as shown on this plat, or to the proposed construction and plans as shown on this plat, that I shall obtain an updated plat from the Office of the Surveyor on which I will depict all existing and proposed construction and which I will then submit to the Office of the Zoning Administrator for review and approval prior to permit issuance.

The Office of the Zoning Administrator will only accept a Building Plat issued by the Office of the Surveyor within the two years prior to the date DCRA accepts a Building Permit Application as complete.

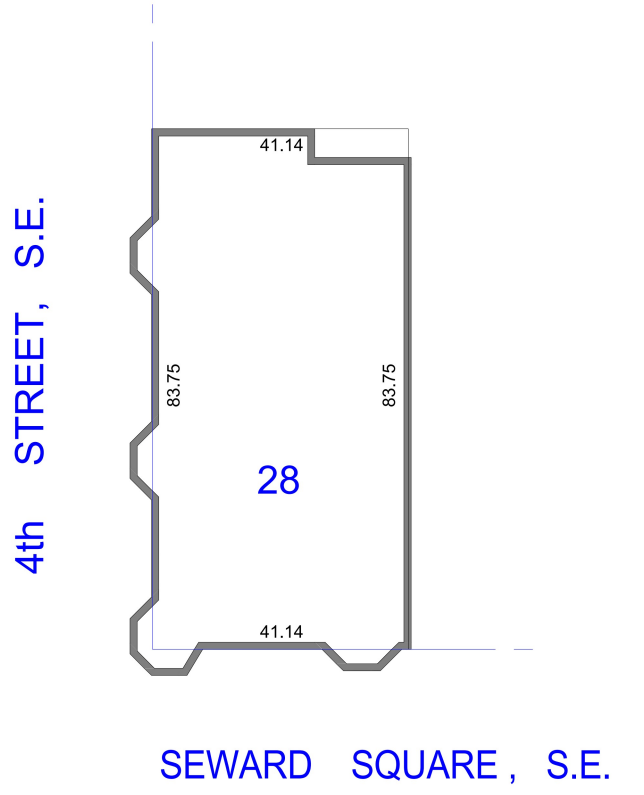
I acknowledge that any inaccuracy or errors in my depiction on this plat will subject any permit or certificate of occupancy issued in reliance on this plat to enforcement, including revocation under Sections 105.6(1) and 110.5.2 of the Building Code (Title 12A of the DCMR) as well as prosecution and penalties under Section 404 of D.C. Law 4-164 (D.C. Official Code §22-2405).

Signature: _____ Date: 3/5/2020

Printed Name: MATTHEW D. LEE Relationship to Lot Owner: ARCHITECT

If a registered design professional, provide license number ARC102579 and include stamp below.

DISTRICT OF COLUMBIA
MATTHEW DAVID LEE
ARC102579
REGISTERED
ARCHITECT



0 10 30 60 100

SCALE: 1:20

SR-20-03026(2020)
* E-MAIL

DESIGN PACKAGE FOR BZA APPLICATION #

400 SEWARD SQUARE S.E. WASHINGTON, DC 20010

ADDITION AND CONVERSION OF EXISTING CELLAR





PROJECT SPECIFICS

CONSTRUCTION TYPE:	VB
OCCUPANCY TYPE:	R2
SPRINKLER SYSTEM:	NONE
NUMBER OF STORIES:	4+CELLAR

AREA BY FLOOR

CELLAR	3,376 SF (NOT COUNTED)
FLOOR 1	3,376 SF
FLOOR 2	3,376 SF
FLOOR 3	3,376 SF
FLOOR 4	3,376 SF
TOTAL	13,504 SF

ZONING INFORMATION

ZONING CLASSIFICATION	RF- 1/CAP
SITE AREA:	3,445 SF
FOOTPRINT:	3,376
TOTAL AREA:	13,504 SF

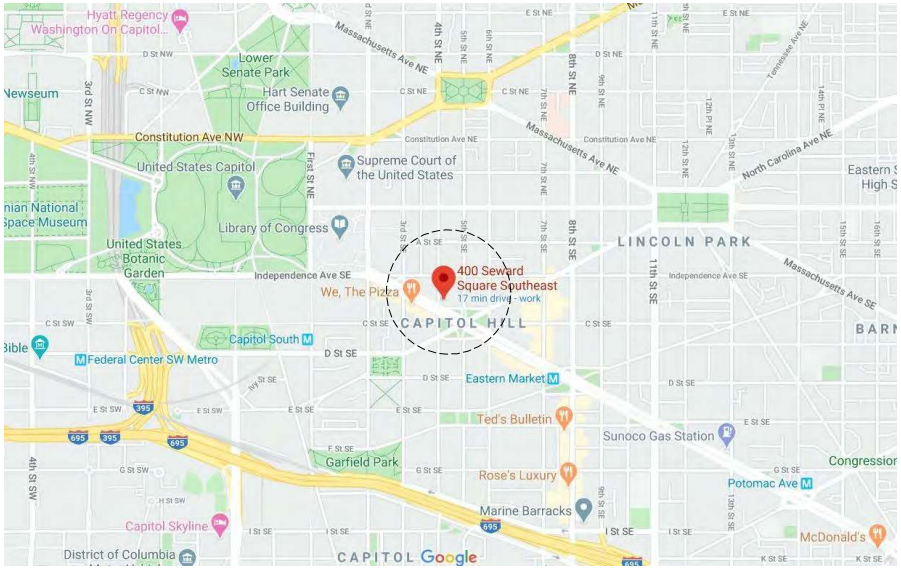
LEE DESIGN STUDIO
6818 JACKSON AVE
FALLS CHURCH, VA 22042
404.375.0733

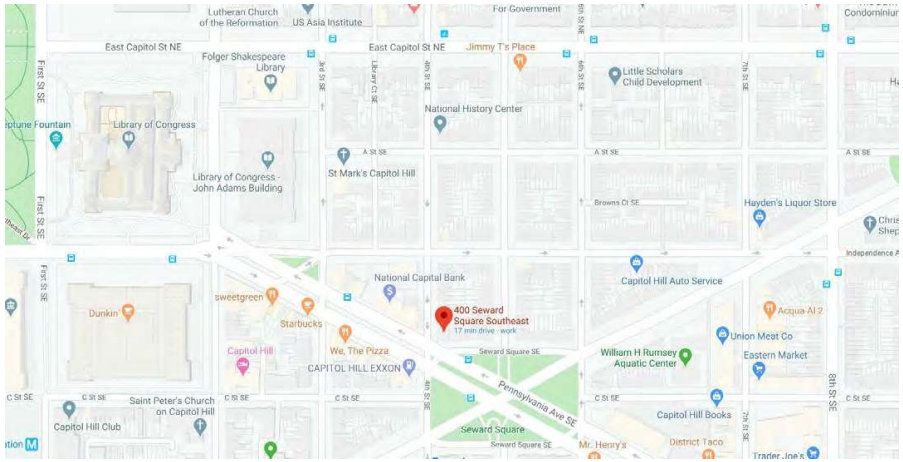
MATT@LEEDESIGN.STUDIO

Board of Zoning Adjustment
District of Columbia
CASE NO.20289
EXHIBIT NO.6

VICINITY PLAN

X02













400 SEWARD SQUARE SE
WASHINGTON DC, 20010

SEWARD SQ RENOVATION

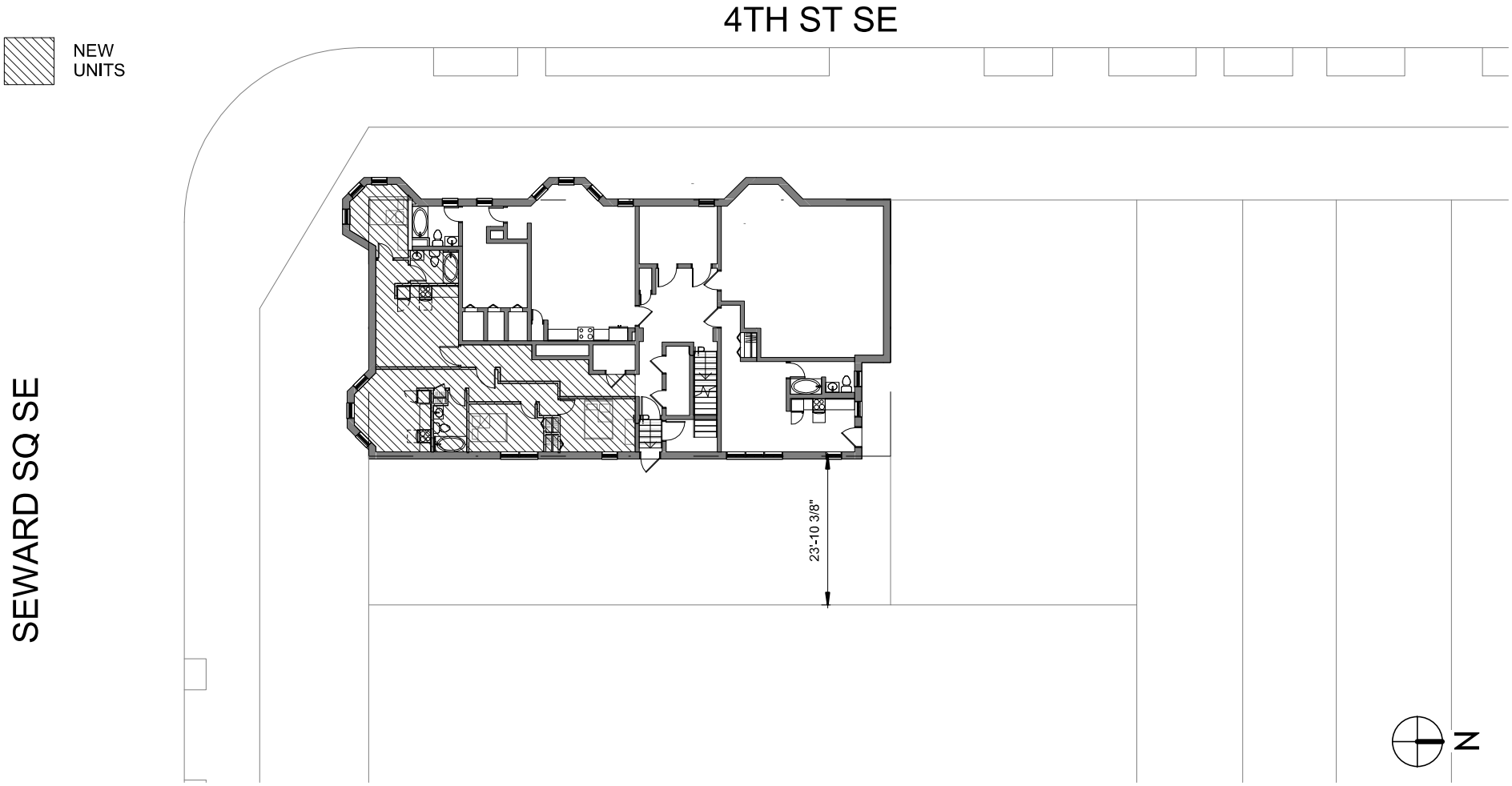
4/3/2020

LEE DESIGN STUDIO
6818 JACKSON AVE
FALLS CHURCH, VA 22042
404.375.0733

MATT@LEEDESIGN.STUDIO

SITE PLAN

X03



400 SEWARD SQUARE SE
WASHINGTON DC, 20010

SEWARD SQ RENOVATION

4/3/2020

0 8 16 32

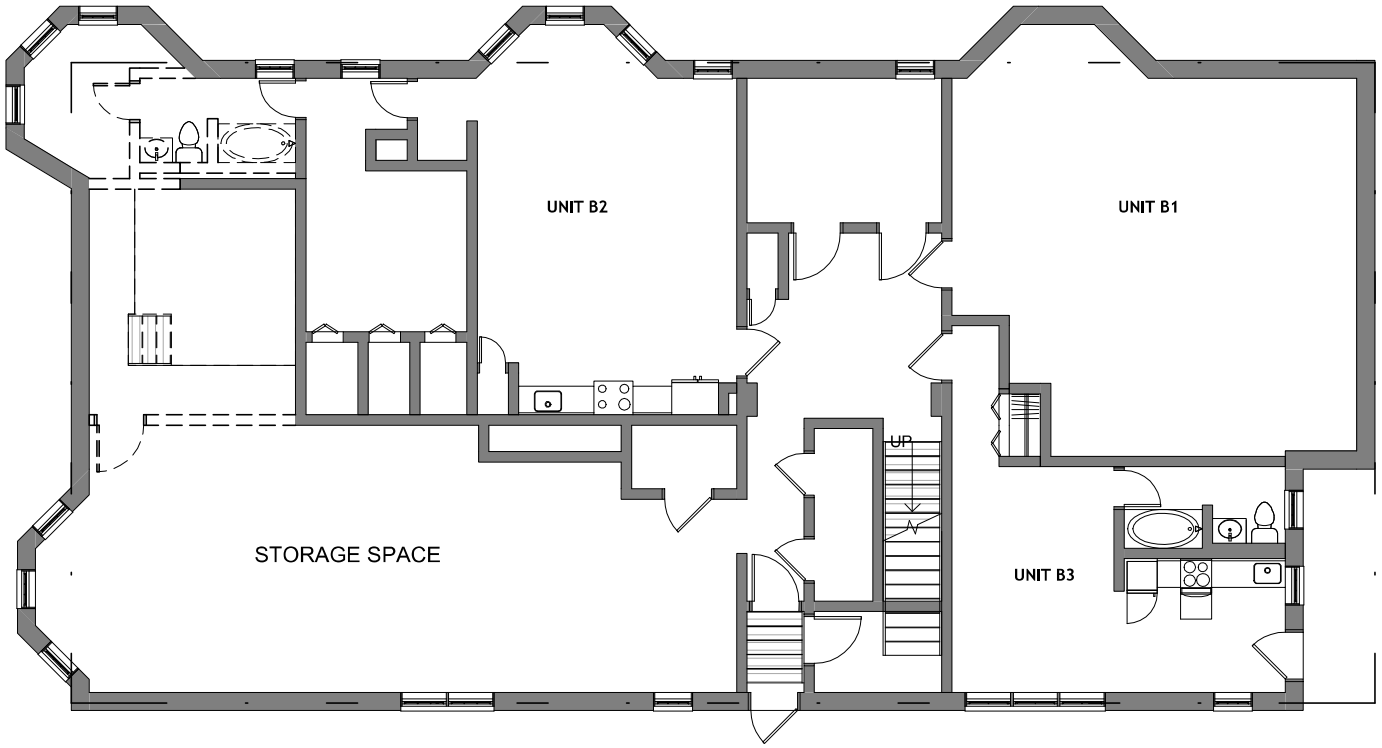
1/16" = 1'-0"

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404.375.0733

MATT@LEEDESIGN.STUDIO

EXISTING BASEMENT LEVEL

X04



400 SEWARD SQUARE SE
WASHINGTON DC, 20010

SEWARD SQ RENOVATION

4/3/2020

0 4 8 16

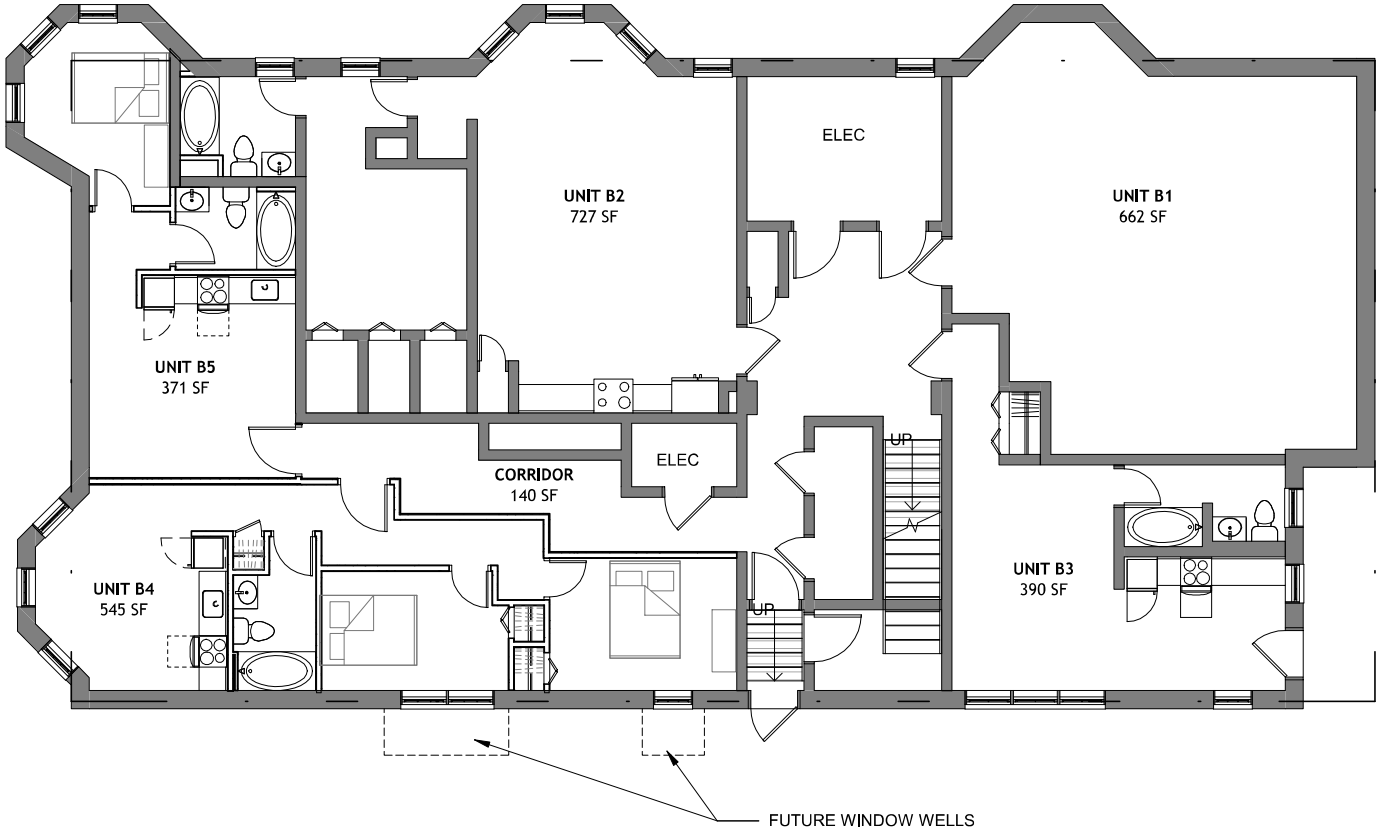
1/8" = 1'-0"

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6818 JACKSON AVE
FALLS CHURCH, VA 22042
404.375.0733

MATT@LEEDESIGN.STUDIO

PROPOSED BASEMENT LEVEL

X05



400 SEWARD SQUARE SE
WASHINGTON DC, 20010

SEWARD SQ RENOVATION

4/3/2020

0 4 8 16

1/8" = 1'-0"

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