



Subject Property
400 Seward Square

404 Seward Square

400 Seward Square, SE

BZA APPLICATION NO. 20289

OCTOBER 21, 2020

Motion to Waive Y-402.1(e)

- On October 6, 2020, the Applicant was informed that the Office of Zoning did not send out the public hearing notices to the lessees of 400 Seward Square, SE, as required by Y-402.1(e).
- OZ conferred with OAG and promptly sought to correct the oversight once it was identified by mailing out the notices. They requested that the Applicant separately send the public hearing notice to the lessees.
- The Applicant mailed the public hearing notices to the residents on October 7, 2020 and notified the lessees via email.
- Constructive notice had been given through publication in the register and posting on the Property.

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

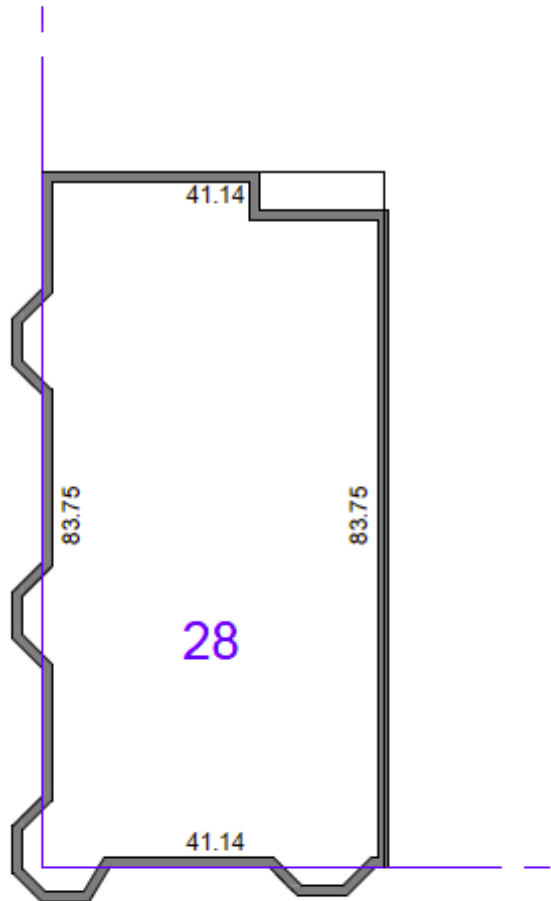


4th Street

Seward Square

Pennsylvania Ave

4th STREET, S.E.



SEWARD SQUARE, S.E.

0 10 30 60 100



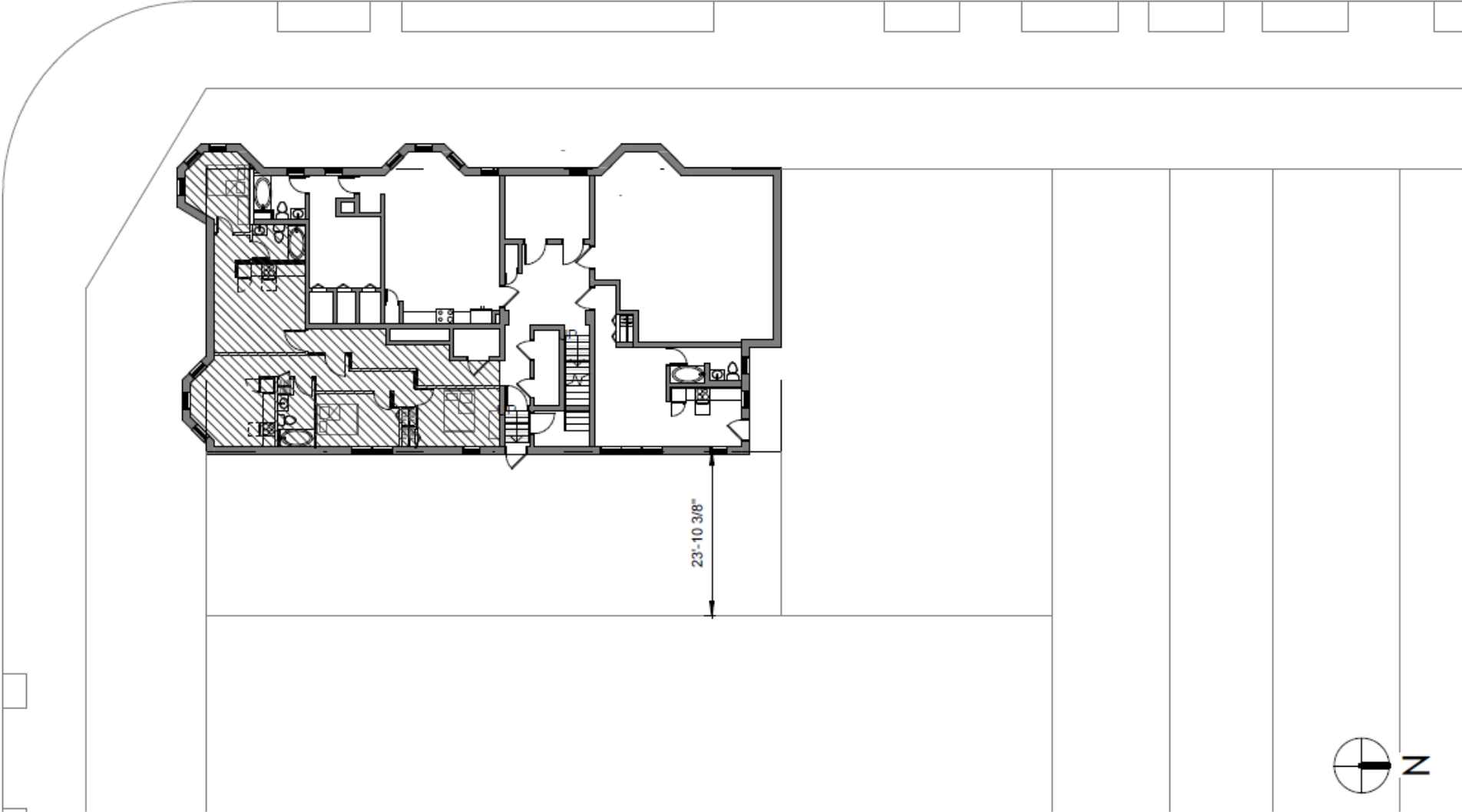
SCALE: 1:20

Plat

 NEW UNITS

4TH ST SE

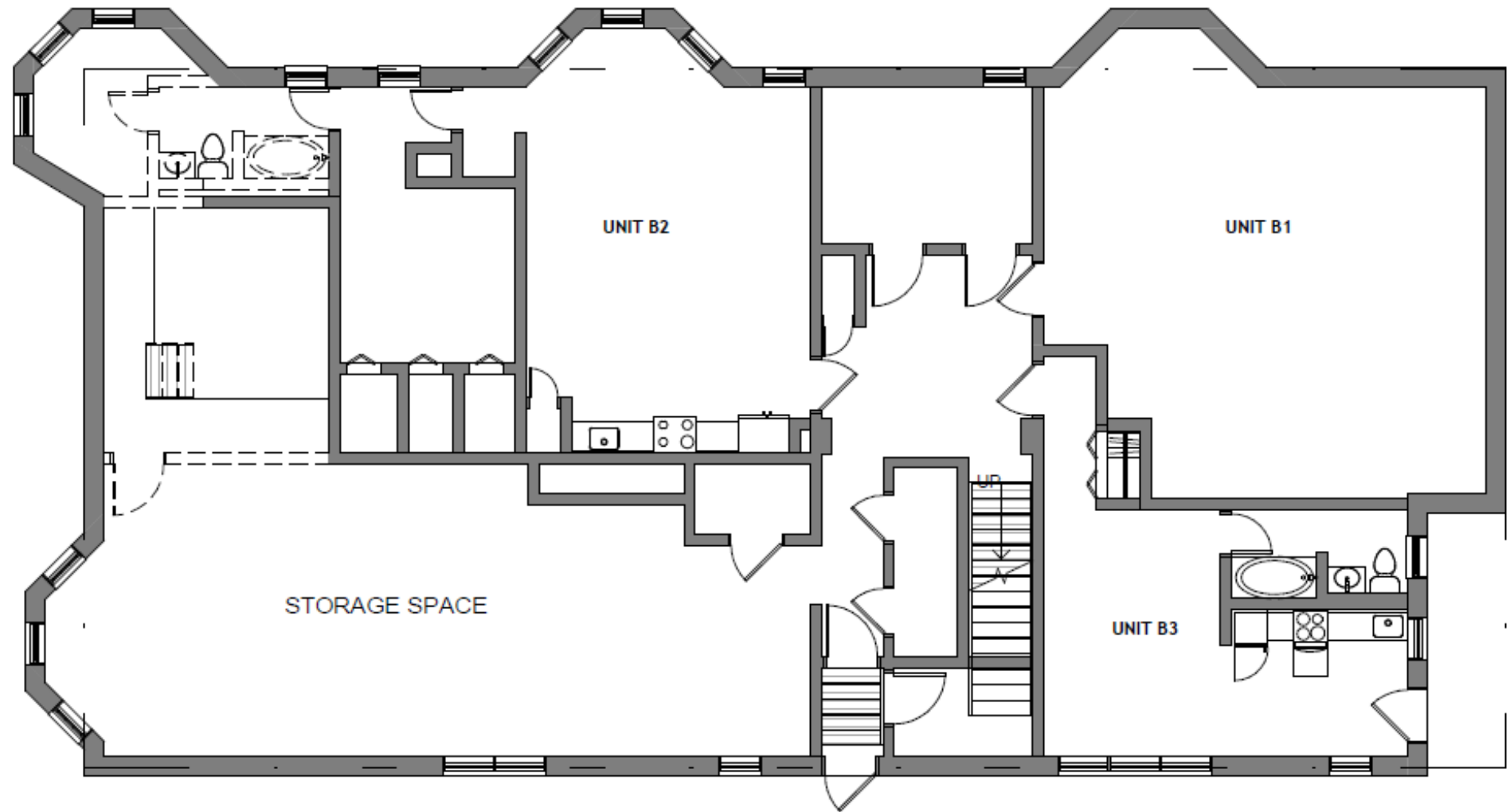
SEWARD SQ SE



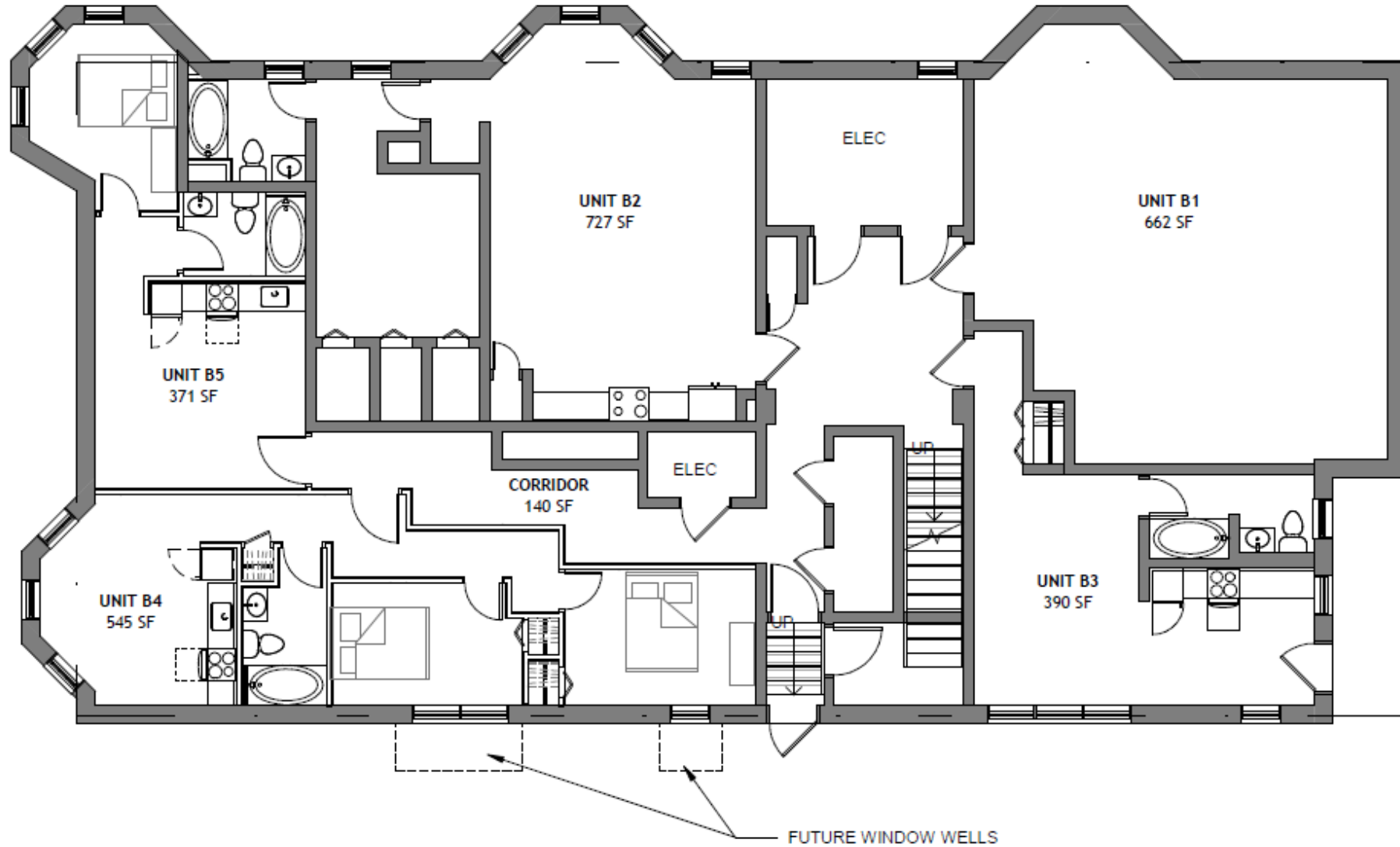
23'-10 3/8"



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.