

Burden of Proof **Special Exception Application**

To: **D.C. Board of Zoning Adjustment**
441 4th St NW, Suite 210S
Washington, DC 20001

For: **Eric Konopka**
Applicant
1378 C St NE
Washington, DC 20002

By: **Lacy Brittingham**
Lawlor Architects
740 7th St SE
Washington, DC 20003

Date: September 29, 2025

Subject: **BZA Application, Special Exception Relief**
1378 C St. NE (Square 1032, Lot 0041)

Eric Konopka, owner of 1378 St. NE, hereby applies for zoning relief to construct two two-story bay additions to the existing two-story residence, by authorization of Subtitle X, Chapter 9 per the provisions and requirements of Subtitle E, Section 204.4. The aspects of the proposed project that fall outside the current zoning regulations are as follows:

The proposed construction will remove a portion of the existing rooftop architectural element, the cornice (11 DCMR Subtitle E, Section 204.1).

I. Summary

- A. This project qualifies as a Special Exception because it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and it will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

- B. This special exception qualifies under 11 DCMR Subtitle E, Section 204.4 because the additions will not unduly affect the light and air available to neighboring properties; they will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property; and the proposed additions will be similar in character and style to the existing houses and additions to existing houses in the neighborhood.

II. Basis for Grant of Flexibility

A two-story structure is allowed by the Zoning Regulations in the RF-1 district, therefore, an addition to an existing two-story structure is in harmony with the intent and purpose of the Zoning Regulations and Zoning Maps. The residential use of the subject property is not changing with this application therefore, the use of the neighboring property will be no different than the existing condition in accordance with the Zoning Regulations and Zoning Maps. In addition, Subtitle E, Section 204.4 provides relief based on satisfying specific criteria under which additions may be permitted as follows:

- A. *The light and air available to neighboring properties shall not be unduly affected.*

The subject property is a corner lot and the proposed bay additions are in public space and so not adjacent to neighboring properties. The subject property faces south, so shadows caused by the proposed bays will fall primarily on the yard of the subject property. Therefore, the light and air available to the neighbor at 1376 C St. NE shall not be unduly affected.

- B. *The privacy of neighboring properties shall not be unduly compromised.*

As previously noted, the proposed bays are in public space and are not adjacent to the neighbor at 1376 C St NE. Therefore, the privacy of the neighbors will not be changed from the existing condition.

- C. *The proposed construction, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the street or alley frontage.*

Two-story bay projections into public space are common and frequent on the blocks of the rowhouse zones, therefore the proposed bays mimic the character, scale and pattern of

houses in the neighborhood. In order for the bays to be constructed, a portion of the existing walls facing the public way will be removed. The existing cornice is comprised of two sections: 1) the upper section that projects from the brick face and 2) a lower accent band on the face of the brick. Each projection that comprises the overall cornice was measured as is documented in the Exhibit of Color Photographs required as part of this application. The cornice on the proposed bays will be replicated according to the documented dimensions of the existing cornice such that the replacement will be visually indistinguishable from the original in style, dimensions, profile and appearance when viewed from a public right of way.

Please refer to the drawings for the size, scale and detail notes pertaining to the design of the proposed addition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lacy Brittingham". The signature is fluid and cursive, with the first name "Lacy" and last name "Brittingham" clearly distinguishable.

Lacy Brittingham AIA

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