

Burden of Proof

Special Exception Application

128 11th Street SE

To: **The Office of Zoning**
441 4th Street, NW
Suite 210 South
Washington DC 20001

From: **Michael Fowler**
Agent/Architect
2507 34th Street SE
Washington, DC 20020

Date: September 21, 2026

Subject: **BZA Application, Kornze - Gassmann Residence**
128 11th Street SE (Square 0989, Lot 0036)

Neil Kornze and Mara Gassmann, owners of 128 11th Street SE, hereby apply for special exceptions pursuant to Subtitle X, Chapter 9, to replace an existing 1-story garage with a 2-story carriage house. The 2nd floor of the carriage house will be an apartment, and the property will be converted into a two-family flat. The zoning relief requested is as follows:

Application of Neil Kornze and Mara Gassmann, pursuant to 11 DCMR Subtitle X Chapter 9, for special exceptions under Subtitle E §5201 from the lot occupancy requirements of Subtitle E §210.1, the accessory building rear yard requirements of Subtitle E §5004.1(b), and the accessory structure use restrictions of Subtitle U § 301.1 (e), to build a two-story carriage house and add a dwelling unit in the RF-1 zone, at premises 128 11th Street SE (Square 0989, Lot 0036).

I. Summary:

This special exception qualifies under ZR-16 Subtitle X, Chapter 9, because the proposed addition will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property.

Subtitle E § 210.1:	Relief is requested from the lot occupancy limitations for a row dwelling in the RF-1 zone.
Subtitle E § 5004.1(b):	Relief is requested from the accessory building rear yard requirements in the RF-1 zone.
Subtitle U § 301.1 (e):	Relief is requested in order to use the accessory building as a dwelling unit (apartment).

II. Qualification of Special Exception

5201 Special Exception Review Standards

By satisfying the requirements of E-5201.2 and E-5201.4 through E-5201.6, the application also meets the general special exception requirements of X-901.2.

5201.4 *An application for special exception relief under this section shall demonstrate that the proposed addition, new building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:*

(a) The light and air available to neighboring properties shall not be unduly affected;

126 11th St SE

126 11th St SE lies to the North of the property at 128 11th Street SE. 126 11th St SE has an existing two-story carriage house that is the approximate depth of the proposed carriage house at 128 11th St SE. The proposed carriage house at 128 11th St SE will be approximately 4'-8" taller than the existing structure at 126 11th St SE. Because the proposed carriage house is replacing a 1.5 story garage with the same footprint, the effect on the available light and air to 126 11th St SE will be minimal.

130 11th St SE

130 11th St SE lies to the South of the property at 128 11th Street SE. 130 11th St SE has an existing two-story carriage house that is the approximate depth and height of the proposed carriage house at 128 11th St SE. Because the proposed carriage house at 128 11th St SE is the same footprint and height at the existing carriage house and 130 11th St SE and sits to the North, the effect on the available light and air to 130 11th St SE will be minimal.

The carriage house at 130 11th St SE has "at risk" windows along the shared property line at the 2nd floor. These windows do not meet the building code requirements for fire-resistant construction and will be blocked by the proposed carriage house at 128 11th St SE.

Neighbors to the East

The neighbors to the east are separate from the proposed carriage house at 128 11th St SE by a 30' wide public alley. Additionally, many of the neighbors to the East have garages, carriage houses, or privacy fences at the rear of their properties. Given the width of the public alley, the proposed carriage house will have a minimal effect on the light and air available to the neighbors to the East.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

126 11th St SE

The proposed carriage house at 128 11th St SE will have windows facing the rear yard which will allow some views into the rear yard at 126 11th St SE. However, this is consistent with the other existing two-story carriage houses along the alley, including the one at 126 11th St SE. Overall, the proposed carriage house will not unduly compromise the privacy of use and enjoyment of the neighbors at 126 11th St SE.

130 11th St SE

The proposed carriage house at 128 11th St SE will have windows facing the rear yard which will allow some views into the rear yard at 130 11th St SE. However, this is consistent with the other existing two-story carriage houses along the alley, including the one at 130 11th St SE. Overall, the

proposed carriage house will not unduly compromise the privacy of use and enjoyment of the neighbors at 130 11th St SE.

The carriage house at 130 11th St SE has “at risk” windows along the shared property line at the 2nd floor. These windows do not meet the building code requirements for fire-resistant construction and will be blocked by the proposed carriage house at 128 11th St SE.

Neighbors to the East

The neighbors to the East are separated from the proposed carriage house at 128 11th St SE by the existing 30’ wide public alley and existing rear yards. Many of the properties also have garages, carriage houses, or privacy fences at the rear of their properties. The proposed alley façade will have some windows which will provide some views into the public alley. However, the separation provided by the public alley and the existing rear yards means the proposed garage will not unduly compromise the privacy of use and enjoyment of the neighbors to the East.

- (c) *The proposed addition or accessory structure, together with the original building, or the proposed new building, 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 and alley frontage;*

The proposed carriage house will be at the rear of the property and will not be visible from 11th Street SE. The existing square is extremely dense. There exist houses of varying widths and depths. Many of the existing houses have carriage houses or garages at the rear of their properties. The proposed carriage house will be constructed with high-quality materials and will be appropriate in scale for the existing structures on the alley.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition, new building, or accessory structure to adjacent buildings and views from public ways*

901 Special Exception Review Standards

901.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgement of the Board of Zoning Adjustment, the special exceptions:

- a. *Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;*

The carriage house will be visible from the alley. It will not be visible from 11 Street SE, however it will be visible obliquely through the alley from Independence Ave SE. The proposed addition will be constructed with high-quality materials and will be appropriate in scale for the alley and existing adjacent structures.

- b. *Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps;*

As described more fully above, the addition will minimally impact the light and air or privacy of the neighboring properties.

902 Application Requirements

An application for a special exception shall meet the requirements of Subtitle Y § 300.

Along with this application, we have included the following items:

- a) Photos of the existing house and surroundings;
- b) Plan and elevation drawings of proposed addition, including a site plan showing the relationship of the proposed addition to adjacent buildings.
- c) Official Plat from the DC Office of the Surveyor.

If you require any further clarification or have any questions regarding the application, we are available at any time to discuss them with you.

Thank you,

Michael Fowler

Michael Fowler
Agent/Architect
202-844-6988