

BEFORE THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 21262 of Ian Packman and Ellen Carlson

2728 O Street, N.W. (Square 1239, Lot 854)

**EXCEPTIONS OF WEYBRIDGE LLC, ADJOINING PROPERTY OWNER, TO THE
PROPOSED ORDER**

Weybridge LLC (“the Owner”), owner of the four-unit rental building at 1363 28th Street, N.W., Washington, DC 20007, by Virginia Wydler, its Managing Member, respectfully submits these exceptions to the Proposed Order dated August 18, 2026 in the above-captioned case. The Owner's property adjoins the subject property directly to the east and shares a common property line with it.

The Owner joins in and adopts the exceptions filed by Advisory Neighborhood Commission 2E, which correctly identify the deficiencies in the Proposed Order with respect to the lot-occupancy and rear-yard relief granted on this lot. The Owner writes separately to raise a further, independent deficiency: the Proposed Order does not address, and the record does not appear to contain, any analysis of this application's effect on the Owner's property, notwithstanding that it adjoins the subject lot directly and will be physically affected by the addition.

1. These Exceptions Are Timely Raised at the Owner's First Opportunity to Participate

Weybridge LLC acquired 1363 28th Street, N.W. by settlement on December 5, 2025. ANC 2E's public meeting on this application occurred on March 3, 2025, and the proceedings leading to the Proposed Order took place entirely before the Owner held any interest in the adjoining property. The Owner accordingly had no notice of, and no opportunity to participate in, the record that led

to the Proposed Order; the prior owner of 1363 28th Street was in the process of selling the property during the relevant period and was not a participant in these proceedings either.

The Owner raises these exceptions at the first opportunity available to it as record owner of the adjoining property. This is not a case of a party sitting on known rights: no owner of 1363 28th Street was in a position to protect the property's interests in this case until Weybridge LLC closed on the property. Because the Proposed Order has not yet become final, the Board may consider this submission without prejudice to any party, and the Owner respectfully requests that the Board do so.

2. The Proposed Order Does Not Account for the Addition's Effect on the Owner's Property

ANC 2E's exceptions describe, in detail, the addition's effect on the property immediately to the south and on the corner property to the west — including the complete elimination of an existing second-floor window in the westerly building. Neither the Proposed Order nor ANC 2E's exceptions address the addition's effect on the Owner's property to the east, even though the Owner adjoins the subject lot on a third side and will experience the same category of harm: the addition, as proposed, will eliminate light and air currently reaching the Owner's property through an existing window, by building a taller structure closer to the shared property line than exists today.

This is not a minor omission. The statutory standard the Board must apply — that relief may be granted only where it will not cause “substantial detriment to the public good” — requires the Board to weigh the application's actual effect on every property it touches, not only the two that happened to be described in testimony. A finding of no substantial detriment that rests on an incomplete picture of the surrounding properties cannot be said to satisfy that standard. The Owner respectfully submits that the Proposed Order should not become final without this omission being corrected.

3. The Same Underlying Deficiencies ANC 2E Identified Apply with Equal Force to the Owner's Property

As ANC 2E's exceptions explain, this is an unusually small lot of approximately 771 square feet on which the existing house already exceeds the permitted lot occupancy. The Proposed Order permits the Applicants to increase lot occupancy to approximately 68.3 percent, to extend a

nonconforming 9.3-foot rear yard across most of the lot, to eliminate an existing open court, and to add a second story above what is currently a one-story porch. Each of these changes brings substantially more building mass closer to the Owner's property line than exists today, for the same reasons ANC 2E identified with respect to the southerly and westerly neighbors: the lot-occupancy and rear-yard requirements exist specifically to preserve light, air, and open space between adjoining rowhouses on small Georgetown lots, and a lot that already exceeds its permitted occupancy is precisely the case in which those protections matter most, not least.

The Owner further notes that whatever difficulty the Applicants may have described in support of this relief appears to stem from a preference for additional interior space rather than from any exceptional or unique physical condition of this particular lot as required by D.C. Official Code § 6-641.07(3) and Subtitle X of Title 11 DCMR. A desire for a larger footprint, without more, is not the kind of exceptional condition the variance and special exception standards require, and a hardship arising from the Applicants' own design choice cannot support relief that comes at a direct cost to neighboring properties.

4. Requested Relief

For the foregoing reasons, and for the reasons stated in ANC 2E's exceptions, the Owner respectfully requests that the Board:

(a) decline to finalize the Proposed Order as currently written; (b) direct that the record be supplemented to address the addition's effect on the Owner's property specifically; and (c) either deny the application or condition any relief granted on a redesign — whether through a reduced footprint, a step-back at the upper story, or preservation of the existing open court — sufficient to preserve the light and air currently reaching the Owner's property through the affected window.

The Owner requests notice of any further proceedings in this matter and an opportunity to be heard.

Respectfully submitted,

WEYBRIDGE LLC

Signed by:

Weybridge LLC by Virginia T. Wydler, Managing Member

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Weybridge LLC

c/o Virginia Wydler, Managing Member

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cc: Advisory Neighborhood Commission 2E