



**BEFORE THE ZONING COMMISSION OR
BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA**



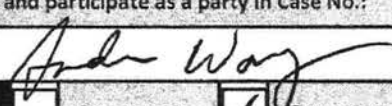
FORM 140 - PARTY STATUS REQUEST

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated. All information must be completely filled out.

PLEASE NOTE: YOU ARE NOT REQUIRED TO COMPLETE THIS FORM IF YOU SIMPLY WISH TO TESTIFY AT THE HEARING. COMPLETE THIS FORM ONLY IF YOU WISH TO BE A PARTY IN THIS CASE.
(Please see reverse side for more information about this distinction.)

Pursuant to 11 DCMR §§ 3022.3 or 3106.2, a request is hereby made, the details of which are as follows:

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Name:	Andrew Wong		
Address:	4507 Foxhall Crescent, NW, Washington, DC 20007		
Phone No(s):	202-674-3637	E Mail:	andywong@alumni.stanford.edu
I hereby request to appear and participate as a party in Case No.:		18708	
Signature:		Date:	January 23, 2014
Will you appear as a(n)	<input type="checkbox"/> Proponent <input checked="" type="checkbox"/> Opponent	Will you appear through legal counsel?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If yes, please enter the name and address of such legal counsel.

Name:	BOARD OF ZONING ADJUSTMENT District of Columbia		
Address:	CASE NO. <u>18708</u>		
Phone No(s):	EXHIBIT NO. <u>29</u>		
E Mail:			

PARTY WITNESS INFORMATION:

On a separate piece of paper, please provide the following witness information:

1. A list of witnesses who will testify on the party's behalf;
2. A summary of the testimony of each witness (*Zoning Commission only*);
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (*Zoning Commission only*); and
4. The total amount of time being requested to present your case (*Zoning Commission only*).

PARTY STATUS CRITERIA:

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?
2. What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)
3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)
4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?
5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.
6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public.

Except for the applicant, appellant or the ANC, to participate as a party in a proceeding before the Commission/Board, any affected person shall file with the Zoning Commission or Board of Zoning Adjustment, this Form 140 not less than fourteen (14) days prior to the date set for the hearing.

Board of Zoning Adjustment
District of Columbia
CASE NO. 18708
EXHIBIT NO. 29

Form 140 – Party Status Request for Andrew Wong, 4507 Foxhall Crescent, NW

PARTY WITNESS INFORMATION:

- 1 A list of witnesses who will testify on the party's behalf; Andrew Wong
2. A summary of the testimony of each witness (*Zoning Commission only*);
3. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts (*Zoning Commission only*), and
4. The total amount of time being requested to present your case (*Zoning Commission only*). - 20 minutes

PARTY STATUS CRITERIA.

Please answer all of the following questions referencing why the above entity should be granted party status:

1. How will the property owned or occupied by such person, or in which the person has an interest be affected by the action requested of the Commission/Board?

Applicant and I share a common property line running 56 feet

- 2 What legal interest does the person have in the property? (i.e. owner, tenant, trustee, or mortgagee)

I am owner of 4507 Foxhall Crescent, NW, Washington, DC 20007 I do not have any legal interest on Applicant 18708 property 4509

3. What is the distance between the person's property and the property that is the subject of the application before the Commission/Board? (Preferably no farther than 200 ft.)

My property 4507 is adjoining 4509 with a 56 foot common property line

4. What are the environmental, economic, or social impacts that are likely to affect the person and/or the person's property if the action requested of the Commission/Board is approved or denied?

4A Environmental Impact

Public Safety and Parking - D C Zoning has specific regulations with respect to public safety regulating ingress and egress which have not been met in the applicant's proposal. I normally park on the street in front of my house. Construction will disrupt where I park. The street is 16

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feet wide in front of my house. Public safety vehicles will not be able to access the construction site should an emergency situation arise.

Ground Water and Flooding Damage – As the owner of 4507 for the past 12 years, I have seen changes in the impact of heavy rain storms on my property. For the first six years, I never had any ground water rising up through my floors during heavy rains. In the subsequent six years, I have had a number of occasions where water has risen up from my ground floor causing extensive damage. One change in the neighborhood that may have contributed to this flooding is my adjoining neighbor at 4505 built an addition next to my house in 2006 and did extensive excavation building a below ground level basement. This may have affected the ground water table. I am not aware of any recent hydrology/civil engineering studies evaluating the situation in Foxhall Crescent or Foxhall Road.

In addition, three additional houses have been built on properties upstream Foxhall Crescent. These were 2300, 2505, and 2507 Foxhall Road. 2505 and 2507 were built on a lot that previously had one single family home which was demolished at the time of the new construction. The 2300 house, adjoining Foxhall Crescent, was built on what was previously a vacant lot. On or about 2009, DDOT repaved Foxhall Road and built sidewalks where none had existed before.

The ANC representative, residing on Dexter Street, informed the Association that subsequent to the completion of 2505 and 2507 Foxhall Road, a number of residents living downstream on Dexter Circle had flooding after heavy rains from runoff originating from 2505 and 2507 Foxhall Road.

4B. Economic Impact

The ground water flooding in my house has caused extensive damage requiring repair, remediation, and repainting costing tens of thousands of dollars.

By the BZA approving this permit as it currently stands, there will be no assurances from any current hydrology and civil engineering studies that heavy rains will not damage my property. Without these detailed studies, no effective construction risk mitigation strategies can be creditably proposed by the applicant.

4C Social Impact:

As the owner of the adjoining lot with a 56 foot common property line, the construction will affect me directly on a daily basis in my ability to go about my normal course of business. I have had my drive way blocked previously by workmen working under the direction of the applicant. On another occasion, a potential buyer of the applicant's lot damaged the Japanese maple tree my wife planted in front of my house.

The project as proposed will involve significant excavation and soil removal resulting in upwards of one hundred dump truck round trips through the neighborhood streets. On each trip

down Foxhall Road, the dump trucks will pass numerous houses with toddler/elementary school age children who play on the street.

5. Describe any other relevant matters that demonstrate how the person will likely be affected or aggrieved if the action requested of the Commission/Board is approved or denied.

The applicant's project is currently unfunded based on the proposal submitted to the homeowners association.

The applicant's project plan is deficient in providing a detailed layout of the project with a detailed work breakdown schedule. The proposal only provides some high level drawings with standard boilerplate assurances. The applicant has not offered any financial guarantees, performance bond, letter of credit or escrow to the homeowners association to assure the project will be executed as proposed including timely completion.

In addition, publicly available records show that the proposed general contractor, Ed Jacobsen of Jacobsen Builders, has recently filed bankruptcy in a real estate business entity as well as filing for bankruptcy in earlier years. Public records also show legal judgments and liens associated with the real estate business entity during this recent filing

I have serious concern that the project may be delayed for significant time periods including multi-year delays due to the lack of funding and construction management expertise. The social impact on the neighborhood will be an unfinished structure with runoff pollutants unchecked during heavy rains. It also creates a safety risk should the neighborhood children play on the site when the site is unattended. Children have played on the site in the past.

6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than that of other persons in the general public

As the owner of the adjoining lot with a 56 foot common property line, the construction will affect me directly on a daily basis in my ability to go about my normal course of business. I have previously notified the applicant of damage done to association property by workmen working under his direction