



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



FORM 140 - PARTY STATUS REQUEST

Before completing this form, please go to www.dcoz.dc.gov > IZIS > Participating in an Existing Case > Party Status Request for instructions. 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.

Pursuant to 11 DCMR Subtitle Y § 404.1 or Subtitle Z § 404.1, a request is hereby made, the details of which are as follows:

Name: QUYNH VU BAIN

Address: 213 THIRD ST. SE

Phone No(s): (202) 569-0942 E Mail: QUYNHB@VERIZON.NET

I hereby request to appear and participate as a party in Case No.:

Signature: *[Handwritten Signature]* Date:

Will you appear as a(n) Proponent Opponent Will you appear through legal counsel? Yes No

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

Name:

Address:

Phone No(s): E Mail:

ADVANCED PARTY STATUS CONSIDERATION PURSUANT TO: Subtitle Y § 404.3/Subtitle Z § 404.3:

I hereby request advance Party Status consideration at the public meetings scheduled for:

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;
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; and
4. The total amount of time being requested to present your case.

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.

QUYNH VU BAIN -- APPLICATION FOR PARTY STATUS IN CASE 19683 – PARTY WITNESS INFORMATION:

1. A list of witnesses who will testify on the party's behalf:

Quynh Vu Bain, owner and resident of abutting property at 213 Third Street, SE, Washington, DC 20003.

2. A summary of the testimony of each witness:

I oppose the applicants' application for six variances and exceptions. The requested variances and exceptions would present unreasonable burdens on abutting properties in terms of fire safety, physical safety, and sanitation. These are unreasonable risks to abutting properties that cannot be adequately remediated. In addition, the value of my property will plummet because the proposed two-story dwelling will be oversized, will be out of character with the other houses on the 200 block of Third Street, SE, and will unreasonably deprive me of the right to use and enjoyment of my property. In addition, I have serious concerns about the applicants' misuse of my street address (213 Third Street, SE) in obtaining approval for their proposed construction of a two-story dwelling on an unimproved tax lot from District agencies. I am concerned that the applicants' misuse of my street address will affect my tax liability, or increase my homeowner's liability should the proposed construction be determined later to violate zoning and construction codes. Please see my Letter of Opposition, filed on February 21, 2018, at Exhibit 55, for a complete summary of my testimony.

3. Expert witness evidence and testimony:

No expert witnesses will be offered at this time, because the burden of proof and persuasion is on the applicants. However, I reserve the right to call rebuttal expert witnesses at a later time, as appropriate and necessary.

4. Total amount of time being requested to present my case:

20 minutes.

QUYNH VU BAIN -- APPLICATION FOR PARTY STATUS IN CASE 19683 – PARTY STATUS CRITERIA:

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

The 2-story dwelling the applicants propose to build on the unimproved tax alley lot will abut my property at 213 Third Street, SE. If the requested variances and special exceptions are granted, the proposed construction will present serious safety risks that cannot be adequately mitigated. The requested variances from the alley centerline setbacks will restrict access for emergency vehicles and first responders in the event of a fire or other emergency.

In addition, the proposed construction also will impair the use and enjoyment of my property, as it will (1) block out light and air; (2) increase noise levels in the alley; (3) deprive me of the use and enjoyment of an easement in the walkway behind my house that is dedicated to ingress and egress; (4) prevent trash disposal and pick-up from the back of my house; (6) obstruct drainage of storm and sewer water from the back of my house into the combined sewer system, thereby potentially causing sewer backup and flooding in my backyard.

Finally, construction of the grossly oversized two-story dwelling on an undersized lot would be out of character with other houses on the 200 block of Third Street, SE, thus devaluing abutting properties such as mine. My property value will decrease because the new construction will sit too close to my property, will obstruct my view of the Library of Congress and other historical landmarks on Capitol Hill, and will present safety risks that cannot be adequately remediated.

Please see my Letter of Opposition, filed on February 21, 2018, at Exhibit 55.

2. What legal interest does the person have in the property?

I own and reside at the abutting property at 213 Third Street, SE (lot 827).

3. What is the distance between the person's property and the subject property?

A distance of only 3 feet will separate the applicant's property from mine if the requested relief and variances were granted.

4. What are the environmental, economic, or social impacts that are likely to affect the person if the requested action were approved or denied?

Please see answer to question 1, above. Please also see my Letter of Opposition, filed on February 21, 2018, at Exhibit 55.

5. Describe any other relevant matters that demonstrate how the person will be affected?

The new two-story dwelling will be built on lot lines on three sides. The new dwelling's east side lot line is only 3 feet away from the lot line of my property. Dividing the lot lines is a 3-foot walkway that the City deeded to the properties at 211, 213, and 215 Third Street, SE for ingress and egress, as required by the zoning code, construction code, and fire code. If granted, the requested relief will deprive my legal right to use and enjoy the walkway that separates my property from the applicants' property. It also might cause my property to be non-compliant with the zoning code's requirement of having a right of way of ingress and egress from the rear of my property.

6. Explain how the person's interest will be more significantly, distinctively, or uniquely affected?

As an abutting property owner, I would like to protect my legal rights in my property. Given the history of the applicants' misuse of my address, misrepresentations to the City concerning their proposed construction plans, I would have no other way of enforcing my legal rights.