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2012 MAY 25 PM 2:36

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May 25, 2012

VIA HAND-DELIVERY

District of Columbia Office of Zoning
441 4th Street, N.W.
Suite 200-S
Washington, D.C. 20001

Re: BZA Appeal No. 18249

Dear Sir/Madam:

This letter is a follow-up to our letter to you dated May 24, 2012 conditionally withdrawing the above-referenced Appeal. Subsequent to submitting that letter, we learned that one of the underlying conditions for withdrawal had not been met, and we are therefore withdrawing our May 24, 2012 letter and retaining our current appeal.

As you know our appeal contests the validity of Building Permit No. B111984 for the property located at 3 DC Village Lane, SW, Washington, D.C. 20032. On March 22, 2012, the Department of Consumer and Regulatory Affairs issued a Notice to Revoke Building No. B111984. The Notice to Revoke is also attached hereto for your reference. From discussions yesterday, we believed that no appeal of the Notice to Revoke had been submitted and our letter of May 24, 2012 was conditioned on the same understanding. We were alerted this morning by the attorney for the permit holder that they had in fact appealed the Notice to Revoke.

Because the Notice to Revoke has been appealed, please disregard our letter of May 24, 2012 to withdraw the appeal of BZA Appeal No. 18249.

Sincerely,

Stephen P. Mulligan

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18349
EXHIBIT NO. 18

SPM/sji
Attachments

Board of Zoning Adjustment
District of Columbia
CASE NO.18349
EXHIBIT NO.18

cc:
Jay A. Surabian
Assistant Attorney General
Office of the Attorney General of the District of Columbia
Office of the General Counsel for the Department of Consumer and Regulatory Affairs
1100 4th Street, SW, 5th Floor
Washington, DC 20024

Government of the District of Columbia
Department of Real Estate Services
2000 14th Street NW, Suite 800
Washington, DC 20009

Thea Dyson
Advisory Neighborhood Commission 8D
4601 Martin Luther King Jr. Ave SW
Washington, DC 20032

Phil T. Feola
Goulston & Storrs
1999 "K" Street, N.W., Suite 500
Washington, DC 20006
Counsel for Chaney Enterprises

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Inspection and Compliance Administration

NOTICE TO REVOKE CERTIFICATE OF OCCUPANCY AND BUILDING PERMIT

To: Chaney Enterprises, LP
c/o CT Corporation System Unk (Registered Agent)
1015 15th Street, NW, Suite 100
Washington, DC 20005

Chaney Enterprises, LP
P.O. Box 548
Waldorf, MD 20604

Re: 3 DC Village Lane, SW

This is official notice from the Department of Consumer and Regulatory Affairs ("DCRA") that Building Permit No. B1111984 and Certificate of Occupancy No. CO1200713 ("CO No. CO1200713") are hereby revoked, effective sixty (60) days of the date of service of this notice. The grounds for revocation are found under 12A DCMR §§ 105.6(6), 110.5.3, which authorizes DCRA to revoke a building permit or certificate of occupancy when it has been issued in error.

Specifically, DCRA's Zoning Administrator has determined that Building Permit No. B1111984 and CO No. CO1200713 were issued in error because they allow for a use that is not permitted by the District of Columbia Zoning Regulations.

Building Permit No. B1111984 was issued on November 28, 2011 for the "erection of portable concrete manufacturing facility, and office trailer" at 3 DC Village Lane, SW ("the Property"). CO No. CO1200713 was issued on December 22, 2011 to Chaney Enterprises, Inc for a "temporary portable concrete manufacturing facility" at the Property. This certificate occupancy has an expiration date of December 22, 2018.

Under 11 DCMR § 802.17, a facility that manufactures, processes, mixes, stores, or distributes concrete or asphalt may only be permitted by a special exception from the Board of Zoning Adjustment. Under 11 DCMR § 801.7, an asphalt plant is only permitted as a matter-of-right on part of parcel 253/26 west of Shepherd Parkway, S.W. and east of the Anacostia Freeway if the plant was located in Square 705, Lot 802 on November 21, 2005, and was relocated to the D.C Village Site. Since you do not have the required special exception and were not relocated from Square 705, Lot 802, your building permit and certificate of occupancy should not have been issued.

Accordingly, DCRA is revoking Building Permit No. B1111984 and CO No. CO1200713, effective sixty (60) days of the date of service of this notice.

RIGHT TO APPEAL

You have the right to appeal the revocation of your certificate of occupancy and building permit. To appeal, you must mail or hand-deliver a request for a hearing to the within sixty (60) days to the District of Columbia Board of Zoning Adjustment, 441 4th Street, NW, Suite 210 South, Washington, DC 20001.

Any questions about this Notice may be directed to the Office of the Zoning Administrator at (202) 442-4576 or via email at matt.legrant@dc.gov.

Date: 3-22-12

Rabbiah Sabbakhan
Chief Building Official