

May 2, 2012

VIA EMAIL

D.C. Board of Zoning Adjustment
441 4th Street NW, Suite 210S
Washington, DC 20001

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18404
EXHIBIT NO. 25

2012 MAY -2 PM 3:49

RECEIVED
D.C. OFFICE OF ZONING

Re: BZA Case No. 18404 – Motion to Waive the Rules on Notice

Dear Members of the Board:

Chaney Enterprises LP (“Applicant”) hereby moves that the Board of Zoning Adjustment (“BZA” or “Board”) waive its notice rules under Section 3113.13 of the Zoning Regulations to allow the above-referenced case to be heard at the public hearing on June 5, 2012. Notice for the requested hearing date would be less than the required minimum of 40 days.

On April 30, 2012, the Applicant submitted an application for special exception approval under Section 802.17 to allow an existing concrete manufacturing facility at 3 DC Village Lane SW (Square 6264, part of Lot 801) (“Property”). Said concrete plant and Property are also the subject of an appeal in BZA Appeal No. 18349 (the “Appeal”), scheduled for a public hearing on June 5, 2012. In order to expeditiously resolve the special exception request and the Appeal concerning the very same property and use, the Applicant requests that the Board consolidate the special exception application and Appeal case into one hearing on June 5, 2012. In order to allow the special exception application to be heard on June 5, 2012, the Board must waive its notice rules under Section 3113.13 and allow a shorter notice period.

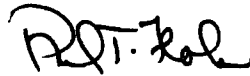
No parties or persons would be prejudiced by the Board waiving its notice rules and allowing for notice of the special exception case to be less than 40 days before the date of the hearing. The subject of the Appeal and the special exception application concern the very same property, use, and facility already operating. Timely notice of the Appeal has already been published in the *D.C. Register*, mailed to property owners within 200 feet of the Property, mailed to ANC 8D, and has been posted on the calendar of cases in the Office of Zoning. Any persons or parties entitled to receive notice of the special exception case will have already received notice about the very same facility and use, so they would not be harmed by receiving notice of the special exception less than 40 days before the public hearing date. It is in the best interest of the District, the appellant, the Applicant, and the public to resolve this matter quickly and

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efficiently, and the Board can best accomplish this by consolidating both cases into one hearing and by waiving the notice rules

Should you or your staff have any questions, please do not hesitate to contact us

Sincerely,



Phil T. Feola



Cary R. Kadlec