



September 17, 2012

DC Board of Zoning Adjustment
441 4th Street, NW
Room 200 South
Washington, DC 20004

RECEIVED
U.C. OFFICE OF ZONING
2013 SEP 17 AM 10:58

Re: BZA Case No. 18404-Application of Chaney Enterprises LP for a Special Exception to Allow the Construction of a Concrete Manufacturing Facility at 3 DC Village Lane, SW

Dear DC Board of Zoning Adjustment:

My name is Reggie Green, and I am president of Concrete Mixes, Inc., a small minority concrete manufacturer operating in the District. I am particularly concerned by the opening of a concrete manufacturing facility at 3 DC Village Lane, SW, not because this is a new competitor, but rather it appears that this company did not follow the "rules", namely the zoning laws governing these types of operations. I learned of the zoning laws in this location, because I applied for authorization to open a plant in that exact location and was denied. On behalf of my company, which employs many minorities and DC residents, I would like to raise the following concerns and recommendations:

1. The facility seemed to have "popped up" overnight without fully complying with DC zoning laws. As you are very much aware, there are no areas in the District that allow a concrete batch plant as a by right use: this use must be approved through the special exception process. Yet this operation completely bypassed this process, and is currently operating without a special exception. .
2. The illegal opening and operation of the subject facility raises greater concerns, especially if the District, via the BZA, approves this facility without appropriate conditions. If the infraction is allowed to go unnoticed, what would prevent others from opening with the expectation that the BZA will grant approval via the special exception process? The Board has an opportunity; in this case, to send a clear signal to this applicant that opening in violation of zoning laws does not automatically vest the facility. The Zoning Administrator issued a Notice to Revoke the Certificate of Occupancy and Building Permit on March 22, 2012.

BOARD OF ZONING ADJUSTMENT
District of Columbia

Concrete Mixes Inc. 2155 Queens Chapel Road, NE Washington, DC 20018
Office: 703.509.1195 Fax: 703.997.7490
www.concretemixesinc.com

CASE NO. 18404
EXHIBIT NO. 36
Board of Zoning Adjustment
District of Columbia
CASE NO. 18404
EXHIBIT NO. 36

3. As of today, nearly six months later, the Chaney Enterprise facility is still in operation.
4. As a condition, I encourage the Board to consider granting the applicant exactly what it asked, which, according to the applicant's application on page two, "the purpose of the plant is to manufacture and provide concrete for the DC Water Blue Plains facility just northwest of the Property so that DC Water can construct mandated facilities pursuant to a consent decree". It would appear that the operation would cease operation at the end of the contract period with DC Water. If not clear, I recommend that the Board condition the request accordingly.
5. Finally, the residents and business owners in the District rely on you for fairness and protection in accordance with Section 101.1 of the DC Zoning Code, which provides minimum standards for the promotion of the public health, safety, moral, convenience, order, prosperity, and general welfare to provide for the distribution of business and industry in an orderly manner.

I appreciate the opportunity to comment on a matter of such importance to my business and me.

Thank you.

Sincerely,



Reggie Green

President

Concrete Mixes Inc.

DC CBE #LSDZ38097082012

MWAA LDBE #LD 2008-0194-2014

DDOT WMATA DBE #998