CAPITOL HILL RESTORATION SOCIETY
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April 29, 2006

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Jerrily R. Kress, FAIA
Director, Office of Zoning
Suite 210
441 4th Street, NW
Washington, DC 20001

RE: BZA# 17439

Dear Director Kress,

The Capitol Hill Restoration Society Zoning Committee at a meeting held on February 16, 2006 considered the above case. The case involves the Appeal of Advisory Neighborhood Commission 6A, pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs (DCRA) to issue Certificate of Occupancy (C of O) Permit No. 102037, dated July 27, 2005, authorizing a 49 seat restaurant use ("Cluck-U-Chicken"). Appellant alleges that DCRA erred by issuing the C of O for a fast food restaurant without Board of Zoning Adjustment special exception review under subsection 733. The subject property is located in the HS (H Street Northeast Commercial Overlay)/C-2-A District at premises 1123 H Street, N.E. (Square 982, Lot 823).

The committee voted unanimously to support the appeal. The current appeal is no different than the appeal in No.17214 involving 721 H Street, NE. In that case a unanimous Board granted the appeal. For the reasons stated in appeal No. 17214 the Board should grant this appeal.

For these reason, we urge the Board to approve the application.

Respectfully,

Gary M. Peterson, Chair
Capitol Hill Restoration Society
Zoning Committee

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17439
EXHIBIT NO. 29

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