District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013

April 24, 2006

Board of Zoning Adjustment
441 4th St, NW, Suite 210
Washington, DC 20001

Re: ANC 6A Status of Cluck-U-Chicken Appeal, BZA Case Number: 17439

Dear Board Members,

ANC 6A has not changed its decision to appeal the administrative decision of the Department of Consumer and Regulatory Affairs' Zoning Administrator to issue a Certificate of Occupancy for a "restaurant" for Cluck-U-Chicken at 1123 H Street NE.

I am certifying in writing that the position our Commission took on September 8, 2005, to appeal the Cluck-U-Chicken certificate of occupancy issued by the Zoning Administrator has not been changed at any of the seven subsequent public Commission meetings held from September 8, 2005, to the last public Commission meeting held on April 13, 2006.

To be clear, while four Commissioners may not agree with the decision made on September 8, 2005, it takes five Commissioners to vote to rescind any previous action taken by a Commission. To date, our Commission had not rescinded the decision to appeal the certificate of occupancy of Cluck-U-Chicken made on September 8, 2005.

In close, any letter signed by four Commissioners does not negate the decision or great weight of an ANC made at a duly noticed, public meeting.

Respectfully Submitted,

Joseph Fengler

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Cc: ANC 6A Commissioners
Gottlieb Simon, Executive Direct, Office of ANC

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 17439
EXHIBIT NO. 31

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