GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

January 14, 1999

Mr. Neal Cabral
McGuire, Woods, Battle & Booth
1627 Eye Street, N.W.
Washington, D.C. 20006-4007

Re: BZA Appeal No. 16239 – L.G. Industries, Inc.

Dear Mr. Cabral:

On February 21, 1997, an appeal was filed with the Board of Zoning Adjustment on behalf of L.G. Industries, Inc. This appeal challenged the administrative decision of Edgar T. Nunley, Chief of the Zoning Review Branch, made on February 4, 1997, not to reissue a certificate of occupancy for a transfer station at 1130 3rd Street, N.E. The appeal has yet to be scheduled for a hearing pending action by the Zoning Commission on solid waste handling facilities.

As you are probably aware, in March 1998, the Zoning Commission promulgated new regulations for these facilities in Order No. 842 (Case No. 96-5). A copy of this order has been enclosed for your information.

The purpose of this letter is to ascertain whether you plan to proceed with your appeal before the Board or whether you would like to withdraw it. Please review this matter and contact the Office of Zoning by **Monday, February 15, 1999** to notify us of your intentions. If you would like to go forward, we will schedule the case for a hearing. If not, please submit a letter of withdrawal. If we do not hear from you, staff will recommend to the Board that the appeal be dismissed for failure of prosecution.

If you have any questions, please contact the Office of Zoning on 202-727-6311.

Sincerely,

Tracey Hitten Rose
for **SHERI M. PRUITT-WILLIAMS**
Interim Director

Enclosure
cc: Hope Babcock, Esq. (Near Northeast Task Force)

BZA
Board of Zoning Adjustment
District of Columbia
CASE NO.16239
EXHIBIT NO.17
CASE No. 16239
EXHIBIT No. 17

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

October 29, 2001

Mr. Neal Cabral
McGuire, Woods, Battle & Booth
1627 Eye Street, N. W.
Washington, D.C. 20006

RE: BZA Appeal No. 16239- L.G. Industries, Inc.

Dear Mr. Cabral:

On February 21, 1997, an appeal was filed with the Board of Zoning Adjustment on behalf of L.G. Industries, Inc. This appeal challenged the administrative decision of Edgar T. Nunley, Chief of Zoning Review Branch, made on February 4, 1997, not to reissue a certificate of occupancy for a transfer station at 1130 3rd Street, N.E.

As you are probably aware, in March 1998, the Zoning Commission promulgated new regulations for these facilities in Order No. 642 (Case 96-5).

The purpose of this letter is to ascertain whether in light the D.C. Court of Appeals decision on July 5, 2001, that affirmed the dismissal of Waste Management's appeal (BZA Application Nos. 16451 and 16452) to the BZA from the dismissal of its C of O, in conjunction with the new Zoning Regulations, you plan to proceed with your appeal before the Board or whether you would like to withdraw the appeal. Please review this matter and contact the Office of Zoning by November 19, 2001, to notify us of your intentions. If you would like to go forward, we will schedule the case for a hearing. If not, please submit a letter of withdrawal. If we do not hear from you, staff will recommend to the Board that the appeal be dismissed.

If you have any questions, please contact Sheri M. Pruitt at the Office of Zoning on 202-727-3780.

Sincerely,

Jerrily R. Kress, FAIA
Director