Appeal No. 16990 of American Towers, Inc.

PRELIMINARY MATTERS:

Motion from the Appellant to "stay" the hearing. The Appellant indicates that the case is currently pending in the US District Court/DC Superior Court and is requesting that the Board not hear this case until the judicial process is resolved. Exhibit No. 15.

Motion from DCRA for Dismissal of the appeal because it was untimely filed. Exhibit No. 16.

RELIEF SOUGHT: Pursuant to 11 DCMR §§ 3100 and 3101, from the administrative decision of the Acting Director of the Department of Consumer and Regulatory Affairs (DCRA) for rescinding Building Permit Nos. B425271, 420358, 429362, et al., relating to the construction of an antenna tower. Appellant alleges that DCRA erred in ruling that a side yard did not meet the minimum requirements under section 775. The subject property is located at premises 4623 41st Street, N.W.

ZONING:	C-2-B District
SQUARE & LOT:	Square 1769, Lots 20 and 30
APPELLANT AND: PROPERTY OWNER	American Towers, Inc. To be represented by Robert Clayton Cooper, Jr. Jackson and Campbell Law Firm
APPELLEE:	Department of Consumer and Regulatory Affairs, Office of the Zoning Administrator To be represented by Attorney Bennett Rushoff
ANC 3E:	As of Wednesday, April 23, 2003, the ANC did not file a current statement on the appeal. The file contains a letter from the ANC dated November 1, 2002, acknowledging the withdrawal of the companion BZA Appeal Case, No. 16649.

NOTES:

- Letter of Authorization. Exhibit No. 3.
- Ruling of the US District Judge, Order of Dismissal. Exhibit No. 10.
- Judgment from the US Court of Appeal. Exhibit No. 11

BZA
Case No. 16990
Exhibit No. 25
Board of Zoning Adjustment
District of Columbia
CASE NO. 16990
EXHIBIT NO. 25