

**AT&T WIRELESS PCS, INC. ET AL., APPELLANTS, v. BEAVERCREEK TOWNSHIP  
BOARD OF ZONING APPEALS ET AL., APPELLEES.**

**[Cite as *AT&T Wireless PCS, Inc. v. Beavercreek Twp. Bd. of Zoning Appeals*,  
2000-Ohio-471.]**

*Court of Appeals' judgment reversed and cause remanded on authority of Symmes  
Twp. Bd. of Trustees v. Smyth.*

(No. 98-2482—Submitted October 20, 1999—Decided January 19, 2000.)

APPEAL from the Court of Appeals for Greene County, No. 98-CA-18.

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*Barrett & Weber, C. Francis Barrett and M. Michele Fleming*, for appellants.

*Wead, Anderson, Phipps & Aultman and Alan G. Anderson*, for appellees.

*Jones, Day, Reavis & Pogue, Kathleen B. Burke and Randall A. Cole*, urging reversal for *amicus curiae*, Nextel Communications, Inc.

*William F. Schenck*, Greene County Prosecuting Attorney, and *Suzanne M. Schmidt*, Senior Assistant Prosecuting Attorney, urging affirmance for *amici curiae*, Ceasarscreek Township, Miami Township, Cedarville Township, Sugarcreek Township, Xenia Township, New Jasper Township, Spring Valley Township, Bath Township, and Ross Township.

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{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded on the authority of *Symmes Twp. Bd. of Trustees v. Smyth* (2000), 87 Ohio St.3d 549, 721 N.E.2d 1057.

MOYER, C.J., DOUGLAS, O'DONNELL, F.E. SWEENEY, COOK and LUNDBERG STRATTON, JJ., concur.

PFEIFER, J., dissents and would affirm the judgment of the court of appeals.

SUPREME COURT OF OHIO

TERRENCE O'DONNELL, J., of the Eighth Appellate District, sitting for  
RESNICK, J.

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