

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

Appeal of Edward Hanlon

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Appeal No. 18429

PROPERTY OWNER'S OPPOSITION TO APPELLANT'S REQUEST FOR
POSTPONEMENT

Mr. Darren Binder, owner of the property which is subject to this appeal, 1530 Swann Street, N.W., hereby requests that the Board deny the Appellant's request to postpone the BZA appeal hearing scheduled for Friday, November 2nd, for the following reasons:

1) Mr. Hanlon brought this appeal of his own volition, and as the hearing was duly scheduled for a date prior to November 2, 2012, he is not prejudiced in any way by having this hearing at any later date.

2) Mr. Hanlon requests time to respond to the Property Owner's Motion to Dismiss, but there is no filing deadline for a Motion to Dismiss, and if anything, Mr. Hanlon has had more time, not less, to prepare a response to this Motion as a result of the first postponement. At any rate, Mr. Hanlon is well past his deadline to file materials, and he is not permitted to file a response prior to the hearing. Regarding his claim to have had internet connectivity issues, this is a vague excuse that cannot possibly have prevented him preparing a response if he wanted to.

3) While Mr. Hanlon cites reasons that affect his own personal business schedule, he neglects to consider that all other parties to this appeal, in particular the Property Owner, have adjusted their own schedules to accommodate Mr. Hanlon's Appeal, to their own personal detriment.

4) Notice to the public for a postponed hearing date is not required nor is it typically provided.

5) Since Mr. Hanlon is a sole practitioner, he should be better able to adjust his schedule in order to prosecute the appeal that he filed voluntarily. The Property Owner is *not* a sole practitioner, and besides having to miss work, he has had to reschedule a refinancing closing scheduled for tomorrow. The Property Owner cannot afford to reschedule again and miss work or other obligations, and along with the Zoning Administrator and his counsel, should not have

to adjust schedules in order to accommodate Mr. Hanlon, and are entitled to an expeditious appeal proceeding.

6) For the above reasons, the Property Owner requests that the Board deny Mr. Hanlon's request to postpone and entertain the Appeal - subject to its ruling on the Property Owner's Motion to Dismiss - as scheduled on Friday, November 2nd, at 1:00 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Martin P. Sullivan". The signature is stylized with a large, looped "M" and a cursive "Sullivan".

Martin P. Sullivan