

**BEFORE THE DISTRICT OF COLUMBIA ZONING BOARD OF ADJUSTMENT**

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Appeal of Hilary Dove and Ranieri Cavaceppi, )  
Appellants )  
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 )

BZA Appeal No. 19777

**OPPOSITION TO PROPERTY OWNER’S POSTPONEMENT REQUEST**

COME NOW the Appellants, Hilary Dove and Ranieri Cavaceppi, by and through undersigned counsel, to oppose the Property Owner’s November 15, 2018 postponement request of the now-scheduled November 28, 2018 hearing for this appeal.

Appellants filed this appeal on April 25, 2018. Since that time, the hearing date has been postponed once at the request of the Appellants, once at the request of the Property Owner, and a third time at the request of the Board. The Property Owner has offered no proof in support of a fourth postponement of a hearing of a relatively straightforward appeal that has been pending now for almost seven full months, and will take the Board less than one hour to hear. For these reasons, Appellants respectfully request that the Board deny the Property Owner’s request to postpone the hearing on this case, and state as follows:

1. Appellants filed this appeal on April 25, 2018.
2. On May 18, 2018, the Board issued a Notice of Public Hearing that set the hearing for this matter on July 11, 2018 at 9:30 a.m.
3. On June 6, 2018, Appellants filed a request to postpone the July 11, 2018 date due to a conflict with long-standing travel plans. Appellants stated that they could be available for a hearing at either the July 18, 2018 or the July 25, 2018 Board meetings.

4. Board staff informed Appellants that the dockets for the July 18, 2018 and July 25, 2018 meetings were too full to accommodate the hearing of this appeal, so Appellants agreed to postpone the hearing until September 26, 2018.

5. On June 19, 2018, the Board formally re-set the hearing on this appeal to September 26, 2018.

6. Nearly two months later, on August 18, 2018, the Property Owner filed a request to postpone the September 26, 2018 date due to “long standing and unmovable out of town professional responsibilities.”

7. Appellants did not object to this request. The Board then on August 30, 2018, rescheduled the hearing to November 14, 2018 at 9:30 a.m.

8. At the November 14, 2018 hearing, the cases that the Board heard before this appeal’s position on the docket consumed the entire business day. At approximately 5:15 p.m. on November 14, 2018, the Board Secretary informed Appellants that the Board would not be able to hear their appeal that day, and asked that Appellants agree to reschedule the hearing to the November 28, 2018 meeting. Appellants agreed on the condition that their appeal appear as the first case on the docket, so that all of the parties could appear at 9:30 a.m. and be heard that morning.

9. This appeal now is calendared to be heard at the November 28, 2018 Board meeting as first on the docket at 9:30 a.m. Again, this appeal likely will take less than one hour to hear.

10. On November 15, 2018, the Property Owner filed a request for yet another postponement of this case, stating, in almost verbatim fashion to their August 18, 2018, postponement request that they could not attend a hearing on November 28, 2018 or December

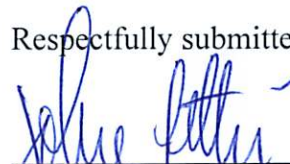
12, 2018 due to “long standing and unmovable out of town professional responsibilities.”

However, the Property Owner offered no proof of such long-standing and out of town responsibilities.

11. Appellants oppose this further request for postponement. As noted, this case has been pending now for almost seven full months. In the meantime, the air conditioning units set right on the property line of the side yard between Appellants’ property at 4404 Albemarle Street, N.W., and the Property Owner’s property at 4400 Albemarle Street, N.W. in violation of the District of Columbia’s zoning regulations have continued to operate and generate noise that exceeds the 60db limit contained in the District of Columbia’s Noise Control ordinance, interfering with Appellant’s right to quiet enjoyment of their property on a daily basis.

12. For these reasons, Appellants respectfully submit that the Board should deny the Property Owner’s request for yet another postponement of their appeal. In the alternative, and should the Board decide to grant the postponement, Appellants request that this appeal be placed on the calendar for the December 5, 2018 meeting in first place on the docket.

Dated: November 19, 2018

Respectfully submitted,  
  
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**CERTIFICATE OF SERVICE**


I hereby certify that on this 19th day of November, 2018, I caused a copy of the foregoing to be delivered by email to the following persons:

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