

Erin Murphy, et al. / BZA Application No. 18411
Outline of Events

1. The subject building was erected in its current configuration as early as 1957, according to the Baist Atlas maps.
2. In March 1971, a certificate of occupancy was issued for the subject property for a warehouse use. The aerial photographs and a 2008 court document suggests that, prior to being converted into an apartment house, the structure was a carriage house for the property at 456 M Street, NW, or 1131 5th Street, NW.
3. In March of 2008, the District accepted the recordation of Plat of Condominium for "1131 5th Street, NW, Condominium" by developer John Denning. The plat identifies the three apartment units that are the subject of the application (Units A, B and C) and two parking spaces.
4. In 2008, the District assessed the property as Tax Class 001 (Residential).
5. Ross Vann, then a realtor with Long and Foster, was the agent for John Denning. The condominium units were listed on a multiple listing service and advertised through flyers as part of the 456 M Street Condominium.
6. On February 18, 2012, through her real estate agent, Applicant Murphy entered into a contract to purchase Unit A.
7. On March 15, 2009, Applicant Sears entered into a contract to purchase Unit B directly with Denning's agent, Mr. Vann.
8. On March 31, 2009, Applicant Murphy closed on the purchase of Unit A. The purchase price of the unit was \$255,000. At the time of closing, she was advised that the address of her unit had been changed from 456 M Street, NW to 1131 5th Street, NW for tax purposes. Stewart Title Guaranty Company issued a title insurance policy for Unit A.
9. On April 1, 2009, Applicant Sears closed on the purchase of Unit B. The purchase price of the unit was \$265,000. At the time of closing, she was advised that the address of her unit had been changed from 456 M Street, NW to 1131 5th Street, NW for tax purposes. Stewart Title Guaranty Company issued a title insurance policy for Unit B.
10. On April 20, 2009, the District issued to John Denning Electrical Permit No. E0904074. This permit refers to Square 514, Lot 52, which is the property at 1131 5th Street, NW. While the permit refers to a lot different than the subject property, the Applicants believe that this permit was used by John Denning to do work at the subject property.
11. At closing, Applicants Murphy and Sears were given a key to the building at 456 M Street and advised that they were permitted to use the ground floor hallway of that building for access to and from M Street.

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12. Starting in April of 2009, Applicants Murphy and Sears collected their mail at mailboxes placed at the front of the 456 M Street Condominium building, along M Street. The Applicants used 456 M Street, NW as the addresses for their DC driver's licenses.
13. From April 2009 to October 2009, Applicants Murphy and Sears paid condominium fees in the amount of \$146 per month to Realty Pros Management Company, which served as the management company for both 456 M Street and the subject apartment building. Applicants Murphy and Sears stopped paying the condominium fees after learning that the company was not paying the utility bills for the properties.
14. From April 2009 through October 2009, Applicants Sears and Murphy used the ground floor hallway of 456 M Street for access from their apartment building to M Street and vice versa.
15. In October 2009, the condominium association of 456 M Street advised Applicants Murphy and Sears that they no longer had permission to use the hallway for access to/from M Street. The reasons given to the Applicants were that continued access created a liability, caused wear and tear on the property, and diminished the value of the units at 456 M Street.
16. In response, Applicants Murphy and Sears hired an attorney to see if they could reinstate their access to 456 M Street. In researching this issue, they learned that, despite the representations at closing, the condominium documents did not provide for the access.
17. In March of 2010, the condominium association for 456 M Street removed the Applicants mailboxes from M Street. The Applicants have been using a P.O. Box to collect their mail since then.
18. Around this same time period, Applicants Murphy and Sears learned that the District never issued a certificate of occupancy for their units.
19. On June 30, 2010, DCRA issued a letter to Applicants Murphy and Sears stating that a building permit was never issued for the conversion of the subject structure to an apartment building and the existing use of the subject property is in violation of the Zoning Regulations.
20. Starting in December of 2010, each unit in the subject apartment building operated on separate meters and received separate electric utility bills. Up until that time, there was only one electric meter and electric bill for the entire building, which was paid by John Denning. Currently, there is only one water bill for the apartment building, which is billed to Applicant Murphy. The payment of the bill is divided equally among the Applicants.
21. Because of a conflict of interest, Applicants Murphy and Sears ended their engagement with their first attorney and hired a second attorney who has advised that the condominium association for the building was formed incorrectly and, as a result, the condominium documents would have to be re-done.

22. Applicants Murphy and Sears engaged Holland & Knight to represent them in connection with the zoning and permitting issues for their units. For several months, starting around June 2011, Applicants Murphy and Sears, through Holland & Knight, worked with the Zoning Administrator and DCRA to determine the permitting history for the Property. The BZA application was filed on April 30, 2012, after the Zoning Administrator made a final determination that DCRA would not issue a certificate of occupancy for the subject units.
23. The same facts outlined above apply, generally, to Unit C. However, the current owner of Unit C, Ali Tahriri, purchased his unit in the amount of \$256,000, on July 24, 2012. He engaged Holland & Knight in August and joined in the pending application.