

BOARD OF ZONING ADJUSTMENT OF THE DISTRICT OF COLUMBIA

2115 N STREET CONDOMINIUM ASSOCIATION)
2115 N Street N.W.)
Washington, DC 20037)
Appellant)
vs.)
NICHOLAS A. MAJETT)
Director)
Department of Consumer and Regulatory Affairs)
441 4th Street N.W.)
Ste. 200-S)
Washington, DC 20001)
Appellee)
BLAKE CONGDON)
2117 N Street NW)
Unit 4)
Washington, DC 20037)
Appellee)
ADAM PASE)
2117 N Street NW)
Unit 3)
Washington, DC 20037)
Appellee)
JUSTIN A. TANTALO)
2117 N Street NW)
Unit 2)
Washington, DC 20037)
Appellee)
DANIEL WELCH)
2117 N Street NW)
Unit 1)
Washington, DC 20037)
Appellee)

2117 N STREET CONDOMINIUM ASSOCIATION)
BOARD OF DIRECTORS)
2117 N Street NW)
Washington, DC 20037)
Appellee)
_____)

2115 N STREET CONDOMINIUM ASSOCIATION'S EXCEPTIONS TO THE
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS'
ISSUANCE OF CONSTRUCTION PERMIT B1211248 and B1300351

2115 N Street Condominium Association, by and through its attorney, Benny L. Kass, Esq., and the law firm of Kass, Mitek & Kass P.L.L.C. Washington, D.C., appeals the issuance of two permits and requests that this Board issue a Stop Work Order and revoke all issued construction permits to halt the construction of a roof deck at 2117 N Street N.W. (pursuant to §§ 3100 and 3101 of the Zoning Regulations of the District of Columbia).

We also request that this Board place a hold on further processing a third permit, B1207008. This permit appears to be an integral part of the same project, although appellants have been unable to obtain any substantive information regarding its content. Construction of the roof deck is progressing rapidly, including elements which exceed the scope of work allowed under the issued permits. Therefore, it is respectfully requested that this Board act urgently in stopping any further construction.

INTRODUCTION

This appeal is brought to contest the Department of Consumer and Regulatory Affairs' ("DCRA") issuance of two permits for construction of a roof deck by the Condominium Board of Directors at 2117 N Street N.W. ("Appellee"). These permits were issued to Blake Congdon ("Congdon"), a unit owner in the Condominium building. The neighbors of this building, 2115 N

Street Condominium Association ("Appellant"), expressed immediate concerns regarding the construction's impact on their existing structure. Appellant sent correspondence to the permit applicant, Congdon, the Appellee, and DCRA. Appellant did not receive a response from these parties before DCRA issued the contested permits.

In addition, the Advisory Neighborhood Commission reports that it has not received or reviewed any of the roof deck permits. (Ex. A). Appellant has requested complete files on the permits from DCRA; however, only partial information on permits B1211248 and B1300351 can be obtained from the Records Office at DCRA.

Councilman Jack Evan's office has agreed to act as an interested party in this matter to ensure that all relevant rules, regulations, zoning ordinances, and procedures are followed.

Appellant respectfully requests that this Board issue an immediate Stop Work Order and revoke all permits related to the roof deck construction.

EXCEPTIONS

- A. THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS ISSUED THE PERMIT IN ERROR BECAUSE APPELLEE VIOLATED D.C. MUN. REGS. tit.12, § 3307.2 WHEN IT DID NOT GIVE PROPER NOTICE TO APPELLANT

In the District of Columbia, a person or entity that is beginning construction must give written notice to their surrounding neighbors, including "a copy of the proposed work plan, to the owner of the adjoining property advising said owner of the intended work and the need for protection for the adjoining property." D.C. MUN. REGS. tit.12, § 3307.2. Here, Appellee did not meet the notice requirements since it never gave Appellant notice of the construction. Additionally, Congdon failed to provide Appellant with the work plans and permit applications

that he filed.

Appellant was made aware of Appellee's plans to construct a roof deck atop Appellee's building. Appellant was immediately concerned about these plans and arranged to meet with Congdon on June 16, 2012. At this meeting, Appellant communicated to Congdon its objections to the size and design of Appellee's proposed deck. Appellant also expressed that construction of the roof deck would result in harmful effects on the limited and common elements on their roof, including light, view, and privacy. Furthermore, Appellant communicated that construction of the roof deck would also conflict with existing structures on their building, such as the A/C supports, skylights and hatch.

On July 14, 2012, Congdon sent a letter to Appellant, advising them that he had applied for a permit to construct the roof deck. (Ex. B). On August 6, 2012, then counsel for Appellant sent a letter advising both Congdon and his architectural team that Appellant objected to and disapproved of the proposed roof deck project. A copy of this letter was also sent to DCRA. (Ex C). Neither DCRA nor Congdon ever responded.

The letter sent to DCRA gave DCRA notice that the roof deck construction was contested. Despite these contestations, DCRA never granted a hearing on the matter, which is normally granted when neighbors object to proposed construction. Nevertheless, DCRA issued permit B1211248 to Congdon on September 7, 2012, approving the roof deck construction. (Ex. D).

Appellant was never given the chance to look at Appellee's plans as approved. Appellee violated the notice requirements of D.C. MUN. REGS. tit.12, § 3307.2(1), because Appellee did not give notice. The letter sent by Congdon was not sufficient notice under the law because it did

not include a copy of the approved work plan or any of any of the documents which Congdon had filed with DCRA. (See Ex B.) With some difficulty, Appellant was only able to review the plans after obtaining them from DCRA independently. To date, Appellant has not been able to see the permit application.

On September 17, 2012, Appellant contacted Appellee again to explain that damage had occurred as a result of their roof deck construction. Appellee responded briefly by email, claiming they had no responsibility for the roof repairs or deck project. (Ex. E). On September 27, 2012, then counsel for Appellant sent a follow-up letter, again objecting to the proposed plans. (Exhibit F). Neither Appellee nor Congdon replied.

On October 9, 2012 DCRA issued permit B1300351, which is a revision to the September 7th permit and reflects that the Historic Preservation Review Board approved the construction. (Ex. G). On October 16, Appellant, through counsel, once more sent correspondence to Congdon and the Condominium; neither have since responded. (Ex. H).

Neither Congdon nor Appellee ever provided approved work plans to Appellant, in violation of the notice requirements of D.C. MUN. REGS. tit.12, § 3307.2(1); therefore, the permits were improperly issued.

B. THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
ISSUED THE PERMIT IN ERROR BECAUSE THE ROOF DECK
CONSTRUCTION VIOLATES ZONING REGULATIONS

1. DCRA erred by granting the permit despite Appellee's violation of D.C. MUN. REGS. tit.11, § 411.8. "Roof structures shall not exceed one-third (1/3) of the total roof area for those districts where there is a limitation on the number of stories."

The roof deck construction is not in compliance with D.C. MUN. REGS. tit. 11, § 411.8 because the deck covers over 2/3 of the total roof surface, where only 1/3 of the total roof area can lawfully be covered. (Ex. I). On information and belief, the architects have tried to circumvent this rule in bad faith by breaking their permit request into two separate permit applications. They have not followed the required procedure of applying for a variance, but have disregarded the law entirely.

Additionally, the roof deck is not in compliance because the existence of the trellis puts the total roof area over the 1/3 limitation of D.C. MUN. REGS. tit. 11, § 411.8. The trellis must be added into the formulation of the of deck's roof area because it has a total height above the deck of 8'8" and any "levels or floors contained within a roof structure measuring six and one-half feet (6 ½ ft.) or more in height shall be included in the total floor area ratio permitted." D.C. MUN. REGS. tit. 11, § 411.13. The top surface of the high add-on trellis should be counted as its own level for floor area ratio calculations because it is a structure on top of a structure.

The roof deck does not qualify for an exception to the 1/3 roof area limitation. D.C. MUN. REGS. tit. 11, § 411.17 states that "Roof structures less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section." In this case, the trellis stands above the four foot exemption at 8'8." Furthermore, D.C. MUN. REGS. tit.11, § 411.11 specifically states that exceptions are only given in cases where "the light and air of adjacent buildings shall not be affected adversely." Appellee's tall trellis and second high-level deck above Appellant's existing deck obstructs light, air, and view to Appellant's building, and affects the ability of the building to maintain skylights.

Moreover, the trellis is purely a decorative add-on which has no structural or essential

function; it violates the flag rule as it is visible from the front of the building in this historic neighborhood.

2. DCRA erred by granting the permit despite Appellee's violation of D.C. MUN. REGS. tit. 11, § 411.7. "Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than thirty-seven hundredths (0.37) shall be permitted."

Appellee's roof deck plans propose a floor area ratio greater than thirty-seven hundredth (0.37). (Ex. P). Appellee does not qualify for the exception under D.C. MUN. REGS. tit. 11, § 411.11, which allows for exceptions to variable floor area ratio maximums only if "the light and air of adjacent buildings shall not be affected adversely." Appellee's roof deck construction does not qualify for this exception because it impairs the light and air of Appellant's property.

C. THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
ISSUED THE PERMIT IN ERROR BECAUSE THE CONSTRUCTION PLANS
DID NOT CONTAIN TRUE AND ACCURATE INFORMATION

1. DCRA erred by granting the permits despite Appellee's violation of D.C. MUN. REGS. tit. 11, § 3202. The plans that Congdon submitted do not provide true and accurate information necessary for DCRA to make an informed decision because they incorrectly state the lot/square location, the description of work to be completed and the existing use of 2117 N Street N.W.

a. Lot/Square Location

The lot and square number listed on the face of building permit B1211248 incorrectly identifies the property located at 2117 N Street N.W. The mistake in identifying the lot and square number make the building permit and the review completed by DCRA invalid. According to the deed of the property, the lot and square number should have been listed as Square 0069 and Lot 0171. (Ex. J). Here, the lot and square number are incorrectly listed on the permit as Square 0254 and Lot 0829. (See Ex. D).

b. Description of work

The description of the work to be completed is ambiguous and lacks references to the deck's two levels, the existence of a current roof deck to the east of the party wall, the bolting of Appellee's roof deck to Appellant's building, drilling into the nearly 100 year old party wall, and the close clearances to the party wall.

The description omits that Appellee's roof deck will have two levels. The height of the additional deck being built atop the roof deck is a safety, health and fire concern. The trellis' close proximity to Appellant's building has the potential of impeding the building's only emergency access to the roof.

There are also privacy concerns, including the fact that the raised portion of the deck will allow anyone on Appellee's deck a clear view into the top unit of 2115 N Street N.W. This is an unacceptable invasion of privacy.

Furthermore, the description omits that Appellee's new deck will be permanently bolted to the lower level platform of Appellant's roof deck. Appellant has not given permission nor authorization for the bolts, which will cause Appellant added expense in seeking repairs on their roof and hatches, and will weaken Appellant's building. This bolting will also cause future added expense to Appellant when it has to remove its deck and/or require access to its roof surface to conduct preventive maintenance on its roof/building envelope.

Additionally, the description omits the close clearances of the second level of Appellee's deck to the party wall. This is troublesome because this close clearance will greatly impair Appellant's ability to repair/replace the building's existing roof, skylights, and hatch. Appellant had previously contracted with Wagner Roofing to do repair work on their own roof. According

to Wagner (who reviewed the plans for 2117 N Street):

"The deck installation will make it impossible to remove the old roof skylights, roof flashings and installing the new one that we are currently contracted to install. The new deck will have to be removed in order to properly secure the new skylights and flash them to the adjoining party wall. Removal and reinstallation of the deck at 2117 N street in not included in your contract and will have to be performed by others. Also, if and when the roof needs to be replaced the deck will also have to be removed from the parapet wall in order to flash it per the manufacturer specifications." (Ex. K).

Appellant has previously contracted for the above rooftop maintenance, in an effort to prevent water incursion to Appellant's building. This contract was entered into in August 2012, long before DCRA erroneously issued the permits. Due to the extremely close clearances, it will now be impossible to accomplish this essential roofing replacement project.

c. Existing Use of 2117 N Street N.W.

The owner of the roof deck is a condominium association; the current use is not a single family home as indicated on the building permit application. Accuracy in identifying the type of building where the work is to be completed is important to DCRA's determination of the validity of the building's permit application. Additionally, the impact on Appellant's building could not have been adequately considered by DCRA because of the inaccurate description of Appellee's property.

Furthermore, Congdon makes no claims to represent Appellee for the condominium located at 2117 N Street N.W. Congdon, as a single unit-owner, has no standing to request a permit for the roof, which is a common element. Instead, Appellee, the condominium association that governs 2117 N Street NW, should be the entity requesting any construction permits. DCRA erred in accepting an application from a unit owner instead of Appellee, the building's Condominium Association.

D. THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
ISSUED THE PERMIT IN ERROR BECAUSE THE APPLICATION IS
UNAVAILABLE FOR REVIEW

The Office of Zoning failed to make the permit applications for B1211248 and B1300351 available for review and inspection by Appellant, and by the Advisory Neighborhood Commission, in violation of 11 § DCMR 3012.

The Records Office at DCRA has repeatedly claimed that the permit applications were "checked out by a division." (Ex. L). This prevented Appellant from reviewing the applications at any time during their approval process, making it impossible to verify the true extent of the roof deck construction. Additionally, the Advisory Neighborhood Commission was not given the opportunity to review the permit application, in violation of D.C. MUN. REGS. tit. 11, § 3012. (See Ex. A).

E. PROCEDURAL ERRORS AND TRESPASS

1. Neither Congdon nor Appellee ever obtained a Mechanical Unit Permit.

Congdon and Appellee have displayed willful disregard for the necessity of permits; DCRA has overlooked this unlawful behavior. On May 8, 2012, while under a stop work order, Congdon installed an HVAC unit by craning it directly onto the roof. (Ex. M). Congdon had not obtained a crane permit, and was not in receipt of any requisite mechanical permits. Appellant notified DCRA of this violation, and a construction inspector visited the roof of 2117 N Street NW. The specialist confirmed that the HVAC unit had been newly constructed, without a crane permit. Despite knowing this, DCRA has failed to take action.

2. Appellee has not posted all applicable permits and stop work orders, in violation of D.C. MUN. REGS. tit. 12, § 105.7, which states "A photocopy of the permit or the original shall be kept in a conspicuous and

immediately accessible location at the main entrance of the building or site, and the permit shall be open to public inspection during the entire time of the work and until it is completed."

DCRA overlooked the fact that Appellee and/or Congdon failed to post their stop work order, which was in effect from April to July. (See Ex. M). Currently, Appellee and/or Congdon has posted only one of their multiple building permits for the roof deck construction now underway.

3. Congdon has engaged in trespass onto Appellant's building and his selling agent has harassed Appellant.

Neighbors, emails, and the Appellant itself can substantiate the fact that in February 2012, Congdon trespassed over the roof of Appellant's building at 2115 N Street N.W. and the neighboring building 2113 N Street N.W. (Ex. N). Prior to purchasing a unit, Congdon climbed up fire escapes, without permission, in order to gain access to the 2117 N Street N.W. rooftop. Congdon, via his agent, also harassed Appellant at that time, demanding that they provide access to inspect the roof of 2117 N Street N.W.

On October 27, Appellant noticed a video camera attached to the cupola of 2117 N Street NW. The camera is pointed directly at the roof of Appellant's building and can presumably capture all activity on the building's roof. Appellant strongly believes this camera is harassment and an invasion of privacy. In addition, the camera is visible from N Street, and is therefore in violation of historic district rules.

HOW APPELLANT WILL PROVE ITS CASE

As required by the instructions for appealing to the Board of Zoning Adjustment, Instruction 3(b), Appellant outlines how it will prove its case as follows:

- Architects and experts with experience and knowledge of construction and building plans will be called on to testify.
- Once the permit applications are located, more specific details regarding the roof deck construction can be ascertained and contested.
 - An email from DCRA's Records Office Manager states that the permit applications cannot be found. (See Ex. L).
 - A Freedom of Information Act (FOIA) request has been submitted for the permit applications.

CONCLUSION

The permits that facilitate the construction of Appellee's roof deck were issued in error. DCRA received several of Appellant's letters that expressed opposition, yet did not respond nor provide an opportunity for a hearing before granting the permits. Similarly, Congdon and Appellee have never responded to any of Appellant's correspondence; Appellant's agents met with Congdon in June 2012 and also sent correspondence to Congdon and/or the Appellee on August 6, September 17, September 27, and October 16. (Ex. C; Ex. F; Ex. H).

Appellee's roof deck is unlawful because it violates multiple zoning regulations. These violations are not small technicalities with immaterial effects. These violations impact Appellant's light, air, and privacy; what's worse, these violations obstruct Appellant's ability to maintain its roof, hatch, and skylights, which they've previously contracted for. Even more egregious, these violations compromise the fidelity of the building's overall structural soundness, by drilling into the 100 year old party wall for non-essential reasons.

Congdon did not tell DCRA the whole story in his description of the construction. Therefore, DCRA did not have all the facts needed to properly assess the permit request.

Congdon failed to mention that he is building a second deck on top of the roof deck he's already building. He also failed to mention that he is bolting his roof deck to Appellant's building, which has a high likelihood of causing future water damage.

Continued construction of the roof deck will materially and permanently impact Appellant's building. It would be a miscarriage of justice if, as a result of Congdon's and Appellee's violations and bad faith, Appellant incurred more damage to their building and increased costs in routine building maintenance.

Therefore, we respectfully request that this Board issue a Stop Work Order and revoke all construction permits issued for the roof deck located at 2117 N Street NW.

Respectfully submitted,

KASS, MITEK & KASS, PLLC

/s/ Benny L. Kass

Benny L. Kass, Esq. #025155

Kass, Mitek & Kass, PLLC

1050 17th Street, N.W. Suite 1100

Washington, D.C. 20036

(202) 659-6500

blkass@kmklawyers.com

Counsel for Plaintiff, 2115 N Street NW

Condominium Association

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 2012, a copy of the Exceptions to the Department of Consumer and Regulatory Affairs' Issuance of Construction Permit B1211248 and B1300351 was mailed first class, postage prepaid to:

Nicholas A. Majett, Director
Department of Consumer and Regulatory Affairs
441 4th Street N.W. St
Ste. 200-S
Washington, DC 20001

Blake Congdon
2117 N Street NW
Unit 4
Washington DC 20037

Adam Pase
2117 N Street NW
Unit 3
Washington DC 20037

Justin A. Tantalo
2117 N Street NW
Unit 2
Washington, DC 20037

Daniel Welch
2117 N Street NW
Unit 1
Washington, DC 20037

2117 N Street Condominium Association
Board of Directors
2117 N Street NW
Washington, DC 20037

/s/ Benny L. Kass
Benny L. Kass, Esq.

EXHIBIT A

Amanda M. Skeen

From: Benny L. Kass
Sent: Thursday, October 25, 2012 4:53 PM
To: Thomas S. Paquin
Cc: Amanda M. Skeen; John H. Brillian
Subject: FW: Confirmation from ANC That They Did Not Get Notice of Project

Print this email. we will be using silverstein's email as an exhibit on all pleadigs we file in the 2114 n street case.

From: gchodes@aol.com [mailto:gchodes@aol.com]
Sent: Thursday, October 25, 2012 9:43 AM
To: Benny L. Kass; j.a.young@usa.net
Subject: Confirmation from ANC That They Did Not Get Notice of Project

-----Original Message-----

From: Mike Silverstein <mikesilversteinusa@yahoo.com>
To: gchodes <gchodes@aol.com>
Sent: Thu, Oct 25, 2012 8:49 am
Subject: Re: Confirming no project info given to ANC -- Re: Seeking ANC Assistance

I did not receive any advance information on this project.
I represent the affected single member district.

-- Mike Silverstein
ANC 2B06

From: "gchodes@aol.com" <gchodes@aol.com>
To: mikesilversteinusa@yahoo.com; Gchodes@aol.com
Sent: Thursday, October 25, 2012 8:45 AM
Subject: Confirming no project info given to ANC -- Re: Seeking ANC Assistance

Dear Mr. Silverstein,

Following up on message I left yesterday.

Wondering if the ANC commissioner, if he will, could send me a letter on ANC letter head to the effect that to the best of his knowledge, he (or ANC) never received any copies of the applications for Congdon roof deck at 2117 N St NW from DCRA.

Our association is moving ahead with trying to gain some time to at least to discuss the project before Congdon drills into the party wall, etc., and this confirmation, this info from ANC would be very helpful.

We are trying to get everything in this week so please let me know. Take care and thank you

10/26/2012

very much!

Yours,
Gabrielle

From: Mike Silverstein [mikesilversteinusa@yahoo.com]
Sent: Tuesday, October 16, 2012 5:59 PM
To: Huff, Andrew (Council)
Subject: Fw: Seeking ANC Assistance

Hi Andrew,

I've told Gabrielle to give you guys a call.

This all sounds new to me, and that's a bit troubling. I wonder why we hadn't heard anything about this roof deck proposal. This kind of stuff should be vetted by the Dupont Conservancy and the ANC.

I think it might warrant a stop work order before the neighbor puts up a fence atop a party wall, limiting access through skylights and hatches to the roof of the condo.

I don't want to take sides of prejudice anything, but it seems fair to ask both sides to take a step back and take a deep breath before proceeding.

Regards,

-- Mike

----- Forwarded Message -----

From: "Silverstein, Mike (ANC 2B06)" <2B06@anc.dc.gov>
To: "mike.silverstein@dupontcircleanc.net" <mike.silverstein@dupontcircleanc.net>
Sent: Tuesday, October 16, 2012 2:15 PM
Subject: FW: Seeking ANC Assistance

From: gchodes@aol.com[SMTP:GCHODES@AOL.COM]
Sent: Tuesday, October 16, 2012 2:15:05 PM
To: Silverstein, Mike (ANC 2B06); j.a.young@usa.net; Gchodes@aol.com
Subject: Seeking ANC Assistance
Auto forwarded by a Rule

Mike Silverstein
Advisory Neighborhood Commission

10/26/2012

SMD 2B06

Dear Mr. Silverstein,

I am writing to ask your advice and assistance regarding an oversized roof deck construction project at 2117 N Street, NW.

My condominium association is the building next door, at 2115 N Street, NW.

Ideally, we would like to have you and your organization involved in questioning both the permit that has been approved and the permit allegedly still pending.

We are very concerned because the project involves the party wall and will permanently affect our association's ability to repair and maintain pre-existing structural elements on our roof, including skylights and hatch.

We have tried for months to work with the owner of the proposed roof deck, Blake Congdon, his architect, Rich Markus, as well as with nearly every office at DCRA.

Our attorneys at Kass, Mitek, Kass are working on a BZA appeal of the permit/s (it is still unclear the exact permit status, how many have been granted) but we are facing imminent harm since the construction is going on as I type this note.

There was never a zoning hearing on this project and our many attempts to have our real concerns included in the process, including with a completely unhelpful DCRA, have been ignored.

Could you please let me know whether the ANC might be able to offer any assistance or advice in this situation?

Your time is appreciated and thank you very much!

Yours,
Gabrielle Chodes
President, 2115 N Street NW
Condominium Association
Phone: (202) 309-4895

PS Related emails (a small sampling) is enclosed....

cc: Mike Silverstein, ANC
Jeff Young, Treasurer
Gabrielle Chodes, President

10/26/2012

Grade.DC.gov<<http://Grade.DC.gov/>> has expanded!

Now you can grade the DC Public Library, Police, Fire and EMS, the Office of Unified Communications (311/911) and the Office on Aging.

Check out www.grade.dc.gov<<http://www.grade.dc.gov/>> today.

EXHIBIT B

Neighbor-to-Neighbor Letter

Blake Congdon

2117 N st NW, #4

Washington, DC 20007

7/14/12

Mr. Gabrielle E Chodes / Chris Scism, Chetel Real Estate

3210 N St. NW

Washington, DC 20007

Owner of:

2115 N St. NW, Unit #7

Washington, DC 20007

Dear Ms. Chodes & Mr. Scism:

I, Blake Congdon, owner of 2117 N street NW, plan to renovate my building, which shares a party wall with your property.

I am in the process of submitting a building permit application to renovate to my building to the DC Department of Consumer and Regulatory Affairs (DCRA).

Under DC Municipal Regulations (DCMR) Title 12 DC Building Code Supplement, Section 3307A, I'm required to give a certified notification letter to tell you about the construction I want to do.

I'm also required to give you the opportunity to review the permit application and the proposed work plans.

If you would like to review a copy of the proposed construction plans, please send me a written request.

The code also requires you, as the adjacent property owner, to allow me, as the person causing the construction, to inspect your property for any damages -- before and after the proposed construction (at times that are convenient for both of us).

The code clearly states that:

-I'm responsible for safeguarding your property during the construction.

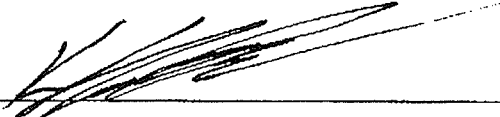
-If you don't grant me permission to access your property, any damage to your property will be borne by you, the adjacent property owner(s).

This letter hereby serves as the notification letter required by DCMR 12A section 3307A.

I ask you sign this letter below to acknowledge that you received it; and sign in the consent block to allow the inspections of your property mentioned above.

You can reach me by calling 916.467.6408

Thank you.

Yours truly,  (Agent of Owner)

☐

I received this notice

☐

I consent (agree to) your inspection of my property

☐

I need more time to review your proposed plans and consult others. I will give you my answer by [date]

☐

Other _____

Signed: _____ Date: _____

REIL MARKUS ARCHITECTS
2601 7th St NW
WASHINGTON, DC, 20005

UNITED STATES POSTAL SERVICE



7012 0470 0000 2063 3102



U.S. POSTAGE
PAID
WASHINGTON, DC
20004
JUL 23 '12
AMOUNT
\$3.40
00063238-15

1000 20007

1 R GABRIELLE E. CHODS/CARLES SEISM
C HETEL REAL ESTATE
3 210 N ST NW
L WASHINGTON, DC, 20007

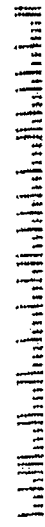


EXHIBIT C

Kenneth E. Chadwick (VA, MD)
Wilbert Washington II (VA, MD, DC)
Stephen H. Moriarty (VA)
Andrew G. Elmore (VA)
Brendan P. Bunn (VA, DC)
Daniel B. Streich (VA, DC)
Allen B. Warren (VA, DC)



CHADWICK
WASHINGTON
MORIARTY
ELMORE &
BUNN P.C.

Jerry M. Wright, Jr. (VA)
Sara J. Ross (VA)
Alexandra Spaulding (VA)
Marie Johnson (VA, DC)
Bruce H. Easmunt (VA)
Christopher S. Chipman (VA, DC)
Michael A. Sottolano (VA)
Susan L. Truskey (VA)

9990 Fairfax Boulevard, Suite 200
Fairfax, Virginia 22030-1720
(703) 352-1900 • FAX (703) 352-5293

WWW.CHADWICKWASHINGTON.COM
FIRM E-MAIL: MAIL@CHADWICKWASHINGTON.COM

August 6, 2012

By Hand & FedEx

Blake Congdon
2117 N St., NW, #4
Washington, DC 20007

Kristian Hoffla
Rich Markus Architects
2601 P St., NW 2nd Floor
Washington, DC 20007

**Re: DCRA Application ID B1211248
DCRA Application ID B1207008**

Dear Mr. Congdon and Mr. Hoffla:

This firm represents the 2115 N Street Condominium Unit Owners Association ("Association" or "2115"). The Association's Board of Directors has instructed us to write to you to communicate its objections to--and disapproval of--the proposed roof deck project for 2117 N. St., which project is the subject of the two (2) above-referenced District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") permit applications.

The Association objects to the current design of the proposed roof deck on 2117 N St., specifically to any features which may block or obstruct the light and view easements of 2115 N St. The design of the proposed roof deck includes one or more solid walls, a trellis and a roof to the trellis, all of which will obstruct the aforementioned easements of 2115 N St. The changes to the design which shall be necessary to protect 2115's light and view easements are as follow:

- 1) Elimination of any solid walls in the proposed design;
- 2) Elimination of the proposed trellis and its roof;
- 3) A standard 3' railing around the perimeter of the proposed deck;

Blake Congdon
Kristian Hoffla
August 6, 2012

Page 2

4) A reduction in the height of the rear portion of the proposed deck so as to prevent any persons on the proposed deck from being able to look into the skylights of 2115 N St.

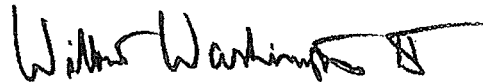
Additionally, the Association will not agree to any modifications to its building, fixtures and appurtenances. For example, the proposed roof deck for 2117 N St. requires modification to the existing roof deck on 2115 N St. Additionally, the application for the proposed deck includes a proposal to tie in for support purposes the proposed deck on 2117 with the existing support structure that is currently housing the air-conditioning units for 2115. Neither one of these features of the proposed deck is acceptable to 2115.

For the foregoing reasons, 2115 denies permission to access its property pending appropriate adjustments to the planned work. 2115 reserves all rights and shall hold Mr. Congdon strictly responsible for any damage he or his contractors cause to any portion of 2115 N Street Condominium.

Finally, please consider this to be the Association's written request for notification of any hearing before any public agency regarding the above-referenced applications, including the Board of Zoning Appeals.

By "cc" copy hereof, DCRA is hereby notified of the Association's (2115's) objections and disapproval of the proposed projects for which the above-referenced applications were submitted.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilbert Washington II", with a stylized flourish at the end.

Wilbert Washington II

cc: DCRA
Attn: Permits
1100 4th St., SW
Washington, DC 20024

EXHIBIT D

Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589 Fax (202) 442 - 4862

TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442 9557

B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF WORK
UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 09/07/2012

PERMIT NO. B1211248

Expiration Date: 09/07/2013

Address of Project: 2117 N ST NW #4, Washington, DC 20037		Zone:	Ward:	Square: 0254	Suffix:	Lot: 0829
Description Of Work: new rooftop deck with railing, access hatch, ? access stairs.						
Permission Is Hereby Granted To: Blake Congdon		Owner Address: 2117 N ST. NW 20007		PERMIT FEE: \$325.88		
Permit Type: Alteration and Repair	Existing Use: Single Family	Proposed Use: Single Family			Plans:	
Agent Name: Kristian Hoffland Rich Markus Architects	Agent Address: 2601 P st. NW 20007	Existing Dwell Units: 4	Proposed Dwell Units: 4	No. of Stories: 3	Floor(s) Involved: 3	
Conditions/ Restrictions: This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund must be made within six months of the date appearing on this permit. Lead Paint Abatement Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to http://ddoe.dc.gov, Lead and Healthy Housing.						
Director: Nicholas A. Majett		Permit Clerk Mark Briscoe				
TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICIAL, CALL THE DC INSPECTOR GENERAL AT 1-800-521-1639 FOR CONSTRUCTION INSPECTION INQUIRIES CALL (202) 442-9557 TO SCHEDULE INSPECTIONS PLEASE CALL (202) 442-9557.						

COPY FOR YOUR INFORMATION

EXHIBIT E

Gabrielle
(202) 309-4895

-----Original Message-----

From: Tyler Westerfield <twesterfield@chatel.us>
To: j.a.young <j.a.young@usa.net>; gchodes <gchodes@aol.com>
Cc: Chris Matherne <cmatherne@chatel.us>
Sent: Mon, Sep 17, 2012 2:01 pm
Subject: FW: To the Board of Directors 2117 N Street Condominium Association

See below.

From: Welch, Daniel [mailto:Daniel.Welch@morganstanleysmithbarney.com]
Sent: Monday, September 17, 2012 1:55 PM
To: Tyler Westerfield; adamjpase@yahoo.com
Subject: RE: To the Board of Directors 2117 N Street Condominium Association

Thanks for your note Tyler.

I've passed on this complaint to unit #4. This is not an association issue since this work is being done strictly by unit #4. In the future, please direct correspondence to him.

As an outsider to all of this, seems to me that there is a fair bit of miscommunication going on. I am sure everyone is trying their best to be neighborly so hopefully we can resolve things and everyone can go about their business and live in peace.

Thanks Tyler.

Daniel J. Welch, CFP®
Vice President
Financial Advisor

From: Tyler Westerfield [mailto:twesterfield@chatel.us]
Sent: Monday, September 17, 2012 10:06 AM
To: adamjpase@yahoo.com; Welch, Daniel (Wealth Mgmt MS)
Subject: To the Board of Directors 2117 N Street Condominium Association

To the Board of Directors 2117 N Street Condominium Association:

This note follows on our correspondence with you of August 2012. At that time, we noted that we would hold your association responsible for any damage to our building or its appurtenances, including the roof deck, air conditioner supports, the roof itself and any and all structures on our building. In fact, the roof work recently carried on by your association, including placing roofing paper around and under the existing structures on our roof, including the roof deck and A/C support structures, and tarring and silvering your roof and the party wall, has caused damage to our common elements. In addition to the damage, debris from your work was left in our building's gutters. We will be contacting you shortly regarding compensation for the damage to our roof and its structures. Meanwhile, we ask that you cease and desist with any and all construction on your roof, including roof repair and/or deck construction work, until this issue can be resolved. Thank you.

Board of Directors
2115 N Street Condominium Association

Tyler Westerfield

Chatel Real Estate, Inc.

(202) 745-0613 ex. 3014

(202) 462-4980 fax

www.chatelrealestate.com

Chatel Real Estate, Inc. a full service real estate firm providing sales, rentals, and property management services since 1950.

Important Notice to Recipients:

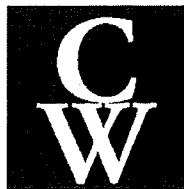
Please do not use e-mail to request, authorize or effect the purchase or sale of any security or commodity. Unfortunately, we cannot execute such instructions provided in e-mail. Thank you.

The sender of this e-mail is an employee of Morgan Stanley Smith Barney LLC. If you have received this communication in error, please destroy all electronic and paper copies and notify the sender immediately. Erroneous transmission is not intended to waive confidentiality or privilege. Morgan Stanley Smith Barney reserves the right, to the extent permitted under applicable law, to monitor electronic communications. This message is subject to terms available at the following link:

<http://www.morganstanley.com/disclaimers/mssbemail.html>. If you cannot access this link, please notify us by reply message and we will send the contents to you. By messaging with Morgan Stanley Smith Barney you consent to the foregoing.

EXHIBIT F

Kenneth E. Chadwick (VA, MD)
Wilbert Washington II (VA, MD, DC)
Stephen H. Moriarty (VA)
Andrew G. Elmore (VA)
Brendan P. Bunn (VA, DC)
Daniel B. Streich (VA, DC)
Allen B. Warren (VA, DC)



CHADWICK
WASHINGTON
MORIARTY
ELMORE &
BUNN P.C.

Jerry M. Wright, Jr. (VA)
Sara J. Ross (VA)
Alexandra Spaulding (VA)
Marie Johnson (VA, DC)
Bruce H. Easmunt (VA)
Christopher S. Chipman (VA, DC)
Michael A. Sottolano (VA)
Susan L. Truskey (VA)

9990 Fairfax Boulevard, Suite 200
Fairfax, Virginia 22030-1720
(703) 352-1900 • FAX (703) 352-5293

WWW.CHADWICKWASHINGTON.COM
FIRM E-MAIL: MAIL@CHADWICKWASHINGTON.COM

September 27, 2012

By Email

Board of Directors
2117 N Street Condominium
c/o Daniel Welch & Adam Passe

Re: Roof Deck Construction

Dear Messrs. Welch and Passe:

This firm represents the 2115 N Street Condominium Unit Owners Association ("Association" or "2115"). The Association's Board of Directors has instructed us to write to you to communicate its objections to--and disapproval of--the proposed roof deck at 2117 N. St., that Blake Congdon plans to erect. As the Association's community manager, Tyler Westerfield, has already explained, your association's recent roof work was performed in a manner that damaged my client's property. Permitting Mr. Congdon to pursue his planned work places my client at further risk of damage for which it will look to 2117 and Mr. Congdon for redress.

Given that the roof is a common element of your condominium, 2115 will hold 2117 responsible for any injury it experiences given that the Board has permitted Mr. Congdon's deck to be constructed. Also, you should be aware that allowing his deck to be constructed on the roof for which the association is responsible, will increase your cost of maintenance as the association will have to rebuild the deck for him every time you replace the roof membrane or need to gain access to the membrane for maintenance.

You should know that 2115 objects to the current design of the proposed roof deck on 2117 N St., specifically to any features which may block or obstruct the light and view easements of 2115 N St. The design of the proposed roof deck includes one or more solid walls, a trellis and a roof to the trellis, all of which will obstruct the aforementioned easements of 2115 N St. The changes to the design which shall be necessary to protect 2115's light and view easements are as follow:

Board of Directors
2117 N Street Condominium
September 27, 2012

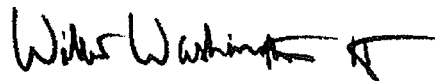
Page 2

- 1) Elimination of any solid walls in the proposed design;
- 2) Elimination of the proposed trellis and its roof;
- 3) A standard 3' railing around the perimeter of the proposed deck;
- 4) A reduction in the height of the rear portion of the proposed deck so as to prevent any persons on the proposed deck from being able to look into the skylights of 2115 N St.

Additionally, 2115 will not agree to any modifications to its building, fixtures and appurtenances. For example, the proposed roof deck for 2117 N St. requires modification to the existing roof deck on 2115 N St. Additionally, the application for the proposed deck includes a proposal to tie in for support purposes the proposed deck on 2117 with the existing support structure that is currently housing the air-conditioning units for 2115. Neither one of these features of the proposed deck is acceptable to 2115.

For the foregoing reasons, 2115 denies permission to access its property pending appropriate adjustments to the planned work. 2115 reserves all rights and shall hold Mr. Congdon and 2117 strictly responsible for any damage he or his contractors cause to any portion of 2115 N Street Condominium. If 2115 is forced to take legal action to protect its rights, please be advised that action will be lodged against Mr. Congdon and 2117 for your respective roles in infringing upon my client's rights and/or for any damage inflicted upon them. This can all be avoided by working with my client to adjust the planned deck and establishing appropriate safeguards to ensure that no further damage occurs.

Sincerely,



Wilbert Washington II

cc: 2115 Board of Directors
c/o Tyler Westerfield

0633-1

EXHIBIT G



Department of Consumer and Regulatory Affairs

Permit Operations Division

1100 4th Street SW

Washington DC 20024

Tel. (202) 442 - 4589

Fax (202) 442 - 4862



B

BUILDING PERMIT

THIS PERMIT MUST ALWAYS BE CONSPICUOUSLY DISPLAYED AT THE ADDRESS OF
WORK UNTIL WORK IS COMPLETED AND APPROVED

Issue Date: 10/09/2012

PERMIT NO. B1300351

Expiration Date: 10/09/2012

Address of Project: 2117 n ST NW #4, 3rd fl		Zone:	Ward:	Square: 0069	Suffix:	Lot: 0171
Description Of Work: revision to existing permit # B1211248 to show HPRB approval only						
Permission Is Hereby Granted To: Blake Congdon		Owner Address: 2117 N STREET NW 20007			PERMIT FEE: \$36.30	
Permit Type: Alteration and Repair	Existing Use: Multifamily (> 2 units)		Proposed Use: Multifamily (> 2 units)		Plans:	
Agent Name: Kristian Hoffland	Agent Address: 2601 P Street Nw 20007	Existing Dwell Units: 4	Proposed Dwell Units: 4	No. of Stories: 3	Floor(s) Involved: 3	
Conditions/ Restrictions: Exterior architectural alterations and work restricted to plans stamped by HPO. This Permit Expires if no Construction is Started Within 1 Year or if the Inspection is Over 1 Year. All Construction Done According To The Current Building Codes And Zoning Regulations; As a condition precedent to the issuance of this permit, the owner agrees to conform with all conditions set forth herein, and to perform the work authorized hereby in accordance with the approved application and plans on file with the District Government and in accordance with all applicable laws and regulations of the District of Columbia. The District of Columbia has the right to enter upon the property and to inspect all work authorized by this permit and to require any change in construction which may be necessary to ensure compliance with the permit and with all the applicable regulations of the District of Columbia. Work authorized under this Permit must start within one(1) year of the date appearing on this permit or the permit is automatically void. If work is started, any application for partial refund Lead Paint Abatement Whenever any such work related to this Permit could result in the disturbance of lead based paint, the permit holder shall abide by all applicable paint activities provisions of the 'Lead Hazard Prevention and Elimination Act of 2008' and the EPA 'Lead Renovation, Repair and Painting rule' regarding lead-based include adherence to lead-safe work practices. For more information, go to http://ddoe.dc.gov , Lead and Healthy Housing.						
Director: Nicholas A. Majett		Permit Clerk Patrice Derricott				
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OFFICE OF THE
INSPECTOR GENERAL

EXHIBIT H

LAW OFFICES
KASS, MITEK & KASS
A PROFESSIONAL LIMITED LIABILITY COMPANY
SUITE 1100
1050 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20036-5596

BENNY L. KASS (DC, MD)
MARK M. MITEK (DC)
BRIAN L. KASS (DC, MD)
LAURIE PYNE O'REILLY (DC, MD & VA)
JOHN H. BRILLIAN (DC)
ANTHONY R. CHAMP (DC, VA)

(202) 659-6500
FAX: (202) 293-2608
www.kmklawyers.com

blkass@kmklawyers.com

October 16, 2012

By Email And Regular Mail

Mr. Blake Congdon (blakejcongdon@hotmail.com)
Mr. Adam Pase (adamipase@yahoo.com)
Mr. Daniel Welch (danielwelch@morganstanleysmithbarney.com)
Mr. Justin Tantalo
2117 N Street, NW
Washington, D.C. 20037

Re: 2115 N Street NW Condominium

Gentlepersons:

I have been retained by your neighbor, the 2115 N Street, NW Condominium Association.

I have been advised that you have started work on the second half of the deck, which I understand is to be attached to the party wall.

This is to request that you immediately cease and desist work on the roof deck project as it will have permanent, serious and harmful effects on my client's ability to replace and maintain pre-existing structural elements on its roof, including the hatch and skylights. I understand that you have been advised of this in the past but have ignored my client's concerns.

According to Wagner Roofing Company, my client's roofer, "The deck installation will make it impossible to remove the old roof skylights, roof flashings and installing the new one that we are currently contracted to install. The new deck will have to be removed in order to properly secure the new skylights and flash them to the adjoining party wall. Removal and reinstallation of the deck at 2117 N street is not included in your contract and will have to be performed by others. Also, if and when the roof needs to be replaced the deck will also have to be removed from the parapet wall in order to flash it per the manufacturer specifications."

Furthermore, please provide me with evidence that you have obtained all necessary and appropriate permits to do the entire job.



October 16, 2012

Page 2

In light of this, please cease construction until we can come to an agreement. I am prepared to meet with you and your architects in order to attempt to reach an amicable resolution. We will, however, hold all 2117 condominium owners liable for any damages or injury to person or property.

Sincerely,

Benny L. Kass

cc: clients (by email)
Rich Markus (rmarkus@richmarkusarchitects.com)
Kristian Hoffland (kristian@richmarkusarchitects.com)
DCRA: (rabbiah.sabbakhan@dc.gov)
DCRA: (kathleen.beeton@dc.gov)

EXHIBIT I

CONGDON ROOFTOP

2117 N ST NW, WASHINGTON, D.C. 20007
 Square 0069 Lot 0171 PERMIT SET : 29 JUNE 2012

RICH MARKUS ARCHITECTS
 2601 P STREET SECOND FLOOR WASHINGTON D.C. 20007

ARCHITECTURAL DRAWINGS	
A000	COVER SHEET
A001	PHOTOGRAPHS-FRONT
A002	PHOTOGRAPHS-REAR
A100	EXISTING & PROPOSED 3RD FLOOR PLAN
A101	EXISTING & PROPOSED ROOFTOP PLAN
A201	EXISTING & PROPOSED SECTIONS
A202	PROPOSED ROOFTOP SECTION
A203	PROPOSED ROOFTOP SECTION
A204	PROPOSED ROOFTOP SECTION
S001	EXISTING & PROPOSED ROOFTOP FRAMING PLAN
S002	EXISTING & PROPOSED CEILING FRAMING PLAN
S003	PROPOSED ROOFTOP FRAMING DETAILS
S004	PROPOSED HANGER DETAILS

OWNER:
 BLAKE CONGDON
 2117 N ST NW, #4, 3 FLOOR
 WASHINGTON D.C. 20007
 BLAKECONGDON@HOTMAIL.COM

ARCHITECT:
 RICH MARKUS ARCHITECTS
 2601 P STREET NW, 2ND FLOOR
 WASHINGTON DC 20007
 202.333.2733 VOICE
 rmarkus@richmarkusarchitects.com

M/E/P ENGINEER:
 Roger Chebib (P.E.)
 Principal, C A C Consulting, Inc.
 Consulting Structural Engineers
 17 Wheatfield Court,
 Gaithersburg MD, 20879.
 Ph: 240-686-4833
 Fx: 301-515-0807
 Chebib1559@aol.com

DATE: **SEP 01 2012**
 BY: *[Signature]*
 CHECKED: *[Signature]*

PERMANENT FILE

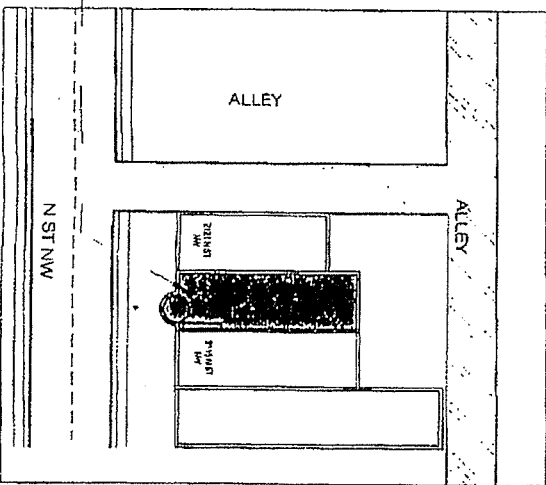
1 GENERAL NOTES / CODE ANALYSIS

EXISTING / PROPOSED	DESCRIPTION	REFERENCE
EXISTING	3RD FLOOR PLAN	AS SHOWN ON EXISTING PLANS
EXISTING	ROOFTOP PLAN	AS SHOWN ON EXISTING PLANS
EXISTING	SECTIONS	AS SHOWN ON EXISTING PLANS
PROPOSED	3RD FLOOR PLAN	AS SHOWN ON PROPOSED PLANS
PROPOSED	ROOFTOP PLAN	AS SHOWN ON PROPOSED PLANS
PROPOSED	SECTIONS	AS SHOWN ON PROPOSED PLANS
PROPOSED	FRAMING PLAN	AS SHOWN ON PROPOSED PLANS
PROPOSED	CEILING FRAMING PLAN	AS SHOWN ON PROPOSED PLANS
PROPOSED	HANGER DETAILS	AS SHOWN ON PROPOSED PLANS

VICINITY MAP



SITE PLAN



RICH MARKUS ARCHITECTS
 2601 P STREET NW 2ND FL
 WASHINGTON D.C. 20007
 202.333.2733 / 202.333.2944

CONGDON ROOFTOP DECK
 2117 N STREET NW #4
 WASHINGTON, DC, 20037

SITE PLAN AND COVER SHEET

N/A

29 JUNE 2012

A000



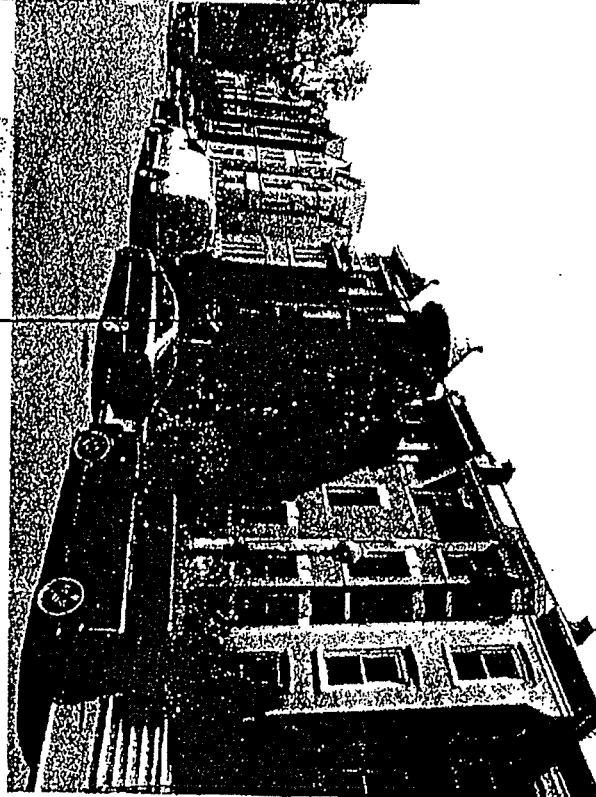
1 SOUTH-WEST VIEW
PHOTOGRAPHS

2117 N ST NW

SEP 01 2012



2 SOUTH-EAST VIEW
PHOTOGRAPHS



PHOTOGRAPHS
FRONT

CONGDON ROOFTOP
DECK
2117 N STREET NW #4
WASHINGTON, DC 20007

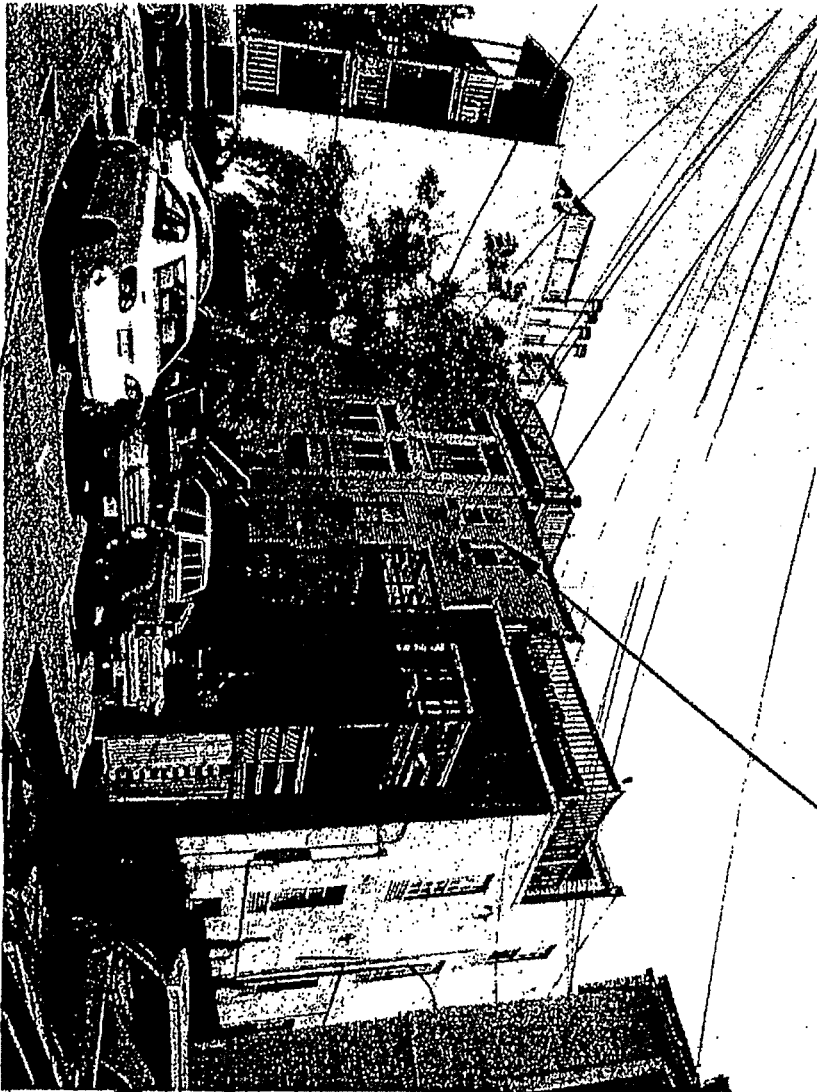
RICH MARKUS ARCHITECTS
2801 P STREET NW 2ND FL
WASHINGTON D.C. 20007
202.333.2733 / 202.333.2944

A00

20 JUNE 201

NA

2117 N ST NW



1 NORTH-WEST VIEW
PHOTOGRAPHS

ALLEY



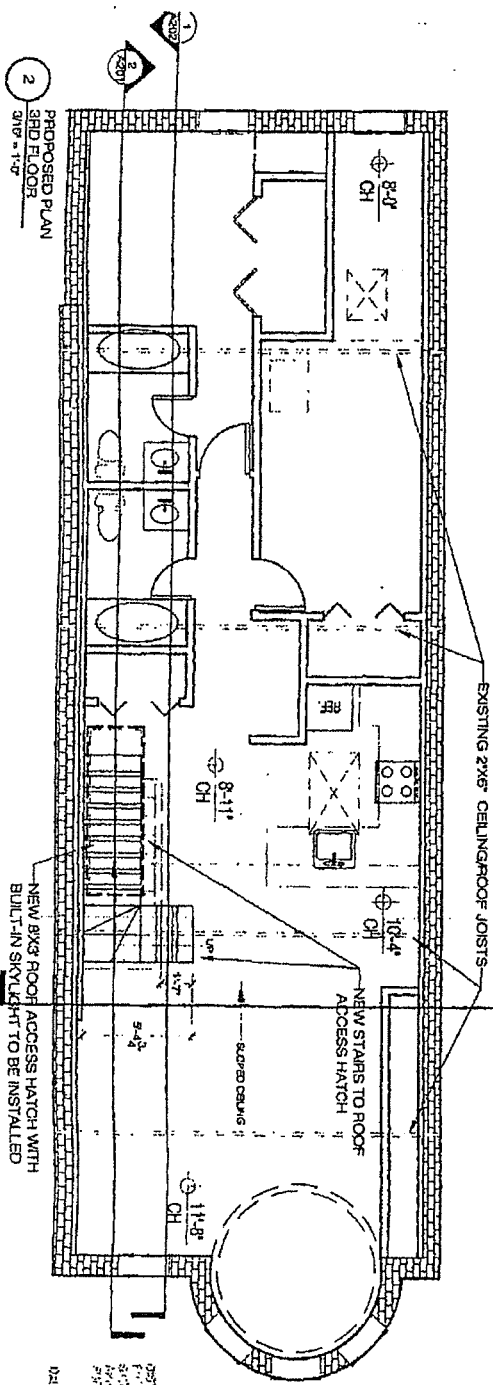
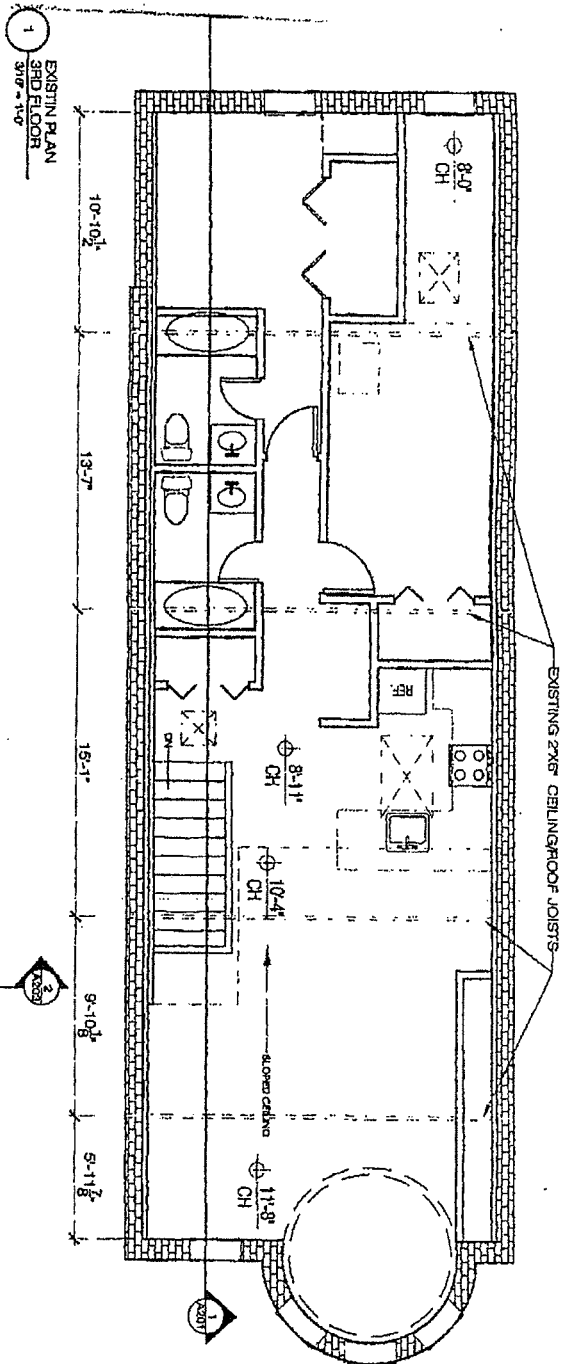
SEP 07 2012

A002

PHOTOGRAPHS
REAR

CONGDON ROOFTOP
DECK
2117 N STREET NW #4
WASHINGTON, DC, 20037

RICH MARKUS ARCHITECTS
2601 P STREET NW 2ND FL
WASHINGTON D.C. 20007
202-333-2733 / 202-333-2944



SEP 07 2012

A100

EXISTING &
PROPOSED
3RD FLOOR PLAN

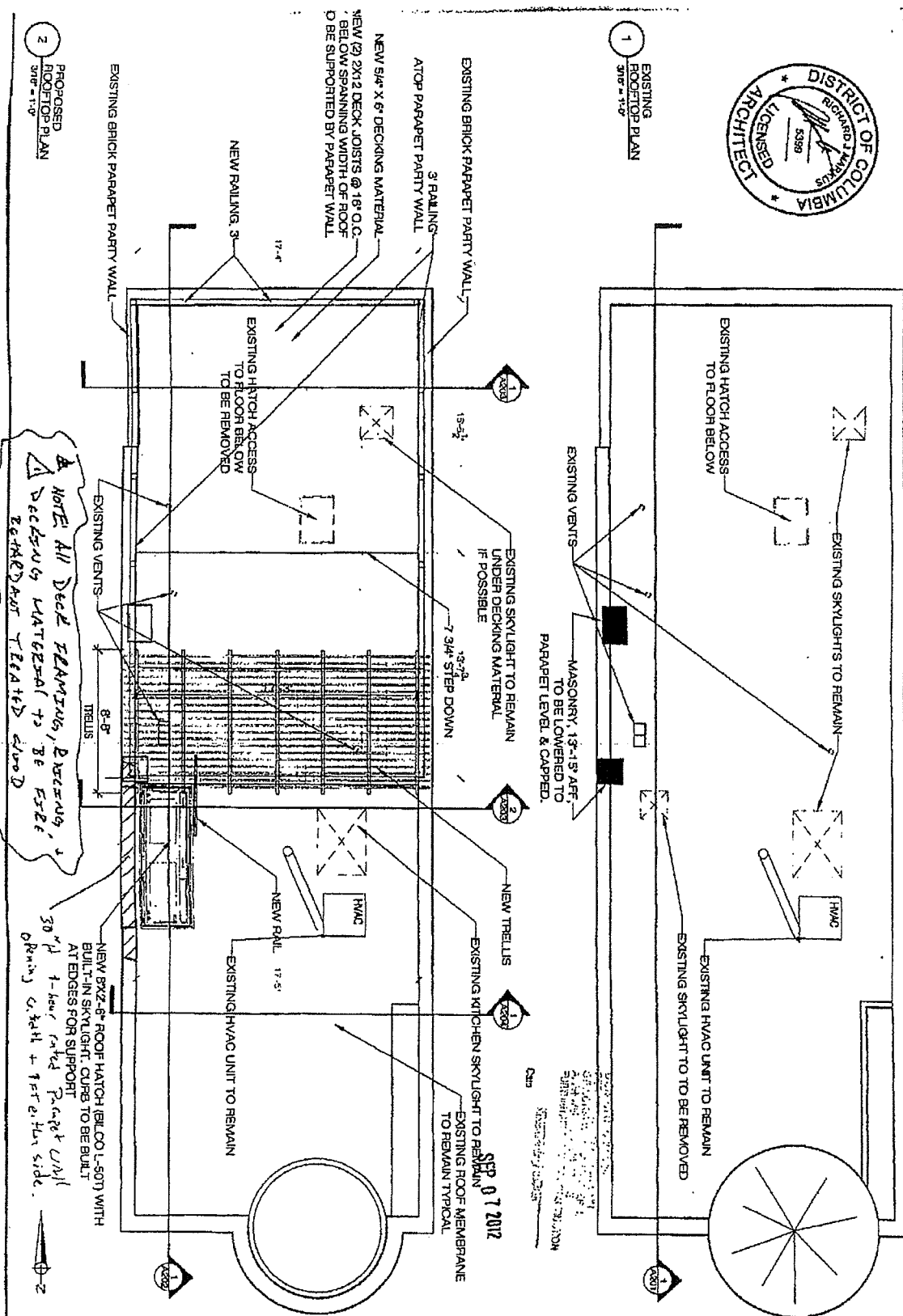
CONGDON ROOFTOP
DECK
2117 N STREET NW #4
WASHINGTON, DC, 20037

RICH MARKUS ARCHITECT
2601 P STREET NW 2ND FL
WASHINGTON D.C. 20007
202.333.2738 / 202.333.2644



1
EXISTING
ROOFTOP PLAN
30' x 14'

2
PROPOSED
ROOFTOP PLAN
30' x 14'

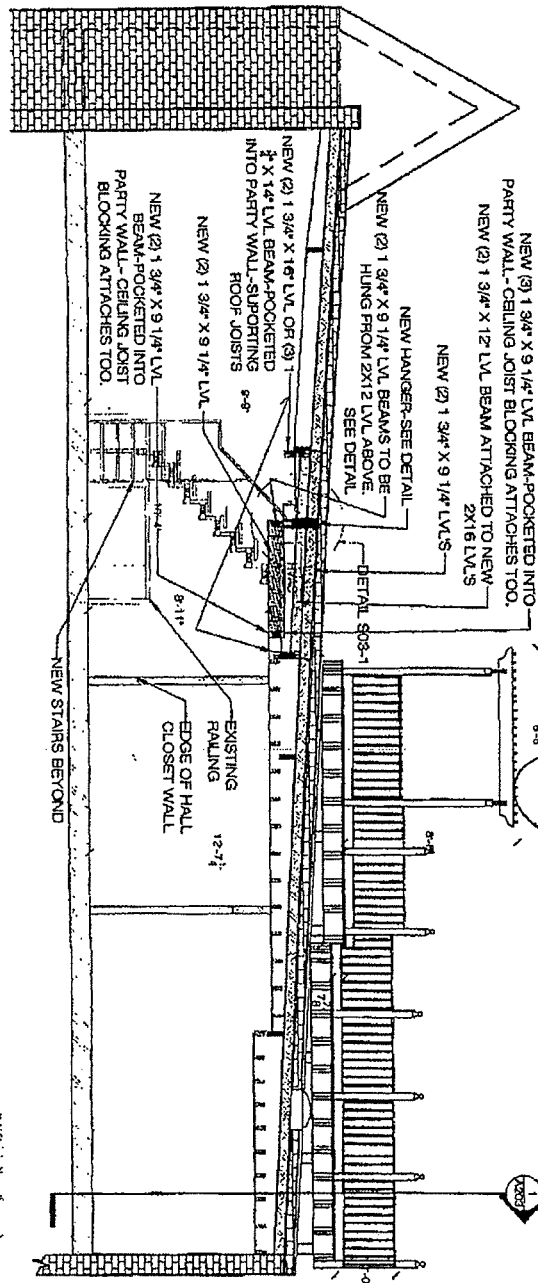


NOTE: All Deck Framing, Decking, Decking Materials, & Decking Accessories to be Replaced & Rebuilt.

SEP 07 2012



DO NOT WRITE IN THESE SPACES
ADMINISTRATIVE USE ONLY
WITH REQUIREMENTS FOR
DOCKING

$$\frac{716}{252}$$


PROPOSED
ROOFTOP SECTION
316" = 1'-0"

SEP 07 2012

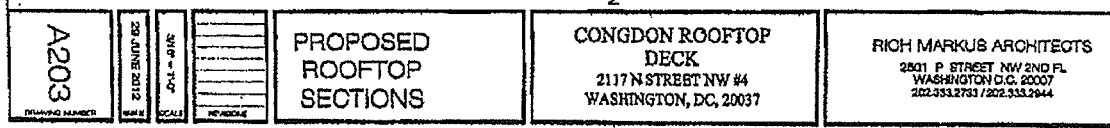
A202

2008-11-07
29 JUNE 2012

PROPOSED
ROOFTOP
SECTION

CONGDON ROOFTOP
DECK
2117 N STREET NW #4
WASHINGTON, DC, 20037

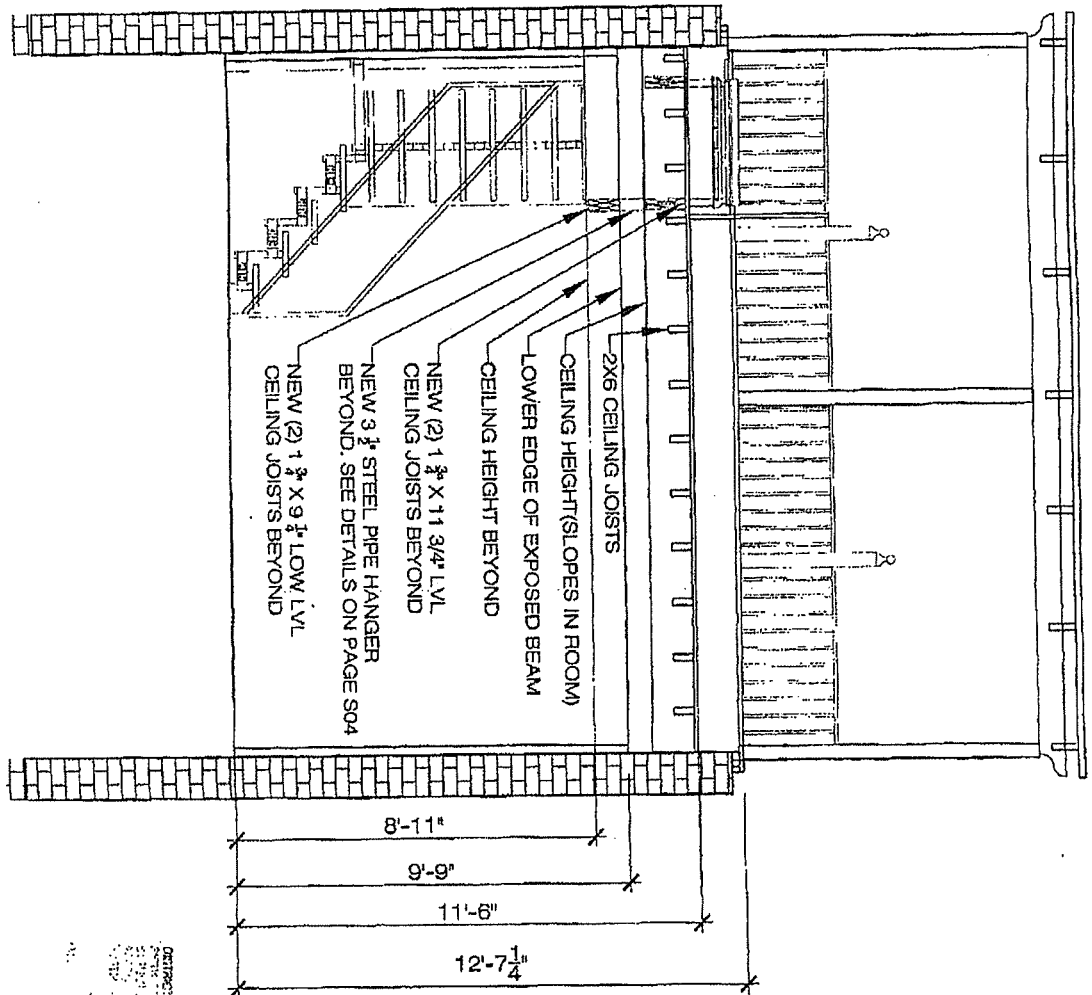
RICH MARKUS ARCHITECTS
2801 P STREET NW 2ND FL
WASHINGTON D.C. 20007
202.353.2733 / 702.333.2944



RICH MARKUS ARCHITECTS
2501 P STREET NW 2ND FL
WASHINGTON D.C. 20007
202.333.2731 / 202.333.2944



PROPOSED
ROOFTOP SECTION
3/16-1/14



SEP 07 2012

A204	26 JUNE 2012	3/16-1/14	PROPOSED ROOFTOP SECTIONS	CONGDON ROOFTOP DECK 2117 N STREET NW #4 WASHINGTON, DC, 20037	RICH MARKUS ARCHITECTS 2601 P STREET NW 2ND FL WASHINGTON D.C. 20007 202.335.2755 / 202.335.2044
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STAIRS TO BE MODULAR 'ARKE KOMPACT' BRAND STAIR-INSTALLED WITH THE FOLLOWING SPECIFICATIONS

landing floor

starting floor

arke Personalize your Kompact

choose the colour of your stair

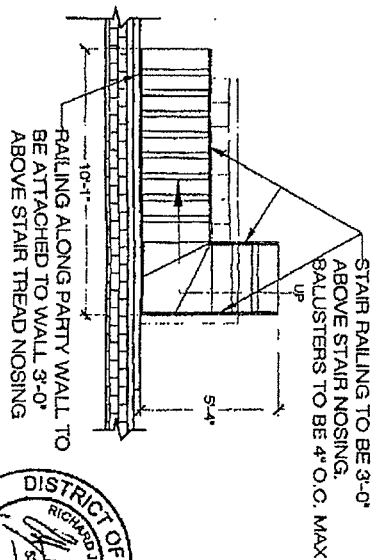
Stair details:

model	Kompact P91
tread number	15
riser number	15
height	1.05 m
collar opening diameter	6.4 m
head width	23.5 m
head going	53.5 m
head going	13.5 m
head width	12.8 m
head room	2.1 m

Stair components:

Qty	Description	Codes
1	Staircase P91, 1.05 m	3003
3	for additional level	3004

1 PROPOSED ACCESS STAIR AND RAILING DETAILS



1 PROPOSED STAIR RAILING DETAILS

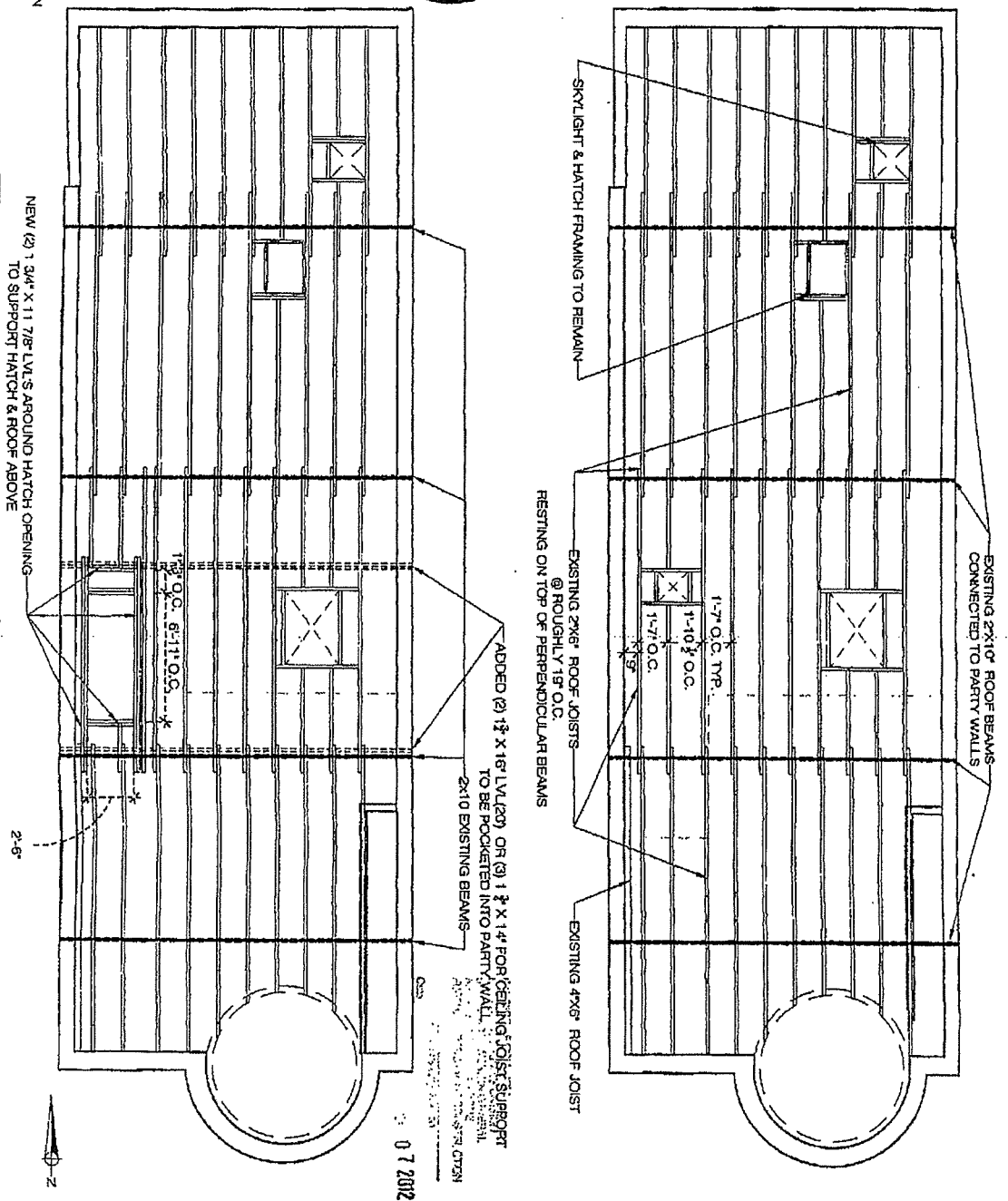


SEP 07 2012

01/27/2012
RICH MARKUS ARCHITECTS
2201 P STREET NW 2ND FL
WASHINGTON D.C. 20037
202.553.2733 / 202.553.2644

A205	AS SHOWN 29 JUNE 2012	PROPOSED ROOFTOP SECTIONS	CONGDON ROOFTOP DECK 2117 N STREET NW #4 WASHINGTON, DC, 20037	RICH MARKUS ARCHITECTS 2201 P STREET NW 2ND FL WASHINGTON D.C. 20037 202.553.2733 / 202.553.2644
------	--------------------------	---------------------------	--	---

2
PROPOSED
ROOF FRAMING PLAN
3/16" = 1'-0"



SOOT

20 JUNE 2012

370-1 = 310-0

di vendita

1. *Journal of Management Education*
 2. *Journal of Management Inquiry*
 3. *Journal of Management Research*
 4. *Journal of Management Studies*
 5. *Journal of Management Teaching*
 6. *Journal of Management Education*
 7. *Journal of Management Inquiry*
 8. *Journal of Management Research*
 9. *Journal of Management Studies*
 10. *Journal of Management Teaching*

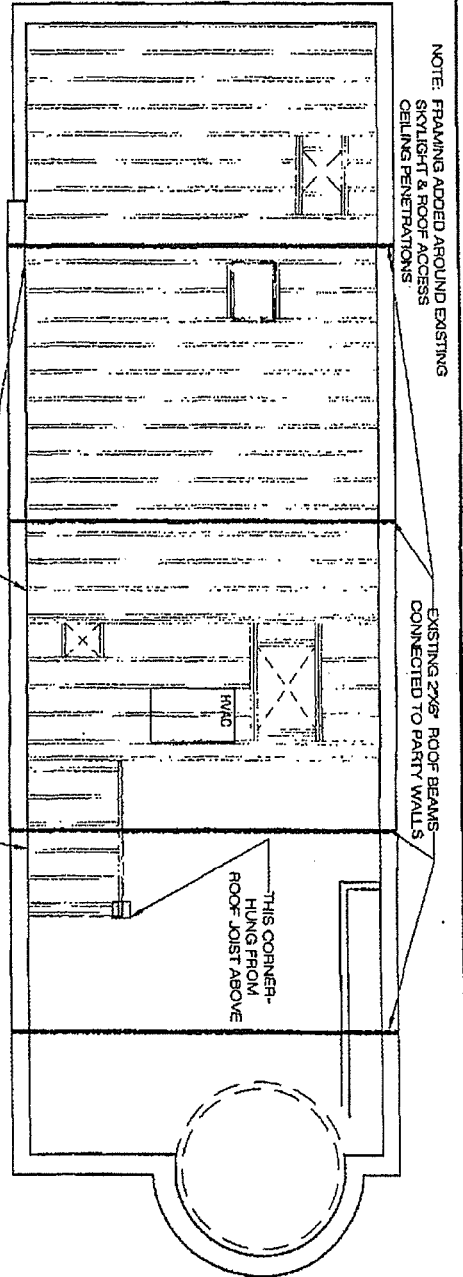
EXISTING &
PROPOSED
ROOF FRAMING
PLAN

CONGDON ROOFTOP
DECK
2117 N STREET NW #4
WASHINGTON, DC, 20037

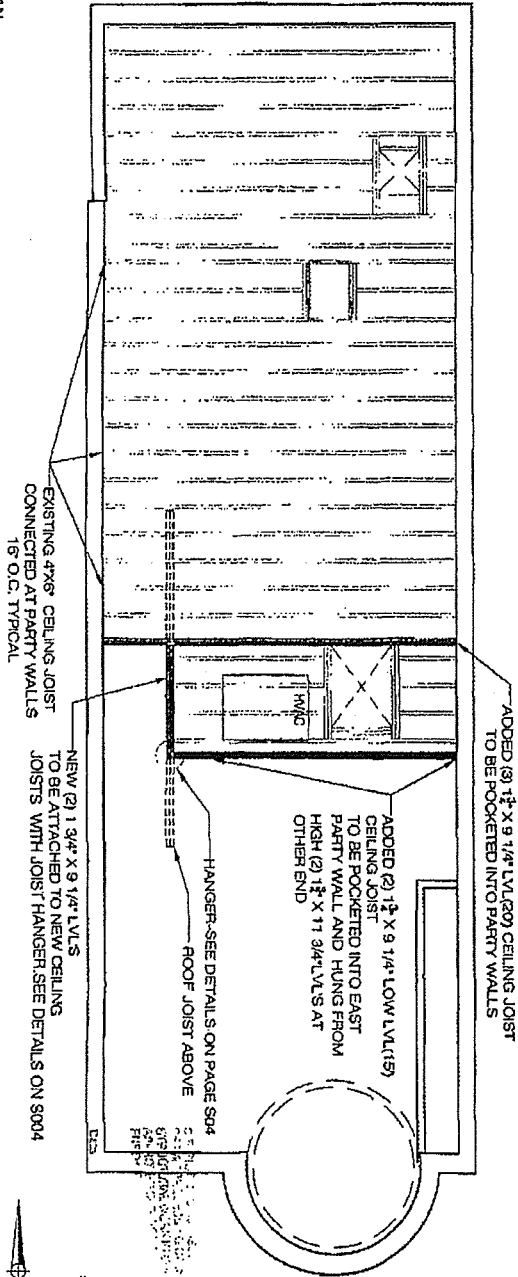
RICH MARKUS ARCHITECTS
2601 P STREET NW 2ND FL
WASHINGTON D.C. 20007
202.333.2733 / 202.333.2944



1
EXISTING
CEILING FRAMING PLAN
3/16" = 1'-0"



2
PROPOSED
CEILING FRAMING PLAN
3/16" = 1'-0"



31 JUN 2012

S002

09 JUN 2012

3/16" = 1'-0"

REVISIONS

DATE

BY

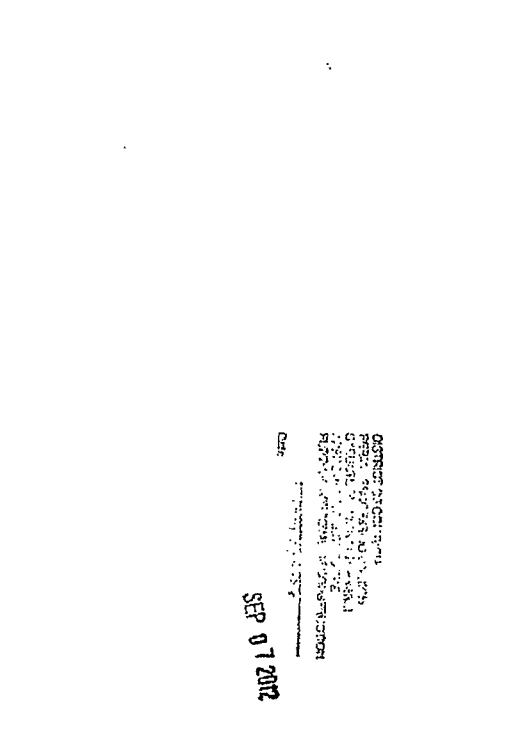
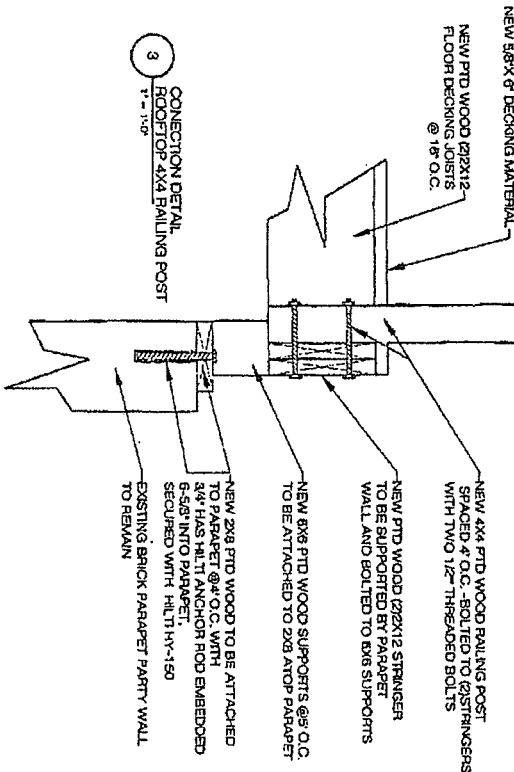
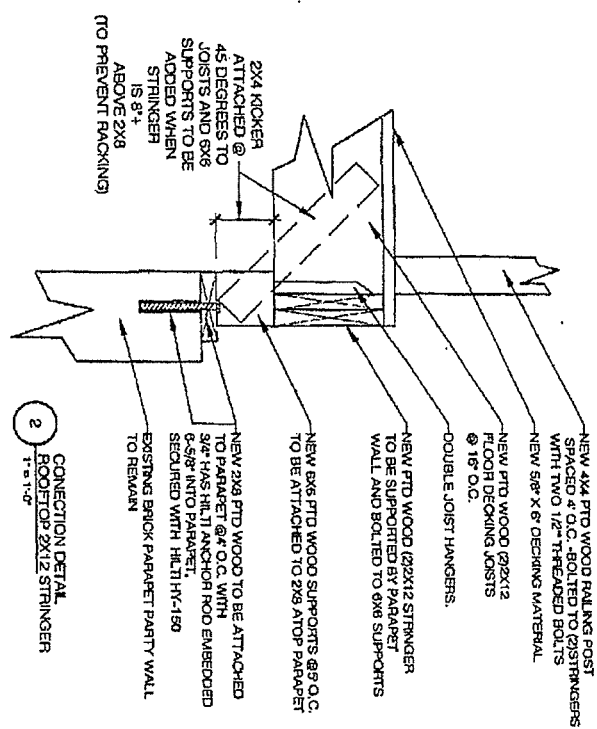
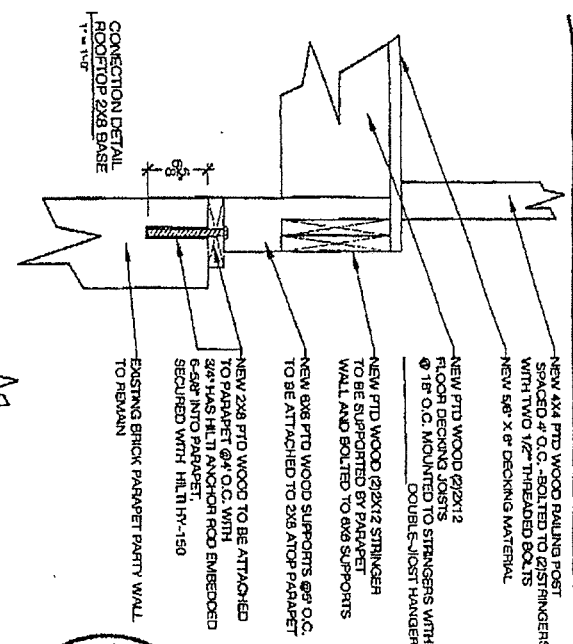
CHK'D BY

DATE

EXISTING &
PROPOSED
CEILING
FRAMING PLAN

CONGDON ROOFTOP
DECK
2117 N STREET NW #4
WASHINGTON, DC, 20037

RICH MARKUS ARCHITECTS
2801 P STREET NW 2ND FL
WASHINGTON D.C. 20007
202.333.2733 / 202.333.7944



DISTRICT OF COLUMBIA
 PROFESSIONAL ENGINEER
 ROBERT F. CHABRIS
 LICENSE NO. 100074
 EXPIRATION DATE 12/31/2012
 C.D.R.

SEP 07 2012

HIGH MARKUS ARCHITECTS
2801 P STREET NW 2ND FL
WASHINGTON D.C. 20007
202.333.2733 / 202.333.2944

EXHIBIT J

Mail To:
 Federal Title & Escrow Company
 5335 Wisconsin Ave., NW, #700
 Washington, DC 20015

Congdon/120144PD

THIS DEED is made on the 20th day of February, 2012, by and between **K. Kimberly King**, Sole owner by virtue of Deed recorded 5/10/96 at Instrument No. 29746 among the Land Records of the District of Columbia, party of the first part, and **Blake Congdon**, party of the second part:

WITNESSETH, that in consideration of Five Hundred Thirty Thousand Five Hundred Dollars (\$530,500.00), the said party of the first part does hereby grant and convey unto **Blake Congdon**, party of the second part, his heirs, successors and assigns, in fee simple as Sole Owner all that piece or parcel of land situate, lying and being in the District of Columbia described as follows to wit:

Part of Lot 171 in Square 69 in the subdivision made by William S. Bramhall and others, as per plat recorded in Liber No. 21 at folio 65 of the Records of the Office of the Surveyor for the District of Columbia.

The part(s) being more particularly designated as Unit No. 4 and Parking Space Unit No. P-1 of the "2117 N Street, NW, a Condominium", according to the Declaration of Condominium dated April 29, 1983 and recorded July 6, 1983 as Instrument No. 20167 and the By-Laws relating thereto dated April 29, 1983 and recorded July 6, 1983 as Instrument No. 40538 among the Land Records of the District of Columbia, and as per Plat of Condominium Subdivision recorded in Condominium Book No. 32 at page 29 of the Records of the Office of the Surveyor for the District of Columbia.

NOTE: At the date hereof the above described units are designated on the Records of the Assessor for the District of Columbia for assessment and taxation purposes as Lots 2108 and 2109 in Square 69.

TOGETHER WITH all of the appurtenances incident to said Unit(s), as contained in the Declaration of Condominium.

SUBJECT, HOWEVER, to all the provisions, restrictions, easements and conditions as contained in said Declaration of Condominium and the By-Laws relating thereto.

The Condominium Declaration allocates to the Condominium Unit an undivided interest (stated as a percentage) in the common elements of the Condominium. The Percentage Interest of the Condominium Unit is set forth in the Condominium Declaration.

AND the said party of the first part covenants that she will warrant specially the property hereby conveyed; and that she will execute such further assurances of said land as may be requisite.

WITNESS her hand and seal the day and year hereinbefore written.

K. Kimberly King by Vaughn W. Royal, her Attorney-in-Fact.
K. Kimberly King by Vaughn W. Royal, her Attorney-in-Fact

DISTRICT OF COLUMBIA, ss:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that K. Kimberly King by and through Vaughn W. Royal, her Attorney-in-Fact, known to me as the person(s) who executed the foregoing Deed bearing date on the 22 day of February, 2012, personally appeared before me in said jurisdiction and acknowledged the same to be her act and deed.

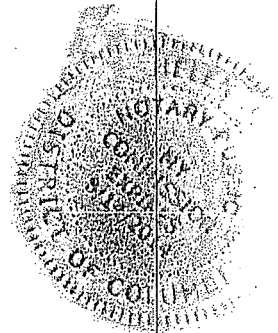
Given under my hand and seal this 22 day of February, 2012

[Signature]

Notary Public

My Commission Expires: _____

Helen H. Do
Notary Public, District of Columbia
My Commission Expires 8/14/2014



Doc# 2012018631
Filed & Recorded
02/23/2012 17:32:20 PM
IDA WILLIAMS
RECORDER OF DEEDS
WASH DC RECORDER OF DEEDS

E-RECORD	\$	25.00
E-RECORDATION TAX FEE	\$	7,692.25
E-TRANSFER TAX FEE	\$	7,692.25
ESURCHARGE	\$	6.50
Total:	\$	15,416.00

EXHIBIT K

To Blake Congdon and the Board of Directors of the 2117 N Street Condominium Association:

This is to request that you cease and desist work on the roof deck project as it will have permanent, serious and harmful, effect on our ability to replace and maintain pre-existing structural elements on our roof, including the hatch and skylights.

According to our roofer, "The deck installation will make it impossible to remove the old roof skylights, roof flashings and installing the new one that we are currently contracted to install. The new deck will have to be removed in order to properly secure the new skylights and flash them to the adjoining party wall. Removal and reinstallation of the deck at 2117 N street in not included in your contract and will have to be performed by others. Also, if and when the roof needs to be replaced the deck will also have to be removed from the parapet wall in order to flash it per the manufacturer specifications."

In light of this, please cease construction until we can come to an agreement. We will hold you liable for all damages.

Thank you.

- Kass, Mitek, Kass
on behalf of 2115 N Street NW
Condominium Association

Note From Wagner (For Your Information only, DO NOT forward. Thank you.)

-----Original Message-----

From: Sergio Luise <Sergio.Luise@wagnerroofing.com>

To: gchodes <gchodes@aol.com>

Sent: Fri, Oct 12, 2012 12:34 pm

Subject: Draft Letter for 2115 N Street Skylights and roof repairs

Mrs. Chodes,

Per your request we have reviewed the attached drawings for the proposed deck installation @ 2117 N Street. The deck installation will make it impossible to remove the old roof skylights, roof flashings and installing the new one that we are currently contracted to install. The new deck will have to be removed in order to properly secure the new skylights and flash them to the adjoining party wall. Removal and reinstallation of the deck at 2117 N street in not included in your contract and will have to be performed by others. Also, if and when the roof needs to be replaced the deck will also have to be removed from the parapet wall in order to flash it per the manufacturer specifications.

Thank You,

Sergio Luise
Estimator/Project Manager
Wagner Roofing Company
4909 46th Avenue
Hyattsville, MD 20781
O 301-927-9030 ext. 127
F 301-927-3505
C 301-254-2705



EXHIBIT L

Benny L. Kass

From: Amanda M. Skeen
Sent: Wednesday, October 24, 2012 9:00 AM
To: Benny L. Kass
Subject: FW: 2117 N ST NW

The manager of the records office verified that the permit application for 2117 N ST NW cannot be found. See message below.

From: Mason, Jeffrey (DCRA) [<mailto:jeffrey.mason@dc.gov>]
Sent: Tuesday, October 23, 2012 9:11 AM
To: Amanda M. Skeen
Cc: Hedgeman, Debra (DCRA); Williams, Mable (DCRA); Gooding, Marcella (DCRA)
Subject: RE: 2117 N ST NW

Hi Ms. Skeen,
A cursory search for the application revealed that it was checked out by a division. To date it has not been returned. I will make a note to contact you once it is located.

Best,

Jeffrey X. Mason
ADA Coordinator &
Manager, Facilities & Support Services
Department of Consumer & Regulatory Affairs
1100 4th Street, SW Suite 5311
Washington, DC 20024
Phone(202)-442-4545
jeffrey.mason@dc.gov

Please do not print this e-mail unless necessary.

Grade.DC.gov has expanded!

Now you can grade the DC Public Library, Police, Fire and EMS, the Office of Unified Communications (311/911 Office on Aging.
Check out www.grade.dc.gov today.

From: Amanda M. Skeen [<mailto:askeen@kmklawyers.com>]
Sent: Friday, October 19, 2012 12:46 PM
To: Mason, Jeffrey (DCRA)
Subject: 2117 N ST NW

Hello Mr. Mason,

I'm writing today because my trip to the records office proved unfruitful. I'm looking for a permit application, and the folks over at the records office cannot find it. I was wondering if you could assist me in locating this permit application.
The permit number is: B1211248
The address is: 2117 N ST NW

Thank you in advance for your assistance. Please do not hesitate to call me at the number provided below. I look forward to hearing from you.

Sincerely,

Amanda M. Skeen
Law Clerk
Kass, Mitek & Kass, PLLC
1050 17th Street, N.W., Suite 1100
Washington, DC 20036
Tel. 202-659-6500
Fax. 202-293-2608
Email: askeen@kmmklawyers.com

EXHIBIT M

Restrictions & Holds	Commercial Inspections : No. of Records = 8							
	Address	Unit	SSL	Id	Type	Completion Status	Completion Date	Detailed Desci
Issued Permits	2117 N ST NW UNIT 00004	00004	0069 2108	CIC1202503	Follow Up	No Cause	2012/10/09	
Maps	2117 N ST NW UNIT 00004	00004	0069 2108	CIC1300044	Initial	Scheduled	2012/10/05	
Photo	2117 N ST NW UNIT 00004	00004	0069 2108	CIC1300046	Inspection	Stop Work Order	2012/10/05	
Owners	2117 N ST NW UNIT 00004	00004	0069 2108	CIC1300046	Initial	Order	2012/10/05	
CAMA	2117 N ST NW UNIT 00004	00004	0069 2108	CIC1202503	Inspection	No-Cause	2012/09/20	
Residential Cases	2117 N ST NW UNIT 00004	00004	0069 2108	CIC1202001	Initial	No Cause	2012/07/17	
Commercial Inspections	2117 N ST NW UNIT 00004	00004	0069 2108	CIC1202001	Inspection	Rescheduled	2012/07/13	
Occupancy	2117 N ST NW UNIT 00003	00003	0069 2107	CIC1201854	Initial	No Cause	2012/07/03	
BBL	2117-0 N ST NW UNIT 4	4	0069 2108	ECC177962	Inspection	No Cause	2012/07/03	
					TPF (Temp. Pending Final)	Cause	2007/03/21	
					Electrical			

District News	Information Centers	Community	DC Government	Contact Us
Press Briefings & Schedules	72hours Emergency Planning	Citywide Calendar	Mayor's Office	Call 311
Statements & Releases	Business	Census	DC Agencies	Contact the Mayor
Subscribe to Emails	Consumer Protection	DC Jobs	DC Council	Contact Agency Directors
Subscribe to Text Alerts	Education	DC Procurement	Elected Officials	Send Feedback
Online Chats	Health	Green DC	District Appointees	Search Telephone Directory
DC.Gov Social Networks	Social Services	DC One Card	CapStat	Submit Service Requests
DC Webcasts	Residents	Interagency on Homelessness	Courts	Make FOIA Requests
Government Closures	Visitors	Recovery.dc.gov	DC Laws	
			DC Statehood	

District News	Information Centers	Community	DC Government	Contact Us
Press Briefings & Schedules	72hours Emergency Planning	Citywide Calendar	Mayor's Office	Call 311
Statements & Releases	Business	Census	DC Agencies	Contact the Mayor
Subscribe to Emails	Consumer Protection	DC Jobs	DC Council	Contact Agency Directors
Subscribe to Text Alerts	Education	DC Procurement	Elected Officials	Send Feedback
Online Chats	Health	Green DC	District Appointees	Search Telephone Directory
DC.Gov Social Networks	Social Services	DC One Card	CapStat	Submit Service Requests
DC Webcasts	Residents	Interagency on Homelessness	Courts	Make FOIA Requests
Government Closures	Visitors	Recovery.dc.gov	DC Laws	
			DC Statehood	

EXHIBIT N

Benny L. Kass

From: Jeffery Young [j.a.young@usa.net]
Sent: Saturday, January 28, 2012 1:51 AM
To: Jennifer Johnston; Brian Levine; Chris Matherne
Cc: j.a.young@usa.net; gchodes@aol.com
Subject: Re: 2115 N St, NW #4 Access to the roof

Jennifer,

Thank you for contacting us with this last minute and inappropriate request.

It is likely just a misunderstanding by either the agent or the new owner or both, as to our knowledge there is NO access to that buildings roof through any skylight. When the 2117 N St. roof was repaired a few years ago, all work was done by ladders to the ground on that building's property.

I am looping in Chatel (new unit manager Brian Levine) to request that if contacted by the L&F agent he should inform her to work with her seller on any questions about her property and not bother you. We do not grant entry to

2115 N St Unit #4 for this reason, as you are under no obligation to provide walk-through tours of your residence to other buildings/agents.

If you are contacted again this weekend by the agent I suggest telling her that this request cannot be accomodated, and if they have any questions refer her to unit manager Chatel's Brian Levine or talk to her seller. Hope all is well otherwise,

Regards,

Jeff

----- Original Message -----

Received: Fri, 27 Jan 2012 11:09:56 PM EST

From: Jennifer Johnston <jennifer.e.johnston@gmail.com>

To: Brian Levine <blevine@chatel.us>, Chris Matherne <cmatherne@chatel.us> Cc:
j.a.young@usa.net, gchodes@aol.com

Subject: 2115 N St, NW #4 Access to the roof

Good evening,

Tonight at around 9:30pm a representative from Long&Foster buzzed the unit to let us know that they just sold neighboring apartment 2117 N ST, NW, Apt. 4, and need access to that unit's roof hatch (as they have been unable to open it from the inside) via the outside roof entry of their building.

Given that their only other option for attempted entry is via the outside, they asked if they could come attempt entry (gaining roof access via the hatch here at 2115 N St, #4) this coming Sunday at 3pm.

I will be here and am happy to accommodate however, given the terms of our lease I wanted to immediately notify you of this request.

Please advise if this is acceptable and/or if someone from Chatel would also prefer to be present. They plan on returning here at Sunday at 3pm.

With kind regards,

Benny L. Kass

From: Jeffery Young [j.a.young@usa.net]
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With kind regards,

Jeff

PS Please be aware that the scanned 107 pages file from Chadwick has a lot of our internal atty-client correspondence, as well as the other owner's permitting info.

----- Original Message -----

Received: Tue, 16 Oct 2012 03:18:54 PM EDT

From: "Marie Johnson" <mjohnson@chadwickwashington.com>

To: <blkass@kmklawyers.com>Cc: <wwashington@chadwickwashington.com>, <tpaquin@kmklawyers.com>, <gchodes@aol.com>, <j.a.young@usa.net>

Subject: 2115 N Street Condominium BZA Appeal Information

Mr. Kass and Mr. Paquin:

Attached please find the documents related to the 2115 N Street Condominium and the 2117 N Street Condominium roof deck project.

Please let us know if you need any additional information.

Thanks,
Marie Johnson

Marie Johnson, Attorney | Chadwick, Washington, Moriarty, Elmore & Bunn, P.C.
9990 Fairfax Boulevard, Suite 200
Fairfax, VA 22030
P 703-352-1900 | F 703-352-5293 | E
<mailto:mjohnson@chadwickwashington.com> mjohnson@chadwickwashington.com

resized cw

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From: CWMEB [mailto:scan@chadwickwashington.com]
Sent: Tuesday, October 16, 2012 3:10 PM
To: Marie
Subject: Attached Image

> -----
> Attachment: 0510_001.pdf
> MIME Type: application/pdf
> -----
> -----
> Attachment: Form125_062112.pdf
> MIME Type: application/pdf
> -----
> -----
> Attachment: BZA.doc
> MIME Type: application/msword
> -----