

DC Zoning Commission

From: Eugene Gurenko and Marina Burmistrova, owners of 2803 Ontario Rd NW  
Square 2582 lots 2040-2045

Re: petition to remove the property from the list of lots suggested for re-zoning; case 15-09

Dear Zoning Commission:

Hereby we would like to submit our formal objection to the filed petition and request to exclude our property from the list of lots suggested for re-zoning from R-5-B to R-4 Zone District on the following grounds:

1. Historically, our property was a mixed-use commercial and residential building previously classified in terms of use as a 4-unit boarding house (a copy of the boarding house license as of 1953 is enclosed). This original use implied a much higher density/resident turnover comparing to the present long-term apartment rental building use, changed after an extensive renovation undertaken by us in 2009. We are registered as the apartment building with DC Tax and Revenue Office and file Form FP 308B-A "Apartment Income and Expense" on annual basis.
2. As an apartment building with long term tenants, we are subject to a different level of property taxation compared to regular single family homes on our block, and are also subject to the DC rent control rules. Re-zoning of our building into R-4 would result in limiting our ability to rent the apartments for the term of one month, which currently allows us to minimize the apartment building vacancy, pay taxes to the city and service our commercial bank loans. We as investors who purchased the de-facto mixed commercial/residential use building and invested in its acquisition and renovation (as an apartment building) close to \$2.0 million strongly oppose the inclusion of our building in the list for the re-zoning that would retroactively restrict our ownership rights, jeopardize our ability to service the existing commercial bank loans, pay DC property taxes which this year were raised by 24%, and will considerably undermine the value of our investment.
3. We cannot agree with the proposed classification of our building as a "pop-up" that breaches the comfort of our neighbors or blocks somebody's view, etc. The current building is a result of an extensive (preservation responsible) renovation project, rather than a demolition, for which we have obtained all necessary permits from the city. We hired a highly experienced DC architect Dennis Connors to plan the front and the back of the property with the view to maintaining the historic building appearance that would blend well with the existing neighboring properties, which accounted for a considerable part of our renovation costs. The overall number of floors and overall square footage has not been changed in the process of renovation. In the process of renovation of an almost 100 year old building we discovered serious structural deficiencies with the building which posed serious risks to the neighboring properties and pedestrians in the front as the brick veneer façade was not even attached to the main structure. Even though the initial plan was to keep the façade in tact we had to replace it with a new historically looking façade and add metal beams to strengthen the building. Again permits for all these works were duly obtained from the city.

ZONING COMMISSION  
District of Columbia

CASE NO. 15-09  
ZONING COMMISSION  
District of Columbia  
EXHIBIT NO. 112  
CASE NO. 15-09  
EXHIBIT NO. 112


4. Instead of improving the overall appearance of the neighborhood, the proposed re-zoning is likely to achieve the opposite effect. Many properties in the neighborhood actually benefited from conversions as investors were willing to buy and extensively renovate otherwise highly dilapidated crumbling buildings many of which were used as cheap illegal rentals paying no taxes to the city and creating a fire hazard. Unfortunately, many remaining dilapidated old townhouses in the neighborhood are currently used as illegal cheap tenement buildings. For the illustration purposes, we enclose the pictures of our building before and after the renovation. As can be seen in our case the neighborhood actually benefited from the project, which created 6 new legal modern dwelling units for DC residents and which now also serve as a source of additional property tax revenue for our city.

5. We've also noticed that the apartment buildings next door (for example, lot 829, 172 in Square 2582) and the apartment building across the road were exempt from the re-zoning petition. We wonder why such a selective discriminatory approach has been chosen by the petitioners. Those building are zoned R-5-B as well. Therefore, any of those buildings can convert their apartments into condos, or be demolished, and the neighborhood one day may end up with large newly build modern condominium buildings. Therefore, the rezoning petition doesn't solve the task of keeping the historical appearance of the neighborhood. Although these buildings are classified as residential apartments while our building is classified Condo-Investment-Horizontal, the legal essence of our business doesn't differ from those buildings as we are also registered with the DC Tax and Revenue Office as an apartment building. It would be unequal and unfair to impose the limitations on our new building while larger older investment projects with much lower operational costs will keep their R-5-B status. We don't understand why the building across the street would be able to continue renting their units for the term of less than 3 months, while our building wouldn't. Our project should be similarly excluded from the suggested map, as the stated purpose of the petition is to restrict future residential development rather than hurting the investors in the already renovated properties who preserved the historical look of their row house buildings and dully followed the construction rules and licensing requirements of the city.

In conclusion, besides lodging our official appeal against the petition as a whole, we also request to have lots 2040-45 on the square 2582 occupied by our building removed from the list of lots suggested for rezoning and inclusion in the rezoning map, as the arguments made in the petition are without merit and certainly do not apply to our building.

Thank you for considering our objections,

Marina Burmistrova and Eugene Gurenko  
3001 Audubon Terrace NW  
Washington DC 20008  
2023726140

  
03.21.16

Form 501 - 078

**CERTIFICATE OF OCCUPANCY**

No. **B 16605**

Washington, D.C., **MARCH 20TH, 19 99**

Permission is hereby granted to **CLEMI ROBERTHAL**

to use the **2ND & 3RD** floor(s) of the building located on lot **408** Square **8582**

known as premises **2805 ONTARIO RD., N.W.** for the following

purpose(s): **ROOMING HOUSE (LESS THAN FIVE ROOMERS)**

THIS CERTIFICATE SHALL BE POSTED CONSPICUOUSLY ON THE ABOVE PREMISES AT ALL TIMES. IT IS VALID INDEFINITELY, unless an expiration date is stated, ONLY for the purpose, or part thereof, and for the purpose(s), indicated above, and IS NOT TRANSFERABLE to another person or premises under ANY conditions. ANY CHANGE in the type of business, ownership of business, or part of premises and, likewise, will render this Certificate VOID and a NEW Certificate must be obtained.

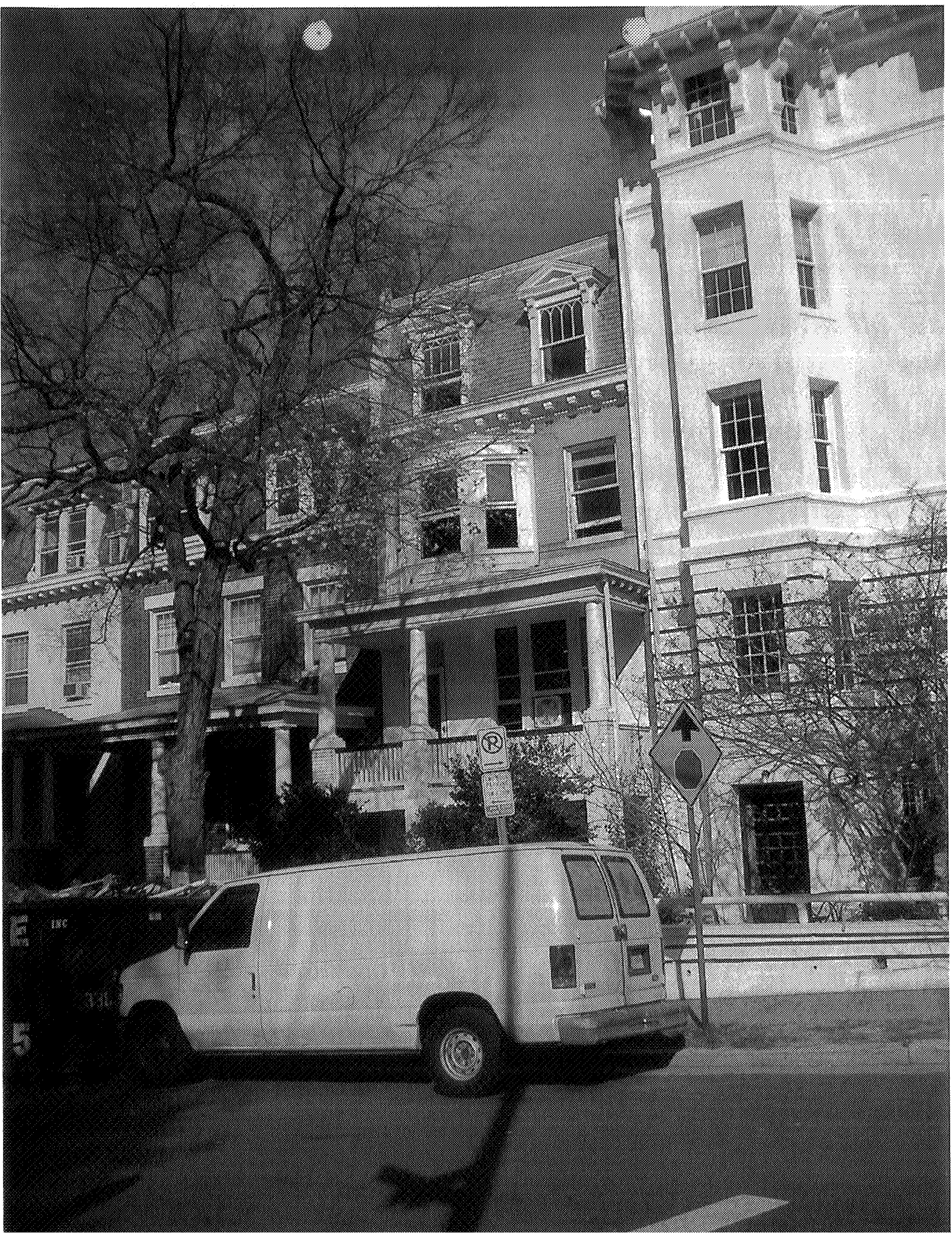
ZONE **R-9-B** FIB \$ **10.00**

DEPT. OF INCREASES & INSPECTIONS, CITY OF DIST. OF COL

Superintendent of Permits.

*[Signature]*

OFFICE COPY







**Synergy Design The Ontario Pearl  
2803 Ontario Road NW progress**

