



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

**BOARD OF  
ZONING APPEALS**

August 8, 2024

Ets Rehabes LLC  
2802 Edgewood Avenue  
Richmond, VA 23222

Baker Development Resources  
530 East Main Street, Suite 730  
Richmond, VA 23219  
Attn: Mark Baker

To Whom It May Concern:

**RE: BZA 26-2024**

You are hereby notified that the Board of Zoning Appeals will hold a public hearing on **Wednesday, September 4, 2024 at 1:00 PM** in the 5<sup>th</sup> Floor Conference Room, City Hall, 900 E. Broad Street to consider an application for a lot split and building permit to construct a new single-family (detached) dwelling at 3516 CAROLINA AVENUE (Tax Parcel Number N000-1164/026), located in an R-6 (Single-Family Attached Residential) District. This meeting will be open to in-person participation with a virtual option. The public will have the option to provide their comments by teleconference/videoconference via Microsoft Teams, or in writing via email as indicated below.

Please be advised that the applicant or applicant's representative is required to participate in the subject public hearing either by teleconference/videoconference or in person. For teleconference participation call 804-316-9457 and entering code **756 526 445#**. For video access by computer, smart phone or tablet visit <https://richmondva.legistar.com/Calendar.aspx>. Select the Board of Zoning Appeals drop-down and 2024 drop-down, click meeting details for September 4, 2024 meeting and then click video access. In the event you have difficulty accessing a public hearing you may contact Mr. William Davidson at 804-396-5350 or by email at [Chuck.Davidson@rva.gov](mailto:Chuck.Davidson@rva.gov) for assistance. The Board of Zoning Appeals Rules of Procedure provides that in the case of an application for a variance or a special exception, the applicant, proponents or persons aggrieved under §15.2-2314 of the Code of Virginia, shall be permitted a total of six (6) minutes each to present their case. The Board of Zoning Appeals will withhold questions until the conclusion of the respective presentations. For the purposes of the record it also requested that before addressing the Board you identify yourself and spell your name.

Finally, when you submitted your application to the zoning office you were given an handout entitled, Suggestions for Presenting Your Case to the Board, which indicated that you should discuss your request with your neighbor(s) and neighborhood

BZA 26-2024  
Page 2  
August 8, 2024

association(s) prior to appearing before the Board of Zoning Appeals. Contact information for civic group(s) can be found by navigating to the Civic Group webpage of the City's website at <https://www.rva.gov/planning-development-review/civic-groups>. Once there, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, simply scroll down the page to the appropriate group(s) to find the contact information for each. The Board understands that given the current situation it is not practical to conduct face-to-face discussions with either your neighbors or neighborhood association(s) but the Board requests that you make a good faith effort to provide them with relevant information regarding your case.

If you have any questions regarding the Board's procedures or any issue involving presentation of your case, please feel free to contact me.

Very truly yours,



Roy W. Benbow, Secretary  
Phone: (804) 240-2124  
E-mail: [Roy.Benbow@rva.gov](mailto:Roy.Benbow@rva.gov)

cc: Zoning Administrator

Notice of this meeting is being sent to the persons whom the Board of Zoning Appeals believes to be property owners in the immediate vicinity of the property concerned in this application. This notice is for their information only, and there is no need for them to appear unless they so desire. The Board will, however, welcome such views as any persons care to express during the hearing on this application.

Baldrige Susan H Trustee  
1600 Otterdale Rd  
Midlothian, VA 23114

Carter Christopher Lee Jr  
3514 Carolina Ave  
Richmond, VA 23222

Cava Rental Properties Llc  
2405 Westwood Ave #200  
Richmond, VA 23230

Fink Jonathan Adam And Megan  
Christine  
3519 Maryland Ave  
Richmond, VA 23222

Foltz Byron L Ii And Casey G  
3530 Carolina Ave  
Richmond, VA 23222

Gordon Randolph & Pauline T  
3510 Carolina Ave  
Richmond, VA 23222

Greenberg Emma And Marano  
Elizabeth  
3513 Carolina Ave  
Richmond, VA 23222

Hepler Seth M And Paige  
3509 Maryland Ave  
Richmond, VA 23222

Ireland Jon A And Heather B  
3521 Carolina Ave  
Richmond, VA 23222

Jeffries Kelly  
3515 Carolina Ave  
Richmond, VA 23222

Jones Barbara  
3509 Carolina Ave  
Richmond, VA 23222

Liang Annie  
3517 Carolina Ave  
Richmond, VA 23222

Martin Christopher Lowry And  
Cummins Taylor  
3524 Carolina Ave  
Richmond, VA 23222

Nezam Yosuf And Stephens Morgan  
3515 Maryland Ave  
Richmond, VA 23222

Parveen Zahida  
8309 Stedmill Ter  
Gaithersburg, MD 20886

Pitchford Carrie Z  
3507 Maryland Ave  
Richmond, VA 23222

Roberts William Kyle And Elizabeth  
Winn  
3523 Carolina Ave  
Richmond, VA 23222

Rowe Waverly Louis  
3519 Carolina Ave  
Richmond, VA 23222

Solutions Investments Llc  
2613 North Ave  
Richmond, VA 23222

Travis Chad S  
3523 Maryland Ave  
Richmond, VA 23222

Webb Kathy E  
3522 Carolina Avenue  
Richmond, VA 23223

Yates Craig O  
3506 Carolina Ave  
Richmond, VA 23222

Yerby James M And Vernice C  
Stowersyerby  
3511 Carolina Ave  
Richmond, VA 23222

**Property:** 3516 Carolina Ave **Parcel ID:** N0001164026**Parcel**

**Street Address:** 3516 Carolina Ave Richmond, VA 23222-  
**Owner:** ETS REHABES LLC  
**Mailing Address:** 2802 EDGEWOOD AVE, RICHMOND, VA 23222  
**Subdivision Name :** NORTH HIGHLAND PARK  
**Parent Parcel ID:**  
**Assessment Area:** 308 - Highland Park Plaza  
**Property Class:** 120 - R Two Story  
**Zoning District:** R-6 - Residential (Single Family Attached)  
**Exemption Code:** -

**Current Assessment**

**Effective Date:** 01/01/2024  
**Land Value:** \$78,000  
**Improvement Value:** \$111,000  
**Total Value:** \$189,000  
**Area Tax:** \$0  
**Special Assessment District:** None

**Land Description**

**Parcel Square Feet:** 9800  
**Acreage:** 0.225  
**Property Description 1:** N HIGHLAND PARK L7 B9  
**Property Description 2:** 0070.00X0140.00 0000.000  
**State Plane Coords( ?):** X= 11796927.50 Y= 3736013.4561  
**Latitude:** 37.57845790 , **Longitude:** -77.41631117

**Description**

**Land Type:** Residential Lot A  
**Topology:** Level  
**Front Size:** 70  
**Rear Size:** 140  
**Parcel Square Feet:** 9800  
**Acreage:** 0.225  
**Property Description 1:** N HIGHLAND PARK L7 B9  
**Property Description 2:** 0070.00X0140.00 0000.000  
**Subdivision Name :** NORTH HIGHLAND PARK  
**State Plane Coords( ?):** X= 11796927.50 Y= 3736013.4561  
**Latitude:** 37.57845790 , **Longitude:** -77.41631117

**Other**

**Street improvement:** Paved  
**Sidewalk:** Yes

**Assessments**

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2024	\$78,000	\$111,000	\$189,000	Reassessment
2023	\$78,000	\$102,000	\$180,000	Reassessment
2022	\$59,000	\$102,000	\$161,000	Reassessment
2021	\$45,000	\$98,000	\$143,000	Reassessment
2020	\$45,000	\$75,000	\$120,000	Reassessment
2019	\$40,000	\$68,000	\$108,000	Reassessment
2018	\$25,000	\$67,000	\$92,000	Reassessment
2017	\$25,000	\$67,000	\$92,000	Reassessment
2016	\$25,000	\$58,000	\$83,000	Reassessment
2015	\$26,000	\$57,000	\$83,000	Reassessment
2014	\$26,000	\$57,000	\$83,000	Reassessment
2013	\$26,000	\$59,000	\$85,000	Reassessment
2012	\$26,000	\$66,000	\$92,000	Reassessment
2011	\$26,000	\$70,000	\$96,000	CarryOver
2010	\$26,000	\$70,000	\$96,000	Reassessment
2009	\$25,700	\$87,200	\$112,900	Reassessment
2008	\$25,700	\$87,200	\$112,900	Reassessment
2007	\$24,500	\$87,200	\$111,700	Reassessment

**Transfers**

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
03/18/2024	\$230,000	PRESBYTERIAN COLLEGE	ID2024-4092	2 - INVALID SALE-Foreclosure, Forced Sale, etc.
03/18/2024	\$0	PRESBYTERIAN COLLEGE	ID2024-4091	2 - INVALID SALE-Relation Between Buyer/Seller
02/02/2024	\$0	RHYNE H CARSON JR	ID2024-1567	2 - INVALID SALE-Relation Between Buyer/Seller
02/24/2006	\$112,500	SAGER GARY S & MARILYN B	ID2006-6202	
11/12/2003	\$66,000	HOOD HAMLET E & ELIZABETH J	ID2003-43820	
01/18/1990	\$0	Not Available	00225-0627	

**Planning**

**Master Plan Future Land Use:** R  
**Zoning District:** R-6 - Residential (Single Family Attached)  
**Planning District:** North  
**Traffic Zone:** 1020  
**City Neighborhood Code:** NHP  
**City Neighborhood Name:** North Highland Park  
**Civic Code:** 0540  
**Civic Association Name:** Highland Park Plaza Civic Association  
**Subdivision Name:** NORTH HIGHLAND PARK  
**City Old and Historic District:**  
**National historic District:** Highland Park Plaza  
**Neighborhoods in Bloom:**  
**Redevelopment Conservation Area:** Highland Park

**Economic Development**

**Care Area:** -  
**Enterprise Zone:**

**Environment**

**100 YEAR Flood Plain Flag:** Contact the Water Resources Division at 646-7586.  
**500 YEAR Flood Plain Flag:** N  
**Resource Protection Flag:** Contact the Water Resources Division at 646-7586.  
**Wetland Flag:** N

**Census**

Census Year	Block	Block Group	Tract
2000	1009	0108001	010800
1990	119	0108001	010800

**Schools**

**Elementary School:** Barack Obama  
**Middle School:** Henderson  
**High School:** Marshall

**Public Safety**

**Police Precinct:** 4  
**Police Sector:** 411  
**Fire District:** 15  
**Dispatch Zone:** 092A

**Public Works Schedules**

**Street Sweep:** TBD  
**Leaf Collection:** TBD  
**Refuse Collection:** Wednesday  
**Bulk Collection:** TBD

**Government Districts**

**Council District:** 6  
**Voter Precinct:** 606  
**State House District:** 79  
**State Senate District:** 14  
**Congressional District:** 4

**Extension 1 Details**

**Extension Name:** R01 - Residential record #01  
**Year Built:** 1924  
**Stories:** 2  
**Units:** 0  
**Number Of Rooms:** 8  
**Number Of Bed Rooms:** 4  
**Number Of Full Baths:** 2  
**Number Of Half Baths:** 1  
**Condition:** good for age  
**Foundation Type:** Full Bsmt  
**1st Predominant Exterior:** Asbestos siding  
**2nd Predominant Exterior:** N/A  
**Roof Style:** Gable  
**Roof Material:** Metal  
**Interior Wall:** Plaster  
**Floor Finish:** Hardwood-std oak  
**Heating Type:** Hot water or steam  
**Central Air:** N  
**Basement Garage Car #:** 0  
**Fireplace:** Y  
**Building Description (Out Building and Yard Items):** Residential Detached Garage

**Extension 1 Dimensions**

**Finished Living Area:** 1670 Sqft  
**Attic:** 0 Sqft  
**Finished Attic:** 0 Sqft  
**Basement:** 775 Sqft  
**Finished Basement:** 0 Sqft  
**Attached Garage:** 0 Sqft  
**Detached Garage:** 400 Sqft  
**Attached Carport:** 0 Sqft  
**Enclosed Porch:** 0 Sqft  
**Open Porch:** 324 Sqft  
**Deck:** 0 Sqft

**Property Images**

Name:N0001164026 Desc:R01

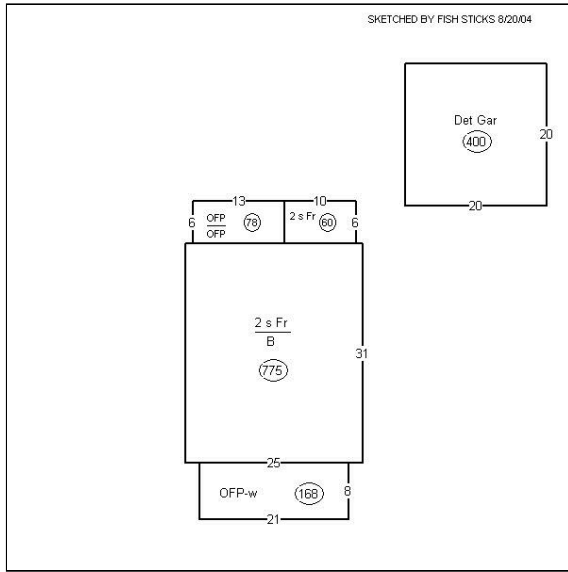


[Click here for Larger Image](#)



**Sketch Images**

Name:N0001164026 Desc:R01



**RICHMOND BOARD OF ZONING APPEALS APPLICATION FORM**



**THE RICHMOND ZONING ADMINISTRATION OFFICE  
ROOM 110, CITY HALL, 900 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219  
(804) 646-6340**

**TO BE COMPLETED BY THE APPLICANT**

PROPERTY Ets Rehabs LLC PHONE: (Home) ( ) (Mobile)  
OWNER 2802 Edgewood Avenue FAX: ( ) (Mobile)  
(Name/Address) Richmond, VA E-mail Address: \_\_\_\_\_  
OWNER'S Mark Baker PHONE: (Home) ( ) (Mobile) (804) 874-6275  
REPRESENTATIVE 530 E. Main Street, Suite 730 FAX: (Home) ( ) (Mobile) ( )  
(Name/Address) Richmond, VA E-mail Address: markbaker@bakerdevelopmentresources.com

**TO BE COMPLETED BY THE ZONING ADMINISTRATION OFFICE**

PROPERTY ADDRESS (ES): 3516 Carolina Avenue  
TYPE OF APPLICATION:  VARIANCE  SPECIAL EXCEPTION  OTHER \_\_\_\_\_  
ZONING ORDINANCE SECTION NUMBERS(S): 30-300; 30-412.4(1)  
APPLICATION REQUIRED FOR: A lot split and a building permit to construct a new single-family detached dwelling.  
TAX PARCEL NUMBER(S): N000-1164/026 ZONING DISTRICT: R-6 Single-Family Attached Residential district

REQUEST DISAPPROVED FOR THE REASON THAT: The lot area and width requirement is not met. Lot areas of five thousand square feet (5,000 SF) with lot widths of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of nine thousand eight hundred square feet (9,800 SF) and seventy feet wide (70') exists. A lot area of 5,040 SF and 36 feet wide (No. 3516 Carolina) and 4,760 SF and 34 feet wide for the newly created lot, are proposed.

DATE REQUEST DISAPPROVED: 07/19/2024 FEE WAIVER:  YES  NO  
DATE FILED: 07/19/2024 TIME FILED: 2:10 p.m. PREPARED BY: Andrea Cuffee RECEIPT NO BZAR-151501-2024  
AS CERTIFIED BY: [Signature] (ZONING ADMINSTRATOR)

I BASE MY APPLICATION ON:  
SECTION 17.20 PARAGRAPH(S) \_\_\_\_\_ OF THE CHARTER OF THE CITY OF RICHMOND  
SECTION 15.2 -2309.2  OF THE CODE OF VIRGINIA [OR]  
SECTION 1040.3 PARAGRAPH(S) 2 OF THE ZONING ORDINANCE OF THE CITY OF RICHMOND

**TO BE COMPLETED BY APPLICANT**

I have received the handouts, *Suggestions for Presenting Your Case to the Board & Excerpts from the City Charter*   
I have been notified that I, or my representative, must be present at the hearing at which my request will be considered.  
SIGNATURE OF OWNER OR AUTHORIZED AGENT: [Signature] DATE: 8/5/24

**\*\*\* TO BE COMPLETED BY THE SECRETARY TO THE BOARD OF ZONING APPEALS \*\*\***

CASE NUMBER: BZA 26-2024 HEARING DATE: September 4, 2024 AT 1:00 P.M.

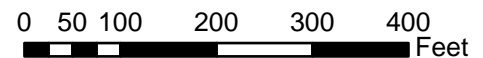
BOARD OF ZONING APPEALS CASE BZA 26-2024  
150' Buffer

APPLICANT(S): Ets Rehabes LLC

PREMISES: 3516 Carolina Avenue  
(Tax Parcel Number N000-1164/026)

SUBJECT: A lot split and building permit to construct a new single-family (detached) dwelling.

REASON FOR THE REQUEST: Based on Sections 30-300 & 30-412.4(1)  
of the Zoning Ordinance for the reason that:  
The lot area and lot width requirements are not met.





## BOARD OF ZONING APPEALS PRESENTATION SUGGESTIONS

CITY OF RICHMOND, VIRGINIA

When presenting your request for a variance or exception to the Board of Zoning Appeals, it is important that you consider the points outlined below. The City Charter requires that every decision of the Board must be based upon a finding of fact that the Board must determine from sworn testimony, together with pertinent evidence, presented at its public hearing. It is essential that the Board receive thorough and complete information in order for it to adequately consider your case and make an informed decision.

1. The powers and duties of the Board of Zoning Appeals (BZA) are specified in Section 17.20 of the City Charter and Article X, Division 5, of the Zoning Ordinance. The Zoning Office will assist you in identifying how your case should be filed. If you have questions regarding your case filing, please contact the Zoning Administration Office (804-646-6340) or at [PDRZoningAdministration@Richmondgov.com](mailto:PDRZoningAdministration@Richmondgov.com). Please review the applicable provisions of the City Charter or the Zoning Ordinance thoroughly and address them when presenting your case to the Board to show that the applicable requirements have been satisfied.
2. The Board of Zoning Appeals is a quasi-judicial board whose decisions are controlled by statutory law and also take into consideration applicable case law that has been handed down by the Richmond Circuit Court and the Virginia Supreme Court. The Board suggests that if you have any legal questions regarding statutory or case law as it may apply to your application, that those legal issues should be discussed with an attorney before you make your final decision to submit an application to the Board.
3. The Board considers it essential that you discuss your case with nearby residents (notification letters are sent to all property owners within a 150-foot radius of your property) and any nearby civic association(s). Information regarding your neighborhood association(s) and/or contact person(s) may be obtained [here](#). Once on the page, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, scroll down the page to the appropriate group(s) to find the contact information for each.

**Be advised that if you fail to discuss your request with your neighbors and neighborhood association(s), you should anticipate that your case will be continued until the Board's next regularly scheduled meeting. It is highly recommended that you contact your neighborhood association as soon as possible to determine their meeting schedule in order to be sure you allow yourself enough time to talk to all concerned parties prior to the hearing before the Board. The Board's Rules of Procedure require payment of a one-hundred fifty dollar (\$150) continuance fee if the applicant must request a continuance for the reason that the applicant failed to discuss their case with their neighbor(s) or neighborhood association(s).**

4. **You are also strongly encouraged to discuss your pending case with the Secretary of the Board, Roy Benbow at (804) 240-2124 well before the hearing.** The BZA Secretary can be helpful by explaining the BZA public hearing requirements and process.
5. Utilizing photographs, plans, maps, diagrams and such other written or graphic evidence as needed to fully explain your request can be a great help to the Board in understanding your request and thereby improve your chances for success. Remember . . . a picture is worth a thousand words.
6. Note that, although the Board is not authorized to grant a waiver from the zoning regulations based on financial circumstances alone, it may be a factor to be taken into consideration along with other facts in a case. If your case involves such a factor, please provide the Board with complete and relevant financial information for its review.
7. The Board's hearings are informal, although all testimony is taken under oath. You are not required to be represented by an attorney in presenting your case. However, if you choose, you may have legal representation and/or may utilize such technical experts or other persons to testify on your behalf as you feel are needed to adequately explain your request to the Board.

Acknowledgement of Receipt by Applicant or Authorized Agent: \_\_\_\_\_

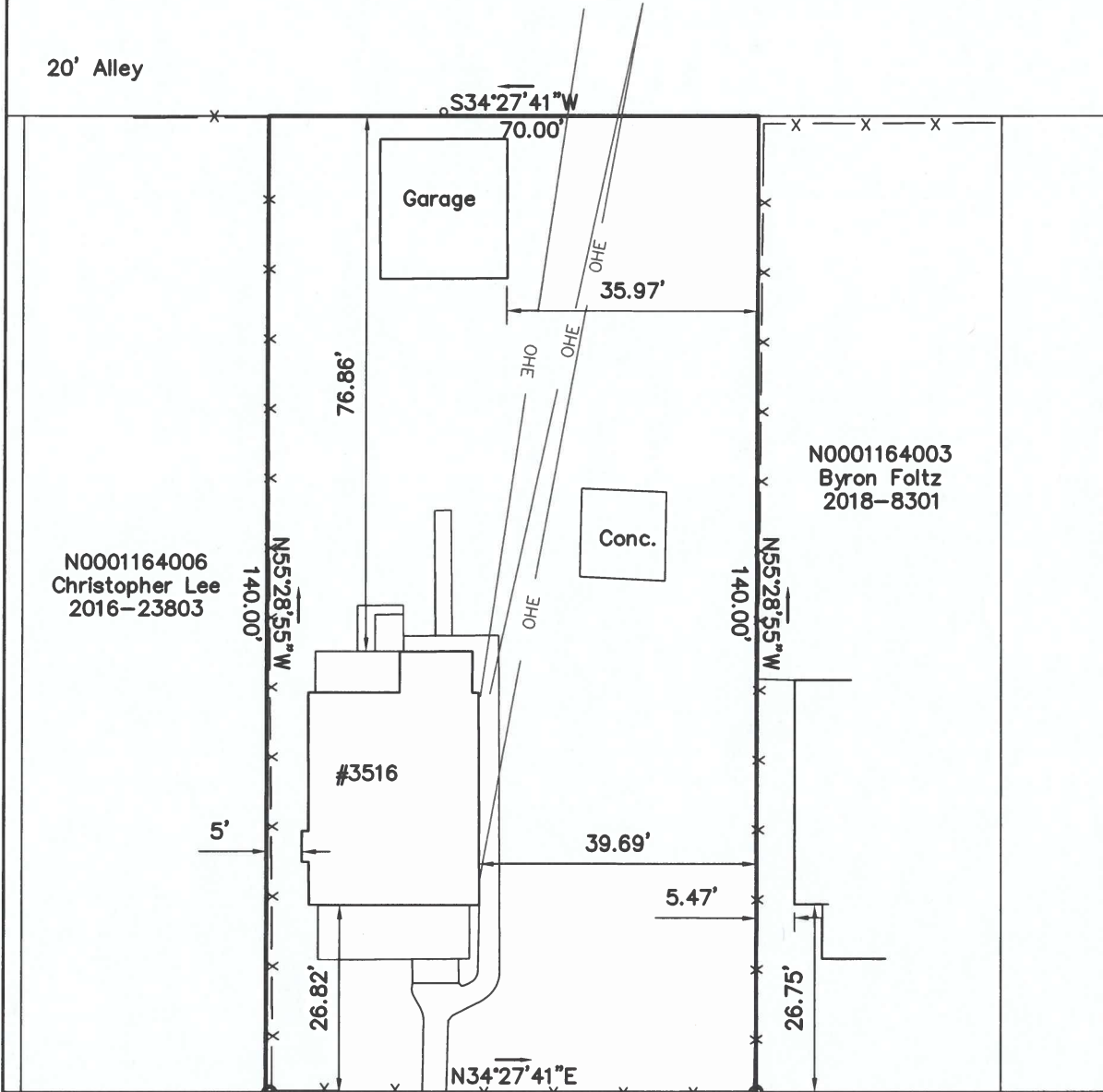
I hereby certify that an accurate survey of the property was made on March 29, 2024 and that any encroachments are noted hereon. This survey was made without benefit of a title report and there may be encumbrances present that are not shown.

*Carl Duncan*

Carl E. Duncan, P.E., L.S.



20' Alley



N0001164003  
Byron Foltz  
2018-8301

N0001164006  
Christopher Lee  
2016-23803

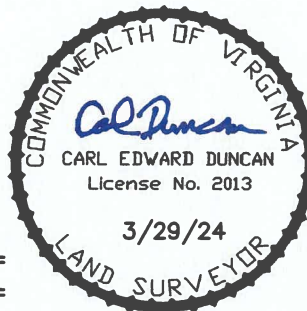
#3516

Conc.

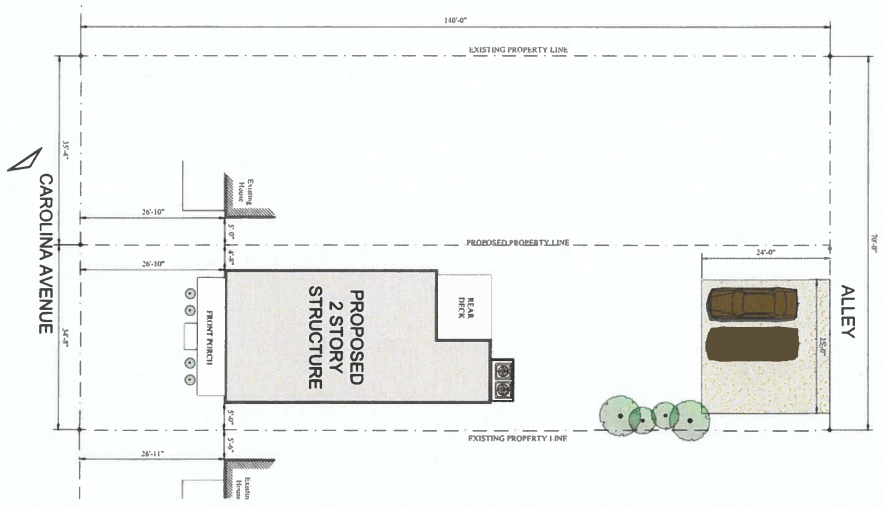
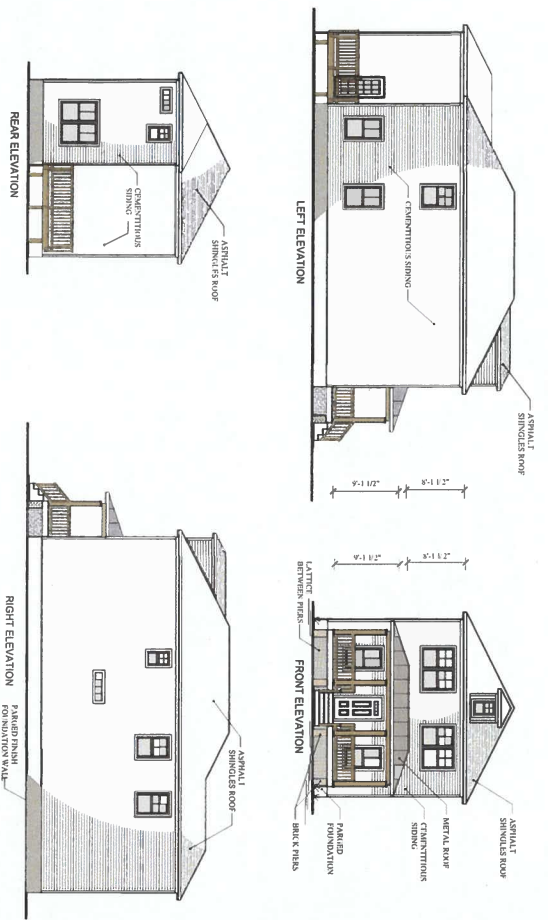
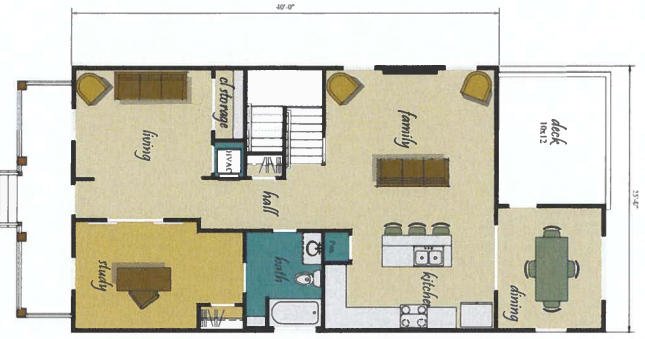
Carolina Avenue

Plat Showing the  
Physical Improvements to  
N0001164026  
3516 Carolina Avenue  
ETS Rehab LLC

6th District  
City of Richmond



C. E. Duncan & Associates, Inc.  
2809 Rocky Oak Road  
POWHATAN, VIRGINIA 23139  
(804) 598-8240 Fax (804) 598-9240  
DATE: 3/29/24 SCALE: 1"=20'  
DRAWN BY: CED JOB NO.: 24-0607



**TrinityHDC**

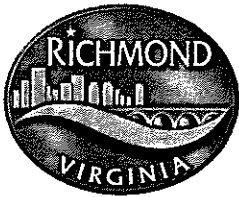
COMMERCIAL & RESIDENTIAL BUILDING DESIGN

Drawn By: ANDREW MANSION  
 Email: theandrew@gmail.com  
 Phone: 804.613.2371

DRAFT OF CAROLINA AVE POSSIBLE LAYOUT AND ORIENTATIONS  
 07-17-24

3516 Carolina Avenue





**CITY OF RICHMOND**

DEPARTMENT OF COMMUNITY DEVELOPMENT  
ZONING ADMINISTRATION

October 22, 2003

Gary Sager  
C/O Auto Advantage of Richmond  
4218 West Broad Street  
Richmond, Virginia 23230

**Re: 3516 Carolina Avenue (Tax Map: N000-1164/0051)**

Dear Mr. Sager:

Thank you for your request for a *Zoning Confirmation Letter* regarding the above referenced property. In response to your letter, we regret to inform you of the following:


The property is located within a R-6 (Single-Family Attached Residential) zoning district, which requires a minimum lot area of not less than five thousand square feet (5,000 SF) and a minimum lot width of not less than fifty feet (50') for single-family detached dwellings. According to City Assessor's records, the subject lot has a lot width of seventy feet (70') and a lot depth of one hundred forty feet (140'), which results in an approximate lot area of 9,800.0 square feet. According to deeds, the subject lot has been conveyed as "All that certain lot of land with all improvements thereon, known as 3516 Carolina Avenue, lying and being in the City of Richmond, Virginia...".

As proposed, splitting the existing lot and creating an additional lot would not be permitted because the minimum lot area and lot width requirements cannot be met for each proposed lot. Each proposed lot width measuring approximately thirty-five feet (35') and a lot depth of one hundred forty feet (140'), would result in a lot area of approximately 4,900 square feet for each lot. In summary, a lot split would not be permitted because the minimum R-5 zoning requirements cannot be met.

Requesting and obtaining a Variance from the lot area and lot width requirements with the Board of Zoning Appeals (BZA) may be possible. For more information regarding the Variance process, please contact Mr. Roy Benbow, Secretary to the Board of Zoning Appeals, at 646-3409. A filing fee of one hundred fifth dollars (\$150.00) would be necessary to docket this request.

I hope this information is sufficient. Should you have any additional questions, please feel free to contact Zoning Officer David Duckhardt, at 646-6917.

Sincerely,

  
William C. Davidson  
Zoning Administrator



MINUTES OF A MEETING OF THE BOARD OF ZONING APPEALS  
WEDNESDAY, MARCH 3, 2004

On Wednesday, March 3, 2004, the Board of Zoning Appeals held a public hearing in the Fifth Floor Conference Room, 900 East Broad Street, at 1:00 p.m.; display notice having been published in the Richmond Times-Dispatch on February 18 and 25, 2004 and written notice having been sent to interested parties.

Members Present:           Jean Thompson Williams, Chairman  
                                  Alexander Alexander  
                                  Ann W. Cox  
                                  Alan R. Siff

Member(s) Absent:       Rodney M. Poole, Vice-Chairman

Staff Present:             Roy W. Benbow, Secretary  
                                  William C. Davidson, Zoning Administrator  
                                  Jan Reid, Assistant City Attorney  
                                  J. Neil Brooks, Planner II

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The Chairman called the meeting to order and read the Board of Zoning Appeals Introductory Statement which explains the proceedings of the meeting. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

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**CASE NO. 11-04(CONTINUED)**

APPLICANTS:           Gary and Marilyn Sager

PREMISES:             3516 CAROLINA AVENUE  
                                  (Tax Parcel Number N000-1164/0051)

SUBJECT:              A building permit to split the lot and to construct a new single-family detached dwelling

DISAPPROVED by the Zoning Administrator on December 15, 2003, based on Sections 32-300 and 32-412.4(1) of the zoning ordinance for the reason that: In an R-6 Single-Family Attached Residential District, the proposed lot split is not permitted as the lot area and lot width requirements are not met. Lot areas of five thousand square feet (5,000 s.f.) and lot widths of not less than fifty feet (50') are

required for the proposed single-family (detached) dwelling lots; lot areas of 4,970.0 square feet ± and 4,830.0 square feet ± and lot widths of 35.5 feet ± and 34.5 feet ± are proposed.

APPLICATION was filed with the Board on November 24, 2003, based on Section 17.20(b) of the City Charter.

APPEARANCES:

For Applicant: Gary Sager

Against Applicant: Kathy Webb  
Grace H. Bailey  
Mary G. Davis  
Janet King  
John H. Hines, Jr.

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Gary and Marilyn Sager, are requesting a variance to split the lot and to construct a new single-family detached dwelling at 3516 Carolina Avenue. Mr. Sager explained that the property in question was originally a single lot of record but in 1972 the subject lot was deeded in combination with the adjoining property. Mr. Sager further explained that under the current zoning he would be entitled to construct a duplex with a party wall on the current lot of record. Mr. Sager indicated that this was not a cost effective alternative and in his view would be detrimental to the neighborhood which was the reason he was seeking approval to construct a single-family detached dwelling on the subject property. Mr. Sager noted that the current setback requirement under the zoning ordinance was 5 feet and that he is proposing 8.75 feet. Mr. Sager distributed pictures of his vacant lot and a vacant lot across the street for the purpose of demonstrating the manner in which his property was maintained. Mr. Sager also distributed pictures of the house adjoining Mr. Hines's house to the north and pointed out that the lot is 35 feet in width and that the distance between it and the house to its north is much less than that being proposed by Mr. Sager. Mr. Sager indicated that the zoning ordinance requires one off-street parking space for each dwelling unit and that he was proposing a total of three off-street parking spaces for the two dwelling units.

In response to a question from Mr. Alexander, Mr. Sager indicated that he rented out the existing house under the Section 8 program. In response to a question from Ms. Cox, Mr. Sager indicated that he purchased the property within the previous year and that it was represented as two separate lots. Mr. Sager stated that the prevailing lot width in the block is 35 feet.

Speaking in opposition, Ms. Kathy Webb testified that there was already a parking problem in the neighborhood and that the residents of Mr. Sager's house have several automobiles which they park on the street. Ms. Webb expressed concern over additional automobiles parking on the street that could occur as a result of the construction of Mr. Sager's proposed single-family dwelling unit.

Speaking in opposition, Ms. Grace Brailey testified that Mr. Sager's lot was too small to reasonably accommodate a single-family dwelling and that there was already a parking problem in the neighborhood.

Speaking in opposition, Ms. Mary Davis testified that permitting construction of an additional dwelling unit would further compound the existing parking problems. Ms. Davis questioned the fact of whether or not the residents would use the parking in the rear of Mr. Sager's property.

Speaking in opposition, Ms. Janet King testified regarding the fact that in order to provide parking in the rear of the properties, many of the property owners would have to remove physical features such as fences, landscaping and trees.

Speaking in opposition, Mr. John Hines, Sr. testified that he was in opposition to the construction of a house on the adjoining lot. Mr. Hines expressed concern over potential drainage problems and the proximity of the proposed house to his house and the potential of a fire at Mr. Sager's house which could involve his house. Mr. Hines indicated that constructing an additional house on the block would further exacerbate the parking problems. Mr. Hines indicated that his fellow neighbors were also opposed to construction of the proposed dwelling unit.

The Board is satisfied that the property was acquired in good faith and that an exceptional situation exists due to the fact that the lot was combined with the adjoining lot through a deed of convenience and that the prevailing lotting pattern in the block reflects at 35 ft. lot width; whereby strict application of the lot area and lot width requirements unreasonably restricts its use, and the granting of a variance in this case will be in harmony with the intended spirit and purpose of the ordinance and the powers of the Board.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS** that a request for a variance from the proposed nonconforming lot split requirement, the lot area and lot width requirements be granted to Gary and Marilyn Sager for a building permit to split the lot and to construct a new single-family detached dwelling as proposed at the subject premises, subject to the condition that not less than an 8.75-foot side yard setback shall be maintained between the proposed single-family detached dwelling and the northern property line.

ACTION OF THE BOARD: Granted Conditionally (4-0)

Vote to Grant Conditionally

affirmative:

Cox, Williams, Siff, Alexander

negative:

none

**CASE NO. 12-04(CONTINUED)**

APPLICANT: Virginia T. Jackson

PREMISES: 2217 FOURTH AVENUE  
(Tax Parcel Number N000-0563/016)

SUBJECT: A certificate of zoning compliance to legitimize a previous lot split

DISAPPROVED by the Zoning Administrator on December 11, 2003, based on Sections 32-300, 32-310, 32-412.4(1), 32-412.5(1)(b) and 32-830 of the zoning ordinance for the reason that: In an R-6 Single-Family Attached Residential District, the lot area, lot width and side yard setback requirements are not met and an encroachment (garage) was created/exists. A lot area of five thousand square feet (5,000 sf) and a lot width of fifty feet (50') was required in the R-5 (Two-Family Dwelling) District at the time the lot was created by deed (January 15, 1976) and by current zoning; four thousand two hundred square feet (4,200 sf) of lot area and thirty feet (30') of lot width is proposed/exists/existed. A side yard (setback) of five feet (5') was/is required; zero feet (0') is proposed/exists/ existed. No part of any yard required for one (1) use or structure shall be encroached upon. An encroachment (garage) of approximately one-half foot (0.5') is proposed/exists/existed on the adjoining lot (#2219).

APPLICATION was filed with the Board on December 11, 2003, based on Section 17.20(b) of the City Charter.

APPEARANCES:

For Applicant: Monique Johnson

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Virginia T. Jackson, has requested a variance to legitimize a previous lot split at 2217 Fourth Avenue. Ms. Monique Johnson, representing the applicant, referred to a letter sent by Ms. Jackson to the Board