



## CITY OF RICHMOND

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

July 8, 2020

Twenty O Ten Grove Ave LLC  
6504 Boatwright Drive  
Richmond, VA 23226

To Whom It May Concern:

RE: **BZA 30-2020**

You are hereby notified that the Board of Zoning Appeals will hold an electronic public hearing on Wednesday, August 5, 2020 due to the disaster represented by the spread of COVID-19 pursuant to and in compliance with Ordinance 2020-093 to consider an application for a building permit to construct a freestanding deck abutting a nonconforming multi-family dwelling at 2010 GROVE AVENUE (Tax Parcel Number W000-0904/024), located in an R-6 (Single-Family Attached Residential District).

Please be advised that the applicant or applicant's representative is required to participate in the electronic public hearing by calling 804-316-9457 and entering code 964 489 214# beginning at 1:00 p.m. 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 2020 drop-down, click meeting details for August 5, 2020 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 [William.Davidson@richmondgov.com](mailto:William.Davidson@richmondgov.com) for assistance. In accordance with Ordinance No. 2020-093, please be advised that an inability to access one of the enumerated public hearing through video means shall not be considered a prerequisite for participating in the subject public hearing. It will be necessary for you to stay on the line until such time as your case is called. 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

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Page 2  
July 8, 2020

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 <http://www.richmondgov.com/PlanningAndDevelopmentReview/civicasassociationgroupinformation.aspx> . 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,

A handwritten signature in dark ink, appearing to read "Roy W. Benbow". The signature is fluid and cursive, with the first name "Roy" being the most prominent.

Roy W. Benbow, Secretary  
Phone: (804) 240-2124  
Fax: (804) 646-5789  
E-mail: Roy.Benbow@richmondgov.com

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.

207 N Rowland Street Condo Unit  
Owners Association  
2019 Westover Hills Blvd  
Richmond VA 23225

Aponte Natanael Jr  
2003 Grove Ave  
Richmond VA 23220

Bromley Rentals Llc  
512 Raleigh Manor Rd  
Henrico VA 23229

Campbell Steven W And Erin L  
2019 Westover Hills Blvd  
Richmond VA 23225

Cutting Judith H Revocable Trust Trs  
2004 Grove Ave  
Richmond VA 23220

Dinwiddie Carolyn H  
208 N Meadow St  
Richmond VA 23220

Fitzhugh William G  
3816 Old Gun Rd West  
Midlothian VA 23113

Guthrie Jen Lee  
203 N Rowland St  
Richmond VA 23220

Huntington Albert H Iv And Shelley  
205 N Rowland St  
Richmond VA 23220

Mann Susan M Living Trust Trs  
2 Elm Grove Way  
Greensboro NC 27405

209 N Rowland Street Condo Unit  
Owners Association  
Po Box 944  
Midlothian VA 23113

Bauer Matthew S  
212 N Meadow St  
Richmond VA 23220

Brown Viola J  
2005 Grove Ave  
Richmond VA 23220

Chapman Jeffrey P And Dozier Katrina  
M  
2015 Hanover Ave  
Richmond VA 23220

Dickson Family Llc  
2826 Monument Ave #1  
Richmond VA 23221

Duncan David A  
2011 Grove Ave  
Richmond VA 23220

Green River Properties L L C  
26 Rio Vista Lane  
Richmond VA 23226

Guy Elizabeth M  
2025 Grove Ave  
Richmond VA 23220

Jackson Leif A & Gilbert S & Jean M  
2001 Grove Ave  
Richmond VA 23220

Meadows At Hanover Condominium  
Unit Owners Association  
2001 Hanover Ave  
Richmond VA 23221

Andrews Robert L And Wilma M  
Trustees  
2018 Grove Ave  
Richmond VA 23220

Berry R Crist & Patricia P Trs  
2006 Grove Ave  
Richmond VA 23220

Buchanan Michaelson And Michele  
2007 Hanover Ave  
Richmond VA 23220

Childs Eugene M Jr And Margaret N  
2009 Grove Ave  
Richmond VA 23220

Didato Thomas N And Lee Ann  
Anderson  
2022 Grove Ave  
Richmond VA 23220

Finley Donald J & Sarah H  
2017 Hanover Avenue  
Richmond VA 23220

Gunn Ronald D And Perry S  
2005 Hanover Ave  
Richmond VA 23220

Harris Eric Russell And Matheson Sarah  
Scott  
2015 Grove Ave  
Richmond VA 23220

Lewis Clarence E  
2000 Grove Ave  
Richmond VA 23220

Moore Andrew T Jr  
2011 Hanover Ave  
Richmond VA 23220

Moore John H Jr Trs And Moore  
Katherine H Trs  
2021 Hanover Ave  
Richmond VA 23220

Mullin John J And Anne W  
2023 Hanover Ave  
Richmond VA 23220

Murphy Andrew R And Angell Kathryn E  
2013 Grove Ave  
Richmond VA 23220

Murphy Martin J & Kathleen M  
2012 Grove Avenue  
Richmond VA 23220

Nottingham Jeffrey H & Tiffany M  
2003 Hanover Ave  
Richmond VA 23220

Rayner David M And Cynthia M  
2002 Grove Avenue  
Richmond VA 23220

Rosenbaum Arnold & Catherine G  
4113 Kensington Ave  
Richmond VA 23221

Ryan Michael S & Brennan Kelley  
2008 Grove Ave  
Richmond VA 23220

Sajdak Christopher M And Hannah E  
2009 Hanover Avenue  
Richmond VA 23220

Shroder Landon M  
206 N Meadow St  
Richmond VA 23220

Sullivan Robert A & Mary H  
2023 Grove Avenue  
Richmond VA 23220

Taylor Logan P  
16497 Estate Lane  
Montpelier VA 23192

Taylor Lynn R Jr And Lezlie Kim  
16497 Estate Lane  
Montpelier VA 23192

Warkentin John R Living Trust Trs  
2013 Hanover Ave  
Richmond VA 23220

Weinberg John A And Laurie A  
2007 Grove Ave  
Richmond VA 23220

Wilson Harry & Rose L  
1805 Rolfe Way  
Richmond VA 23233

Wingo Nancie  
323 Calle Estado  
Santa Fe NM 87501

**Property:** 2010 Grove Ave **Parcel ID:** W0000904024**Parcel**

**Street Address:** 2010 Grove Ave Richmond, VA 23220-  
**Owner:** TWENTY O TEN GROVE AVE L L C  
**Mailing Address:** 6504 BOATWRIGHT DR, RICHMOND, VA 2322600000  
**Subdivision Name :** NONE  
**Parent Parcel ID:**  
**Assessment Area:** 506 - SMF Central  
**Property Class:** 310 - R Apartment 5-11 Units  
**Zoning District:** R-6 - Residential (Single Family Attached)  
**Exemption Code:** -  
**Unit Count:** 5

**Current Assessment**

**Effective Date:** 01/01/2020  
**Land Value:** \$201,000  
**Improvement Value:** \$387,000  
**Total Value:** \$588,000  
**Area Tax:** \$0  
**Special Assessment District:** None

**Land Description**

**Parcel Square Feet:** 5033  
**Acreage:** 0.116  
**Property Description 1:** 0028.00X0179.75 0000.000  
**State Plane Coords( ?):** X= 11782948.181833 Y= 3726170.885467  
**Latitude:** 37.55180283 , **Longitude:** -77.46510276

**Description**

**Land Type:** Primary Commercial/Indust Land  
**Topology:** Level  
**Front Size:** 28  
**Rear Size:** 179  
**Parcel Square Feet:** 5033  
**Acreage:** 0.116  
**Property Description 1:** 0028.00X0179.75 0000.000  
**Subdivision Name :** NONE  
**State Plane Coords( ?):** X= 11782948.181833 Y= 3726170.885467  
**Latitude:** 37.55180283 , **Longitude:** -77.46510276

**Other**

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

**Assessments**

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2020	\$201,000	\$387,000	\$588,000	Reassessment
2019	\$150,000	\$307,000	\$457,000	Reassessment
2018	\$150,000	\$307,000	\$457,000	Reassessment
2017	\$150,000	\$307,000	\$457,000	Reassessment
2016	\$125,000	\$332,000	\$457,000	Reassessment
2015	\$145,000	\$298,000	\$443,000	Reassessment
2014	\$145,000	\$285,000	\$430,000	Reassessment
2013	\$145,000	\$285,000	\$430,000	Reassessment
2012	\$145,000	\$285,000	\$430,000	Reassessment
2011	\$145,000	\$269,000	\$414,000	CarryOver
2010	\$145,000	\$269,000	\$414,000	Reassessment
2009	\$144,700	\$282,700	\$427,400	Reassessment
2008	\$124,100	\$357,100	\$481,200	Reassessment
2007	\$124,100	\$357,100	\$481,200	Reassessment
2006	\$124,100	\$297,600	\$421,700	Reassessment
2005	\$76,100	\$297,600	\$373,700	Reassessment
2004	\$66,200	\$258,800	\$325,000	Reassessment
2003	\$66,200	\$258,800	\$325,000	Correction
2002	\$56,100	\$256,200	\$312,300	Reassessment
2001	\$46,000	\$210,000	\$256,000	Reassessment
2000	\$40,000	\$210,000	\$250,000	Reassessment
1998	\$40,000	\$210,000	\$250,000	Not Available

**Transfers**

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
11/05/1998	\$0	QUISENBERRY G ROBERT & SUSAN G	ID1998-29932	
11/05/1998	\$0	Not Available	09800-29934	
11/02/1988	\$198,000	Not Available	000184-00114	

**Planning**

**Master Plan Future Land Use:** SF-MD  
**Zoning District:** R-6 - Residential (Single Family Attached)  
**Planning District:** Near West  
**Traffic Zone:** 1095  
**City Neighborhood Code:** FAN  
**City Neighborhood Name:** The Fan  
**Civic Code:**  
**Civic Association Name:** Fan Area Business Alliance  
**Subdivision Name:** NONE  
**City Old and Historic District:**  
**National historic District:** Fan Area  
**Neighborhoods in Bloom:**  
**Redevelopment Conservation Area:**

**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	1007	0410001	041000
1990	108	0410001	041000

**Schools**

**Elementary School:** Fox  
**Middle School:** Binford  
**High School:** Jefferson

**Public Safety**

**Police Precinct:** 3  
**Police Sector:** 313  
**Fire District:** 12  
**Dispatch Zone:** 036B

**Public Works Schedules**

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

**Government Districts**

**Council District:** 2  
**Voter Precinct:** 208  
**State House District:** 71  
**State Senate District:** 9  
**Congressional District:** 4

**Extension 1 Details**

**Extension Name:** R01 - Detached Brick 3-Sty Twnhse  
**Year Built:** 1908  
**Stories:** 2  
**Units:** 5  
**Number Of Rooms:** 5  
**Number Of Bed Rooms:** 3  
**Number Of Full Baths:** 4  
**Number Of Half Baths:** 0  
**Condition:** normal for age

**Foundation Type:** 1/2 Bsmt  
**1st Predominant Exterior:** Brick  
**2nd Predominant Exterior:** N/A  
**Roof Style:** Flat or Shed  
**Roof Material:** Metal  
**Interior Wall:** Drywall  
**Floor Finish:** Base Allowance  
**Heating Type:** Forced hot air  
**Central Air:** Y  
**Basement Garage Car #:** 0  
**Fireplace:** N  
**Building Description (Out Building and Yard Items) :**

**Extension 1 Dimensions**

**Finished Living Area:** 4653 Sqft  
**Attic:** 0 Sqft  
**Finished Attic:** 0 Sqft  
**Basement:** 1026 Sqft  
**Finished Basement:** 0 Sqft  
**Attached Garage:** 0 Sqft  
**Detached Garage:** 0 Sqft  
**Attached Carport:** 0 Sqft  
**Enclosed Porch:** 0 Sqft  
**Open Porch:** 110 Sqft  
**Deck:** 0 Sqft



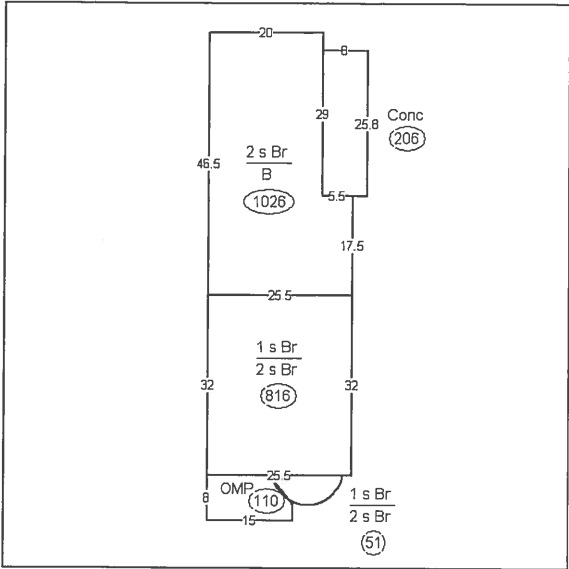
**Property Images**

Name:W0000904024 Desc:R01

[Click here for Larger Image](#)

Sketch Images

Name:W0000904024 Desc:R01



BZA 30-2020

# 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

OWNER: Twenty O Ten Grove Ave LLC PHONE: (Home) ( ) ( ) (Mobile) ( ) ( )  
 ADDRESS 6504 Boatwright Drive FAX: ( ) ( ) (Work) ( ) ( )  
Richmond, VA 23226 E-mail Address: qwbmw325@gmail.com  
 Attn: Bob Quisenberry

### PROPERTY OWNER'S

REPRESENTATIVE: Neville Johnson PHONE: (Home) (804) 382-9800 (Mobile) (804) 914-5902  
 (Name/Address) 4905 Radford Avenue FAX: ( ) ( ) (Work) ( ) ( )  
Richmond, VA 23220 E-mail Address: ncjlr@ncjline.com

## TO BE COMPLETED BY THE ZONING ADMINISTRATION OFFICE

PROPERTY ADDRESS (ES) 2010 Grove Avenue

TYPE OF APPLICATION: ☐ VARIANCE ☒ SPECIAL EXCEPTION ☐ OTHER \_\_\_\_\_

ZONING ORDINANCE SECTION NUMBER(S): 30-300, 30-800.1 & 30-800.2

APPLICATION REQUIRED FOR: A building permit to construct a freestanding deck abutting a nonconforming multi-family dwelling.

TAX PARCEL NUMBER(S): W000-0904/024 ZONING DISTRICT: R-6 (Single-Family Attached Residential)

REQUEST DISAPPROVED FOR THE REASON THAT: The addition of an exterior deck is an expansion of the nonconforming use. No building or structure devoted to a nonconforming use shall be enlarged or extended unless such building or structure is thereafter devoted to a conforming use.

DATE REQUEST DISAPPROVED: June 12, 2020

FEE WAIVER: YES ☐ NO: ☒

DATE FILED: June 12, 2020 TIME FILED: 10:00 a.m. PREPARED BY: Josh Young RECEIPT NO. BZAR-074828-2020

AS CERTIFIED BY: [Signature] (ZONING ADMINISTRATOR)

### 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) 13 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]

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

CASE NUMBER: BZA 30-2020 HEARING DATE: August 5, 2020 AT 1:00 P.M.



BOARD OF ZONING APPEALS CASE BZA 30-2020  
150' Buffer

APPLICANT(S): Twenty O Ten Grove Ave LLC

PREMISES: 2010 Grove Avenue  
(Tax Parcel Number W000-0904/024)

SUBJECT: A building permit to construct a freestanding deck  
abutting a nonconforming multi-family dwelling.

REASON FOR THE REQUEST: Based on Sections 30-300, 30-800.1 & 30-800.2  
of the Zoning Ordinance for the reason that:  
The nonconforming use 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 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 (846-6340/6701). 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 absolutely essential that you discuss your case with your neighbors (notification letters are sent to property owners within a 150-foot radius of your property) as well as your neighborhood association(s). Information regarding your neighborhood association(s) and/or contact person(s) may be obtained from the City's website at <http://www.richmondgov.com/PlanningAndDevelopmentReview/civicasassociationgroupinformation.aspx>. 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.
4. **Please 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 \$150.00 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 Barbew (804-240-2124) well before the hearing. The Secretary can be helpful by explaining the BZA public hearing 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.

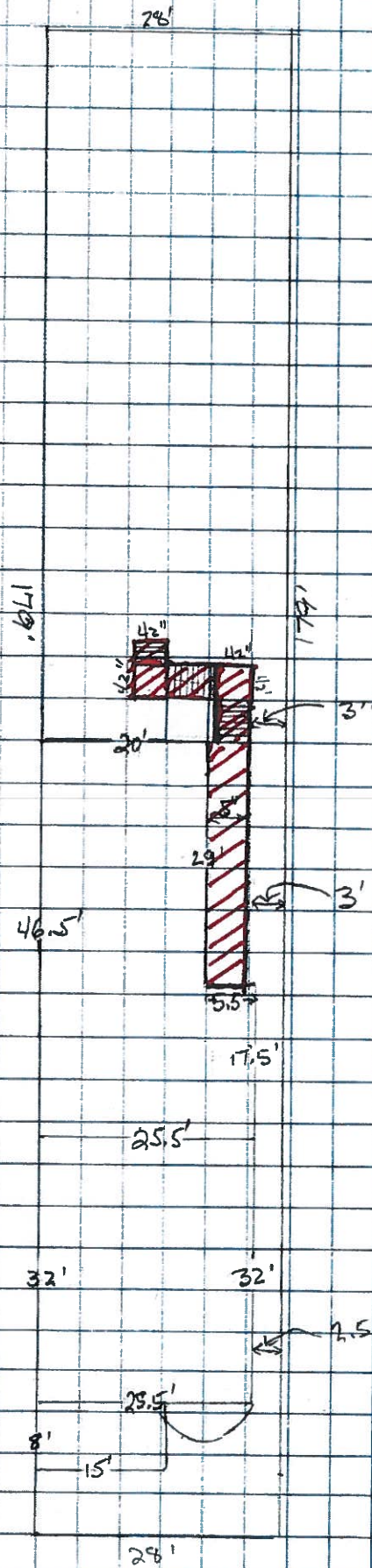
Acknowledgement of Receipt by Applicant or Authorized Agent: *S. Robert [Signature]*

(Revised: 4/28/16)



2010 GROVE AVENUE

EXHIBIT 8

$$1^{\vee} = 20'$$


5'

DOUBLE  
2x10

EXISTING  
BUILDING

EXISTING  
PATIO  
5'-6"

DOUBLE  
2x10

2x10  
5015x  
16" O.C

DOUBLE  
2x10

single  
2x10  
Bolted  
to masonry

6x6

2x10 5015x  
16" O.C

6x6

\* DECK 11' ABOVE PATIO

\* All Handrails 3x6" (

All post w/ chair  
6x6 notched w/ 2 5"  
ledgers

DOUBLE  
2x10

6x6

max 8" rise steps

42"

PIAT FORM  
w/

All 6x6 post  
18" deep Footing  
w/ 12" x 12" x 8"  
PIER BLOCKS (

All 6x6 post  
18" DEEP

Deck

- 

























2010 GROVE AVE EXHIBITS





G. Robert Quisenberry  
6504 Boatwright Drive  
Richmond, VA 23226  
804-285-0857 Cell: 804-382-9800  
Email: qwbmw325@gmail.com

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To: Board of Zoning Appeals, Richmond, VA  
Re: BZA application for 2010 Grove Ave., Richmond, VA  
Date: June 19, 2020

Purpose: The subject house had a second floor deck on apartment 5 which the previous owner removed. It is not clear whether that deck had steps to the ground or not. It is desired to replace and expand this deck with steps to the ground to achieve the following objectives:

1. Provide Apartment 5 is a separate attachment to the main building. This replacement would provide Apartment 5 with a means of ingress and egress from the second floor. Apartment 5 is a small 2 story apartment with small inside stairs. The deck and steps would provide evacuation capability in case of emergency.
2. The deck would be expanded to allow access from the second floor main building providing residents in the upper level apartments with egress in case of emergency.

Board of Zoning Appeals check list:

1. Existing improvements: Exhibits 1 and 4 show an aerial view of the existing lot and improvements and its relationship with the adjacent houses. The original deck was removed by the previous owner. Exhibit 2 outlines the building and the existing brick patio by Apartment 5. Exhibit 5 is a picture of the second floor door to the original deck and where the original deck was attached.
2. Proposed improvement: The replacement will be somewhat wider than what we believe to be the original to allow access to the deck from the second floor hallway in the main building for emergency use. Exhibit 7 shows a down looking view of the deck. Note that it does not invade the space between it and the building next door as shown in exhibit 8.
3. The main building is a 3 story building. The rear of the building which houses apartment 5 is a 2 story building. The deck will be at the level of the second floor of apartment 5. Exhibit 5 shows where the original deck was attached and the replacement will be at that same point. Doing this is not a precedent in the FAN. A building 2 doors down from this building has done something very similar.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a variance from the front yard requirement as proposed at the above described premises be denied.

ACTION OF BOARD:	Denied (4-1)	
Vote to Grant (motion failed)		
Affirmative:	Alexander, Trent	2
Negative:	Fowlkes, Johns, Rick	3
Abstention:	None	0
Absent:	Richardson	1
Vote to Deny (motion passed)		
Affirmative:	Fowlkes, Johns, Rick, Trent	4
Negative:	Alexander	1
Abstention:	None	0
Absent:	Richardson	1

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CASE NO. 20-89

APPLICANT: G. Robert Quisenberry

PREMISES: 2010 GROVE AVENUE

SUBJECT: Certificate of occupancy for a five-unit apartment building

DISAPPROVED by the Zoning Administrator on March 6, 1989, under Sections 32-300, 32-710.1(4), 32-800.3, and 32-830 of the zoning ordinance for the reason that: "R-6 Single-Family Attached Residential District. The maximum permitted use is exceeded. Five apartments are existing/proposed; however, only four apartments plus one lodging unit are legal. Three off-street parking spaces were required for the four apartments plus lodging unit at the time of conversion; no on-site parking exists or is proposed. The change from the nonconforming lodging unit to an apartment would require more off-street parking. Previous certificates of occupancy for a five (5) unit apartment building were issued in error."

APPLICATION was filed with the Board on March 3, 1989, for a variance from the zoning ordinance based on Section 17.20(b) of the City Charter.

APPEARANCES:

For Applicant: Gail Miller, G. Robert Quisenberry

Against Applicant: Ozell Briggs, Benjamin Warthen, E. Michael Brittingham



**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant acquired the property in November, 1988, at which time the building was devoted to five dwelling units. In 1955, permits were issued to convert from a rooming house to four apartments plus one lodging unit, subject to provision of three parking spaces at the rear of the lot. The parking was eliminated around 1977 by the bricking of garage doorways and construction of a wall across the rear of the lot. Certificates of occupancy for five units were improperly issued to previous owners in 1977 and 1987, whereas the maximum legal use is as per the 1955 permits. At the present time, no parking is provided for the five units. The surrounding area is of high density development, and off-street parking is generally in short supply. The applicant's representative testified that to re-open the garages to provide three parking spaces would be prohibitively costly. No attempt has been made to acquire additional parking off the site.

The Board finds further that, although the property was acquired in good faith in reliance on the previously issued certificates of occupancy, the applicant did not seek to verify the validity of such when the property was acquired. The applicant failed to show an extraordinary or exceptional situation whereby strict application of the terms of the ordinance prohibits or unreasonably restricts the use of the property or a clearly demonstrable hardship approaching confiscation. The Board is not satisfied from the evidence presented that reasonable use cannot be made of the property under applicable zoning regulations, or that off-street parking cannot be provided. The granting of a variance in this case would constitute a special privilege or convenience for the owner and would not 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 variance from the maximum permitted occupancy and off-street parking requirements for a certificate of occupancy for a five-unit apartment building at the above described premises be denied.

<b>ACTION OF BOARD:</b>	Denied	
Vote to Deny		3
Affirmative:	Fowlkes, Johns, Trent	1
Negative:	Alex	1
Abstention:	Rick	1
Absent:	Richardson	

partially constructed carport was in violation of the front yard requirement and no permit had been issued. The property is in a high crime area near Whitcomb Court. The applicant works nights and normally cannot find a parking space on the street near her home when she returns. Due to the narrowness of the lot and the location of the dwelling on the lot, no off-street parking is provided and a parking space cannot be located elsewhere in compliance with the yard requirements. The applicant's elderly mother also lives on the premises. She has severe arthrititis and needs automobile parking under cover near the door. The proposed carport is open-sided and will not unreasonably obstruct visibility or light and air. Testimony was presented that adjacent neighbors on both sides of the subject property are in support of the variance request.

The Board is satisfied that the property was acquired in good faith, that an exceptional situation exists whereby strict application of the front yard requirement unreasonably restricts its use, and that the granting of a variance in this case will alleviate a clearly demonstrable hardship and 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 variance from the front yard requirement be granted to Thelma B. Fitzgerald for a building permit for a carport addition to a single-family dwelling as proposed at the above described premises.

VOTE OF BOARD:	Granted	
Vote to Grant		
Affirmative:	Fowlkes, Johns, Richardson, Rick, Trent	5
Negative:	None	0
Absent:	None	0

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CASE NO. 37-89

APPLICANT: G. Robert Quisenberry

PREMISES: 2010 GROVE AVENUE

SUBJECT: Certificate of occupancy for a five-unit apartment building with four off-street parking spaces

DISAPPROVED by the Zoning Administrator on May 11, 1989, under Sections 32-300, 32-800.3, and 32-830 of the zoning ordinance for the reason that: "R-6 Single-Family Attached Residential District. The maximum permitted use is exceeded. Five apartments are existing/proposed; however, only four apartments plus one lodging unit are legal. The change from the lodging unit to an apartment would require more off-street parking, which is a greater deviation from the regulations concerning changes in nonconforming uses. Previous certificates of occupancy for a five (5) unit apartment building were issued in error."

APPLICATION was filed with the Board on May 17, 1989, for a variance from the zoning ordinance based on Section 17.20(b) of the City Charter.

APPEARANCES:

For Applicant: Rodney M. Poole

Against Applicant: Ozell Briggs, Ben Warthen, C. Ellis Lewis

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that in 1955 a building permit was issued to convert the property from a rooming house to five apartments and one lodging unit with three parking spaces at the rear of the lot. At that time five apartments would have been permitted if four parking spaces were provided. In April, 1977 a certificate of occupancy for five apartments was issued with a note that the previous use of the property was for six apartments. There was no indication of off-street parking, but the property could not accommodate more than three spaces and it appears the permit was issued in error. Another certificate of occupancy for five units was issued in 1987 with no indication of parking. The applicant entered into a contract to purchase the property in September, 1988 in reliance on the last C.O. with a condition in the contract that the C.O. be produced at closing. Immediately after closing, the applicant requested a C.O. in his name. It was denied on the basis that the previous C.O.'s had been issued in error and the property was entitled to a maximum occupancy of four apartments and one room, provided that three parking spaces were available. The three spaces that were previously available within garages at the rear of the lot were no longer available since they had been modified by a previous owner so as to no longer be usable. The Board denied a variance in April, 1989 for five apartments with no off-street parking.

The Board finds further that the applicant acquired the property and pursued the matter of a certificate of occupancy in good faith. If a C.O. for five units is not granted, the \$180,000 loan on the property will be called by the lender, resulting in hardship on the part of the applicant. It is now proposed to demolish the garages at the rear of the lot to provide four parking spaces, which in the opinion of the board constitutes very different circumstances from the application considered by it in April. Use of the property for five apartments was permitted when such number of units was apparently established prior to 1957, if the currently proposed number of parking spaces had existed. Given the apparent fact that at least five, and at one point six, units have existed in the building for at least 32 years, the provision of additional parking would bring the property closer to conformance with the nonconforming use requirements. It also appears to the Board that a change in legal occupancy from four apartments and one lodging unit to five apartments as proposed does not result in any actual increase in total occupancy or effective density of the property.

The Board is satisfied that the property was acquired in good faith, that an exceptional situation exists whereby strict application of the maximum permitted occupancy requirements unreasonably restricts its use, and that the granting of a variance in this case will alleviate a clearly demonstrable hardship and 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 variance from the maximum permitted occupancy requirements be granted to G. Robert Quisenberry for a certificate of occupancy for a five-unit apartment building with four parking spaces at the rear of the property as proposed at the above described premises.

ACTION OF BOARD:	Granted	
Vote to Grant		
Affirmative:	Fowlkes, Johns, Richardson, Trent	4
Negative:	None	0
Abstention:	Rick	1
Absent:	None	0

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CASE NO. 38-89

APPLICANT: Webb B. Carroll

PREMISES: 2811 PATTERSON AVENUE

SUBJECT: Permit to install one (1) pole sign and two (2) signs on each pump island canopy

DISAPPROVED by the Zoning Administrator on May 15, 1989, under Sections 32-300 and 32-436.2(2)(d) of the zoning ordinance for the reason that: "B-2 Community Business District. Only one (1) freestanding sign not exceeding 100 square feet in area is allowed when the building housing a permitted use is set back at least forty (40) feet from the street on which it fronts. Five (5) freestanding signs (one (1) pole and four (4) canopy signs) having an aggregate area of 165± square feet are requested. A 38.87-foot setback exists for the main building along the Patterson Avenue frontage."

APPLICATION was filed with the Board on May 17, 1989, for a variance from the zoning ordinance based on Section 17.20(b) of the City Charter.

The Secretary informed the members that the applicant had withdrawn this request for a variance. Therefore, the Board did not take action on the subject case.

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CASE NO. 39-89

APPLICANT: Mike Elder and Kim Boccagna

PREMISES: 3320 FLOYD AVENUE

SUBJECT: Building permit to rebuild and extend the rear porch and to construct new stairs and a certificate of occupancy for an existing garage