



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

September 9, 2020

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

Neville Johnson
4905 Radford Avenue
Richmond, VA 23220

To Whom It May Concern:

RE: BZA 30-2020 (CONTINUED FROM AUGUST 5, 2020 MEETING)

You are hereby notified that the Board of Zoning Appeals will hold an electronic public hearing on Wednesday, October 7, 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 915 316 105# 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 October 7, 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 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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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/civicasociationgroupinformation.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,



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

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

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

Aponte Natanael Jr
2003 Grove Ave
Richmond VA 23220

Bauer Matthew S
212 N Meadow St
Richmond VA 23220

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

Bromley Rentals LLC
512 Raleigh Manor Rd
Henrico VA 23229

Brown Viola J
2005 Grove Ave
Richmond VA 23220

Buchanan Michaelson And Michele
2007 Hanover Ave
Richmond VA 23220

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

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

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

Dickson Family LLC
2826 Monument Ave #1
Richmond VA 23221

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

Dinwiddie Carolyn H
208 N Meadow St
Richmond VA 23220

Duncan David A
2011 Grove Ave
Richmond VA 23220

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

Fitzhugh William G
3816 Old Gun Rd West
Midlothian VA 23113

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

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

Guthrie Jen Lee
203 N Rowland St
Richmond VA 23220

Guy Elizabeth M
2025 Grove Ave
Richmond VA 23220

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

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

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

Lewis Clarence E
2000 Grove Ave
Richmond VA 23220

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

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

Moore Andrew T Jr
2011 Hanover Ave
Richmond VA 23220

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

Muller John M Jr
2002 Grove Avenue
Richmond VA 23220

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

Murphy Andrew R & 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

Rosenbaum Arnold & Catherine G
4113 Kensington Ave
Richmond VA 23221

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

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

Solomson Allison H & Klabunde Jonathan
Mark
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 & Lezlie Kim
16497 Estate Lane
Montpelier VA 23192

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

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

Weissberger Michael & Kelly
2009 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: -

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
2021	\$201,000	\$387,000	\$588,000	Reassessment
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 -
Year Built: 0
Stories: 0
Units: 0
Number Of Rooms: 5
Number Of Bed Rooms: 3
Number Of Full Baths: 0
Number Of Half Baths: 0
Condition:
Foundation Type:
1st Predominant Exterior:
2nd Predominant Exterior: N/A
Roof Style:
Roof Material:
Interior Wall:
Floor Finish:
Heating Type:
Central Air: N
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

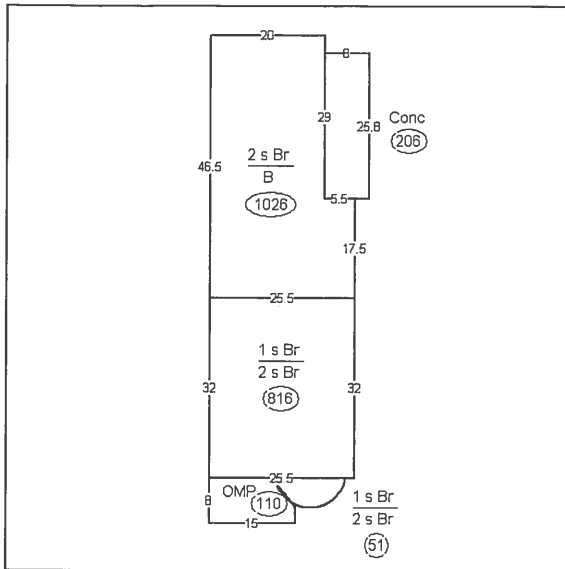
Property Images

Name:W0000904024 Desc:R01

[Click here for Larger Image](#)

Sketch Images

Name:W0000904024 Desc:R01



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: nejjr@ncjinc.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 NUMBERS(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. BZAC-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: October 7, 2020 AT 1:00 P.M.

BOARD OF ZONING APPEALS CASE BZA 30-2020
(CONTINUED FROM AUGUST 5, 2020 MEETING)
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.

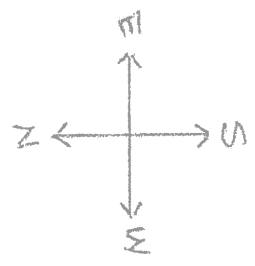
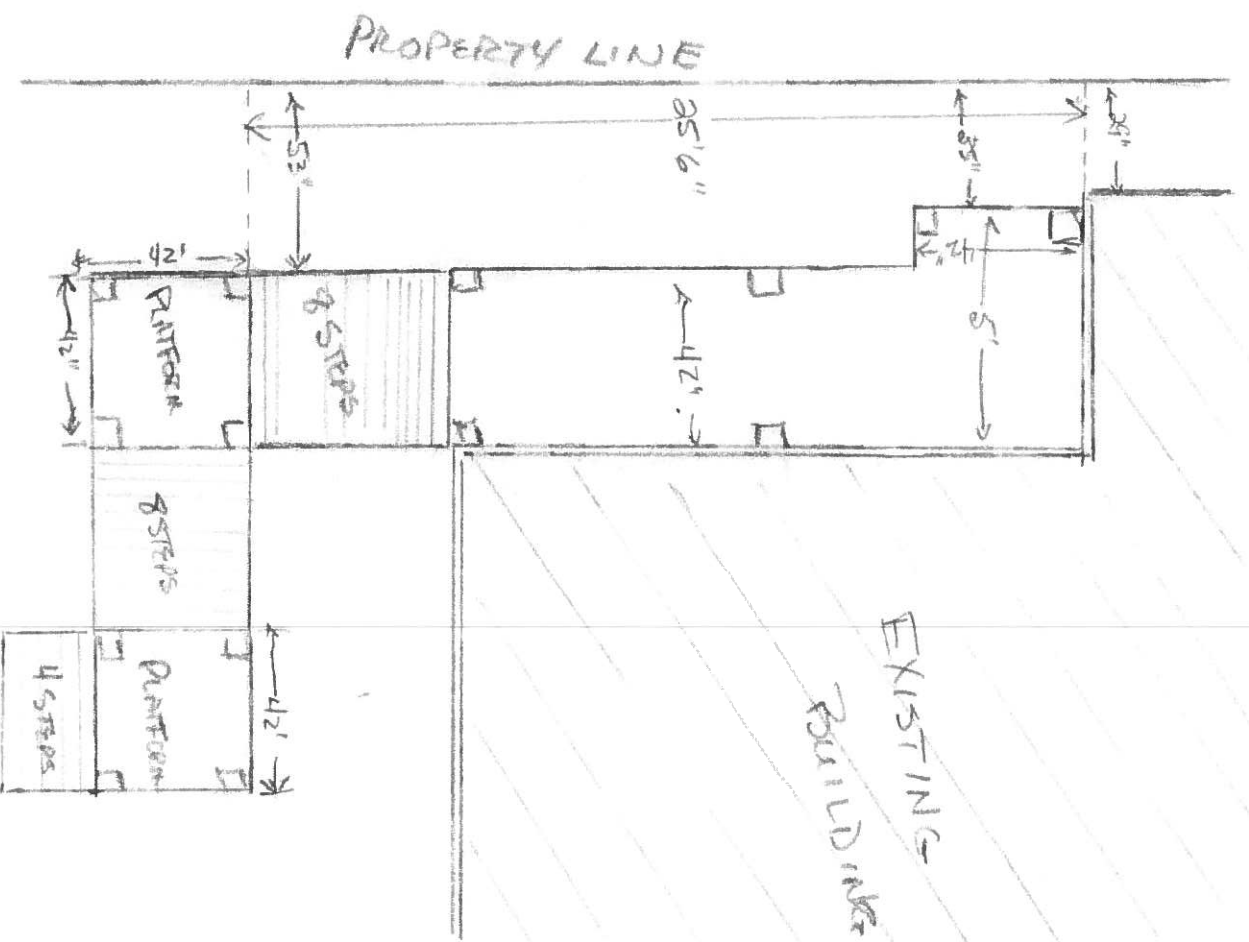
1. The powers and duties of the Board of Zoning Appeals are specified in Section 17.20 of the City Charter and Article X, Division 5, of the Zoning Ordinance. The Zoning Office will assist you in identifying how your case should be filed. If you have questions regarding your case filing, please contact 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/civicasociationgroupinformation.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 Barlow (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

EXISTING
BUILDING













2010 GROVE AVE EXHIBITS



Draft 08/21/2020

Board of Zoning Appeals Presentation – October 3, 2020

1. History: We purchased 2010 Grove Avenue in 1988. It was presented as a 5 unit apartment building. The contract called for the owner to supply a valid CO for 5 units which they did and financing required me to obtain a CO for 5 units in our name. I attempted to do that after closing but the city refused stating that a city employee accepted money to approve a CO for 5 units in the 1950's which made the conversion illegal. We appealed to the BZA but were turned down for lack of off street parking. I petitioned the BZA a second time agreeing to remove a carriage house to create 4 parking spaces and received approval for 5 apartments. The then owner of 2008 objected to both petitions stating that I should be required to convert 2008 back to a single family dwelling; that was the only opposition to both petitions.
2. Apartments: Ingress and egress for apartments 1 thru 4 are through the front door. Apartment 1 is on the first floor, apartments 2 and 3 are on the second floor, and apartment 4 is on the third floor. Ingress and egress for apartment 5 is through a back door. Apartment 5 is a small 2 story with kitchen and living area on the first floor and bedroom and bath on the second floor. A small spiral staircase connects the two floors. Outside the entrance door is a brick patio which is 5 feet wide and runs the length of apartment 5.
3. Project objectives: Enhance the safety for tenants by
 - a. Providing a second means of egress for apartments 2 through 4 in case of an emergency incident that blocks the front door and/or inside stairway. Note: Apartment 1 has a second means of egress in case of emergency by exiting through a large window in the back.
 - b. Provide the tenant in apartment 5 with a safer means of moving furniture and bedding to the second floor. Note: The only means of moving furniture to and from the second floor is small spiral stairs.
 - c. Provide the tenant in apartment 5 with a second means of ingress and egress.
4. Project description: At some time in the past there was a deck on the second floor of apartment 5. Whether or not there were steps from that deck to the ground are unknown. The exact size of that deck is also unknown although appearance of the brick suggests it did not cover the first floor patio whose width matches the South rear wall. 2008 Grove's West wall is on their lot line and the distance between 2010's East wall and 2012's West wall is 3 feet. The distance between Apartment 5's East wall and the lot line between 2010 and 2008 is a few inches over 8 feet. This project would create a second floor L shaped landing which is 5 feet wide by 4 foot long attached to the South wall of Apartment 3, placing it under a large window that could provide emergency egress for tenants in 1 through 4. The landing width decreases to 42 inches for the remainder of the landing attached to the East wall of apartment 5 and connecting to 42 inch wide steps to the ground. The purpose of the 5 foot width by 4 foot length is to allow safe egress through the large window. The 42 inch width provides a safe emergency egress for apartment 5 as well as a safer way to get furniture to and from the second floor.
5. Neighbor feedback: Our original plan was to create a second floor deck that matched the size of the patio as that was the most efficient and attractive approach and similar to other such decks in the Fan. The steps are similar to those in the rear of 2014 Grove, which is a non-conforming property. A packet was sent to the Fan District Association and given in person to the occupants of 2008 and 2012 Grove. The feedback was as follows:
 - a. No feedback was received from the FDA.
 - b. Mr. Murphy (2012) met with me for over an hour. Included is correspondence covering our conversation. The key points are that he objects to any expansion of the property on principal and philosophically believes the city should force all non-conforming properties to be returned to single family dwelling, which is what he did to 2012. The only thing he will see from his property is a part of the steps. He indicated that he had no noise issues with our tenants.
 - c. I visited the Kelly's (2008) twice. The first time was to give them the packet and had a very brief conversation; no concerns were stated. Not hearing back from them I visited a few days before the scheduled August hearing and was told that they opposed the project, had concerns that the deck would attract noisy parties, and agreed with Dr. Murphy. While we felt this concern was unfounded given the facts that apartment 5 is a very small one bedroom apartment with the kitchen and living area on the first floor and one bedroom and bath on the second floor any partying would take place on the existing patio. Respecting their concern we revised our plan and submitting this revised plan for approval. Reducing the landing width seriously restricts the use of the landing for entertainment purposes.
 - d. This plan will be submitted to the FDA and given to the adjoining neighbors. I visited the Kelly's the afternoon of August 20 and was told by the maid that Ms. Kelly was on a conference call and unavailable, so I left my name and phone number and request a phone call. I will reach out to the Murphy's but feel sure his position will not change.
6. Other comments: My reason for doing this project is to improve safety in case of some emergency blocking egress from the inside steps for apartments 1-4 and create a safer way to move furniture into and out of the second floor of apartment 5. Fortunately there is minimal vacancy in this building and none for any length of time. This improvement will not increase occupancy nor will it increase rental income. The first plan achieved the objectives in an attractive way. The plan before you reduces the size of the landing to the minimum size that safely achieves the objectives. In case of emergency there could be perhaps 6 people exiting through the window onto the 4X5 part of the landing at the same time. Reducing the 42 inch width would reduce the safety of moving furniture to and from the second floor of apartment 5 and potentially increase the possibility of injury.

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

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.

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

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

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

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.

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