

INTRODUCED: May 23, 2016

AN ORDINANCE No. 2016-168

To authorize the special use of the property known as 3903 Hill Monument Parkway for the purpose of permitting an accessory dwelling unit and accessory parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 27 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 3903 Hill Monument Parkway, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of an accessory dwelling unit, which use, among other things, is not currently allowed by section 30-408.2 of the Code of the City of Richmond (2015), as amended, and accessory parking; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUNE 27 2016 REJECTED: _____ STRICKEN: _____

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 3903 Hill Monument Parkway and identified as Tax Parcel No. N017-0444/002 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on Lot 2, Block E, Plan of ‘Rosedale’, Section B, in the City of Richmond, Virginia,” prepared by Frederick A. Gibson & Associates, P.C., and dated January 19, 2016, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of an accessory dwelling unit and accessory parking, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Proposed Garage and In-Law Suite for Melissa & Bert Terranova, 3903 Hill Monument Pkwy, Richmond, VA 23227,” prepared by Randall A. Strawbridge, Incorporated, and dated August 31, 2015, hereinafter referred to as “the Plans,” a copy of which is attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The use of the Property shall be a single-family dwelling and a detached garage containing an accessory dwelling unit, substantially as shown on the Plans and the aforementioned survey. This shall not preclude the use of the Property for other uses permitted in the R-4 Single-

Family Residential District pursuant to sections 30-408.1 and 30-408.2 of the Code of the City of Richmond (2015), as amended.

(b) Parking for one vehicle shall be provided on the Property within the detached garage, substantially as shown on the Plans.

(c) All building materials, material colors, and site improvements shall be substantially as shown on the Plans.

(d) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) The accessory dwelling unit shall only be occupied by family members of the Owner and shall not be rented out to the general public. For the purposes of this ordinance, “family members” shall be defined as persons related by blood, marriage, legal guardianship or adoption, including foster children.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the

drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the attached plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto;

consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

RECEIVED

City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com

MAY 13 2016

Item Request

File Number: PRE. 2016-128

OFFICE OF CITY ATTORNEY

4-5096
O & R REQUEST

APR 27 2016

O & R Request

DATE: April 21, 2016 **EDITION:** 1 Chief Administration Office
City of Richmond

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request) *[Signature]*
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *[Signature]*

THROUGH: P. Lee Downey, Deputy Chief Administrative Officer for Economic Development and Planning *[Signature]*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *[Signature]*

RE: Special use of the property known as 3903 Hill Monument Parkway for the purpose of an accessory dwelling unit

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 3903 Hill Monument Parkway for the purpose of an accessory dwelling unit, upon certain terms and conditions.

REASON: The property is located in the R-4 - Single-Family Residential District, which does not permit dwelling units as an accessory use. A special use permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its June 20, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 13,235 SF (0.3 acre) parcel of land improved with a single-family dwelling constructed, per tax assessment records, in 1955 and is located in the Rosedale neighborhood of the North planning district.

The City of Richmond's Master Plan designates the subject property for Single Family (Low Density) land use. Primary uses in this category are "single-family detached dwellings at densities up to seven units per acre" (p. 133). The density of the parcel if developed as proposed would be approximately 7 units per acre.

The Master Plan lists general polices for new housing throughout the City, including: "Promote the development of new, high-quality housing" and "encourage the development of a range of housing types, styles and prices" (p. 100).

The subject property and adjacent properties to the east, south, and west are located within the same R-4 Single-Family Residential District. Properties to the north are located with an R-1 Single-Family Residential District. A mix of single- and two-family residential land uses predominate the vicinity of the subject property, with several institutional uses being present as well.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: \$300.00

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: May 23, 2016

CITY COUNCIL PUBLIC HEARING DATE: June 27, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, June 20, 2016

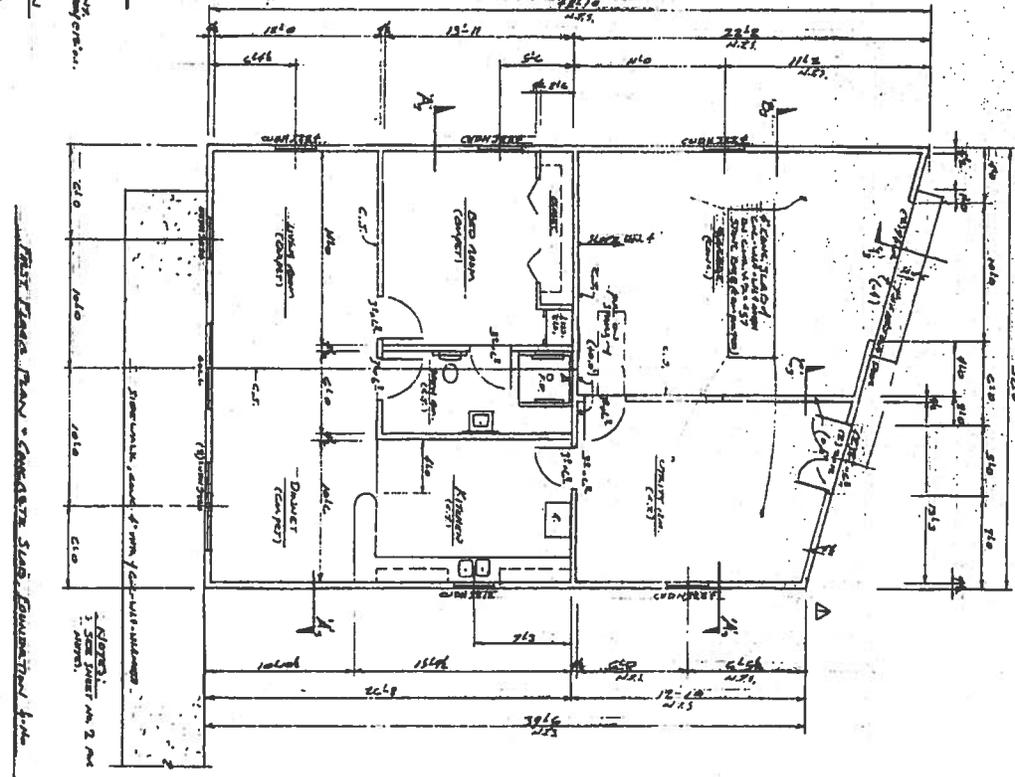
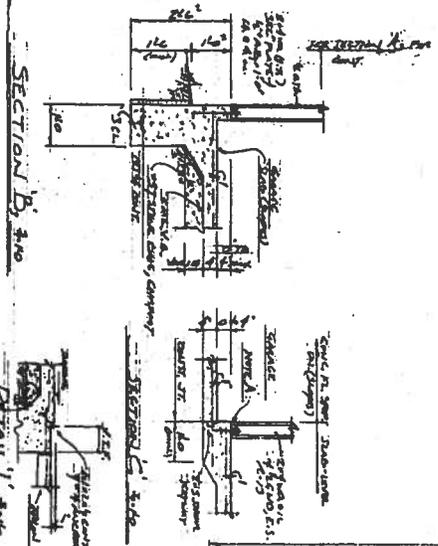
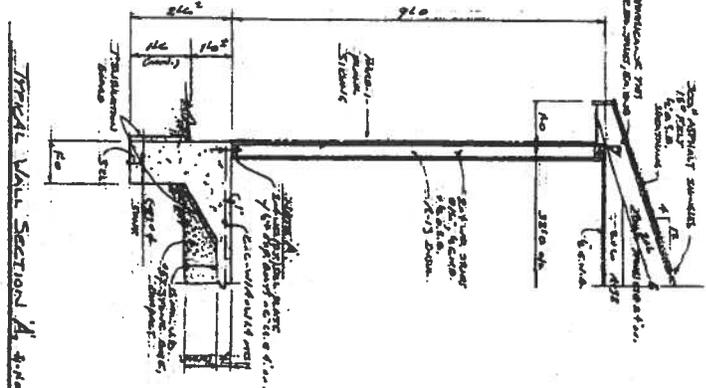
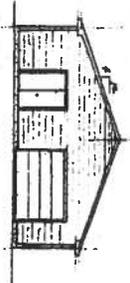
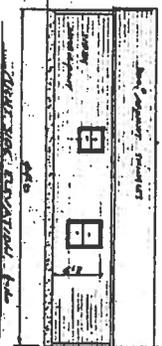
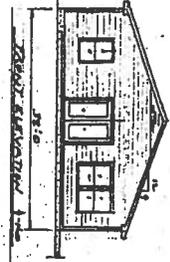
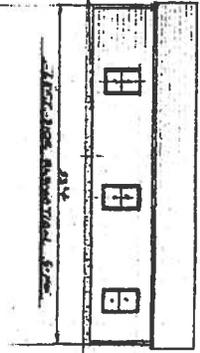
AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None.

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

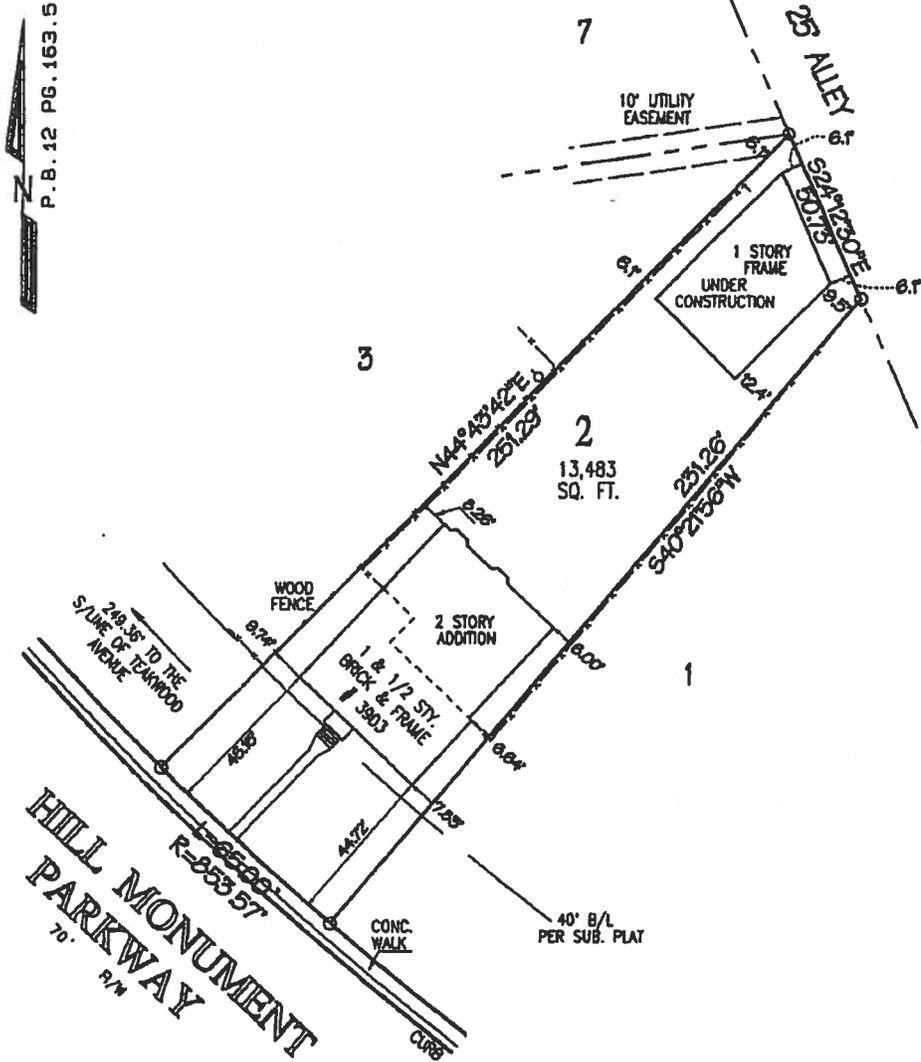
STAFF: Matthew J. Ebinger, AICP, Senior Planner
Land Use Administration (Room 511)
646-6308



21152 = 111.1
 914-81-5357
 857 32 = 111.118
 1507.2

SHEET NO. 1
 RANDALL A. STRAWBRIDGE, INCORPORATED
 CONSULTING ENGINEERS
 1111 1/2
 914-81-5357
 857 32 = 111.118
 1507.2
 CERTIFIED

NOTES: THIS PROPERTY DOES NOT APPEAR TO BE LOCATED IN A F.E.M.A. DEFINED FLOOD HAZARD AREA. FREDERICK A. GIBSON & ASSOCIATES, P.C. ASSUMES NO LIABILITY REGARDING SUB-SURFACE FEATURES SUCH AS TOXIC WASTE, GARBAGE OR WASTE DISPOSAL AREAS, LANDFILLS, UNDERGROUND STORAGE TANKS, CEMETERIES OR BURIAL SITES, SHRINK/SWELL SOILS, UNDERGROUND WATERWAYS OR UTILITIES. CURRENT OWNER(S): N/F GAIL MARIE CERRETA INST.140002917 T.M. N017-0444-002



**PLAT SHOWING IMPROVEMENTS
ON LOT 2, BLOCK E, PLAN OF
"ROSEDALE", SECTION B,
IN THE CITY OF RICHMOND, VIRGINIA**

SCALE: 1" = 40'



THIS IS TO CERTIFY THAT ON JANUARY 19, 2016, I MADE A FIELD SURVEY OF THE PREMISES SHOWN HEREON THAT THERE ARE NO VISIBLE ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS PLAT IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLETES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.

**FREDERICK A. GIBSON
& ASSOCIATES, P.C.
LAND SURVEYORS**

J. N. 9004-27 M

9833



Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Project Name: In-law suite Date: 2/8/16

Property Address: 3903 Hill Monument Pkwy Tax Map #: _____

Fee: _____ Total area of affected site in acres: _____
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
Current Zoning: Single family

Proposed Use
(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: _____
Is this property subject to any previous land use cases? _____

Yes No
 If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Melissa Terranova

Company: _____

Mailing Address: 3903 Hill Monument Pkwy

City: Richmond State: VA Zip Code: 23227

Telephone: (804) 517-1486 Fax: ()

Email: mugs0078@yahoo.com

Property Owner: Ber P + Melissa Terranova

If Business Entity, name and title of authorized signee: _____

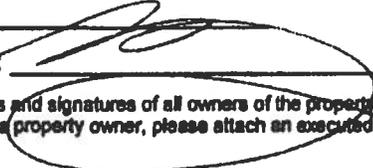
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: Same as above

City: _____ State: _____ Zip Code: _____

Telephone: () Fax: ()

Email: _____

Property Owner Signature: 

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



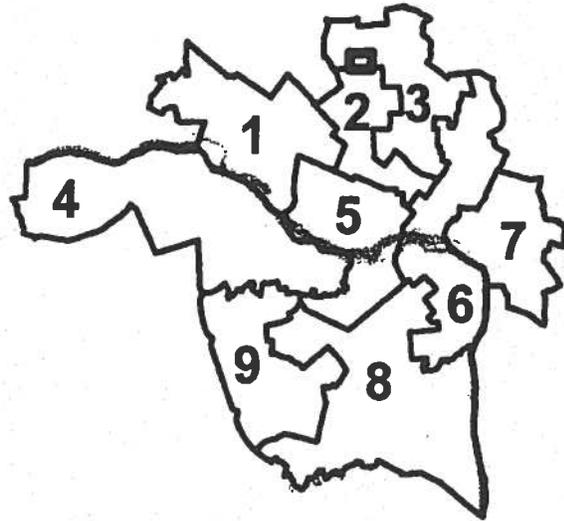
**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

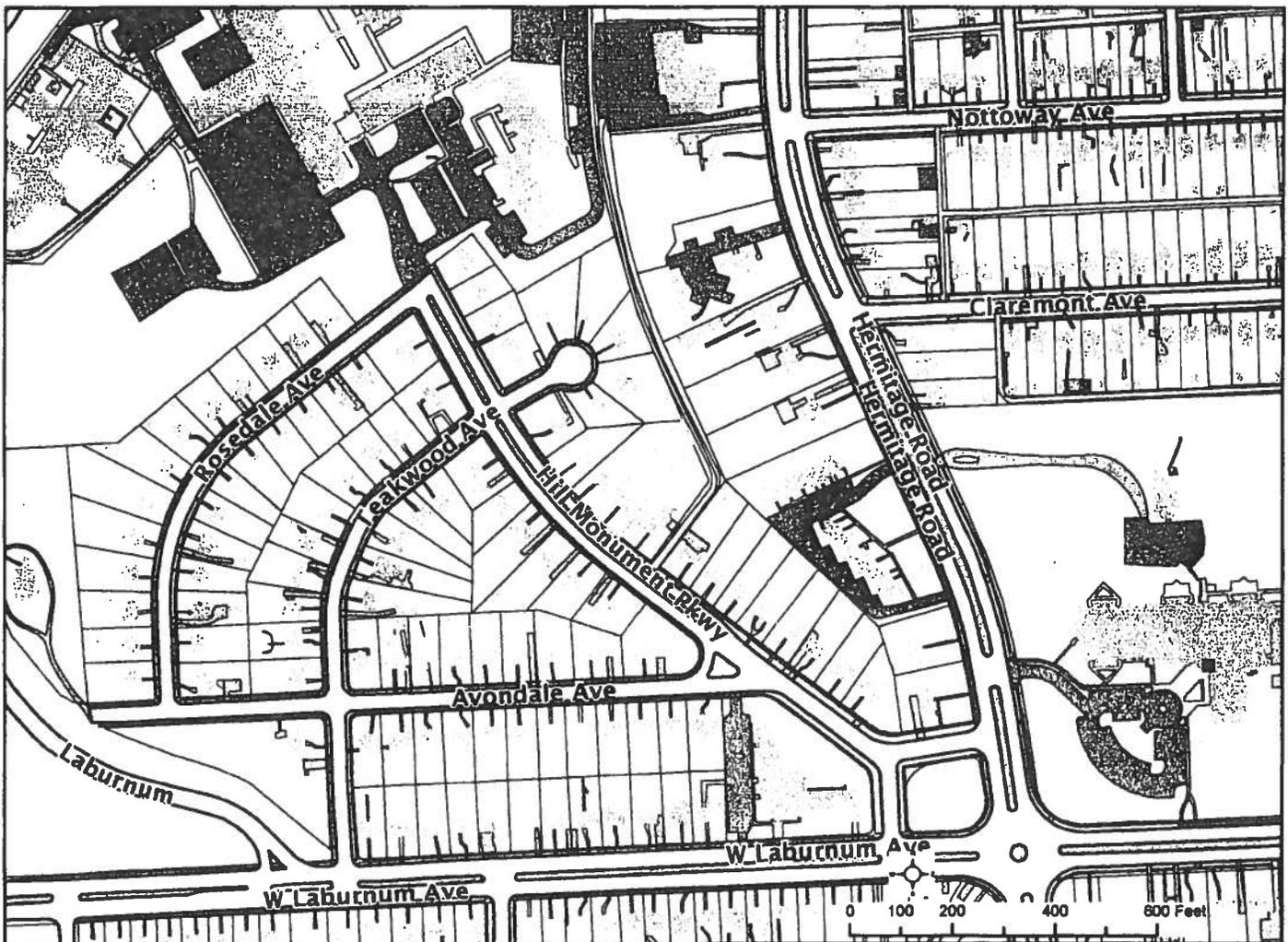
LOCATION: 3903 Hill Monument Parkway

COUNCIL DISTRICT: 3

PROPOSAL: Authorize an accessory dwelling unit, upon certain terms and conditions



*For questions, please contact Lory Markham
at 646-6309 or Lory.Markham@richmondgov.com*



February 9, 2016

**Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, VA 23219**

**Bert & Melissa Terranova
3903 Hill Monument Parkway
Richmond, VA 23227**

RE: In-Law Suite

To Whom It May Concern:

Please accept this as our applicant's report for the proposed in-law suite for 3903 Hill Monument Parkway. The in-law suite will house my parents, John and Dolores Harney who moved up from Florida to be closer to us. Both of my parents are in fair health and while they are not ready for assisted living facilities they do need to be close to family who can help provide care for them while they still maintain some independence. They will have their own driveway, garage and entryway none of which will cause congestion to the property or alley way.

We have also discussed the project with our councilperson Chris Hilbert and neighborhood association president Liz Turner, both of which have shown their support for the project.

There is also a group home at 3905 Hill Monument Parkway as well as Brookdale retirement community and assisted living facility.

Should you have any additional questions regarding this project please do not hesitate to contact me at 804-517-1486 or my husband Bert Terranova at 804-652-7864.

Sincerely,

Melissa Terranova