

INTRODUCED: April 25, 2016

AN ORDINANCE No. 2016-132

To authorize the special use of the property known as 1702 Floyd Avenue for the purpose of permitting one two-family attached dwelling with accessory parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 23 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 1702 Floyd Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of one two-family attached dwelling with accessory parking, which use, among other things, currently does not meet the requirements of sections 30-412.4 and 30-412.5 of the Code of the City of Richmond (2015), as amended, concerning lot area and width and minimum yard setbacks; 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 23 2016 REJECTED: _____ STRICKEN: _____

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 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 1702 Floyd Avenue and identified as Tax Parcel No. W000-0730/020 in the 2016 records of the City Assessor, being more particularly described on a plat of a survey entitled “Plat of No. 1702 Floyd Ave. Situated on the Northern Line of Floyd Avenue and West of Floyd Avenue, Richmond, Va.,” prepared by Chas. H. Fleet, Certified Civil Engineer, and dated November 19, 1943, 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 one two-family attached dwelling with accessory parking, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “House Renovation, 1702 Floyd Ave. Richmond, VA, Floor Plan & Elevations,” prepared by Vintage Rose Construction, Inc., and dated July 1, 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 as one two-family attached dwelling with accessory parking.

(b) Parking spaces shall be provided in accordance with section 30.710.1 of the Code of the City of Richmond (2015), as amended.

§ 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 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.



City of Richmond

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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-107

RICHMOND

APR 06 2016

File Number: PRE. 2016-107

OFFICE OF CITY ATTORNEY
O & R REQUEST

To authorize the special use of the property known as 1702 Floyd Avenue for the purpose of authorizing a one (1) two-family attached dwelling unit and accessory parking, upon certain terms and conditions.

MAR 23 2016

4-4960

Chief Administration Office
City of Richmond

O & R Request

EDITION: 1

DATE: March 18, 2016

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor *D.C.J.*
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and Planning *P.L.D.*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *M.A.O.*

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1702 Floyd Avenue for the purpose of authorizing a one (1) two-family attached dwelling unit and accessory parking, upon certain terms and conditions.

REASON: The applicant is proposing to renovate an existing basement for the purposes of adding a one-bedroom studio apartment. A two-bedroom unit already exists on the first and second floors. The addition of a second unit would turn the property into a one (1) two-family attached dwelling unit with accessory parking. The subject property is located in an R-6 District, which permits a two-family attached dwelling use. However, the proposed use does not meet all the site requirements of the zoning ordinance.

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 May 2, 2016 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is a .006- acre lot occupied by residential dwelling, located on the block bounded by Floyd Avenue to the south, North Allen Avenue to the West, Grove Avenue to the north, and North Vine Street to the east. The lot has a lot width of approximately 20 feet and a lot depth of approximately 130 feet.

The applicant is requesting an SUP to renovate the basement space for a one-bedroom studio apartment. Currently, the first and second floors are occupied by a two-bedroom dwelling unit. Two parking spaces would be provided off of the alley to the rear of the building.

The subject property is located in an R-6 District, which permits a two-family attached dwelling use. However, the proposed use does not meet all the site requirements of the zoning ordinance, including lot width, lot area, and minimum yard setbacks.

The Richmond Master Plan designates this property as Single-Family (medium density) in the Near West Planning District. "Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category are R-43 and R-48" (133).

FISCAL IMPACT/ COST: The Department 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: None

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: April 11, 2016

CITY COUNCIL PUBLIC HEARING DATE: May 9, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, May 2, 2016

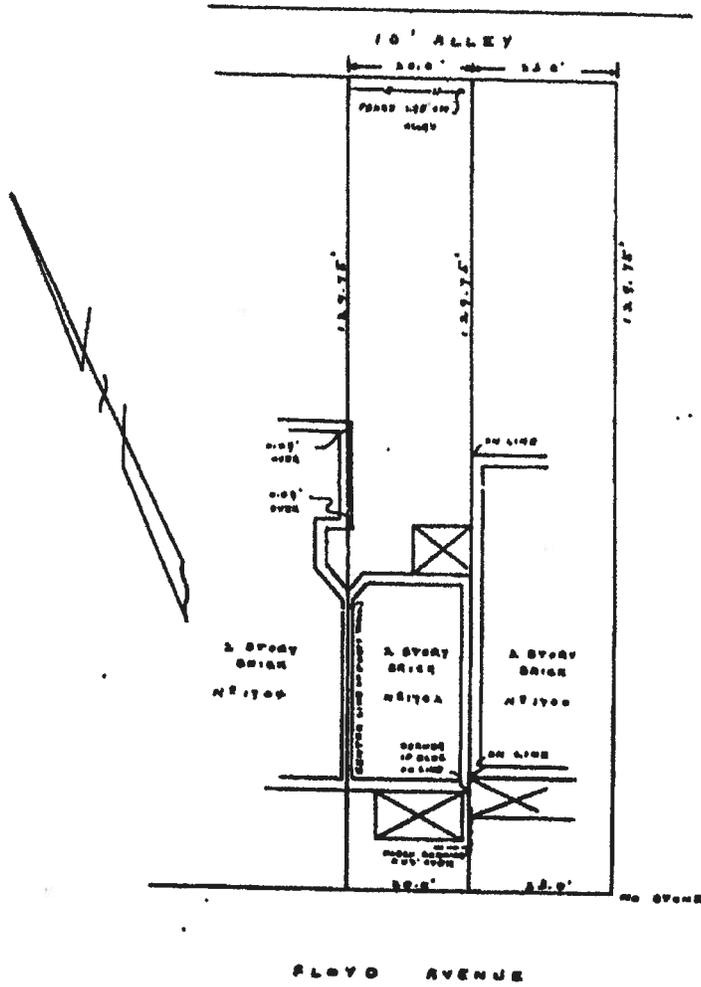
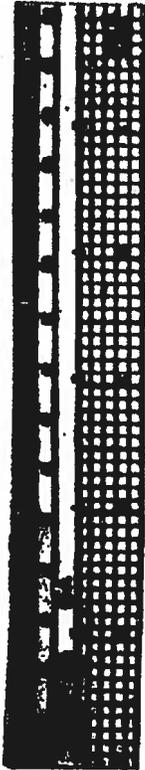
AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft ordinance), City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Plans

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734

PDR O&R No. 16-09



Plot of No 1702 Floyd Ave. situated on the northern line of Floyd Avenue and west of Floyd Avenue Richmond Va.

Nov. 19th 1908 Scale 1" = 20'

Chas. H. Dent
 Certified Civil Engr.

Parcel No 2



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/>

RECEIVED

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: 1702 FLOYD AVENUE Date: 1/27/16

Property Address: 1702 FLOYD AVENUE Tax Map #: W0000730020

Fee: N/A Total area of affected site in acres: 0.06
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-6

Proposed Use

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

Existing Use: Single Family

Is this property subject to any previous land use cases? Two-Family

Yes No
 If Yes, please list the Ordinance Number:

Applicant/Contact Person: Ian Chavis

Company: _____

Mailing Address: 1702 FLOYD AVENUE

City: Richmond State: VA Zip Code: 23230

Telephone: (804) 350 5702 Fax: (804) 282 3014

Email: ian_chavis@gmail.com

Property Owner: Ian Chavis

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: [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)

1702 Floyd Avenue Applicant Report

The proposed use for the property is two-family. This includes use of the first and second floor area as one (1) unit. The first and second floor is currently a two-bedroom, two-and-a-half bath use. The basement is to be the second (1) unit; currently it has one bath, and would be a studio apartment (one bedroom) with dual entry (front and rear), and interior partitioning around the bathroom only. Therefore, the structure would support three total bedrooms, in two units. There are no exterior alterations, nor alterations to the first and second floors of the structure; the first and second floors are finished.

Assessment records show 1702 Floyd Avenue as 3 bedrooms (also two-family use) and there is space for two off-street parking spaces.

Based on personal inspection, assessment records, and discussions with neighbors the adjacent structures have the following characteristics:

1700 Floyd Avenue: 4 bedrooms (two-family use) with space for two off-street parking spaces

1704 Floyd Avenue: 3 bedrooms (two-family use) with space for two off-street parking spaces

1706 Floyd Avenue: 4 bedrooms (two-family use) with space for two off-street parking spaces

No additional bedrooms are proposed—the tax records will not change. It will remain a 3 bedroom, 3.1 bath structure; no additional traffic, nor congestion would be a result of the change.



Ian Chavis

804-288-8005

1/27/16

Schedule A ~ Legal Description

ALL that certain lot, piece or parcel of land, known as 1702 Floyd Avenue, with all the improvements thereon, lying and being in the City of Richmond, Virginia, on the northern line of Floyd Avenue between Vine Street and Allen Avenue, and bounded and described as follows:

BEGINNING on the northern line of Floyd Avenue at a point distant 23 feet west of the western line of Vine Street, thence running westwardly along and fronting on the northern line of Floyd Avenue 20 feet to a point opposite the center of the party wall dividing said property from the adjoining on the west (being 1704), and extending back northwardly from the front between parallel lines and parallel with Vine Street 129.75 feet to an alley ten feet wide, as shown on a plat of survey made by Chas. H. Fleet, Certified Civil Engineer, dated November 19, 1943, and marked Parcel No. 2, a copy of which is recorded in Deed Book 440-D, page 168, Clerk's Office Circuit Court, City of Richmond, Virginia, Division I.

And Being the same property conveyed to the Grantors' and recorded immediately prior hereto.

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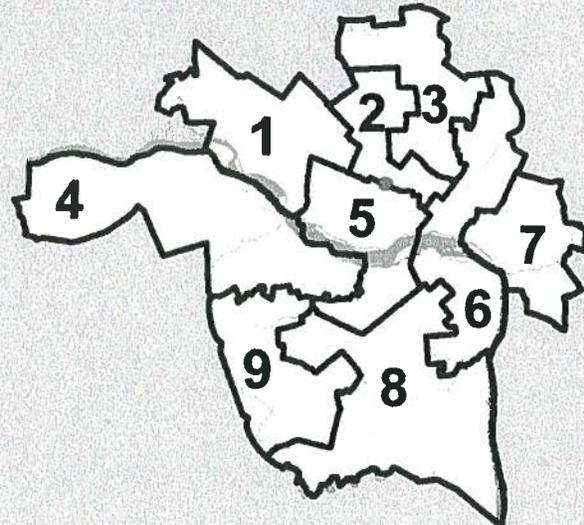
**City of Richmond
Department of Planning
& Development Review**

Rezoning

LOCATION: 1702 Floyd Avenue

COUNCIL DISTRICT: 2

PROPOSAL: To authorize special use permit for purposes of a two-unit attached dwelling unit, upon certain terms and conditions.



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

