

INTRODUCED: January 27, 2020

AN ORDINANCE No. 2020-031

To authorize the special use of the property known as 3114 Grayland Avenue for the purpose of a single-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 24 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 3114 Grayland Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a single-family detached dwelling, which use, among other things, is not currently allowed by sections 30-410.5, concerning yard requirements, and 30-410.6, concerning lot coverage requirements, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), 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: FEB 24 2020 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 3114 Grayland Avenue and identified as Tax Parcel No. W000-1402/033 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Building Permit Sketch on 0.052 Ac. of Land Known as 3114 Grayland Avenue, City of Richmond, Virginia,” prepared by Halder Surveys, P.C., and dated September 7, 2018, 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 a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “3114 Grayland Ave,” prepared by River Mill Development, and dated September 10, 2018, hereinafter referred to as “the Plans,” copies of which are 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 Special Use of the Property shall be as a single-family detached dwelling, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed the height as shown on the Plans.

(c) One off-street parking space shall be provided on the Property, substantially as shown on the Plans.

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

(e) All building materials, elevations, setbacks, and landscaping shall be substantially as shown on the Plans.

§ 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) The Owner shall make improvements within the right-of-way, including the installation of a street tree along Grayland Avenue, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in

accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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, 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.

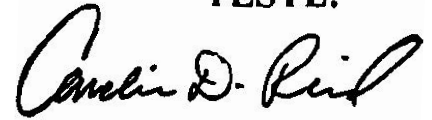
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Camille D. Reil". The signature is written in a cursive style with a large initial 'C'.

City Clerk

City of Richmond

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

Item Request

File Number: PRE.2019.471

O & R REQUEST

4-9552

JAN 06 2020

RECEIVED

JAN 08 2020

OFFICE OF THE CITY ATTORNEY

Office of the
Chief Administrative Officer

O & R Request

DATE: December 27, 2019

EDITION:1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To authorize the special use of the property known as 3114 Grayland Avenue, for the purpose of a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3114 Grayland Avenue, for the purpose of a single-family detached dwelling, upon certain terms and conditions.

REASON: The applicant intends to construct a single-family detached dwelling on a vacant parcel that would not meet the current zoning requirements for side yard setbacks and lot coverage. 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 February 18, 2020, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of consists of a vacant 2,280 SF (.05 acre) parcel of land, located in the Carytown neighborhood of the Near West planning district, on Grayland Ave between South Belmont Avenue and McCloy Street.

The City of Richmond's Master Plan designates a future land use category for the subject property as Single-Family (Low Density). Primary uses for this category include "...single-family detached dwellings at densities up to seven 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: R-1, R-2, R-3, R-4, and R-5." (City of Richmond Master Plan).

Adjacent properties on the 3100 Block of Grayland Avenue are of similar sized houses and lots. Residential land uses dominate the area, with some vacant land uses present as well. All surrounding properties are within the same R-5 Single-Family Residential District as the subject property.

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 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 24, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
February 18, 2020

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

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: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734



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

SUP-056365-2019

Project Name/Location

Property Address: 3114 Grayland Avenue Date: 5/15/2019 6/07/19
 Tax Map #: W-000-1402/003 Fee: \$300.00
 Total area of affected site in acres: 0.052

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-5 Residential (Single Family)

Existing Use: Vacant

Proposed Use

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

Construct one single-family detached abutting the adjoining property at 3116 Grayland Avenue
Existing Use Vacant

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: N/A

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources
 Mailing Address: 11 S 12th Street, Suite 500
 City: Richmond State: VA Zip Code 23219
 Telephone: (804) 874-8275 Fax: ()
 Email: markbaker@bakerdevelopmentresources.com

Property Owner: MWB Investment Trust

If Business Entity, name and title of authorized signee: Michael Brown, Manager

(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: 2314 W. Main Street
 City: Richmond State: VA Zip Code 23260
 Telephone: (804) 334-8902 Fax: ()
 Email: mikebrownrealestate@gmail.com

Property Owner Signature: Michael W. Brown

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)

APPLICANT'S REPORT

June 7, 2019

*Special Use Permit Request
3114 Grayland Avenue, Richmond, Virginia
Map Reference Number: W-000-1402/003*

Submitted to: **City of Richmond**
Department of Planning and Development Review
Land Use Administration
900 East Broad Street, Suite 511
Richmond, Virginia 23219

Introduction

We are representing the Owner of 3114 Grayland Ave ("the Property"), who is requesting a special use permit ("the SUP") for the Property. The SUP would authorize the construction of one single-family detached dwelling on the vacant lot at 3114 Grayland Avenue, to replace a previous single-family detached dwelling on the Property. Because some of the features proposed do not conform to the underlying R-5 zoning requirements applicable to the Property, the SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the north side of Grayland Avenue between McCloy Street and South Belmont Avenue. The Property is referenced by the City Assessor as one tax parcel (W-000-1402/003). The Property at 3114 Grayland Avenue is 19' wide by 120' deep, contains approximately 2,280 square feet of lot area, and is vacant. Assessor records suggest that the Property was improved by a single-family attached dwelling until 2015, when it was demolished. The dwelling it was attached to at 3116 Grayland still remains. See the attached plat survey, titled "Building Permit Sketch on 0.052 Acres of Land Known as 3114 Grayland Avenue, City of Richmond, Virginia," completed by Halder Surveys P.C. and dated September 7, 2018, for greater detail of the existing conditions as they relate to proposed improvements to the Property.



The properties on the north and south line of Grayland in this block are occupied by single-family dwellings, with the exception of the irregular-shaped lot at 3119 Grayland, which is currently being

developed as a single-family dwelling. There are five (5) attached single-family dwellings on the northern side of the subject block. With that, the Property is the last undeveloped lot on the block. Generally, the surrounding properties are developed with single-family detached and attached dwellings.

EXISTING ZONING

The Property and the surrounding properties are zoned R-5 Single-Family Residential, which generally permits single-family detached dwellings subject to certain feature requirements.

MASTER PLAN DESIGNATION

The Master Plan recommends "Single-Family (low-density)" for the Property. The Master Plan describes this land use category as follows: "Primary uses are single-family detached dwellings, at densities up to seven units per acre....Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5."

The Master Plan includes other written policy guidance that is applicable to the proposal, including:

- The desire for new and better-quality housing that is targeted to home owners
- The desire for increased opportunities for residential development
- The recognition that the vast majority of opportunities for new development are located in the context of existing neighborhoods
- The recognition of the difficulty that an older/aging housing stock represents in the market where new convenience/easy maintenance is desired.

Proposal

PURPOSE OF REQUEST/PROJECT DETAILS

The SUP would permit the redevelopment of the Property with a single-family detached dwelling. The Property is located on the north line of Grayland Avenue between McCloy Street and South Belmont Avenue and lies within an R-5 Single-Family Residential District. The lot is a legal lot of record which is deeded individually.

The proposed single-family dwelling would be two stories in height and of an urban row house design. The dwelling would contain approximately 2,000 square feet of finished floor area and would include three bedrooms and 2 ½ baths. Front porch and rear covered porches are proposed. The dwelling's floor plan is modern with open living areas and includes a master bedroom complete with en suite master bath and walk-in closet. The new dwelling would abut the adjacent dwelling at 3116 Grayland where the previous dwelling on the Property had been attached. This would allow for a 16' wide dwelling while meeting the 3' side yard requirement along the eastern property line adjacent to 3112 Grayland.

The proposed development is consistent with the development pattern in the vicinity. There are other small lots developed with row homes in the block that are of equal or lessor width and area, for instance, 3116 and 3118 Grayland which are both 18.5' wide and 2,280 square feet in area. It's worth noting that a 2017 planning staff review of the entire Carytown South area found that the R-5 district is inconsistent with the development pattern in the area. Very few lots conform to

the R-5 standards and the ones that do are inconsistent with the overall character of the area. The R-5 district does not permit development that is consistent with or close to the existing character of the area. As it relates to the current request, this limits the ability to develop the legal lot of record consistent with the prevailing lot pattern/character in the area. But for the incompatible R-5 standards, the proposed single-family dwelling would otherwise appear consistent with the neighborhood.

In exchange for the SUP, the intent of this request is to ensure the construction of a high-quality, for sale, infill dwelling. The overall project would be consistent with the historic development pattern in the area. By permitting the proposed development, the SUP would allow for the sale of the proposed high-quality single-family dwelling as home ownership opportunity, thereby addressing multiple objectives of the Master Plan.

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements are consistent with other development in the vicinity. The request would simply permit the reconstruction of a single-family detached dwelling on the Property and would permit the building to have setbacks consistent with the surrounding neighborhood, whose buildings primarily have lesser setbacks than required by current zoning. The redevelopment of this vacant property in conjunction with the high quality/benefits provided by the SUP will provide positive impacts in terms of health, welfare, etc.

- *Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.*

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation for one dwelling unit will not have any discernable impact. Offsite parking meeting normal zoning requirements is proposed. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

- *Create hazards from fire, panic or other dangers.*

The property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- *Tend to overcrowding of land and cause an undue concentration of population.*

The proposed SUP will not tend to over crowd the land or create an undue concentration of population. The request represents the same use that could be achieved on the site should it redeveloped entirely without a special use permit, and the proposed site development is consistent with the development pattern in the vicinity.

- *Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.*

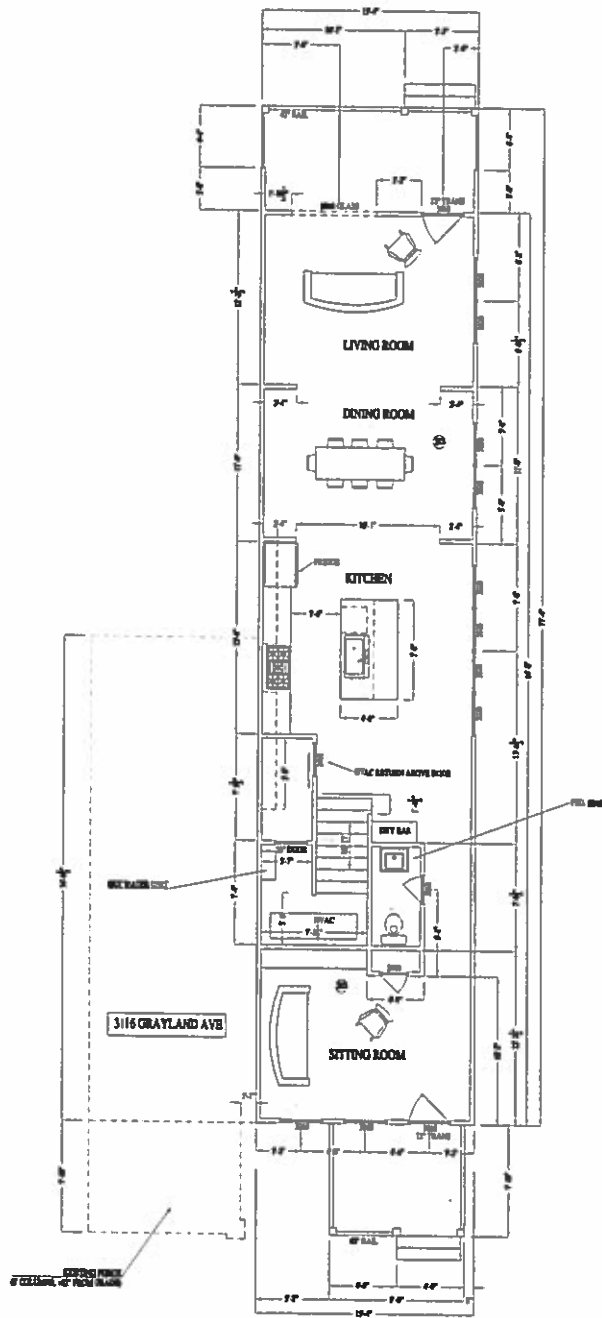
The special use permit amendment would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

- *Interfere with adequate light and air.*

The light and air available to the subject and adjacent properties will not be affected. The dwelling would abut 3116 Grayland consistent with the original dwelling on the site which was attached. The Dwelling would provide a 3' setback to the east, meeting the minimum zoning requirement which was, by its purpose, designed with consideration for light and air. This setback exceeds the setback provided by the original dwelling for adjacent to 3112 Grayland Avenue and is consistent with or exceeds character of the immediate neighbors and the surrounding area.

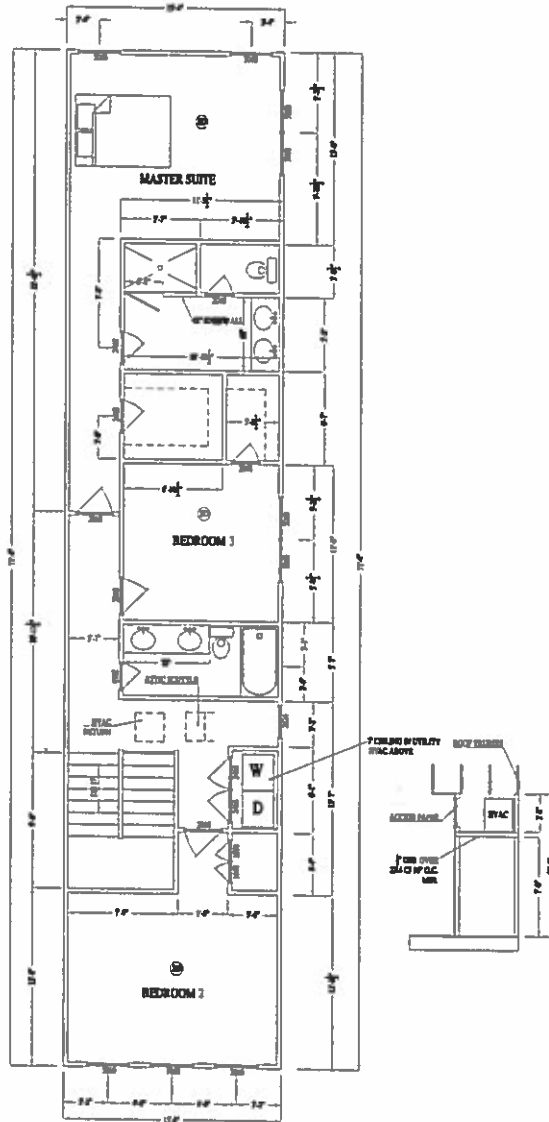
Summary

In summary the applicant is enthusiastically seeking approval for the construction of a single-family detached dwelling on the Property. This proposal represents an urban appropriate infill development for this location. In exchange, the quality assurances conditioned through the SUP would guarantee the thoughtful redevelopment of the Property and the construction of a higher quality new single-family residence than might otherwise be developed by right. This would contribute to the vibrancy of the block and completeness of the existing neighborhood design using the architectural character consistent with the historic development pattern of the surrounding neighborhood.



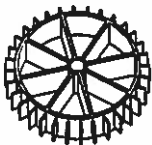
FIRST FLOOR PLAN

961 S.F.



SECOND FLOOR PLAN

1020 S.F.



**RIVER MILL
DEVELOPMENT**

**SHEET:
2 OF 3**

**DATE:
9-10-18**

**SCALE:
1/4" = 1'-0"**

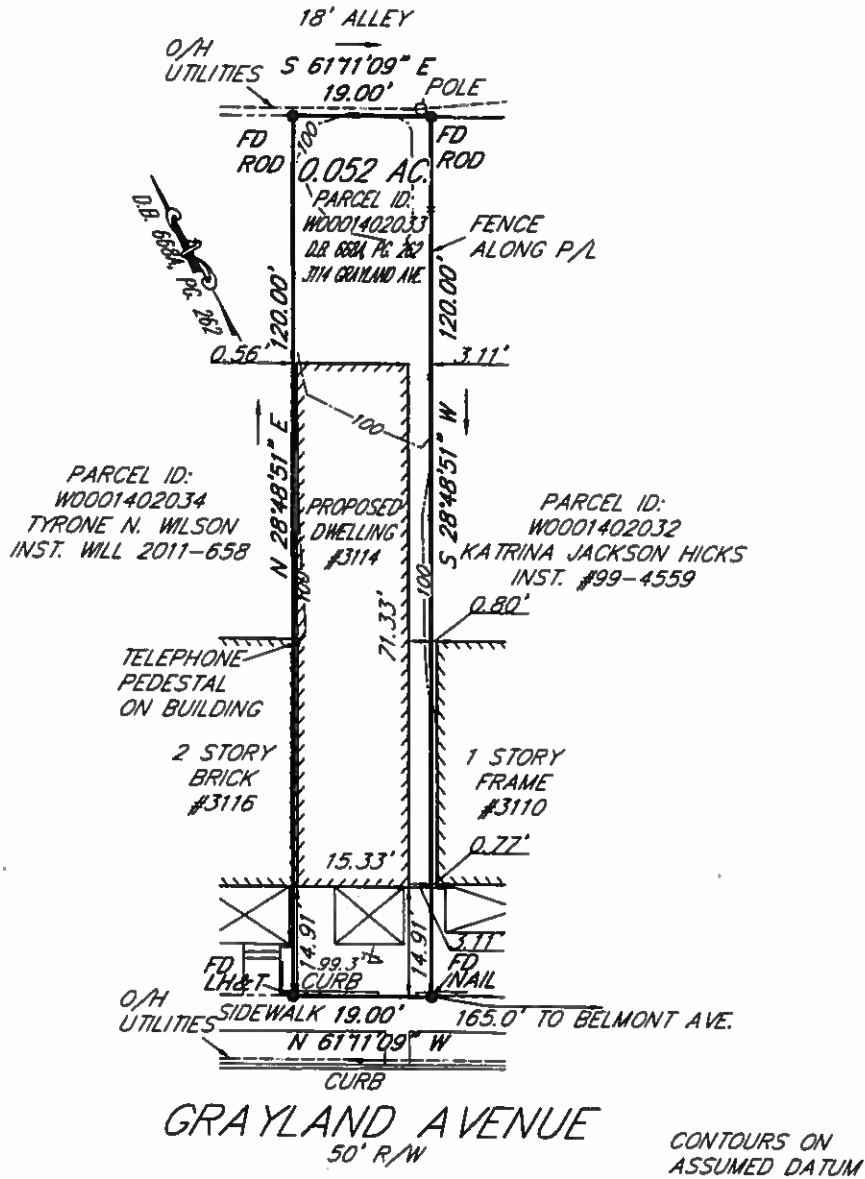
REVISION NOTES	
NO.	DESCRIPTION

3114 GRAYLAND AVE

RIVER MILL DEVELOPMENT

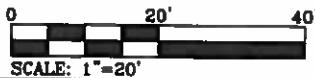
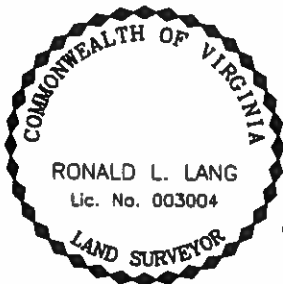
RTM@RIVERMILLDEVELOPMENT.COM

THIS IS TO CERTIFY THAT ON SEPTEMBER 7, 2018
I MADE AN ACCURATE SURVEY OF THE PREMISES
SHOWN HEREON AND THAT THERE ARE NO EASEMENTS
OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER
THAN THOSE SHOWN HEREON.



BUILDING PERMIT SKETCH ON
0.052 AC. OF LAND KNOWN AS
3114 GRAYLAND AVENUE
CITY OF RICHMOND, VIRGINIA

THIS SURVEY IS SUBJECT TO ANY EASEMENTS
OF RECORD AND OTHER PERTINENT FACTS
WHICH A TITLE SEARCH MIGHT DISCLOSE.



HALDER SURVEYS P.C.	
12108 WERTH STREET CHESTER, VA. 23831 PHONE: 804-748-8707	
DATE: SEPTEMBER 7, 2018	SCALE: 1"=20'
DRAWN BY: RLL	
CHECKED BY: RLL	
DWG NAME: 3114 GRAYLAND	