

INTRODUCED: June 8, 2015

AN ORDINANCE No. 2015-137-149

To authorize the special use of the property known as 3022 3rd Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JULY 27 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 3022 3rd Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, does not meet the minimum lot area standards required by section § 114-412.4 of the Code of the City of Richmond (2004), as amended; 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

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JULY 27 2015 REJECTED: _____ STRICKEN: _____

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 114-1050.1 of the Code of the City of Richmond (2004), 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 3022 3rd Avenue and identified as Tax Parcel No. N000-0920/004 in the 2015 records of the City Assessor, being more particularly shown on the plat entitled “Plat Showing Improvements on Lot 18, Block B, Highland Park, City of Richmond, Virginia,” prepared by Goodfellow, Jalbert, Beard and Associates, Inc., and dated March 2, 2015, 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 two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Canossa Residence, 3022 3rd Ave., Richmond, Virginia,” prepared by Joseph F. Yates Architects, and dated July 30, 2014, 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 use of the property shall be a two-family detached dwelling, substantially as shown on the Plans attached to and made a part of this ordinance.

§ 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, shall be approved by the Director of Public Utilities prior to the issuance of building permits.

(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 adjacent 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 (2004), 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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 RECEIVED
INTRACITY CORRESPONDENCE MAY 22 2015

OFFICE OF CITY ATTORNEY

O&R REQUEST

DATE: May 20, 2015

EDITION: 1

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: Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic *[Signature]*
Development and Planning

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

SUBJECT: To authorize the special use of the property known as 3022 3rd Avenue for the purpose of permitting a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3022 3rd Avenue for the purpose of permitting a two-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is proposing the renovation of the existing single-family detached dwelling into a two-family detached dwelling. While such a use is permitted in the R-6 district, the subject property does not meet the minimum lot area or minimum lot width requirements for a two-family detached dwelling in the R-6 district. Therefore, the applicant is requesting a special use permit.

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 July 6, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is improved with a vacant 2,268 square foot two-story single-family detached wood framed residential dwelling located at 3022 3rd Avenue between Front Street to the north and Dill Avenue to the south. The proposed two-family detached dwelling is comprised of a first floor 2-bedroom unit and a second floor 2-bedroom unit.

Per the City of Richmond Zoning Ordinance, an R-6 lot must be not less than 6,000 square feet in area with a width of not less than 50 feet to accommodate a two-family detached dwelling. The subject property is 4,900 square feet in area with a width of 35 feet.

Per the Zoning Ordinance, a total of two parking spaces are required for the two dwelling units. Two spaces have been provided on the subject property and are accessible via the alley to the rear of the property. All surrounding properties are also located in the R-6 district. The predominant land uses on the 3000 block of 3rd Avenue are single-family detached.

The City of Richmond's Master Plan speaks of Land Use policies and strategies within the North Planning District. It states, "Single family uses should extend throughout the neighborhoods in Highland Park. There should be no additional multi-family and two-family uses should be discouraged." (p.256) Designations for the subject property along 3rd Avenue is for Single-Family (Medium Density) land use. Primary uses in this category are single-family and two-family dwelling units, both detached and attached, at densities of 8 to 20 units per acre (p. 133). However the plan also states that, "Residential infill development should be similar in density, architectural character, and use to what currently existing in the surrounding area and should enhance the character and quality of the neighborhoods." (p. 255) In general the plan shows that it is in keeping with traditional residential development patterns for the district in regards to density.

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

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

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 8, 2015

CITY COUNCIL PUBLIC HEARING DATE: July 13, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, July 6, 2015

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, Survey, Plans

O&R Request
May 20, 2015
Page 3 of 3

STAFF: Leigh V. Kelley, Planner II
Land Use Administration (Room 511) 646-6384

PDR O&R No.15-08

Project: 3022 3rd Avenue
Richmond, VA 23222

Date of Submittal: February 27, 2015

Description of Proposed Work:

As owner of the property at 3022 3rd Avenue, I hereby seek permission to convert the free-standing, single-family dwelling to a two-family dwelling in conjunction with a total rehabilitation of the structure. Two-family dwellings are a permitted use in R-6 zoning, but Special Use Permission is required and being requested because the property does not meet the lot area and lot width requirements. 3022 3rd Avenue has a lot area of 4900 square feet and a width of 35 feet. The proposed conversion will occupy the same footprint as the current structure, and will retain the architectural features consistent with neighboring properties and the house's historic roots.

The property was sold by the City in a tax-lien sale after being abandoned for many years. It is in a serious state of disrepair. It is my intention to occupy one of the two units upon completion of the total rehab. I previously successfully rehabbed another tax-sale property at 1018 Fourquaren Lane, where I currently reside and which will continue to be the residence of my daughter.

In accordance with Special Use Permit filing procedures:

1. The proposed use is not detrimental to the safety, health, morals and general welfare of the community involved. Two-family dwellings are a permitted use in R-6 zoning. The proposed use suggests an appropriate use without altering the historic character of the neighborhood. The dwelling suggests a significant improvement along this section of Highland Park Plaza compared to multiple vacant lots, and abandoned, derelict houses in the area.
2. The proposed use is not anticipated to create congestion in streets, roads, alleys and other public ways and places in the area involved. There is ample street parking on both sides of the 3000 block of 3rd Avenue. In addition, the proposed dwelling also will be accessible from the rear alley, which will mitigate traffic and parking concerns.
3. The proposed project does not create hazards from fire, panic or other dangers. The project as configured meets the International Building Code's requirement for egress and protection of occupants. The new dwelling will make the neighborhood safer by eliminating a potential danger from trespass, dumping, or loitering.
4. The proposed project does not cause overcrowding of land nor an undue concentration of population. Two-family dwellings are a permitted use in R-6 zoning. This project is confined to the same footprint of the existing detached structure but fails to comply with zoning

requirements regarding lot area and lot width. The proposed project will consist of two 1- or 2-bedroom apartments each measuring approximately 1100 sq. ft., in contrast to the present arrangement consisting of 4-5 bedrooms.

5. The proposed project 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. This two-family dwelling conforms to the surrounding properties, and it will not adversely affect the neighborhood. The new dwelling will improve the neighborhood by rehabbing a derelict property that is an eyesore and a hazard.

6. The proposed project will not interfere with adequate light and air. The height and setbacks of the proposed dwelling will conform to the surrounding properties. Regarding the proposed floor plans, all living spaces and bedrooms are on at least one exterior wall and have access to at least one operable window.

Compiled and Submitted by:

L. T. Canossa
202.415.2619
LCTPDC@GMAIL.COM



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
MAR 22 2015
LAND USE ADMINISTRATION

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: 3022 3rd Avenue Date: 2/27/2015

Property Address: 3022 3rd Avenue Tax Map #: N920004

Fee: \$1,800 Total area of affected site in acres: 0.112
(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 Dwelling

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

Two-Family Dwelling

Applicant/Contact Person: L. T. Canossa

Company: n/a

Mailing Address: 1018 Fourquarean Lane

City: Richmond State: VA Zip Code: 23222

Telephone: (202) 415-2619 Fax: ()

Email: LCTPDC@GMAIL.COM

Property Owner: L. T. Canossa

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

Mailing Address: same

City: _____ State: _____ Zip Code: _____

Telephone: () Fax: ()

Email: _____

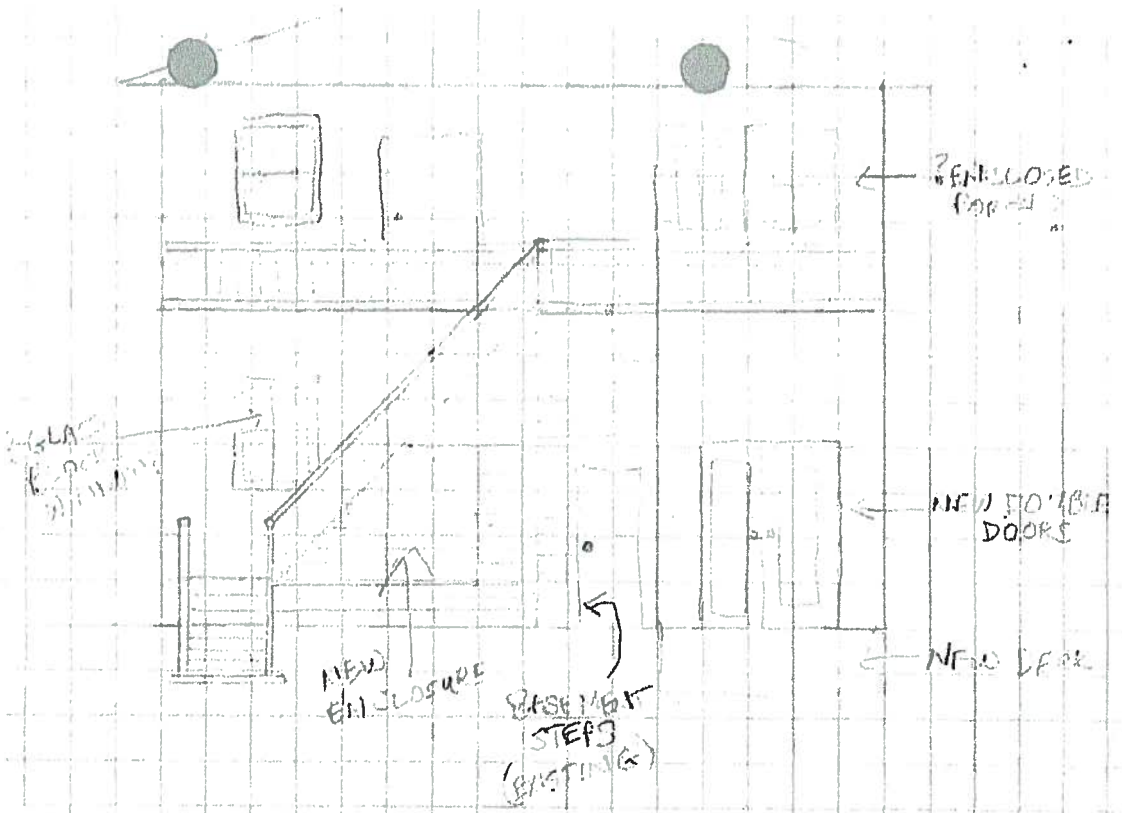
Property Owner Signature: *L. T. Canossa*

(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.**)

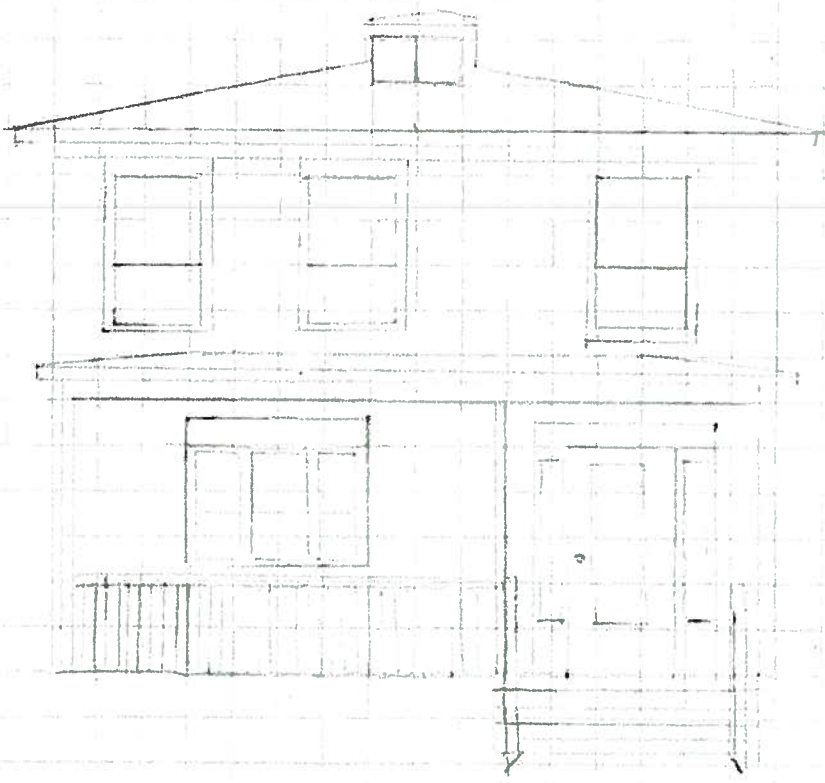
NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

3022 3rd Ave

REAR ACCESS



FRONT ELEVATION



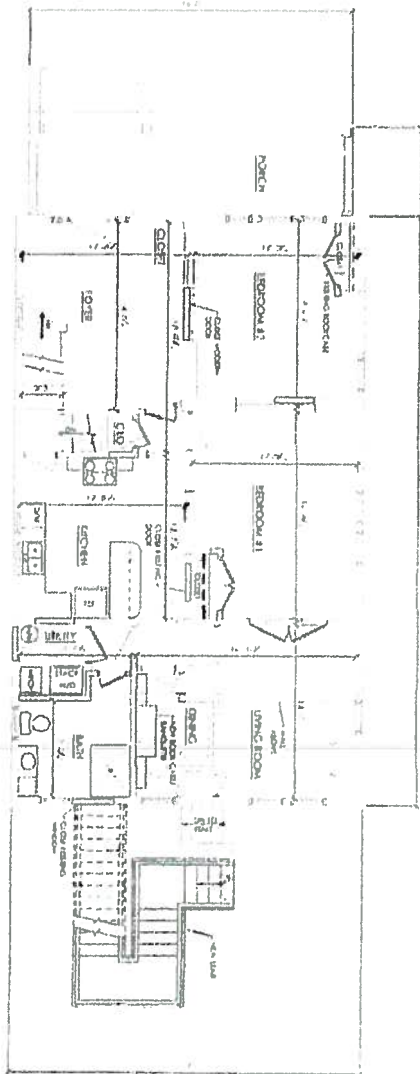
3022 3rd Ave
 RICHMOND
 VIRGINIA

prepared by
 Ms. Lee Carossa

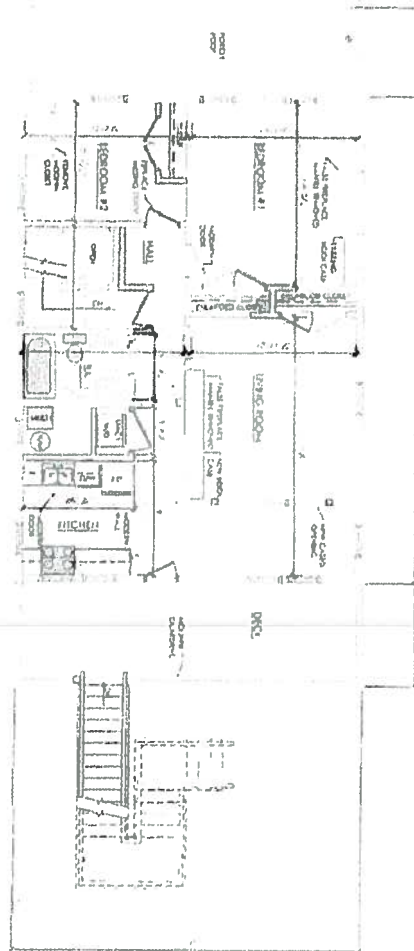
March 2, 2015

REI 5/6/15

DD1 - FIRST FLOOR PLAN



DD1 - SECOND FLOOR PLAN



PROGRESS PRINT - NOT FOR CONSTRUCTION

DD1

Project No. 201411

Sat. Date: 08.30.2014
Revision:

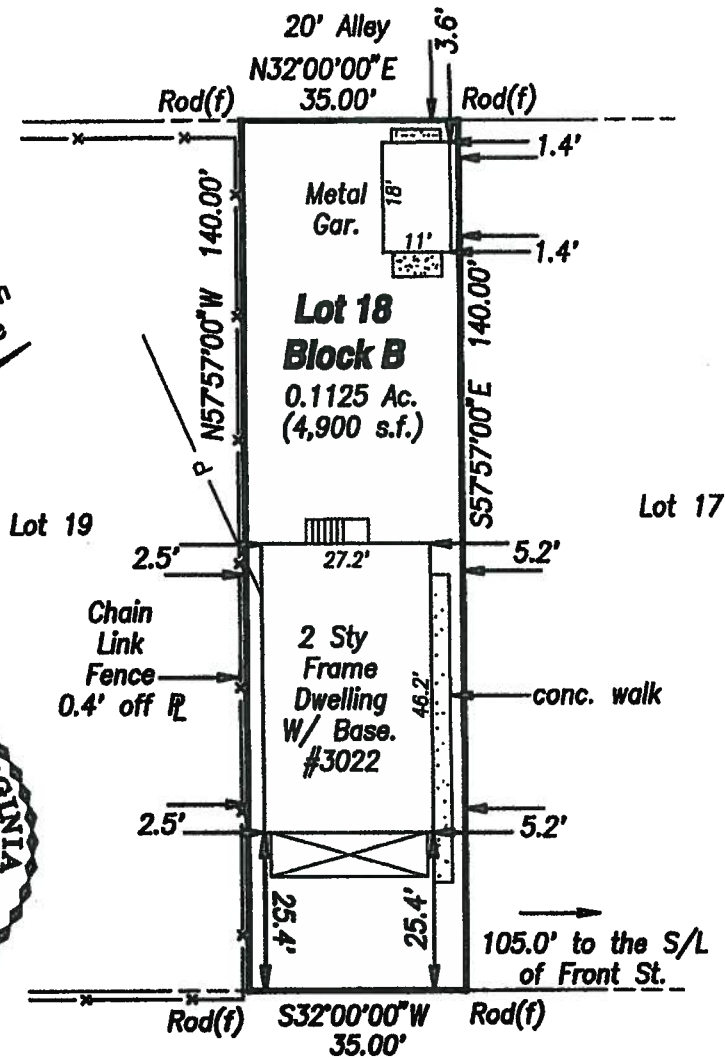
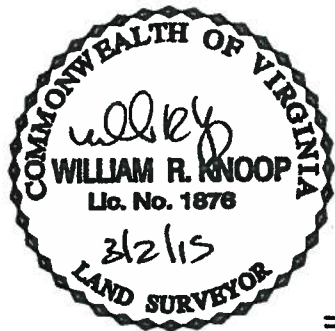
Joseph F. Yates
ARCHITECTS
1114 N. 14th St.
Richmond, VA 23223

CANBOSSA RESIDENCE
3022 3rd Ave.
Richmond, Virginia

GRAPHIC SCALE 1"=30'



Protracted From City Baseline



Third Avenue 60' R/W

Notes:

- 1. Property Owner: L.T.Canossa
2. Zoning: R-6
3. This survey performed without benefit of a title report.
4. Property shown hereon is in Flood Zone "X", a non hazard Flood Zone, from FEMA community panel 5101290033D, dated 04/02/2009
5. Property identified as Parcel ID N0000920004

Plat Showing Improvements on Lot 18, Block B Highland Park City of Richmond, Virginia

Date: March 2, 2015 Scale: 1"= 30' JN: 56450015



Goodfellow, Talbert, Beard and Associates Inc.

7104 Mechanicsville Turnpike / P.O. Box 539 Mechanicsville, Virginia 23111 (804) 746-7097 Fax (804) 730-7275

ENGINEERING - SURVEYING - PLANNING

3/6/2015

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