

INTRODUCED: July 27, 2020

AN ORDINANCE No. 2020-180

To authorize the special use of the property known as 2406 Grayland Avenue for the purpose of two single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 14 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 2406 Grayland Avenue, which is situated in a R-53 Multifamily Residential District, desires to use such property for the purpose of two single-family attached dwellings, which use, among other things, is not currently allowed by section 30-418.4, concerning lot area and width, 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 14 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 2406 Grayland Avenue and identified as Tax Parcel No. W000-1071/054 in the 2020 records of the City Assessor, being more particularly shown on a plat entitled “Parcel Line Modification Plat Showing Two Parcels on Grayland Avenue in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated June 2, 2017, 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 two single-family attached dwellings, substantially as shown on the plans entitled “2406-2408 Grayland Ave, Richmond, Virginia,” prepared by Walter Parks Architect, and dated May 5, 2020, 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 Special Use of the Property shall be as two single-family attached dwellings, substantially as shown on the Plans.

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

(d) At least one off-street parking space shall be provided for each dwelling unit.

(e) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining subdivision approval from the City and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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, 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

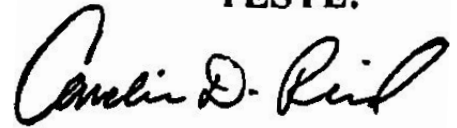
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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 "Camelin D. Reed". 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

RECEIVED

By Barbara Fore at 10:27 am, Jul 07, 2020

RECEIVED

By Barbara Fore at 9:28 am, Jul 20, 2020

Item Request


File Number: PRE.2020.214

O & R Request

DATE: June 29, 2020

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.)  7/17/2020

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 2406 Grayland Avenue, for the purpose of two single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2406 Grayland Avenue, for the purpose of two single-family attached dwellings, upon certain terms and conditions.

REASON: The requested SUP proposes to split an irregularly-shaped property in order to accommodate a single-family attached dwelling on each parcel. The lot area of one of the properties will not meet the minimum lot area requirements of the zoning district. Therefore a special use permit is 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 September 8, 2020, meeting.

BACKGROUND: The 5,021 square foot property is located in the R-53 Multi-Family Residential district. Single-family dwellings are under construction on the property. The lot area requirement for a single-family attached dwelling is 2,200 square feet. The proposed lot split would create parcels that are 1,519 square feet and 3,503 square feet. The front, side and rear yard setbacks required in the R-53 zoning district are met under the proposal as is the maximum lot coverage.

The City of Richmond's Master Plan designates the subject property for Single-Family (Medium Density) uses. Primary uses in this category are "single-family detached dwellings at densities between 8 and 20 units per acre. The density of the parcel if developed as proposed would be approximately 17 units per acre. There are a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for neighborhoods to provide a variety of housing choices.

Across Grayland Avenue to the north is the Downtown Expressway. The adjacent properties surrounding the subject property are located within the R-53 District or R-6 Single-Family Attached Residential District. Within the area of the subject property, those properties with improvements primarily single-family attached structures.

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: July 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
September 8, 2020

AFFECTED AGENCIES: Office of Chief Administration 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: David Watson, Senior Planner, Land Use Administration, 804-646-1036



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

Property Address 2406 and 2408 Grayland Avenue Date 4/23/2020
 Tax Map #: W0001071054 Fee: \$300
 Total area of affected site in acres: 0.115

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

Zoning

Current Zoning R-53

Existing Use Two-family attached

Proposed Use

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

Single-family attached
 Existing Use Two-family attached

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number _____

Applicant/Contact Person: Lory Markham

Company Markham Planning LLC
 Mailing Address 23 West Broad Street
 City Richmond State: VA Zip Code 23241
 Telephone (804) 248-2561 Fax: ()
 Email lory@markhamplanning.com

Property Owner: Gray Development LLC

If Business Entity, name and title of authorized signee: Walter Parks

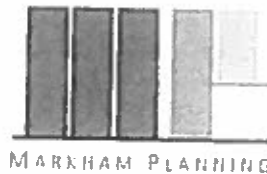
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address 313 North Adams Street
 City Richmond State VA Zip Code 23220
 Telephone: (804) 241-2502 Fax: ()
 Email walter@wparks.com

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)



April 29, 2020

Mr. Mark Olinger, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
Mark.Olinger@richmondgov.com

RE: Applicant's Report for Special Use Permit Application at 2406 – 2408 Grayland Avenue

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report for the Special Use Permit (SUP) application for the property at 2406 and 2408 Grayland Avenue. With this application, the property owner is petitioning the City Council for a SUP to authorize a lot configuration that is consistent with normal parcel layouts with straight lines and minimal corners, but fails to meet the lot area requirement for single-family attached homes in the R-53 Multi-family Residential zoning district.

The existing lot is irregularly shaped and is 5,021 square feet in lot area. The lot meets the below minimum lot area for a two-family attached as well as two single-family attached homes in the existing zoning district:

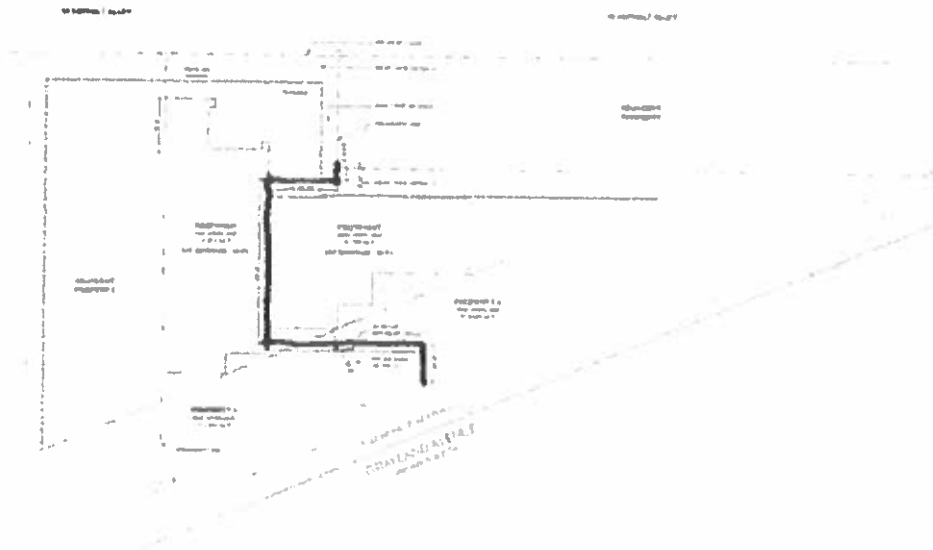
- Single-family attached lot area minimum is 2,200 square feet
- Two-family attached lot area minimum is 4,400 square feet

A building permit was issued on August 28, 2019 for a two-family attached dwelling, which is currently under construction. The owner would like to subdivide the property to create two single-family attached dwellings.

As confirmed in the enclosed Zoning Letter dated September 19, 2019 the subject property is currently a single lot of record that is entitled to a "one-time lot split" without being subject to the subdivision ordinance regulations.

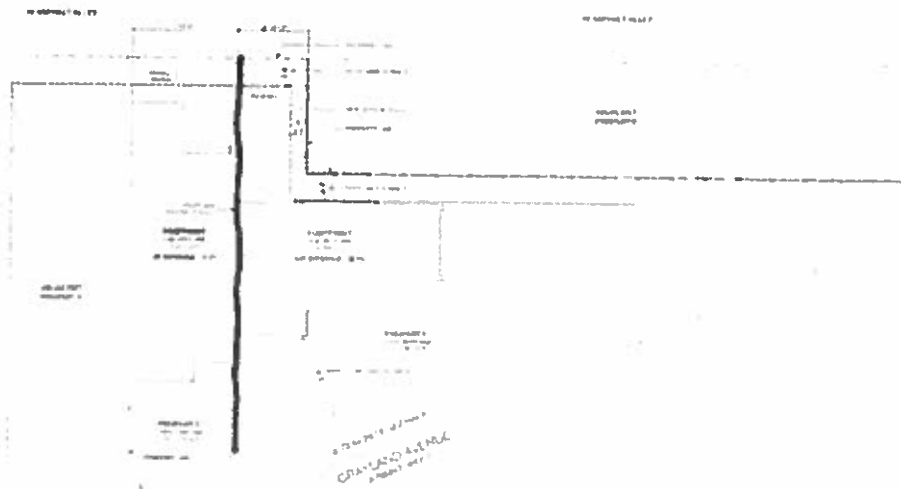
MARKHAM PLANNING
2314 West Main Street Richmond, Virginia 23220
(804) 248 2561

In order to meet the zoning district requirements for a minimum 2,200 square feet of lot area the below irregular parcel lines would be necessary to create two single-family attached homes. This configuration would require easements for access and parking to be recorded on 2406 Grayland Avenue for the benefit of 2408 Grayland Avenue. This what is permitted as a matter of right.



By-Right Option

The owner is requesting a SUP to have a configuration that would not require easements and allow each lot to stand alone with parking and access on each lot independently. The proposed configuration is more logical and only requires four corners. The lot area for 2406 Grayland Avenue would be 1,519 square feet and the lot area for 2408 Grayland would be 3,503 square feet under the proposed scenario below.



Proposed SUP Option

This is an excellent opportunity to bring high-quality single-family dwellings to an important neighborhood in the Near West End. The proposed lot configuration would contribute positively to the housing stock in this part of the City and provide a high-quality housing option to its residents.

We trust that you will agree with us that this proposed SUP meets the City Charter criteria for the granting of SUPs as the project 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.

Thank you for your consideration of this application. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

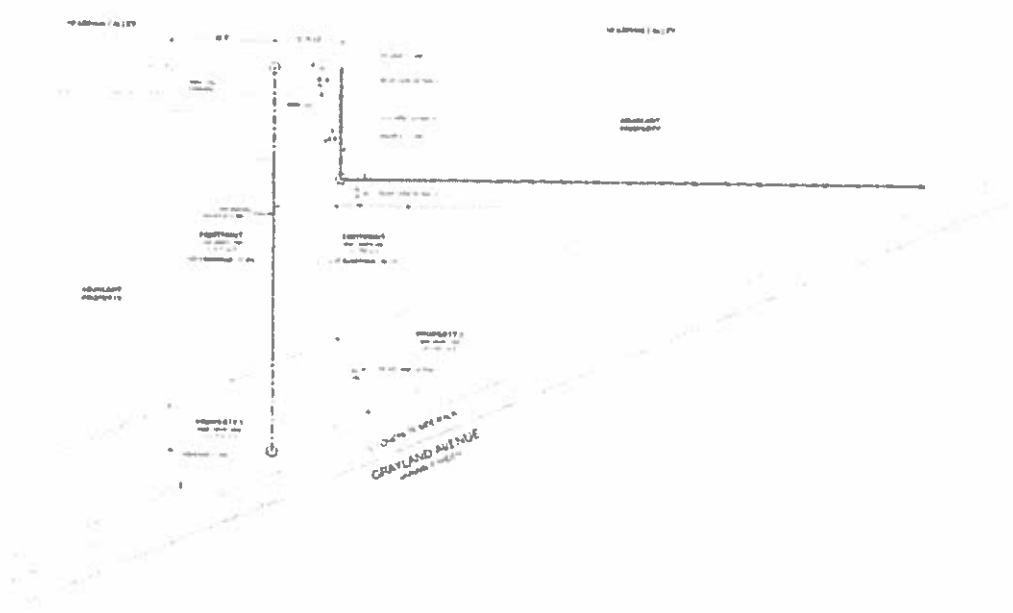
Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Lory Markham', written in a cursive style.

Lory Markham

Enclosures

cc: The Honorable Stephanie Lynch
Matthew Ebinger, Secretary to the City Planning Commission



2406-2408 GRAYLAND AVE
RICHMOND VIRGINIA

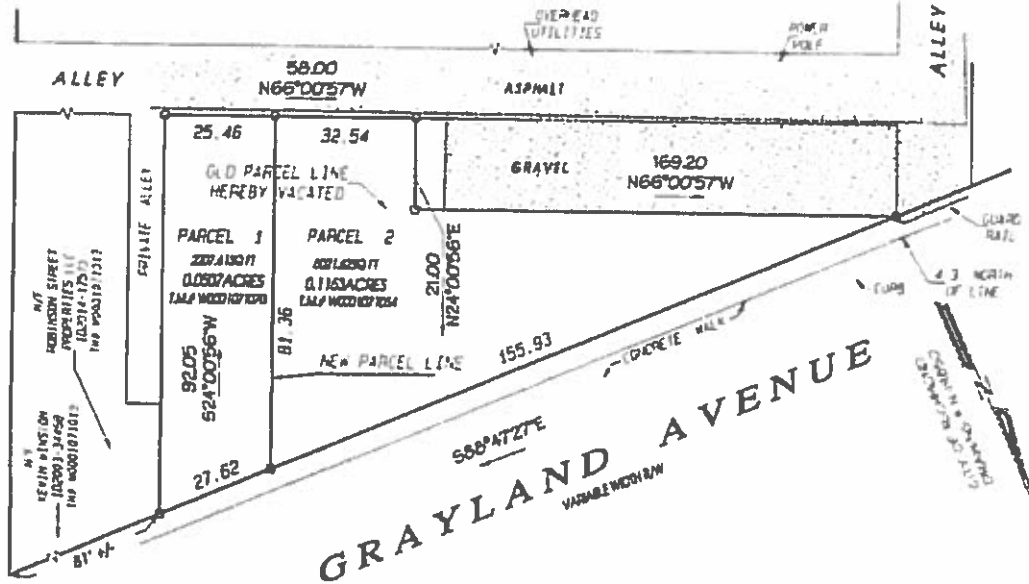
PROPOSED LOT DIVISION

A-2



NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: GRAY DEVELOPMENT LLC ID: NO. 2015-7734

S. STAFFORD AVENUE
 37'-4'-0"



PARCEL LINE MODIFICATION PLAT
 SHOWING TWO PARCELS ON
 GRAYLAND AVENUE, IN THE
 CITY OF RICHMOND, VIRGINIA.



SCALE: 1" = 25'

McKNIGHT & ASSOCIATES, P.C.
 LAND SURVEYORS PLANNERS
 201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23235
 TELEPHONE (804) 320-2646
 JOB NUMBER: 08091306