

## WESTHAMPTON CITIZENS ASSOCIATION

May 9, 2025

By Email: [shainna.trump2@rva.gov](mailto:shainna.trump2@rva.gov)

Ms. Shainna Trump

Planner Associate

City of Richmond Department of Planning & Development Review

900 East Broad Street, Room 511

Richmond, VA 23219

Re: Application for Special Use Permit for 3801 and 3803 Hanover Avenue

Dear Ms. Trump:

The Westhampton Citizens Association ("WCA") is submitting this letter in response to the captioned special use permit ("SUP") application to be considered by the Planning Commission at its meeting on June 3, 2025. We respectfully request that this letter be included in the Planning Commission's record for this SUP application and made available to members of the Planning Commission.

WCA opposes the issuance of the proposed SUP for the reasons set forth below.

The Existing Property. The property at 3801 and 3803 Hanover Avenue (the "Property") consists of two lots, each with a brick, Cape Cod-style, single family detached house. The Property is in an R-5 Single Family Residential District. Under the current zoning ordinance, lots in an R-5 district permit only one single family detached house (plus an accessory dwelling unit), with a minimum lot size of 6,000 square feet, a minimum width of 50 feet, a minimum front yard of 25 feet, a minimum rear yard and side yard of 5 feet and a maximum lot coverage of 35%. The existing houses on the Property, as well as houses on other nearby lots on Hanover Avenue, generally comply with those requirements.

The Property As Redeveloped. The proposed SUP will permit redevelopment of the Property in a manner that differs radically from the use and development permitted by R-5 zoning. As proposed, the two existing lots will be subdivided into ten lots. The two existing houses fronting on Hanover Avenue apparently will remain but on smaller lots. The remainder of the Property, currently the rear yards of the two existing lots, will be subdivided into eight lots with two attached townhouses on each of four pairs of lots. In addition to containing attached units rather than detached houses as mandated by the R-5 zoning, the townhouse lots will have as little as about 875 square feet in area (approximately 15% of the minimum lot size in the R-5 district), a width of 25 feet (one half of the minimum width in the R-5 district), no front yard

setback (compared to 25 feet in the R-5 district), and a lot coverage of approximately 68% (compared to the maximum lot coverage of 35% allowed in the R-5 district).

The Neighborhood. The Property is in the "Colonial Place" residential neighborhood between Grove Avenue and Patterson Avenue. Like most areas of the West End, Colonial Place was developed during the 20<sup>th</sup> century exclusively with single family detached homes. According to the City's property records, the houses in the 3900 block of Hanover Avenue were constructed in the 1920's, and the houses on the 4000 block of Hanover were constructed in the 1930's. The existing houses on the Property were constructed in the 1950's. Over the ensuing decades, Colonial Place has retained its residential character with single family detached homes affordable to middle class families.

When residents purchase a home in a neighborhood consisting almost entirely of single family, detached homes, they reasonably expect the neighborhood to continue to remain in a similar condition – a neighborhood in which each lot contains only one detached single-family house, with front and rear yards, located along tree-lined streets with limited vehicular traffic, adequate parking and other features suitable for raising families. Allowing redevelopment of the Property in accordance with the proposed SUP ignores the fact that residents rely on Richmond's existing zoning laws when they purchase their homes and continue to rely on the zoning laws to preserve and protect the character of their neighborhoods, as well as to protect the value of their homes. As U.S. Supreme Court Justice Douglas stated in Village of Belle Terre v. Boraas, 416 U.S. 1 (1974), which upheld the constitutionality of the village's definition of single-family zoning districts, "[a] quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land use project addressed to family needs. . . It is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people."

One notable exception to the prevalence of single family detached homes in the vicinity of the Property is the recently constructed townhouse development on the 3800 block of Grove Avenue south of the Property. The same residents who oppose the SUP for the Property also opposed the issuance of an SUP for the Grove Avenue site. Unfortunately, their attempts to express opposition to that SUP were severely hindered by the fact that the SUP was considered during the Covid epidemic when the opportunity for public input was restricted. In any event, the fact that such a redevelopment project was authorized on Grove Avenue, a major residential street with mostly single family houses but also some other housing types, does not entitle the applicant in this case to construct eight townhomes on lots currently zoned, developed and used for single family houses on lots that are situated directly across from single family homes on Hanover Avenue and Reveille Street and in a neighborhood (Colonial Place) that consists overwhelmingly of single-family homes.

The Property's location at the eastern boundary of the R-5 zoning district with residential condominium units (in a different zoning district) on the other side of Hamilton Street does not provide any support for the applicant's request for the SUP. By its nature, every zoning district has boundaries, and such boundaries are necessarily intended to restrict the use and development of all the properties within those boundaries in a uniform manner, whether a property is located

in the center of the district or on the outer edge of the district. Otherwise, properties at the boundaries of zoning districts would be vulnerable to periodic redevelopment consistent with the permitted use of properties just outside the district. Permitting such redevelopment on properties at or near the boundaries of a zoning district also results in other properties further within the zoning district becoming more vulnerable to redevelopment at the request of other SUP applicants, in violation of the fundamental principle of uniformity within zoning districts.

Affordable Housing. One of the goals of the Richmond 300 master plan and the Zoning Code Refresh initiative is to encourage the construction of affordable housing. The applicant has indicated in meetings with neighbors that the anticipated sales price for each unit will start at \$720,000 or more, a price point that hardly qualifies the proposed townhomes as "affordable" housing for prospective purchasers with income at or slightly above the median income in the Richmond area.

Traffic Congestion. The eight additional units are certain to create more traffic on Hanover Avenue, Reveille Street and other streets in the neighborhood as compared to only two single family homes presently on the Property. Although another goal of the Richmond 300 master plan is to encourage residents to walk, ride bicycles or take public transportation (GRTC) in place of automobiles, the anticipated sales price for the townhomes will likely attract only buyers who can also afford to own, and will own, one or more cars per unit. These individuals are not likely to forego traveling by car to work, shopping or other locations when driving a car is significantly more convenient and more practical than taking public transportation.

Even if bicycling to work or other locations were practical for traveling to nearby locations, few residents in the West End take advantage of it sufficiently to affect traffic on the streets. Witness, for example, the bicycle lanes that were installed several years ago on both sides of Malvern Avenue, two blocks from the Property. Anyone who regularly drives on Malvern Avenue can testify that the bicycle lanes on that street are rarely used by bicyclists. In short, even though encouraging other modes of transportation as an alternative to automobiles is a worthy goal, it is, for the most part, wholly unrealistic in most West End neighborhoods. The proposed SUP will almost certainly increase automobile traffic in the immediate vicinity of the Property, as well as increasing the number of delivery vehicles and other service vehicles serving the new residents.

Inadequate Parking. In addition, the proposed redevelopment of the Property will cause a severe shortage of parking spaces in the neighborhood. As proposed, the SUP does not contemplate any off-street parking spaces. The current residents on Hanover Avenue, Reveille Street and other nearby streets generally do not have driveways or parking areas on their lots; instead, they depend on the availability of on-street parking. So long as the neighborhood consists of only single family detached homes on lots complying with the R-5 zoning regulations, the residents can find parking spaces on the street. However, adding eight townhomes without their own parking will likely create a demand for eight or more additional on-street parking spaces on neighborhood streets, resulting in a parking shortage for both new and existing residents. It should also be noted that the applicant apparently has not provided a traffic or parking study in connection with its SUP application.

Required Finding on Congestion. Section 30-1050.1 of the Zoning Ordinance provides that City Council may issue an SUP authorizing the use of land that does not comply with the applicable zoning district regulations only if City Council finds that the proposed use will not, among other things, "[t]end to create congestion in streets, roads, alleys and other public ways and places in the area involved." As noted above, by generating additional automobile traffic and a need for parking spaces that that the neighborhood cannot reasonably accommodate, the proposed redevelopment of the Property will do exactly what the Zoning Ordinance seeks to prevent whenever City Council is asked to approve an SUP; namely, it will create congestion in the streets in the immediate neighborhood--congestion both in automobile traffic on the streets and congestion in parking spaces. Under such circumstances, the Zoning Ordinance does not allow the requested SUP to be issued.

Conclusion. For the foregoing reasons, the WCA urges the Planning Commission not to recommend that the SUP application for the Property be issued.

Very truly yours,

A handwritten signature in cursive script, reading "Patricia Merrill".

Patricia Merrill

President

cc: Councilman Andrew Breton  
Mary Meadows