



SUP-044670-2018

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: 20 NORTH BELMONT AVENUE Date: 06 NOV 2018
Tax Map #: W0061407028 Fee: \$1,800
Total area of affected site in acres: .081 ACRE

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

Zoning

Current Zoning: R-6

Existing Use: RETAIL + DWELLING + OFFICE

Proposed Use

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

SECOND FLOOR DWELLING FIRST FLOOR COMMERCIAL USE
Existing Use: R-6 NOW CONFORMING RETAIL AND OFFICE

Is this property subject to any previous land use cases?

Yes No
[X] [] If Yes, please list the Ordinance Number: BZA #75-74

Applicant/Contact Person: MICHAEL YANORSKY
Company: MYKY LLC
Mailing Address: 110 N. AUBURN AVE
City: RICHMOND State: VA Zip Code: 23221
Telephone: (804) 370.0342 Fax: ()
Email: MAIL@BELMONTFOODSHOP.COM

Property Owner: MYKY LLC
If Business Entity, name and title of authorized signee: MICHAEL YANORSKY, MEMBER

(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: 110 N. AUBURN AVE
City: RICHMOND State: VA Zip Code: 23221
Telephone: (804) 370.0342 Fax: ()
Email: MAIL@BELMONTFOODSHOP.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)

Special Use Permit Application

20 North Belmont Avenue, Richmond, VA, 23221

Applicant: MYKY LLC

Prepared by Michael Yavorsky

06November2018

The proposed use for 20 North Belmont Avenue, is to have the second floor devoted to a total of not more than two dwelling units with no retail or office space.

The first floor is to be for any commercial use, allowable in the B-1 Neighborhood Business District, which includes a variety of neighborhood oriented retail, specialty market, service and office uses.

The property was constructed in 1927. In 1974 it had C-2 non conforming use as a restaurant with a second floor dwelling. Afterwards a non conforming grocery store occupied the first floor with "adequate off street parking at the rear of the building". In 1975 the Board of Zoning Appeals(BZA), case #75-74, changed the certificate of occupancy to allow a religious goods and bookstore on the first floor, and an office plus dwelling on the second story.

In October 2015 a BZA motion was filed to obtain B-1 usage for the property. After further investigation, it was deemed unnecessary, and B-1 usage was allowed and would continue to be allowed based on the retail non conforming use previously granted. At this time the motion was terminated and the BZA fee refunded.

In November 2015, a lease was obtained to insure occupancy and continued non conforming rights for the property. The lease was then terminated in March 2018.

Nearby properties to the east across Belmont Avenue at the northeast corner of Ellwood Avenue, are occupied under a Special Use Permit, which permits B-1 uses. The property on the southwest corner of North Belmont and Ellwood is regulated by a Special Use Permit in the Urban Business(UB) zoning.

The parking for the easterly properties north of Ellwood Avenue on Belmont Avenue, the "shoppes at Belmont", including the beauty parlor, jewelry store, butcher/shop specialty food or grocery, and restaurant, occupy 5,735 sq. ft. of floor area with 212 ft per parking space. The proposed use for 20 North Belmont will allow for 1500 sq. ft. of floor space with 136 ft. per parking space. The spaces are including eight off street parking spaces in an adjacent lot, and three grandfathered street spaces.

Seven of the eight adjacent parking spaces are leased, after 5pm, to 27 North Belmont per special use ordinance 2014-160-202.

The City Assessor's office has changed the property value of 20 North Belmont Avenue from \$283,000 in 2015 to \$419,000 in 2017. An inquiry into the reason for such an increase without significant changes or improvements to the property revealed that the basis for comparison is similar properties in the nearby shopping district of Carytown, which implies similar allowable uses.

The City's masterplan recommends "neighborhood commercial" for the properties on the east side of Belmont Avenue with primary uses intended to provide the daily convenience shopping of adjacent neighborhood residents.

The proposed Special Use will not:

- 1) Be detrimental to the safety, health, morals, and general welfare of the community involved;

The property is currently used as a dwelling, and retail space. The proposed use will increase the type of businesses allowable by current zoning regulations, and services provided to neighborhood residences in an existing commercial strip. As such this project will not be detrimental to the safety, health, morals, and general welfare of the community involved.

- 2) Tend to create congestion on the streets, roads, alleys and other public ways and places in the area involved;

The project will not create congestion on the streets, roads, alleys and other public ways and places as the existing use is only to be modified to support a more diverse community while operating within the existing infrastructure.

- 3) Create hazards from fire, panic, or other dangers;

This project will not create hazards from fire, panic, or other dangers and will be built in accordance with all applicable building codes

- 4) Tend to cause overcrowding of land and an undue concentration in population;

The proposed use will not cause overcrowding of the land and undue concentration of population. The proposal to eliminate an office space in the neighborhood potentially decreases traffic and additional traffic due to workers in the area.

- 5) Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences or improvements;

Services for this site are intact and the retail store is existing and will not interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences or improvements.

- 6) Interfere with adequate light and air;

There will not be any new building construction and will not alter existing light and air.