



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**CPCR.2019.018:** To authorize an exception to §14-264 of the Code of the City of Richmond for the property known as 5612 Langdon Court pursuant to §14-292(c) of the Code of the City of Richmond.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** March 18, 2019

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#### **PETITIONER**

Taylor Goodman, Balzer & Associates

#### **LOCATION**

5612 Langdon Court

#### **PURPOSE**

To allow a new single-family dwelling and garage to encroach into the 50 feet seaward area of the Resource Protection Area (RPA) of the Chesapeake Bay Protection Area.

#### **SUMMARY & RECOMMENDATION**

The applicant is proposing to construct a new single-family dwelling with an attached garage, with a total footprint of approximately 2,000 square feet. The proposed exception before the Commission, if approved, would permit encroachment of 6,748 square feet into both the landward and seaward portion of the Resources Protection Area (RPA) of the Chesapeake Bay Protection Area.

Because the lot sits entirely with the RPA buffer, there is no other area to relocate the house on the lot. Additionally, there is a large sewer utility easement in the front portion of the lot making it difficult to relocate the house further away from the stream at the rear of the property. The proposed encroachment is the minimum necessary to for the construction of the single family dwelling. The applicant has provided a detailed replanting plan to mitigate the proposed removal of RPA buffer.

The City Code establishes requirements for the Chesapeake Bay Protection Areas to protect and improve the water quality of the Chesapeake Bay, its tributaries, and other state waters by minimizing the effects of human activity upon these waters. The requirements limit construction and land disturbance activity within buffer areas in order to protect water quality.

The City Code authorizes the Planning Commission to approve certain exceptions to the restrictions on construction activity within the established buffer areas, provided that a finding is made that:

- a. The requested exception to the criteria is the minimum necessary to afford relief;
- b. Granting the exception will not confer upon the applicant any special privileges that are denied to other property owners who are subject to the regulations and who are similarly situated;

- c. The exception is in harmony with the purpose and intent of the regulations and is not of substantial detriment to water quality;
- d. The exception request is not based upon conditions or circumstances that are self-created or self-imposed;
- e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and
- f. Other findings, as appropriate and required by the city, are met.

Section 14-264 of the Code of the City of Richmond does not permit structures or non-water-dependent facilities to encroach into an RPA and, therefore, the petitioner has requested an exception from the Planning Commission to encroach into the RPA buffer, pursuant to §14-292(c) of the Code of the City of Richmond.

Applicant has addressed all of the conditions noted above in their application. Additionally, the applicant has supplied a landscape mitigation plan that provides for native plantings in the RPA buffer to offset the encroachment of the structure.

Therefore, Water Resources Staff recommends approval of the exception request to include submission of a Water Quality Impact Assessment on the plans, a landscape mitigation plan using the Chesapeake Bay Buffer Modification and Mitigation Manual with the permit application to the Water Resources Division to be installed prior to bond release which shall remain in place for one year to ensure establishment of the vegetation planted.

## **FINDINGS OF FACT**

### **Site Description**

The subject property is located in the Westover Hills West subdivision of the Westover Hills West neighborhood. The property is comprised of one parcel totaling 0.376 acres of land area. The parcel is currently unimproved.

### **Proposed Use of the Property**

The applicant is proposing to construct a new single-family dwelling with an attached garage.

### **Zoning & Master Plan**

The property is located in the R-3 Single-Family Residential Zoning District, which permits the proposed residential use.

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. The density of the proposed development would be approximately 3 units per acre.

### **Chesapeake Bay Protection Areas**

The Resource Protection Area (RPA) is defined as that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of State waters.

Per Richmond City Code section 14-231(a)... In their natural condition, these lands provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on State waters and aquatic resources.

Additionally, "the 100-foot wide buffer area shall be the landward component of the resource protection area as set forth in Section 14-231(b)(5). Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this section, the 100-foot wide buffer area is not reduced in width. To minimize the adverse effects of human activities on the other components of the resource protection area, State waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist." (Section 14-264(3))

### **Surrounding Area**

The majority of surrounding properties are improved with single-family dwellings. Some parcels are vacant.

### **Neighborhood Participation**

Notice of the public hearing for the proposed exception has been advertised in accordance with State Code and property owners with 150 feet of the subject property have been mailed notice of the public hearing. No letters of support or opposition have been received by staff.

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