

INTRODUCED: September 11, 2017

AN ORDINANCE No. 2017-185

To authorize the special use of the properties known as 305 Plazaview Road and 309 Plazaview Road for the purpose of permitting two single-family detached dwellings, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: OCT 9 2017 AT 6 P.M.

WHEREAS, the owner of the properties known as 305 Plazaview Road and 309 Plazaview Road, which is situated in an OS Office-Service District, desires to use such properties for the purpose of two single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-450.1 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 (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 create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    OCT 9 2017    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 properties known as 305 Plazaview Road and 309 Plazaview Road and identified as Tax Parcel Nos. C006-0254/020 and C006-0254/018, respectively, in the 2017 records of the City Assessor, being more particularly shown on a survey entitled “Survey for Virginia Family Homes, Showing Physical Improvements to Lot 2, Block 4, Section 1-B, Green Acres Subdivision, Richmond, Virginia,” prepared by Landmark Surveyors, Inc., dated October 13, 1986, and last revised November 17, 1986, 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 detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “After–Downstairs – 305 Plazaview Road,” “After–Upstairs 305 Plazaview,” “309 Plazaview, 1<sup>st</sup> Floor,” and “309 Plazaview, Upstairs,” prepared by an unidentified preparer, and undated, 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 as two single-family detached dwellings, substantially as shown on the Plans.

(b) At least one on-site parking space shall be provided for 305 Plazaview Road, and at least one on-site parking space shall be provided for 309 Plazaview Road.

§ 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.

(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 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

900 East Broad Street  
2nd Floor of City Hall  
Richmond, VA 23219  
www.richmondgov.com

## Item Request

File Number: PRE. 2017.346

RECEIVED

AUG 31 2017

O & R REQUEST

4-6924

AUG 18 2017

OFFICE OF CITY ATTORNEY O & R Request

Office of the  
Chief Administrative Officer

DATE: August 17, 2017

EDITION:1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor  
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

RE: Special Use Permit at 305 Plazaview Road and 309 Plazaview Road for the purpose of permitting two single-family detached dwellings.

ORD. OR RES. No. \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 305 Plazaview Road and 309 Plazaview Road for the purpose of permitting two single-family detached dwellings, upon certain terms and conditions.

**REASON:** The applicant is requesting a special use permit to authorize single-family residential use of two buildings originally constructed as single-family dwellings. The current zoning of the property is OS - Office-Service, which does not permit single-family residential use. A special use permit is therefore 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 October 2, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consist of two adjoining parcels each measuring 9,000 SF or .2

acres of land improved with a 2-story, 1,650 SF dwelling and a 1.5-story, 1,237 dwelling. Both properties are located in the Belt Center neighborhood in the Midlothian Planning District.

The City of Richmond's current Land Use Plan designates a land use category for the subject property as Single-Family (Low density). Primary uses for this category are "...single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5. (p. 133)

The Master Plan recommends a Town Center Strategy for the properties along and near the Belt Boulevard corridor which are "...intended to serve as a vibrant center of activity, among a mixture of uses within a modern, well designed urban context. With roadway and transit connections to Downtown and the rest of the City and metropolitan area, the Town Center offers an opportunity for a focal point for south Richmond, with a mixture of higher density residential, office, retail, entertainment, and public uses." (p.221)

Properties to the east, south and west of the subject property are located within the same OS - Office Service District. Properties to the north are located within the B-3 Business General District, along Belt Boulevard. A mix of residential, office, and commercial, land uses are found in the vicinity, with some public-open space and institutional land uses as well.

**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:** September 11, 2017

**CITY COUNCIL PUBLIC HEARING DATE:** October 9, 2017

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, October 2, 2017

**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 ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

**STAFF:** Jonathan Brown, Senior Planner  
Land Use Administration (Room 511) 646-5734

*PDR O&R No. 17-28*



SUP-019005-2017

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)

- [X] special use permit, new
[ ] special use permit, plan amendment
[ ] special use permit, text only amendment

Project Name/Location

Property Address: 305 & 309 Plazaview Road Date:
Tax Map #: 6000254020 Fee: \$300
Total area of affected site in acres: 0.41 acres

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

Zoning

Current Zoning: OS

Existing Use: Single-family buildings

Proposed Use

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

Single-family detached
Existing Use: vacant buildings designed as single-family

Is this property subject to any previous land use cases?

Yes [ ] No [X] If Yes, please list the Ordinance Number:

Applicant/Contact Person:

JOHN J. DUTTON JR
Company: Boatman Properties
Mailing Address: 163 BRANDON ROAD
City: Richmond State: VA Zip Code: 23004
Telephone: (804) 514-3900 Fax: (804) 732-8301
Email: jack@duttonequipment.com

Property Owner:

JOHN J. DUTTON JR of Boatman Properties
If Business Entity, name and title of authorized signee: owner

(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: Same as above
City: State: Zip Code:
Telephone: Fax:
Email:

Property Owner Signature:

[Handwritten 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)

# BOATMAN PROPERTIES LLC

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163 Brandon Road, Richmond, VA 23224

June 9, 2017

Matthew Ebinger  
900 E. Broad Street, Room 511  
Richmond, VA 23219

Hello Matthew.

I am seeking your assistance to help me resolve a couple zoning issues I have been dealing with unsuccessfully for 25 years or so in the City of Richmond.

The two properties in question are 305 & 309 Plazaview Road, Richmond, VA 23224 in an OS zoned neighborhood that is used approximately 80% residential.

The 309 property has been granted residential service from Dominion Virginia Power, the city has stuck with commercial water.

The 305 property was rented out for years to a non-profit church group and a classroom for home care assistants to be trained.

I dealt with the tenants for years allowing rents to fall behind etc., until we both agreed it was time. I then listed the property with Divaris to try to find a commercial tenant. After a year of vacancy, I added a kitchen, shower, and laundry room to convert to a house in order to make the property income providing again.

Of course, mainly because of the city wanting commercial drawings and did not want it to be a residence, I performed the work under the "radar". Low and behold, got caught in the end through a call to Dominion VA Power troubleshooter finding a problem in the electric meter base which triggered a permit and stop work orders. This left the building with no power to date.

Problem being that both buildings still need to be zoned residential in order to obtain viable tenants in these "residential" structured properties.

With the help of the building permit & zoning department they gave me hope of changing them to residential, so I paid the stop work order fines and applied for use change to residential plus paid application fees, enclosed drawings, etc.

# BOATMAN PROPERTIES LLC

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163 Brandon Road, Richmond, VA 23224

Six weeks later I received a phone call stating I need to apply for a "special use permit" at a cost of \$1,500 per property with a several months wait time and no guarantee this will work and no refund if denied.

I took a look all over the city noticing we have many industrial use properties being changed to mixed use and residential, which is a "lesser" zone rating. I have been told that going backwards or from a higher to a lower zone rating is not how it works.

To make matters more fun, the existing property next door and one adjacent house from my 305 property is vacant and deplorable and no one seems to care.

Please see enclosed photos of 305 & 309 Plazaview properties.

My 309 property is ugly because of commercial permits needed to repair house, it just doesn't work – it's the ugliest one I own.

Anyway, can you please help with getting this resolved?

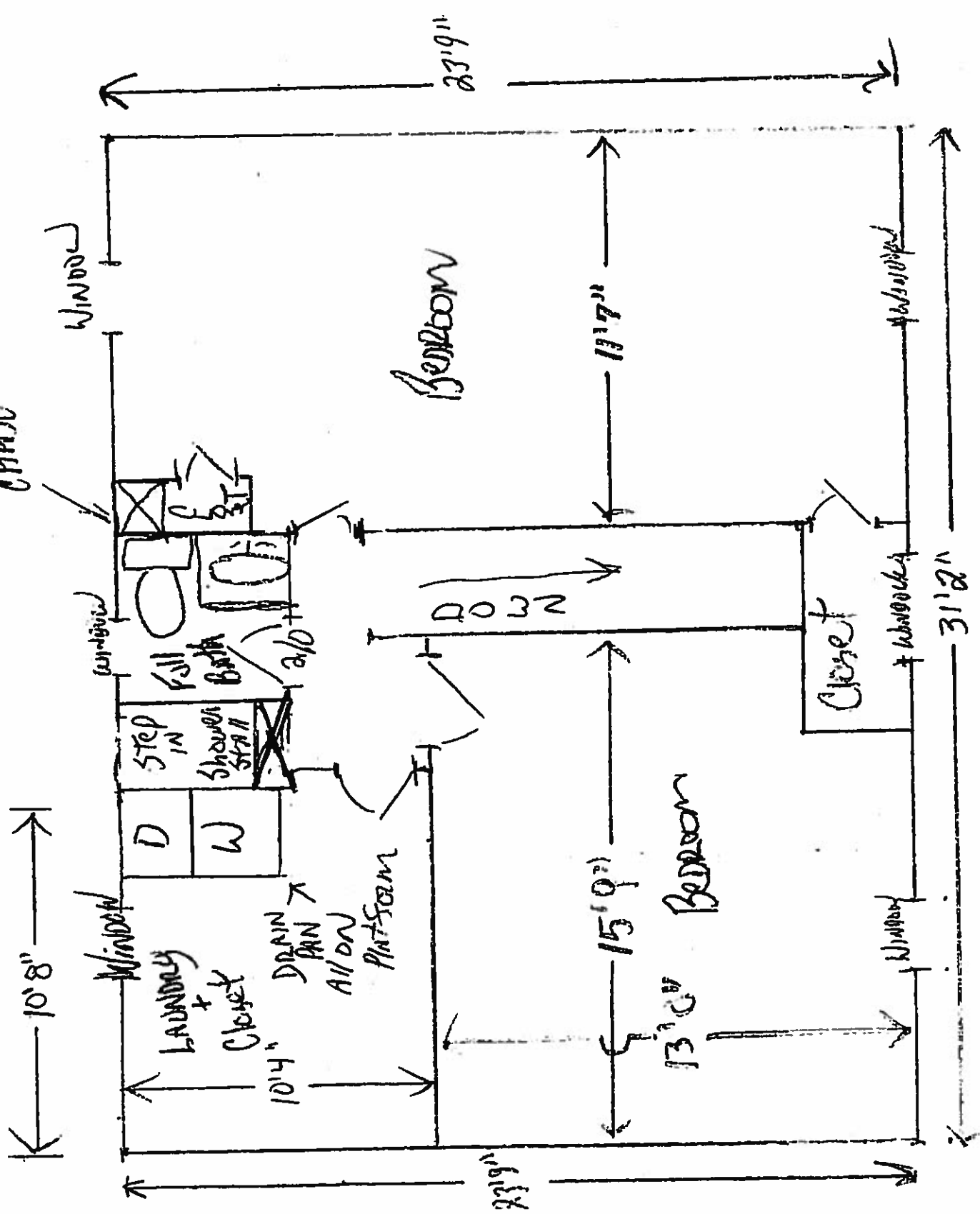
Sincerely,

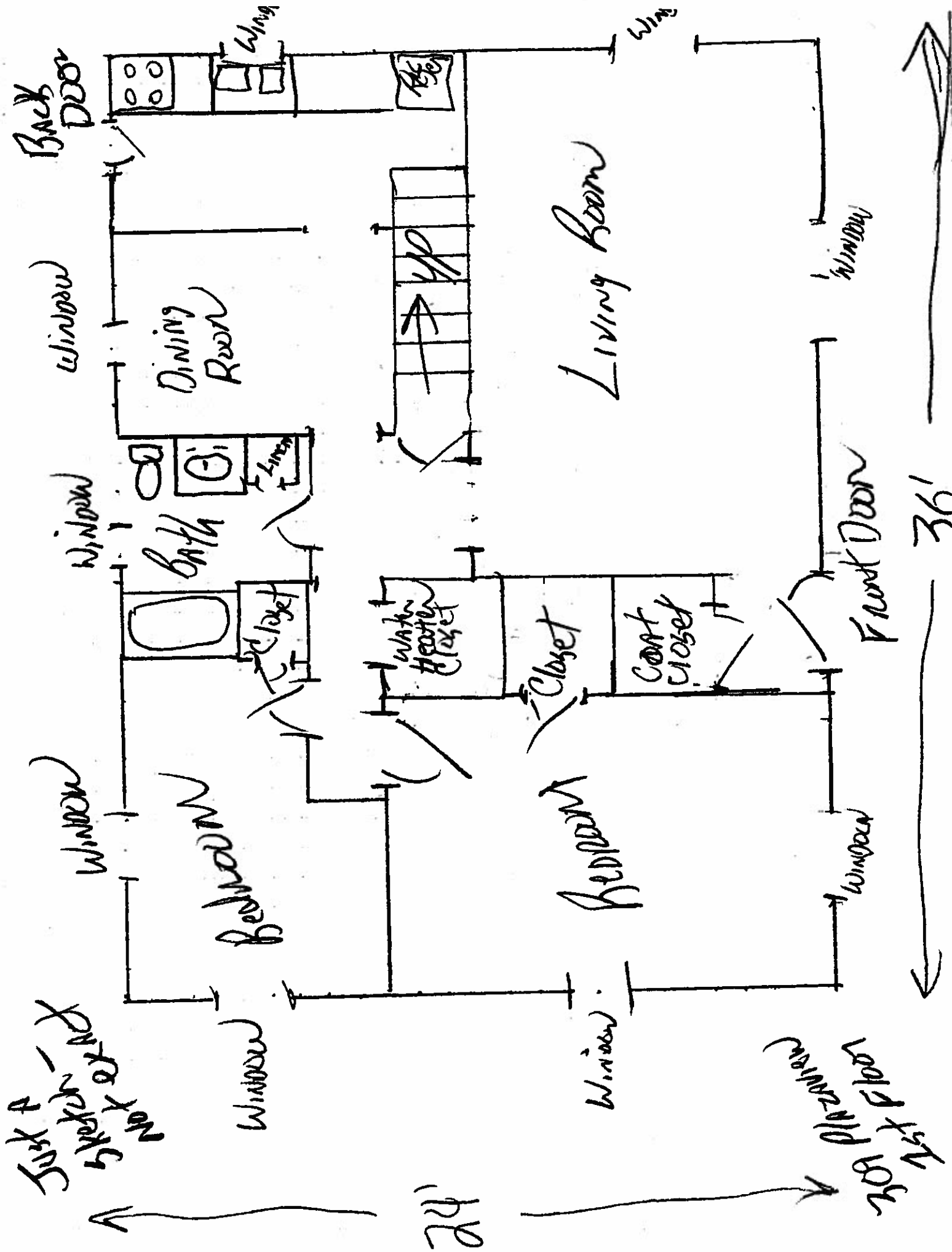
Jack Dutton  
[jack@duttonequipment.com](mailto:jack@duttonequipment.com)  
804-514-3900 Mobile



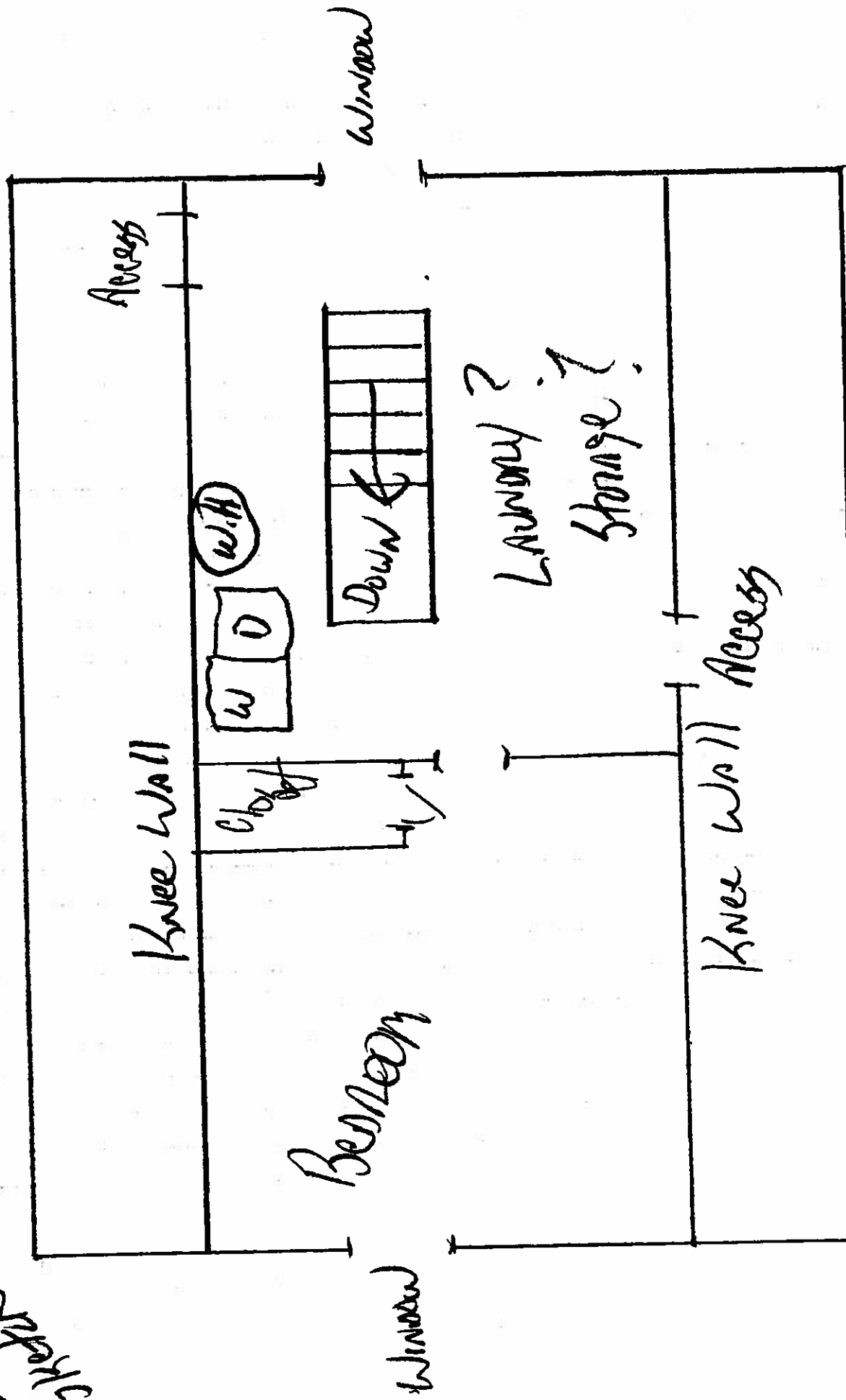
# ASTEN - UPSTAIRS 305 PIAZAVIEW

CHAD





Sketch is not exact



Beamline

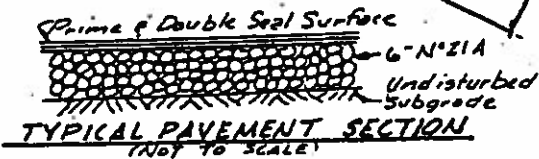
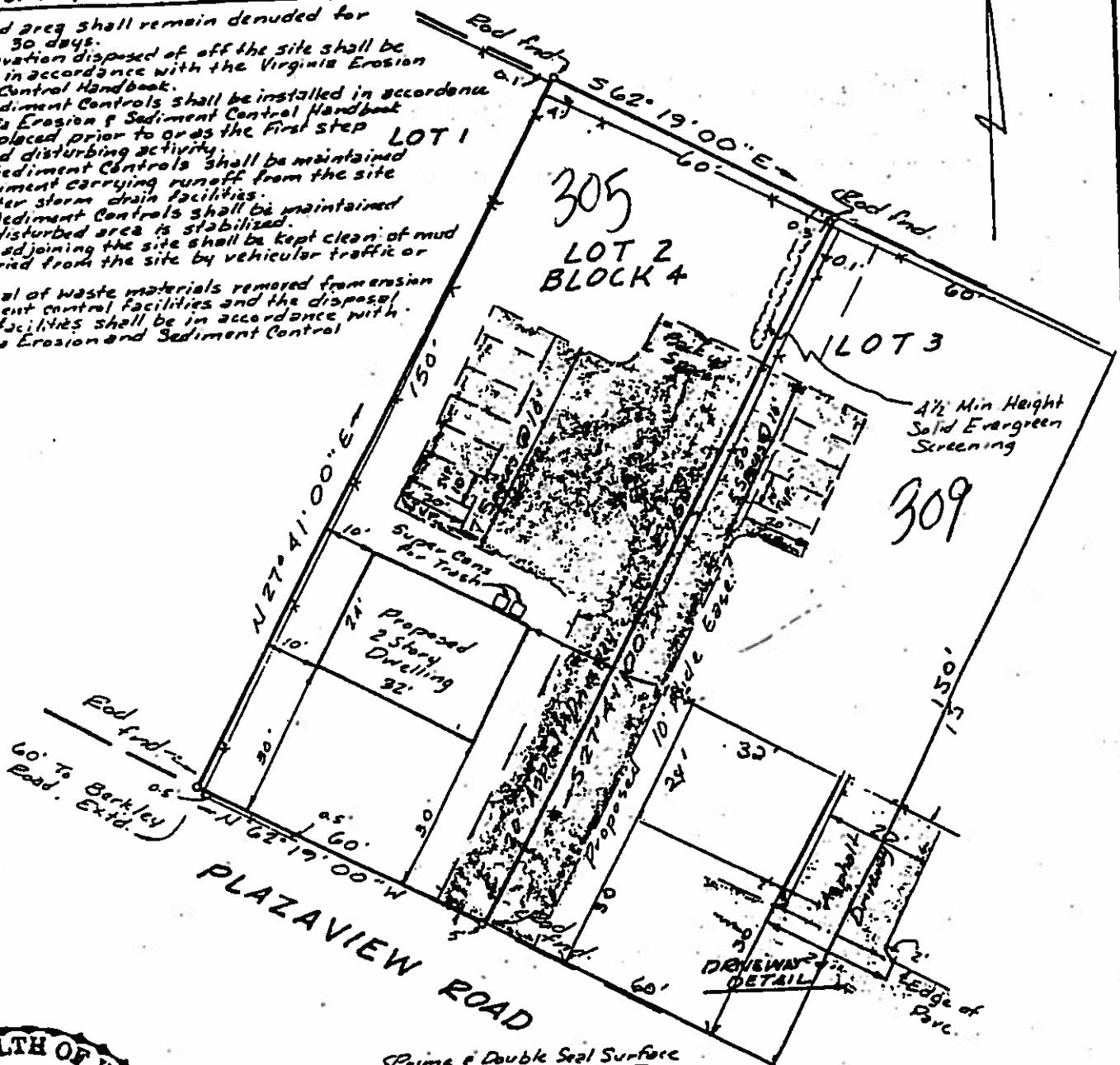
NO PINEWOOD  
UP STAIRS



Note: The subject property is not within the limits of the 100 Year Flood Boundary as established by the Federal Insurance Administration.

**EROSION & SILTATION NOTES**

1. No disturbed area shall remain denuded for more than 30 days.
2. Excess excavation disposed of off the site shall be disposed of in accordance with the Virginia Erosion & Sediment Control Handbook.
3. Erosion & Sediment Controls shall be installed in accordance with Virginia Erosion & Sediment Control Handbook & shall be placed prior to or as the first step of the land disturbing activity.
4. Erosion & Sediment Controls shall be maintained so that sediment carrying runoff from the site will not enter storm drain facilities.
5. Erosion & Sediment Controls shall be maintained until the disturbed area is stabilized.
6. Properties adjoining the site shall be kept clean of mud or silt carried from the site by vehicular traffic or runoff.
7. The disposal of waste materials removed from erosion and sediment control facilities and the disposal of these facilities shall be in accordance with the Virginia Erosion and Sediment Control Handbook.



**SURVEY FOR**

**VIRGINIA FAMILY HOMES**

Showing physical improvements to Lot 2, Block 4, Section 1-B, Green Acres Subdivision, Richmond, Virginia.



*Bruce C. Landes*  
Bruce C. Landes C. L. S.

PLOTTED RMS CALC. \_\_\_\_\_  
CHECKED FRR N.B. \_\_\_\_\_

**LANDMARK SURVEYORS, INC.**  
Engineers, Surveyors, Planners  
P.O. Box 62 Midlothian, Virginia 23113

SCALE 1"=30' JOB# 1444  
DATE 10-13-86 DN 1444-1  
REV 10-16-86 REV 11-17-86