

INTRODUCED: January 14, 2019

AN ORDINANCE No. 2019-014

To authorize the special use of the property known as 2919 Griffin Avenue for the purpose of authorizing a single-family detached dwelling, upon certain terms and conditions.

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

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

PUBLIC HEARING: FEB 11 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 2919 Griffin Avenue, which is situated in a UB Urban Business District and the PE-7 Brookland Park Boulevard/North Avenue Parking Exempt Parking Overlay District, desires to use such property for the purpose of a single-family detached dwelling, which use, among other things, is not currently allowed by sections 30-433.1 through 30-433.8 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 (2018), 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

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

ADOPTED: FEB 11 2019 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

congestion in streets, roads, alleys and other public ways and places in the area involved, will not 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 2919 Griffin Avenue and identified as Tax Parcel No. N000-0885/024 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Survey & Map of Premises Known as #2919 Griffin Avenue in Richmond, VA,” prepared by Robert K. Thomas and Associates, and dated April 29, 1988, 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 a single-family detached dwelling and those uses allowed by sections 30-412.1 through 30.412.8 of the Code of the City of Richmond (2015), as amended, hereinafter referred to as “the Special Use,” substantially as shown on the survey entitled “Survey & Map of Premises Known as #2919 Griffin Avenue in Richmond, VA,” prepared by Robert K. Thomas and Associates, and dated April 29, 1988, hereinafter referred to as “the Plans,” a copy 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 Special Use of the Property shall be as a single-family detached dwelling and those uses allowed by sections 30-412.1 through 30-412.8 of the Code of the City of Richmond (2015), as amended, substantially as shown on the Survey.

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

§ 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 Zoning Administrator is authorized to issue a certificate of zoning compliance subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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: **REC-2018-511**

**RECEIVED**

**O & R REQUEST**

JAN 08 2019

DEC 19 2018

OFFICE OF CITY ATTORNEY

4-8449  
Office of the  
Chief Administrative Officer

## O & R Request

**DATE:** December 19, 2018

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney (By request) *LL 1/9/19*  
(This is no way reflects a recommendation on behalf of the Mayor.)

**THROUGH:** Selena Cuffee Glenn, Chief Administrative Officer *[Signature]*

**THROUGH:** Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning *[Signature]*

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review *[Signature]*

**RE:** To authorize the special use of the property known as 2919 Griffin Avenue for the purpose of authorizing those uses consistent with the R-6 Single-Family Attached Residential District, upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of the property known as 2919 Griffin Avenue for the purpose of authorizing those uses consistent with the R-6 Single-Family Attached Residential District, upon certain terms and conditions.

**REASON:** The property contains a single-family dwelling and was located within the R-6 Single-Family Attached Residential District until October 12, 2015 when City Council adopted Ordinance No.2015-200-196 which changed the zoning district to UB-PE7 Urban Business District. Single-family dwellings are not a permitted use in the UB-PE7 and the existing single-family dwelling became a legally non-conforming use. This legally non-conforming status inhibits mortgage providers from underwriting a loan for the property should the owner wish to sell, refinance or establish a Home Equity Line of Credit.

**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 February 4, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of a 10,500 SF (.241 acre) parcel of land containing a two-story structure within the UB-PE7 District. It is located in the North Barton Heights Neighborhood within the City's North Planning District near the intersection of Griffin Avenue and W. Brookland Park Boulevard.

The City of Richmond's Master Plan designates the subject property as community commercial. Primary uses include office, retail, personal service and other commercial and service uses, intended to provide the shipping and service needs of residents of a number of nearby neighborhoods or a section of the city.

Specifically for the North District, the Master Plan states notes that "along the western edge of the commercial area, between Griffin and Montrose Avenues, converting existing commercial uses located in single-family structures back to single-family uses would be appropriate. (See page 258, Richmond Master Plan.)

A special use permit allowing uses consistent with the R-6 Single-Family Attached Zoning District will not disallow those uses consistent with the UB-PE7 Zoning District. Thus the requested special use permit is consistent with the City's Master Plan.

The properties located to the east, across Griffin Avenue contain single-family dwellings on properties in the UB-PE7 and R-6 Single-Family Attached Residential zoning districts. Adjacent to the south are single-family dwellings in the R-6 Single-Family Attached Residential zoning district. Adjacent to the east is a mixed-use structure on property in the UB-PE7 zoning district.

**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:** January 14, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** February 11, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, February 4, 2019.



**AFFECTED AGENCIES:** Office of Chief Administration 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:** Application Form, Applicant's Report, Draft Ordinance, Survey, Map

**STAFF:** David Watson, Senior Planner  
Land Use Administration, Room 511 (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: 2919 GRIFFIN AVE. Date: 10/16/18  
 Tax Map #: N0000-865024 Fee: \_\_\_\_\_  
 Total area of affected site in acres: .241

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

**Zoning**

Current Zoning UB-PE 7

Existing Use: \_\_\_\_\_

**Proposed Use**

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

ALLOW USES CONSISTENT WITH THOSE ALLOWED UNDER THE R-6 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT.

Existing Use: \_\_\_\_\_

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

Applicant/Contact Person: DAVID MICKENS

Company: \_\_\_\_\_

Mailing Address: 1612 HICKORY RIDGE WAY

City: HENRICO State: VA Zip Code: 23228

Telephone: (804) 304-9923 Fax: \_\_\_\_\_

Email: dmickens@lexusofrichmond.com

Property Owner: DAVID MICKENS

If Business Entity, name and title of authorized signer: \_\_\_\_\_

(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: 1612 HICKORY RIDGE WAY

City: HENRICO State: VA Zip Code: 23228

Telephone: (804) 304-9923 Fax: \_\_\_\_\_

Email: dmickens@lexusofrichmond.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)

## Application Report

At the time I purchased my home at 2919 Griffin Ave it was residential. I eventually had a family but due to crime and gun violence, I had to move my family out. My sister moved in and lived there some time and then she moved. The house became vacant but I maintained the home and mortgage until I finally paid it off a couple years ago. My intentions were at that point to rehab the house and move back; however, due to the City of Richmond Code Enforcement Division I have to rehab this house in six months. I can not do this so I hired a realtor to sell. He has buyers that are ready to purchase and rehab but some time ago, the City Planning Department rezoned my property as commercial. At this point I can not satisfy the Code enforcement, whom is prosecuting me, and be legal with zoning and my buyers have backed away because of this. I really need to have at least a Special Use Permit to be able to sell this home and have the City Code Enforcement satisfied. Thank you in advance for your help ~~and~~ assistance with this ordeal. At this point I am merely trying to minimize my losses and maintain a good standing with the City of Richmond. Thank you  
David Mickens

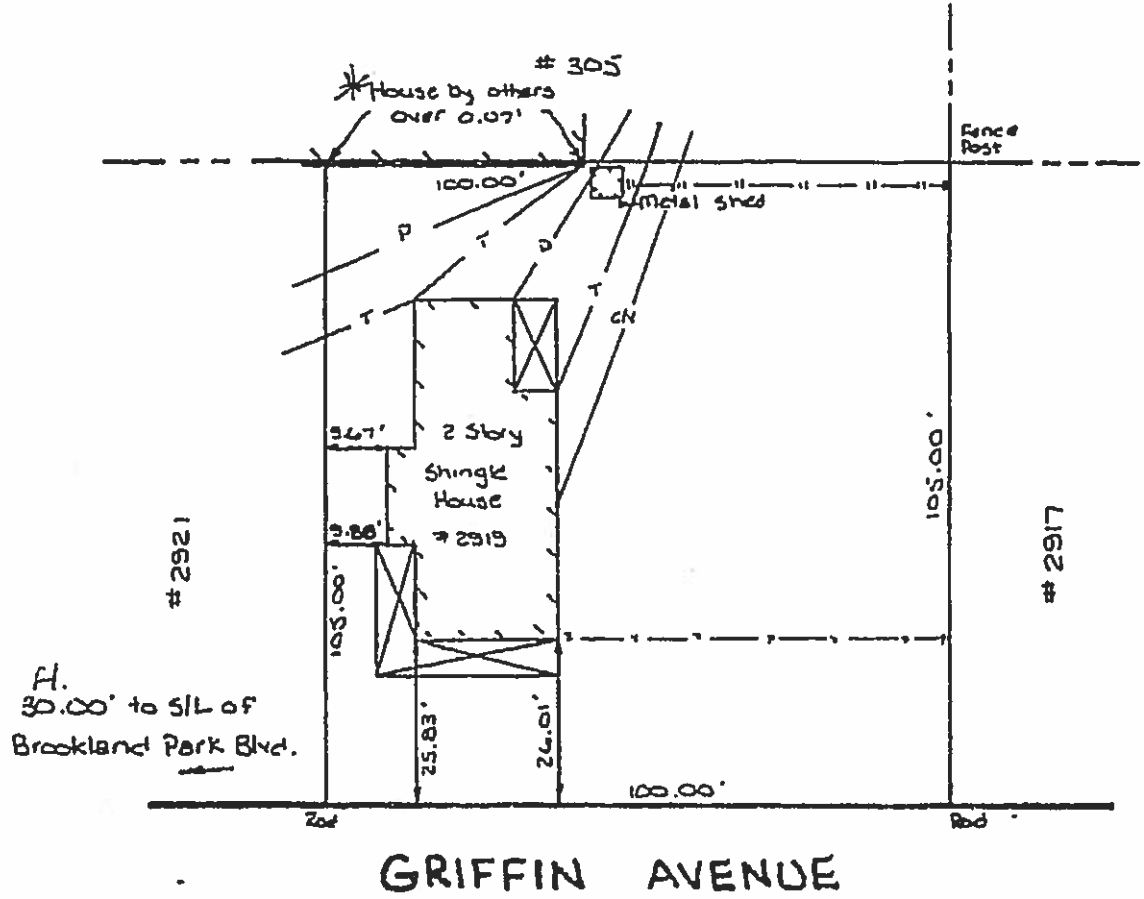
This is to certify that on 4/29/88 I made an accurate field survey of the premises shown hereon; that all improvements known or visible are shown hereon, that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises, other than as shown hereon. According to the current respective National Flood Insurance Program rate map, this property is located within zone C. Power is ( ) underground, (  ) overhead; telephone is ( ) underground, (  ) overhead. j:10/27  
 New ( ) % Complete \_\_\_\_\_ : Old (  ) By \_\_\_\_\_

Re: Edwin Ray Dollinger

No Driveway

BOOK 0170 PAGE 0297

Note: Known As Parts Of Lots 29-30-31 & 32, Block 12, Plan Of Brookland Park.



GRIFFIN AVENUE



Survey & Map of Premises Known as # 2919 Griffin Avenue in Richmond, VA

DATE: 4/29/88

ROBERT K. THOMAS AND ASSOCIATES  
 CERTIFIED LAND SURVEYOR  
 RICHMOND, VIRGINIA

SCALE: 1" = 30'

FILE: Rich. 19NE