



SUP-048357-2019

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: 3136 Grayland Ave Date: 01/25/2019
Tax Map #: W-000-1402/049 Fee: 200
Total area of affected site in acres: 0.0565

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

Zoning

Current Zoning: R-5
Existing Use: Single Family Detached

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Single Family Detached.
Existing Use: Single Family Detached

Is this property subject to any previous land use cases?

Yes No
[checked] [ ] If Yes, please list the Ordinance Number: 2017-194

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources
Mailing Address: 11 S Twelfth Street, Suite 500
City: Richmond State: VA Zip Code: 23219
Telephone: (804) 874-6275 Fax:
Email: markbaker@bakerdevelopmentresources.com

Property Owner: Kyle H. Johnston

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: P.O. Box 4917

City: Richmond State: VA Zip Code: 23220
Telephone: (270) 779-8468 Fax:
Email: Kylejohnston@gmail.com

Property Owner Signature:

[Handwritten signature of Kyle H. Johnston]

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)



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January 25, 2019

Mr. Matthew Ebinger  
City of Richmond, Department of Planning and Development Review  
Land Use Administration Division, Room 511  
City Hall, 900 E Broad Street  
Richmond, Virginia 23219

**Re: Special Use Permit: 3136 and 3138 Grayland Avenue**

Dear Matthew,

I am representing the property owner in an application for a special use permit amendment (the "Amendment") for the properties known as 3136 and 3318 Grayland Avenue, identified as Tax Parcels W000-1402/044 and 049 (the "Property"). The Property is located on the north side of Grayland Avenue between McCloy Street and South Belmont Avenue. The Property consists of two lots that are both 120 feet in depth and that are 20.5 feet (3136 Grayland) and 22 feet (3138 Grayland) wide. 3136 and 3138 Grayland contain 2,460 and 2,640 square feet of lot area, respectfully. 3138 Grayland is occupied by a single-family dwelling that was constructed in 1927. The lot at 3136 Grayland was created and a single-family dwelling was constructed on it pursuant to a special use permit, ordinance no 2017-194 (the "SUP"), approved on November 13, 2017. The single-family dwelling was constructed on the Property in good faith pursuant to a building permit (BLDR-035278-2018) issued on May 10, 2018. It has received a final building inspection, is substantially complete, and is under contract with a purchaser.

The Property is zoned R-5 Single-Family Residential, which permits single-family dwellings. The "SUP" was required in order to create the lot at 3136 Grayland Avenue as an appropriate infill development opportunity. A majority of the properties/lots in the vicinity are nonconforming with respect to some combination of lot width, lot area, lot coverage, side yard setbacks, and, in some cases, use (single-family attached). That being the case, development consistent with the existing development is not permitted by-right. The SUP varied certain feature requirements in order to permit the development of a single-family dwelling that is respectful to this existing context. Specific to the Amendment, the SUP had authorized side yard setbacks of 1.7 feet along the western property line and 2.8 feet along the eastern property line. Along the eastern property line, this would result in 3.5 feet of distance between the proposed dwelling and the existing dwelling at 3134 Grayland avenue.

The developer followed the appropriate steps and showed good faith throughout the pursuit of the needed approvals for the construction of the dwelling. The developer was aware of the applicable side yard requirement according to the SUP and the proposed building placement depicted on the plans attached to the approved building permit reflected compliance. Unfortunately, the distance between buildings measurement used by the surveyor on the proposed plan (both SUP and building permit plan) was taken from the siding on the adjacent house at 3134 Grayland while the contractor relied on the location of the foundation at 3134 Grayland for the measurement in the field. Due to this discrepancy, the dwelling was unintentionally constructed with a modest departure from the required

setbacks. While the dwellings remain 3.5 feet distant from each other at the foundation, the failure to account for the siding resulted in a setback from the property line at the eastern front corner of the dwelling that is 2.5 feet, rather than the required 2.8 feet. At the same time, the dwelling was constructed on the site slightly skewed from parallel with the side property lines. As a result, while the required 2.8 feet of setback is not met at the front corner, the setback varies along the eastern property line, and increases toward the rear of the dwelling. The setback required by the SUP is actually exceeded at the rear of the dwelling (3.0 feet instead of 2.8 feet). Finally, as a result of the slightly skewed configuration, the setback at the left rear corner of the dwelling along the western property line is not met. The SUP required a setback of 1.7 feet in that area and a setback of 1.2 feet is provided. Unfortunately, the error was not identified until the as-built survey was completed – after the dwelling had been constructed and was substantially complete. The Amendment is required in order to authorize the necessary modification to the side yard setbacks in order to reflect the actual location of the dwelling in the field.

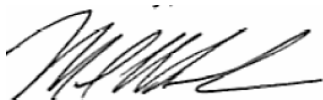
The Amendment would legitimize a newly constructed, high quality, soon to be owner-occupied dwelling, which, but for the slight variation in side yard setback, is identical to the development contemplated by the SUP. The development is consistent with the historic development pattern in the area. Absent the details of the as-built survey, it is not intuitive that there would be any discrepancy. The dwelling remains a great example of appropriate in-fill development with traditional details. It blends seamlessly with the adjacent dwellings and within the local development context. As with the SUP, the Amendment would allow for the occupancy of this high-quality single-family dwelling as a home ownership opportunity, thereby addressing multiple objectives of the Master Plan, including:

- The desire for new and better-quality housing that is targeted to homeowners
- The desire for increased opportunities for residential development
- The recognition that the vast majority of opportunities for new development are located in the context of existing neighborhoods
- The recognition of the difficulty that an older/aging housing stock represents in the market where new convenience/easy maintenance is desired.

The Amendment does not represent a substantial variation from the approved SUP and, as such, continues to address the various factors indicated in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. In summary, the applicant is seeking approval for the existing high-quality single-family dwelling on the Property. The dwelling represents an ideal, traditional, urban infill development for this location. The dwelling is respectful to the existing development pattern in the vicinity and addresses multiple objectives contained within the Master Plan.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,



Mark R. Baker  
Baker Development Resources, LLC

cc: the Honorable Parker Agelasto, 2<sup>nd</sup> District Councilmember