

9754



Application for **REZONING/CONDITIONAL REZONING**

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/>

Project Name/Location

Project Name: 1829-31 West Cary Street Date: 8/18/14

Property Address: 1829-31 West Cary Street Tax Map #: W-808001

Fee: _____ Total area of affected site in acres: 10,135.8# W-808003
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
Current Zoning: R-7

Proposed Zoning/Conditional Zoning
(Please include a detailed description of the proposed use and proffers in the required applicant's report)

Existing Use: Mixed Use - Resi/Commercial

BZA appeal: 11-52

Is this property subject to any previous land use cases?
 Yes No

If Yes, please list the Ordinance Number:

UB-P03

Applicant/Contact Person: Bruce Boykin

Company: Eck Enterprises, Inc

Mailing Address: P.O. Box 85618

City: Richmond State: VA Zip Code: 23285

Telephone: (804) 381-5576 Fax: (804) 358-2695

Email: BHBoykin@EckEnterprises.com

Property Owner: Eck Enterprises, Inc

If Business Entity, name and title of authorized signee: Bruce H. Boykin, Vice President

(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 85618

City: Richmond State: VA Zip Code: 23285

Telephone: (804) 381-5576 Fax: (804) 358-2695

Email: BHBoykin@EckEnterprises.com

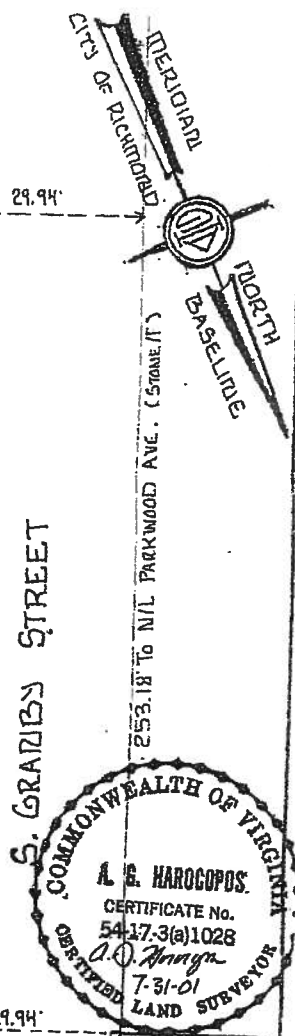
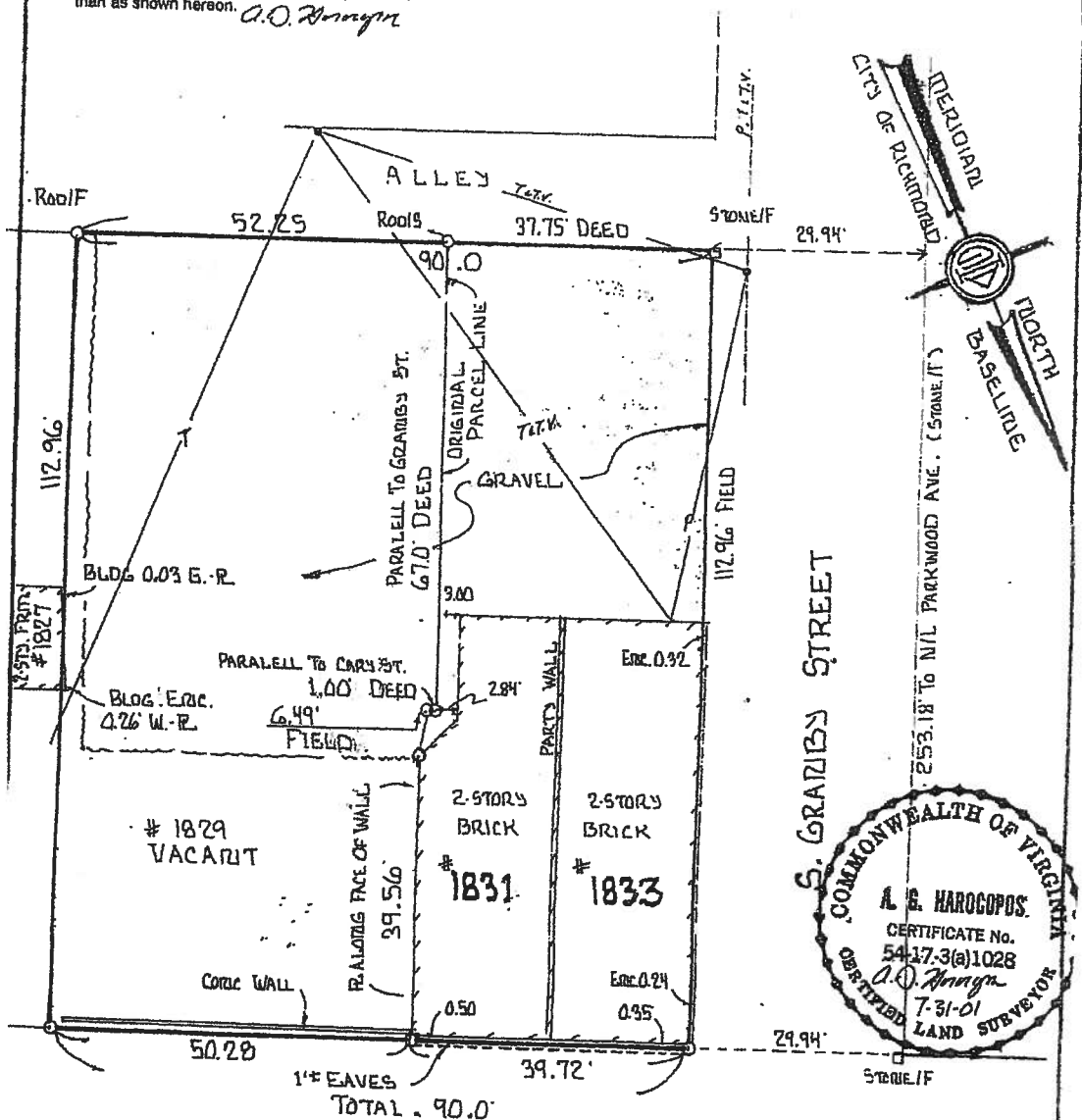
Property Owner Signature: [Signature]

(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.)

This is to certify that on 7-31-01
 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.
A.O. Hinnigan

NOTE: THIS LOT APPEARS TO
 BE IN HUD FLOOD ZONE
 AS SHOWN ON HUD
 COMMUNITY PANEL NUMBERS
 510129 - 0210 C

NOTE:
 This survey has been prepared without
 the benefit of lide report and does not
 therefore necessarily indicate all
 encumbrances on the property.



W. CARY STREET

SURVEY OF
 LOT & IMPROVEMENTS THEREON LOCATED AT
 #1829, #1831, #1833 W. CARY STREET
 RICHMOND, VIRGINIA

NOTE: PLAN PREPARED FOR THE
 EXCLUSIVE USE OF SHANE L.L.C.

A. G. HAROCOPOS & ASSOCIATES, P.C.	
CERTIFIED LAND SURVEYOR AND CONSULTANT	
5700-B HOPKINS RD.	RICHMOND, VA 23234
Office 271-4734	
Scale 1" = 20'	Date 7-31-01 Drawn by G.A.H.

J.M. 30933



September 4, 2014

Matthew J. Ebinger, AICP
Senior Planner Land Use Administrator
900 E. Broad St., Room 511
Richmond, VA 23219

RE: Rezoning Applicant's Report

Mr. Ebinger:

Our intent on filing this rezoning is to have 1829 through 1833 West Cary Street rezoned from R-7 to UB-PO3. 1829 West Cary Street is a parking lot serving both 1831 and 1833 West Cary Street along with 1834 West Cary Street. 1831-33 West Cary Street is a mixed use property with two apartments upstairs and a commercial space downstairs that had been used as a kitchen for a catering company. We are hesitant on moving forward with a Special Use Permit since we do not have a specific user and therefore use to specify on the SUP. Also not many prospective commercial tenants are willing to wait with uncertainty 4 to 6 months for the SUP process to be resolved.

In discussing this issue with staff I have been told that the current zoning could be considered an oversight and therefore this would be a correction of the previous rezoning. These properties were nonconforming prior to the recent rezoning, since 1829 West Cary and 1831-33 West Cary are both prohibited uses in R-7.

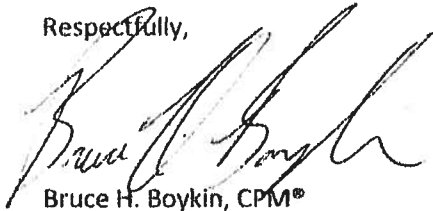
At the intersection on which these properties are located, the three other corners are zoned UB-PO3. Therefore, the properties adjacent to both the north and west have the UB-PO3 zoning which would make our property conforming. In order to bring our properties into conformance I understand that it should not be considered spot zoning because of their proximity to the desired zoning. It would be a matter of extending the existing UB-PO3 zoning boundary to include our properties.

It appears, by the architectural features that this property was originally built as a commercial property. There is supporting historic evidence that this was used as a commercial property since the Board of Zoning Appeals on January 22, 1952 granted an applicant the use as a carpenter and repair shop (Appeal: 11-52). Also when we purchased the property in 2002 this property was being used for commercial purposes. Hence by rezoning to UB-PO3 these properties they are maintaining the original intent and consistent use of this building.

In conclusion the City Master plan states, "East of Meadow Street, West Cary Street should transition to a residential environment with limited commercial." Our parcels helps satisfy this objective since to the west of 1831-33 West Cary Street is 1901 and 1903 West Cary Street which are commercial buildings. Therefore with our property being mixed use it could be considered a more appropriate transition on the border of a residential area than solely a commercial property.

Thank you for your consideration regarding this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Bruce H. Boykin". The signature is fluid and cursive, with a large initial "B" and "H".

Bruce H. Boykin, CPM®

Vice President/ General Manager