



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: 3008 Grayland Ave, Richmond, VA 23221 Date: 07/16/2018

Tax Map #: W0001354020 Fee: \$300

Total area of affected site in acres: 0.124

(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 Dwelling

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
The applicant would like a special use permit to vary the front yard requirement.

Existing Use: Single family detached dwelling

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Mark Baker, Charlie Wilson

Company: Baker Development Resources

Mailing Address: 11 S 12th Street, Suite 500

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 854-6275 Fax: ()

Email: markbaker@bakerdevelopmentresources.com

Property Owner: Gerald Peters

If Business Entity, name and title of authorized signee: _____

(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: 3008 Grayland Ave

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 357-3595 Fax: ()

Email: jerry@mucho-gusto.com

Property Owner Signature: *Gerald A. Peters*

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)



July 17, 2018

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: 3008 Grayland Avenue

Dear Matthew,

I am representing the property owner in an application for a special use permit (SUP) for the properties known as 3008 Grayland Avenue, identified as Tax Parcel W000-1354/020 (the "Property"). The Property is located on the north side of Grayland Avenue between South Belmont Avenue and South Sheppard Street. The Property consists of a lot which is 45 feet in width and 120 feet in depth and contains approximately 5,400 square feet of lot area. A single-family dwelling was constructed on the Property in good faith pursuant to a building permit issued on August 8, 2017 and is substantially complete.

The Property is zoned R-5 Single-Family Residential, which requires a front yard with a depth of not less than 25 feet subject to the exceptions outlined in Section 30-630.2 in instances where adjacent main buildings exist. In the vicinity, a majority of dwellings have nonconforming front yards that do not meet the required setback. In this case, the buildings on adjacent lots at 3004 and 3012 Grayland Avenue have nonconforming front yards of 14.61 and 14.21 feet, respectively. As a result, according to Section 30-630.2(2), the front yard requirement for the Property is a minimum depth of not less than the average depth of the front yards of the adjacent buildings, resulting in a required setback of 14.41 feet.

The developer followed the appropriate steps and showed good faith through the pursuit of the needed approvals for the construction of the dwelling. The developer was aware of the applicable zoning requirements and the design and building placement reflected on the plans attached to the approved building permit demonstrated compliance. The dwelling that was constructed on the Property is of a high-quality, modern design. However, included among the dwelling's unique design features is a building façade with a cantilevered first floor that extends approximately two (2) feet beyond the dwelling's foundation (Exhibit A). Owing to this unconventional configuration, the surveyor staked out the dwelling's foundation at the required setback without accounting for the cantilevered portion of the building. The use of the full-width cantilever in the design of the first floor is a unique feature for the vicinity. A majority of the existing single-family dwellings are more traditional in nature and have front façades that align vertically with the foundation. For this reason, the foundation is typically located at or in the immediate vicinity of the front yard setback for single-family construction. In this case, the surveyor made an honest mistake by following that general practice and failing to realize that the foundation needed to be setback further in order to account for the cantilevered first floor.

As a result, the entire dwelling was unintentionally constructed approximately two (2) feet closer to Grayland Ave than intended and as shown on the building permit plans. The dwelling includes a one-story bay that is approximately eleven (11) feet in width, is improved as a bedroom, and projects in front of the main mass of the building. It is this portion of the building that encroaches into the required front yard with a total area of approximately 24.2 square feet. The error was not identified until the dwelling had been constructed and was substantially complete. Based on the resulting setback of 12.21 feet, a special use permit is necessary in order to authorize the existing encroachment into the front yard of 2.2 feet.

The extent of this SUP request is minimized by a set of circumstances that, when considered as a whole, result in a final dwelling siting that is more mindful of the actual zoning purpose than much of the existing surrounding development and development which could have been permitted by right on the Property. Those circumstances include the following:

- *Smaller Nonconforming Front Yards in the Block:* A front yard of 14.41 feet is required for the Property based on immediately adjacent nonconforming front yards of 14.61 and 14.21 feet. However, there are other, similarly-situated dwellings in the block which have smaller nonconforming front yard setbacks. As an example, 3024, 3028 and 3030 Grayland Avenue have nonconforming setbacks of 13.89, 13.82 and 13.86' respectively.
- *No By-Right Porch Encroachment Proposed:* The dwelling on the Property is clean and modern in design. Other than the aforementioned cantilevered first floor there are no projections. While a front porch would be permitted to encroach up to 10 feet onto the front yard per Sec. 30-630.9 (e), the dwelling has no front porch. In contrast, a majority of the dwellings in the block have front porches that project into nonconforming front yards. In most cases, these porches are substantial, full-width, covered porches. In many instances the porches project into front yards that are not as deep as that required for the Property as discussed above. As a result, this existing development pattern results in dwellings with a much greater projection into the front yard with substantial covered porches than is the case with the dwelling on the Property. In this context it is not intuitive that there is a setback issue as viewed from the right-of-way. The relative impact, visually, of the existing dwellings with porches is greater than that of the dwelling on the Property. Having no front porch, the dwelling on the Property provides more clear space in front of the dwelling and reads as having a greater setback overall. (Exhibit B and Exhibit C)
- *Comparable By-Right Vestibule Encroachment:* Sec. 30-630.9 (f) would permit an enclosed vestibule containing up to 40 square feet in area to project into the required front yard a distance of not more than four (4) feet. By comparison, the approximate 2.2 foot, one-story projection of the dwelling on the Property containing approximately 24 square feet is less impactful. A dwelling with a floor plan offering a front door and vestibule along the front façade would be permitted to encroach substantially further and with greater area by-right. (Exhibit B)

Given this specific set of circumstances, relief from the front yard requirement is reasonable. The Property could have been developed by-right with a full width front porch. Similarly, the floor plan could have been configured to permit a vestibule to project to an even greater extent into the front yard. Given that fact and the character of the existing development (with nonconforming front yards and projecting front porches) the siting of the dwelling on the Property actually allows for a greater level of compliance with the zoning purpose than the existing or permitted by right development in the vicinity. It provides for light and air to a greater extent than adjacent properties.

This SUP would legitimize a newly constructed, owner-occupied, infill dwelling, that was built in good faith. The overall project is consistent with the historic development pattern in the area. The design is a great example of modern architecture that is “of the day”, which works well in the context given the variety in the existing building form in the area. By providing relief for the front yard requirement, the SUP would allow for the occupancy of this high quality single-family dwelling as a home ownership opportunity, thereby addressing 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 following are factors indicted 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. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby community. The site improvements and density are consistent or compatible with the lot pattern existing in the vicinity. The development and its quality/benefits provided by the SUP provide positive impacts in terms of health, welfare, etc.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. This dwelling does not impact density as it replaced a previously existing home on the same lot. Ample off-street parking is provided on site. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

- ***Create hazards from fire, panic or other dangers.***

The property has been developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City’s codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed SUP will not tend to over crowd the land or create an undue concentration of population. The dwelling replaced a previously existing home on the same lot and is consistent and compatible based on the existing varied lot pattern in the vicinity.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The proposed SUP would not adversely affect the above referenced City services. To the contrary, the dwelling provides positive fiscal (tax) benefits that enhance the City's ability to provide these services to the proposed development.

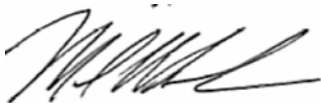
- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties is not be affected. The new single-family dwelling, though encroaching upon the required minimum setback, impacts light and air to a lesser extent than its more traditionally-built neighbors with full-width front porches. Per supplemental regulation Sec. 30-630.9 (e), a porch of far greater projection than the existing cantilevered encroachment would be permissible for the dwelling by-right. Similarly, supplemental regulation 30-630.9 (f) would permit an enclosed vestibule that encroaches no more than four (4) feet into a minimum setback and is not greater than forty (40) square feet in area by-right. In comparison to the existing development in the vicinity and the development permitted based on the above supplemental provisions this dwelling is more consistent with the zoning purpose where light and air are concerned. (Exhibit A).

In summary, the applicant is enthusiastically seeking approval for the existing high-quality single-family dwelling on the Property. The improvements to the Property represent an ideal, contemporary, 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. Any impacts of the unintentional front yard encroachment are mitigated as, given the context discussed above, the request actually allows for a greater level of compliance with the zoning purpose than the existing or permitted by right development in the vicinity.

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