

INTRODUCED: February 8, 2021

AN ORDINANCE No. 2021-030

To authorize the special use of the property known as 1919 Wilmington Avenue for the purpose of no more than one dwelling unit within an accessory building to an existing single-family dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 8 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 1919 Wilmington Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of no more than one dwelling unit within an accessory building to an existing single-family dwelling, which use, among other things, is not currently allowed by section 30-410.2 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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: MAR 8 2021 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 (2020), 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 1919 Wilmington Avenue and identified as Tax Parcel No. N017-0549/030 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lot 7 Block A, Cheverly, Richmond Virginia,” prepared by A. G. Harocopos & Associates, P.C., and dated August 14, 2020, 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 no more than one dwelling unit within an accessory building to an existing single-family dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Hart, 16 x 24 Cottage,” prepared by Mighty Small Homes, and dated August 20, 2020, and “Site Plan,” prepared by Grady W. Hart, and dated January 10, 2021, hereinafter referred to, collectively, 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 Special Use of the Property shall be as no more than one dwelling unit within an accessory building to an existing single-family dwelling, substantially as shown on the Plans.

(b) No less than two off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.

(c) The height of the Special Use shall not exceed the height as shown on the Plans.

(d) Elevations, building materials, and site improvements shall be substantially as shown on the Plans. Siding for the Special Use shall consist of cementitious siding or similar material, or vinyl siding at least .04 inches in thickness.

(e) 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 (2020), 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 (2020), 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 (2020), 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 (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

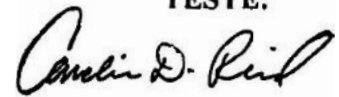
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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 either 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Amelia D. Reed".

City Clerk

City of Richmond

900 East Broad Street 2021-214
2nd Floor of City Hall
Richmond, VA 23219
www.richmondgov.com


Item Request File Number: PRE.2020-445

O & R Request


DATE: January 11, 2021


EDITION:1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer 

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning 

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

RE: To authorize the special use of the property known as 1919 Wilmington Avenue for the purpose of a dwelling unit within an accessory building, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1919 Wilmington Avenue for the purpose of a dwelling unit within an accessory building, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for a dwelling unit accessory to a single-family dwelling within an R-5 Single-Family Residential District. The proposed use is not currently allowed by section 30-410.1 of the Code of the City of Richmond 2021, regarding permitted principal uses. 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 March 1, 2021, meeting.

BACKGROUND: The property is located in the Rosedale neighborhood on Wilmington Avenue between Rosedale and Lanvale Avenues. The property is currently improved with a 1,673 sq. ft. single family detached dwelling situated on a 7,804 sq. ft. (.18 acre) parcel of land. The application is for an accessory building to be used as a dwelling unit.

The City's *Richmond 300* Master Plan designates a future land use for the subject property as Residential. This category is viewed to include "...single-family houses on large- or medium-sized lots more homogeneous in nature. The future development style includes houses "...on medium-sized and large-sized lots in a largely auto-dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings." Bicycle and pedestrian access are prioritized and accommodated. Low residential density means that it is not possible to provide frequent transit within these areas; however, frequent transit may be found at the edges of these areas within more intense future land use designations. Many homes have driveways and/or garages, which are located off an alley behind the home if an alley is present. Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre. Primary Uses include: Single-family houses, accessory dwelling units, and open space. Secondary Uses include: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets. (p. 54) The density of the proposed development is approximately 11 units per acre.

The current zoning for this property is R-5 (Single Family Residential). All adjacent properties are located within the same R-5 Residential Zone. The surrounding land uses include a mix of residential, multi-family, commercial, and institutional.

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: February 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: March 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission,
March 1, 2021

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

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



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: 1919 Wilmington Avenue Date: 7/26/20
 Tax Map #: N0170549030 Fee: 300
 Total area of affected site in acres: 0.179

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

Zoning

Current Zoning: R-5 - Residential (Single Family)

Existing Use: Single Family Home

Proposed Use

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

Single family home (existing) with 384 sqft Cottage-style accessory dwelling unit with full bathroom and kitchen.

Existing Use: Single Family Home

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Grady Hart

Company: _____

Mailing Address: 1919 Wilmington Avenue

City: Richmond State: VA Zip Code: 23227

Telephone: (804) 386-6686 Fax: (-)-

Email: gradyhart@gmail.com

Property Owner: Grady Hart

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: Same as above.

City: _____ State: _____ Zip Code: _____

Telephone: () Fax: ()

Email: _____

Property Owner Signature: *Grady Hart*

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)

ADU Special Use App Report

10.23.20

Planning Commission

900 East Broad Street, Room 511

Richmond, VA 23219

Re: Application for special use permit for a new accessory dwelling unit at 1919 Wilmington Avenue, of the R-5 Zone in the Rosedale community

Dear Chairman Poole and Members of the Commission,

Please accept for review the attached application for a special use permit for a new construction accessory dwelling unit at 1919 Wilmington Avenue in the R-5 zone in the Rosedale community. The proposed new accessory dwelling unit is a 16 x 24 foot, 1 story frame building with siding exterior finish to be located at the rear of my lot at the alley. I have shared my plans with neighbors and will ask them to submit letters of support if requested. In addition, my plans have also been approved by the Rosedale Civic Association. Accessory dwelling units and carriage houses can be found throughout the Rosedale and surrounding communities, which also showed overwhelming support for ADUs in a recent 2020 survey conducted by the city.

Summary:

This 16 x 24 ft 1 story cottage-style building will be 17 feet tall at its highest point with a sloped metal roof. The ADU will be set back 5.1 feet from the west property line and 26 feet from the rear property line at the alley, per code. The ADU footprint combined with that of the main home and two small accessory buildings will occupy far less than the maximum allowable amount of the approximately 7,800 square foot plot.

The unit will be provided with an off-street parking space, will have emergency fire access via the adjacent alley and two exits, one on the north and one on the south side of the building. Electrical power will be provided from a new direct connection from the rear alley utility line. Water and sewer lines will be connected through extension from the main home.

SUP Review Standards and responses:

The Planning Commission and Council must find that the proposed use will not:

(1) Be detrimental to the safety, health, morals and general welfare of the community involved.

Response: The ADU will increase safety by adding "eyes on the alley". It will help address the increasing need for housing in the city.

(2) Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

Response: I will provide a parking space for the ADU. There is walking access to GRTC buses #14 (within 3 blocks) and #91 (within 1.5 blocks). In addition, a resident will be able to walk to restaurants, coffee shops, and more.

(3) Create hazards from fire, panic or other dangers.

Response: The new building will be built in accordance with all current building and fire codes. It will be directly adjacent to and accessible from the alley for fire apparatus.

(4) Tend to overcrowding of land and cause an undue concentration of population.

Response: The ADU itself will occupy just a fraction of the lot and house one to two adult residents.

Combined, the ADU, main house, and toolshed will occupy far less than the limit.

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

Response: The small ADU is unlikely to host a school-age child, and with just one or two adult residents it will not have a significant effect on nearby parks and playgrounds. The ADU will be connected to the primary residence water supply and sewer line. It will have an off-street parking space and is located with walkable access to services and transit.

(6) Interfere with adequate light and air.

Response: The ADU will occupy a fraction of my lot. The ADU will also span just 24 feet of the 50-foot wide lot along the alley, allowing for light and air.

I have enclosed the application form, application fee, and this report, in addition to the electronic PDF plans, including site plan and elevation plans. Also included is an updated survey plat.

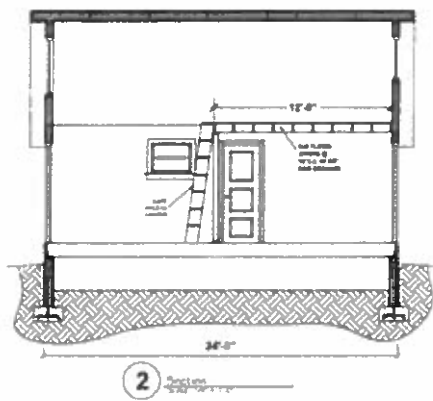
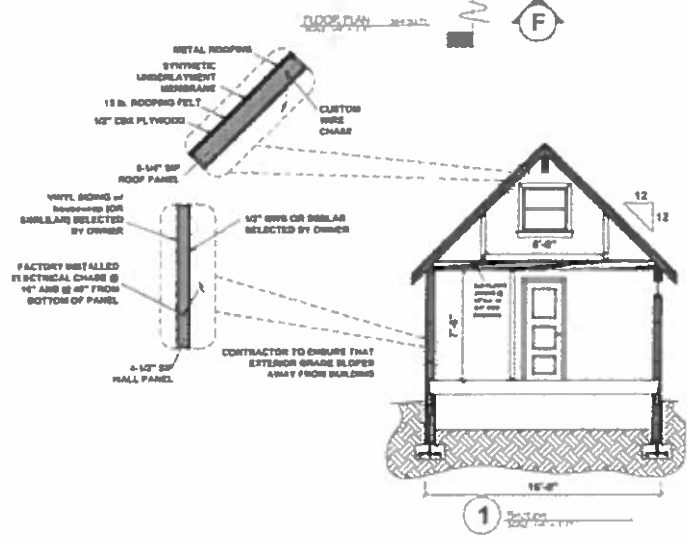
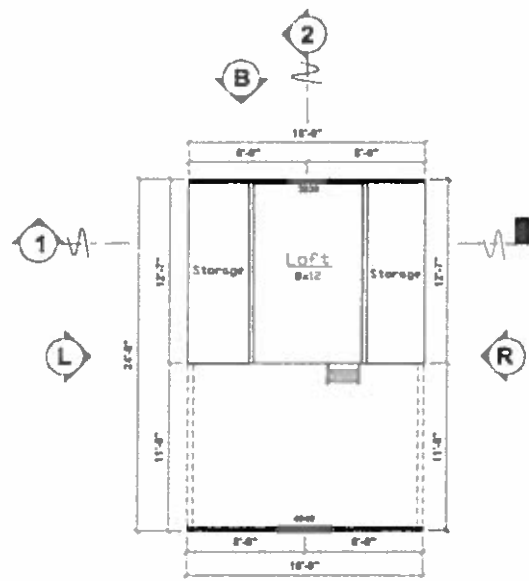
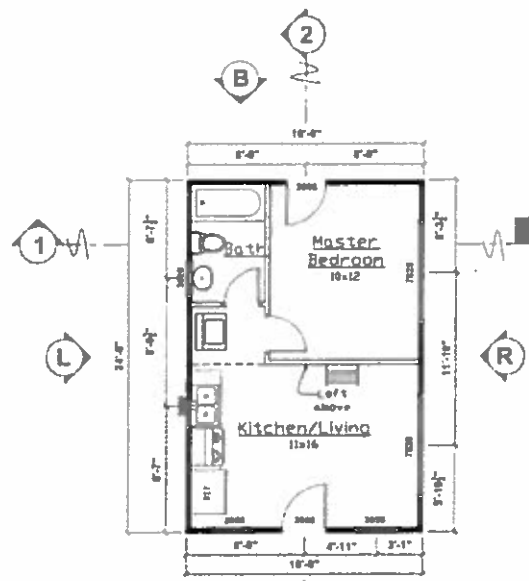
Thank you for taking the time to consider this application. Please call or email me if there are any questions.

Most sincerely,

Grady Hart.

GRADY HART
1919 Wilmington Rd.
Richmond VA

Floor Plans and Sections



SP-1 **Floor Plans and Sections**
Scale: 1/4" = 1'-0"

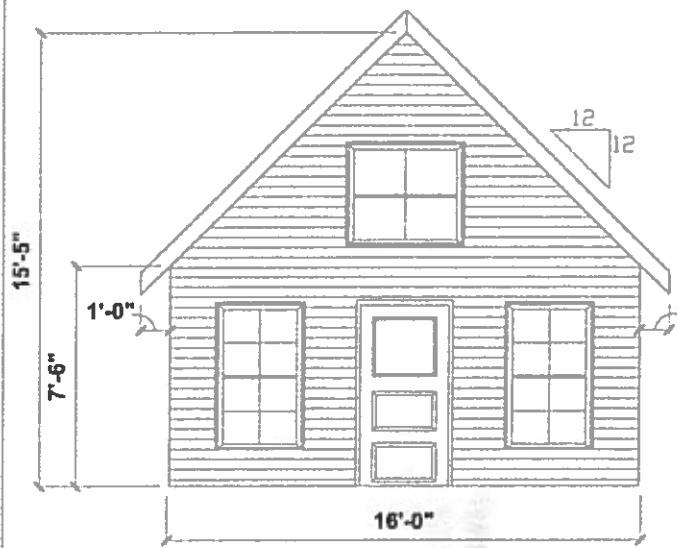
MIGHTY
SMALL HOMES

Mighty Small Homes
1844 NORTHWESTERN PARKWAY
LOUISVILLE, KY, 40203
(502) 243-2877

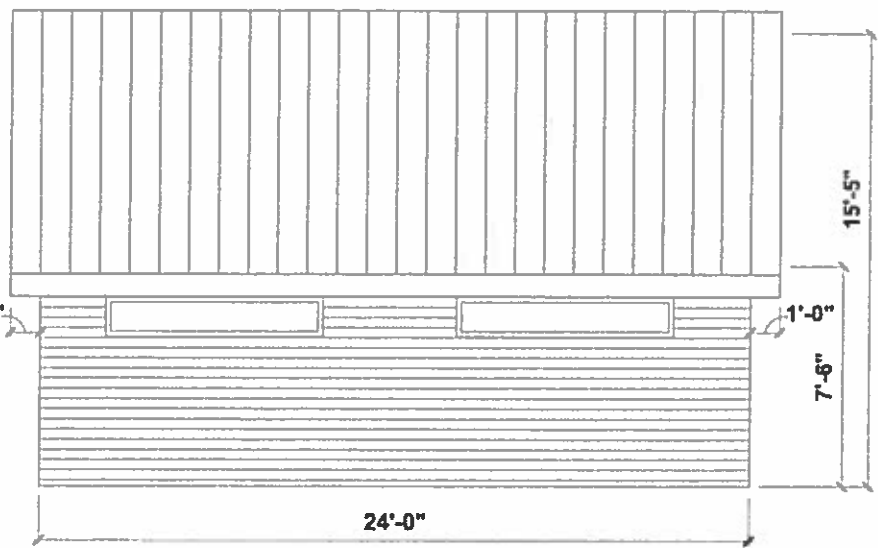
Hart
16x24
Cottage
1 of 2
08/20/2020
Drawn by: Greg C.

GRADY HART
1919 Wilmington Rd.
Richmond VA

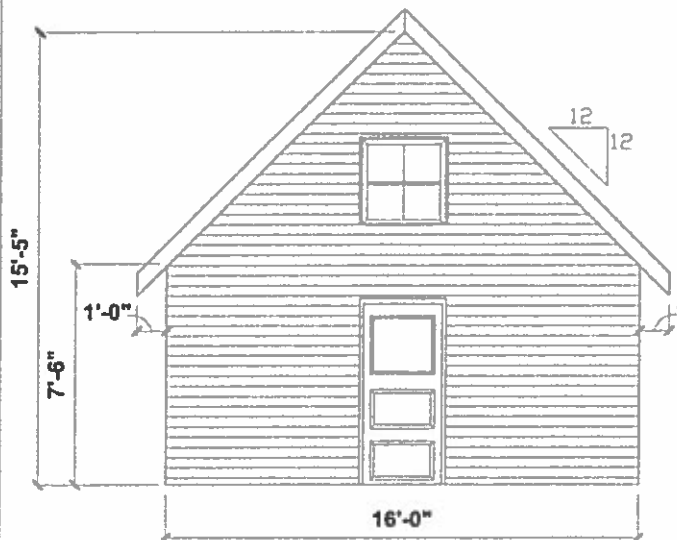
Elevations



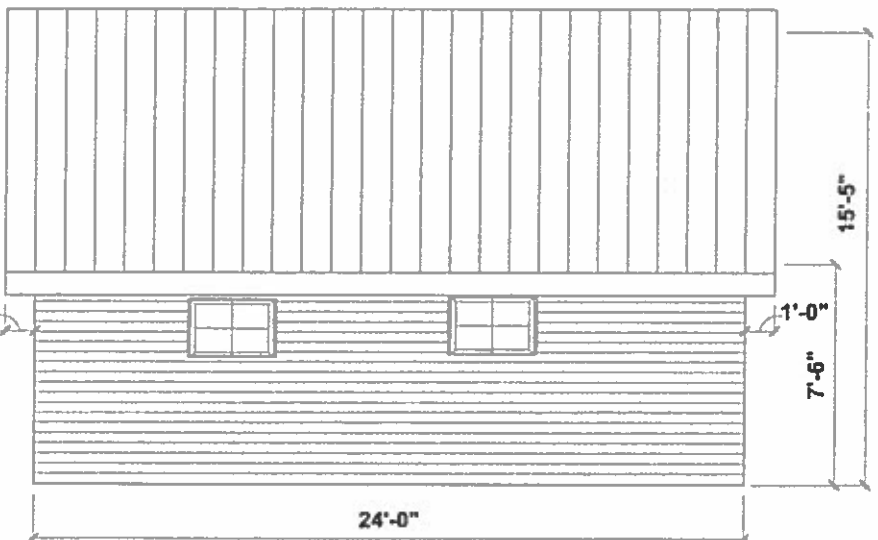
F FRONT ELEVATION
SCALE: 1/2" = 1'-0"



R RIGHT ELEVATION
SCALE: 1/2" = 1'-0"



B BACK ELEVATION
SCALE: 1/2" = 1'-0"



L LEFT ELEVATION
SCALE: 1/2" = 1'-0"

SP-2 **Elevations**
Scale: 1/2" = 1'-0"



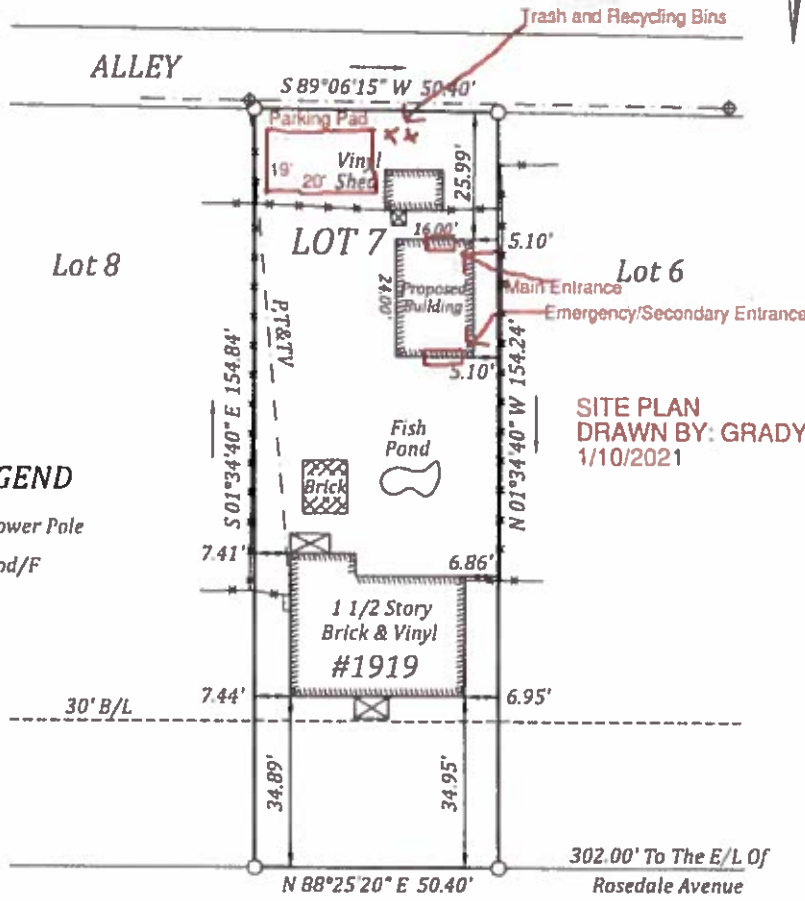
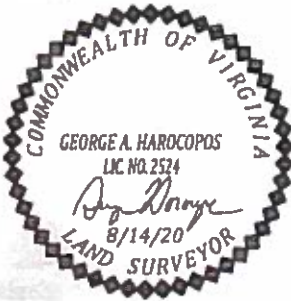
Mighty Small Homes
1844 NORTHWESTERN PARKWAY
LOUISVILLE, KY. 40293
(502)-243-2977

Hart
16x24
Cottage
2 of 2
08/20/2020
Drawn by: Greg C.

This is to certify that on 8/14/20
 I made an accurate field survey of the known 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
 shown hereon.

NOTE: THIS LOT APPEARS
 TO BE IN FEMA FLOOD ZONE
 X AS SHOWN ON HUD
 COMMUNITY PANEL NUMBERS
5101290029D

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



SITE PLAN
 DRAWN BY: GRADY W. HART
 1/10/2021

LEGEND

- ⊕ Power Pole
- Rod/F

WILMINGTON AVENUE

SURVEY OF
 LOT 7 BLOCK A
CHEVERLY
 RICHMOND, VIRGINIA

JN 49745

A. G. HARCOPOS & ASSOCIATES, P.C.
 CERTIFIED LAND SURVEYOR AND CONSULTANT

4920 E MILLRIDGE PKWY SUITE 200 MIDLOTHIAN VA 23112
 Office 804 744 2630 FAX 804 744 2632
 E-MAIL AGHARCOPOS72@GMAIL.COM

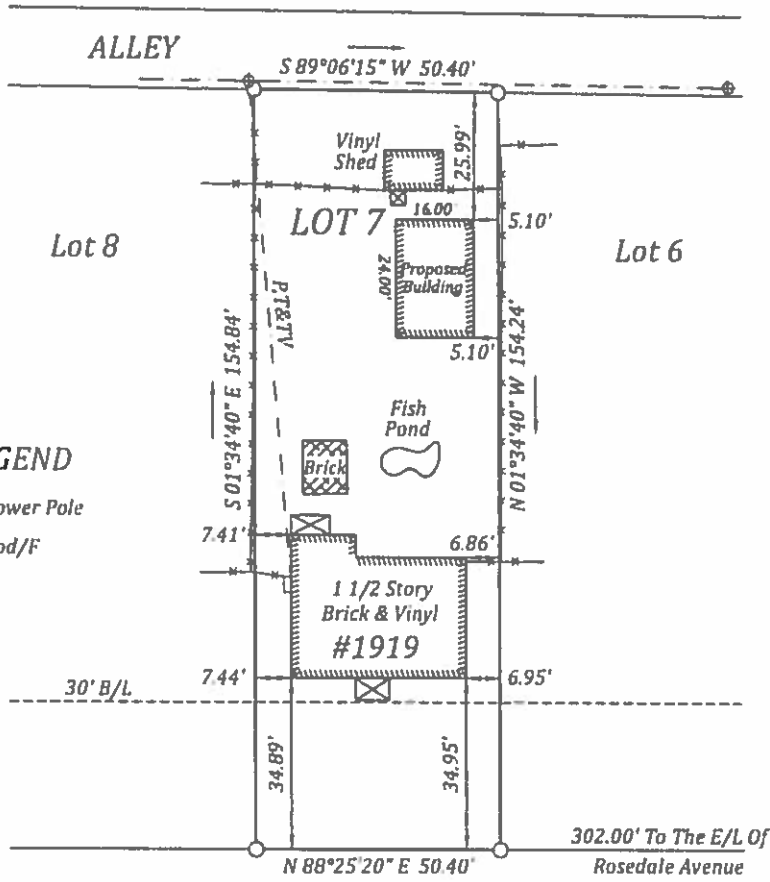
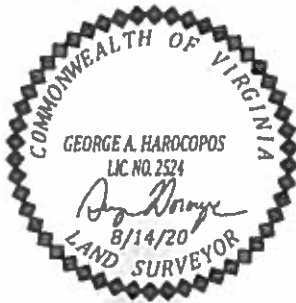
Scale 1"=30' Date 8/14/20 Drawn by GAH

NOTE: PLAT PREPARED FOR THE EXCLUSIVE
 USE OF THE GRADY HART

This is to certify that on 8/14/20
 I made an accurate field survey of the known 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 shown hereon.

NOTE: THIS LOT APPEARS TO BE IN FEMA FLOOD ZONE X AS SHOWN ON HUD COMMUNITY PANEL NUMBERS 5101290029D

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



LEGEND

- ⊕ Power Pole
- Rod/F

WILMINGTON AVENUE

SURVEY OF
 LOT 7 BLOCK A
CHEVERLY
 RICHMOND, VIRGINIA

IN 49745

A. G. HAROCOPOS & ASSOCIATES, P.C.
 CERTIFIED LAND SURVEYOR AND CONSULTANT

4420 E MILL RIDGE PKWY SUITE 200 MIDLOTHIAN VA 23112
 Office 804 744 2630 FAX 804 744 2632
 E-MAIL AGHAROCOPOS72@GMAIL.COM

Scale 1"=30' Date 8/14/20 Drawn by GAH

NOTE: PLAT PREPARED FOR THE EXCLUSIVE USE OF THE GRADY HART