

INTRODUCED: November 12, 2019

AN ORDINANCE No. 2019-324

To authorize the special use of the property known as 1703 Maury Street for the purpose of a two-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: DEC 9 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 1703 Maury Street, which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, is not currently allowed by section 30-413.5, concerning lot area and width, 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 (2019), 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: JAN 27 2020 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 1703 Maury Street and identified as Tax Parcel No. S000-0234/020 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lot and Improvements Thereon Located at #1703 Maury Street, Richmond, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated July 5, 2018, 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 two-family attached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “1703 Maury Duplex, 1703 Maury Street, Richmond, Virginia,” prepared by Joseph F. Yates, Architects, and dated July 9, 2018, hereinafter referred to 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 a two-family detached dwelling, substantially as shown on the Plans.

(b) Three off-street parking spaces shall be provided on the Property for the Special Use, substantially as shown on the Plans.

(c) All building materials, material colors, and site improvements including landscaping, shall be substantially as shown on the Plans.

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

(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 (2015), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including installation of a new sidewalk, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-

of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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.

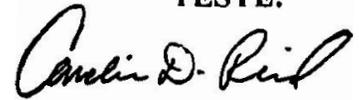
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days 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 "Camille D. Reed". The signature is written in a cursive style with a large initial 'C'.

City Clerk

City of Richmond

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

Item Request
File Number: PRE.2019.243

Received

RECEIVED

NOV 15 2019

OCT 15 2019

Office of the
Chief Administrative Officer

4-9 286

OFFICE OF THE CITY ATTORNEY

O & R Request

DATE: October 14, 2019

EDITION: 1

TO: The Honorable Members of City Council

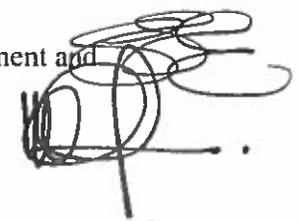
THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

82 11/6/19

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer

10/14/2019

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 1703 Maury Street for the purpose of authorizing a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1703 Maury Street for the purpose of authorizing a two-family detached dwelling, upon certain terms and conditions.

REASON: The applicant has proposed a two-family detached dwelling that does not meet the minimum lot area and lot width requirements of the R-7 Single- and Two-Family Urban District. 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 December 2, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property referenced as 1703 Maury Street consists of a 4,340 SF parcel of land with 28 linear feet of street frontage and 155 feet of depth. The property is vacant. The property is located in the Blackwell neighborhood of the Old South Planning District.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single-Family Residential at Medium densities. Primary uses for this category "...are single family and two family dwellings, both detached and attached, at densities of 8 to 20 units per acre." The density of the proposed development would be approximately 20 units per acre.

Surrounding properties are within the same R-7 District as the subject property. A mix of single-, two-, and multi-family residential and vacant land uses predominate the area, with some commercial and institutional land uses present as well.

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: November 12, 2019

CITY COUNCIL PUBLIC HEARING DATE: December 9, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, December 2, 2019

AFFECTED AGENCIES: Office of Chief Administrative 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

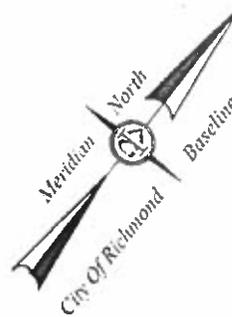
ATTACHMENTS: Application Form, Applicant's Report, Plans, Survey, Map, Draft Ordinance

STAFF: David Watson, Senior Planner, Land Use Administration 804-646-1036

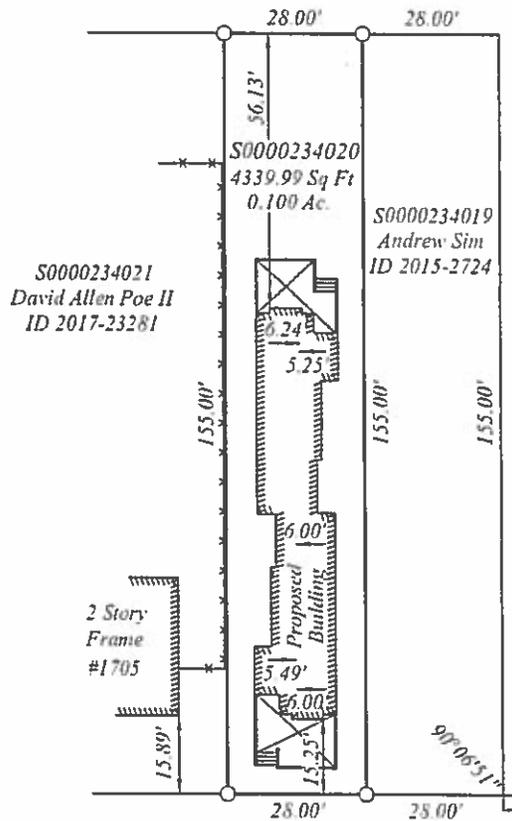
This is to certify that on 7/5/18
 I made an accurate field survey of the known premises shown hereon; that all improvements known or visible are shown hereon; that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises, other than shown hereon.

NOTE: THIS LOT APPEARS
 TO BE IN FEMA FLOOD ZONE
X AS SHOWN ON HUD
 COMMUNITY PANEL NUMBERS
5101290039E

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



ALLEY



E. 17th STREET

LEGEND

- Rod/F
- Stone/F

2 Story
 Frame
 #1705

MAURY STREET

SURVEY OF
 LOT AND IMPROVEMENTS THEREON LOCATED AT
#1703 MAURY STREET
 RICHMOND, VIRGINIA

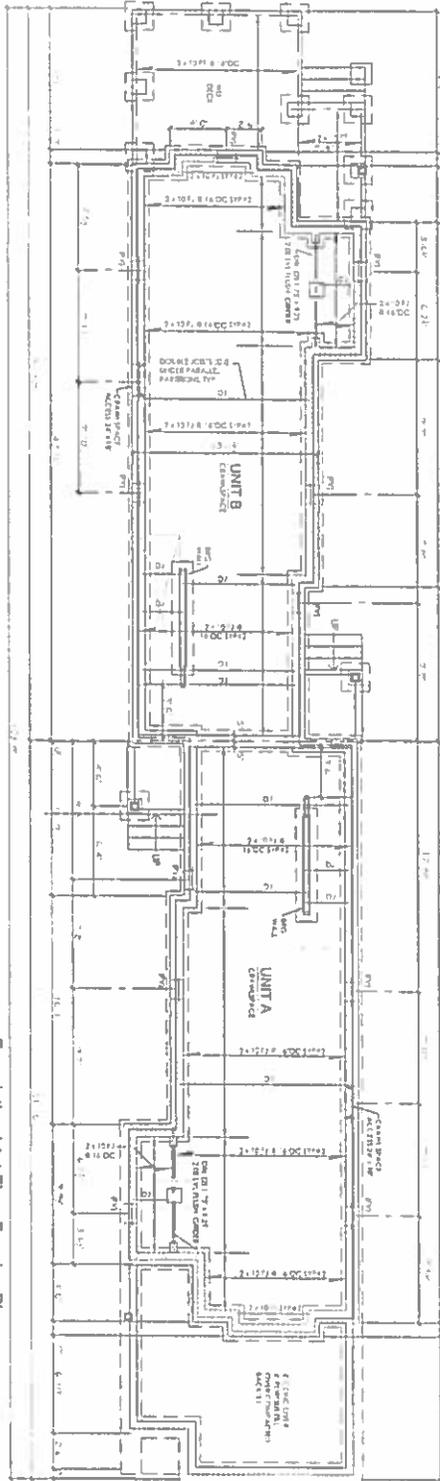
JN 47649

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

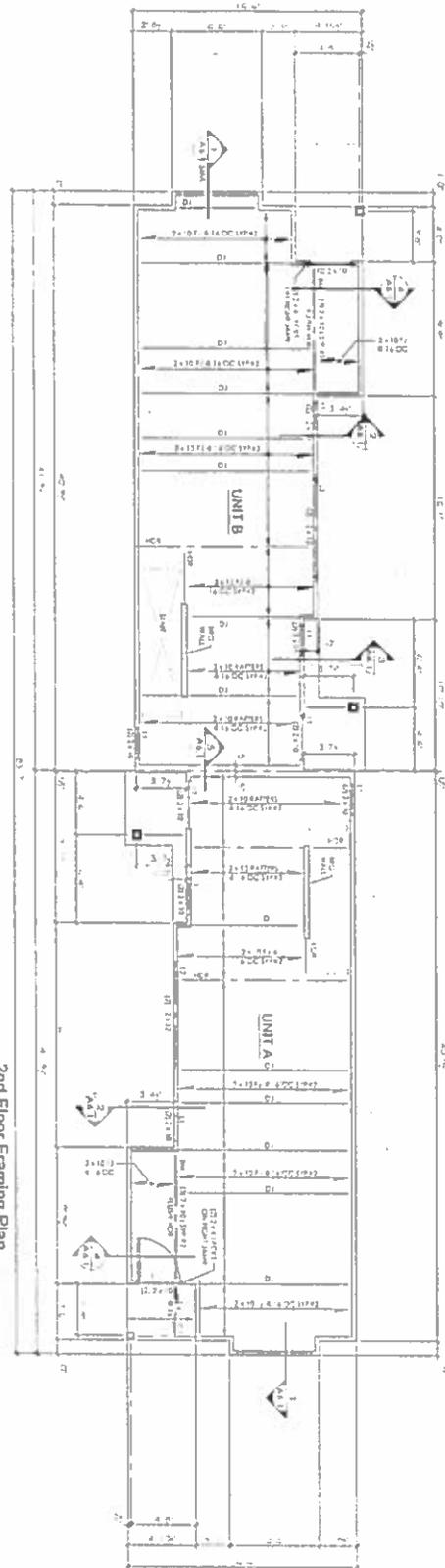
4920 F MILLRIDGE PKWY SUITE 200 MIDLOTHIAN VA 23112
 Office 804 744 2930 FAX 804 744 2632
 E-MAIL AGHAROCOPOS72@GMAIL.COM

NOTE: PLAT PREPARED FOR THE EXCLUSIVE
 USE OF THE CONVEYANCE TO
 CHURCH HILL VENTURES LLC

Scale 1"=30' Date 7/5/18 Drawn by GAH

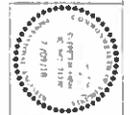


Foundation / 1st Floor Framing Plan
SCALE: 1/4" = 1'-0"



2nd Floor Framing Plan
SCALE: 1/4" = 1'-0"

REVIEWED BY: STRUCTURAL ENGINEER
 ANDREW H. YATES, P.E.
 1703 MAURY STREET
 RICHMOND, VIRGINIA 23220
 PHONE: 804.775.5144



S1

Project No.
2018-02

Set Date
JULY 09, 2018
Revised:



Joseph F. Yates
 ARCHITECTS
 804-839-3747
 joe@jfyarchitects.com

1703 Maury Duplex

1703 MAURY STREET
 RICHMOND, VIRGINIA



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: 1703 MAURY STREET Date: 3/11/2019
 Tax Map #: 5200013A010 Fee: \$ 300.00
 Total area of affected site in acres: 0.100

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

Zoning

Current Zoning: R-7

Existing Use: VACANT LOT

Proposed Use

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

CONSTRUCT NEW DUPLEX
 Existing Use: VACANT LOT

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: BOYD BURTON
 Company: CHURCH HILL VENTURES, LLC
 Mailing Address: 1011 BOULDER SPRINGS DRIVE, SUITE 400
 City: RICHMOND State: VA. Zip Code: 23225
 Telephone: (804) 590-5905 Fax: ()
 Email: BOYDBURTON@CHURCHHILLVENTURES.COM

Property Owner: CHURCH HILL VENTURES, LLC
 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: 1011 BOULDER SPRINGS DRIVE, SUITE 400
 City: RICHMOND State: VA. Zip Code: 23225
 Telephone: (804) 590-5905 Fax: ()
 Email: BOYDBURTON@CHURCHHILLVENTURES.COM

Property Owner 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)

#3 Applicant's Report:

The owner Church Hill Ventures, LLC is proposing to construct a duplex on the site of a demolished single family dwelling. The reason that a Special Use Permit is needed is that although the use is permitted by the current R-7 zoning, the lot area for a two family dwelling falls is not being met, but falls short by 60 square feet. Negotiations with the property owners on either side to purchase the 60 square feet have not been successful.

Construction of the duplex will restore the original use residential use of the site and therefore will not have a negative effect on the safety, health, morals and general welfare of the adjacent community.

As noted previously the construction of the new duplex will restore the previous residential character of the site and therefore will not create congestion on Maury Streets, as all access to the site will be from the rear alley as parking is not allowed on Maury Street.

The new duplex will not create hazards from fire, panic or other dangers as it simply restores the residential character of the site.

There will be no cause for overcrowding of land at this location or in the area. There will be no undue concentration of population because the occupants will be two families who occupy the duplex.

The James H. Blackwell Elementary School is located two blocks to the south on Maury Street. The address is 300 E. 15th Street. There is an adjacent playground to the school. Presumably, residents in the duplex would be able to send their elementary age children to this school. Public water/sewer is already being supplied to the site. The construction this duplex is in compliance with the R-7 zoning and will fill a current void in the streetscape created by the demolition of the previous house on this site. the new duplex will not have a negative effect on any public requirements, conveniences and improvements.

The new duplex simply restore the residential character of the lot and therefore will not interfere with adequate light and air.