



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: 1911, 1913, 1915 Grove Avenue Date: 09/22/2017  
Tax Map #: W0000855006 and 7 Fee: \$300.00  
Total area of affected site in acres: .478

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

**Zoning**

Current Zoning: R-6

Existing Use: Day nursery

**Proposed Use**

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

Continued use as day nursery; seeking relief from height and style of fencing around playground, size of playground, number of parking spaces

Existing Use: Day nursery

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Tabernacle Baptist Church, c/o Donna Soyars

Company: Tabernacle Baptist Church

Mailing Address: 1925 Grove Avenue

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 921-0769 Fax: ( )

Email: ~~soyars70@gmail.com~~ soyars2@verizon.net

**Property Owner:** Same as Applicant

If Business Entity, name and title of authorized signee: Kathleen A. McGraw, Trustee

(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: 8294 Stumpy Rd

City: Hanover State: VA Zip Code: 23069

Telephone: (804) 337-3997 Fax: ( )

Email: mcgraw8294@comcast.net

**Property Owner Signature:** Kathleen A. McGraw

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)

## **APPLICANT'S REPORT**

### **SPECIAL USE PERMIT**

**ADDRESSES: 1911+1915 Grove Avenue**

### **INTRODUCTION**

Tabernacle Child Care Center (TCCC) has operated in its current location at 1915 Grove Avenue since September 19, 1983. The Tabernacle Child Care Center, a ministry of Tabernacle Baptist Church (TBC) (1925 Grove Avenue), provides care, nurture, and spiritual formation to infants/children through pre-kindergarten from throughout the Richmond metropolitan area. The Church and the Child Care Center created a partnership to reach out to our urban neighbors many years ago, and we continue to provide a special kind of loving care and guidance to the parents and children we serve. Play has always been a key element of the daily curriculum for TCCC children.

TCCC is located in the church's educational building, officially deeded to Trustees of The Tabernacle Baptist Church. TCCC is licensed by the Virginia Department of Social Services to operate with exemption as a child day center that is operated and conducted under the auspices of a religious institution pursuant to Section 63.2-1716 of the Code of Virginia. The current exemption allows TCCC to provide services to 67 children ranging in age from 0 years, 3 months to 5 years, 11 months.

The parcel owned by the church and its trustees includes not only the space within its physical structures, but also 7,068.15 square feet of playground space and an adjoining parking lot near the public alley in the 1900 block between Grove Ave and Floyd Ave. The playground space is divided into an asphalt section of 5,192.03 square feet and a mulched area of 1,876.12 square feet. The playground space is used solely by TCCC during its hours of operation, and the church and its neighbors use it for children's activities in non-TCCC operating hours.

The applicant requests a special use permit (SUP) to allow TBC and TCCC to continue to keep the playground space in its current location with the existing size, design and fencing structures, where they have been located for over 15 years, all as shown on the attached site plan. In addition to a waiver of any setback requirements in current code for the playground area, the applicant also requests waiver of the requirement for an opaque fence around the playground, and in some cases, a waiver of the minimum four (4) foot height requirement. The applicant requests a waiver of the 100 square feet of playground space per child, allowing for an increase in occupancy up to 90 children using the existing size of playground space. The applicant also requests the ability to extend the existing wrought-iron fence at the same height along the same line of its current Grove Avenue frontage and extending south along its western property line a maximum of fifty (50) feet for a potential future expansion of the playground area.

The applicant also requests consideration of existing parking spaces located near the public alley between Grove Avenue and Floyd Avenue (adjacent to the current asphalt section of the playground as shown on the attached site plan) as adequate to meet the needs of the TCCC staff.

## **EXISTING CONDITIONS**

Secured parent/child access to the TCCC classrooms is via a main entrance on Grove Avenue. Street parking is used as needed by all parents for drop-off and pick-up. Alley access to the TCCC building location is available for emergencies if needed. Additional egress doors are also available for child safety and safe access to the adjacent playground area.

The entire playground area is enclosed by a combination of non-opaque type of fencing and existing building structures. Playground equipment is placed in a 1,876.12 square foot mulched area, surrounded by a wrought-iron fence that meets Code requirements of over 4 foot in height. This portion of the playground is placed at the Grove Avenue sidewalk. The entrance gate to the mulched area is accessible only from the asphalt area, not from the Grove Avenue sidewalk side. The remaining 5,192.03 square feet of playground space is an asphalt area where children can play, using age-appropriate outdoor play toys. Where buildings do not present an access barrier a chain-link fence 5' in height is in place.

The parking lot that is adjacent to the playground is part of church-owned property. There are 13 parking spaces that average 9.5' +/- in width, plus there are 2 (two) handicapped parking spaces that are 9.6' +/- in width with an access space of 7.7' +/- between those two spaces. There is additional space on the outside of each handicapped parking space of about 4.1' +/- . Each parking space is 20' in length. Access to the Granby lot is from Granby Street, as well as via public alley from both Granby Street and Meadow Street.

**Existing Zoning:** R-6

**Master Plan Designation:** Single Family – Medium Density

## **PROPOSAL**

The applicant requests that the SUP permit Tabernacle Child Care Center and Tabernacle Baptist Church to keep the entire existing playground in its current location with the existing size, design and fencing structures, where they have been located for over 15 years. The design is an excellent one and has served the church, the child care program, and our neighbors well for many years. TBC and TCCC request a waiver of setback requirements to prevent any need to move playground equipment or playground fencing. The strict enforcement of the setback would result in a reduction in playground area. The applicant also requests the ability to extend the existing wrought-iron fence at the same height along the same line of its current Grove Avenue frontage and extending south along its western property line a maximum of fifty (50) feet for a potential future expansion of the playground area.

The current playground has proven to be a safe site. We believe this site is even safer by having an open view through the wrought-iron fence and through the 5' high chain link fence, giving us an easy view for any visitors and an area where unwanted visitors cannot hide at any hour of the day. The applicant therefore requests a waiver of any code requirements for an opaque fence to be used in connection with the playground area.

The applicant also requests that the SUP permit flexibility in allowing the size of the playground to meet the needs of the children up to an occupancy of 90 children. Consider the current mixture of children at TCCC as an example of the number/percentage of children who actually use the playground: 12 infants of our 66 children (or ~18%) do not use the playground at all; 8 more children from 12-18 months use only the mulched playground area on occasion (an additional ~12%). This means that 46 children, or 70% of our population, use the playground regularly. That would also mean that our current square footage and current number of playground users places us within the City code requirements for playground square footage. Even with a growth in occupancy up to 90 children and with an anticipated 70% of actual playground users in that population, TCCC would remain within City guidelines for the needed playground square footage.

Lastly, TCCC and TBC request that the SUP allow the existing parking available in our Granby Street lot as shown on the attached plans to be considered adequate to meet the needs of the TCCC staff. We currently have 28 employees, which with application of current Code requires the lot to have 14 parking spaces. We currently have 13 parking spaces, plus 2 (two) handicapped parking spaces in our Granby parking area. Even if we consider additional staff to meet a possible increase in occupancy, that increase would likely not exceed a need for three or four additional employees. By re-marking the current lot to have spaces of 8.8'+/- in width, we would have enough space for 14 parking spaces plus the two handicapped spaces. Currently, 12 of our 28 staff members drive a car and therefore need parking availability. Assuming that our staff continues to reflect current transportation type usage, we would easily be able to accommodate parking needs for our staff in the future, even if it grows to meet an increase in occupancy to 90.

## **FINDINGS OF FACT**

The proposed use is appropriate for the subject property and it meets the criteria set forth in the Charter of the City of Richmond that the use 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 cause overcrowding of land and 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.

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# FENCING DESCRIPTION

## A. Mulched Area Fencing Along Grove Avenue Sidewalk

- 1) Concrete block and wrought iron fencing
- 2) Concrete block directly borders the Grove Avenue sidewalk
- 3) Concrete block portion is 17.5" high and 12" deep
- 4) Wrought iron fence is ~2" inside the concrete block base, giving the wrought iron fence a 14" distance from the sidewalk
- 5) Mulch begins 7" below the concrete block
- 6) Wrought iron fence is 62" upward from the mulch
- 7) Total height of both the concrete block and wrought iron is 74"
- 8) Total length of the wrought iron fence along the sidewalk is 41'
- 9) Adding the concrete block sides of the Grove Avenue fence gives a total length of 42'8"; this is due to ~4" of concrete block on the east end and 16" of concrete block on the west end of the sidewalk-facing portion of the fence

## B. Mulched Area Fencing Along the Church Side

- 1) Concrete block and wrought iron fencing
- 2) Concrete block directly borders the sidewalk between the playground and 1913 Grove Avenue
- 3) Concrete block portion is 17.5" high and 12" deep
- 4) Wrought iron fence is against the concrete block
- 5) Wrought iron fence is 62" upward from the mulch
- 6) Total height of both the concrete block and wrought iron is 74"
- 7) Total length of the wrought iron fence along the church side is 46'3"
- 8) Adding the concrete block ends for the fencing gives a total of 48'3" along the church side of the playground
- 9) Distance of the wall of the house on this side of the playground and the fence is 56"
- 10) Wrought iron gate across the sidewalk between the house and the playground on the church side of the playground is 57" tall and 36" wide; this gate is 48'3" from the Grove Avenue sidewalk and only yields access to the asphalt area, not the mulched playground

## C. Mulched Area Fencing Along the Alley Side (N/A – Informational)

- 1) Concrete block and wrought iron fencing
- 2) Concrete block portion is 17.5" high and 12" deep
- 3) Wrought iron fence is against the concrete block
- 4) Wrought iron fence is 62" upward from the mulch
- 5) Total height of both the concrete block and wrought iron is 74"
- 6) Exception to that height on this side of the fence is the gate entrance to the mulched playground; this gate is 48" wide and 57" tall
- 7) Wrought iron fence on the alley side of the mulched playground area directly borders the house on the 1909 Grove Ave. side of the playground (within ~2")

## D. Mulched Area Fencing Along the 1909 Grove Ave. House Side

- 1) Concrete block and wrought iron fencing
- 2) Concrete block portion is 17.5" high
- 3) 5" of our concrete block from the neighbor's block wall to the wrought iron fence at the Grove Avenue end; our concrete block is 12" in width for the remainder of the fence length on that side of the area
- 4) Wrought iron fence is against the concrete block
- 5) Wrought iron fence is 62" upward from the mulch
- 6) Total height of both the concrete block and wrought iron is 74"

- 7) Wrought Iron fence is 14'8" in length along the 1909 Grove Ave. side; adding 12" for the concrete block at the Grove Avenue end results in 15'8" of total fence from the Grove Avenue sidewalk along the 1909 Grove Ave. side
- 8) No fencing in the mulched area where the house itself is located; the mulch goes up to the building

**E. Asphalt Area Fencing Along the Williams Building Side**

- 1) No fencing along the Williams Building Side of the asphalt playground area

**F. Asphalt Area Fencing Along the Alley Side**

- 1) Chain link fence, 60" in height
- 2) 10' of chain link fence from the Williams Building to a chain link double gate
- 3) 2-8' chain link gates; these gates stay locked by chain and padlock
- 4) 10' of chain link fence from the double gate to the 1909 Grove Ave. side end of the alley side of the fencing

**G. Asphalt Area Fencing Along the 1909 Grove Ave. Side--Part 1**

- 1) Chain link fence, 60" in height
- 2) Alley end of the 1909 Grove Ave. side of the chain link fence begins with a 4' section of chain link fence
- 3) 4' chain link fence section is followed by double gates; each gate is 10' in length, for a total of 20' of gates

**H. Asphalt Area Fencing Along the 1909 Grove Ave. House Side—Part 2**

- 1) Chain link fence, 60" in height
- 2) 9'7" section of chain link fencing is placed west to east at the point where the double gates end.
- 3) This 9'7" section of chain link fence is followed by and connected to 7" of wooden fence that is 61" high

**I. Asphalt Area Fencing Along the 1909 Grove Ave. House Side—Part 3 (Wooden fence in compliance – informational)**

- 1) On the 1909 Grove Ave. side of the asphalt area where the chain link fence ends is 48" of wooden fence
- 2) Wooden fence has a scalloped top, giving a range in height from 66" to 74"

**J. Asphalt Area Fencing Along the 1909 Grove Ave. House Side—Part 4 (Informational)**

- 1) No fencing along the 1909 Grove Ave. side of the asphalt area where the house(building itself) is located