

INTRODUCED: January 8, 2018

AN ORDINANCE No. 2018-015

To authorize the special use of the property known as 807 Pepper Avenue for the purpose of two single-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 12, 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 807 Pepper Avenue, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of two single-family detached dwellings, which use, among other things, is not currently allowed by section 30-408.4, concerning lot area and width requirements, 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 (2010), 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: FEB 12 2018 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 807 Pepper Avenue and identified as Tax Parcel No. W021-0255/013 in the 2018 records of the City Assessor, being more particularly described in a survey entitled “Exhibit Plat Showing Two Parcels of Land along the South Line of Pepper Avenue, City of Richmond, Virginia,” prepared by Balzer and Associates, Inc., dated June 19, 2017, and last revised August 9, 2017, 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 two single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Lessin Residence, New Construction,” prepared by Balzer and Associates, Inc., and dated June 14, 2017, 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 two single-family detached dwellings, substantially as shown on the survey attached to this ordinance and the Plans.

(b) No fewer than one off-street parking space per dwelling unit shall be provided, located in the areas identified as “drive” on the survey attached to this ordinance, substantially as shown on the survey attached to this ordinance.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(d) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of up to two residential lots, substantially as shown on the survey attached to this ordinance and the Plans, shall be accomplished by obtaining subdivision approval from the City and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

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

(f) All elevations shall be substantially as shown on the Plans.

§ 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 public right-of-way substantially as shown on the survey attached to this ordinance, including new driveway entrances to Pepper Avenue, 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 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.

City of Richmond

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

Item Request

File Number: PRE. 2017.552

O & R Request

RECEIVED
JAN 05 2018
OFFICE OF CITY ATTORNEY

O & R REQUEST

4-7376

DEC 21 2017

Office of the
Chief Administrative Officer

DATE: December 20, 2017

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning *PLD*

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

RE: To authorize the special use of the property known as 807 Pepper Avenue for the purpose of permitting two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 807 Pepper Avenue for the purpose of permitting two single-family detached dwellings, upon certain terms and conditions.

REASON: The applicant is proposing to construct a single-family detached dwelling on a subdivided lot at 807 Pepper Avenue. The property is located in the R-4 Single-Family Zoning District, which permits single-family detached dwellings. However, the proposed lot widths for the parcels would not meet the minimum requirements of the R-4 District. Therefore, a special use permit is 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 February 5, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The proposed development is located in the Three Chopt neighborhood on the east side

of Pepper Avenue off of Patterson Avenue. The property is comprised of a .59 acres (25,557 square feet) lot improved with a single-family detached dwelling.

The City's current Master Plan recommends Single-Family Low-Density land uses for the property. This designation calls for primarily "...single-family detached dwellings at densities up to seven units per acre... (as well as) ...residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5." (City of Richmond, Master Plan, p.133)

The proposed development of the property will include subdividing the parcel into two (2) separate lots for the construction of one (1) single-family detached home. Both homes will front on Pepper Avenue. The newly constructed home will be 3,644 total square feet, including two stories and a habitable attic space. The property is currently surrounded by one to two-story single-family detached dwellings on Pepper Avenue. The approximate density of the proposal would be approximately 3 units per acre.

The property is currently located in the R-4 Single-family Residential Zoning District. The R-4 district does permit the proposed single-family detached use of the property. However, the proposed lot widths approximately 50 ft. do not meet the minimum requirements of the R-4 District. The R-4 district requires a minimum of sixty (60) feet of width for each single-family detached dwelling.

The proposal includes three (3) dedicated off-street parking spaces. One (1) off-street space for Parcel A and two (2) off-street spaces for Parcel B. Parcel B will have off-street parking in the rear of the proposed dwelling.

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: January 8, 2018

CITY COUNCIL PUBLIC HEARING DATE: February 12, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, February 5, 2018

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, Draft Ordinance, Plans & Survey, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734

PDR O&R No.17-46



**FRONT ELEVATION
(SOUTHEAST)**

1
A2.1 3/16" = 1'-0"



**LEFT SIDE ELEVATION
(SOUTHWEST)**

2
A2.1 3/16" = 1'-0"



**RIGHT SIDE ELEVATION
(NORTHEAST)**

3
A2.1 3/16" = 1'-0"



**REAR ELEVATION
(NORTHWEST)**

4
A2.1 3/16" = 1'-0"

LESSIN RESIDENCE
NEW CONSTRUCTION

EXTERIOR ELEVATIONS

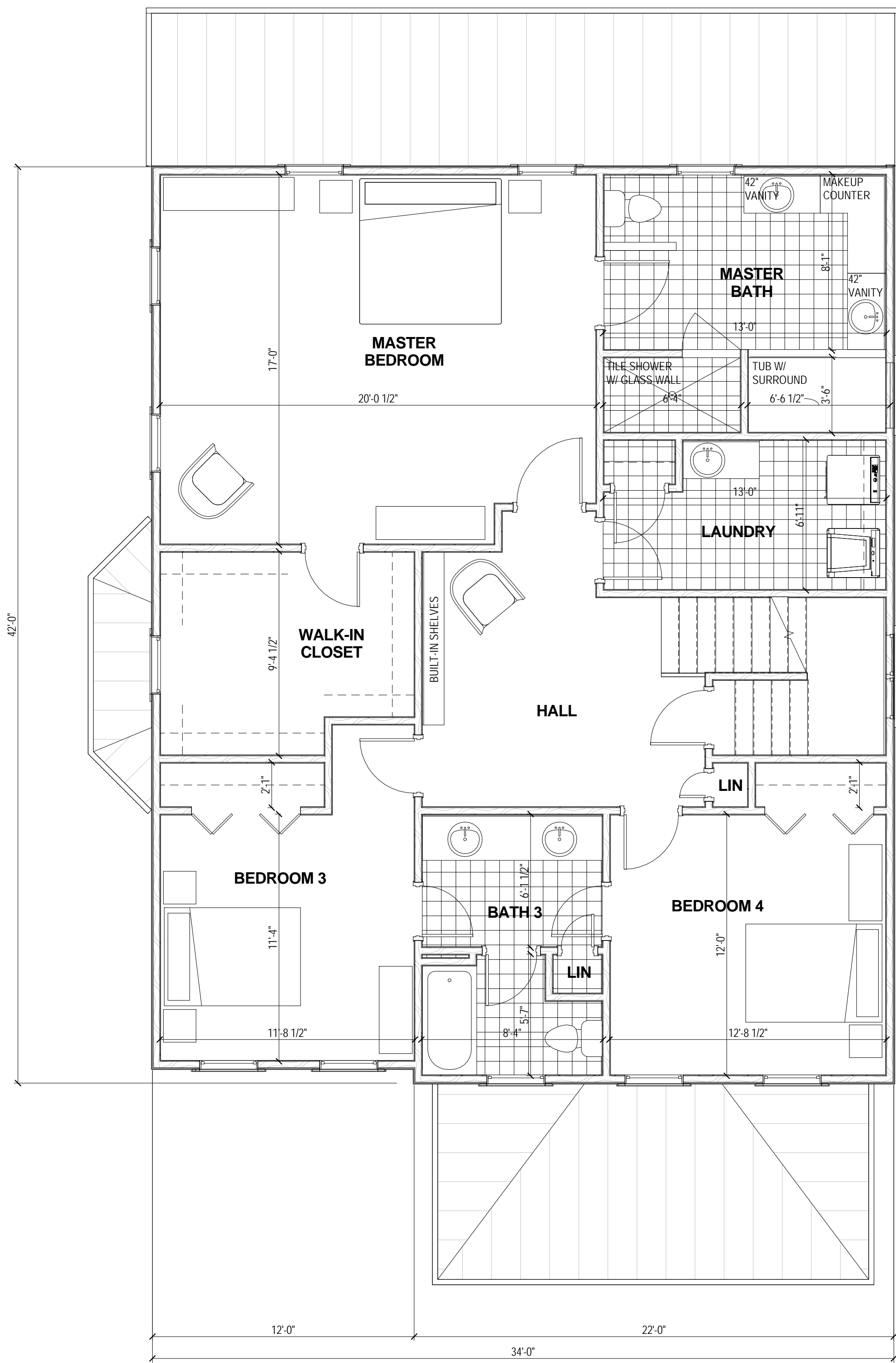
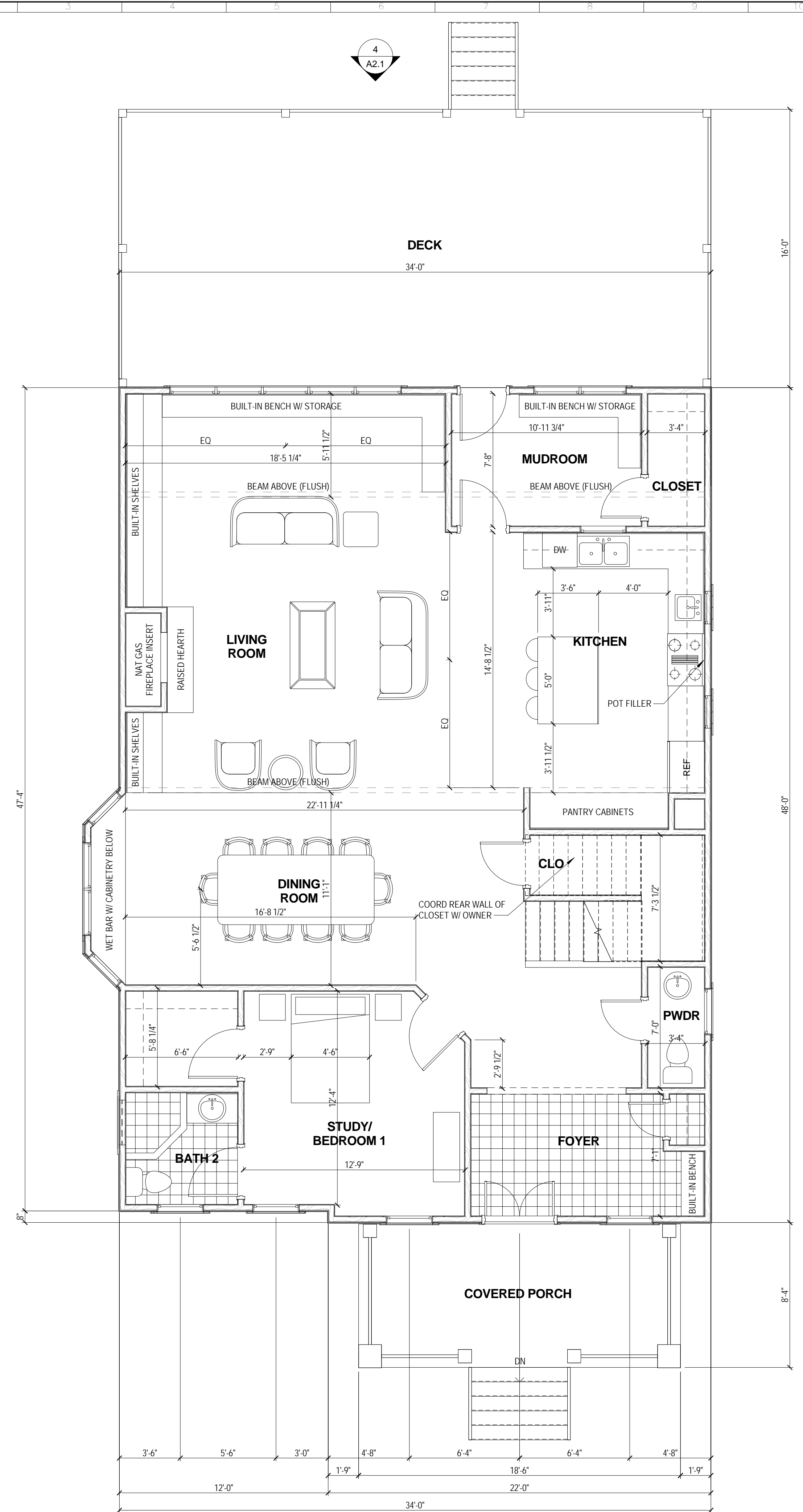
807 PEPPER AVENUE
RICHMOND, VIRGINIA 23226

DRAWN BY MCS
DESIGNED BY MCS/MCB
CHECKED BY MCB
DATE 06.14.17
SCALE 3/16" = 1'-0"
REVISIONS:

SHEET NO.

A2.1

JOB NO. 53160086.00



PRELIMINARY
NOT FOR CONSTRUCTION

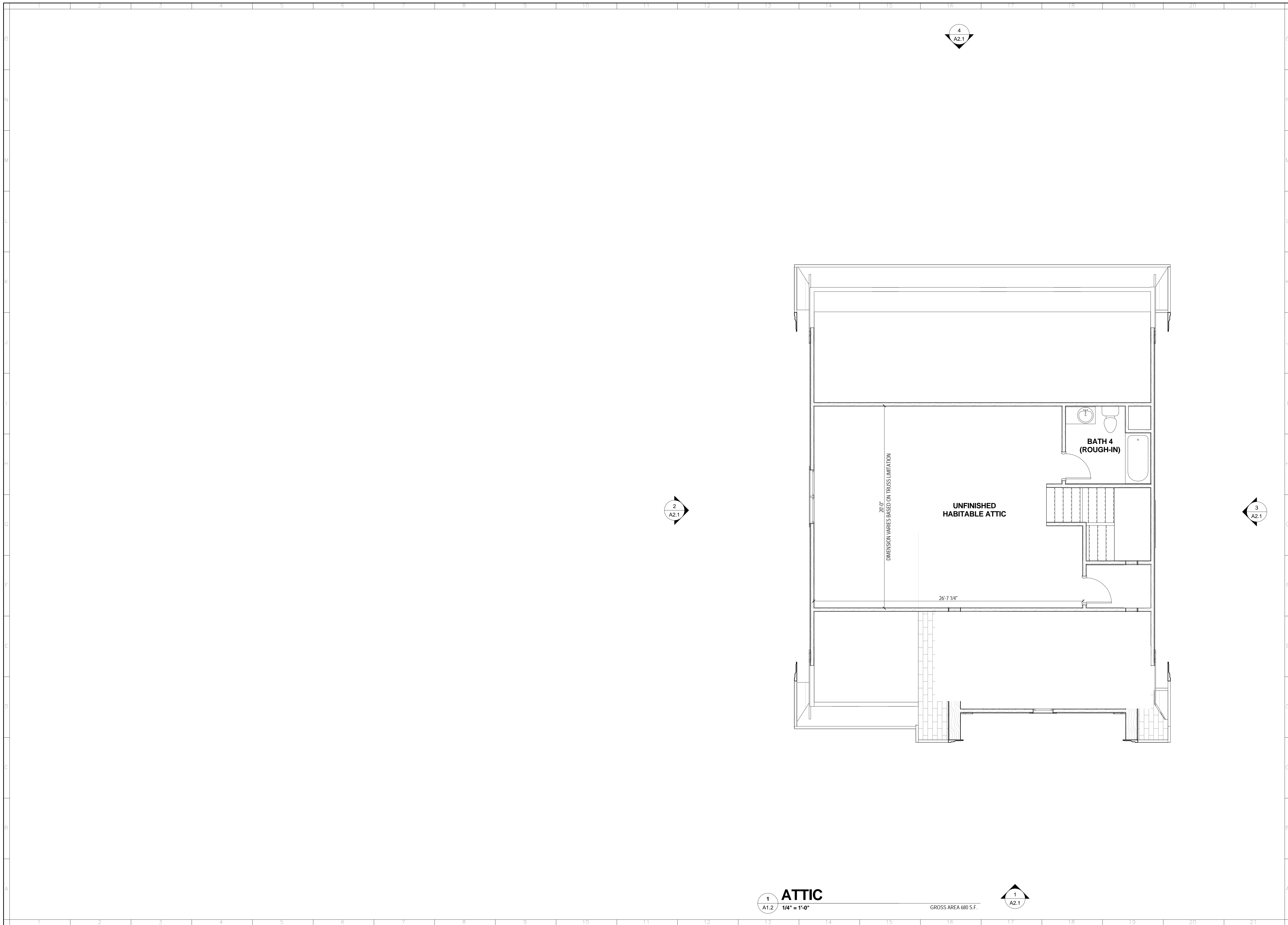
LESSIN RESIDENCE
NEW CONSTRUCTION
ATTIC FLOOR PLAN
807 PEPPER AVENUE
RICHMOND, VIRGINIA 23226

DRAWN BY MCS
DESIGNED BY MCS/MCB
CHECKED BY MCB
DATE 06.14.17
SCALE 1/4" = 1'-0"
REVISIONS:

SHEET NO.

A1.2

JOB NO. 53160086.00



Note: This exhibit plat is compiled from plats and deeds of record and a field survey by Balzer and Associates, Inc., dated November 21, 2016. Boundary Line information on this plat taken from plat by Steven. B. Kent & Associates, dated June 25, 1996 and recorded July 1, 1996 in Instrument No.: 9613526. This plat is done without the benefit of a title report and is subject to information disclosed by such. Not all improvements and no easements are shown.

INSTR. No. 9613526

JOHN F. HODGSON
AND BRIDGET M.
HODGSON
PARCEL ID:
W021-0158/001
INSTR. No.: 2013-748
#728 ST.
CHRISTOPHER ROAD

CATHERINE A.
POHANKA
PARCEL ID:
W021-0255/012
INSTR. No.:
2012-22169
#726 ST.
CHRISTOPHER ROAD

DAVIS S. WRINKLE
AND MARY J.
WRINKLE
PARCEL ID:
W021-0255/011
INSTR. No.:
2007-29549
#724 ST.
CHRISTOPHER ROAD

***CURRENT OWNER**
JEFFREY A. LESSIN
PARCEL ID: W021-0255/013
INSTR. No.: 2011-20371
#807 PEPPER AVENUE

25,308 SQ.FT.
0.581 ACRE

PARCEL A
A PORTION OF LOT 6
WESTHAMPTON

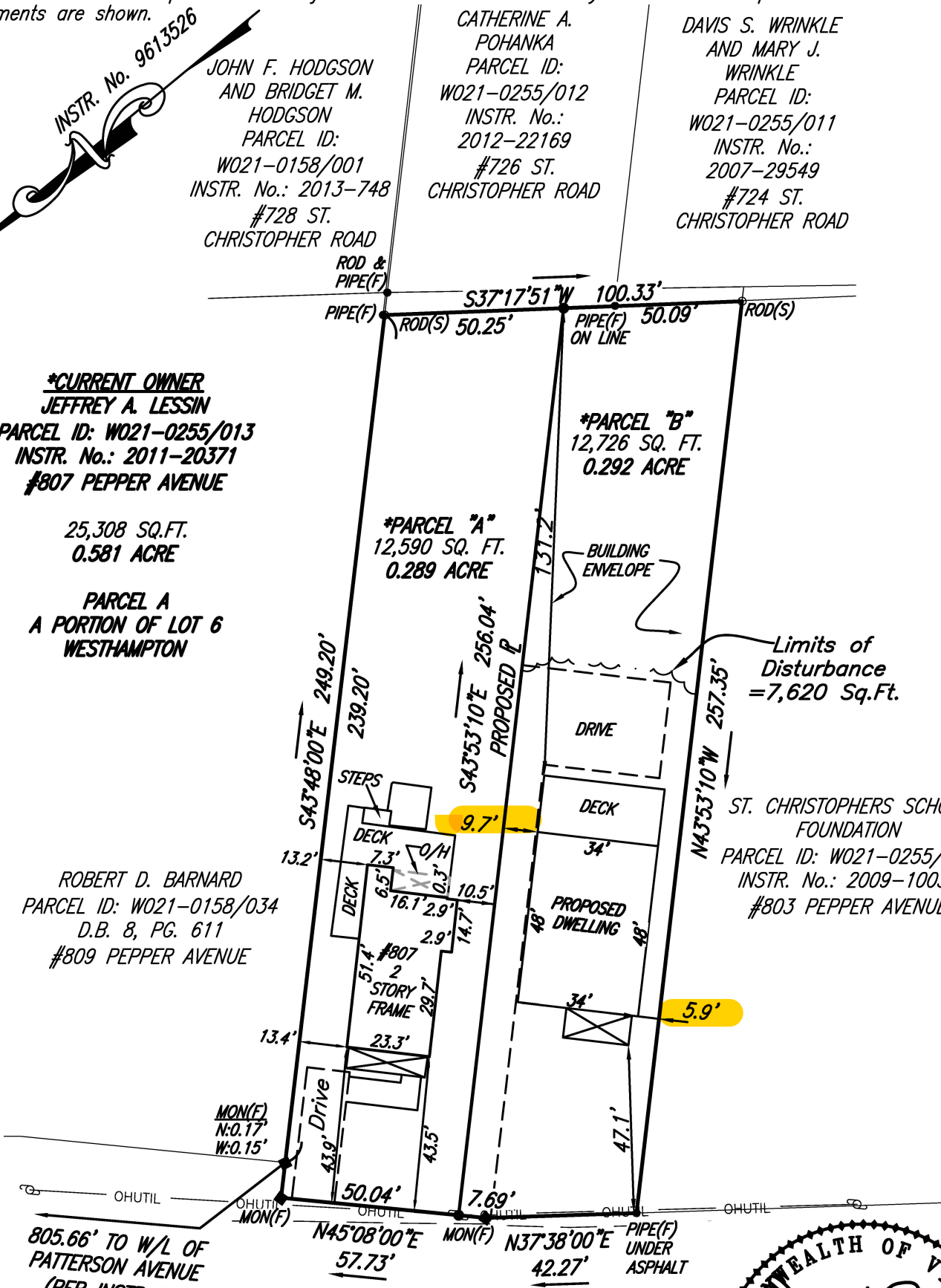
***PARCEL "B"**
12,726 SQ. FT.
0.292 ACRE

***PARCEL "A"**
12,590 SQ. FT.
0.289 ACRE

Limits of
Disturbance
= 7,620 Sq.Ft.

ST. CHRISTOPHERS SCHOOL
FOUNDATION
PARCEL ID: W021-0255/014
INSTR. No.: 2009-10032
#803 PEPPER AVENUE

ROBERT D. BARNARD
PARCEL ID: W021-0158/034
D.B. 8, PG. 611
#809 PEPPER AVENUE



805.66' TO W/L OF
PATTERSON AVENUE
(PER INSTR. No.
9613526)

PEPPER AVENUE
(VARIABLE WIDTH R/W)



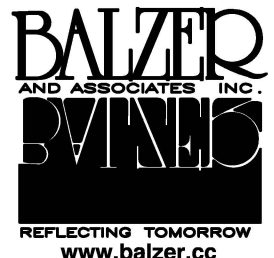
Rev: 08/09/2017 Add Drive
Rev: 07/20/2017
Add Drive and LOD
DATE: 06/19/2017
SCALE: 1"=40'
JOB NO: 55170497.HS
RE: Jeff Lessin

CHK: JAB
DWG: BCH

Exhibit Plat Showing
TWO PARCELS OF LAND ALONG
THE SOUTH LINE OF PEPPER AVENUE
City of Richmond, Virginia

• PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS •

15871 City View Drive Suite 200 • Midlothian, Virginia 23113 • Phone (804) 794-0571 • Fax (804) 794-2635



J:\1750\55170497.HS\Drawings\55170497.HS.dwg



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.richmond.gov/>

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: 807 Pepper Avenue Date: 06/10/2017

Tax Map #: W0210255013 Fee: _____

Total area of affected site in acres: .59 acres

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

Zoning

Current Zoning: R-4

Existing Use: Residential

Proposed Use

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

Owner would like to split the current lot(100'x255') into two separate lots(50' x 255') and build a new house on the new lot while leaving the existing home in place.

Existing Use: Single Family home on the northwest corner of the lot.

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Jeffrey Lessin

Company: _____

Mailing Address: 807 Pepper Avenue

City: Richmond State: VA Zip Code: 23226

Telephone: (818) 5,684,457 Fax: (888) 3,173,730

Email: JeffLessin@gmail.com

Property Owner: Jeffrey Lessin

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

(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: 807 Pepper Avenue

City: Richmond State: VA Zip Code: 23226

Telephone: (818) 5,684,457 Fax: (888) 3,173,730

Email: JeffLessin@gmail.com

Property Owner Signature: Jeffrey Lessin

Digitally signed by Jeffrey Lessin
Date: 2017.06.16 11:02:45 -0400

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)

Jeff & Havah Lessin
807 Pepper Avenue
Richmond, VA 23226

Applicant's Report

The safety and well being of our neighbors at 807 Pepper Avenue will be our top consideration when splitting the existing lot. We have received a letter from the Westhampton Citizen's Association in support of this project as it will enhance our street by creating a beautiful new home appropriately designed and built with the general look and feel of our neighborhood. Our application will be very similar to another application that was submitted and approved in 2008, with respect to a property down the street, and will request approval for our property to be split into 2 separate parcels. The two parcels would be identified as 807 Pepper Avenue (the parcel on which we currently reside) and 805 Pepper Avenue. Our intention is to build a new home on the 805 Pepper lot and sell the existing 807 house to a family looking for a home. Obviously, as residents of the neighborhood, we are committed to making sure that any new house built next to us is one that would further beautify and enhance our family-friendly neighborhood.

Jeff & Havah Lessin
807 Pepper Avenue
Richmond, VA 23226

May 1, 2017

Dear Neighbor,

We wanted to inform you that we are preparing to submit an application to the City of Richmond with respect to the property we own, and reside upon, on Pepper Avenue. Our application will be very similar to another application that was submitted and approved in 2008, with respect to a property down the street, and will request approval for our property to be split into 2 separate parcels. The two parcels would be identified as 807 Pepper Avenue (the parcel on which we currently reside) and 805 Pepper Avenue. Our intention is to build a new home on the 805 Pepper lot and sell the existing 807 house to a family looking for a home. Obviously, as residents of the neighborhood, we are committed to making sure that any new house built next to us is one that would further beautify and enhance our family-friendly neighborhood.

We would welcome the opportunity to discuss this matter with you should you have any questions or comments at this time. If so, please do not hesitate to contact us at your convenience.

Sincerely, Your Neighbors,
Erin and Jeff Lessin
807 Pepper Avenue
804-516-3092