

INTRODUCED: September 25, 2017

AN ORDINANCE No. 2017-194

To authorize the special use of the property known as 3138 Grayland 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: NOV 13 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 3138 Grayland Avenue, which is situated in a R-5 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 30-410.4, 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 13 2017 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 3138 Grayland Avenue and identified as Tax Parcel No. W000-1402/044 in the 2017 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing Proposed Division of #3138 Grayland Avenue & Existing and Proposed Improvements, in the City of Richmond, Virginia,” prepared by Frederick A. Gibson & Associates, P.C., and dated January 20, 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 “Site Plan, 3136 Grayland Avenue,” prepared by Fultz & Singh, dated May 30, 2017, and revised September 19, 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 use of the Property shall be as two single-family detached dwellings, substantially as shown on the Plans.

(b) Two off-street parking spaces shall be provided for the use of the Property, substantially as shown on the Plans.

(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) Signage on the Property shall be limited to signage permitted within the underlying zoning district.

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

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

(g) All building materials, elevations, setbacks, and landscaping 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, including installation of a street tree along Grayland Avenue and an entrance to the 18-foot public alley abutting the Property, 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.

City of Richmond

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

Item Request

File Number: PRE. 2017.340

RECEIVED

AUG 31 2017

OFFICE OF CITY ATTORNEY

O & R Request

O & R REQUEST


4-6906

AUG 18 2017

Office of the
Chief Administrative Officer
EDITION: 1

DATE: August 16, 2017

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer 

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

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

RE: Special use permit for a development containing two single-family detached dwellings at 3138 Grayland Avenue.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3138 Grayland Avenue for the purpose of two single-family detached dwellings, upon certain terms and conditions.

REASON: The proposed development to divide the existing parcel into two new parcels and construct a new single-family dwelling would not meet the lot area and width requirements of the R-5 Single-Family Residential 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 October 2, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 5,100 SF (0.117 acre) parcel of land currently improved with an existing, two-story, single-family dwelling and is located in the Carytown neighborhood of the Near West planning district.

If approved, the existing dwelling would be located on a lot that is 22' in width and 2,640 SF in area, and the proposed two-story dwelling would be located on a lot that is 20.5' in width and 2,460 SF in area. The proposed density of the development would be 17 units per acre. Overall, the proposal is generally consistent with the pattern of development found along Grayland Avenue.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single-Family Residential at low densities. Primary uses for this category are "...single-family detached dwellings at densities up to seven units per acre...[and] includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses" (p.133). The Master Plan also states for the Near West Planning District that "infill development of like density, scale and use is appropriate" (p. 230).

All adjacent properties are located within the same R-5 Single-Family Residential District as the subject property. The R-5 standards require a minimum lot width of 50' and minimum lot area of 6,000 SF.

Single-family residential land use predominates the area, with some two-family residential and vacant 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: September 11, 2017

CITY COUNCIL PUBLIC HEARING DATE: October 9, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 2, 2017

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

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

PDR O&R No. 17-24



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: 3138 Grayland Ave Date: 1/23/17
 Tax Map #: W0001402044 Fee: \$300
 Total area of affected site in acres: 0.117

(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)

Existing Use: Split the lot and construct new 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: Kyle Johnston

Company: _____
 Mailing Address: PO Box 4917
 City: Richmond State: VA Zip Code: 23220
 Telephone: (270) 779-8468 Fax: ()
 Email: kylejohnston@gmail.com

Property Owner: Kyle H Johnston

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: PO Box 4917
 City: Richmond State: Va Zip Code: 23220
 Telephone: (270) 779-8468 Fax: ()
 Email: kylejohnston@gmail.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)

Special Use Report for 3138 Grayland Ave

The property located at 3138 Grayland Ave is zoned R-5 and has a total acreage of 0.117 with 42 feet in the front and 120 feet in the rear. The current single family home sits on the eastern side of the lot, which leaves the western half open to construct a new single family home. I would like to propose splitting the lot to create 3136 Grayland Ave since the address currently skips from 3138 Grayland Ave to 3134 Grayland Ave. I would then like to construct a new single family residence on 3136 Grayland Ave.

Though the current property located at 3138 Grayland Ave is zoned R-5 and requires at least 25 feet in the front yard, most all houses on the block do not meet this requirement including the house next door, 3134 Grayland Ave with 22 feet in the front yard as well as the next two houses next to it, 3132 and 3130 Grayland sitting at 19 feet and 18 feet. I would like to propose splitting the current lot of 42 feet in the front to 22 feet for 3138 Grayland and 20.5 feet for 3136 Grayland, which would not be uncommon for this area and would actually be larger than many lots on the street. *See Appendix A for Existing, Proposed, and Comparison Properties

The proposed single family home combines the architectural elements of surrounding properties in the area to ensure a solid fit within the neighborhood. It will consist of three bedrooms and two and half bathrooms. The landscaping will consist of a privacy fence, 2-3 car parking pad, small yard, and a deck.

Currently, the walkways between the properties located on the same block as the proposed special use vary from 1.8 feet to 2.9 feet. The proposed new construction will be 3.5 and 3.8 feet to ensure adequate space, fire hazards, and lighting. *See Appendix B for photos and descriptions.

The proposed special use will not:

- a. be detrimental to the safety, health, morals, and general welfare of the community involved since it will be a newly constructed single family home that will be put on the market for purchase
- b. tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved due to the new property consisting of only 3 bedrooms and off-street parking for at least two vehicles
- c. create hazards from fire, panic, or other dangers by being compliant with all fire and safety codes
- d. tend to cause overcrowding of land and an undue concentration of population since there is a 0.3402 acre vacant lot directly across the street located at 3119 Grayland Ave. Also the proposed property is 0.5 miles from Byrd Park, which feature 287 acres of park land.
- e. Adversely affect or interfere with public or private schools, parks, playground, water supplies, sewage disposal, transportation or other public

- requirements, conveniences and improvements. The proposed property will not interfere with the above in any way.
- f. Interfere with adequate light and air. Based on current zoning laws, the new construction will be limited in height, so as not to affect lighting.

**Appendix A – 3138 Grayland Ave
EXISTING**

W0001402044
Land: Front Size 42
Land: Parcel Square Feet 5100
House: Front Size 19

PROPOSED

3138 Grayland
Land: Front Size 22
Land: Parcel Square Feet 2700
House: Front Size 19

3136 Grayland
Land: Front Size 20.5
Land: Parcel Square Feet 2460
House: Front Size 16

EXAMPLES

3134 Grayland
W0001402043
Land: Front Size 22
Land: Parcel Square Feet 2700
House: Front Size 19

3132 Grayland
W0001402042
Land: Front Size 20
Land: Parcel Square Feet 2400
House: Front Size 18

3120 Grayland
W0001402036
Land: Front Size 19
Land: Parcel Square Feet 2280
House: Front Size 19

3118 Grayland
W0001402035
Land: Front Size 18
Land: Parcel Square Feet 2280

House: Front Size 19

3116 Grayland

W0001402034

Land: Front Size 18

Land: Parcel Square Feet 2280

House: Front Size 19

3216 Grayland

W0001449019

Land: Front Size 20

Land: Parcel Square Feet 2000

House: Front Size 20

3114 Grayland

W0001402033

Land: Front Size 19

Land: Parcel Square Feet 2280

Lot

3032 Grayland

W0001354034

Land: Front Size 22

Land: Parcel Square Feet 2640

House: Front Size 20

3124 Parkwood

W0001404038

Land: Front Size 20

Land: Parcel Square Feet 2450.4

House: Front Size 18

2923 Grayland

W0001279003

Land: Front Size 20

Land: Parcel Square Feet 2409.6

House: Front Size 18.8

Appendix B – 3138 Grayland Ave

Walkways

A collection of houses on the same block as the proposed new house and lot located at 3136 Grayland. All walkways on the same block and side of the street were to the right of the house (when facing the house).

Between 3142 and 3140 Grayland (2.3 feet):

Between 3140 and 3138 Grayland (2.9 feet):



Between 3134 and 3132 Grayland (2.6 feet):

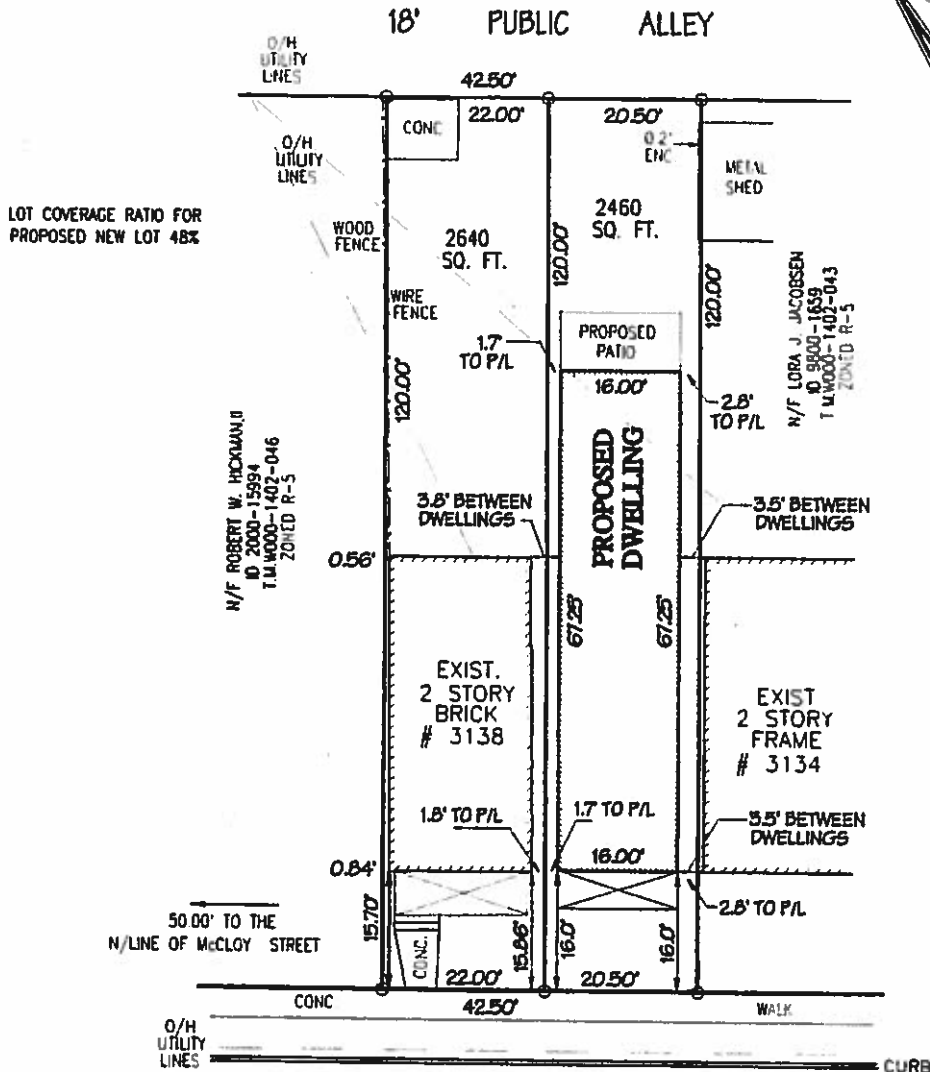
Between 3132 and 3130 Grayland (1.8 feet):

Between 3122 and 3120 Grayland (1.85 feet):



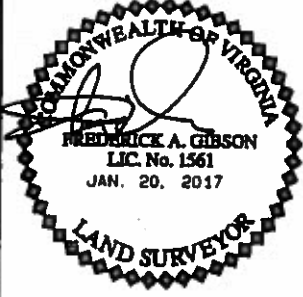
NOTES THIS PROPERTY DOES NOT APPEAR TO BE LOCATED IN A F.E.M.A. DEFINED FLOOD HAZARD AREA
 FREDERICK A. GIBSON & ASSOCIATES, P.C. ASSUMES NO LIABILITY REGARDING SUB-SURFACE FEATURES
 SUCH AS TOXIC WASTE, GARBAGE OR WASTE DISPOSAL AREAS, LANDFILLS, UNDERGROUND STORAGE
 TANKS, CEMETERIES OR BURIAL SITES, SHRINK/SWELL SOILS, UNDERGROUND WATERWAYS OR UTILITIES.
 CURRENT OWNER(S): N/F KYLE H. JOHNSTON INST # 150014147 T.M. W0001402044
 CURRENT ZONING R-5

DEED BK- 739
 PAGE 265



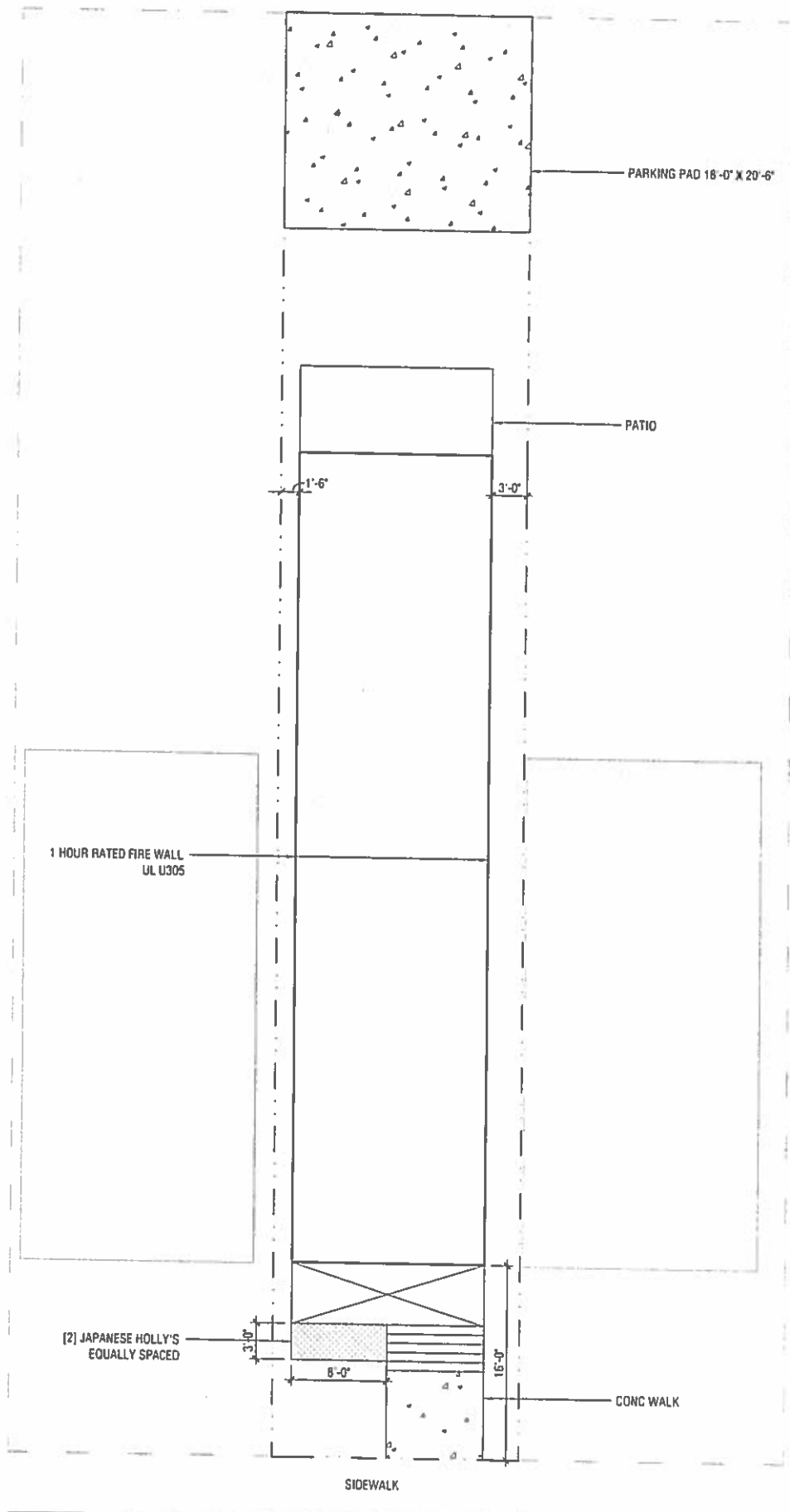
GRAYLAND AVENUE
 50' R/W

**PLAT SHOWING PROPOSED DIVISION OF # 3138 GRAYLAND AVENUE
 & EXISTING AND PROPOSED IMPROVEMENTS,
 IN THE CITY OF RICHMOND, VIRGINIA**
 SCALE: 1" = 20'



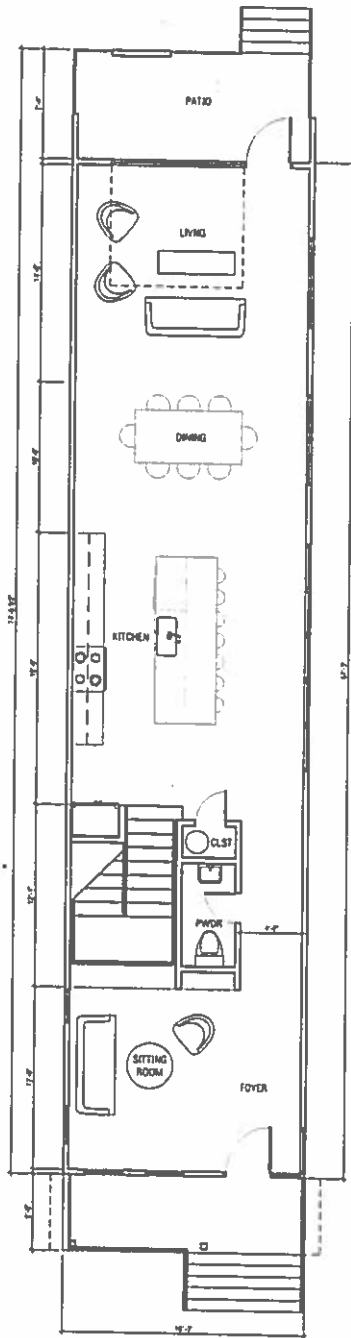
**FREDERICK A. GIBSON
 & ASSOCIATES, P.C.
 LAND SURVEYORS**

J. N. 9505-04 V

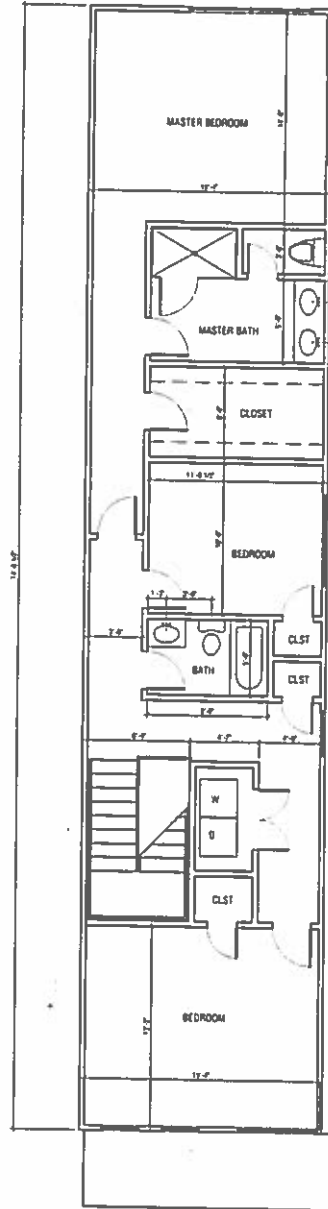


SITE PLAN

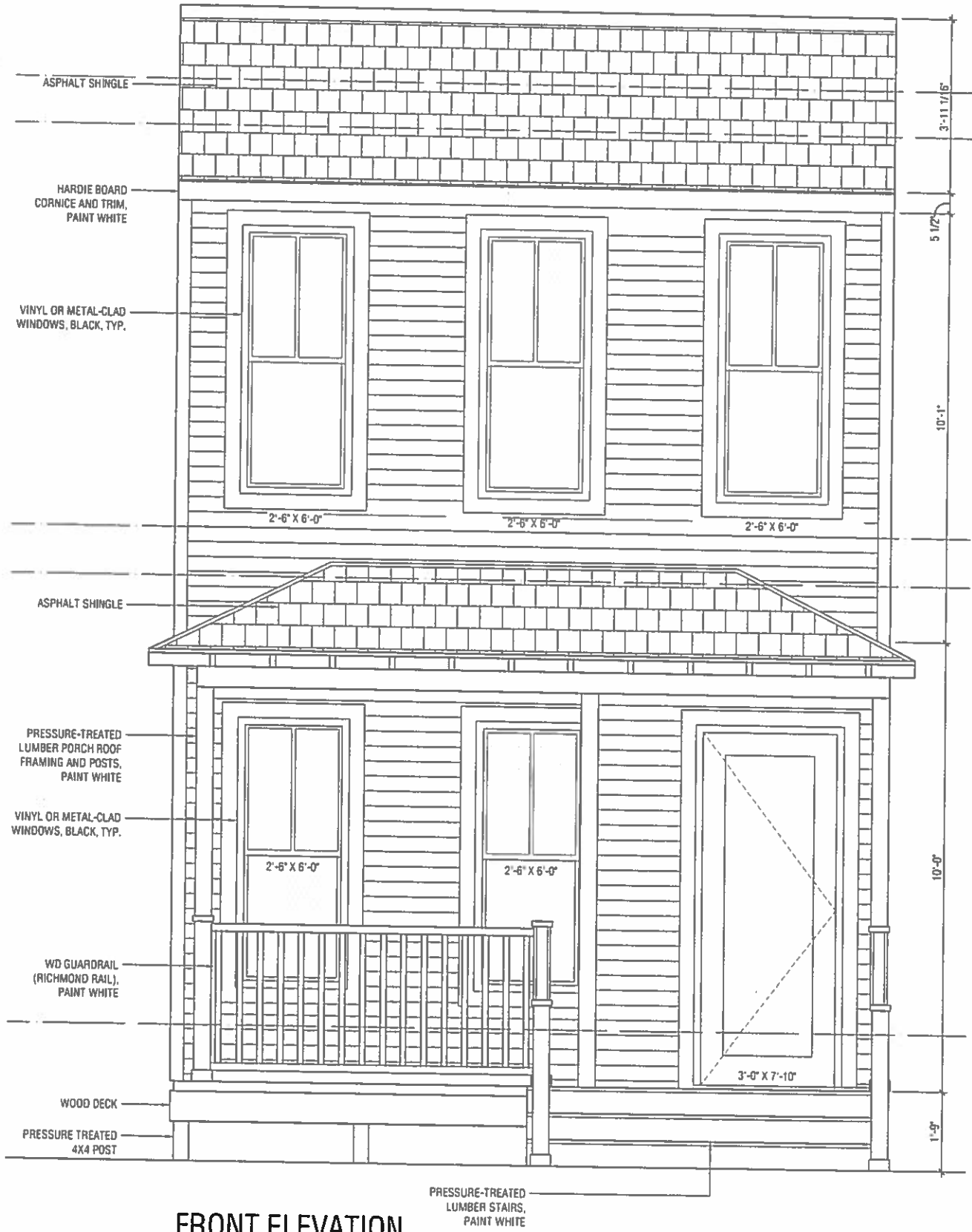
3136 GRAYLAND AVENUE | 30 MAY 2017 | NTS



FIRST FLOOR PLAN



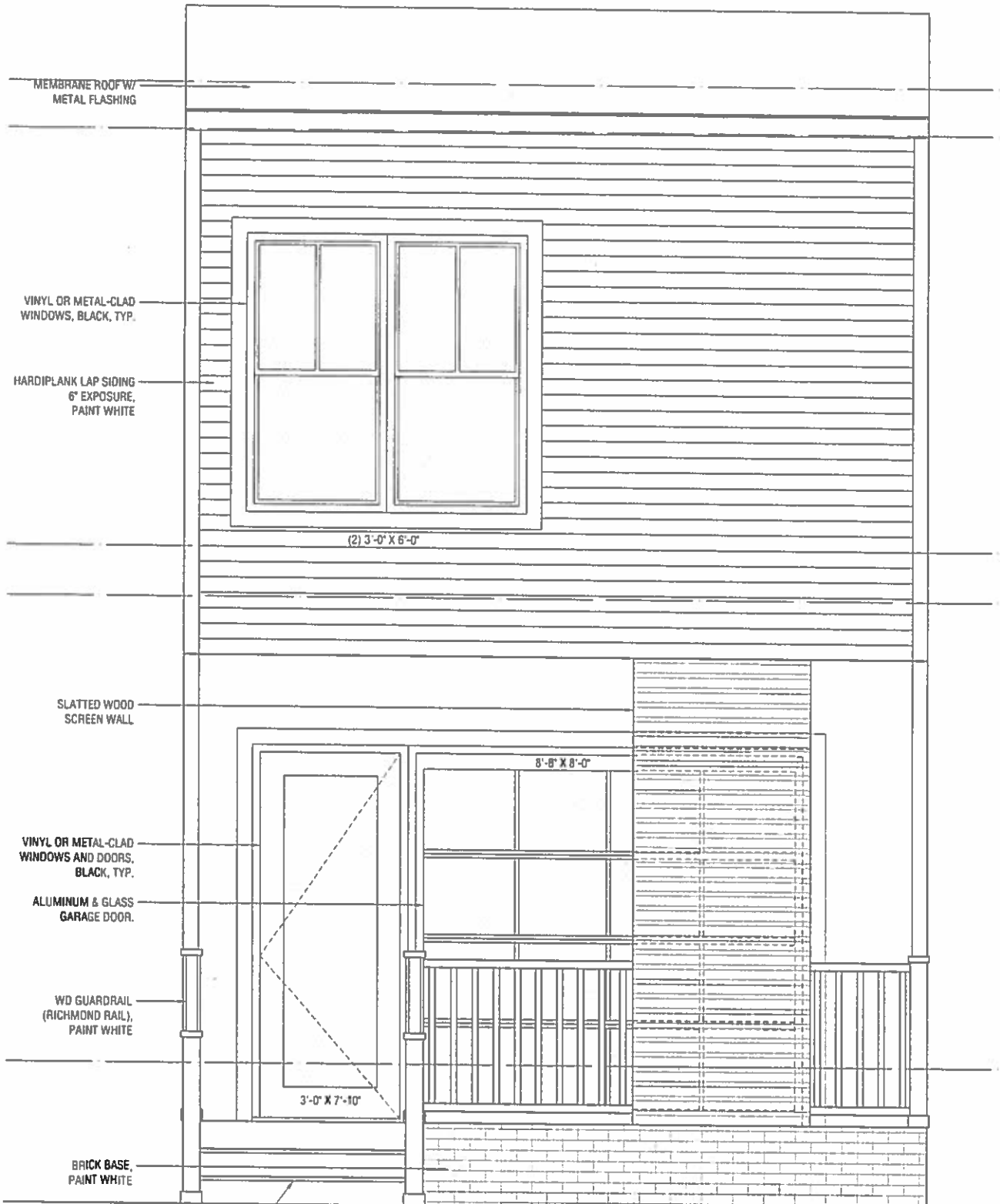
SECOND FLOOR PLAN



FRONT ELEVATION

ELEVATION

3136 GRAYLAND AVENUE | 19 SEPT 2017 | NTS

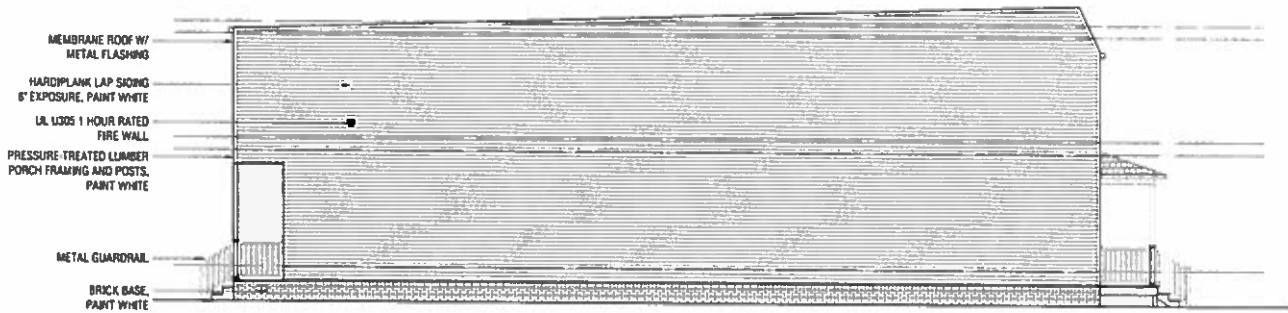
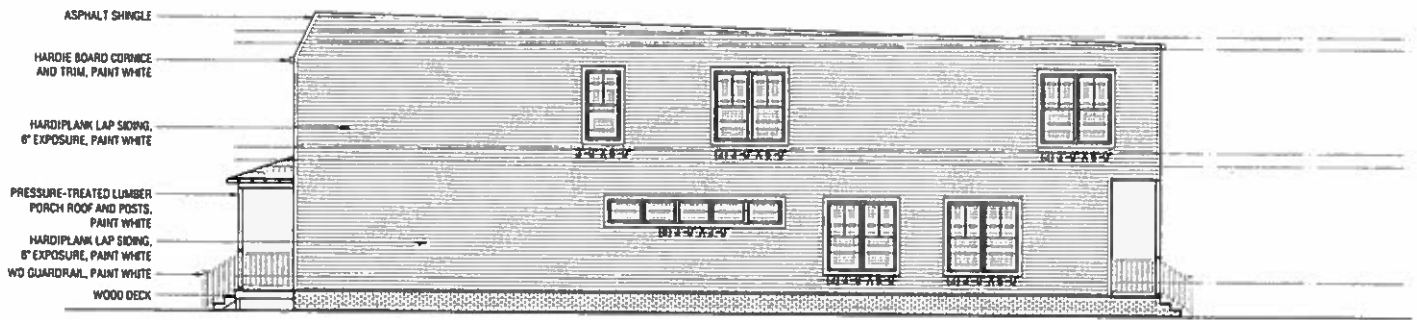


REAR ELEVATION

ELEVATION

3138 GRAYLAND AVENUE | 19 SEPT 2017 | NTS

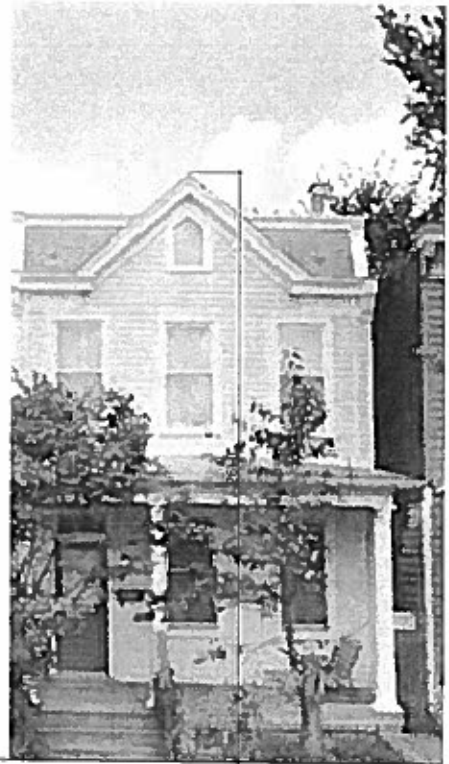
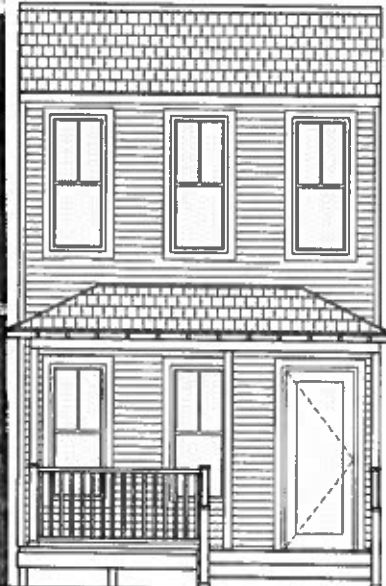
fultz&singh



SIDE ELEVATIONS

ELEVATIONS

3136 GRAYLAND AVENUE | 19 SEPT 2017 | L&S - 1'-0"



CONTEXT

ELEVATION

3136 GRAYLAND AVENUE | 19 SEPT 2017 | NTS

fultz&singh