

INTRODUCED: September 11, 2017

AN ORDINANCE No. 2017-181

To authorize the special use of the property known as 211 West 11th Street for the purpose of a dwelling unit to be constructed within an accessory building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 9 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 211 West 11th Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a dwelling unit to be constructed within a building accessory to a two-family dwelling unit, which use, among other things, is not currently allowed by section 30-419.4 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: OCT 9 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 211 West 11th Street and identified as Tax Parcel No. S000-0043/020 in the 2017 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Lot and Improvements Thereon Located at #211 W. 11th Street, Richmond, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated January 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 a dwelling unit to be constructed within a building accessory to an existing two-family dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the two pages of plans entitled “First Fl Garage, Second Fl, 209 & 211 W 11th St” and “211 W. 11th St, Garage/Loft,” prepared by Unlimited Renovations, LLC, and dated December, 2015, and the aforementioned survey, 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 dwelling unit within a building accessory to an existing two-family dwelling, substantially as shown on the Plans.

(b) The accessory building shall contain no more than one dwelling unit, substantially as shown on the Plans.

(c) Outdoor lighting shall be located, directed, or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights, or lighting on emergency vehicles.

(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.

(f) No fewer than three on-site parking spaces shall be provided for the use of the Property, substantially 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.

(e) The Owner shall make improvements within the public right-of-way, including installation of a sidewalk along the portion of West 11th Street 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, (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 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. 2017.341

RECEIVED

AUG 31 2017

OFFICE OF CITY ATTORNEY

O & R Request

O & R REQUEST

4-6907

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 *LS 8/31/17*
(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 *MO*

RE: Special use permit for a dwelling unit to be constructed within an accessory building at 211 West 11th Street.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 211 West 11th Street for the purpose of a dwelling unit to be constructed within an accessory building, upon certain terms and conditions.

REASON: The applicant is proposing a one-bedroom dwelling unit above a two-car garage that is accessory to a two-family dwelling. The property is currently located in the R-63 Multi-Family Urban Residential District and the proposed use is not permitted. A special use permit has therefore been requested by the applicant.

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 4,774 SF or .11 acre parcel of land improved with an existing two-family detached dwelling with a detached, 1,248 SF, two-story garage. The property is

located in the Old South Planning District and the Manchester neighborhood.

The City of Richmond's Downtown Plan designates the subject property as being within a General Urban Area, which is "characterized by medium-density, mixed-use development along medium-sized blocks [and includes] single-family homes, sideyard houses, rowhouses, and small multi-family buildings, such as duplexes, triplexes, and quads" (p. 3.23). No residential density is specified for this land use designation.

Adjacent and nearby properties are a combination the same R-63 district as the subject property. Properties across West 11th Street are located in the R-8 Urban Residential District. A mix of vacant and residential (single-, two-, and multi-family) land uses are present in the vicinity.

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: \$1,800 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. 17-25



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: 211 West 11th Street Date: 1/5/17
 Tax Map #: S0000043020 Fee: _____
 Total area of affected site in acres: 900 sq ft

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

Zoning

Current Zoning: R-63
 Existing Use: Playroom above garage

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Small 1 bedroom efficiency apartment/ or home office space above garage
 Existing Use: Playroom

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Bryan Traylor

Company: Unlimited Renovations LLC
 Mailing Address: 615 Albemarle Street
 City: Richmond State: VA Zip Code: 23220
 Telephone: (804) 399-7495 Fax: (804) 780-0038
 Email: bryantraylor@gmail.com

Property Owner: Dominion Area Development Group LLC

If Business Entity, name and title of authorized signee: Bryan Traylor

(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: 615 Albemarle Street
 City: Richmond State: VA Zip Code: 23220
 Telephone: (804) 399-7495 Fax: (804) 780-0038
 Email: bryantraylor@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)



615 Albemarle Street Richmond, VA 23220 Ph 804.780.2628 Fax 804.780.0038

211 West 11th Street Garage

Description of Finishes

Special Use Permit

624 Square foot, 1 bedroom, 1 full bath, eat in kitchen, above garage Apartment.

It is our desire to obtain a Special use permit for this small 624 square foot space above the garage. This space would make a great 1 bedroom apartment. With the increased density in the Manchester area, with multiple apartment complexes, mixed use buildings and large scale homes, this small 1 bedroom apartment allows its resident privacy, security and a nice quiet living environment away from a traditional apartment/townhouse/duplex setting.

This unit will in no way impact the safety, health, morals and general welfare of the community due in large part to its small scale and it being located behind a larger main building. This proposed 1 bedroom apartment will not create added congestion in roads and or alleys due to its dedicated parking space.

This new construction apartment is up to current codes for fire and emergency notification items, smoke detectors etc. There is also a 15' wide alleyway to the South of the structure to allow for EMS access to the unit. This apartment is also equipped with a security system. This small apartment will not tend to cause overcrowding due in large part to its small scale as well as its dedicated parking spot in the rear.

This apartment may lend itself to assisting in the school systems, parks and playground by allowing affordable housing for possible employees and or volunteers that may work or use these city programs.

This second floor walkup apartment is equipped with multiple windows to allow light and air to permeate the space. This structure as seen in the pictures does not limit the adjacent property owners adequate light and air due in large part to it being positioned between 2 alleyways and at the rear of the property. We have designed and constructed this space to fit in with the surrounding homes as well as used materials that will look good and last for years to come.

Exterior finishes: Are similar to some of the older homes in the Manchester Neighborhood.

1. The foundation consists of parged block.
2. Siding is premium Hardiplank siding. Prefinished with 10 year paint warranty
3. Cornice line and trim boards are PVC and or related materials.
4. Shingles are 35 year dimensional black asphalt.
5. Exterior entrance stairs are 4' wide with large landing at the top for safety.
6. Awing, custom made.
7. Exterior doors. Fiberglass. Garage door are "Carriage house" Style.
8. Windows are Plygem double insulated glass with 5/4 x 4 exterior trim 2 over 2 light pattern is considered. Color of trim and mullions to be Arctic white.



615 Albemarle Street Richmond, VA 23220 Ph 804.780.2628 Fax 804.780.0038

211 West 11th Street Garage
Description of Finishes
Special Use Permit

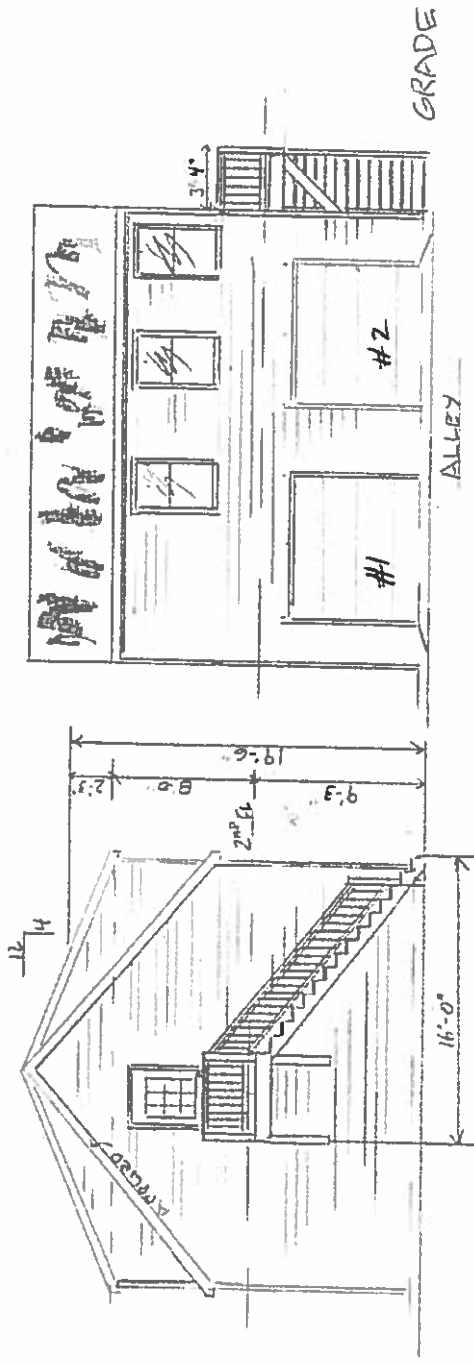
Interior Finishes:

624 Square foot, 1 bedroom, 1 full bath, eat in kitchen, above garage Apartment has 8' ceilings.

1. Floor finishes: Hardwood installed in living and bedroom areas. Baths/ laundry area have ceramic tile installed.
2. Cabinets to be 36"+ -wall stained cabinets
Vanity: White porcelain top Brushed nickel pulls are included.
3. Hardware: Door hardware to be brushed nickel/black.
4. Lighting/ mirrors/shelving: Ceiling fan light combination installed in bedroom. Mirrors to be installed in all bath. Shelving to be white ventilated and will finish out all closet spaces.
5. Security system: To be installed with door and motion sensors. 1-key pad included.
6. Showers/tubs/faucets: To be fiberglass and will have framed shower doors installed. All faucets to be chrome.
7. HVAC/ Water heater: Electric American Standard Heat Pump with 10-year compressor warranty.
8. Water heater to be 50 gallon electric.
9. Interior Painting: Antique White flat on walls and semi gloss white on trim and doors.
10. Appliances: Black fridge with ice maker, glass top electric stove, microwave, dishwasher, washer dryer (included)
11. Off street parking: 1 Space rear yard.

Respectfully submitted

Bryan Traylor



REAR ELEVATION

RIGHT SIDE ELEVATION

211 W. 11TH ST
GARAGE / LOFT

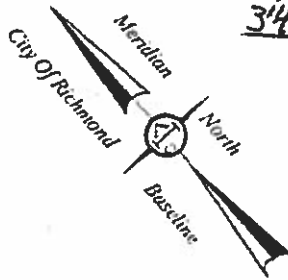
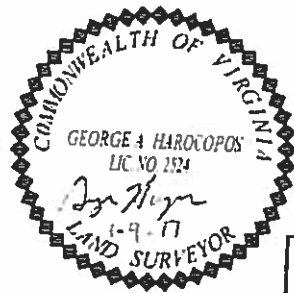
UNLIMITED RENOVATIONS LLC	
DATE: 04/20/15	PROJECT: [unclear]
DATE: 04/20/15	SCALE: [unclear]
DRAWING NO. [unclear]	
SHEET NO. 2 OF 2	

This is to certify that on 1/9/17
 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

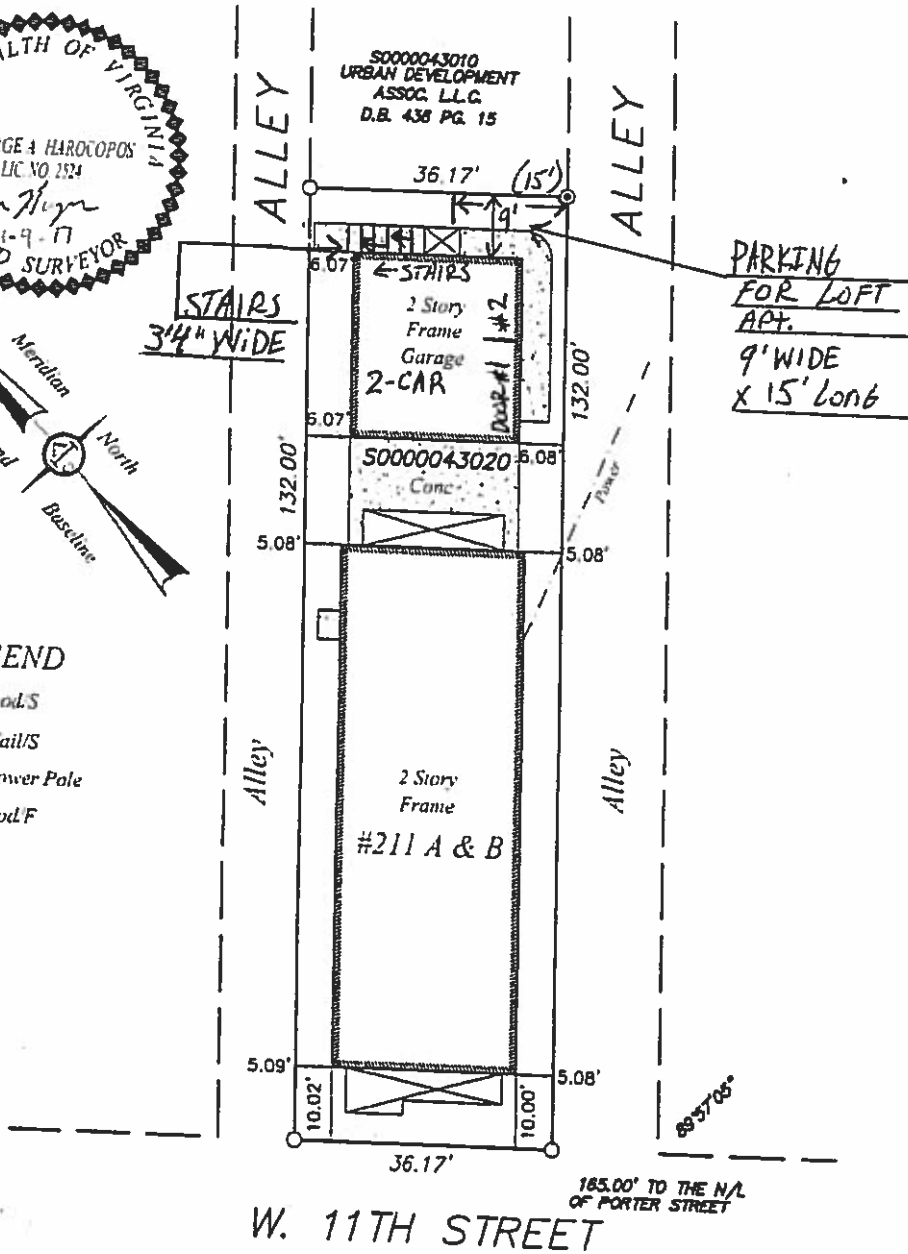
NOTE:
 This survey has been prepared without
 the benefit of a title report and does
 not therefore necessarily indicate all
 encumbrances on the property

Plat Revised 12/17/15



LEGEND

- Rod/S
- ⊙ Nail/S
- ⊕ Power Pole
- Rod/F



PLAT SHOWING
 LOT AND IMPROVEMENTS THEREON LOCATED AT
#211 W. 11th STREET
 RICHMOND, VIRGINIA

NOTE: PLAT PREPARED FOR THE EXCLUSIVE
 USE OF Unlimited Renovations

JN 41267

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

4920 E MILL RIDGE PKWY SUITE 200 MIDLOTHIAN VA 23112
 Office 804 744 2610 FAX 804 744 2612
 E-MAIL AGHARCOCHOS@VERIZON.NET

Scale 1"=20' Date 1/9/17 Drawn by GAH