

INTRODUCED: September 13, 2021

AN ORDINANCE No. 2021-257

To authorize the special use of the property known as 801 Lincoln Avenue for the purpose of an accessory dwelling unit within a single-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: OCT 11 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 801 Lincoln Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of an accessory dwelling unit within a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-410.1 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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: 0 NOES: 8 ABSTAIN: _____

ADOPTED: _____ REJECTED: NOV 8 2021 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 (2020), 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 801 Lincoln Avenue and identified as Tax Parcel No. N018-0452/009 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Site Plan of 801 Lincoln Avenue, City of Richmond, Virginia,” prepared by Long Surveying, LLC, and dated July 11, 2019, 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 an accessory dwelling unit within a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Proposed Addition and Alteration, 801 Lincoln Ave, Richmond, VA,” prepared by Michael Frank Repsher, Architect, and dated September 26, 2019, 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 an accessory dwelling unit within a single-family detached dwelling, substantially as shown on the Plans.

(b) Parking for no fewer than four vehicles shall be provided on the Property.

(c) 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 (2020), as amended, and all future amendments to such laws.

(e) 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 (2020), 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.

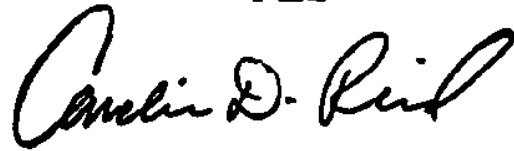
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), 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 "Carolin D. Reil". The signature is written in a cursive, flowing style.

City Clerk

City of Richmond

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

Item Request File Number: PRE.2021.611

O & R Request

DATE: August 12, 2021

EDITION: 1

TO: The Honorable Members of City Council

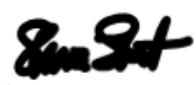
THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)



THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer



THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning



FROM: Kevin Vonck, Acting Director, Department of Planning and Development Review



RE: To authorize the special use of the property known as 801 Lincoln Avenue for the purpose of allowing an accessory dwelling unit within a single-family dwelling.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 801 Lincoln Avenue for the purpose of allowing an accessory dwelling unit within a single-family dwelling.

REASON: The subject property is located in the R-5 Single-Family Residential zoning district. Two family detached dwellings are not permitted uses.

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 4, 2021 meeting.

BACKGROUND: The subject property is located midblock on the southern side of Lincoln Avenue between Piney Road and Corbin Street. The subject property is 57 feet wide, a depth of 115 feet for a total area of 6,612 square feet. A single-family dwelling with approximately 3,259 square feet of living space in under construction. This structure is a permitted use in the R-5 Single-Family Residential District. The request for special use only addresses a proposed accessory dwelling unit located in the area above the garage. Approval of the SUP will allow a second kitchen in the accessory dwelling unit area well as a private outside entrance.

The Richmond 300 Master Plan recommends Residential uses for the Property. Single-family dwellings and accessory dwelling units are noted as primary uses. Duplexes are noted as secondary uses.

All properties surrounding the subject property are located within the same R-5 Single-Family Residential Zoning District. Within the area of the subject property, properties are improved with single-family dwellings.

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 13, 2021

CITY COUNCIL PUBLIC HEARING DATE: October 11, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 4, 2021

AFFECTED AGENCIES: Office of Chief Administration Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application and Narrative, Plans, Survey, Map

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



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: 801 Lincoln Ave, Richmond, VA 23222 Date: 11/20/2020
Tax Map #: N0180452009 Fee: \$300
Total area of affected site in acres: 0.152

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

Zoning

Current Zoning: R-5

Existing Use: single-family residential

Proposed Use

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

two-family attached dwelling
Existing Use: single-family residential

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Ryan Robertson

Company: N/A
Mailing Address: 802 Lincoln Ave
City: Richmond State: VA Zip Code: 23222
Telephone: (901) 581-2140 Fax: ()
Email: rtrbrtsn@gmail.com

Property Owner: Ryan Robertson

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: 802 Lincoln Ave
City: Richmond State: VA Zip Code: 23222
Telephone: (901) 581-2140 Fax: ()
Email: rtrbrtsn@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)

Ryan Robertson
802 Lincoln Ave
Richmond, VA 23222

20th November 2020

Department of Planning and Development Review
Land Use Administration Division
900 E Broad St, Room 511
Richmond, VA 23219

Re: Special Use Permit Applicant's Report – 801 Lincoln Ave (Parcel ID # N0180452009)

To whom it may concern:

I am writing to request that a special use permit be issued for the property at 801 Lincoln Ave that will allow use as a two-family attached residential dwelling. The current approved use is single-family residential (R-5). The existing structure consists of a 5 bedroom, 4 ½ bath home with attached 2 car garage that measures approximately 3,259 sqft of living space. The special use permit being applied for will allow the living space above the garage to be utilized as a 1 bedroom, 1 bath loft-style apartment with a full kitchen, laundry closet, living area, walk-out rooftop balcony, and private entrance to the side of the house which will not detract from the front elevation of the structure. The area to be converted totals approximately 884 sqft of living space, which will leave the main house with approximately 2,375 sqft of living space (4 bedrooms, 3 ½ baths).

The approval of this special use permit will enhance the usage of the structure without detracting from the value or character of the neighborhood. This property is located on a double lot consisting of parcels 15-16 in the Washington Park neighborhood that would otherwise be useable for two separate single-family detached dwellings. Therefore, it is concludable that allowing this property to be utilized as a two-family attached structure would not create any overcrowding or undue burden on city services (including, water, sewer, fire/EMS/police, and schools). In addition, off-street parking is available for up to four vehicles and on-street parking is available for up to two vehicles. Therefore no parking congestion would result from the approval of this permit. Tree well #4520 in front of the property is currently vacant. A tree will be planted in this tree well once the project is completed.

Precedent for two-family use in the Washington Park neighborhood currently exists. The property at 4109 Corbin St is approximately 400 feet away from the property at 801 Lincoln Ave, and both properties are in the Washington Park neighborhood. 4109 Corbin St is similarly on a double lot and is

currently approved as a two-family dwelling. 4109 Corbin St measures approximately 0.135 acres with 50 feet of street frontage, and the structure has a combined total of approximately 2,508 sqft living space. The property at 801 Lincoln Ave for which this special use permit is being applied for is 0.152 acres with 57 ½ feet of street frontage and 3,259 sqft of living space. The property at 4109 Corbin St has not had any adverse effects on the character and enjoyment of the Washington Park neighborhood and provides appropriate precedent for the approval of a two-family special use permit at 801 Lincoln Ave.

Thank you,



Ryan Robertson

Owner

ADDRESS: 801 LINCOLN AVE.

PARCEL: N0180452009

ZONED R-5

SETBACKS

FRONT: 25'

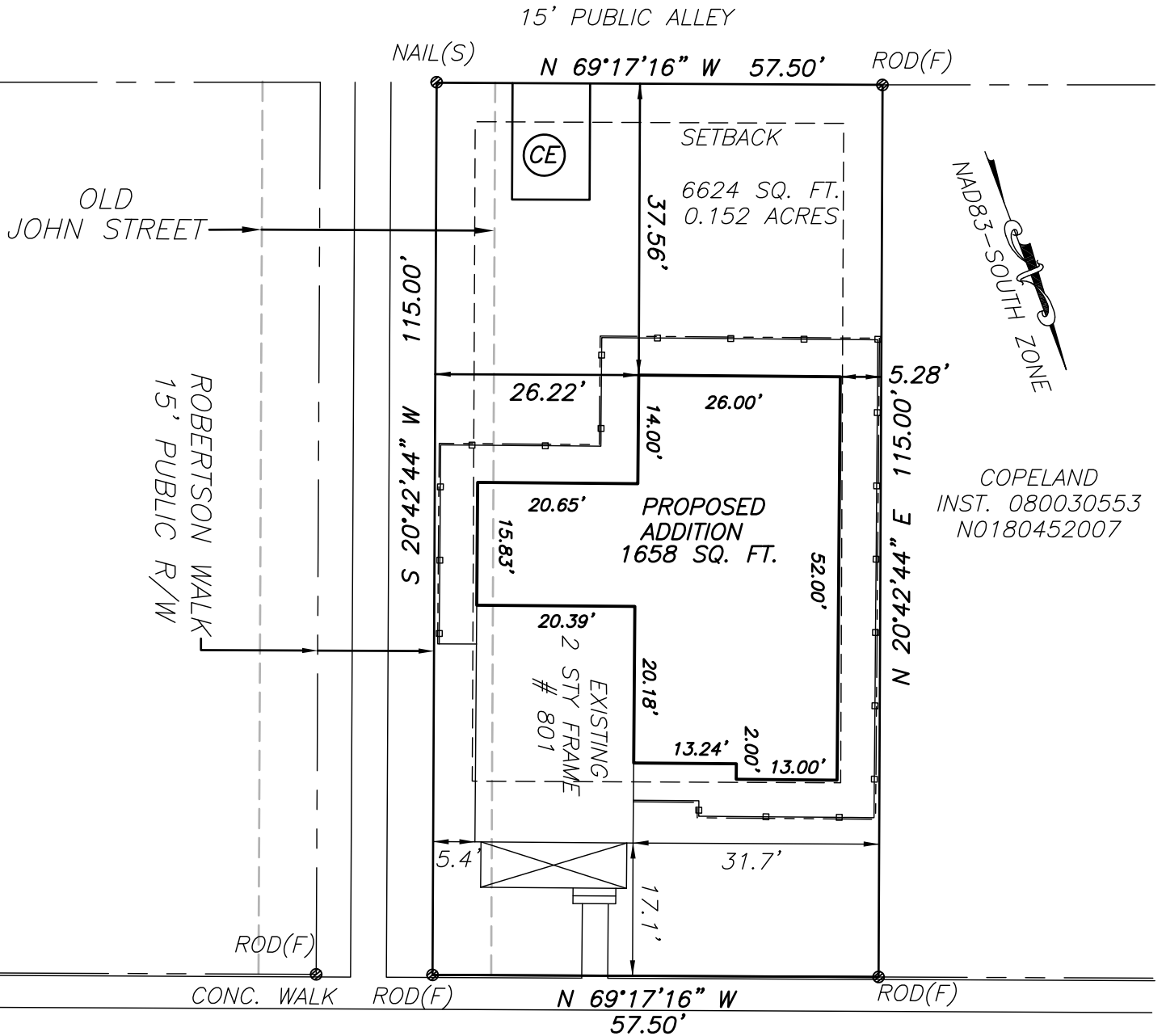
SIDE: 5'

REAR: 5'

LOT SIZE: 6624 SQ. FT.

AREA OF DISTURBANCE: 2451 Sq. Feet

ONCE CONSTRUCTION IS COMPLETE SITE IS TO BE PERMANENTLY SEEDED.



LINCOLN AVENUE

50' PUBLIC R/W (AS WIDENED)

- SILT FENCE
- - - - - SETBACKS
- - - - - LIMITS OF DISTURBANCE
- (CE) CONSTRUCTION ENTRANCE

SITE PLAN OF 801 LINCOLN AVENUE

LONG SURVEYING, LLC
4650 FACTORY MILL ROAD
MAIDENS, VA 23102

CITY OF RICHMOND
VIRGINIA
JULY 11, 2019
SCALE: 1"=20'