

AN ORDINANCE No. 86-247-227

ADOPTED OCT. 27 1986

To authorize the use of the real estate known as 1119 West Grace Street, containing 2,300 square feet, more or less, located on the south right of way line of West Grace Street 350.9 feet, more or less, west of Ryland Street, being more completely described as follows: beginning at a point on the south right of way line of West Grace Street, said point being 350.90 feet west of the west right of way line of Ryland Street; thence extending in a westerly direction 23.10 feet along the south right of way line of West Grace Street to an 8-foot alley in common; thence extending in a southerly direction 97.98 feet along said alley to the north right of way line of an 18-foot alley; thence extending in an easterly direction along the north right of way line of said alley 23.88 feet to a point; thence extending in a northerly direction 98.00 feet along a property line to the point of beginning, for the purpose of continuing its usage as a two-family dwelling, and to provide for off-street parking, upon certain terms and conditions.

Patron - City Manager (By Request)

Approved as to form and legality
by City Attorney

1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That the real estate known as 1119 West
3. Grace Street, containing 2,300 square feet, more or less,
4. located on the south right of way line of West Grace Street
5. 350.9 feet, more or less, west of Ryland Street, being more
6. completely described as follows: beginning at a point on the
7. south right of way line of West Grace Street, said point
8. being 350.90 feet west of the west right of way line of

1. Ryland Street; thence extending in a westerly direction
2. 23.10 feet along the south right of way line of West Grace
3. Street to an 8-foot alley in common; thence extending in a
4. southerly direction 97.98 feet along said alley to the north
5. right of way line of an 18-foot alley; thence extending in
6. an easterly direction along the north right of way line of
7. said alley 23.88 feet to a point; thence extending in a
8. northerly direction 98.00 feet along a property line to the
9. point of beginning, is hereby permitted to continue to be
10. used for the purpose of a two-family dwelling; said property
11. being as shown on and in accordance with the attached plat
12. of survey (dated July 28, 1983, prepared by Charles H. Fleet
13. and Associates) and floor plans entitled: "No. 1119 W. Grace
14. St.", prepared by W. W. Carter, dated August 25, 1986,
15. copies of which are attached to the draft of this ordinance
16. and incorporated herein as a part hereof.

17. § 2. That the Commissioner of Buildings is hereby
18. authorized to issue to the owner of said real estate, or
19. successor or successors in fee simple title, a building
20. permit, if requisite, and a permit to occupy the property
21. for such purpose, substantially in accordance with the
22. survey and floor plans attached to the draft of this
23. ordinance. The special use permit herein authorized shall
24. be transferable to the successor or successors in title of

1. the owner, whether acquired by operation of law, deed or
2. otherwise and shall run with the land subject to the
3. following terms and conditions:

4. (a) That the acceptance of the permit and the
5. exercise of the privileges granted by this ordinance by the
6. owner and successor or successors in title shall constitute
7. a warranty on the part of the owner and successor or
8. successors that title to the land and the building shall be
9. vested in the same person or persons or corporation or both;

10. (b) That the owner shall be bound by, observe and
11. shall comply with all other laws, ordinances and rules and
12. regulations adopted pursuant thereto, applicable to the land
13. and building, except as otherwise provided in this
14. ordinance;

15. (c) That two parking spaces shall be provided at
16. the rear of the property as shown on the attached plans;

17. (d) There shall be no exterior alterations or
18. additions to the building other than those shown on the
19. plans and other than normal repair and maintenance;

20. (e) That storm or surface water shall not be
21. allowed to accumulate on the land, and adequate facilities
22. for drainage of storm or surface water from the land or
23. building shall be provided and maintained at all times by
24. the owner at the owner's cost and expense so as not to

1. adversely affect or damage adjacent properties or public
2. streets and alleys and the use thereof;

3. (f) That facilities for the collection of refuse
4. shall be provided in accordance with the requirements of the
5. Director of Public Works;

6. (g) The owner of 1119 West Grace Street (including
7. any successor in interest to the current owner) shall have a
8. period of one year from the date of adoption of this
9. ordinance in which to make an application for a certificate
10. of occupancy in order to exercise the rights and privileges
11. conferred by this ordinance;

12. (h) That should the owner use the premises for any
13. purpose which is not permitted by this ordinance, or fails,
14. refuses or neglects to comply with the provisions of
15. foregoing paragraphs (a) through (g) and does not terminate
16. such use or comply with such provisions within ninety days
17. after written notice so to do has been given to the owner by
18. the Zoning Administrator, the privileges granted by this
19. ordinance shall terminate and the special use permit shall
20. become null and void; and

21. (i) That when the privileges granted by this
22. ordinance terminate and the special use permit becomes null
23. and void or when use of the premises is abandoned for a
24. period of twenty-four consecutive months, use of the real

1. estate shall be governed thereafter by the zoning regula-
2. tions prescribed for the district in which the real estate
3. is then situated.

4. § 3. This ordinance shall be in force and effect
5. upon adoption.

SPECIAL USE PERMIT APPLICATION
CITY OF RICHMOND, VIRGINIA

Date 8/25/86

TO: The Honorable Council of the City of Richmond
c/o The Department of Planning & Community Development
900 East Broad Street, Room 511
Richmond, Virginia 23219

Application is hereby made for a SPECIAL USE PERMIT for (proposed use):

Two family dwelling
at the premises designated or described as follows: 1119 W. GRACE
STREET

in accordance with attached plans designated (title, sheet numbers, preparer, date)
Survey dated July 23, 1983 Prepared by CHAS. H. FLEET + ASSOC'S.
FLOOR PLANS DATED Aug. 25th 1986 - Prepared By W.W. CARTER JR

The current zoning of the property is: R-73 Multi-family

Attached is a check for \$ N/A, payable to "City of Richmond."

Signature of owner of property: W.W. Carter Jr.

Address: 1119 W. Grace St

Zip Code: 23220

Phone: 282-2131

Applicant or owner's representative: Same as above

Address: _____

Zip Code: _____

Phone: _____

Staff Note:

Application, plans, report, fee and other required information received: _____

Affects Master Plan YES _____ NO _____

September 1, 1986

Department of Planning & Community Development
Room 511, City Hall
900 East Broad Street
Richmond, VA 23219

RE: Special Use Permit

Dear Sirs:

I am currently seeking a Special Use Permit for 1119 West Grace Street. I have attached the required application form, plans and applicant's report for your consideration.

In addition, I would like to give you some background information on why I am seeking such a permit.

In 1978 the City of Richmond issued me a certificate of occupancy for a two-family dwelling at 1119 W. Grace Street. After obtaining the C.O., I invested \$25,000.00 into improvements on the building which enhanced the building's looks and value, along with the value of the surrounding buildings. In 1986 I decided to sell 1119 West Grace Street. I obtained a contract of sale and was to close the sale on May 15, 1986. Before closing, the City of Richmond informed me that they had made an error in issuing me a two-family certificate of occupancy.

This error made by the City has caused me undue hardship, not to mention the loss of sale on the property at 1119 West Grace Street, which was to close at \$82,000.00.

In addition to losing the sale of the property at 1119 W. Grace, I have also been caused much hardship in building a new home in Hanover County. When I obtained a firm contract on 1119 W. Grace, I signed a contract on a house in Hanover County. This house was under construction at the time, and with the sale of my house on Grace Street in mind, I invested \$5,000.00 into the new home, with the intention of securing the balance at the end of the sale.

Since losing the sale of 1119 W. Grace Street, I have had to secure a 90-day loan from my bank at an extra \$700.00 interest in order to secure the new house in Hanover County, prior to obtaining permanent financing.

Due to the above hardships that I have encountered because of the City's erroneous issuance of a two-family C.O., I feel that a Special Use Permit should be issued for my property at 1119 West Grace Street.

Sincerely,

W. W. Carter, Jr.

Enclosures - application, plans, applicant's report

REQUEST FOR SPECIAL USE PERMIT
Applicant's Report #3:

The proposed use of 1119 W. Grace Street is to continue it as a two-family dwelling.

A two-family dwelling would be compatible with the surrounding area due to the zoning of the 1100 Block of West Grace Street (zoned R-73 - Multi-family)

Conditions specified by the City Charter have been met at 1119 West Grace Street:

- 1) A two-family dwelling in a multi-family neighborhood should not be viewed as detrimental to the community involved. If anything, it should enhance the value of the neighborhood and reduce overcrowding that multi-family neighborhoods experience.
- 2) Continuing to use 1119 W. Grace Street as a two-family dwelling would not create congestion in streets, roads and alleys. Off street parking for two (2) cars is provided at 1119 W. Grace.
- 3) Overcrowding is not a problem at 1119 W. Grace Street. The property is equipped with three and $\frac{1}{2}$ ($3\frac{1}{2}$) baths, 3 bedrooms, and two (2) kitchens.
- 4) The property does not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.
- 5) Using the property as a two-family dwelling would not interfere with adequate light and air.

In an area where most buildings are multi-family (apartments and rooming houses), a renovated two-family dwelling with private parking would not be detrimental to the neighborhood but would enhance the area and limit transient living on the 1100 block of West Grace Street.

W. W. Carter, Jr.

City of Richmond
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219
804 • 780-4347

October 21, 1986

To the Honorable Council of the
City of Richmond, Virginia

At its meeting of October 20, 1986, the City Planning Commission voted
(8-0) to recommend APPROVAL of:

Ordinance No. 86-247

To authorize the use of the real estate known as 1119 West
Grace Street, containing 2,300 square feet, more or less,
located on the south right of way line of West Grace
Street,***west of Ryland Street,***for the purpose of
continuing its usage as a two-family dwelling, and to provide
for off-street parking, etc.

Approval of this special use ordinance would authorize the continued use of
an existing two-family dwelling at 1119 W. Grace Street. The property is
located on the south side of W. Grace Street west of Ryland Street and
contains approximately 2300 square feet of lot area. The property is zoned
R-73 Multi-Family, which permits two-family dwellings. However, the lot
area requirement of 4000 square feet is not met.

This special use permit request was filed under Ordinance No. 85-145-146,
which waives the filing fee in cases where the City has issued in error a
building permit or certificate of occupancy for an existing use. In this
case, a certificate of occupancy was issued to the petitioner for
two-family use in 1978. The petitioner sought a variance from the Board of
Zoning Appeals in July of this year to legitimize the existing two-family
use. The Board rejected the variance and indicated it did not feel it was
within their limited powers.

City Assessor's records indicate that the subject building was constructed
as a single-family dwelling in 1922. From available evidence, it appears
the property was converted to two-family use sometime between 1962 and
1978. During this time, the property was zoned multi-family, but the lot
area requirements for two-family use would not have been met. The
petitioner acquired the property in 1978, at which time it was a two-family
dwelling.

Surrounding properties are also zoned R-73 Multi-Family. For the most
part, this block of W. Grace Street is developed with large apartment
buildings. There is a 12-unit apartment building adjacent to the subject
property on the west, and three 18-unit buildings are located directly
across Grace Street to the north. To the east are four single-family
dwellings, and across an alley to the south is a mid-block parking area.
The Master Plan recommends medium density multi-family use for all of the
properties along W. Grace Street in this area.

October 21, 1986

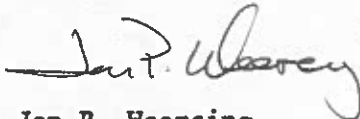
The existing two-story plus basement brick dwelling contains approximately 1900 square feet of floor area. A one-bedroom apartment occupies the first floor and basement levels of the building. The second floor contains one two-bedroom apartment. A six-foot high wood fence surrounds the rear yard, and no parking is currently provided on the site. The ordinance requires that the petitioner remove the fence so that two parking spaces can be provided with access from the alley. The provision of two parking spaces meets the normal zoning requirement for a two-family dwelling.

As in the case of previous requests filed under the fee waiver ordinance, the Commission feels it is important to evaluate this request on the basis of reasonable and uniform criteria so as to arrive at an appropriate and justifiable land use decision. In this case, the Commission feels there are a number of circumstances which justify approval. A two-family dwelling is a permitted use under the current zoning of the property, and only the lot area requirement is deficient. All other requirements, including off-street parking, would be met. The current R-73 zoning would permit the property to be used as a rooming house. The Commission feels a two-family dwelling would be preferable to such use.

The current owner acquired the property in good faith as a two-family dwelling, made a number of improvements to the property, and obtained a certificate of occupancy. Given the predominance of large apartment buildings in this block, two-family use of the subject property is reasonable and consistent with the established land use pattern in the area. The use is also consistent with Master Plan objectives for the area.

The conditions and safeguards set forth in the Charter relative to the issuance of special use permits appear to be met, and approval is recommended. The Board of the Fan District Association has voted not to oppose this request so long as off-street parking is provided. No opposition has been expressed to the Commission.

Very truly yours,



Jon P. Weersing
Secretary

JPW:lk

cc: Mr. W. W. Carter, Jr. - Applicant

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 86-247	Subject Special Use Permit for 2-family dwelling/1119 West Grace Street.
Requested by City Manager, By Request	
Received City Manager's Office --	
Summarized 10/20/86	

SUMMARY

This Ordinance would permit the continued use of an existing 2-family dwelling at 1119 West Grace Street.

This request was filed under Ordinance No. 85-145-146 which waives the filing fee when a Certificate of Occupancy (CO) permit was issued in error for an existing use. A CO was issued on April 7, 1978, in error for a 2-family use. Lot area, 2,300 sq. ft., (requirement 4,000 sq. ft.), side yards and off-street parking are not met.

The building is a 2-story brick plus basement dwelling containing approximately 1,900 sq. ft. of floor area. A one-bedroom apartment occupies the 1st floor and basement; a 2-bedroom apartment is located on the second floor.

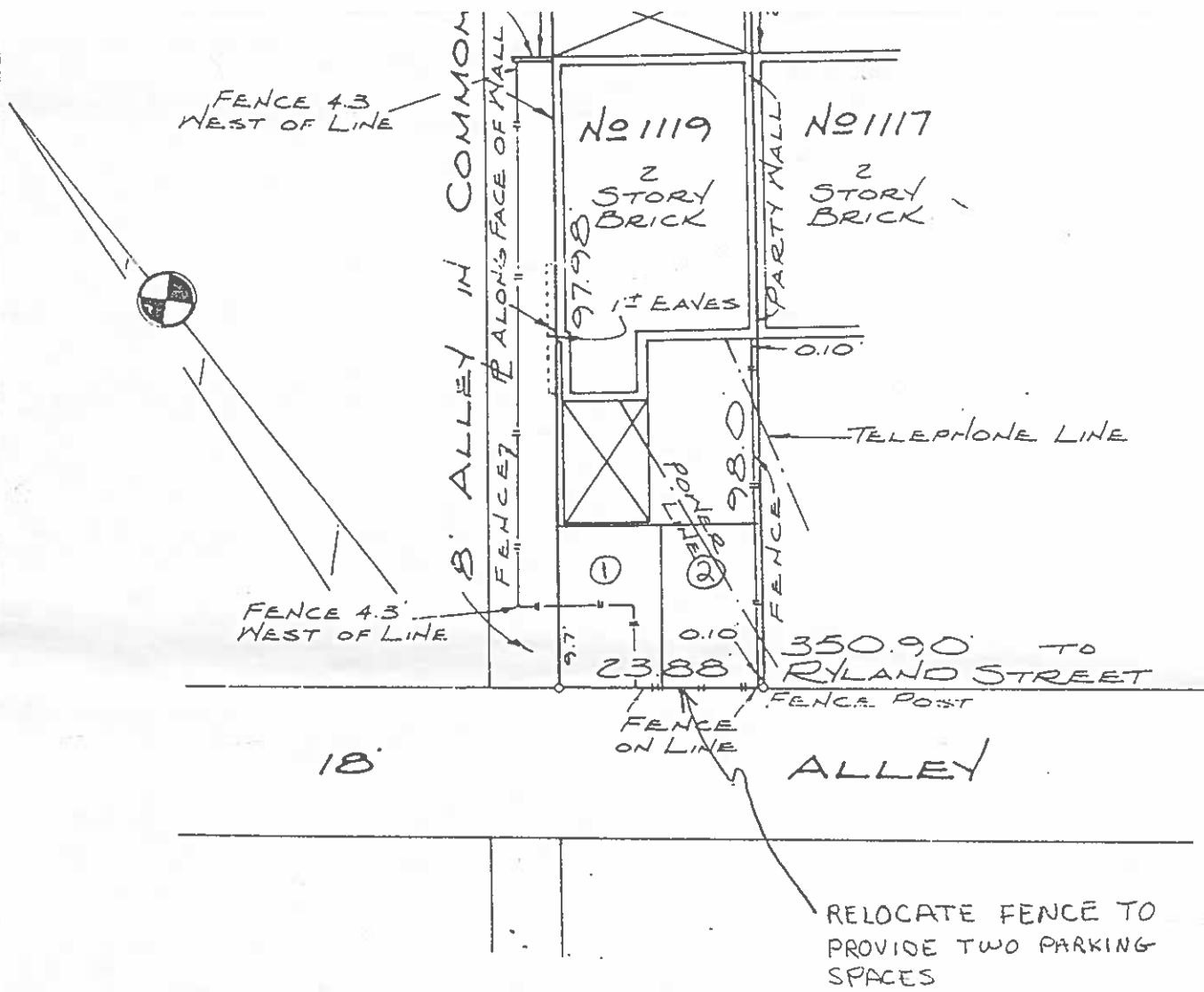
The R-73 Zoning would permit the property to be used as a rooming house. The Planning Department feels a 2-family dwelling would be preferable. The 2-family use is consistent with the Master Plan objectives for the area.

Off-street parking spaces shall be provided.

Planning Commission granted approval on October 20, 1986.

COUNCIL ACTION

On Docket 10/27/86
Amended
Adopted
Rejected



PLAT OF PROPERTY SITUATED
 ON THE SOUTHERN LINE, OF
 GRACE STREET AND WEST
 OF RYLAND STREET.
 RICHMOND, VA.



JULY 28, 1983
 SCALE 1"=20'

CHAS. H. FLEET & ASSOCS.
 ENGINEER & SURVEYORS
 RICHMOND, VA.

FILE 1341

BK. 382-83