

INTRODUCED: May 23, 2016

AN ORDINANCE No. 2016-167

To authorize the special use of the property known as 21 West Clay Street for the purpose of authorizing one two-family attached dwelling and accessory parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 27 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 21 West Clay Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of authorizing one two-family attached dwelling and accessory parking, which use, among other things, does not currently meet the requirements of sections 30-412.4 and 30-412.5 of the Code of the City of Richmond (2015), as amended, concerning lot and yard area; 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: JUNE 27 2016 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 21 West Clay Street and identified as Tax Parcel No. N000-0077/001 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lot and Improvements Thereon Located at #21 West Clay Street, Richmond, Virginia,” prepared by A. G. Harocopos & Associates, P.C., and dated April 9, 2014, 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 one two-family attached dwelling and accessory parking, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “21 West Clay Street Alterations,” and dated February 11, 2016, hereinafter referred to as “the Plans,” a copy of which is 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 one two-family attached dwelling, substantially as shown on the Plans.

(b) Parking spaces shall be provided in accordance with section 30.710.1 of the Code of the City of Richmond (2015), as amended.

§ 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 attached 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) 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-125

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

RECEIVED

MAY 13 2016

File Number: PRE. 2016-125

OFFICE OF CITY ATTORNEY

To authorize the special use of the property known as 21 West Clay Street for the purpose of authorizing one (1) two-family attached dwelling unit and accessory parking, upon certain terms and conditions.

4-5064
O & R REQUEST

O & R Request

DATE: April 12, 2016

EDITION: 1

APR 19 2016

TO: The Honorable Members of City Council

Chief Administration Office
City of Richmond

THROUGH: Dwight C. Jones, Mayor
(This in 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

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 21 West Clay Street for the purpose of authorizing one (1) two-family attached dwelling unit and accessory parking, upon certain terms and conditions.

REASON: The applicant is seeking permission to convert the basement of an existing primary dwelling into a second dwelling unit. The R-6 Single-Family Attached Residential zoning district permits the two-family attached use, but the subject property does not meet the minimum lot area requirements. Therefore, the applicant is requesting a special use permit.

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 June 6, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is an improved lot of .089 acre located at the intersection of West Clay Street to the North Adams Street to the west. The existing structure is a two-story

single-family residential dwelling.

The property is currently zoned R-6, which does permit the proposed second dwelling unit. However, the minimum lot area for two-family attached dwelling is 6,000 square feet and the existing lot is 3,886 square feet. In addition, the subject property does not meet the minimum lot width of 50 feet.

Parking for at least two vehicles would be required to the rear of the dwelling, off of the alley.

The Downtown Master Plan states that, "Historic Jackson Ward is also an example of the general urban condition in Richmond. The district represents the historic pattern of settlement in Downtown Richmond, with a connected network of blocks and streets and buildings shaping the public space. A mix of buildings types exist in the neighborhood, ranging from single-family homes to rowhouses to mixed-use, main street buildings" (p.3.24).

FISCAL IMPACT / COST: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

FISCAL IMPLICATIONS: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

BUDGET AMENDMENT NECESSARY: No budget amendment is necessary.

REVENUE TO CITY: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: May 9, 2016

CITY COUNCIL PUBLIC HEARING DATE: June 13, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, June 6, 2016

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 ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734



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

Project Name: 21 W. Clay Basement Date: 2-11-16
 Property Address: 21 W. Clay St. Richmond Tax Map #: N0000077001
 Fee: \$300 Total area of affected site in acres: 0.89 VA 23220
 (See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-6

Proposed Use

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

Existing Use: Residential - Primary Home

Is this property subject to any previous land use cases?

- Yes No please list the Ordinance Number:

Basement Apartment -
Two-Family attached

Applicant/Contact Person: Jessica Selway / Jay Som

Company: NA

Mailing Address: 21 W. Clay St.

City: Richmond State: VA Zip Code: 23220

Telephone: (540) 435-1557 Fax: ()

Email: jessica selway @ gmail com

Property Owner: Jessica Selway and Jayan Som and Tapals Som (father)

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: (Same as above)

City: _____ State: _____ Zip Code: _____

Telephone: () Fax: ()

Email: _____

Property Owner Signature: [Signatures]

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.

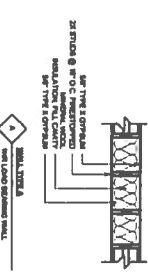
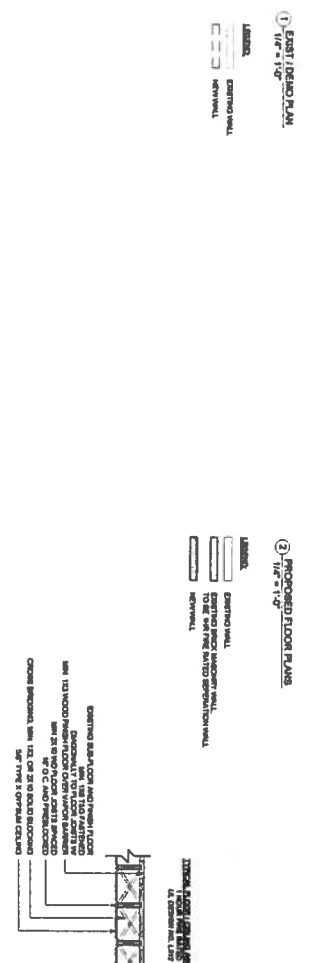
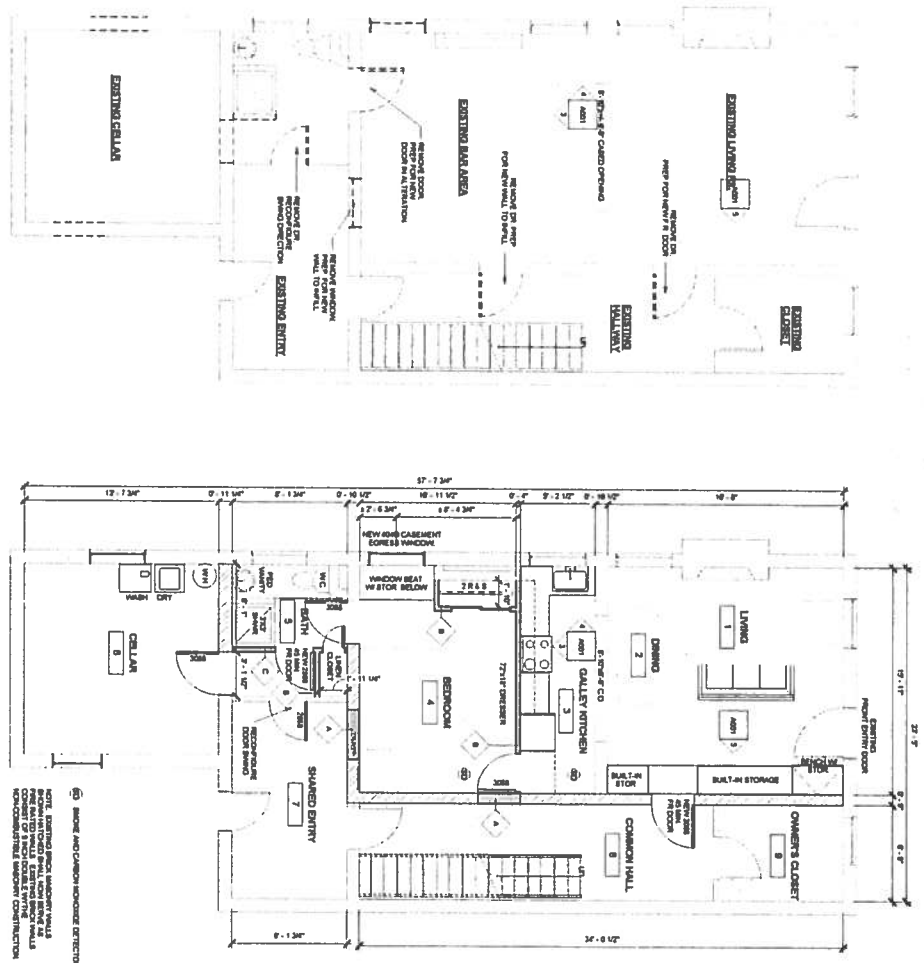
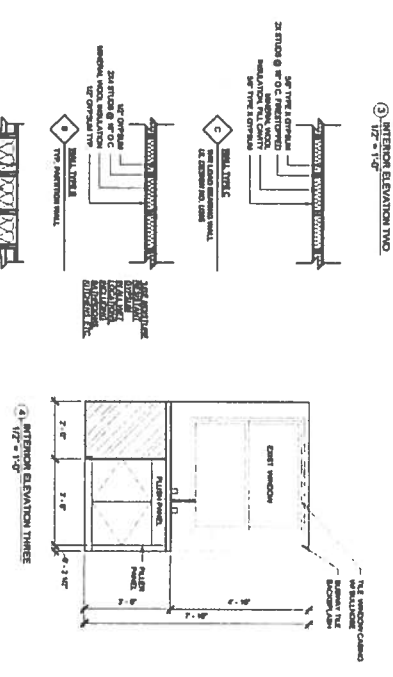
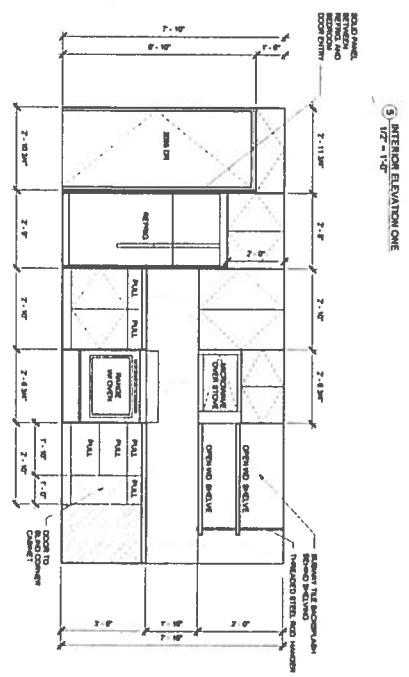
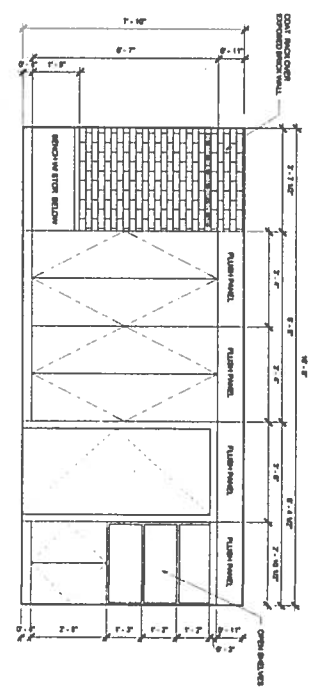
NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

JONATHAN
 JOSEPH
 ARCHITECT
 21 WEST CLAY STREET
 CHICAGO, IL 60604
 TEL: 312.467.2811

21 WEST CLAY STREET ALTERATIONS

No.	Date	Issued By
1	02/11/2018	AS
2	03/01/2018	AS
3	03/01/2018	AS

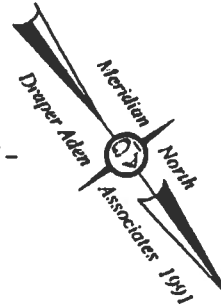
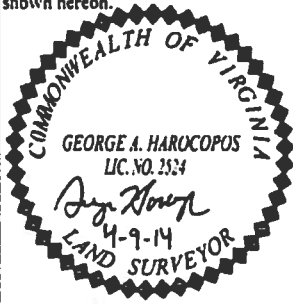
FLOOR PLANS
 A001



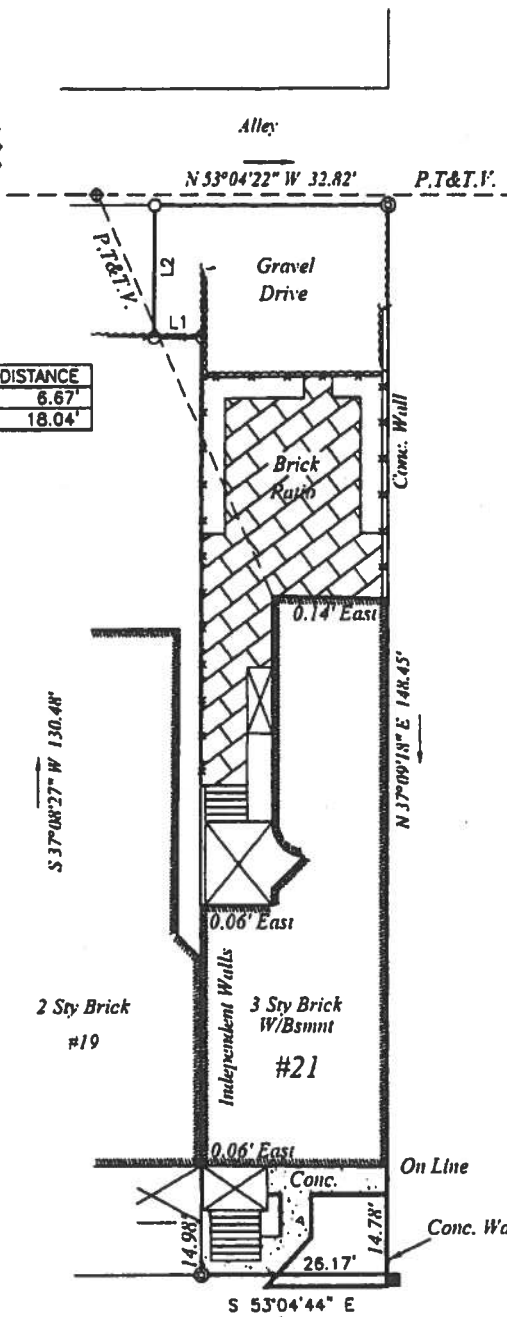
This is to certify that on 4/9/14
 I made an accurate field survey of the known premises shown hereon; that all improvements known or visible are shown hereon; that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises, other than shown hereon.

NOTE: THIS LOT APPEARS TO BE IN FEMA FLOOD ZONE X AS SHOWN ON HUD COMMUNITY PANEL NUMBERS 510129 0037D

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



LINE	BEARING	DISTANCE
L1	S 53°38'52" E	6.67'
L2	S 37°20'46" W	18.04'



NORTH ADAMS STREET

WEST CLAY STREET

SURVEY OF
 LOT AND IMPROVEMENTS THEREON LOCATED AT
#21 WEST CLAY STREET
 RICHMOND, VIRGINIA

JN 43742

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

4930 E. MILLRIDGE PKWY SUITE 200 MIDLOTHIAN VA. 23112
 Office 804 744 2030 FAX 804 744 2032
 E-MAIL AGHAROCOPOS@VIRIZON.NET

NOTE: PLAT PREPARED FOR THE EXCLUSIVE
 USE OF THE CONVEYANCE TO:
 Jessica D. Selway, Jayan Sam & Tapas Sam

Scale 1"=20' Date 4/9/14 Drawn by RFL