

INTRODUCED: September 10, 2018

AN ORDINANCE No. 2018-247

To authorize the special use of the property known as 3028 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: OCT 8 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 3028 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, does not meet the lot area and lot width requirements of section 30-410.4 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 (2018), 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 8 2018 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 3028 Grayland Avenue and identified as Tax Parcel No. W000-1354/031 in the 2018 records of the City Assessor, being more particularly shown on a plat entitled “Building Permit Plat for Lot 8, Block I, Park Place in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, dated October 13, 2017, and last revised August 21, 2018, 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 “3026 Grayland Avenue,” prepared by River Mill Development, and dated March 5, 2018, and the plat entitled “Building Permit Plat for Lot 8, Block I, Park Place in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, dated October 13, 2017, and last revised August 21, 2018, hereinafter referred to collectively 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 single-family detached dwelling located at 3026 Grayland Avenue, substantially as shown on the Plans, and an existing single-family detached dwelling located at 3028 Grayland Avenue.

(b) Two off-street parking spaces shall be provided per dwelling, substantially as shown on the Plans.

(c) The height of the dwelling constructed at 3026 Grayland Avenue shall not exceed the height as shown on the Plans.

(d) All building materials, elevations, setbacks, and landscaping pertaining to the dwelling constructed at 3026 Grayland Avenue shall be substantially 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) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of two residential lots, substantially as shown as Lots 8 and 9 on the plat attached to this ordinance, shall be accomplished by obtaining approval from the City and recording appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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 right-of-way, including installation of a street tree along Grayland Avenue, 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.2018.276

O & R REQUEST
4-8076
AUG 15 2018

Office of the
Chief Administrative Officer

RECEIVED

AUG 29 2018

OFFICE OF CITY ATTORNEY

O & R Request

DATE: August 9, 2018

EDITION: 1

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: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic
Development and Planning

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

RE: To authorize the special use of the property known as 3028 Grayland Avenue for the purpose of
two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 3028 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, lot width, and side-yard setback 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 1, 2018, meeting. A
letter outlining the Commission's recommendation will be forwarded to City Council following that
meeting.

BACKGROUND: The subject property consists of a 6,240 SF (0.14 acre) parcel of land currently
improved with an existing, one-story, single-family dwelling and is located in the Carytown neighborhood of

the Near West planning district on Grayland Avenue near its intersection with South Belmont Avenue .

If approved, the existing and proposed dwellings would be located on lots that are 26' in width and 120' in length totaling 3,120 SF in area. The proposed density of the development would be approximately 14 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. The proposed development has lot areas of 3,120 SF and lot widths of 26 feet. While there exists a few parcels that are close to the 50' requirement, a majority of parcels within the area do not meet lot width, area, or set-back requirements.

Single-family residential land use predominates the area, with some two-family and multi-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 10, 2018

CITY COUNCIL PUBLIC HEARING DATE: October 8, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 1, 2018

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. 18-47



SUP-034038-2018

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: 3028 Grayland Avenue Date April 19, 2018
 Tax Map #: W0001354031 Fee: _____
 Total area of affected site in acres: 0.143 acres

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

Zoning

Current Zoning: R-5

Existing Use: Single-Family Dwelling

Proposed Use

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

Lot split to permit the construction of a single-family dwelling

Existing Use: Single-Family Dwelling

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: N/A

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources
 Mailing Address: 11 South 12th Street, Suite 500
 City: Richmond State: VA Zip Code: 23219
 Telephone: (804) 874-6275 Fax: ()
 Email: markbaker@bakerdevelopmentresources.com

Property Owner: DI Realty, LLC

If Business Entity, name and title of authorized signee: Dean McGee

(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: 3932 Tricking Brook Drive
 City: Richmond State: VA Zip Code: 23228
 Telephone: (804) 914-3115 Fax: ()
 Email: deanmcgee7@gmail.com

Property Owner Signature: [Signature] (manager DI Realty)

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)



April 19, 2018

Mr, Matthew Ebinger
City of Richmond
Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Special Use Permit: 3028 Grayland Avenue

Dear Matthew:

I am representing DJ Realty, LLC in their application for a special use permit for the properties known as 3028 Grayland Avenue, identified as Tax Parcel W000-1354/031 (the "Property"). The Property is generally located at the north side of Grayland Avenue between South Belmont and South Sheppard Streets. This special use permit would permit the Property to be split and authorize the construction of a single-family dwelling on the original lot 8.

The Property consists of a single lot of record, from a zoning perspective. The Property measures 52 feet wide by 120 feet deep and contains 6,240 square feet of lot area (0.143 acres). The Property includes all of the original Lots 8 and 9, Block 1, of the 1905 Park Place subdivision. The original Lots 8 and 9 were both platted as 26 feet wide and 120' deep lots (3,120 square feet of lot area) and were both capable of being developed independently at that time. The western half of the Property (original Lot 9) was developed with a one-story, single-family dwelling in 1924. The eastern half of the Property (original Lot 8) was not developed independently and is occupied by an accessory building. At some point in the past, both lots were combined by deed and, further, fenced together with a single perimeter fence. Over the years, the zoning requirements have been implemented and changed – the Property now lies within an R-5 zoning district. The original lots do not meet the R-5 lot area and lot width individually. As a result, the Property cannot be split by right and a Special Use Permit is required.

The proposed single-family dwelling to be developed on the original Lot 8 would be two stories in height and of an urban row house design. The dwelling would contain approximately 2,500 square feet of finished floor area and would include three bedrooms and 2 ½ baths. A full-width front porch and rear patio are proposed. The dwelling's floor plan is modern with open living areas and includes a master bedroom complete with en suite master bath and walk-in closet. The existing single-family dwelling at 3028 Grayland would be renovated.

The proposed development is consistent with the development pattern in the vicinity. There are multiple small lots developed with row homes in the block that are of equal or lessor width and area, the smallest being 18.23' wide and 2,187 square feet in area. It's worth noting that a 2017 planning staff review of the entire

Carytown South area found that the R-5 district is inconsistent with the development pattern in the area. Very few lots conform to the R-5 standards and the ones that do are inconsistent with the overall character of the area. The R-5 district does not permit development that is consistent with or close to the existing character of the area. As it relates to the current request, this limits the ability to develop the vacant portion of the lot to be developed consistent with the prevailing lot pattern/character in the area. But for the incompatible R-5 standards, the proposed single-family dwelling would otherwise appear consistent with the neighborhood.

In exchange for the SUP, the intent of this request is to ensure the construction of a high-quality, for sale, infill dwelling. The overall project would be consistent with the historic development pattern in the area. By permitting the proposed development, the SUP would allow for the sale of the proposed high quality single-family dwelling as home ownership opportunity, thereby addressing objectives of the Master Plan, including:

- The desire for new and better-quality housing that is targeted to home owners
- The desire for increased opportunities for residential development
- The recognition that the vast majority of opportunities for new development are located in the context of existing neighborhoods
- The recognition of the difficulty that an older/aging housing stock represents in the market where new convenience/easy maintenance is desired.

The following are factors indicted in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby community. The proposed site improvements and density are consistent or compatible with the lot pattern existing in the vicinity. The development of this underutilized property as proposed in conjunction with the high quality/benefits provided by the SUP will provide positive impacts in terms of health, welfare, etc.

- *Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.*

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation for one additional single-family dwelling will easily be handled by the existing road network. Off-street parking is proposed on site for both lots where none exists today and will alleviate any potential impacts due to additional parking demand. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

- *Create hazards from fire, panic or other dangers.*

The property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- *Tend to overcrowding of land and cause an undue concentration of population.*

The proposed SUP will not tend to over crowd the land or create an undue concentration of population. The request represents a density that is consistent and compatible based on the exiting varied lot pattern in the vicinity.

- *Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.*

The proposed SUP would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

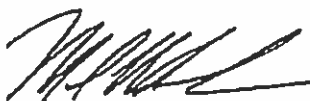
- *Interfere with adequate light and air.*

The light and air available to the subject and adjacent properties will not be affected. The proposed new single-family dwelling would meet applicable setback requirements thereby preventing any interference with the provision of light and air.

In summary, the applicant is enthusiastically seeking approval for the construction of a single-family dwelling on the Property. This proposal represents an ideal, small-scale urban infill development for this location. The special use permit would not authorize any additional density over what would have been contemplated by the original subdivision or that which already exists in the vicinity. In exchange, the quality assurances conditioned through the SUP would guarantee the construction of a high quality new single-family dwelling than might otherwise be developed by right. This would contribute to the vibrancy of the block through the provision of the much-desired traditional neighborhood design that is consistent with the historic development pattern of the surrounding neighborhood.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,



Mark R. Baker

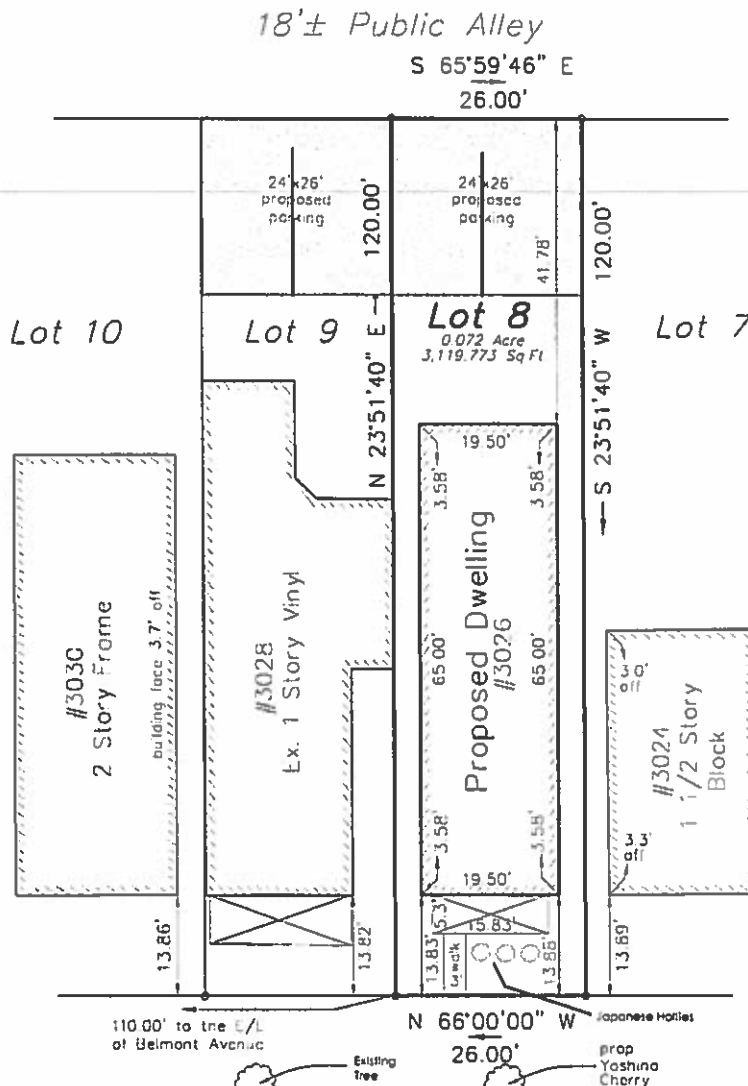
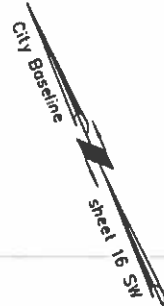
Enclosures

cc: The Honorable Parker Agelasto

Current Owner: Adelaide-Rena Carter
 Parcel ID: W0001354031
 I.D. 2003 6821

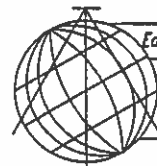
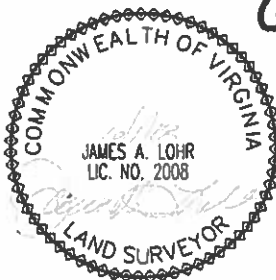
Note: Bearings protracted from City
 Baseline sheet 16 SW.

Area of Disturbance is
 0.066 ac. (2879.79 sq ft.)



GRAYLAND AVENUE

Building Permit Plat for
 Lot 8, Block 1,
 Park Place in
 the City of Richmond, VA



Edwards, Kretz, Lohr & Associates, PLLC

Land Surveyors-Planners

Virginia-North Carolina

1900 Byrd Avenue, Suite 103
 Richmond, Virginia, 23230
 Phone (804) 673-9666
 Fax (804) 673-9990

FLOOD INSURANCE NOTE: By graphics plotting only,
 this property is in ZONE X
 of the Flood Insurance Rate Map, Community Panel No.
 5101290036D, effective date of 04/02/09.
 Exact designations can only be determined by an Elevation
 Certificate. Based on the above information, this property
 IS NOT in a Special Flood Hazard Area.

Scale: 1"=20'
 Drawn: TCJ
 Job: 1541-17

Date: 10/13/17
 Revised: 06/01/18
 Checked: JAL

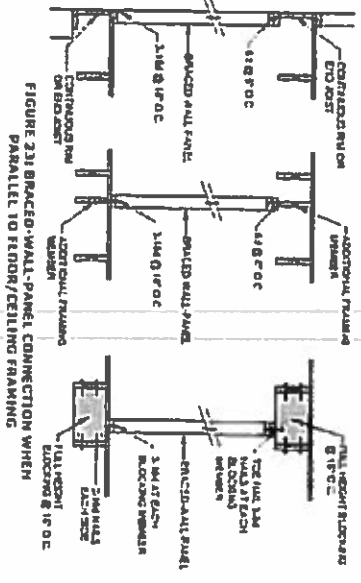
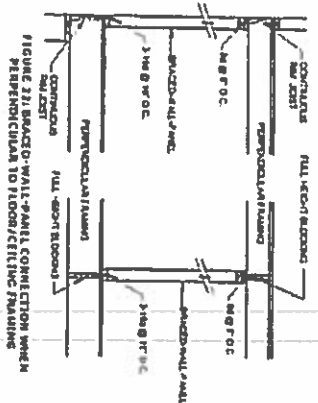
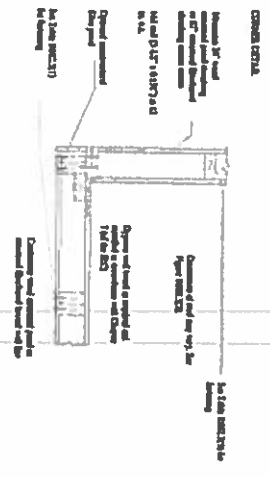
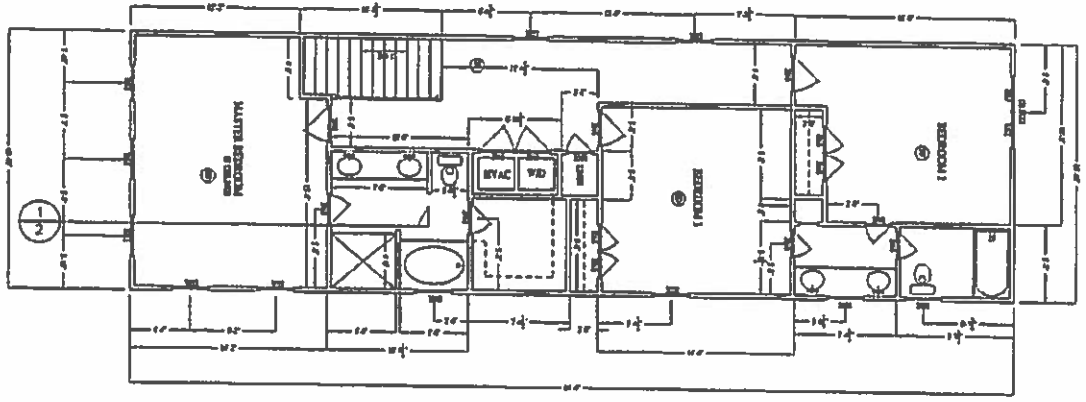
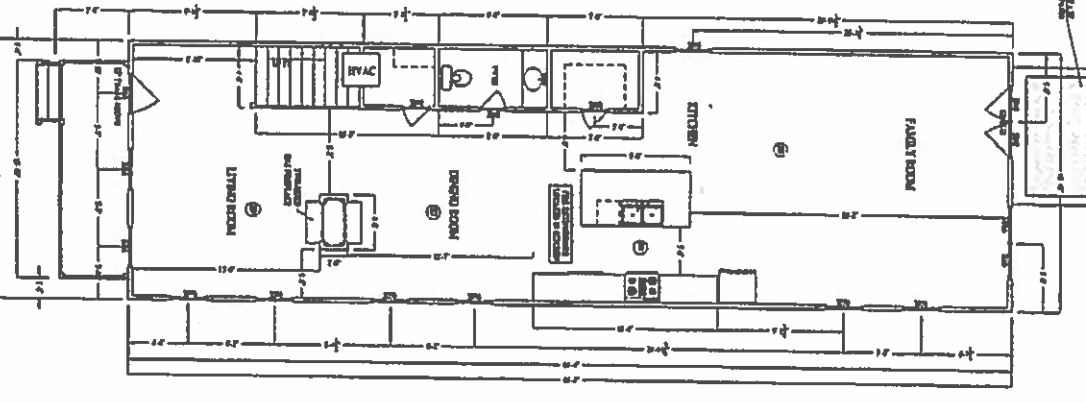


FIGURE 231 BRACED-WALL-PANEL CONNECTION WHEN PARALLEL TO FLOOR/CEILING FRAMING



SECOND FLOOR PLAN
2ND FLOOR HEATED SQ. FOOTAGE: 1200 S.F.



FIRST FLOOR PLAN
1ST FLOOR HEATED SQ. FOOTAGE: 1261 S.F.



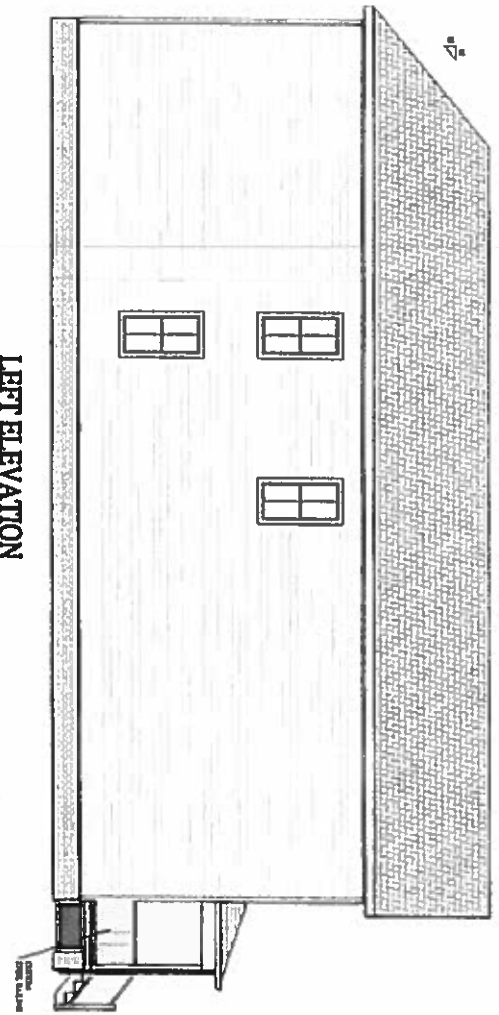
SHEET:
1 OF 2

DATE:
2-05-18

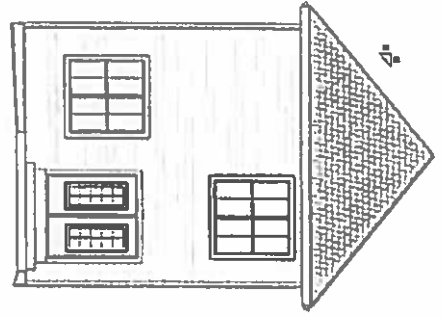
SCALE:
1/4" = 1'-0"

NO.	DATE	REVISION NOTES

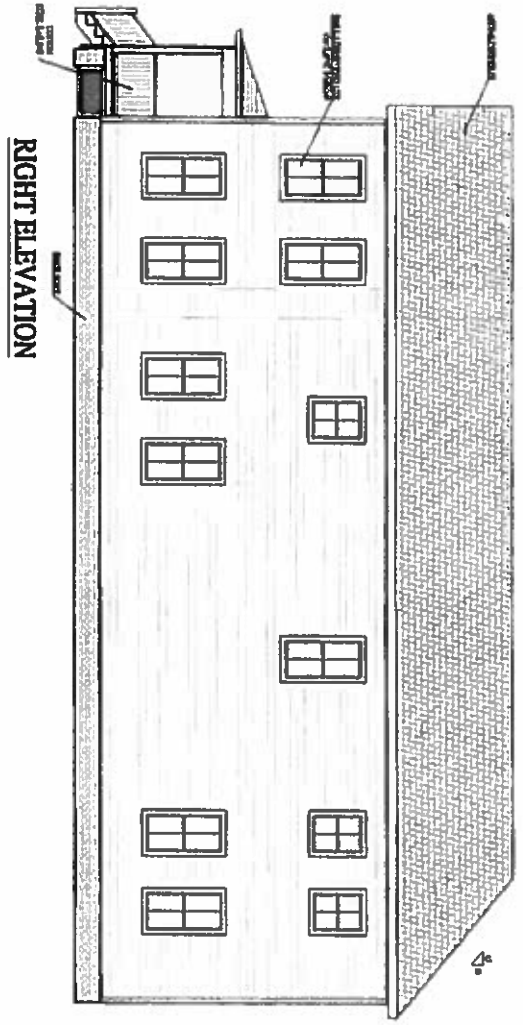
3026 GRAYLAND AVE
RIVER MILL DEVELOPMENT
RIVER MILL DEVELOPMENT LLC - 02/05/18



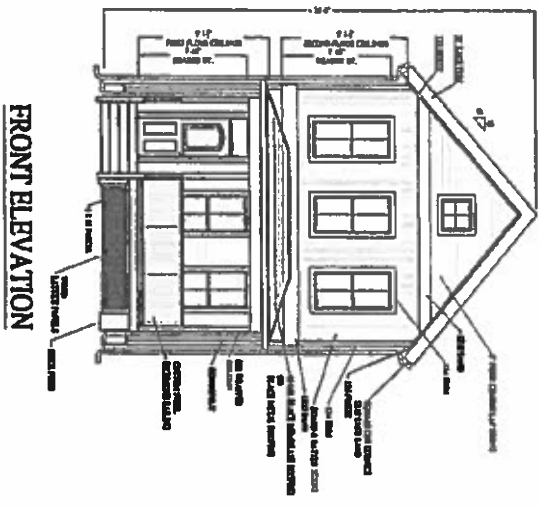
LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



FRONT ELEVATION



RIVER MILL
DEVELOPMENT

SHEET:
2 OF 2

DATE:
3-05-18

SCALE:
1/8" = 1'-0"

NO.	DATE	REVISION NOTES

3026 GRAYLAND AVE
RIVER MILL DEVELOPMENT
RIVER MILL DEVELOPMENT ARCHITECTS