

INTRODUCED: January 26, 2015

AN ORDINANCE No. 2015-17-35

To authorize the special use of the properties known as 1617 Grove Avenue and 120 North Lombardy Street for the purpose of a multifamily dwelling and parking area, upon certain terms and conditions, and to repeal Ord. No. 94-239-223, adopted Oct. 24, 1994.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: FEB 23, 2015 AT 6 P.M.

WHEREAS, the owner of the properties known as 1617 Grove Avenue and 120 North Lombardy Street, which are situated in a R-6 Single-Family Attached Residential District, desires to use such properties for the purpose of a multifamily dwelling and parking area, which use, among other things, are not currently allowed by section 114-412.1 of the Code of the City of Richmond (2004), 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

AYES:            9            NOES:            0            ABSTAIN:            \_\_\_\_\_

ADOPTED:    FEB 23 2015    REJECTED:    \_\_\_\_\_    STRICKEN:    \_\_\_\_\_

tend to create 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 114-1050.1 of the Code of the City of Richmond (2004), 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 properties known as 1617 Grove Avenue and 120 North Lombardy Street and identified as Tax Parcel Nos. W000-0662/005 and W000-0662/015, respectively, in the 2015 records of the City Assessor, being more particularly shown on a plat entitled “Plat of Property Situated on the Southeast Corner of Grove Avenue and N. Vine Street and on the West Line of N. Lombardy Street South of Grove Avenue, City of Richmond, Virginia,” prepared by Steven B. Kent & Associates PC, dated June 17, 2014, and last revised July 22, 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 a multifamily dwelling and parking area, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Grove Avenue Apartments in the Fan,” prepared by Balzer and Associates, Inc., dated July 29, 1994, and last revised August 31, 1994, 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 use of the Property shall consist of a multifamily dwelling containing up to seven dwelling units, served by a minimum of 11 off-street surface parking spaces, nine of which

shall be provided at 120 North Lombardy Street and two of which shall be provided at 1617 Grove Avenue, substantially as shown on the Plans and the plat attached to this ordinance.

(b) The parking areas, the access aisles, and the adjoining public alleys shall be paved with a dust-free, all-weather surface, except for the main east-west alley, which shall be cleaned. Parking spaces shall be delineated on the pavement surface. Lighting of the parking areas shall be in accordance with any approved lighting plan submitted with the application for building permits after the adoption of Ordinance No. 94-239-223, adopted October 24, 1994.

(c) Landscaping and landscape features shall be provided substantially as shown on the Plans and any approved landscaping and landscape feature plan submitted with the application for building permits after the adoption of Ordinance No. 94-239-223, adopted October 24, 1994.

(d) Signage on the Property, in addition to exempt signage pursuant to section 114-503 of the Code of the City of Richmond (2004), as amended, and signage permitted in all districts pursuant to section 114-505 of the Code of the City of Richmond (2004), as amended, shall be limited to two signs mounted on the entrance feature to the rear yard of 1617 Grove Avenue, not exceeding an aggregate of eight square feet in area, as approved by the Director of Planning and Development Review, and one sign for 120 North Lombardy Street, not exceeding four square feet in area and used only to identify the use of the parking area for the residents and guests of the dwelling at 1617 Grove Avenue.

§ 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 (2004), 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 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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. **Repeal of Prior Ordinance.** That Ordinance No. 94-239-223, adopted October 24, 1994, be and is hereby repealed.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.



# City of Richmond

900 East Broad Street  
Richmond, VA 23219  
www.richmondgov.com

Item Request  
File Number: TMP-802

RECEIVED  
JAN 07 2015

OFFICE OF CITY ATTORNEY

## O & R Request

O & R REQUEST

DEC 17 2014

DATE: December 16, 2014

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Christopher L. Beschler, Acting Chief Administrative Officer

THROUGH: Peter L. Downey, Jr., Interim Deputy Chief Administrative Officer for Economic Development and Planning

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

Chief Administration Office  
City of Richmond

RECEIVED  
DEC 31 2014  
Mayor's Office City of Richmond

RE: To repeal Ord. No. 94-239-223, adopted October 24, 1994, and to authorize the special use of the properties known as 1617 Grove Avenue and 120 North Lombardy Street for the purposes of a multifamily dwelling and parking area, upon certain terms and conditions.

ORD. OR RES. No. \_\_\_\_\_

PURPOSE: To repeal Ord. No. 94-239-223, adopted October 24, 1994, and to authorize the special use of the properties known as 1617 Grove Avenue and 120 North Lombardy Street for the purposes of a multifamily dwelling and parking area, upon certain terms and conditions.

REASON: The property owner that operated both multifamily dwellings under the current Special Use Permit has requested it to be repealed so that the two multifamily dwellings can be held under separate ownership and operated under the authorization of separate special use permits.

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 February 2, 2015, meeting.

BACKGROUND: The subject property consists of four parcels of land with the block bound by Grove Avenue, North Vine Street, Floyd Avenue, and North Lombardy Street in The Fan neighborhood of the

Near West planning district.

1621 Grove Avenue consists of 0.42 acres of land improved with a 21-unit multifamily dwelling constructed, per tax assessment records, in 1920 and eight surface parking spaces. 1617 Grove Avenue consists of 0.2 acres of land improved with a 7-unit multifamily dwelling constructed, per tax assessment records, in 1910 and two surface parking spaces. 1617 Rear Grove Avenue consists of 0.14 acres of land located in the interior of the block and improved with a 21-space parking area. 120 North Lombardy Street consists of 0.045 acres of land improved with a 9-space parking area

Currently, the subject property is zoned in the R-6 Single-Family Attached Residential District, which does not allow multifamily use or parking areas as a principal use. A special use permit (Ord. No. 94-239-223) was approved on October 24, 1994, allowing the 28 multifamily dwelling units and 40 accessory parking spaces. The property owner that operated both multifamily dwellings has requested the existing special use permit to be repealed so that the two multifamily dwellings can be held under separate ownership and operated under the authorization of separate special use permits.

The layout of the site and buildings, density of the multifamily use, and the number of parking spaces provided on site will not be changed. 29 of the current parking spaces will be designated for use by 1621 Grove Avenue, the remaining 11 spaces will be designated for use by 1617 Grove Avenue.

The City of Richmond's Master Plan recommends Single-family (Medium Density) land uses for the property. The Master Plan defines the primary uses for this category as single-family and two-family detached and attached dwellings at densities of 8 to 20 units per acre, and includes residential support uses such as schools, places of worship, and neighborhood parks, among others (p. 133).

The Master Plan also states that "in keeping with traditional residential development patterns within the [Near West Planning] District, higher-density mixed residential uses are appropriate in both the Fan and West of the Boulevard neighborhoods. Concentrations of small, multifamily structures (6-12 units) are scattered throughout these areas and contribute to a strong sense of social and economic diversity. This residential mix is appropriate and desirable, as long as single-family residential uses continue to prevail" (p. 234).

All surrounding properties are located within the same R-6 zoning district as the subject property. A mix of single- and multifamily uses prevails in the area, with some institutional, public-open space, mixed-use, and commercial land uses present as well.

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

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,200.00

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** January 12, 2015



**CITY COUNCIL PUBLIC HEARING DATE:** February 9, 2015

**REQUESTED AGENDA:** Consent.

**RECOMMENDED COUNCIL COMMITTEE:** None.

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission,  
February 2, 2015

**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.:** Repeal Ord. No. 94-239-223, adopted October 24,  
1994.

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant's Report, Plans & Surveys

**STAFF:** Matthew J. Ebinger, Senior Planner  
Land Use Administration (Room 511)  
646-6308

*DCD O&R No.14-55*



# 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: 1617-1621 Grove Ave. Limited Partnership Date: 09/24/2014  
1617 Grove Ave 1621 Grove Ave WARD 0662 005, WARD 0662 071  
 Property Address: 1617 Grove Ave 1621 N. Lombardy St Tax Map #: WARD 0662 010, WARD 0662 015

Fee: \$1,300 Total area of affected site in acres: .769  
 (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: multi-family residential

Is this property subject to any previous land use cases?

Yes  No

If Yes, please list the Ordinance Number

94-239-223

see attached

**Applicant/Contact Person:** Lynn Mcateer

Company: Better Housing Coalition

Mailing Address: PO Box 12117

City: Richmond

State: VA

Zip Code: 23241

Telephone: (804) 644-0546, 120

Fax: (804) 644-1057

Email: lynn.mcateer@betterhousingcoalition.org

**Property Owner:** 1617-1621 Grove Ave. Limited Partnership

If Business Entity, name and title of authorized signee Greta Harris

Mailing Address: PO Box 12117

City: Richmond

State: VA

Zip Code: 23241

Telephone: (804) 644-0546, 123

Fax: (804) 644-1057

Email: gharris@betterhousingcoalition.org

**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)

Better Housing Coalition  
September 24, 2014

Amendment to Special Use Permit # 94-239-223  
Adopted October 24, 1994  
Applicant Name: 1617-1621 Grove Ave. Limited Partnership

RECEIVED  
SEP 25 2014  
LAND USE ADMINISTRATION

## PROPOSED USE

### Current Use:

1617-1621 Grove Ave. Limited Partnership (the "Applicant") is seeking to amend Special Use Permit #94-239-223, dated October 24, 1994 (the "SUP"). The SUP stipulates certain conditions for the use of four parcels located on the same city block. These conditions include a maximum of twenty-eight (28) dwelling units to be allowed in the parcels located at 1617 and 1621 Grove Avenue and a minimum of forty (40) accessory parking spaces to be located on the aforementioned parcels as well as the remaining two parcels, located at 120 N. Lombardy Street and 1617 Rear Grove Avenue.

### Proposed Changes:

The Applicant is selling two of the four parcels subject to the SUP: the parcel containing the seven (7) dwelling units located at 1617 Grove Avenue (Tax Identification No. W0000-0662005) and the parcel located at 120 N. Lombardy Street (Tax Identification No. W0000-0662015), containing an accessory parking area. The purchaser is amenable to this proposed amendment.

The Applicant requests a technical amendment to the SUP that will maintain the current conditions for all parcels, but under two separate permits instead of a single permit: one permit for the aforementioned properties under contract to be sold (1617 Grove Avenue and 120 N. Lombardy Street); and one permit for 1621 Grove

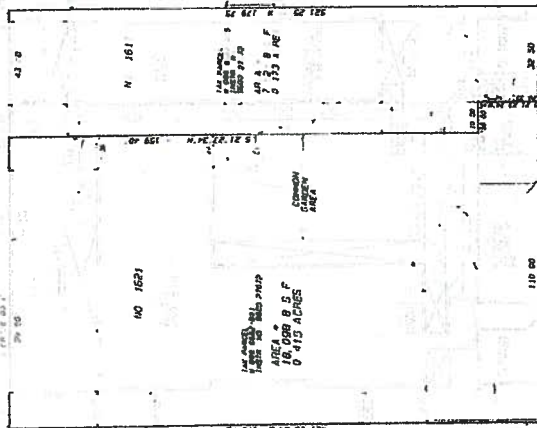
**Avenue (Tax Identification No. W0000-662001) and 1617 Rear Grove Avenue (Tax Identification No. W0000-662040), which remain under the ownership of the Applicant.**

**The Applicant has adjusted the lot line dividing 1621 Grove Avenue and 1617 Grove Avenue by 10.5 feet in a westerly direction, so that the porch structures attached to the improvement located at 1617 Grove Avenue are conveyed with that parcel. A recent survey of the property showing this adjustment is attached, and an updated legal description of the properties can be supplied by the Applicant upon request.**

**Conditions of the Amended Special Use Permit:**

- 1. The overall number of dwelling units remains at twenty-eight (28). There are twenty-one (21) dwelling units at 1621 Grove Avenue and seven (7) dwelling units at 1617 Grove Avenue.**
- 2. The minimum overall number of parking spaces, forty (40), remains the same. 1617 Grove Avenue has nine (9) accessory parking spaces located at 120 N. Lombardy Street and two (2) spaces in the rear portion of 1617 Grove Avenue. 1621 Grove Avenue has Eight (8) accessory parking spaces located at 1617 Rear Grove Avenue and Nineteen (19) accessory parking spaces located in the rear portion of 1621 Grove Avenue.**
- 3. The parking areas, access aisles, and the adjoining public alleys shall be paved with a dust-free, all weather surface. Parking spaces shall be delineated.**
- 4. The lighting and landscaping plans will remain in place, as will the signage, refuse collection facilities, and storm water drainage conditions of the existing SUP.**

GROVE AVENUE



N. LOMBARDY STREET

AREA: 1,000 0 S F  
0 7645 ACRES



PLAT OF PROPERTY SITUATED  
ON THE SOUTHEAST CORNER  
OF GROVE AVENUE AND  
N. VINE STREET AND ON  
THE WEST LINE OF  
N. LOMBARDY STREET SOUTH  
OF GROVE AVENUE, VIRGINIA  
CITY OF RICHMOND, VIRGINIA  
JUNE 17 2014 SCALE 1"=20'  
REVISED JULY 22, 2014

CERTIFICATION

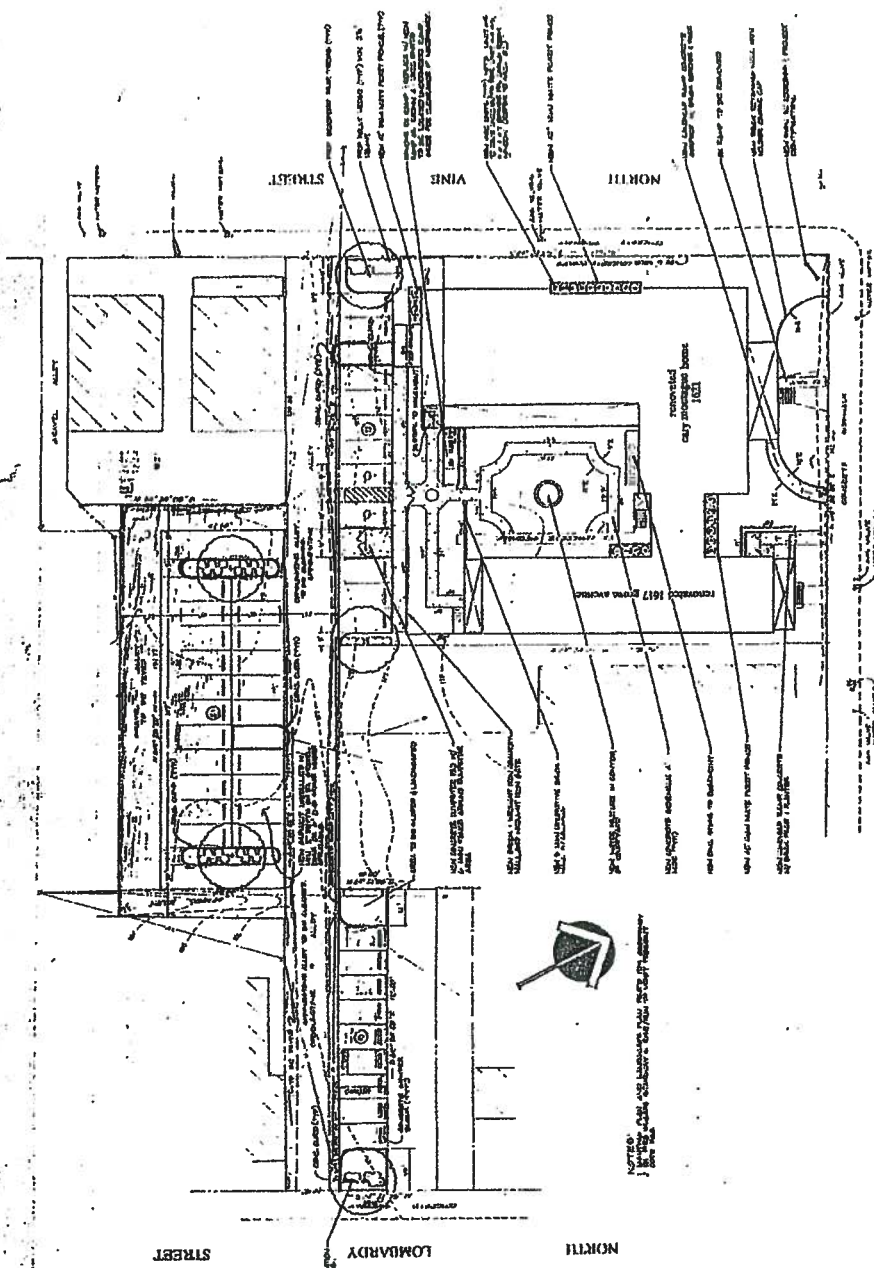
STEVEN B. KENT & ASSOCIATES, P.C.  
1600 SERVICE ROAD  
RICHMOND, VA 23273  
TEL: 804 647 6613  
FAX: 804 647 6614  
www.sba-va.com

LEGEND





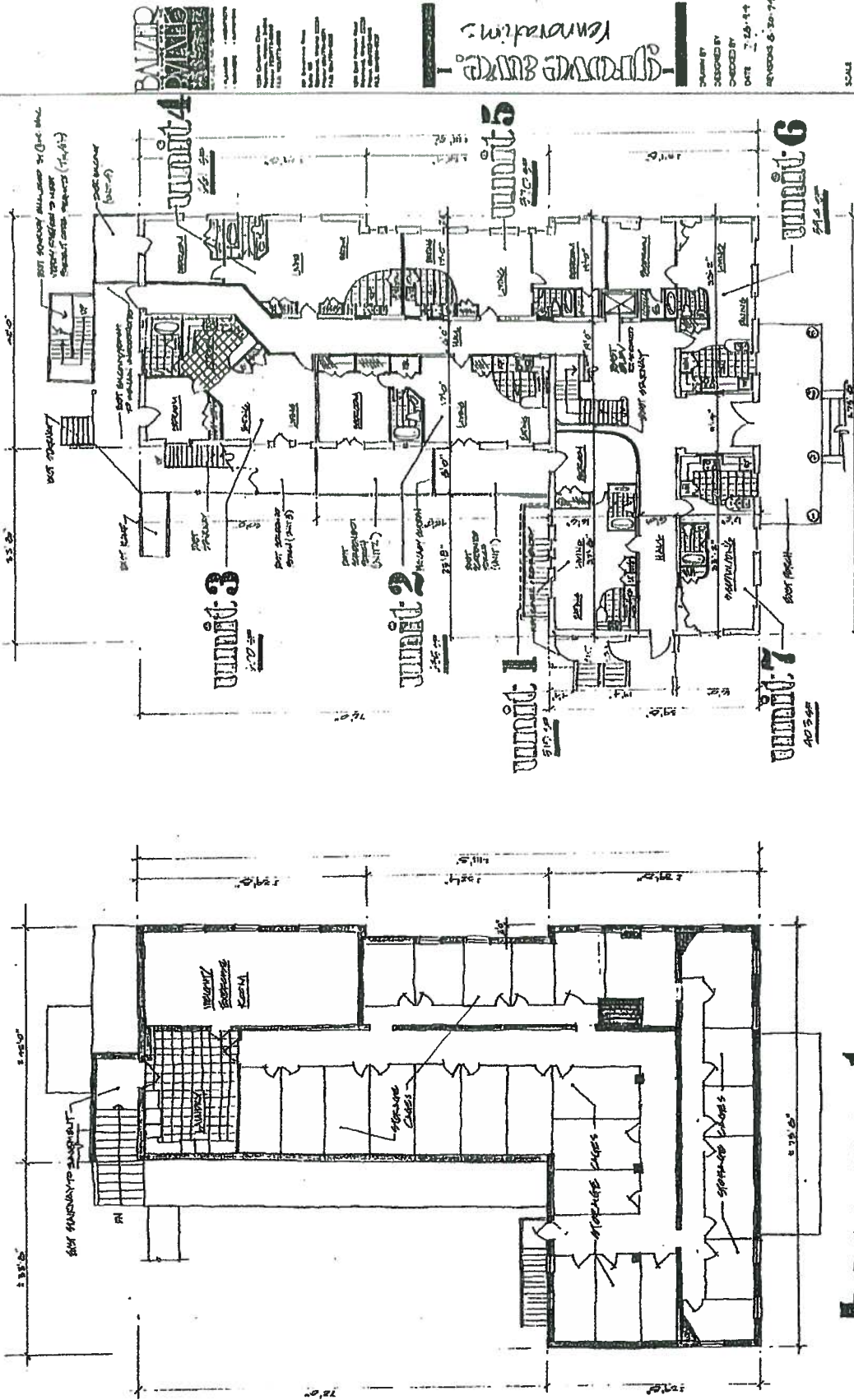
- GENERAL NOTES:**
1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
  2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CINCINNATI ZONING ORDINANCES AND ALL APPLICABLE CODES.
  3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CINCINNATI DEPARTMENT OF PUBLIC WORKS AND UTILITIES DEPARTMENT RECORD DRAWINGS.
  4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CINCINNATI DEPARTMENT OF PUBLIC WORKS AND UTILITIES DEPARTMENT RECORD DRAWINGS.
  5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CINCINNATI DEPARTMENT OF PUBLIC WORKS AND UTILITIES DEPARTMENT RECORD DRAWINGS.



GROVE AVENUE

NORTH LOMBARLY STREET

NOTED: ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CINCINNATI ZONING ORDINANCES AND ALL APPLICABLE CODES.



SCALE  
SHEET NO. 12  
JOB NO. 113 102

DATE 7-25-74  
CHECKED BY  
DESIGNED BY  
PROJECT NO. 6-20-74

REVISIONS  
NO. DESCRIPTION

1621 GRAVE  
1st floor

1621 GRAVE  
basement

NOTES:  
1. ALL WORK TO BE ACCORDING TO THE  
LATEST EDITIONS OF THE BUILDING CODES,  
LOCAL ORDINANCES, AND ALL APPLICABLE  
SPECIFICATIONS.  
2. ALL DIMENSIONS ARE TO FACE UNLESS  
OTHERWISE NOTED.  
3. ALL DIMENSIONS ARE TO FACE UNLESS  
OTHERWISE NOTED.

BAZZER  
RENDERING

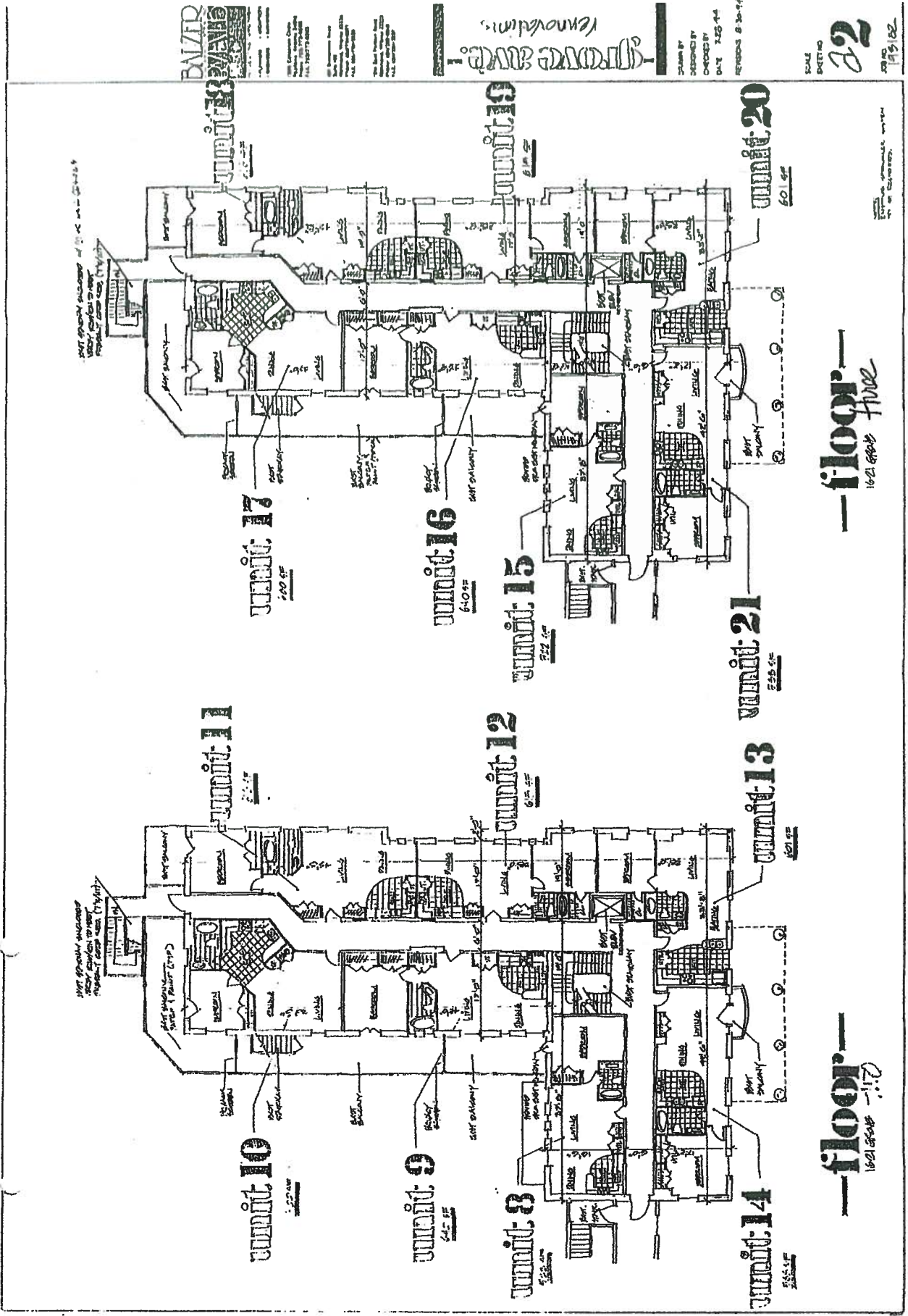
RENDERING

RENDERING

RENDERING

RENDERING

RENDERING



**BALZAC**  
 1000 Broadway  
 New York, N.Y. 10018  
 Tel. 1-212-675-1000

**SUPPORTS BARRER**  
 1000 Broadway  
 New York, N.Y. 10018  
 Tel. 1-212-675-1000

SCALE BY  
 CHECKED BY  
 DATE 1-25-64  
 REVISIONS 8-30-64

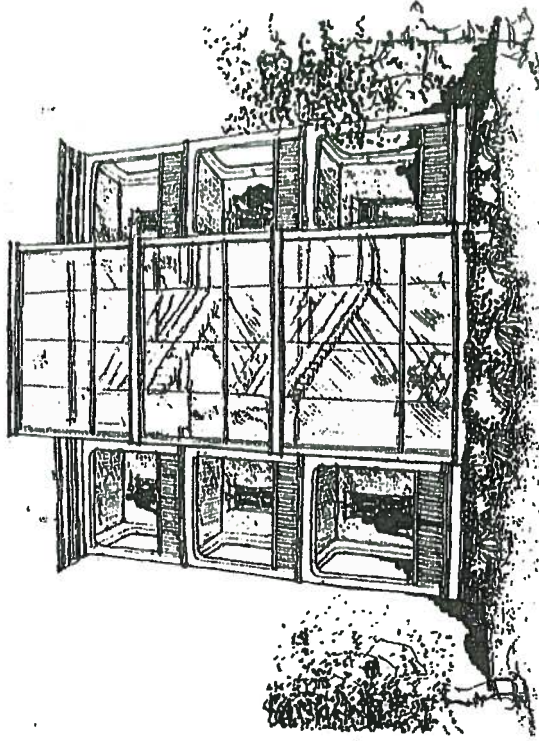
SCALE  
 SHEET NO  
**22**  
 1962

**— floor —**  
 1621 sq. ft.  
 Five

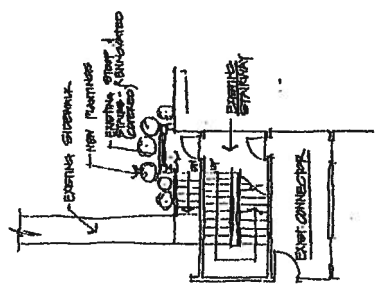
**— floor —**  
 1621 sq. ft.  
 Five



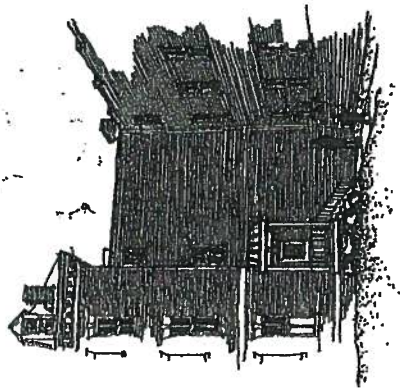




SEE PLAN FOR LOCATION OF  
THIS SECTION. SECTION IS  
TAKEN AT POINT INDICATED  
ON PLAN. SEE PLAN FOR  
LOCATION OF THIS SECTION.



**EXISTING**  
**FLOOR PLAN**  
**(1ST LEVEL)**  
SCALE: 1/4" = 1'-0"  
1011 GROVE AVE.



SEE PLAN FOR LOCATION OF  
THIS PERSPECTIVE. PERSPECTIVE  
IS TAKEN FROM POINT INDICATED  
ON PLAN. SEE PLAN FOR  
LOCATION OF THIS PERSPECTIVE.