

INTRODUCED: July 27, 2020

AN ORDINANCE No. 2020-175

To amend and reordain Ord. No. 2007-224-196, adopted Sept. 10, 2007, which authorized the special use of the property known as 2811 Grove Avenue, for the purpose of authorizing an owner-occupied single-family dwelling with three tourist home lodging units, together with accessory parking, to remove the condition of owner-occupancy and to allow the hosting of special events, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 14 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2007-224-196, adopted September 10, 2007, is hereby amended and reordained as follows:

§ 1. That the property known as 2811 Grove Avenue and identified as Tax Parcel No. W000-1245/004 in the [2007] 2020 records of the City Assessor, being more particularly shown

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 14 2020 REJECTED: _____ STRICKEN: _____

on a survey and site layout entitled “Improvements on Premises Known as #2811 Grove Avenue in Richmond, Va.” prepared by Thomas and Associates, and dated August 17, 2000, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2007-224-196, adopted September 10, 2007, is hereby permitted to be used for the purpose of [~~an owner-occupied single-family dwelling with three~~] a tourist home with up to three lodging units, together with accessory parking, substantially as shown on the plans entitled “2811 Grove Avenue, First Floor,” “2811 Grove Avenue, 2nd Floor,” “2811 Grove Avenue, Carriage House,” all dated June 11, 2007, and the plan entitled “Improvement on Premises Known as #2811 Grove Avenue in Richmond, Va, Site Plan,” dated August 17, 2000 and last revised June 11, 2007, copies of which are attached to and made a part of [~~this ordinance~~] Ordinance No. 2007-224-196, adopted September 10, 2007.

§ 2. That adoption of this amendatory ordinance shall constitute the granting of a special use permit for the property, which shall be transferable to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings or the Zoning Administrator, as appropriate, is hereby authorized to issue to the owner of the property a building permit or Certificate of Zoning Compliance substantially in accordance with the plans referred to above for the aforementioned purpose, subject to the following terms and conditions:

(a) 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 provided in this ordinance.

(b) Application for a building permit or Certificate of Zoning Compliance shall be made within [~~twenty four (24)~~] 24 months from the effective date of this ordinance. Any such building permit shall expire and become null and void if any necessary construction has not commenced within [~~one hundred eighty (180)~~] 180 days from the date of the building permit or

if construction is suspended or abandoned for a period of [~~one hundred eighty (180)~~] 180 days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit or [~~certificate~~] Certificate of Zoning Compliance not be made within [~~twenty four (24)~~] 24 months from the effective date of this ordinance or should any such building permit expire and become null and void after the expiration of the [~~twenty four (24)~~] 24 month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) 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 subject property have been paid.

(d) The use of the [~~building~~] property shall be as [~~an owner-occupied single family dwelling, with three (3)~~] a tourist home with up to three lodging units. Two [~~(2)~~] of the lodging units, identified as the “Luxury Suite: and “Upstairs Front Suite” on the [~~attached~~] plans attached to and made a part of Ordinance No. 2007-224-196, adopted September 10, 2007, shall be located within the main building on the second floor. The first floor may contain uses customary to a tourist home use, which may include a bedroom for the owner or operator of the tourist home, but shall not contain a lodging unit. One [~~(1)~~] lodging unit, identified as the “Carriage House Guest Suite” on the [~~attached~~] plans attached to and made a part of Ordinance No. 2007-224-196, adopted September 10, 2007, may be located in the carriage house. No more than two guests shall be permitted per tourist home lodging unit, except that any child under [~~twelve (12)~~] 12 shall not be counted as a guest. [~~No meal other than breakfast may be served to guests.~~]

(e) No other commercial enterprise, including catering, with the exception of catering for special events, [a] or restaurant operations, with the exception of restaurant operations for guests of the tourist home, [~~the hosting of meetings, weddings, receptions, and similar functions operated on a for profit basis,~~] shall be permitted on the [~~premises~~] property.

(f) ~~[The maximum consecutive stay for any guest shall be fourteen (14) nights.~~

~~(g)~~ No fewer than four ~~[(4)]~~ parking spaces shall be provided on premises in the gravel parking area and garage, substantially as shown on the ~~[attached]~~ plans attached to and made a part of Ordinance No. 2007-224-196, adopted September 10, 2007.

~~(g)~~ Special events, including the hosting of meetings, weddings, receptions, and similar functions, shall be permitted on the property, either within or outside the buildings.

~~(h)~~ No special event shall extend beyond 9:00 p.m. No personnel associated with the special event shall work on the property beyond 10:00 p.m.

~~(i)~~ No special event shall have more than 15 attendees.

~~(j)~~ No amplified music, public address, or loudspeaker system shall be operated outside of the buildings on the property.

~~(k)~~ For each special event on the property, the owner shall provide valet parking service to one or more off-site parking areas.

~~(l)~~ The owner shall ensure that the Zoning Administrator is furnished with contact information for the operator of the special use.

~~[(h)]~~ ~~(m)~~ Identification of the premises shall be limited to a nameplate not exceeding one ~~[(4)]~~ square foot in area attached flat against a vertical surface of the dwelling and numerals indicating the property's address.

~~[(i)]~~ ~~(n)~~ There shall be no enlargement of or exterior alterations to the dwelling, except for normal repair and maintenance.

~~[(j)]~~ ~~(o)~~ All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of ~~[Community Development]~~ Public Utilities prior to the issuance of building permits.

~~[(k)]~~ ~~(p)~~ 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 and surface water from the property so as not to adversely affect or damage adjacent properties or public streets and the use thereof.

~~[(4)]~~ (g) 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.

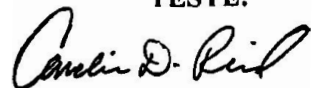
§ 4. That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections ~~[114-1050.7]~~ 30-1050.7 through ~~[114-1050.11]~~ 30-1050.11 of the Code of the City of Richmond ~~[(2004)]~~ 2015, as amended, if (a) the property owner does not abate the violation within ~~[thirty (30)]~~ 30 days of the issuance of the notice or (b) three ~~[(3)]~~ notices of violation are issued to the property owner within any ~~[twelve (12)]~~ 12 month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section ~~[114-1080]~~ 30-1080 of the Code of the City of Richmond ~~[(2004)]~~ 2015, as amended, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void ~~[or when the use of the accessory building as a dwelling unit is abandoned for a period of twenty four (24) consecutive months]~~, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

A TRUE COPY:
TESTE:



City Clerk

City of Richmond

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

Item Request File Number: PRE.2020.078

O & R Request

DATE: June 26, 2020

EDITION: 1

TO: The Honorable Members of City Council

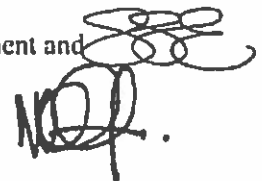
THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)



7/17/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *lgr*

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



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

RE: To amend and reordain Ord. No. 2007-224-196, adopted September 10, 2007, which authorized the special use of the property known as 2811 Grove Avenue for the purpose of authorizing an owner-occupied single-family dwelling with three tourist home lodging units, together with accessory parking, to remove the condition of owner-occupancy and to allow hosting of special events, upon certain terms and conditions

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ord. No. 2007-224-196, adopted September 10, 2007, which authorized the special use of the property known as 2811 Grove Avenue for the purpose of authorizing an owner-occupied single-family dwelling with three tourist home lodging units, together with accessory parking, to remove the condition of owner-occupancy and to allow hosting of special events, upon certain terms and conditions.

REASON: The applicant has requested an amendment to an existing Special Use Permit in order to remove certain conditions pertaining to an existing tourist home use, and to allow special events, such as meetings, weddings, receptions, and similar functions, on the property.

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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 September 8, 2020, meeting.

BACKGROUND: The subject property consists of a 10,890 SF, or .25 acre parcel of land improved with a 2,922 SF 2-story building constructed, per tax assessment records, in 1922 and is a part of the Museum District neighborhood in the Near West Planning District. The property is located on Grove Avenue between Arthur Ashe Boulevard and North Colonial Avenue.

The City of Richmond's Master Plan designates the subject property for Single-Family (Medium Density) land use. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7 (City of Richmond, Master Plan, p. 133).

The current zoning for this property is R-6 Single-Family Attached Residential. The property was approved for a Special Use Permit in 2007 to allow the operation of tourist home lodging with the condition that the building would be owner occupied and that no other commercial enterprises, including catering or restaurant operations, the hosting of meetings, weddings, receptions, and similar functions, operated on a for profit basis, be permitted on the premises.

Surrounding properties are located in the same R-6 District as the subject property. A mix of single-, two-, and multi-family residential, commercial, mixed-use, and institutional land uses are present in the vicinity.

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: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
September 8, 2020

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2007-224-196

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicant's Report, Draft Ordinance, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 804-646-5734



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.richmondva.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 2811 Grove Ave Date 1/8/20
 Tax Map # _____ Fee _____
 Total area of affected site in acres _____

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

Zoning

Current Zoning _____

Existing Use _____

Removal of verbiage
 Stating dwelling must
 be owner occupied -
 Instead - state that tenant
 can be designated by
 owner.

Proposed Use

(Please include a description of the proposed use, including the proposed hours of operation)

Existing Use Verbiage change in current SUP. Single (owner operated) dwelling as a bed+breakfast.

Is this property subject to any previous land use cases?

Yes No If Yes please list the Ordinance Number _____

Applicant/Contact Person: Melinda Fields
 Company: Virginia Museum of Fine Arts Foundation / Serenity 7 Restaurant
 Mailing Address: 2811 Grove Avenue
 City: Richmond State: VA Zip Code: 23221
 Telephone: (804) 359-2332 Fax: _____
 Email: Melinda.Fields@vmfa.museum

Property Owner: Virginia Museum of Fine Arts Foundation
 If Business Entity name and title of authorized signer: Melinda Fields

(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: 2811 Grove Avenue
 City: Richmond State: VA Zip Code: 23221
 Telephone: (804) 359-2332 Fax: _____
 Email: Melinda.Fields@vmfa.museum

Property Owner Signature: Melinda Fields

The names of all persons executing or attesting the execution of this Application must be typed and signed. Faxed or photocopied signatures will not be accepted.

NOTE: This form and attachments are checked and accepted by the City of Richmond. All fees must be paid in full at the time of application.

Museum District B & B

VMF

Museum District B&B
2811 Grove Avenue
Richmond, VA 23221

David Watson, AICP
Senior Planner
Department of Planning and Development Review
900 E. Broad St., Room 511
Richmond, VA 23219
Office: 804-646-1036

Dear David,

Here is the list of changes we would like to have adjusted in this Special Use Permit. I have given page # and paragraph letter.

Page 3 and Paragraph D:

The use of the building shall be as an Owner-Designated Innkeeper single-family dwelling, with three (3) tourist home lodging units. Two (2) of the lodging units, identified as the "Luxury Suite" and Upstairs Front Suite" on the attached plans, shall be located within the main building. One (1) lodging unit, identified as the "Carriage House Guest Suite" on the attached plans, may be located in the carriage house. No more than two guest shall be permitted per tourist home bedroom unit, except that any child under twelve (12) shall not be counted as guest. Meals may be served to guest at anytime during their stay.

We believe that due to House Bill 552 we can now eliminate the statement that No meal other than breakfast may be served to guests, as it provides Bed and Breakfast establishments to serve meals at any time as long as they are served only to guest



Page 3 and Paragraph E:

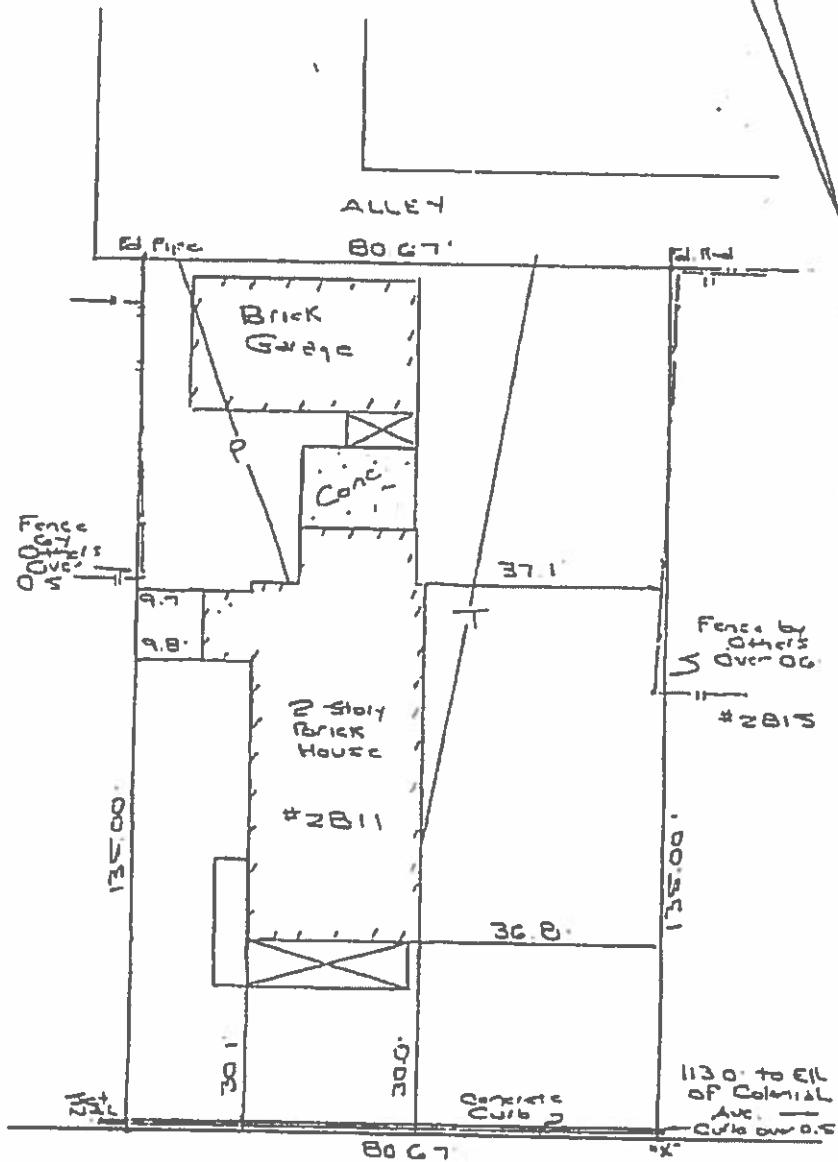
Functions such as small social events not to exceed 15 guests shall be permitted on the property. These events can be catered only by the Bed and Breakfast Innkeeper or the Virginia Museum of Fine Arts. No DJ's allowed and parking will be handled by Virginia Museum of Fine Arts. Events such as these must also end by 9pm. No other commercial enterprise, including catering or restaurant operations shall be operated on a for profit basis, shall be permitted on the premises.

Warm regards,

Melinda D. Fields
Museum District B&B Innkeeper

he is to certify that on 8-17-00 Thomas & Associates made a field survey of the premises shown hereon; that to the best of my knowledge and belief all improvements and visible evidence of easements are shown hereon, that there are no encroachments by improvements other than adjoining premises, or from subject premises upon adjoining premises other than as shown hereon. According to the current respective National Flood Insurance Program rate map, this house is located within zone C
 Power is underground, overhead, Telephone is underground, overhead
 MW Percent complete % Done By J.E.S.

Re Anna L. + James M. Currence



GROVE AVENUE

Improvements on Premises Known as
 #2811 Grove Avenue in Richmond Va



THOMAS AND ASSOCIATES
 CERTIFIED LAND SURVEYORS
 RICHMOND, VIRGINIA

DATE: 8-17-00
 SCALE: 1" = 20'
 FILE: Rich-165W

THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OR REPORT

BOOK NO. 450.0