



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**CPCR 2021.151:** To authorize an exception to §14-264 of the Code of the City of Richmond for the property known as 335 Charmian Rd pursuant to §14-292(c) of the Code of the City of Richmond.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** November 15, 2021

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#### **PETITIONER**

Jeff and Carrie Parris  
16413 Old Castle Road  
Midlothian, VA 23112

#### **PROPERTY OWNER**

Jeff and Carrie Parris  
16413 Old Castle Road  
Midlothian, VA 23112

#### **LOCATION**

355 Charmian Road  
Richmond, VA 23226

#### **PURPOSE**

To allow a proposed new single family dwelling to encroach into the 50 feet landward and seaward area of the Resource Protection Area (RPA) of the Chesapeake Bay Protection Area.

#### **SUMMARY & RECOMMENDATION**

The subject property is located at 335 Charmian Rd. The property comprised of one parcel totaling 0.61 acres of land area. The property is located in the R-1 Single-Family Residential zoning district, which permits single-family detached dwellings.

The applicant is proposing to construct a new single-family dwelling with an attached garage. The proposed exception before the Commission, if approved, would permit encroachment of 10,000.00 square feet into both the landward and seaward portion of the Resources Protection Area (RPA) of the Chesapeake Bay Protection Area.

Because the lot sits almost entirely with the RPA buffer, there is no other area to relocate the house on the lot. Since the only access road (Charmian Rd.) is located near the perennial stream, the driveway will be encroaching the seaward portion of the RPA to provide access from the house to Charmian Road. The proposed encroachment is the minimum necessary to for the construction of the single family dwelling. The applicant has provided a detailed replanting plan to mitigate the proposed removal of RPA buffer.

The City Code establishes requirements for the Chesapeake Bay Protection Areas to protect and improve the water quality of the Chesapeake Bay, its tributaries, and other state waters by minimizing the effects of human activity upon these waters. The requirements limit construction and land disturbance activity within buffer areas in order to protect water quality.

The City Code authorizes the Planning Commission to approve certain exceptions to the restrictions on construction activity within the established buffer areas, provided that a finding is made that:

- a. The requested exception to the criteria is the minimum necessary to afford relief;
- b. Granting the exception will not confer upon the applicant any special privileges that are denied to other property owners who are subject to the regulations and who are similarly situated;
- c. The exception is in harmony with the purpose and intent of the regulations and is not of substantial detriment to water quality;
- d. The exception request is not based upon conditions or circumstances that are self-created or self-imposed;
- e. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and
- f. Other findings, as appropriate and required by the city, are met.

Section 14-264 of the Code of the City of Richmond does not permit structures or non-water-dependent facilities to encroach into an RPA and, therefore, the petitioner has requested an exception from the Planning Commission to encroach into the RPA buffer, pursuant to §14-292(c) of the Code of the City of Richmond.

Applicant has addressed all of the conditions noted above in their application. Additionally, the applicant has supplied a landscape mitigation plan that proposes native plantings in the RPA buffer to offset the encroachment of the structure.

Water Resources and Planning and Development Review Staff recommends approval of the exception request to include submission of a Water Quality Impact Assessment on the plans, a landscape mitigation plan, and the permit application to the Water Resources Division, the landscape mitigation plan will be installed prior to bond release which shall remain in place for one year to ensure establishment of the vegetation planted.

## **FINDINGS OF FACT**

### **Site Description**

The subject property is located at 335 Charmian Rd. The property is comprised of one parcel totaling 0.61 acres of land area.

### **Proposed Use of the Property**

The applicant is proposing to construct a new single family dwelling with an attached garage and a 12ft wide drive way.

### **Zoning & Master Plan**

The property is located in the R-1 Single Family Residential zoning district, which permits single-family detached uses.

The Richmond 300 designation for the property is “Residential” which recommends single-family houses as a primary use.

### **Chesapeake Bay Protection Areas**

The Resource Protection Area (RPA) is defined as that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of State waters.

Per Richmond City Code section 14-231(a)... In their natural condition, these lands provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on State waters and aquatic resources.

Additionally, “the 100-foot wide buffer area shall be the landward component of the resource protection area as set forth in Section 14-231(b)(5). Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in this section, the 100-foot wide buffer area is not reduced in width. To minimize the adverse effects of human activities on the other components of the resource protection area, State waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist.” (Section 14-264(3))

### **Surrounding Area**

The surrounding properties in each direction are currently all occupied by single-family dwellings.

### **Neighborhood Participation**

Notice of the public hearing for the proposed exception has been advertised in accordance with State Code and property owners with 150 feet of the subject property have been mailed notice of the public hearing.

### **Staff Contact:**

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