

INTRODUCED: June 24, 2019

AN ORDINANCE No. 2019-176

To authorize the special use of the property known as 3151 Moody Avenue for the purpose of two two-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: JUL 22 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 3151 Moody Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two two-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.1 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 (2019), 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 22 2019 REJECTED: _____ STRICKEN: _____

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 3151 Moody Avenue and identified as Tax Parcel No. S000-1726/001 in the 2019 records of the City Assessor, being more particularly described on a plat entitled “Preliminary Subdivision Plat, Moody Avenue Place, 3151 Moody Avenue, City of Richmond, VA,” prepared by Nyfeler Associates, and dated March 27, 2019, 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 two-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plat entitled “Preliminary Subdivision Plat, Moody Avenue Place, 3151 Moody Avenue, City of Richmond, VA,” prepared by Nyfeler Associates, and dated March 27, 2019, and the plans entitled “Duplex Rendering for Parcel 1 at 3151 Moody Avenue,” prepared by an unknown preparer, and undated, and on the plans untitled, by an unknown preparer, and undated, hereinafter collectively 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 Special Use of the Property shall be as two two-family detached dwellings, substantially as shown on the Plans.

(b) Four parking spaces shall be provided on the Property, substantially as shown on the Plans.

(c) The height of the Special Use shall be substantially as shown on the Plans and shall not exceed an overall height of 33 feet.

(d) All building materials and elevations 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 on the Plans, shall be accomplished by obtaining subdivision approvals from the City and recording the 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) 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.

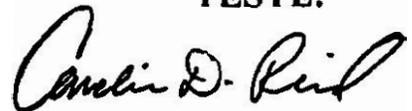
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Camille D. Reed".

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.2019.242

RECEIVED & R REQUEST

JUN 18 2019

4-8800
MAY 30 2019

O & R Request

OFFICE OF THE CITY ATTORNEY Office of the
Chief Administrative Officer

DATE: May 28, 2019

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.)

JS 6/17/19

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

SCG

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

[Signature]

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

[Signature]

RE: To authorize the special use of the property known as 3151 Moody Avenue for the purpose of permitting two two-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3151 Moody Avenue for the purpose of permitting two two-family detached dwellings, upon certain terms and conditions.

REASON: The applicant is proposing to construct a two-family detached dwelling on a newly created parcel of land. Such a use is not permitted in the R-5 district. The subject property is currently improved with a two-family dwelling that was authorized by the Board of Zoning Appeals. The proposed special use permit would authorize both the existing and proposed two-family dwellings.

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 July 15, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is a lot measuring 11,717 SF (0.269 acres) located at 3151 Moody Avenue, between a public gravel alley to the west and West Blake Lane to the east, in the Reedy Creek neighborhood of the Old South Planning District. The property is improved with a 2-story building constructed in 1920, which has since been converted into a two-family dwelling.

In 2016, the applicant acquired the vacant house at 3151 Moody Avenue and renovated the existing dwelling. The applicant intends to continue this effort by subdividing the lot and building a new two-family dwelling.

The City of Richmond's Master Plan designates the subject property along Moody Avenue for Single-Family (Low-Density) land use. Primary uses in this category are single-family detached dwellings at up to seven units per acre.

All surrounding properties are also located in the R-5 District. Residential land use predominates the area, consisting of single-family and two-family dwellings and some multi-family dwellings. Some non-residential uses are present along Midlothian Turnpike to the south.

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: June 24, 2019

CITY COUNCIL PUBLIC HEARING DATE: July 22, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 15, 2019

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: Leigh V. Kelley, Senior Planner, Land Use Administration 804-646-6384



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/>

SUP-038139-2018

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: 3151 Moody Avenue Date: 07/05/2018
 Tax Map #: 50001726001 Fee: _____
 Total area of affected site in acres: 0.269

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

Zoning

Current Zoning: R-5

Existing Use: _____

LAND USE ADMINISTRATION
JUL 5 2018
RECEIVED

Proposed Use

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

Subdivide existing lot into two separate parcels. An "over/under" duplex (each unit will have two bedrooms) will be built on the subdivided lot.

Existing Use: _____

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: J Mark Slack

Company: Virginia Realty Ventures, LLC
 Mailing Address: 7706 Sunderland Road
 City: Richmond State: VA Zip Code: 23229
 Telephone: (804) 3,708,384 Fax: (804) 7,407,838
 Email: JMarkSlack@KanawhaRA.com

Property Owner: Virginia Realty Ventures, LLC

If Business Entity, name and title of authorized signee: J Mark Slack, co-Managing Member

(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:

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)

Virginia Realty Ventures, LLC

2314 W. Main Street
Richmond, VA 23220

9886

March 8, 2018

Joseph Gahan
203 W. Blake Avenue
Richmond, VA 23225

RE: Proposed Subdivision of 3151 Moody Avenue

Dear Mr. Gahan:

In 2016, Virginia Realty Ventures, LLC (VRV) acquired the vacant and dilapidated house at 3151 Moody Avenue, and in 2017 proudly opened the renovated duplex to new residents. Attached are photographs showing the before and after views of the house. We hope you are as pleased with the outcome as we are. In addition to the Moody property, VRV also owns two other duplexes in the neighborhood which have also been recently renovated.

We wish to continue our revitalization efforts within this well located and important neighborhood by subdividing the Moody lot, and building a new duplex on the additional land. Attached for your review is a copy of a survey showing line approximating where we would like to subdivide the lot, as well as the estimated location of where the new house would be built. Also enclosed are the elevation and floor plans of what we propose to build. We plan to incorporate Hardiplank, LP SmartSide or other similar high-quality siding material, which along with the elevation, will allow our proposed new home to complement the existing architectural fabric of the neighborhood.

To achieve this goal, the City of Richmond requires that we discuss our plans with nearby neighborhood homeowners, and ultimately obtain approval from City Council. We have already had preliminary discussions with Amy Robins in Councilman Parker Agelasto's office (646-5724), and Leigh Kelley with the City Planning Department (646-6384). We have worked with both Mr. Agelasto and Mr. Kelley on a previously successful subdivision in this council district.

We hope that we will be able to win your support for these plans, and would like to invite you to join us on Tuesday March 27, 2018 at 5:00 p.m. at the Westover Hills Library (1408 Westover Hills Boulevard) to meet us in person, and discuss this subdivision proposal in greater detail. We look forward to seeing you then if you care to attend.

Best regards,

J. Mark Slack
Co-managing member

Andrew Fuqua
101 W. 32nd Street
Richmond, VA 23225

Chas Allen
103 W. 32nd Street
Richmond, VA 23225

Beverly Cobb and Michelle Edwards
105 W. 32nd Street
Richmond, VA 23225

Chelsea Lahmers
111 W. 32nd Street
Richmond, VA 23225

Floyd and Ernestine Simmons
113 W 32nd Street
Richmond, VA 23225

James Farmer
115 W. 32nd Street
Richmond, VA 23225

Elyse M. Bates
3152 Moody Avenue
Richmond, VA 23225

Patty Fowkes
3154 Moody Avenue
Richmond, VA 23225

Vivian Faulkner
3156 Moody Avenue
Richmond, VA 23225

Melvin Wall Sr.
3158 Moody Avenue
Richmond, VA 23225

Julie Faye
3160 Moody Avenue
Richmond, VA 23225

Cornelius Harris
3162 Moody Avenue
Richmond, VA 23225

Deborah Hubbard
5 W. Blake Avenue
Richmond, VA 23225

Northstar Development
7 W Blake Avenue
Richmond, VA 23225

Lorraine Mc Cullen
101 W. Blake Avenue
Richmond, VA 23225
Alt address: 4 Brodziak Rd. Denville NJ 07834

Betty Free and Forcythia Pegram
200 W Blake Avenue
Richmond, VA 23225

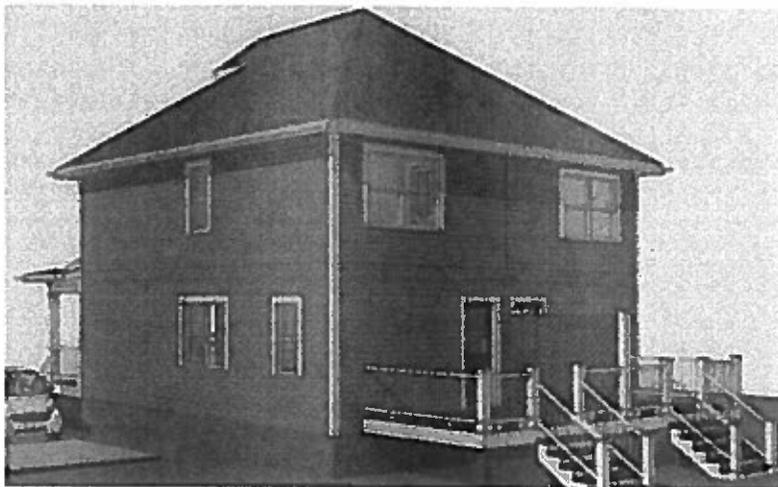
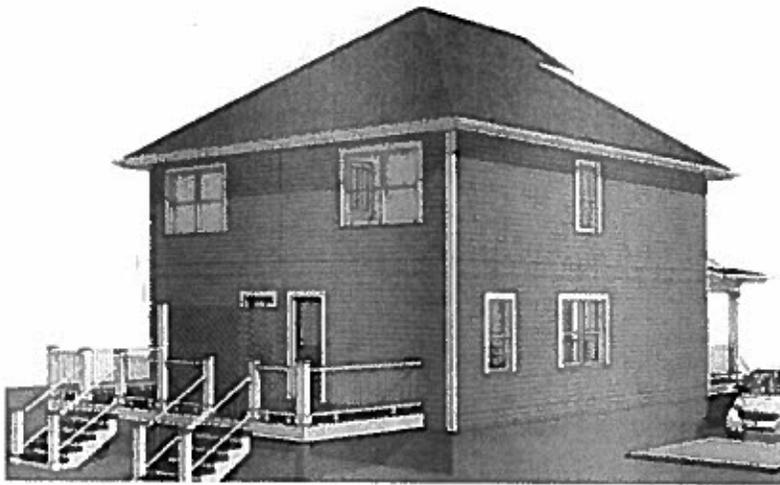
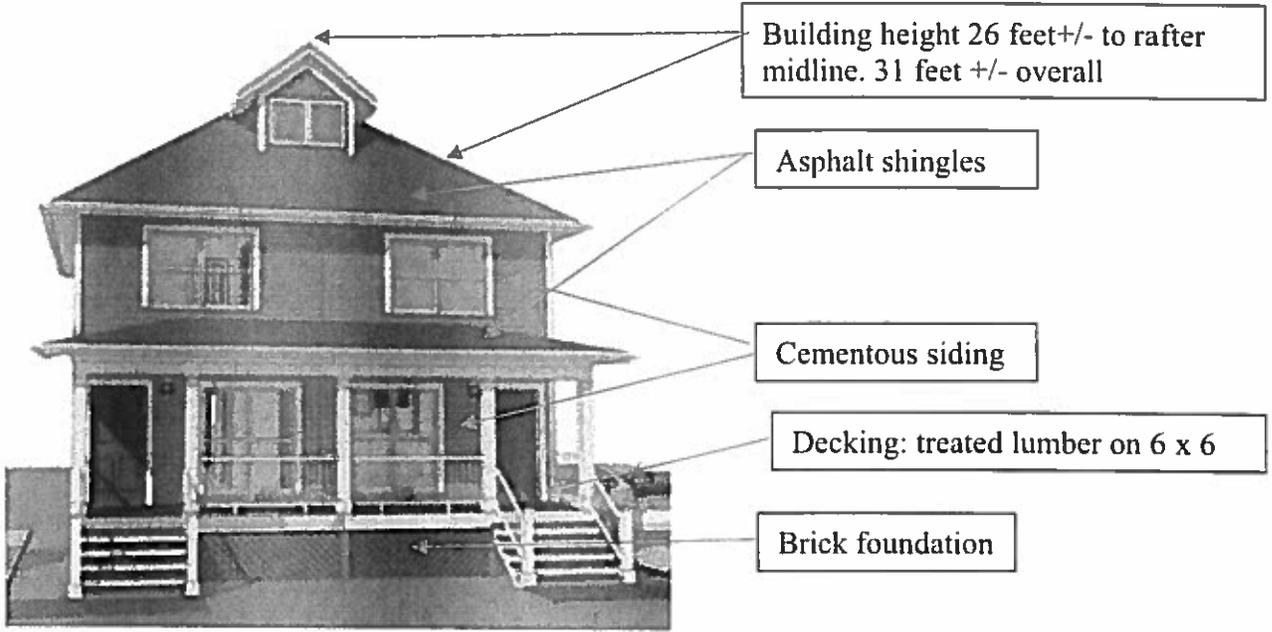
Tim and Ginnetta Smith
201 W. Blake Avenue
Richmond, VA 23225

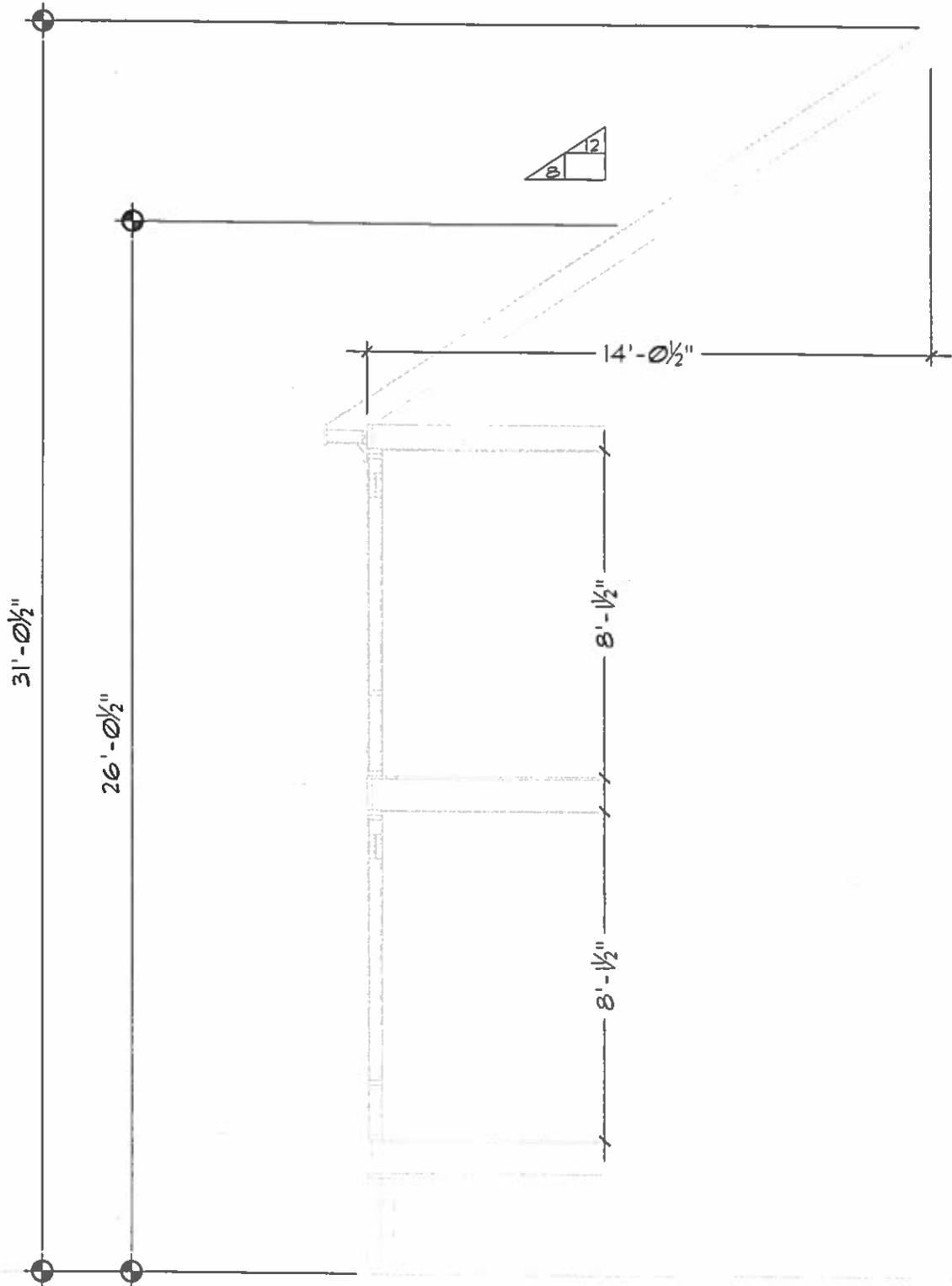
Bettina Pamplona
202 W. Blake Avenue
Richmond, VA 23225

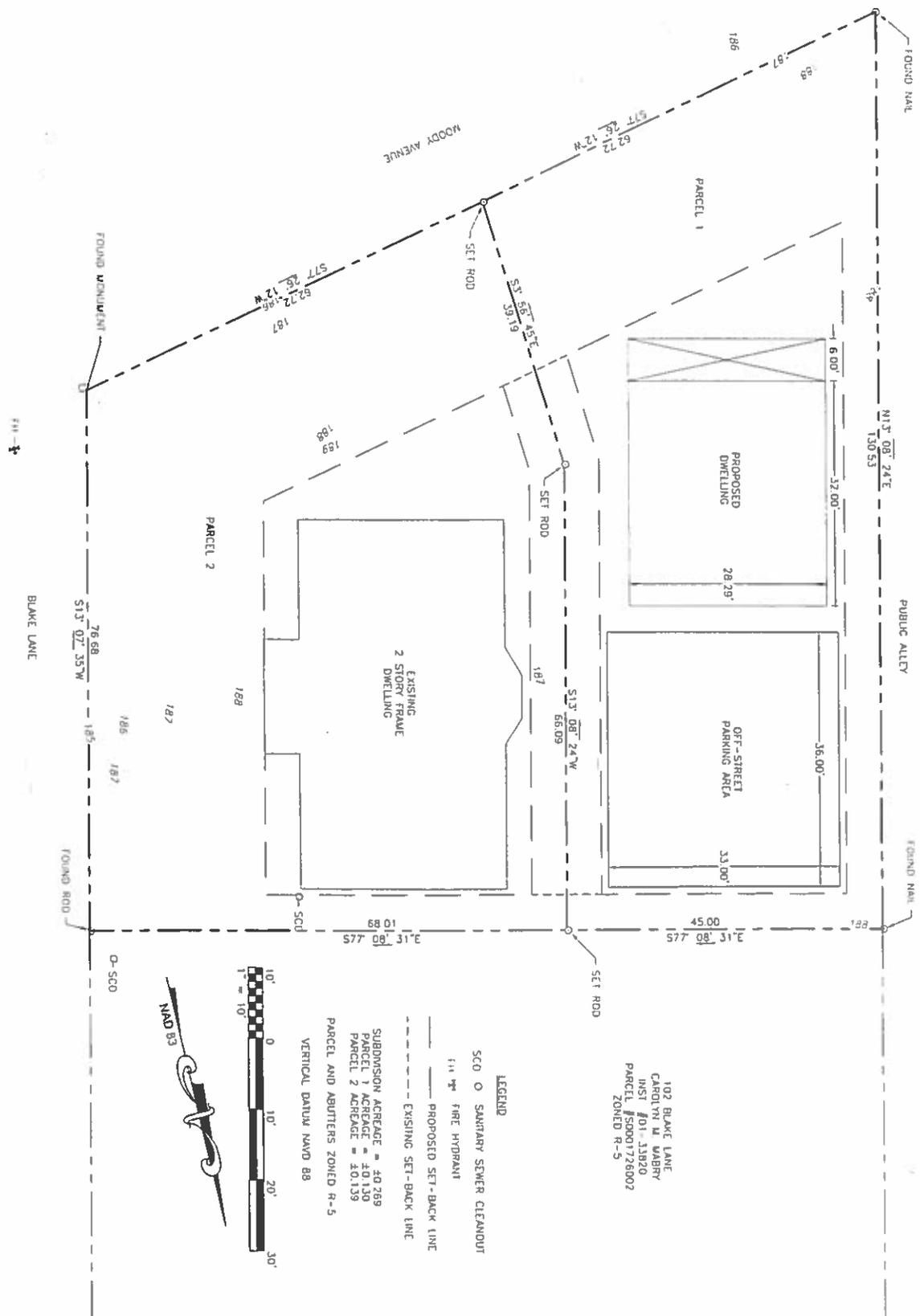
Joseph Gahan
203 W. Blake Avenue
Richmond, VA 23225

Carolyn Mabry
102 W Blake Avenue
Richmond, VA 23225

Duplex Rendering for Parcel 1 at 3151 Moody Avenue





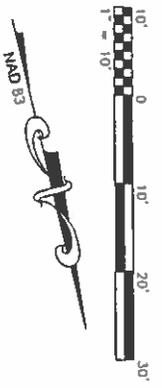


102 BLAKE LANE
 CAROLYN M. LABBY
 INST #0133920
 PARCEL #500172002
 ZONED R-5

LEGEND

- SCD O SANITARY SEWER CLEANOUT
- 1" x 4" FIRE HYDRANT
- PROPOSED SET-BACK LINE
- - - EXISTING SET-BACK LINE

SUBMISSION ACREAGE = 40.269
 PARCEL 1 ACREAGE = 40.130
 PARCEL 2 ACREAGE = 40.139
 PARCEL AND ABUTTERS ZONED R-5
 VERTICAL DATUM NAD 88



PRELIMINARY SUBDIVISION PLAT

MOODY AVENUE PLACE
 3151 MOODY AVENUE
 CITY OF RICHMOND, VA
 PARCEL ID# 50001726001
 PREPARED FOR VIRGINIA REALTY VENTURES, LLC

NYFELER ASSOCIATES
 LAND SURVEYING & MAPPING
 619 W CARY ST. RICHMOND, VA 23220
 804-277-4231 www.nyfelerassociates.com

SHEET NO		2 of 2	
DATE	3/27/2019	DRAWN BY	JRW
JOB NUMBER	18104		

SUBDIVISION CERTIFICATE

The subdivision of land shown hereon, designated "MOODY AVENUE PLACE" is with the free consent and in accordance with the desires of the undersigned owners thereof, there are no Deeds of Trust or Mortgages on this property, no streets, alleys and easements are of the width and extent shown hereon and are dedicated to the City of Richmond, Virginia free and unrestricted by any previous agreements or easements, except as noted on this plat of the terms of recordation. All easements are for streets and underground drainage systems and are shown on the plat. All easements are shown on the plat and are subject to the right of the City of Richmond, Virginia to establish alleys on any easements at a future time without cost of the property involved. The dedication of easements to the City includes the right to make reasonable use of the adjoining land for construction and maintenance of public facilities within the boundaries of the easements shown hereon. All dedications of land are subject to the right of the City of Richmond, Virginia to establish streets, alleys, or easements on such property at a future time without cost of the property involved.

By _____, the Owners, Vestiges, and Trustees hereof/has affixed their signature and seal as of this _____ day of _____ 2018.

J. MARK SLACK (OWNER)

BEI PARTNROCK (OWNER)

COUNTY/CITY OF VIRGINIA

Is a History Public in and for the jurisdiction

whereof, do hereby certify that _____ a History Public in and for the jurisdiction is known to me and whose name is signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction

dated this _____ day of _____ 2018.

History Public By commission expires: _____

SUBJECT OF TITLE
The property embraced within the limits of this subdivision is that property conveyed to VIRGINIA REALTY VENTURES, LLC, a Virginia Limited Liability company from EDOCS, LLC, A Virginia Limited Liability Company by deed dated the 30th day of August, 2018 and recorded at the Clerk's office in the Circuit Court of the City of Richmond, Virginia on the 1st day of SEPTEMBER, 2018 in instrument #18-17089.

SUBJECT'S CERTIFICATE
I, the undersigned, my knowledge and belief of the requirements as set forth in the certificate of recording filed of subdivision in the City of Richmond, Virginia have been complied with. All measurements have been previously set or will be set by the LAST day of June 2018.



NOTES:

1. Use: Residential (Single Family)
2. Zoning: R-5
3. Subblock: 25' Front, 5' Side and Rear
4. Address: 3151 Moody Avenue
5. Tax map reference number: 50001726001
6. Water: Public - City of Richmond, Virginia
7. Sewer: Public - City of Richmond, Virginia
8. Drainage: Cures & Ditches
9. Public Utilities: Overhead (Yes)
10. Owner(s): VIRGINIA REALTY VENTURES, LLC
11. Parcel: Virginia Realty Ventures, LLC
12. Total Area: 0.269 Acres & 11,710 square feet
13. Acre in Lot: 0.269 Acres & 11,710 square feet
14. Acre of Land Dedicated for Public Purpose: 0 Acres & 0 square feet
15. Number of Lots: 2
16. Minimum Lot size: 3,639 Square feet
17. Maximum Lot size: 6,074 Square feet
18. Average Lot size: 3,853 Square feet
19. Property within the limits of subdivision is located in Flood Zone X, as shown on Flood Insurance Rate Map Number 510120A0035C, revised 7/16/2014
20. The plat of subdivision shown hereon contains certain easements identified on the Metroland Wiltshire Inventory Map dated 1/3/2018 (shown)
21. Property within the limits of this subdivision is not located in Chesapeake Bay Preservation Areas designated by the City of Richmond, Virginia pursuant to Chapter 59 of the City Code of 2004.

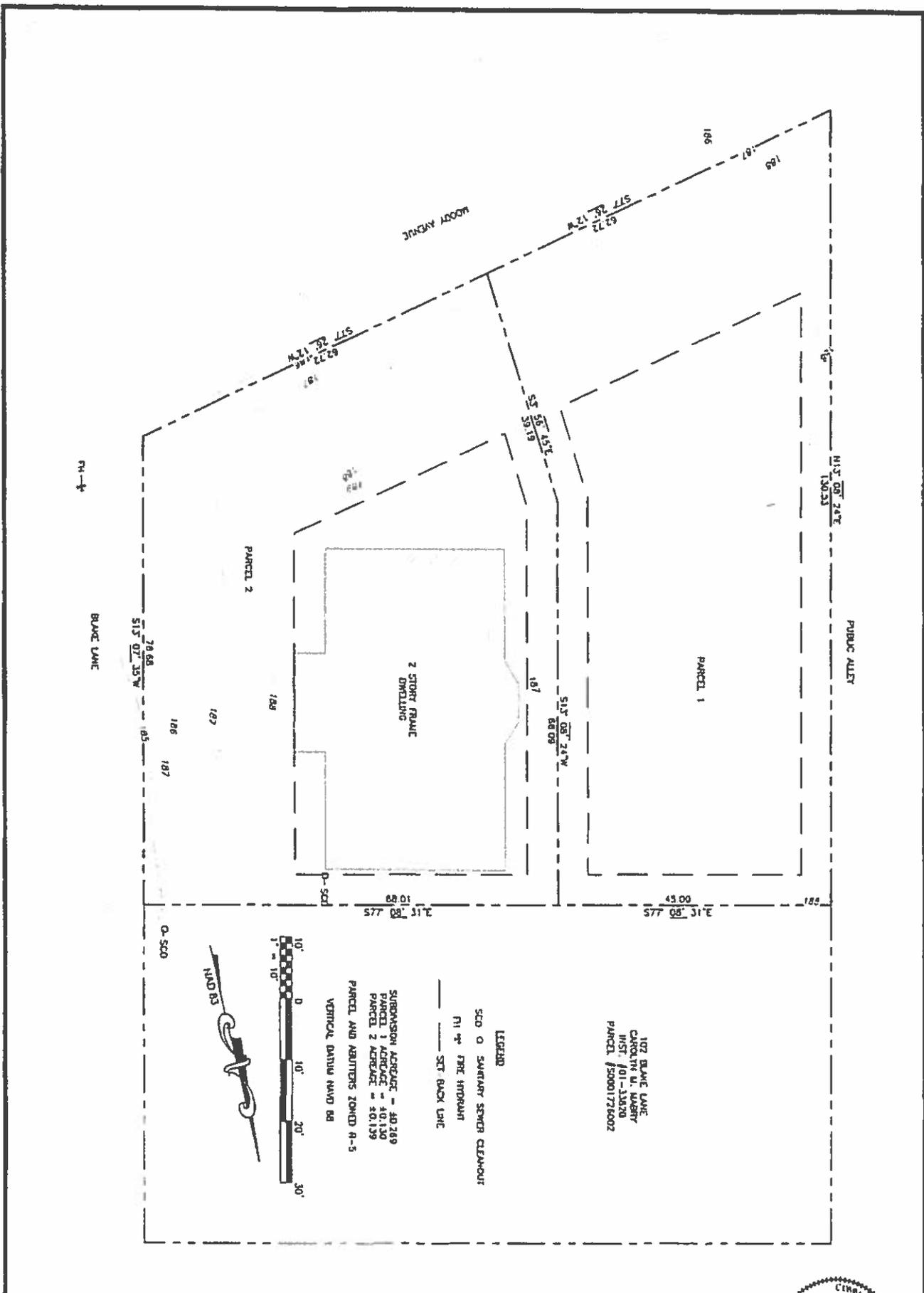
VICINITY MAP
SCALE: 1" = 500'

PRELIMINARY SUBDIVISION PLAT

MOODY AVENUE PLACE
3151 MOODY AVENUE
CITY OF RICHMOND, VA
PARCEL ID# 50001726001
PREPARED FOR VIRGINIA REALTY VENTURES, LLC

NYFELER ASSOCIATES
LAND SURVEYORS & ENGINEERS
419 W. CARY ST. #100
RICHMOND, VA 23220
804-277-4231
www.nyfeler.com

SHEET NO. 1 of 2	
DATE: 7/23/18	DRAWN BY: JMW
JOB NUMBER: 18164	



PRELIMINARY SUBDIVISION PLAT

MOODY AVENUE PLACE
 311 MOODY AVENUE
 CITY OF RICHMOND, VA
 PARCEL ID# 5001726021
 PREPARED FOR VIRGINIA REALTY VENTURES, LLC

NYFELER ASSOCIATES
 419 W CARY ST
 RICHMOND, VA 23220
 804.777.4231

SECTION NO. 2 of 2

DATE 7/22/18	DRAWN BY: JW
JOB NUMBER 18184	

