



## CITY OF RICHMOND

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

**CPCR 2016-022:** To authorize an exception to §14-264 of the Code of the City of Richmond for the property known as 5800 Willow Creek Way pursuant to §14-294(c) of the Code of the City of Richmond.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** March 7, 2016

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#### **PETITIONER**

Balzer & Associates, 15871 City View Drive, Suite 200

#### **PROPERTY OWNER**

RCS Group, LLC

#### **LOCATION**

5800 Willow Creek Way

#### **PURPOSE**

To authorize an exception to allow the property owner to construct an approximately 4,616 square feet of encroachment for a single family dwelling with a 1,500 square foot footprint, driveway and associated grading. The development would encroach in both the landward and seaward portions of the Resource Protection Area of the Chesapeake Bay ("RPA") as shown on the City's adopted Chesapeake Bay Preservation Map. §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.

#### **SUMMARY & RECOMMENDATION**

Due to the fact that the perennial stream runs through the lot cutting it in half, the RPA buffer encompasses a large middle portion of the site. In addition the stream is bordered by a parallel utility easement containing a public sanitary sewer line. Lastly, the current setback requirements put the buildable area for the lot solely in the 50' seaward buffer of the RPA limits. The house is proposed to be located in the only area it can be placed. The owner has agreed to providing a Water Quality Impact Assessment as well as additional landscaping to restore the buffer water quality attributes. §14-294(c)(3) states an exception may be authorized by the Planning Commission provided that the exception to the criteria shall be the minimum necessary to afford relief and reasonable and appropriate conditions, upon any exception granted, shall be imposed as necessary so that the propose and intent of the Act is preserved. Staff finds that the requested exception is the minimum necessary and meets the standards for granting exceptions. Therefore, staff recommends approval.

**Staff Contact:** Lory Markham, Principal Planner, 804-646-6309  
Jonét Prévost-White, 804-646-6964

## **FINDINGS OF FACT**

### **Site Description**

The subject 0.468 acre property is located in a cul-de-sac at the western end of Willow Creek Way. There is a perennial tributary to Powhite Creek flowing through the property. The creek was determined to be perennial in 2004. The lots was recorded with the Willow Creek Subdivision in 1985. The recordation pre-dates the permitted landward encroachment date of October 1, 1989 per section 14-264(4)a of Richmond City code.

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

The proposed improvements to the property will include a single family dwelling with driveway and front steps.

### **Zoning**

The property is located in the R-3 Single-Family Residential zoning district. The proposed single-family dwelling is a permitted use in the R-3 zoning district, subject to meeting minimum parking, lot area and setback requirements. The proposed layout would meet the requirements of R-3 zoning district.

### **Master Plan**

The Master Plan recommends single-family low density land use for the subject property.

### **Surrounding Area**

Properties to the west and south are occupied by single-family detached uses on lots of similar size to the subject property. The property to the east and north is occupied by a single-family attached development that is currently under construction.

### **Neighborhood Participation**

Notice of the public hearing on the proposed exception has been advertised in accordance with the State Code and property owners with 150 feet of the subject property have been mailed notice of the public hearing. Staff has not received any letters of support or opposition.