

INTRODUCED: November 10, 2014

AN ORDINANCE No. 2014-243-222

To authorize the special use of the property known as 3200 Floyd Avenue for the purposes of allowing a two-car garage within the required front yard setback and a driveway exceeding nine feet in width within a front yard, upon certain terms and conditions.

Patron – Mr. Baliles (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 8 2014 AT 6 P.M.

WHEREAS, the owner of the property known as 3200 Floyd Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purposes allowing a two-car garage within the required front yard setback and a driveway exceeding nine feet in width within a front yard which use, among other things, is not currently allowed by sections 114-412.5 through 114-412.7 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 8 2014 REJECTED: _____ STRICKEN: _____

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 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 property known as 3200 Floyd Avenue and identified as Tax Parcel No. W000-1458/017 in the 2014 records of the City Assessor, being more particularly shown on a survey entitled “Plat of No. 3200 Floyd Avenue, City of Richmond, Virginia,” prepared by Holly & Spain, Ltd., and dated November 22, 1976, 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 purposes of allowing a two-car garage within the required front yard setback and a driveway exceeding nine feet in width within a front yard, hereinafter referred to as “the Special Use,” substantially as shown on page 1 of the plans entitled “Powers Carport,” prepared by Glasgow Design Services, and dated October 9, 2014, 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) A two-car garage accessory structure shall be allowed within the required front yard setback along Auburn Avenue, provided that such structure shall be constructed substantially as configured on the Plans.

(b) The maximum driveway width requirement within the front yard shall be waived to permit the width necessary, as determined by the Zoning Administrator, for vehicular access to the two-car garage accessory structure authorized by this ordinance.

§ 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. **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.



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

Ordinance/Resolution Request

TO Allen Jackson, City Attorney

THROUGH Lou Ali, Council Chief of Staff

FROM Steven Taylor, Council Policy Analyst *ST*

COPY Jon Baliles, 2nd District Council Member
 Eli Wong, 2nd District Liaison
 Haskell Brown, Deputy City Attorney
 Vincent Jones, Council Deputy Chief of Staff *V. Jones*

DATE November 4, 2014

PAGE/s 1 of 2

TITLE Special Use Permit for the property at 3200 Floyd Ave regarding a garage and driveway width.

RECEIVED
NOV 04 2014

OFFICE OF CITY ATTORNEY

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

J. Baliles (By Request)

SUGGESTED STANDING COMMITTEE

Land Use, Housing & Transportation

ORDINANCE/RESOLUTION SUMMARY

The patron, by request, ask that an ordinance be drafted for Council's consideration to authorize a special use permit (SUP) of the property at 3200 Floyd Avenue in order to waive the front yard setback and the maximum permitted width for a driveway (on the property), under certain terms and conditions.

The SUP will permit a new accessory garage building to encroach upon the required set back on Auburn Avenue and built to plans and the maximum driveway width will be allowed to exceed the maximum width requirement under current law. The following conditions shall apply for the property owners if the SUP is granted: 1.) Public Utilities must approve final grading and drainage plans; 2.) Storm or surface water may not be allowed to accumulate; 3.) Facilities for the accumulation of waste must be approved by Public Works; 4.) Future encroachments shall remain subject to approval; 5.) The owner must make improvements to the right of way as shown in the approved Plan; 6.) All other applicable law and zoning approvals remain in effect.

BACKGROUND

The new property owners have endeavored to restore the 100 year old home after acquiring it as a result of foreclosure. They would like to add an appropriately designed garage to replace the one that could not be restored due to age and decay. The new garage will encroach on the current setback and the driveway on the property will be wider than the driveway allowed under current code.

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$ 0	
Note: N/A		

Attachment/s Yes No

Applicant's Report for 3200 Floyd Avenue

Background:

In November of 2012, after four and a half months of foreclosure negotiations we purchased our home and affectionately named it *Honor's Corner* after the very first owner who occupied the home in 1910. When we took ownership the home was in terrible condition with every structural feature needing major renovation or replacement. Besides wanting a beautiful and long-lasting home, we were also seeking EarthCraft and LEED (Leadership in



Energy & Environmental Design) certifications. The house was in such a state of decline that we made the decision to tear it completely apart and rebuild it using environmentally sound materials and practices. We assembled a team of local experts, including Richmond native Michael Cross as our LEED certified architect, and began work in May of 2013. Every decision has been methodical and intentional. We plan to live here forever so we have not cut any corners in the process. The backyard and carport are our final steps to completion.

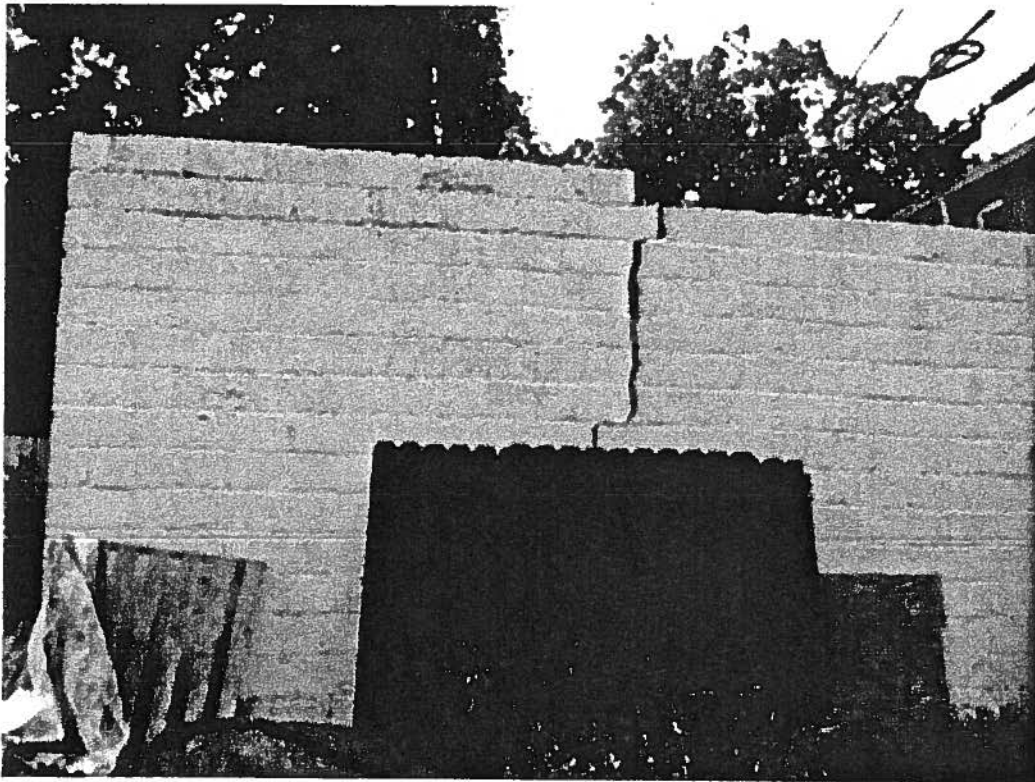
I have maintained a blog and a Facebook page throughout the process, documenting our journey to ensure that this corner, a gateway to Carytown, endures gracefully for another 100 years. This project has been my life for the past 27 months. My husband and I are only trying to do what is right and tasteful. Our blog address is: www.shiftingcorners.wordpress.com

Current Status:

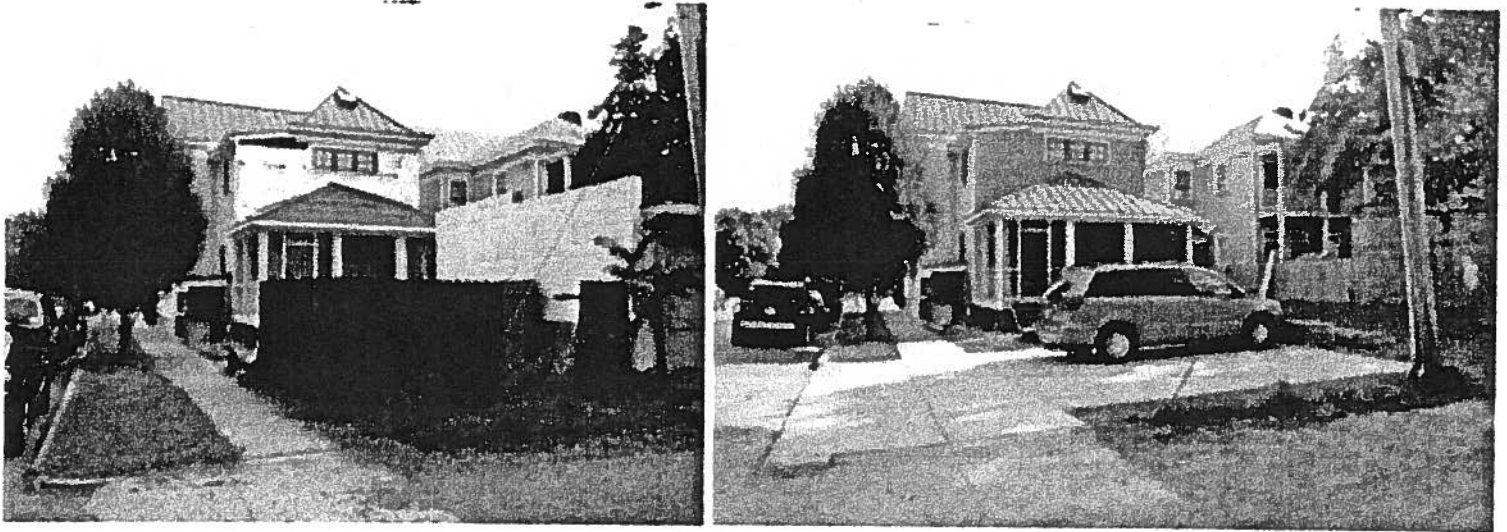
In April, 2014 I made a visit to the permit office to obtain permission to repair the sidewalk on Auburn Avenue that the drill rig (geothermal heating & cooling) and construction dumpsters broke when entering the back yard. During the meeting with Public Works, I also mentioned the utility pole that was partially obstructing the entrance to the garage from the alley. This discussion bore out the solution of a driveway on the Auburn side of our our

house. A Public Works official examined satellite images and noted the curb cut, driveway and garage directly across the street from us, thus paving the way for us to have a similar arrangement. I also spoke with a Zoning representative who visually reviewed our plans and advised me on the parameters for the carport such as roof line and height restrictions. We also discussed the new location of the carport atop a concrete pad leading to the driveway and curb cut. (I did not submit carport plans at the time since the Auburn Avenue location had not been a consideration before this conversation.) On April 29th the permit for the curb cut, driveway and sidewalk was issued and we contracted demolition and concrete crews to begin the work.

Below is the garage that previously stood in the back yard. We paid \$5500 to have it removed. Neighbors stopped for weeks to thank us for removing the hazardous eyesore.



After several sweltering days in the summer heat and another \$8800 we had a completely renovated parking and carport area! Now the utility pole is situated at a corner instead of in the center of the garage opening.

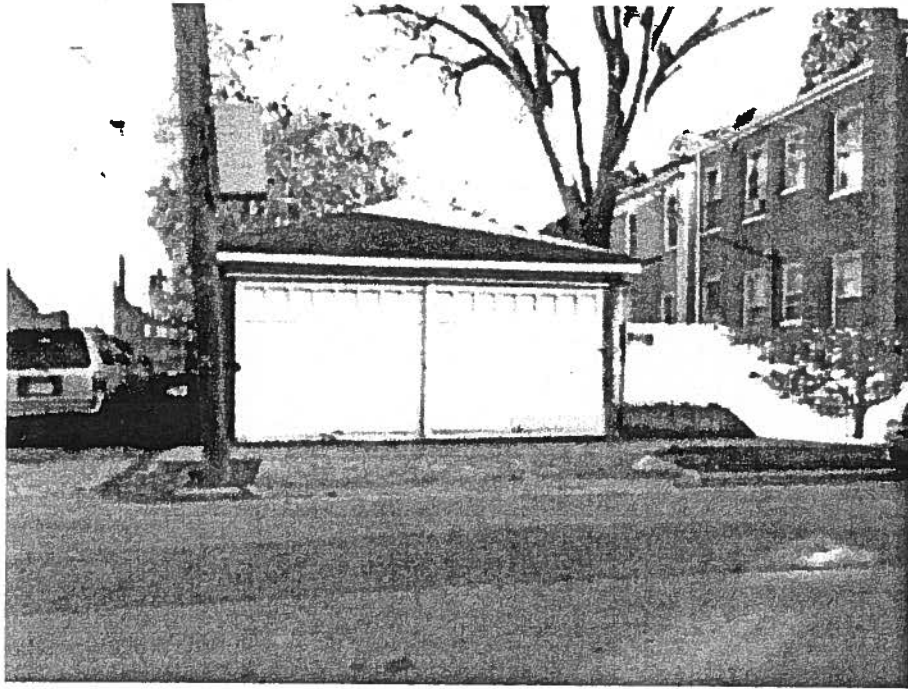


Since the completion I have been busy developing designs for the carport, home generator placement, fencing, lighting and landscape. With those things finally in place I returned to City Hall to obtain the permit for the carport. You can only imagine how devastated I was to learn that the curb cut, driveway and carport plan were all out of compliance with city code for the Museum District! We have spent months of planning and invested \$14,300 in preparations for the area, all based on the original permit granted to us on April 29, 2014. It would be a terrible waste of time and resources to disassemble the work and the designs, not to mention additional emotional and financial hardship for us.

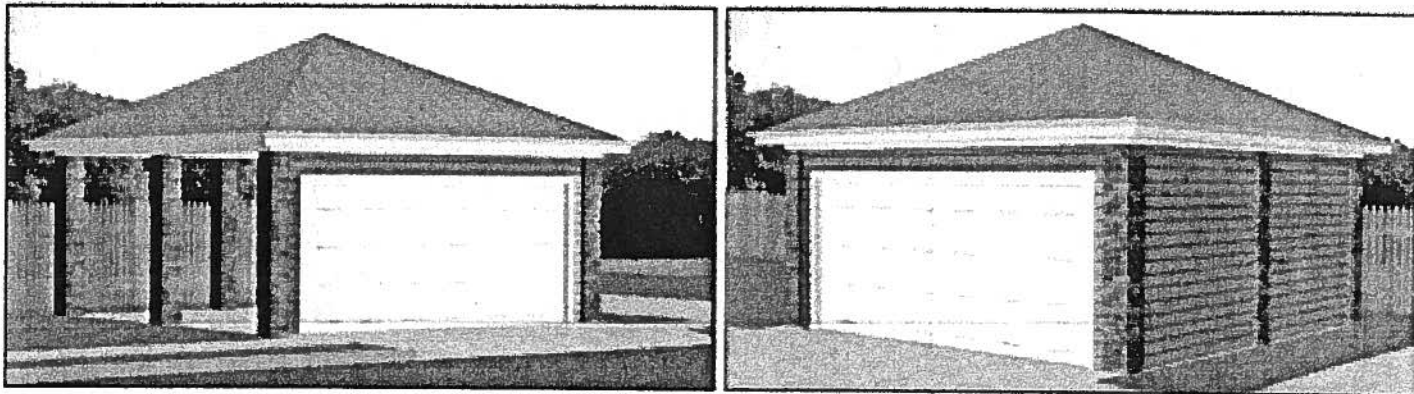
Request:

We implore you to review the original permit and our carport plans and allow us to move forward with a tasteful completion to our home. We will be enclosing the entire rear yard with a custom design, wooden fence (6'6").

This is a photo of the garage directly across from our driveway.



Our plan mirrors this garage but we will have a 2' set back from the sidewalk/property line and the interior sides to our yard will be open.

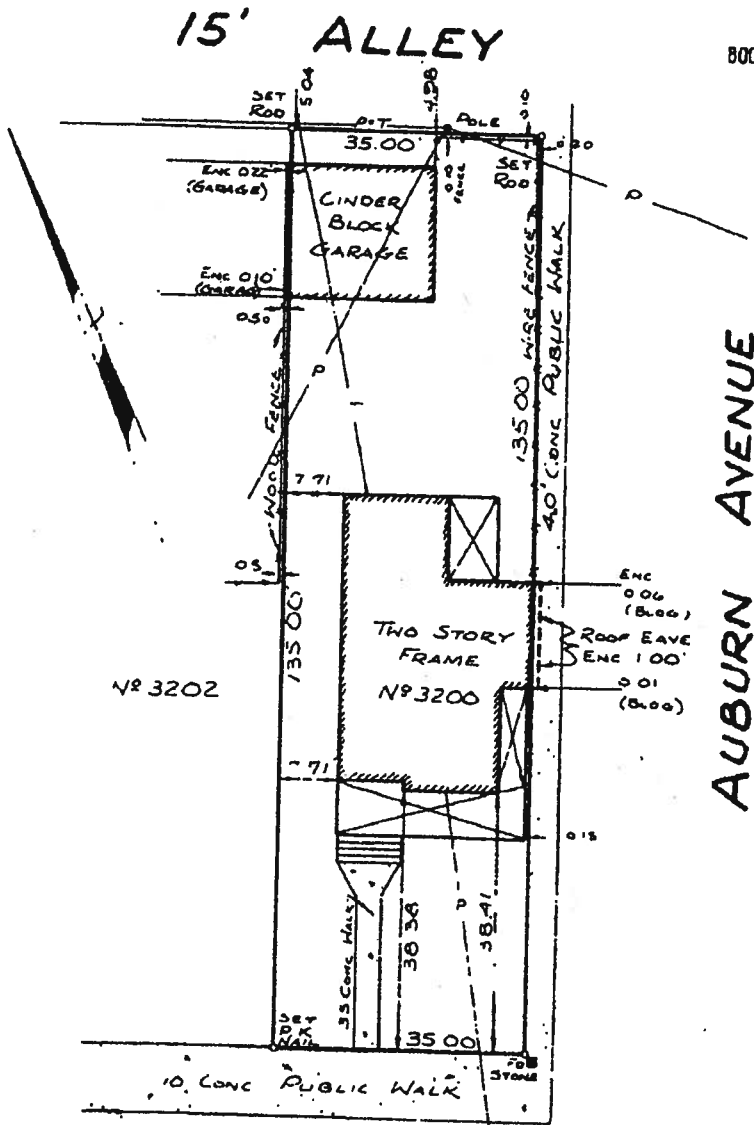


Thank you for your attention and consideration.

Sincerely,

Margaret A Powers

Patrick Powers



N# 3202

TWO STORY FRAME

N# 3200

FLOYD AVENUE

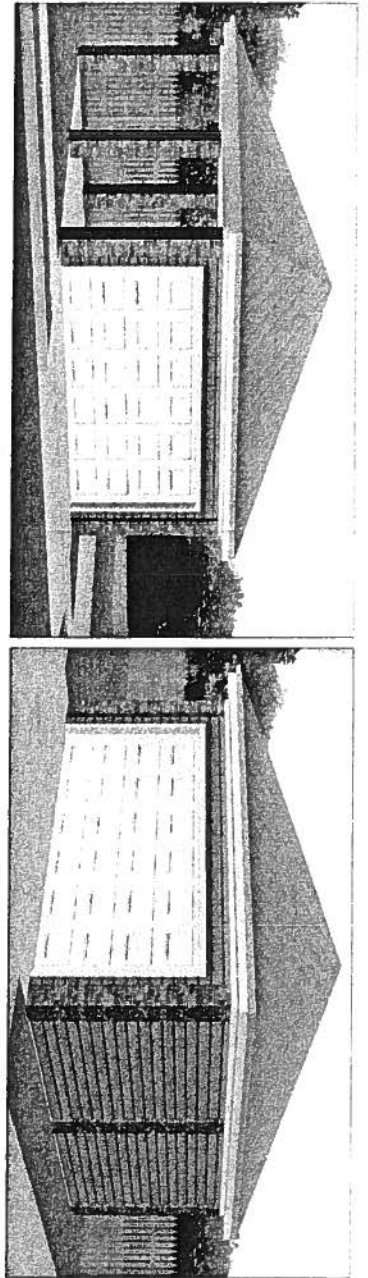
PLAT OF N# 3200 FLOYD AVENUE CITY OF RICHMOND, VIRGINIA.

Date: NOVEMBER 22, 1976

J.N. 2124

Scale: 1/20

HOLLY & SPAIN, Ltd.
Professional Land Surveyors
Mechanicsville, Virginia

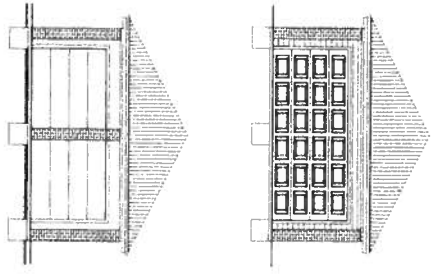
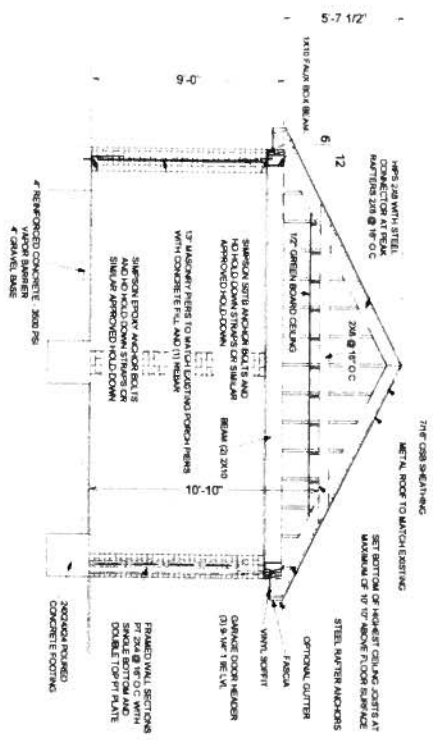
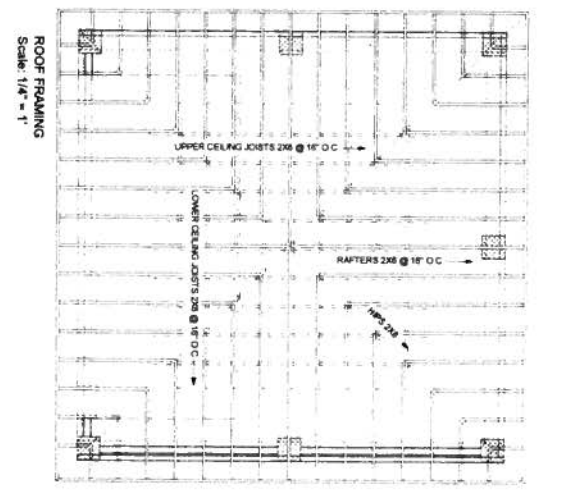
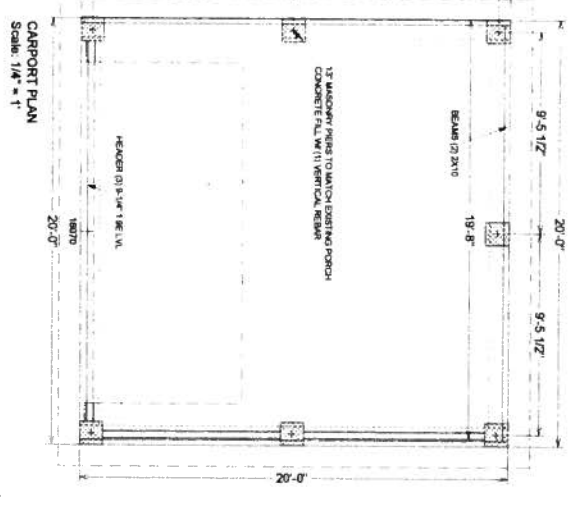
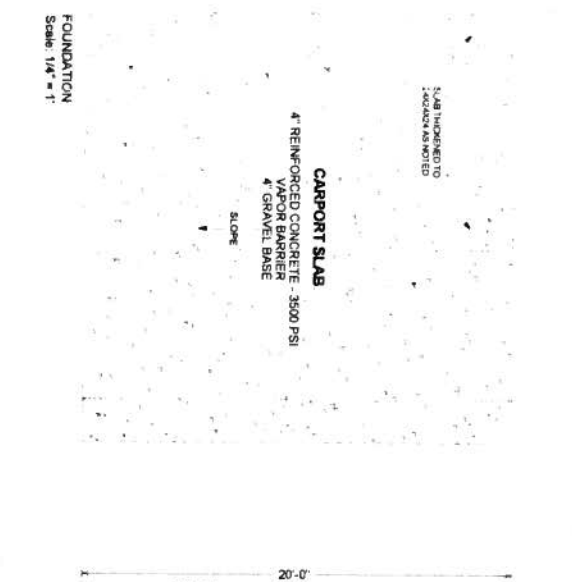


ALL LUMBER #2 YELLOW PINE EXCEPT AS NOTED

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY MEASUREMENTS, SITE CONDITIONS AND CODE COMPLIANCE BEFORE PROCEEDING.

THESE PLANS ARE INTENDED TO ADHERE TO THE 2008 INTERNATIONAL RESIDENTIAL CODE

PLANNED



90 BOX 1441
MIDDLEBORO, VA 22113
(541) 338-1188
www.glasgowdesign.com

PROJECT: Powers Carport
PROJECT COORDINATOR:
CUSTOMER APPROVAL:

THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF GLASGOW DESIGN SERVICES, LLC. DEVELOPED FOR THE EXCLUSIVE USE OF GLASGOW DESIGN SERVICES, LLC. AND THE CLIENTS FOR WHOM THEY WERE COMMISSIONED. ANY DIMENSIONS AND REVISIONS ARE INTENDED ONLY TO ILLUSTRATE THE DESIGNER'S CONCEPTS AND THEIR ACCURACY IS NOT GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY MEASUREMENTS, SITE CONDITIONS AND CODE COMPLIANCE BEFORE PROCEEDING.

CITY/COUNTY APPROVAL

Drawn by: MAG
Date: 10/26/14



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: Honor's Corner Date: 10-21-14

Property Address: 3200 Floyd Avenue Tax Map #: _____

Fee: _____ Total area of affected site in acres: _____
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
Current Zoning: R6

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

Existing Use: Single Family

Is this property subject to any previous land use cases? accessory building to single family

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

Applicant/Contact Person: MARGARET ANNE POWERS

Company: _____

Mailing Address: 3200 Floyd Avenue

City: Richmond State: VA Zip Code: 23221

Telephone: (804) 387-3469 Fax: ()

Email: magpowers@comcast.net

Property Owner: Margaret Anne Powers

If Business Entity, name and title of authorized signee: _____

(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: 3200 Floyd Ave

City: Richmond State: VA Zip Code: 23221

Telephone: (804) 387-3469 Fax: ()

Email: magpowers@comcast.net

Property Owner Signature: Margaret Powers

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)