

INTRODUCED: September 12, 2016

AN ORDINANCE No. 2016-237

To authorize the special use of the property known as 1901 Stuart Avenue for the purposes of a multifamily dwelling with three dwelling units and the reconstruction of an existing two-car garage, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: OCT 10 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 1901 Stuart Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purposes of a multifamily dwelling with three dwelling units and the reconstruction of an existing two-car garage, which uses, among other things, are not currently allowed by section 30-412.1 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 (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 detrimental to the

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    OCT 10 2016    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

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 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 1901 Stuart Avenue and identified as Tax Parcel No. W000-0859/014 in the 2016 records of the City Assessor, being more particularly shown on the plans entitled “Two Car Garage Repair & Addition, 1901 Stuart Avenue; Richmond VA,” prepared by Architecturally Yours, and dated March 6, 2016, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted for the purposes of a multifamily dwelling with three dwelling units and the reconstruction of an existing two-car garage, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Two Car Garage Repair & Addition, 1901 Stuart Avenue; Richmond, VA,” prepared by Architecturally Yours, and dated March 6, 2016, 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) Two off-street parking spaces shall be required for the Special Use.

(b) The use of the accessory building shall be permitted substantially as shown on the Plans.

(c) No more than three dwelling units shall be permitted on the Property.

§ 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 consecutive 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.

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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,

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§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.



# City of Richmond

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

## Item Request

File Number: PRE. 2016-196

4-5411

## O & R REQUEST

JUL 14 2016

### O & R Request

EDITION: 1

Chief Administration Office  
City of Richmond

**DATE:** July 8, 2016

**TO:** The Honorable Members of City Council

**THROUGH:** Dwight C. Jones, Mayor *[Signature]*  
(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

**THROUGH:** Peter L. Downey, Interim 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 1901 Stuart Avenue for the purpose of reconstructing an existing garage for a multi-family nonconforming use, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 1901 Stuart Avenue for the purpose of reconstructing an existing garage and to legitimize a multi-family nonconforming use, upon certain terms and conditions.

**REASON:** The existing garage and three unit apartment building are located on a parcel within an R-6 Single Family Attached zoning district. The garage serves an existing three-unit multi-family structure. The reconstruction of an accessory use for a nonconforming use is not permitted within the R-6 zoning district. However, the applicant wishing to reconstruct the existing garage and to legitimize the existing three unit apartment building.

**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 5, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council the following meeting.

**BACKGROUND:** The subject property is located on a parcel 0.086 acre in size and is improved with a multi-family building consisting of three-unit dwelling use and a two bay garage. The multi-family dwelling is approximately 5,994 square feet in size and the garage is 600 square feet.

The applicant proposes to reconstruct and replicate an existing aging garage to continue to serve as an accessory parking for the existing apartment building and to legitimize the three-unit apartment building. The special use permit would allow for the reconstruction of a garage to serve a nonconforming use.

The Richmond Master Plan designates this property as Single-Family (medium density) in the Near West Planning District. "Primary uses are multi-family dwellings at densities up 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 (p. 133)."

**FISCAL IMPACT:** The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**COST TO CITY:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**REVENUE TO CITY:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption.

**REQUESTED INTRODUCTION DATE:** July 25, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** September 12, 2016

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES:** City Planning Commission, September 5, 2016

**AFFECTED AGENCIES:** Office of Chief Administrative Officer; Law Department (for review of draft ordinance); and City Assessor (for preparation of mailing labels for public notice)

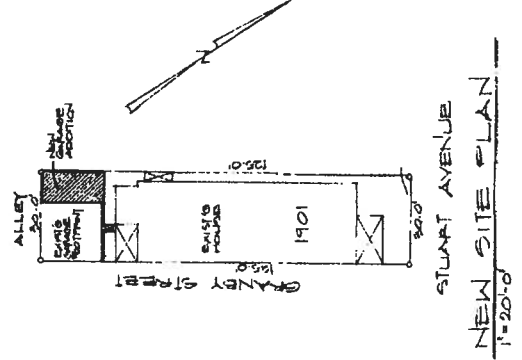
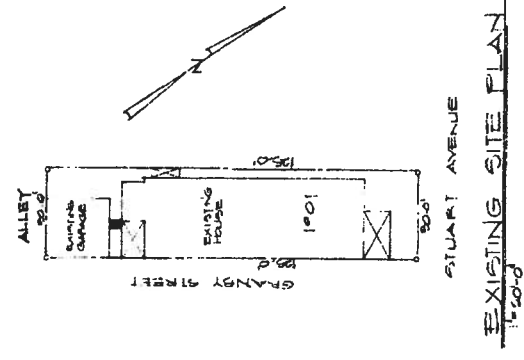
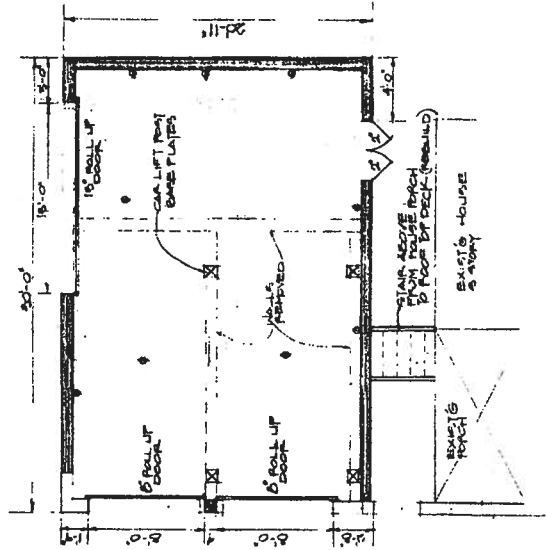
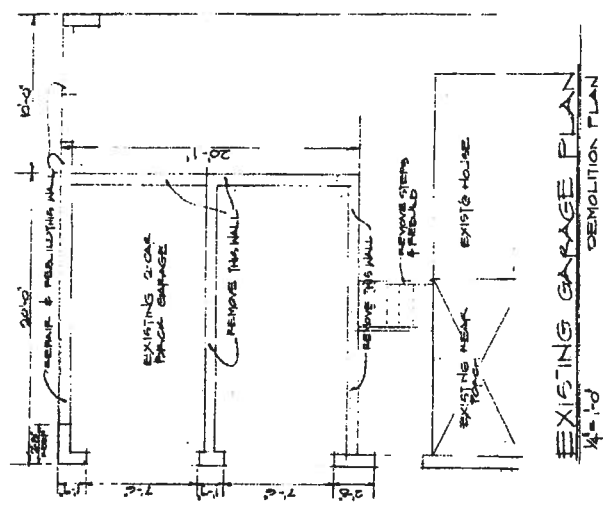
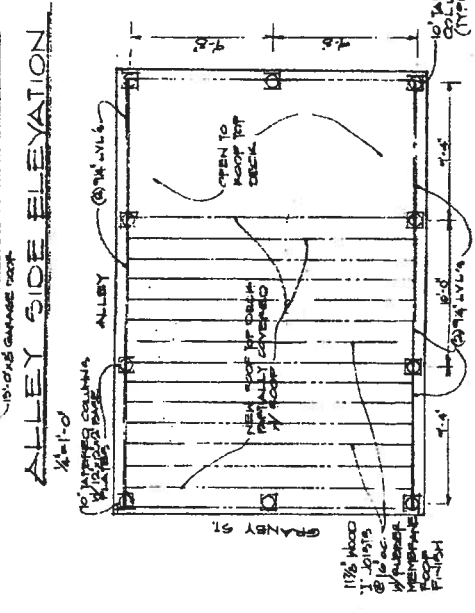
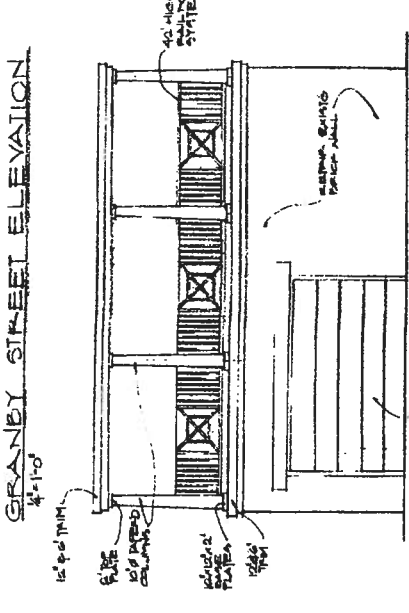
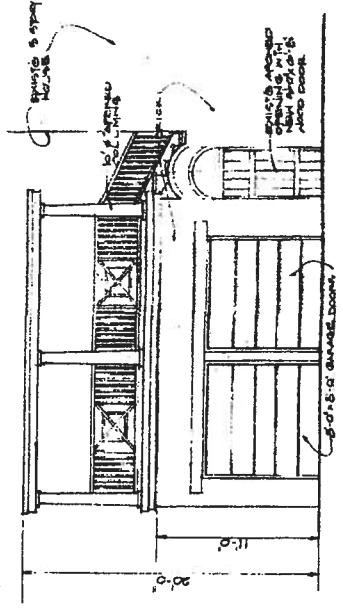
**RELATIONSHIP TO EXISTING ORDINANCES:** None.

**ATTACHMENTS:** Application Form, Applicant's Letter, Draft Ordinance, Plans, Survey

**STAFF:** Leigh V. Kelley, Senior Planner  
Land Use Administration (Room 511)  
646-6384

*DCD O&R No.16-15*





## **Applicant's Report**

### **Repair/Construction of Garage @ 1901 Stuart Ave.**

To Whom It May Concern:

This report is being generated to meet one of the Department of Planning and Development requirements to include an Applicant's Report which is included with the rest of the documentation required for the filing for a Special Use Permit for the repair and re-construction of the garage located at 1901 Stuart Ave. in the Fan.

This garage is on the south end of the property with the garage doors facing Granby Street and has an alley directly adjacent to it which is perpendicular to Granby. This brick garage is currently in rather poor condition with three of the four walls either bulging outward or with brick corner sections about ready to fall off of the building. In addition, the flat roof structure has had at least one 4" layer of concrete added to the roof and possibly even more which has exacerbated the problem of the walls bowing outward towards the alley, towards the open area within the lot and to the sidewalk on Granby.

Rather than attempt to repair all the current deficiencies in the brick work and roof structure which would be, at a minimum, very problematic and complex to do my plan is to remove most of the current structure and replace it with a better engineered design that will retain the same general outward appearance. The other benefit will be to remove any possibility for any of the existing brickwork to become dislodged, fall and possibly damage a vehicle or injure someone.



In addition, the construction will include the open area of the lot next to the existing garage structure. As the drawings indicate that open space will also be put under roof and add another covered off-street parking space.

The current plan is to retain the brick wall structure facing Granby and, if at all possible retain the brick wall structure facing the alley. As mentioned earlier retaining these two walls will help keep the appearance of the garage very much like what it looks like now.

Since this proposed design is for the repair/re-construction of the existing garage structure and is not for a non-residential development it should then not require addressing any of the requirements within subsection 3) numbers 1 thru 6 of section 5) Survey plat that is included within the filing procedures for an application for the Special Use permit.

I would hope that this proposed garage replacement design, with all the requested plans and attachments meets all of the documentation requirements that are needed for the review of my special use permit request.

Regards,

Robert Dittmeier  
1901 Stuart Ave  
Richmond, Va. 23220  
804-512-0610



# 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/>

RECEIVED  
APR 13 2016  
LAND USE ADMINISTRATION

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: BELL WOOD APARTMENTS Date: 3-8-16 9841

Property Address: 1901 STUART AVE. Tax Map #: 216D

Fee: \$1800.00 Total area of affected site in acres: 0.086  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

### Zoning

Current Zoning: R-6

### Proposed Use

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

Existing Use: APARTMENTS + GARAGE

Is this property subject to any previous land use cases? SAME

Yes  No   
 If Yes,  please list the Ordinance Number:

Applicant/Contact Person: Michelle Beddes

Company: Architecturally Yours

Mailing Address: 3514 Baseline Court

City: Richmond State: VA Zip Code: 23294

Telephone: (804) 304-8172 Fax: ( )

Email: architecturallyyours@hotmail.com

Property Owner: ROBERT DITMEIER

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: 1901 STUART AVE.

City: RICHMOND State: VA Zip Code: 23220

Telephone: (804) 512-0610 Fax: ( )

Email: BOB.DITMEIER@GMAIL.COM

Property Owner Signature: [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)