



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: Chermside Home Solar Panels Date: 8/26/16

Property Address: 3407 Chamberlayne Avenue Tax Map #: _____

Fee: \$300.00 Total area of affected site in acres: 0.43
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R48

Existing Use: Residential Single-family detached

Is this property subject to any previous land use cases?

Yes No

If Yes, please list the Ordinance Number: _____

Proposed Use

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

Still single-family; add front yard solar panels

Applicant/Contact Person: Brent Chermside

Company: private citizen

Mailing Address: 3407 Chamberlayne Ave.

City: Richmond State: VA Zip Code: 23227

Telephone: (540) 239-8439 Fax: ()

Email: bcherms@hotmail.com

Property Owner: Brent Chermside / Katie Chermside

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: 3407 Chamberlayne Ave.

City: Richmond State: VA Zip Code: 23227

Telephone: (540) 239-8439 Fax: ()

Email: bcherms@hotmail.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)



Checklist of Plan Requirements: SPECIAL USE PERMIT

The following checklist of information must be shown on the plans:

STANDARD PLAN NOTES:

- Name of project, developer, and preparer of plans;
- North arrow and bar scale;
- Vicinity sketch;
- Plan date and revision dates;
- Dimensions and bearings of property lines taken from deed or survey;
- Area of site;
- Zoning and existing use of subject property and all adjacent properties;

EXISTING FEATURES:

- Existing physical features, including water bodies, structures, buildings, paved areas; fences, signage, curbs, gutters, fire hydrants, streets, alleys, easements, or other improved or unimproved rights-of-way in or adjacent to the subject property;
- Limits of the 100-year flood plain;
- Limits of Chesapeake Bay Preservation Areas;
- Trees and other significant vegetative material;

PROPOSED FEATURES:

- Existing and proposed public and private utility services, including: location, type, and size of service; location of poles, manholes and vaults; locations and types of related facilities, (e.g. transformers, back-flow preventers, grease and oil traps, detention or retention basins, etc.)
- Proposed streets, alleys, easements or other rights-of-way including proposed improvements to existing rights-of-way;
- Proposed parking area layout and landscaping, including dimensions for parking spaces, aisle width, and stacking and loading spaces;
- Proposed sidewalks, curbs, gutters, driveways, and access, loading and other paved areas, with a description of the materials to be used;
- Proposed structures with dimensions and a description of the exterior materials and colors to be used;
- Location and type of proposed outside lighting;
- Height, location and character of proposed screening (fences, walls, vegetation);
- Major landscaping features including existing vegetation to be retained;
- Type, location and screening of trash containers;
- Location, height, size, content and method of illumination of all signs;
- Grading plan and/or cross-section drawings (if deemed necessary by the staff for evaluation of site drainage and conservation of natural features);
- Calculations for total gross floor area of all buildings, total land area covered by buildings, amount of open space on the site, amount of paved area (vehicular) on the site, and number of parking spaces proposed and the number required by normal zoning regulations; and
- For residential developments, a unit schedule with the number and size of all unit types.

Applicant's Report:

Special Use Permit for

Chermside Family Solar Panels

** Appendices by color and subject matter**

Master Plan citations by page number

Summary

The Chermsides, homeowners of a single-family detached dwelling at 3407 Chamberlayne Avenue in the Ginter Park neighborhood, would like to install solar panels on their property. The house is an historic Queen Anne Victorian, located in an historic neighborhood and along an Arterial Image Corridor; as such, the owners do not feel that installation on the roof would be appropriate. The Chermsides would like a ground-mounted array, in the area of the property with the most sun; this would mean placement in the front yard. No side-yard or rear-yard options exist, due to historic tree coverage on the property; this piece of Northside's urban forest has survived recent storms, and ought to remain untouched. A fence already surrounds the front yard, and the array has been specially designed not to exceed the height of the fence, to prevent visibility from outside of the property. The home in question is adjacent to a group home, an apartment complex, and the Union Presbyterian Seminary; all property owners have been contacted, as well as owners not adjacent, out to 150 feet, and none have voiced objection; the Ginter Park Residents Association has also been informed with no objection voiced.

R-48 zoning regulations reject front-yard structures out-of-hand, thus a Special Use Permit is required. Other property uses in the same district have been allowed front-yard structures, such as dumpsters, advertisement signs, whole collections of satellite dishes, statuary, etc. Numerous other solar & alternative energy installations are nearby: at a business along Brook Road, on top of the Maggie Walker School, in the yard of another Ginter Park house, on the roof of a Chamberlayne Ave house in the same zone, and along the freeway by the Chamberlayne Ave exit. The City's award-winning RVAgreen Sustainability Plan recommends installation of private solar as well as advocacy for pro-renewables policy. Thus, both front-yard structures and the specific use in question are consistent with the surrounding area, including uses along Gateways and Image Corridors. This family's investment in a transitional neighborhood while preserving historic architectural features fits the goals & priorities of Richmond's Master Plan.

In light of these factors: Master Plan compatibility, consistency with surrounding area, appropriate use, lack of visibility, and neighbor support, a Special Use Permit should be approved to allow placement of this private utility in the homeowner's front yard, with a setback of 15 feet – standard for single-family detached homes in the R48 zone. In addition, references are included to demonstrate that the installation is as small as possible: designed to produce less than the home's annual energy consumption, on a home that is Energy-Star certified as having been improved to minimize energy usage.

Details

Need for SUP:

“Where it has been determined that underlying zoning regulations cannot be met, a Special Use Permit may be granted by City Council to provide relief from zoning regulations” (RVA SUP application, p. 2).

- Adding solar panels to the roof of this 120-year-old house would not comply with the City’s Master Plan, which focuses heavily on preservation of our historic resources. As such, solar panels on this property should be ground-mounted.
- Zoning regulations in the R-48 district do not allow for any “accessory structures” to be built in the front-yard setback, regardless of distance from the street.
 - Per Chuck Davidson, Zoning Administrator, this was the reason for rejection of the original building permit application.
 - Per Roy Benbow, Secretary of the BZA, anything >3 feet in height is considered a “structure” – thus a ground-mount solar array would be considered a “structure” despite not enclosing anything.
 - The goal of this SUP is to allow construction of a home solar array at this address, set 15 feet back from the property line – the minimum front-yard setback for single-family detached properties in this zoning district.
- Richmond’s zoning regulation does not address solar panels in any manner whatsoever. However, many homeowners have installed them in the City, and the Zoning Administration simply treats them as “structures”.
 - Many other municipalities have zoning regulations that specifically address solar panels, treating them as a type of private utility, akin to dumpsters, or wells, or piping that connects to the water main.
 - A utility serves a certain purpose, and if placed in the wrong location would not meet the owner’s need. For instance, a well or a pipe where there is no water would be of no use.
 - This property is heavily shaded by willow oaks that date to the original development of the Ginter Park neighborhood as a streetcar suburb in the 1890s. Removing these trees would lower property values for the homeowner and surrounding property owners; additionally, it would not match the current priorities of Northside residents, who lost much of their urban forest in storms this year
 - The only useful placement of solar panels on this property is in the southern corner of the front yard, where there is plenty of sunlight year round
- Therefore: due to an oversight in the current zoning ordinance, if the homeowner wishes to install solar panels in a useful location on his property, in a manner that is consistent with the City’s Master Plan, then the underlying zoning regulations cannot be met, and a Special Use Permit will be needed to move forward.

City Charter conditions for granting special use permits

- 1) Not detrimental to the safety, health, morals and general welfare of the community involved**
There is no risk to safety, health, morals, or general welfare from residential solar installations. The electrical portion of this project was approved at the time of submission. The only portion of the project that was rejected was the placement; front yard placement of any structure is not allowed without special dispensation in the R-48 zoning district. The installation will be insured as a part of the homeowner's policy. One of the reasons that I wish to power my home partially through solar is to teach my son to be a producer, not just a consumer – there is an inherent moral benefit to the installation of these solar panels.
- 2) Not tend to create congestion in the streets, roads, alleys and other public ways and places in the area involved**
This solar array will be entirely contained within an existing plot of privately-owned land; it will not be higher than the fence already encircling that portion of the lot, and thus should not be visible to passers-by. There will be no effect on traffic, either foot or vehicular.
- 3) Not create hazards from fire, panic, or other dangers**
Again, this privately owned home solar installation should not be visible to anyone unless they enter my property – there should be no reason for panic related to a hidden utility that has passed the city & Dominion's safety inspections. Nor should such an installation offer a fire hazard or other dangers.
- 4) Not tend to cause overcrowding of land and an undue concentration of population**
This SUP does not relate to changing the primary use of the lot – it will remain a single-family detached dwelling, as intended by the Chamberlayne Avenue portion of the Northside Planning District section of the Richmond City Master Plan. There will be no change in population. The square footage covered by the installation will not exceed the allowable square footage for accessory structures in the R-48 zoning district.
- 5) Not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements**
This SUP involves only a homeowner's right to install a ground-mounted solar array that produces less than his household's annual energy consumption, in a manner approved by the relevant City inspection agencies. It will not affect any land other than this small portion of this one lot – there will be no effect to schools, parks, or playgrounds, nor does it require any change in water or sewer usage, nor does it involve transportation or other public uses in any way.
- 6) Not interfere with adequate light and air**
This installation will be the same height as the homeowner's fence – it will be powered by the sun's light, but the only areas that it will shade will be yard on the same property. Additionally, production of electricity by solar rays instead of by burning fossil fuels will contribute incrementally to better air in our city.

Appropriate Use for the Site

- The City of Richmond clearly feels that solar panels are appropriate within city limits, as evidenced by their multiple exhortations in the RVAgreen sustainability plan to “decrease energy consumption within the community,” and to “Go Solar! Join/Start a Solar Co-op” (Yellow 2-4).
- The Code of Virginia, Title 67 (Virginia Energy Plan), Chapter 7 (Covenants Restricting Solar Energy Collection Devices) bans a community from prohibiting owner-installed solar energy collection devices on their property. It does allow for “reasonable restrictions concerning the size, place, and manner of placement” (Orange 1).
- In response to public questions for clarification, the Maryland, DC, and Virginia Solar Energy Industries Association (MDV-SEIA) produced a guide to assist in compliance with the law; this document gives guidance on what could be considered reasonable restrictions (Orange 2).
 - They advise such rules to be “as unrestrictive as possible to avoid additional costs to the homeowner and to provide the greatest potential for energy collection” (Orange 3).
 - VA Code allows for restrictions only related to “size, place, and manner of placement. It is MDV-SEIA’s position that this code section does not allow for restrictions based on aesthetics” (Orange 3).
 - The document states that “Based on our members’ experience in both Virginia and other jurisdictions, it is our opinion that a restriction is likely to be found to be reasonable if it:
 - Has some rational basis;
 - Does not prevent the use of solar energy collection devices (i.e. by requiring installation in a location or at an orientation that does not get sufficient sun);
 - Does not create excessive additional expenses for the lot or building owner seeking to install the device; and
 - Is not otherwise unduly burdensome” (Orange 4-5).
 - Thus a Zoning Ordinance that forbids any structures in a building’s front yard does not acknowledge that placement is paramount for this private utility: in the wrong place, it is useless. The Ordinance is unduly burdensome if it requires placement of a solar array in a part of the yard which does not get sufficient sun.
- Sigora Solar, the company that has been contracted to build the Chermsides’ array, performed extensive testing around the entire property, the results of which indicated that the front yard is excellent for solar energy production, and the back yard is unacceptable (Orange 6). They have written a letter explaining the outcome (Orange 7-8).
 - “When conducting a site assessment for solar array placement, we are looking for a 70% Solar availability or higher. 70% is the lowest practical value . . . any lower and the solar system’s production is inhibited and the economic payback significantly negatively impacted for our clients. We will not install a system with such limited production because it’s a disservice to our clients and does not meet industry standards” (Orange 7-8).
 - The average solar access in the Chermsides’ front yard is 82.5% (Orange 6).

- The average solar access in the Chermseys' back yard is 58%. "Our professional assessment would be to reject this area outright" (Orange 6-8).
- The only way to achieve better sun access in the Chermsey's back yard would be removal of a majestic willow oak which has survived the recent storm destruction of much of Northside's historic urban forest. This option is a non-starter for the homeowners, much as it would be for their Northside neighbors (Orange 9-10). Removal of the tree would not be compatible with community values.
- "Sigora's Solar Director of Design and Engineering along with their Installation Project Manager have extensively modified the array design and equipment specifications in order to minimize the visibility of the solar array; in essence, camouflaging it by reducing the array height and locating it behind the existing 6'6" fencing" (Orange 7, Yellow 12).
- This particular solar array is appropriately sized for the home in question; in fact, it is undersized at 8 kilowatts of production value. The attached power bill demonstrates that this home consumed 11 kilowatts over the past calendar year – meaning that the panels to be installed will account for 70% of the family's energy usage (Orange 11).
- The Chermseys spent more than \$55,000 in the summer of 2015, improving the energy-efficiency of their home to the point where it received Home Performance With Energy Star certification (Orange 12-15 and Orange 16). Thus, an array based on energy usage tracked from that point to present will be the smallest reasonable for their home.

Compatible with the Surrounding Area

RVAgreen:

- Although not part of the Richmond Master Plan, the RVAgreen Sustainability plan is reflective of the City's current direction. In 2016, it led to Richmond winning first place among large cities in the Mayor's Climate Protection Awards, presented by the U.S. Conference of Mayors. The Chermseys' plan is inspired by RVAgreen, and follows directives to citizens which are specifically laid out on the City of Richmond website (Yellow 1-4).
 - One target listed on the RVAgreen Sustainability Dashboard is to "Increase Renewable Energy Capacity Within the Community" (Yellow 1).
 - The data on this dashboard show that, from 2008 to 2013, the Cumulative Alternative Energy Installed in Watts increased from 4000 to 271,070 in this area
 - As such, the Chermseys' plans to install solar on their property is in line with a trend that has developed within the community – specifically, a trend that is newer than the current Zoning Ordinance, which could explain its failure to adequately address Richmond homeowners' needs.
- RVAgreen gives various ways to "Get Involved", including:
 - "Track your household energy consumption
 - Lower your electricity bill
 - Save money through energy conservation measures
 - Provide environmentally friendly heat . . . with solar
 - Go Solar! Join/start a Solar Co-op
 - Support neighborhood revitalization through adaptive reuse and sustainable renovations of existing buildings" (Yellow 3-4).
 - The Chermseys have already completed the first 3 items on this list, by performing renovations which earned their house the Home Performance with ENERGY STAR Certification, producing an estimated annual energy savings of 46%. These were all accomplished by insulating, encapsulating and sealing crawlspace & attic, and improving existing ductwork – none of which visibly altered the historic nature of the home. (Orange 16)
 - Following these sustainable renovations, the next step in line with Richmond City's RVAgreen goals would be installation of solar, in a manner consistent with their historic home – thus a ground array. This is the goal they are currently pursuing.
- RVAgreen further exhorts Richmond residents to "Advocate for policy that supports energy efficiency and advanced and renewable energy" (Yellow 3) – which is precisely what this Special Use permit does. Mr. Chermsey has communicated with Delegate McClellan in favor of enlarging solar rights, and this SUP application is his attempt to advocate for his own solar rights, on a local level (Yellow 5-6).

SUPs: Map shows the prevalence of SUPs in the neighborhood: 9 in the surrounding block (Yellow 7).

Nearby Solar/Alternative Energy Installations:

There are many solar & alternative energy installations in the City of Richmond. Included in the Appendix you will find photos of several, listed below. They are organized by increasing distance from the property in question, though all are within 2 miles. There are examples in the same zone, in the same historic neighborhood, in the same Planning District, and also along nearby Gateways and Image Corridors.

- R48 Zone
 - 3205 Chamberlayne Ave (Yellow 8)
- Ginter Park
 - 1212 Wilmington Ave (Yellow 8)
- North Planning District
 - 1620 Brook Road (Yellow 9)
- Along Gateway / Image Corridor
 - 64/95, by Bellvidere freeway entrance (Yellow 9)
 - Maggie Walker School (Yellow 9)
- Of these, none are blocked from public view – both the privately and publicly owned ones are on roofs, or visible in side or rear yards.

It is clear that the Chermesides' planned use – installing solar panels – is consistent with local uses by both residents and government, making it compatible with the surrounding area. It is also clear that the property's presence along an Image Corridor should not be a barrier, particularly in light of the fact that the array will be blocked from public view by the homeowners' fence (Yellow 12).

R48 Zone Front Yard Structures:

- Dumpster (Yellow 10)
- C-band satellite dish (Yellow 10)
- Direct-broadcast satellite grouping (Yellow 10)
- Advertising signs (Yellow 11)
- Fountain (Yellow 11)
- Statuary (St. Paul's Catholic Church)

R48 is a multi-use zone; of the examples listed above, all were located in the front yard setbacks of uses other than single-family detached: institutional, religious, group home, multi-family residential. It would be inconsistent for all of the other principal land uses found in R48 to be allowed front yard structures, but not to allow them on the property of single-family detached dwellings. It is unlikely that the City intends hypocrisy, so this must simply be an oversight caused by the cookie-cutter approach to zoning approval & disapproval. Clearly, if allowances can be made for the Chermesides' neighbors, allowances can also be made for them.

The majority of the front-yard items found in this zone are dumpsters, satellite dishes, signs – private utilities, much like a solar array would be.

In fact, the prevalence of signs, dumpsters, and satellite dishes along Chamberlayne Ave mean that NOT having structures in the front yard is the exception, not the norm. In this way, the Chermesides' plan to have their structure hidden by the fence is more considerate of other landowners' property values than is standard in the area. It is clear that solar panels along Chamberlayne Ave in the R48 zone would be entirely consistent with the prevailing approach in the neighborhood.

Compliance with Richmond's Master Plan

The Richmond Master Plan states that **“the Zoning Ordinance should be consistent with the goals and policies of the Richmond Master Plan”** (p 5). **“In effect these documents [Zoning Ordinance] are used as tools to implement the long-term direction identified in the Master Plan”** (p 5). This succinctly explains the need for this particular SUP: the Zoning Ordinance, in not accounting for solar panels at all, fails to support the Chermsides in their attempts to both improve their property and act as involved citizens in ways that are consistent with the Master Plan.

Population Factors:

- The Master plan laments the **“high vacancy rate in the City’s older neighborhoods,”** and that **“families with school age children have moved out of the City”** (p 14).
 - The Chermsides are a young couple with a newborn who chose to purchase in the city, rather than moving out of the city, when making their family planning decisions. In fact, as a teenager in the 1990s, Mr. Chermside chose to leave the Chesterfield school system in order to attend a Richmond City school: the Governor’s School at Thomas Jefferson. He recognized the superior cultural opportunities offered by the City school system, and wishes for his son also to have the joy of growing up in Richmond.
- The **“central philosophy for the Master Plan . . . was that planning for the future should be based upon enhancing the quality of life in the City of Richmond, and that **quality of life was the essential element needed to attract and retain residents . . .**”** (p 6). Also, **“the City of Richmond’s actual population will be determined by a number of factors, some of which can be influenced by local actions** and others which are beyond local control” (p 14).
 - Barriers to reasonable, safe, unobtrusive improvement of their property can hardly be seen as positive for the quality of life of the residents that Richmond wants to attract, or in this case, to keep.
- **“The distribution of homeless and low-income populations is inequitable** throughout the region.” (p 98)
 - This is particularly true of the Chamberlayne corridor; the Chermsides are a family that has chosen to move to, not away from, a transitional area of the city. Their hope is that investment and involvement in the community will help it to transform over time
- Policy is to **“encourage culturally and economically diverse residential neighborhoods”** (p 101).
- A key housing strategy is to **“invest in the prevention of housing stock deterioration in transitional areas”** (p 102).
 - The Chermsides’ presence along the Chamberlayne Corridor does bring economic diversity, as they are a middle-class, home-owning, young family. Discouraging them from further investing in their transitional property works against the Master Plan’s goals.

Community Character:

- The Master Plan's goal is that "the architectural and historic character of Richmond will be preserved and enhanced" (p 110).
- "Richmond's historic and contemporary cultural resources will be maintained and preserved to improve the quality of life . . . ensure resident retention, and help attract new residents . . ." (p 110).
- "Awareness of the importance of historic structures and streetscapes to the overall character of the City is strong today, thanks in part to the efforts of local preservationists and the renewed interest of many residents in urban living. Changes in land use regulations, zoning, and code enforcement are necessary complements to existing preservation tools if threatened neighborhoods are to be saved" (p 112).
- "Currently the City has limited mechanisms to support the preservation of historic structures and sites other than Old and Historic District designation." (p 113)
 - The Chermesides are such preservationists – both were History majors during their undergrad years, and Richmond's unique history and architecture were a significant part of the draw that led them to settle within the City instead of elsewhere in the metropolitan area.
 - Their home was built prior to 1895; it was one of the first houses built on Major Ginter's land, before primary construction in the Ginter Park streetcar suburb even began. Its Queen Anne façade is unique along this section of Chamberlayne, as most of the neighboring houses that remain were built after the turn of the century (Green 4).
 - However, current zoning codes would allow placement of solar panels directly on the Chermesides' roof, if that were what they wished – as a National Historic District rather than a locally designated one, the City has no special authority to regulate renovations or improvements. It does, however, have the authority to allow a SUP that will support this family's choices to preserve the historic architecture of their home and the street views of its façade.
- Historic Preservation is a growth strategy: "Preservation requires that public agencies work with the development community to promote rehabilitation and adaptive reuse . . ." (p 113).
 - This statement gets to the very root of this SUP – the City's agencies need to work with this family in their efforts to rehabilitate their historic home while also adaptively using the property for their modern needs.
- "Gateways and image corridors will be maintained and enhanced as important contributors to the City's overall positive image" (p 20, again on p 110).
- "Image corridors are key transportation corridors that should display a high-quality appearance to enhance the image of Richmond" (p 29).
- A key strategy is to "promote the creation of land uses at gateways and along image corridors that evoke high-quality and attractive images for the city." (p 112)
 - That's what this family has focused on since moving into their house in early 2015: by repainting, applying roof repairs, fixing a collapsing front porch, and performing significant yard maintenance by clearing underbrush and overgrowth (Orange 12-15). Now they have an improvement they'd like to add to their property that will not be visible to passersby, as it is designed to match the height of the fence.

Neighborhoods and Housing:

- “The most serious housing problems are concentrated in the City’s **older neighborhoods**. These areas have been **negatively affected by** poorer quality housing stock, **disinvestment, lower incomes of homeowners, and other market forces**” (p 98).
- **“Specific attention will be paid to neighborhoods that are in decline, to help facilitate reinvestment in these areas and encourage further investment, rehabilitation, and renovation”** (p 26).
 - This statement certainly applies to Chamberlayne corridor, as addressed in the North District Strategy. The Chermseys have moved in and embraced the process of rehabilitation, and now are attempting to further invest in their property in a manner which does not interfere with its historic nature.
 - Property values throughout Ginter Park, Barton Heights, Edgehill, Battery Park, and other areas of Northside are all increasing; the Chermseys’ unique situation as single-family homeowners surrounded by transient tenants (group home; apartment building) and an institution (Union Presbyterian Seminary) has insulated their property from this rising prosperity. Installation of solar panels is a home improvement project with proven returns on investment that will add value to their home (Green 6-8).
 - This family has already invested more than \$55,000 in improvements since purchasing their home (Orange 12-15). Further investment can only be a benefit to the neighborhood.
- The basic premise of the Master Plan’s Housing Strategy is that: **“Resident ‘ownership’ of neighborhoods increases neighborhood quality and stability. It is important to increase the proportion of homeowners in areas with a high concentration of rental property, especially areas experiencing disinvestment, blight, and declining property values”** (p 103).
 - This is what the Chermsey family has done, and what they wish to continue to do. Making a 30-year investment in their property will increase property values, and increase their sense of “ownership” of their Northside neighborhood; inappropriate zoning limitations belie that feeling of ownership, and undermine the stability that this family wishes to gain by putting down roots.
- One of the listed priorities is to **“Aggressively market and promote City neighborhoods as preferred locations for living”** (p 26). The goal is to **“aggressively market the City’s older neighborhoods as examples of urban living, and provide incentives to bring middle- and upper-income homebuyers into the City’s housing market”** (p 26, again on p 101).
- **“In today’s society, most individuals and families have the ability to relocate and can easily choose where to live.** Choosing to live and invest in the City of Richmond is a choice based on numerous considerations . . . all of which contribute to the ever important quality of life. **Attracting and keeping a strong middle-class workforce . . . is substantially related to the overall quality of life, and the overall character of the community”** (p 109).
- Among the Recommended Actions for the Housing Strategy is to **“Retain existing homeowners by providing them with incentives to remain in the City”** (p 106).
 - As a middle-income family, the Chermseys see an obvious DISincentive to remain in the Richmond housing market if they are not allowed to make improvements to their land in

a reasonable way. Not allowing them to place solar panels in the most productive area of their property, despite purposeful design that should make them invisible from outside of their lot, is a major disincentive. It doesn't allow them to increase the value of their home, located as it is in a transitional section of Chamberlayne. It doesn't allow them to set the right example for their son, to create a legacy investment that can help show him how to constructively interact with his community – how to be a part of the solution, not the problem.

- **“Richmond’s housing market is directly affected by the City’s image, appearance, and residents’ willingness to better their neighborhoods”** (p 96).
 - Here is an example of residents who are interested in a 30-year investment in bettering their property, and thus their neighborhood, who is being held up by the cookie-cutter approach of the Zoning Ordinance. This unfortunately supports the City’s image in the metropolitan area as doing more to stand in the way of its citizens than to facilitate their endeavors. This is a reputation that the Chermseys have never previously given any credence, which is why they settled their family in the City proper.

- Public incentives and City improvement decisions should **“offset the perception that [City] neighborhoods do not provide the same quality of life as surrounding counties.”**
 - They DO provide a better quality of life; that’s why this family still lives here, and didn’t retreat to the county when their son was born like so many others. The exceptions are cases where needless bureaucracy stands in the way of citizen reinvestment in their own property like this. Perception is hard to change when stereotypes are borne out.

- **“The City has a significant inventory of older homes . . . While possessing distinct architectural character and features, many of these homes can be difficult to market to homebuyers searching for modern conveniences, easy maintenance, and floor plans more suited to today’s lifestyles.** Despite the unique architectural character of the homes in many of Richmond’s neighborhoods, **the need for substantial renovation of these homes to meet the needs of contemporary households can be an inhibiting factor”** (p 96).
 - The Chermseys are head-over-heels for the unique character of their Queen Anne Victorian home, and its historic siding, woodwork, roof slate, flooring, etc; the only change that the family requires to meet their “contemporary needs”, to make the home more suited to “today’s lifestyle”, is the addition of solar panels to the property, to match the family’s young urban values of sustainability and productivity rather than consumerism. That’s it. The other changes they’ve made were behind the scenes: filling exterior walls with insulation, foaming the attic, encapsulating the crawlspace, sealing the ductwork, all of which were steps towards achieving the same goal of some degree of energy independence (Orange 12-16).

- **“The preservation of the City’s architectural character is key to our long-term economic viability and overall quality of life”** (p 99).
 - This is why the Chermseys never considered installation of panels on their roof – a ground-mount is the only reasonable way to power such an historic property.

Land Use:

- **“The Land Use Plan is a general guide and framework within which public and private decisions involving land use and development should be made. It is intended to be visionary, yet realistic”** (p 119).
- **“The Land Use Plan is intended to: provide a guide for zoning and other land use decisions by City Council and the Planning Commission”** (p 120).
- **“The land use plan could be considered the single most important component of the Master Plan”** (p 119).
 - Thus, residents’ use of their property in a manner which aligns with the Land Use Plan, but not with current Zoning Ordinance, would warrant a Special Use Permit. As a visionary document, it should recognize changing resident & City priorities, despite Zoning Ordinance lagging behind trends. As a realistic document, it should make allowances for the real-world solution of blocking public view through fencing; the same consideration, after all, is made for dumpsters in the apartment complexes that dominate the R48 zone.

- One main Land Use priority is to **“eliminate adverse conditions impacting neighborhoods that result from land use incompatibilities.”** (p 26)
- **“There is a need to strengthen, maintain and protect existing neighborhoods from adverse effects of traffic and incompatible land uses.”** (p 26)
- One major factor influencing the Land Use Plan is that **“land use conflicts exist between residential and non-residential uses.”** (p 121)
 - The Master Plan states that Group Homes in buildings designed as single-family are no longer compatible uses along Chamberlayne, and should return to single-family use; the Chermseys bought into this, and moved right into the middle of a block that is significantly affected by this phenomenon. They purchased the property, are investing in the future of the Master Plan, but now are being limited from reasonable use of their land in a way that makes staying and waiting out those changes much less attractive. This is a family who wish to put down roots and invest, in an area that others avoid due to existing land use conflicts and high traffic volume. What benefit could the City gain by discouraging that?

- **“Much of the [land use] change which . . . is expected, will result from a variety of influences changing the demand for the use of land. These include . . . technological advancements, changes in community priorities, modifications to legislative and regulatory measures, and demographic changes and trends”** (p 121).
 - The younger demographic that Richmond wishes to attract brings with it some changes in priorities, one of which is a greater demand for sustainable living options. This intersects with modifications to legislative measures: VA 67-701, which makes clear that Virginians have a right to home solar (Orange 1). It also intersects with technological advancements and regulatory measures in the form of tax incentives, both of which have recently made home solar obtainable for middle-class homeowners.
 - If Richmond wishes to attract and retain young adults raised during the years of Climate Change, the City must recognize that a large piece of their “quality of life” will come from knowing that they live as sustainable an existence as possible, that they are contributing to the solution at least as much as they are contributing to the problem.

- It is clear that the City's public position already recognizes this, as all of the Chermesides' decisions are mirrored by exhortations on the City's award-winning RVAgreen website (Yellow 1-4).
 - It seems that the Zoning Ordinance is not as current to modern life as the City's sustainability plans are, or as the Master Plan is – so this family hopes that the Planning Commission, and the City Council, will note the discrepancy between the City's stated values and the ground-level outcome in this particular circumstance, and allow for a Special Use Permit to build a solar array where sun is available on their property.
- Land Use Goals include that **"The City of Richmond will have sufficient opportunities for . . . development to help support the quality of life desired by current and future residents"** (p 123).
 - As mentioned elsewhere in this document, the Zoning rule that prohibits this family from the opportunity to add solar panels in the productive area of their property interferes with their quality of life.

Natural Resources:

- **"The ability to maintain a high quality of urban life, and thereby attract and retain businesses and residents, is dependent upon how well the City can carry out commitments to preserve and protect its unique natural resources and environmental quality"** (p 23).
- **"Preservation of open space, protection of environmentally sensitive land, enhancement of the recreational and aesthetic attributes of the James River and protection of air and water quality are key natural resource policies that greatly influence the Land Use Plan."** (p 130)
- **"The overriding natural resources strategy is to: promote and implement land use, development, and resource management practices that protect and preserve air and water quality, environmentally sensitive lands, and open spaces, including the James River"** (p 23).
 - The Chermesides find these goals to be in contrast with Dominion Virginia Power's actions, most especially their recent decisions to release coal ash wastewater into the James River against the advice of environmental groups. Home production of electricity through solar panels has none of the deleterious effect on air quality that coal plants do.
 - One person cannot alone change the trend, but producing energy with home solar can reduce the family's dependence on the power company, and create a legacy for the Chermesides' children, to be a part of the solution. This family wishes to do their part to carry out Richmond's goal to preserve air & water quality.

North District Specific:

"The District Plans include strategies for addressing . . . mixed-use corridors" (p 125).

The goal is that **"Existing land use conflicts within the District should be resolved, particularly those that exist between residential and non-residential uses"** (p 255).

- **“The following issues have significant implications for current and future physical development, and for the overall quality of life for District residents:” (p 250)**
 - **Multi-family on Chamberlayne Avenue**
 - “There is a large concentration of multi-family residential uses along Chamberlayne Avenue north of Brookland Park Boulevard. This proliferation of apartments has created numerous conflicts with the adjacent single family uses on Hawthorne and Seminary Avenues in the Ginter Park, Edgehill and Barton Heights neighborhoods. (p 250)
 - **Adult homes along Chamberlayne Avenue**
 - “The concentration of adult homes along Chamberlayne Avenue has intensified over the last two decades. Although current zoning no longer allows these uses without a conditional use permit, negative influences from existing adult homes continue to impact surrounding neighborhoods.” (p 250)

- **“The Land Use Plan map identifies single family low density residential use for areas along Chamberlayne Avenue north of Brookland Park Boulevard where this is intended to be the predominant but not exclusive use” (p 257).**

- **“Within the multi-family designated area, there remain a number of large original single family structures. Single family use of these structures should be encouraged.” (p 257)**

- **“No additional adult care residences should be located in the North District.” (p 255)**

- **“Unless specifically outlined in the Strategy no commercial activity or new multi-family should be allowed north of Brookland Park Boulevard.” (p 257)**
 - The Chermeside family believes in these long-term goals; they have faith that, in time, the Chamberlayne corridor will revert to the low-density residential nature that it had when it began, 120 years ago. That faith in the Master Plan is what led them to purchase the property in question. Its location between several group homes and apartment complexes made it very difficult real estate to sell – it was on the market and empty for 2 years before the Chermesides bought it, adding to the area’s blight. This family came in knowing and accepting the challenges of living in a transitional area, with faith that it will continue to change in line with the Master Plan. In the meantime, however, the only way that their property value will rise is if they continue to invest in it. This year, in fact, the City Assessor devalued the land – unheard of in other nearby areas (Green 5).

“Neighborhood reinvestment and stabilization spurs additional investment, which results in a ripple effect of community revitalization, economic development, and improved quality of life” (p 102).

- This ripple effect is what the Chermesides wish to see, in order that their section of Northside will begin to prosper and thrive again; unfortunately, the City’s cookie-cutter approach to zoning stands in the way of them making additional investments to their property – a keystone property along the northern section of Chamberlayne, as it represents a historic home that has transitioned back from multi-family to its original use of single-family, and which stands in the middle of a long row of group homes & rental properties.

Discuss with Stakeholders

Area Civic Associations:

- Ginter Park Residents Association was notified via email and in person
 - A letter was sent to GPRA contacts (Blue 1-3)
 - Peter Goldin was notified, as the homeowner's GPRA District Representative (Blue 9)
 - Stephen Weisensale was notified, as the Chair of the GPRA Planning & Zoning Committee (Blue 4-9)
 - Expressed his support, as a proponent of home solar
 - Homeowner was invited to August GPRA Board Meeting, to present the plans (Blue 7)
 - No objections were voiced, based on design of panel array to match the height of the existing fence
 - Board stated that they may write a letter of support, pending review of the final SUP application – they wished to confirm that the final plans will specify that the height of the array would not exceed the height of the fence, as presented at the meeting.

Property Owners / Residents:

- This property is a single-family detached dwelling located in a mixed-use zone. It is relatively unique in that none of the abutting properties have resident owners. One side abuts an adult group home, the other side and the rear abut an apartment complex parking lot, and the entire block across the street is occupied by the Union Presbyterian Seminary (Blue 11).
 - As none of these properties house their owners, no direct contact between the Chermesides and the owners was possible; however, the Chermeside family penned a letter with details of the project as well as contact information (Blue 1-3), which was sent by USPS Certified Mail to each of them.
 - Each letter was received and signed for (Blue 12-25).
 - Union Presbyterian Seminary responded with a letter of support, sent by Michael B. Cashwell, VP for Finance & Administration. The letter is included (Blue 10).
 - Roy L & Jacqueline D Bryant own the group home at 3405 Chamberlayne Ave; the Chermesides have not been contacted by them since the letter was received.
 - Hawthorne Hall Company LLC is listed as the owner of the apartment complex at 3505 Chamberlayne Ave.
 - A letter was mailed for Hawthorne Hall, LLC, to an address on Patterson Ave (found by consulting www.virginiacorp.org) to Lawrence Salzman, listed as Registered Agent. This letter was received and signed for.
 - The Chermesides have not been contacted by Hawthorne Hall or its Registered Agent since the letter was received.

- Not adjacent, but still within 150 feet, are another group home along Chamberlayne and 4 single-family detached dwellings along Hawthorne.
 - The homeowners knocked on the doors of each 4 houses, attempting to speak directly with neighbors.
 - 3408 Hawthorne, spoke with the Dietz family, who expressed their support.
 - 3410 Hawthorne, spoke with the Ferrie family, who stated that they had no concerns as long as the array was not visible from their rear windows – which would be impossible, because those windows face the rear of the Chermshire house, and the panels would be in the front yard.
 - At 3406 and 3412 Hawthorne, there was no answer at the door.
 - The included letter was placed through both mail slots, with contact information (Blue 1-3).
 - Chermshires have received no contact from either family since.
 - Representatives of Zach Four LLC, the owner of the additional group home at 3403 Chamberlayne Ave, received the letter via certified mail, as above.
 - Chermshires have received no contact from the property owner since.

Council Representative

- Chris Hilbert is the City Council representative for this Northside neighborhood
 - Mr. Chermshire spoke with Mr. Hilbert via telephone on 10/21/16, to discuss the planned SUP; pending review of the application and report, Mr. Hilbert expressed no concerns about the project (Blue 26).