

## **“Crenshaw Mews” Project: A Bad Fit For the Museum District**

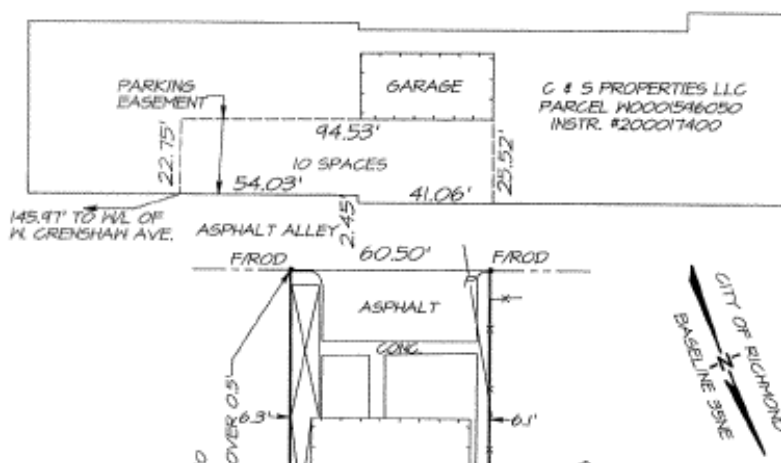
**Tom Williamson  
3415 Floyd Avenue**

A parcel known as “3415A Floyd W0001596050” in the interior of 3400 block of Floyd/Ellwood Avenues, currently utilized for garages, storage and parking, has been proposed for a hyperdense infill project by its owner In The Alley, LLC. (“ITA”). The Project seeks to cram onto a small parcel 4 dwelling units with at least 9 bedrooms. ITA has applied for a Special Use Permit seeking exemption from the Zoning Ordinance restraints thwarting its ambition.

I am a contiguous neighbor of the proposed Project. My law practice, Williamson Law LC, is located at 3415 Floyd Avenue owned by 3415 Floyd LC of which I am the sole member. 3415 Floyd LC acquired a permanent exclusive 10 space parking easement from ITA’s predecessor in title, a business decision by ITA’s predecessor that sold off any viability of a development of the magnitude proposed.<sup>1</sup> Construction of the project without violating the easement would be daunting and the high density occupancy of the project would likely create

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<sup>1</sup> The recorded plat (Book 12-22079) referenced in the Deed of Easement:

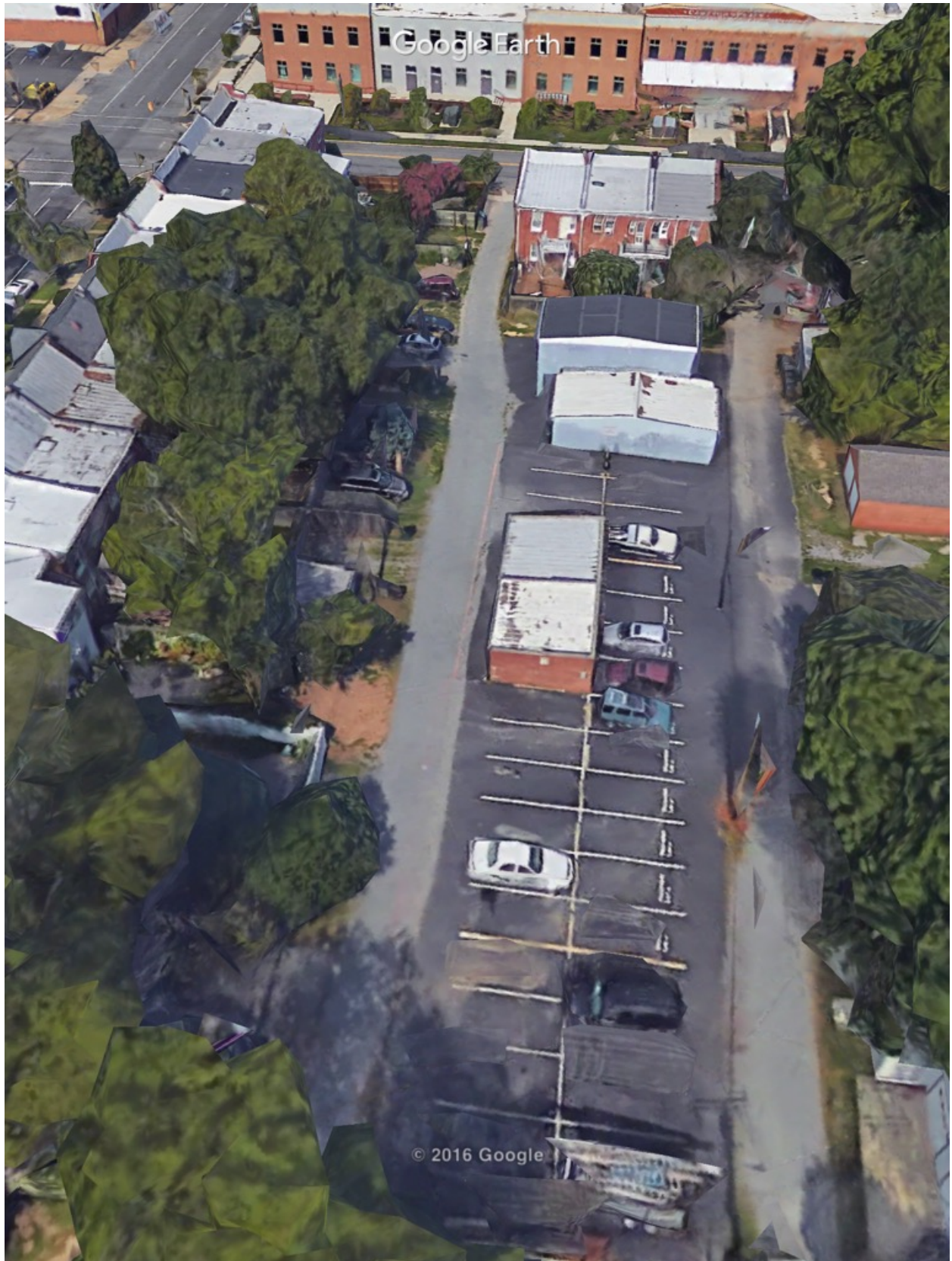


habitual violations of the right to exclusive use of the 10 parking spaces abutting against the proposed dwellings.

My opposition to the proposed projects extends beyond protecting my immediate property rights. If this Project became a reality, it would serve as a precedent for other hyperdense infill projects on interior parcels in the Museum District and for single family residence lot owners to seek permission to construct accessory dwelling units (“ADUs”) on their lots in a bid to generate extra income.

#### **Lack of Suitability of 3415 Floyd A Site**

The wide park like promenade in the ITA Submission rendering bears no resemblance to the reality on the ground. The alleys bounding the proposed buildings are rough, crooked and narrow passage ways. Below is the Google satellite view:





The Ellwood Alley Nansemond entrance is only 10 feet wide:



Although it does widen to 20 feet, the alley quickly constricts to 18 feet and snakes into a footpath leading eastward to Crenshaw Avenue:





The Floyd Alley is less tortuous but is constrained by my Parking Easement as well as utility poles. It becomes rough and unpaved as it moves eastward to Crenshaw Avenue:



Constructing the proposed buildings in this tight alley bound envelope raises questions of safety and infringement on the use and enjoyment of neighboring properties. Accompanying this Presentation is an Analysis dated August 14, 2020 authored by William (Bill) Loving, architect and Museum District resident, discussing the reasons why the proposed project is ill suited for the site. Appendix A.

### **The Project Violates the City Master Plan and Zoning Ordinance**

The City of Richmond Master Plan calls for medium density Single Family dwellings at densities of 8 to 20 units per acre for the area encompassing the Project site. Master Plan 133, 231. Similarly, the site's R-6 Zoning Classification permitted use of single-family detached dwellings requiring 5,000 square feet lots, single-family attached dwellings not exceeding 10

dwelling units per acre, and two-family dwellings requiring lots of not less than 6,000 square feet. Zoning Code §§ 30-412.1, -412.4.

The density of the Project greatly exceeds the above requirements. The site Parcel, when my exclusive perpetual parking easement is subtracted,<sup>2</sup> consists of 6,993 square feet. Placement of 4 dwelling units on the Parcel creates a density of 25 units per acre. The 25 units per acre density also far exceeds the 16.3 units per acre density of the surrounding block.

Swallowing almost all of the parcel with its three buildings and providing miniscule or no setbacks, the Project violates the yard, setback, lot coverage and improved street frontage requirements mandated in an R-6 Single-Family Attached Residential District. Zoning Code §§ 30-412.4-412.6.

Onsite parking of the Project skirts regulatory requirements. ITA represents that 11 parking spaces will be provided. Four of these spaces would be located in the garage of Building A which has one dwelling unit with the remaining 7 spaces available for 3 dwelling units. Unlike most properties in R-6 no contiguous on street parking will be available to the parcel occupants. The proposed parking spaces running to the boundary line to achieve the minimum depth would be accessed from narrow two way alleys without adequate turning radii for ingress and egress. The width of the alleys falls short of the required two-way 23-25 feet aisle width for full-size ninety-degree parking spaces. Zoning Code § 30-710.3:1.

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<sup>2</sup> The City has recognized my parking easement as an independent principal use (BZA Case 23-12).

## Neighborhood Opposition

Fifty two owners and occupants of neighboring properties have signed a Petition opposing the application for a Special Use Permit. The below plat highlights in yellow the Petition signatory properties found at Appendix B:



## Conclusion

With a density two and half times greater than permissible, the proposed Project transgresses the explicit purposes of our City's Zoning Ordinance.<sup>3</sup> Simply siting the Project in an alley does not warrant ignoring the congestion, infringement on light and air, interference with access and increase in fire hazard it would bring to the neighborhood.

Siting the Project from edge to edge of two narrow twisted two-way alleys, one a vehicular dead end, calls for rigorous scrutiny not a wholesale waiver of the R-6 requirements. If the Project was proposed for a 7,000 square foot lot fronting on a Museum District two-way street of standard width with on street parking, access to hydrants and firefighting service, it would likely not be approved. An alley should not be a safe harbor for noncompliant housing.

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<sup>3</sup> **Sec. 30-100. Purpose.**

The purpose of this chapter is to adopt a comprehensive zoning plan designed to:

- (1) Lessen congestion in streets;
- (2) Secure safety from fire, flood, panic and other danger;
- (3) Promote health, sanitation and general welfare;
- (4) Provide for adequate light, air and convenience of access;
- (5) Prevent the overcrowding of land;
- (6) Avoid undue concentration of population;
- (7) Facilitate the creation of a convenient, attractive and harmonious community;
- (8) Protect against destruction of or encroachment upon historic areas;
- (9) Encourage economic development activities that provide desirable employment and enlarge the tax base; and
- (10) Expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements pursuant to and in accordance with the applicable sections of Code of Virginia, § 15.2-2280 et seq.



With an upgrade of the street and utility infrastructure, this 7,000 square foot parcel could support a safe and habitable “carriage house” apartment consistent with the traditions of the Museum District and provisions of the Zoning Ordinance. Four dwelling units is too much to ask of this modest parcel and its neighbors.

**14 August 2020**

Mr. Tom Williamson  
3415 Floyd Avenue  
Richmond, VA 23221  
Via Email: tw@wllc.com

Re: **Crenshaw Mews**  
Special Use Permit: 3415A Floyd Avenue (W0001596050)

Dear Mr. Williamson:

I have reviewed the proposed Crenshaw Mews development, the SUP plans, and the SUP Letter from Roth Jackson to Mr. Ebinger on behalf of the developer. I believe there are several misunderstandings of the zoning code within the documents.

The first paragraph of the letter to Mr. Ebinger states that the SUP would authorize construction of otherwise by-right residential buildings; however, a look at the Zoning Code contradicts this assertion:

1. Per zoning code single and two family dwellings are by definition situated on individual lots (see Zoning Illustrations of Selected Zoning Terminology - Illustration 9). The letter specifically notes that the three buildings will be placed on a one existing contiguous parcel.
2. Sec. 30-620.2 specifically denotes that in R-6 zoning more than one single family dwelling or two-family dwelling may not be erected on a single lot. In R-1 through R-5 zoning a second single dwelling in an accessory building is only allowed if the accessory building was previously occupied as a dwelling for domestic employees prior to the establishment of the zoning code; this exception does not exist for R-6.
3. The location of the parking provides further evidence that this is indeed a multifamily development. Even if the SUP were amended to try to split the lots, the four required parking spaces that would be required for single or duplex developments are located in front of one of the buildings designated as a single family residence, whereas true single family residences have the parking located on the same lot as the house.

Multiple residential buildings on a single parcel per zoning code are not single and two family residences, but instead are classified as a small multifamily development. If the developer were to choose to split the lot to qualify with Sec. 30-620.2, this lot, which does not have street access and already does not meet minimum lot size and setbacks, would need to be split into even smaller multiple parcels. Additionally, the parking would need to be redesigned to provide parking on the individual parcels.

The developer has stated that he is asking for a SUP to authorize construction of otherwise by-right residential buildings. If this were a street facing lot of proper size, these following options would exist for these dwellings to be constructed by-right in the city of Richmond:

1. To have these buildings considered single and two family dwellings, the lot would need to be divided into three lots, one for each single or two family home. At this point, the developer has not proposed splitting the property to qualify as single or two family dwellings.
2. If the lot were to remain as a single lot, as is proposed by the developer, it becomes a multifamily development (apartments or condos). However, this lot is in an R-6 zoning district which does not allow multifamily development.

Rather than a simple request to allow "construction within alleys with no public street frontage otherwise by-right residential buildings", the SUP requests that:

1. A Multifamily development be allowed in a single family zoning  
or
  2. Multiple single family houses be allowed on a single lot (an already non-conforming lot).
- Approving either of these requests for this site will establish a precedent with vast unforeseen future implications for development in the city and in the Museum District.

### **Fire Safety:**

Beyond the zoning issue, one of the most significant concerns with the proposed project involves life safety. While the Building Department will determine how to classify whether or not the Building Code occupancy classification will be considered multifamily or single/two family, it should be noted that the Building Code has been developed based on the relative fire risks of different occupancy classifications. The VRC (Virginia Residential Code), a lighter duty code which covers only single and two family dwellings, was developed due to the relative fire safety of homes sitting on individual lots with good access for fire personnel. Multifamily developments, due to the close clustering of residents, do not qualify to be constructed under the VRC but must instead be built in accordance with the VCC (Virginia Construction Code), a more rigorous code which requires fire sprinklers and greater fire ratings on the walls.

The developer is proposing that the building be constructed under the VRC, with no fire sprinklers. Fire access to these buildings is practically non-existent since a fire truck cannot turn into these alleys and no equipment can be brought to the scene. Only the fire hydrant at Nansemond & Floyd does not require crossing traffic with a fire hose. Building C is 355' from this hydrant. It is 575' to the far side of Building A. The difficulty in fighting a fire is not only a danger to the occupants of the proposed building, but it is also a significant danger to the other residents on the block.

**Additional Issues:** There are several practical challenges that are not addressed in the submission:

1. Parking: There are four parking spaces are shown that appear to be 9' wide by 17'-6" deep, accessed by a 20' alley, at total of 37'-6" in depth. Per Sec 30-710.3:1, minimum dimensions allow a 17'-6" long parking space when accessed by a 23' wide travel lane, 30'-6" in depth. While the city may allow the non-conforming travel lane, the overall space will need to match the 30'-6" depth, and the spaces will therefore should be 20'-6" deep. Also, per Sec. 30-710.1, Multifamily Dwellings with more than one main building are required to have 1.5 parking spaces for each unit with 2 or more bedrooms. In accordance with this zoning regulation, this development should have six (6) parking spaces.
2. Garage Access: Access to the proposed garages from the Ellwood Alley is tight at best. Along the alley are fences, parking spaces, trash cans and power poles. The new construction adds fences, trellis, trees and lighting bollards along the alley making it even tighter. Turning radii into these garages are much smaller than recommended, so backing into or out of these garages will be



extremely difficult, making it unlikely that these garages will be used for car storage. Parking will be at a premium.

3. Walkways: Between the four parking spaces and Building C there is only a small 2' wide walk against the building, which is inadequate and does not meet code. This walk provides the main entrance to Building C. No sidewalks are shown to the only entry door on the Crenshaw side of Building B and to the kitchen door in Building C. No walks are shown from the building entrances to the waste and recycle bins which are located along the Elwood Alley.
4. Alley Construction: The existing alleys are mostly unpaved and are not designed to provide primary entrance to a large residential project. The existing alleys from Crenshaw are very crude, steeply pitched, and one has a tight dogleg (this alley is virtually impassible). The "Crenshaw Alley" is currently grass and is not used for vehicular traffic; there is a large existing tree that encroaches on this alley. Trash cans that are currently stored in the alleys will need to be moved within the residents' yards to make the alleys even marginally accessible. Additionally, the existing alleys would need significant upgrades to make them appropriate for this development and would still be too narrow in portions. No alley improvements were noted in the proposal.
5. Existing Electric Utilities: The site plan does not show the existing electric poles and overhead wires, which have a significant impact on this site. As currently designed, an overhead power line that crosses over Building A must be relocated. Relocating this line, which feeds the houses along Ellwood, will be challenging since the pole and transformer are located on the corner of the property, limiting routing options without substantial reworking. Additionally, the existing electrical poles in the Ellwood Alley limit the maneuvering of vehicles.
6. Proposed Landscape: The Ellwood Alley is proposed to have (15) Virginia Junipers (aka red cedar), which will overwhelm this already tight space. The mature size of these trees is 30'- 65' tall with a 8'-25' spread. Smaller cultivars are available (but have not been specified) still grow 30' tall. A Cherry Tree is proposed at the corner of the Crenshaw and Floyd Alleys where an electric pole exists. According to the key, gray birch trees are proposed beside the neighbor's garage and beside the Crenshaw Alley - these appear to be a mistakes in the plans. The Landscape Plan does not appear to be thoroughly worked out and has a note saying that "equivalent" plants are acceptable, which means it is unclear what will be planted.

**Standard of Review for Special Use Permits:** Section 30-1050.1 notes six (6) conditions that must be met for approval of a Special Use. For it to be approved, the proposed SUP should not:

- 1) *Be detrimental to the safety, health, morals and general welfare of the community involved.*  
In his letter the developer's attorney argues that empty lots may decrease the perception of safety. In the context of this lot, largely surrounded by single family homes, open space is valued and is not a detriment. The close clustering of residents onto this small lot will be detrimental to the general welfare of the surrounding residences.
- 2) *Tend to create congestion in streets, roads, alleys and other public ways and places in the areas involved.*  
The development relies on a narrow alley system to support four dwelling units with (9) bedrooms, which will be a substantial increase in use and congestion of the existing alley system. The development only provides four surface parking spaces for a building that may house as many as eighteen adults (see 4) below). Due to the tight turning radii for entering the garages, it is likely that the garages will not be used if more convenient places to park are available. The rendering appears to show ample parking, but most of those spaces are reserved

by an existing parking easement for use by others. With the lack of surface parking available, illegally parking in these reserved spaces and along the alley will likely occur. This development will create congestion on the surrounding alleys

3) *Create hazards from fire, panic or other dangers*

The development creates an obvious and serious fire danger. As previously noted, a dense residential development such as this should have automatic fire sprinklers. Access by fire and rescue personnel is extremely limited. This development creates a fire hazard for the proposed residents and the existing neighboring houses.

4) *Tend to overcrowding of land and cause undue concentration of population*

These have been presented as two single family dwellings and a duplex; however, these are really apartments or condos per zoning and by design. Each bedroom in the apartments has space for a double bed and has an individual bathroom, so the complex is designed to accommodate up to eighteen (18) adults, crowded onto a very small parcel.

5) *Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewerage disposal, transportation or other public requirements, conveniences and improvements*

At a minimum, these buildings need to have a sprinkler system installed, which requires a larger water connection than currently anticipated by the developer. A fire flow study is required to determine whether the existing nearby water lines are adequate. The increased water needs may adversely affect the water supplies in the area.

6) *Interfere with adequate light and air*

The proposed development attempts to squeeze up to eighteen persons in an area that is 7,115 square feet, which allows 395 SF per person. The design has very little open space, as opposed to the surrounding houses which have grassy back yards and open porches facing the street. The overdevelopment of this small site will certainly interfere with adequate light and air of the surrounding homes.

**In Conclusion:**

- The development proposed in SUP Submission creates substantial dangers and hardships on the neighboring properties.
- The development proposed in SUP Submission fails to meet the standards for approval set by the city.
- Perhaps most importantly, the SUP appears to be a deliberate attempt to circumvent zoning code by allowing new apartment construction in an R6 zoning district or multiple single/two family homes on a single lot. SUPs are generally designed to alleviate a hardship on the property owner for unique circumstances presented by the zoning code rather than to rewrite zoning code to accommodate the development desires of an individual property owner.

Sincerely,

A handwritten signature in black ink that reads "William Loving". The signature is written in a cursive, slightly slanted style.

William (Bill) Loving, Architect  
**WORLEY ASSOCIATES - ARCHITECTS**

8/31/2020 Opposed



Properties Opposed to Infill Project

