

INTRODUCED: November 14, 2022

AN ORDINANCE No. 2022-334

To authorize the special use of the property known as 2012 Hanover Avenue for the purpose of a dwelling unit within an accessory building to a single-family attached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 12 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 2012 Hanover Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a dwelling unit within an accessory building to a single-family attached dwelling, which use, among other things, is not currently allowed by section 30-412.2 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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 safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: DEC 12 2022 REJECTED: _____ STRICKEN: _____

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 (2020), 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 2012 Hanover Avenue and identified as Tax Parcel No. W000-0906/024 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Survey of the Lot and Improvements Thereon Located at 2012 Hanover Avenue,” prepared by A. G. Harocopos and Associates, P.C., and undated, 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 purpose of a dwelling unit within an accessory building to a single-family attached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “2012 Hanover Avenue, Studio and Garage Construction,” prepared by 510 Architects, dated April 4, 2022, and last revised July 19, 2022, 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) The Special Use of the Property shall be as a dwelling unit within an accessory building to a single-family attached dwelling, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.

(d) No fewer than two off-street parking spaces shall be provided on the Property.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) The accessory building shall not be used for rental purposes, with the exception of rental to individuals having familial relationship to the owner by blood, marriage, legal guardianship, or adoption.

§ 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 (2020), 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 (2020), 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 (2020), 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

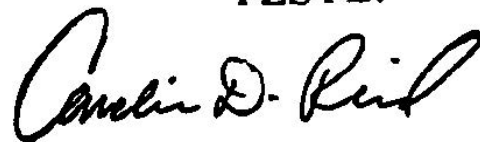
Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(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.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Rind". The signature is fluid and cursive, written over the printed name "Carolin D. Rind".

City Clerk



City of Richmond

Item Request File Number: PRE.2022.0333

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

O & R Request

DATE: October 17, 2022

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic
Development and Planning

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 2012 Hanover Avenue for the purpose of
a dwelling unit within an accessory building to a single-family dwelling, upon certain terms
and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 2012 Hanover Avenue for the purpose of a
dwelling unit within an accessory building to a single-family dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for an accessory dwelling, within
the R-6 - Residential (Single Family Attached) zone, which is not an allowed use. A Special Use Permit is therefore
requested.

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.

BACKGROUND: The property is located in the Fan neighborhood at 2012 Hanover Avenue, between North
Rowland and North Meadow Street. The property is 5,408 sq.ft. (0.124 acres) in size and currently consists of a
single-family attached dwelling. The application requests to allow an accessory dwelling.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use. This designation is defined as a "Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The property is zoned R-6 Residential (Single-Family Attached). Adjacent properties are zoned the same R-6 zone and consist of residential uses. The property is roughly two blocks from the Monument Avenue Corridor.

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

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 14, 2022

CITY COUNCIL PUBLIC HEARING DATE: December 12, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
December 5, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Ray Roakes, Planner, Land Use Administration (Room 511) 804-646 5467

**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

Property Address: 2012 Hanover Avenue, Richmond, VA 23220 Date: 4/27/2022
Tax Map #: W0000906024 Fee: \$300.00
Total area of affected site in acres: 0.124

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-6

Existing Use: Residential (Single Family Attached) with separ

Proposed Use

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

First level two-car garage under second level artist studio.

Existing Use: Two car garage.

Is this property subject to any previous land use cases?

Yes

☐

No

☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: David R - or - Linda S Lewis

Company: N/A

Mailing Address: 2012 Hanover Avenue

City: Richmond State: VA Zip Code: 23220

Telephone: (571) 213-3169 or (571) 236-0551 Fax: ()

Email: davidlewis83@verizon.net - or - lindalewis47@verizon.net

Property Owner: Lewis Revocable Trust Trustees

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: 2012 Hanover Avenue

City: Richmond State: VA Zip Code: 23220

Telephone: (571) 213-3169 or (571) 236-0551 Fax: ()

Email: davidlewis83@verizon.net - or - lindalewis47@verizon.net

Property Owner Signature:

David R Lewis Linda S Lewis

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)

Applicant's Report
2012 Hanover Avenue - Studio and Garage Construction
Prepared: 4/27/2022

As required by the Filing Procedures for a Special Use Permit, the following is provided to satisfy the requirements of a written Applicant's Report.

Project Description

Project includes the demolition and replacement of an existing, one-story, two-car garage with a two-story structure consisting of a two-car garage and small hobbyist workshop on the first level and an art studio with wet bar and full bath on the second.

The project complies with City regulations for lot coverage (reference Drawing A0) and height (reference Drawing A3). The project increases property line setbacks on the west side yard and from the alley on the north. The project reduces the setback from the property line on the east side yard. (Compare Drawings D0 and A0 for setback changes.)

Project History

During initial courtesy reviews, the City indicated that the project's proposed exterior stairs, which are planned to connect the structure's second level to the main residence back yard (not the alley), required application for a Special Use Permit. Subsequently, and after encouragement from the City, the project's half bath was converted to a full bath because the structure, as presented, was considered to be very close to an Accessory Dwelling Unit. City representative advised that the City would prefer to approve the project as an Accessory Dwelling Unit.

Specific features of the Special Use that will ensure that it will be compatible with the surrounding area and an appropriate use for the site:

The first level of the project is a two-car garage set back from the alley north of 2012 Hanover Avenue. Many single and multi-car garages are adjacent to this alley. Also, as noted in the Project Description above, this project replaces an existing two-car garage. This is a typical use and compatible with the surrounding area.

The two-story structure is compatible with the surrounding area as there are similar carriage houses and two-story structures adjacent to alleys throughout the neighborhood (The Fan). There is currently one two-story garage structure on the same alley system as the project.

Special Use will not be detrimental to the safety, health, morals and general welfare of the community:

Planned use for the first level garage/workshop will be the same use as for the two-car garage currently at this location and for the many garages currently adjacent to this alley. Use of this garage workshop will be typical, not detrimental.

The second level use will be the same as the art studio which occupies a small corner of a bedroom in the main residence. This use is not detrimental to health, safety, morals or the general welfare of the community.

The appearance of the proposed structure will be an improvement over the appearance of the existing structure and should be considered an enhancement to the neighborhood. (Drawing A3 shows the alley side elevation of the proposed structure.)

Lighting on the alley side of the structure will improve personal safety for individuals in the alley. There is currently no lighting on the alley side of the existing garage.

The siting of the new structure will eliminate a small, dark (though electrically lit) alcove adjacent to the existing garage, which should also be considered a safety improvement over existing conditions in the alley.

Special Use will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved:

The current garage is set directly on the shared lot/alley property line. The location of the proposed structure increases the setback from this property line, which will improve alley circulation.

The existing two-car garage is currently used for parking of a car in one garage bay and for a workshop in the second. Addition of a small workshop space to the proposed garage will permit two cars to be parked inside the garage reducing the number of cars parked on streets around the residence. This will tend to reduce traffic congestion around the residence.

Special Use will not create hazards from fire, panic or other dangers:

The project will not create additional hazards from fire, panic or other dangers because the first-floor garage use remains unchanged from existing to new. Similarly, the small workshop use will be unchanged from existing to new.

The second-floor art studio will be the same as typical living space throughout the Fan. This space will not include a kitchen. Consequently, fire, panic and other hazards from this studio space will be the same, or less than, those hazards in typical neighborhood homes.

Special Use will not tend to cause overcrowding of land and an undue concentration of population:

The new structure does not increase lot coverage over the 55% zoning limit, so it will not cause overcrowding of the lot or land in accordance with City ordinances. Neighborhood population will not increase as a result of this project because 1) the first level use remains unchanged and 2) the second level is intended for use only by the current occupants of 2012 Hanover Avenue, its visitors and possibly, in the distant future, in-home health care professionals as required.

Special Use will not adversely affect or interfere with public of private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements:

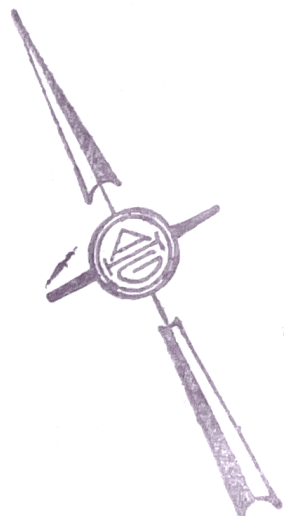
Water and sewage utilities will be connected to the main residence at 2012 Hanover Avenue. The project will not increase the number of occupants of the property. Consequently, the direction of water and sewage flows from the property will remain unchanged. Similarly, due to the unchanged number of lot occupants, demands on schools, parks, playgrounds, transportation and other public amenities will remain the same as current demands.

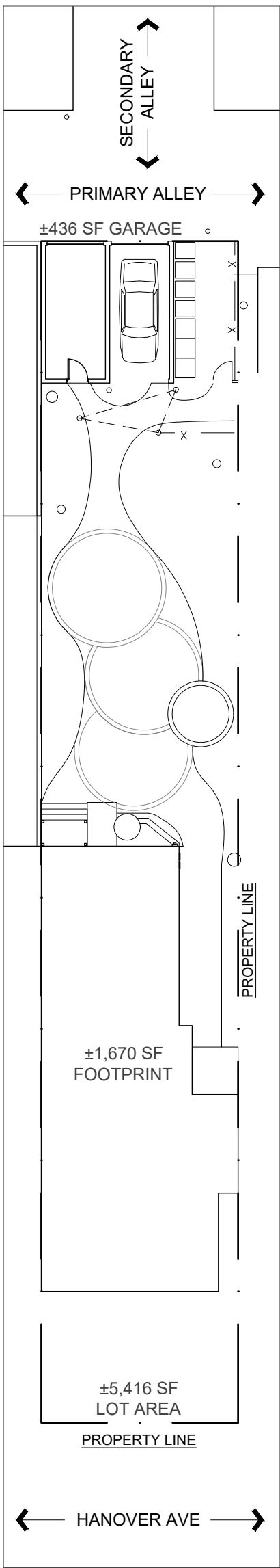
Special Use will not interfere with adequate light or air:

The footprint of the new structure is well within zoning limitations for lot coverage as noted above and in the plans and will not interfere with adequate light or air.

The height of the new project will comply with City height zoning limitations, so it will not interfere with available light or air.

Due to its placement on the north side of the property, the new project will not affect the light available to any housing or garages to the east or west of the property. Houses north of the project, across the alley, are too far away to be affected.





EXISTING SITE PLAN

1" = 20'

55% LOT COVERAGE

±2,978 SF MAXIMUM

±2,106 SF EXISTING

PROPOSED DEMOLITION SITE PLAN

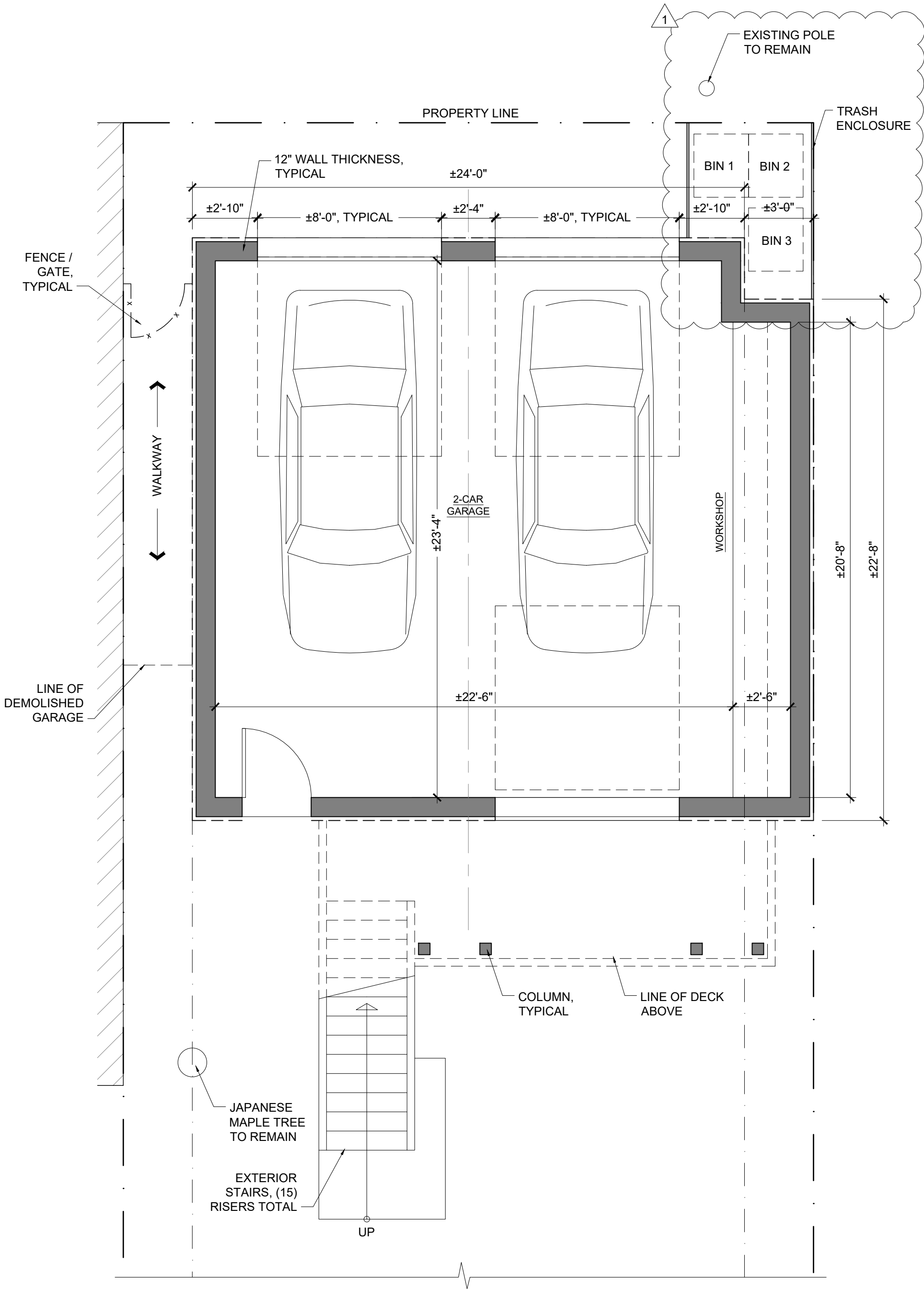
1/8" = 1'-0"

2012 HANOVER AVENUE | STUDIO & GARAGE CONSTRUCTION

1 COMMENT RESPONSES | 07.19.2022
SPECIAL USE PERMIT APPLICATION | 04.04.2022

D0

510
ARCHITECTS



PROPOSED 1st LEVEL PLAN

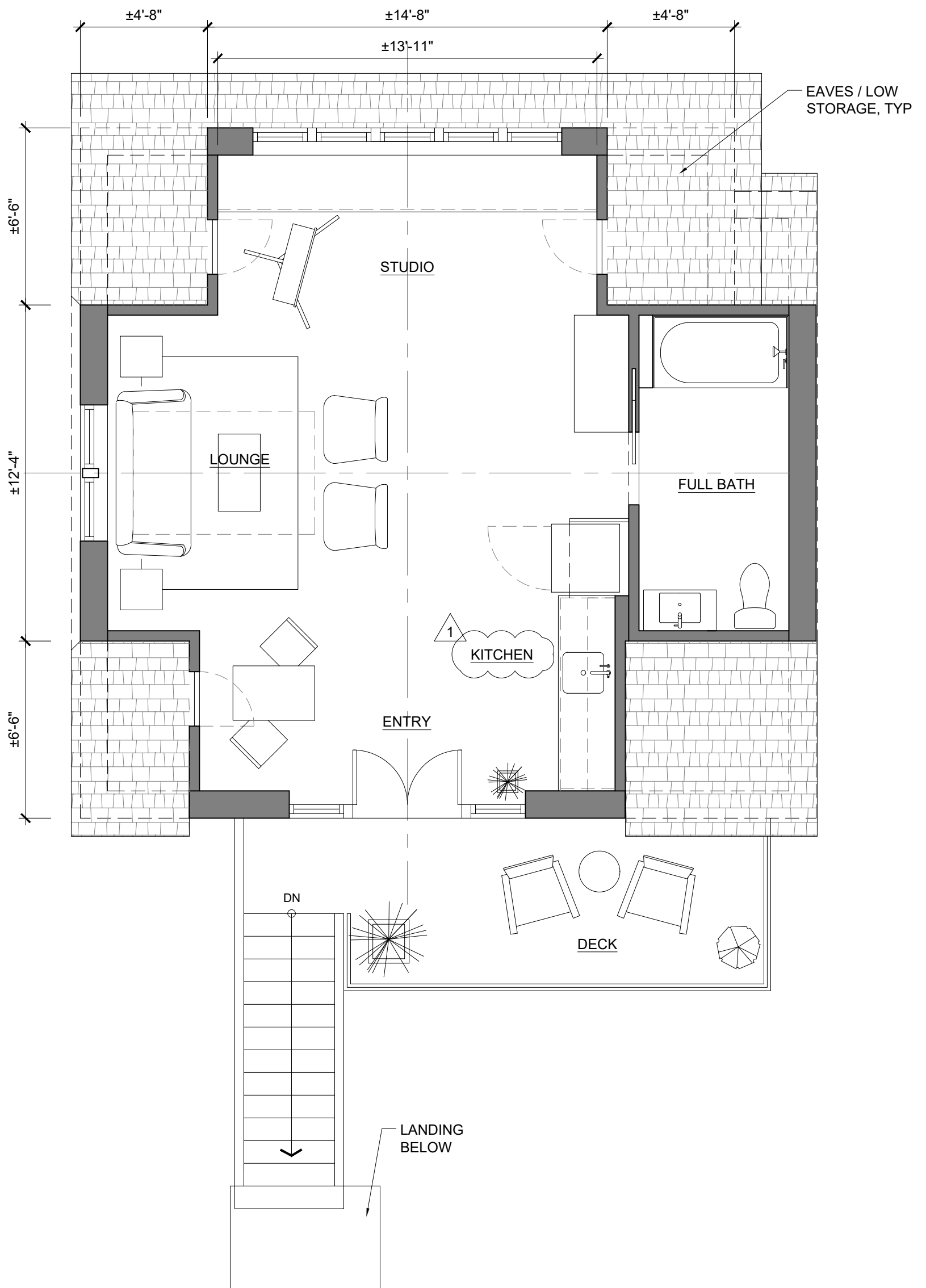
1/4" = 1'-0"

2012 HANOVER AVENUE | STUDIO & GARAGE CONSTRUCTION

1 COMMENT RESPONSES | 07.19.2022
SPECIAL USE PERMIT APPLICATION | 04.04.2022

A1





PROPOSED 2nd LEVEL PLAN

1/4" = 1'-0"

1 COMMENT RESPONSES | 07.19.2022
SPECIAL USE PERMIT APPLICATION | 04.04.2022

2012 HANOVER AVENUE | STUDIO & GARAGE CONSTRUCTION

A2





SOUTH | LOT INTERIOR ELEVATION 2



NORTH | ALLEY-FACING ELEVATION 1

PROPOSED ELEVATIONS

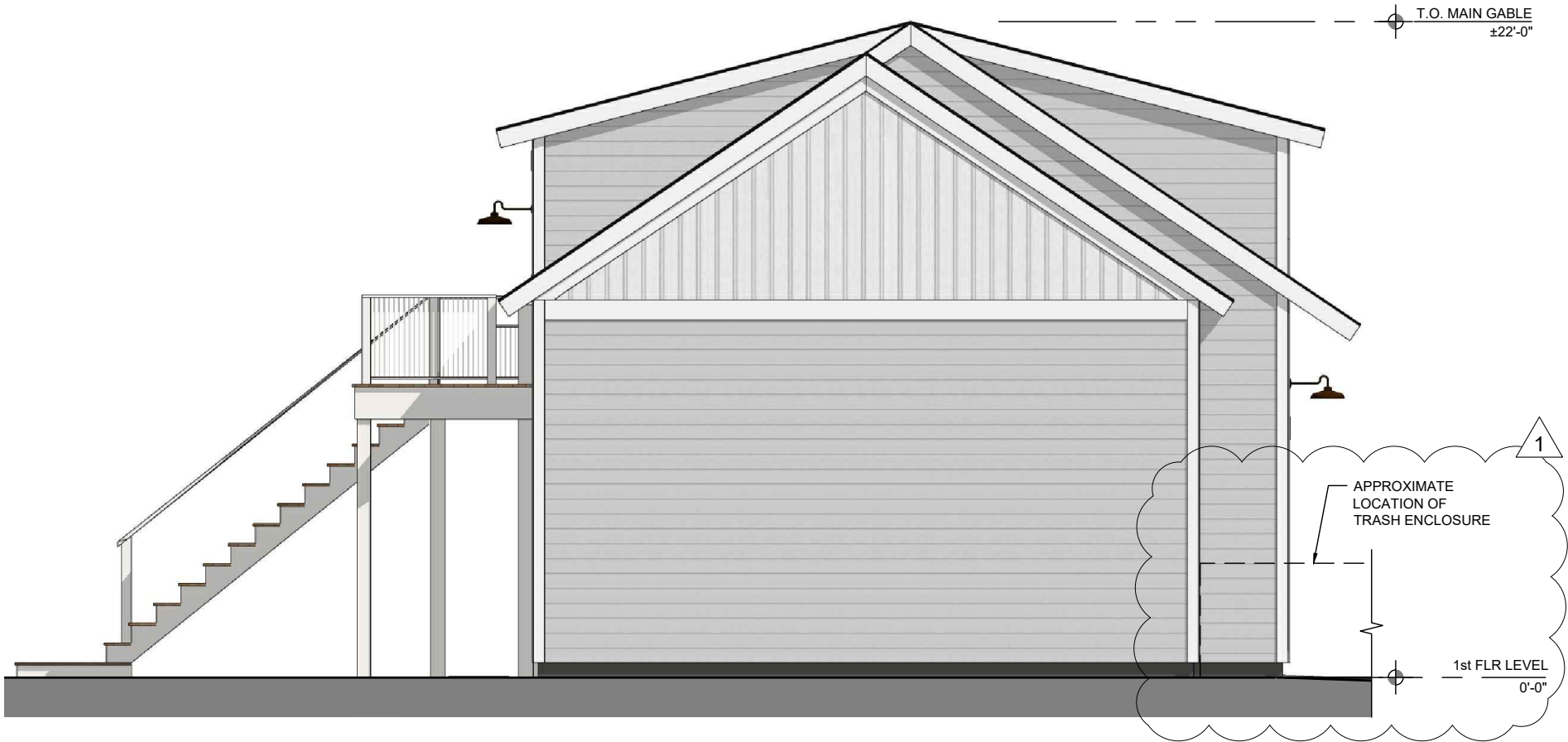
$\frac{3}{16}" = 1'-0"$

1 COMMENT RESPONSES | 07.19.2022
SPECIAL USE PERMIT APPLICATION | 04.04.2022

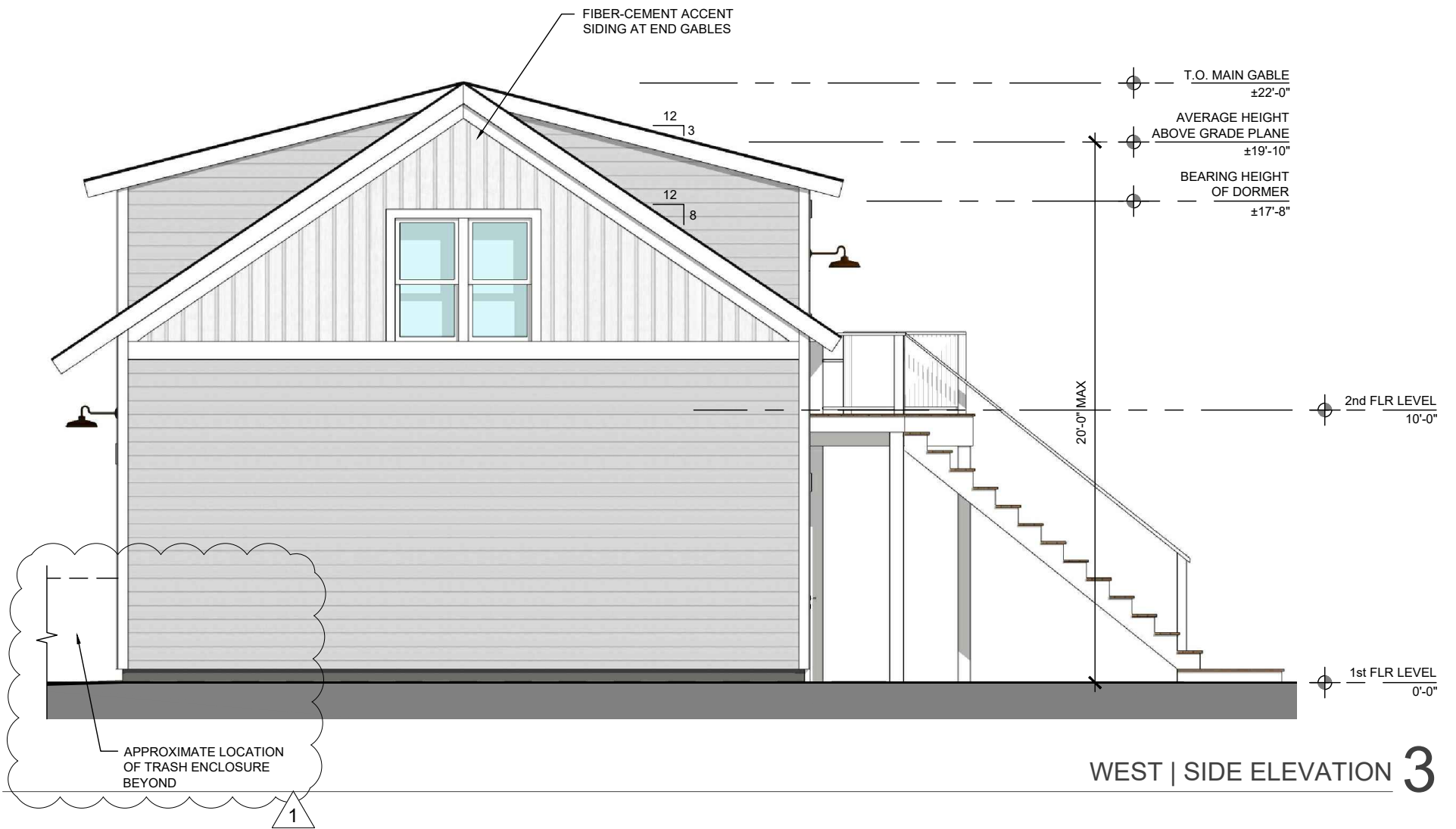
2012 HANOVER AVENUE | STUDIO & GARAGE CONSTRUCTION

A3





EAST | SIDE ELEVATION 4



WEST | SIDE ELEVATION 3

PROPOSED SIDE ELEVATIONS

3/16" = 1'-0"

2012 HANOVER AVENUE | STUDIO & GARAGE CONSTRUCTION

1 COMMENT RESPONSES | 07.19.2022
SPECIAL USE PERMIT APPLICATION | 04.04.2022

A4

