

INTRODUCED: September 25, 2023

AN ORDINANCE No. 2023-283

To authorize the special use of the property known as 615 Maple Avenue for the purpose of an accessory building to a single-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 13 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 615 Maple Avenue, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of an accessory building to a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-408.5, concerning yards, 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 13 2023 REJECTED: _____ STRICKEN: _____

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 615 Maple Avenue and identified as Tax Parcel No. W021-0212/019 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on a Portion of Lot 2 & 3, Block ‘F’, Plan of ‘West View’ Section ‘B’, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated July 15, 2021, 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 an accessory building to a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Plat Showing Improvements on No. 615 Maple Avenue, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated November 14, 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 an accessory building to a single-family detached dwelling, substantially as shown on the Plans.

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

§ 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.

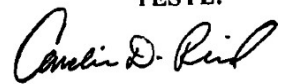
§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of

zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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 cursive script that reads "Amelia D. Reed".

City Clerk



City of Richmond

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

Master

File Number: Admin-2023-0359

File ID: Admin-2023-0359 **Type:** Request for Ordinance or Resolution **Status:** Regular Agenda

Version: 2 **Reference:** **In Control:** City Clerk Waiting Room

Department: **Cost:** **File Created:** 05/16/2023

Subject: **Final Action:**

Title: To authorize the special use of the property known as 615 Maple Avenue for the purpose of an accessory building, upon certain terms and conditions.

Internal Notes:

Code Sections:

Agenda Date: 07/24/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-0359_Supporting Documents_615 Maple Avenue.pdf, Admin-2023-0359 - Draft Ordinance

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	6/26/2023	Matthew Ebinger	Approve	6/28/2023
2	2	6/27/2023	Kevin Vonck	Approve	7/3/2023
2	3	6/27/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	4	6/27/2023	Sharon Ebert	Approve	7/4/2023
2	5	6/27/2023	Alecia Blackwell - FYI	Notified - FYI	
2	6	6/27/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	6/27/2023	Jeff Gray - FYI	Notified - FYI	
2	8	7/7/2023	Lincoln Saunders	Approve	6/29/2023
2	9	7/19/2023	Mayor Stoney	Approve	7/11/2023

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2023-0359

Title

To authorize the special use of the property known as 615 Maple Avenue for the purpose of an accessory building, upon certain terms and conditions.

Body

O & R Request

DATE: June 26, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in 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 615 Maple Avenue for the purpose of an accessory building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 615 Maple Avenue for the purpose of an accessory building, upon certain terms and conditions.

REASON: The subject property is located in the R-4 Single-Family Residential District and an accessory structure is a specified permitted use listed in this zoning district. However, the proposal does not meet all setback requirements. Therefore, a Special Use Permit is 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 .149 acre subject property is located on the eastern side of Maple Avenue near the intersection with Christopher Lane. There is no alley access to the rear of the property. The property is located in the R-4 Single-Family Residential District where the required rear yard setback is six feet. The accessory garage as built encroaches 1.9 feet into this setback area.

The subject property, as well as the other properties on the block, is improved with single-family dwellings.

The City's Richmond 300 Master Plan designates the property for Residential uses which consists

primarily of single-family houses on large- or medium-sized lots more homogeneous in nature.

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

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: July 24, 2023

CITY COUNCIL PUBLIC HEARING DATE: September 11, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, September 5, 2023

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

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036

..Recommended Action

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike Withdrawn --- Continue to:



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: 615 Maple Ave Date: _____
Tax Map #: W0210212019 Fee: \$300
Total area of affected site in acres: 0.149

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

Zoning

Current Zoning: R-4
Existing Use: Single-Family Detached Dwelling

Proposed Use

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

Accessory Detached Garage
Existing Use: Single-Family Detached Dwelling

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Mark Baker / Will Gillette

Company: Baker Development Resources
Mailing Address: 530 E Main Street, Suite 730
City: Richmond State: Va Zip Code: 23219
Telephone: (804) 8746275 Fax: ()
Email: will@bakerdevelopmentresources.com

Property Owner: Kristina L. Bushey

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: 615 Maple Ave
City: Richmond State: VA Zip Code: 23226
Telephone: () Fax: ()
Email: _____

Property Owner Signature: Kristina L. Bushey

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

March 2nd, 2023

*Special Use Permit Request
615 Maple Avenue, Richmond, Virginia
Map Reference Number: W021-0212/019*

Submitted to:	City of Richmond Department of Planning and Development Review Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219
Submitted by:	Baker Development Resources 530 East Main Street, Suite 730 Richmond, Virginia 23219

Introduction

The property owner is requesting a special use permit (the "SUP") for 615 Maple Avenue (the "Property"). A detached accessory garage was constructed on the Property in good faith pursuant to BLDR-109959-2022 (the "Building Permit") issued on October 26th, 2022 and is substantially complete. Due to conditions in the field, however, the detached garage was unintentionally built within the rear yard setback. As a result, the owner is now pursuing a SUP to authorize the existing 1.9' encroachment into the rear yard setback. In all other aspects, the underlying zoning for the Property is met.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the east side of Maple Ave between Christopher Lane and Guthrie Avenue. The Property is referenced by the City Assessor as tax parcel W021-0212/019 and is currently improved with an owner-occupied single-family detached dwelling and detached accessory garage. The Property is approximately 50 feet in width and contains roughly 6,500 square feet of lot area.



The properties in the immediate vicinity are developed primarily with residential uses though institutional uses (St. Christopher's School) and commercial uses can also be found nearby. Single-family detached dwellings are the most prevalent residential use with some

multi-family across Patterson Ave. The commercial uses are clustered along Patterson Avenue to the north and the intersection of Libbie Avenue and Grove Avenue to the south.

EXISTING ZONING

The Property and those immediately surrounding it are located within the R-4 Single Family Residential District. To the North along Patterson are properties zoned R-53 Multifamily Residential District, B-2 Community Business District, B-7 Mixed-Use Business District, and RO-2 Residential Office District. To the south, there are several properties zoned RO-1 Residential Office District and UB-PO1 Urban Business District.

MASTER PLAN DESIGNATION

The request is consistent with the Richmond 300 Master Plan (the "Master Plan"), which suggests "Residential" for the Property. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. This designation also encourages developments to reinforce a gridded street pattern in order to increase connectivity. Single-family dwellings are the contemplated primary use in the Residential future land use designation (p. 54).

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 86 (High-Quality Places Chapter), Objective 1.4, to "maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards."
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City," as the request legitimizes thoughtfully designed new construction.

TRANSPORTATION

The Property is located along Maple Avenue which is not serviced by a bus route. The closest active route is Route 79 which runs along Patterson Avenue and provides connection from Gayton Crossing to Staples Mill.

Proposal

PROJECT SUMMARY

The Property is zoned R-4 Single-Family Residential, which requires a rear yard with a depth of not less than 6 feet. A detached accessory garage was constructed, by-right, on the Property pursuant to the Building Permit issued on October 26th, 2022, and is substantially

complete. The developer followed the appropriate steps and showed good faith throughout the pursuit of the needed approvals for the construction of the garage. The developer was aware of the applicable zoning requirements and the design and building placement reflected on the plans attached to the approved Building Permit demonstrated compliance. The detached accessory garage that was constructed on the Property is of a high-quality, modern design. However, due to conditions in the field, the garage was unintentionally constructed approximately 1.9 feet closer to the rear property line than intended and as shown on the building permit plans. In all other aspects the garage is compatible with the underlying zoning.

PURPOSE OF REQUEST

As built, the detached accessory garage has a rear yard setback of 4.1 feet. As a result, a SUP is necessary in order to authorize the existing encroachment into the rear yard of 1.9 feet. The SUP would legitimize the newly constructed detached accessory garage that was built in good faith.

PROJECT DETAILS

The detached accessory garage is one and a half stories and located to the rear of the Property. The footprint of the structure is approximately 21 feet by 20 feet. The exterior is constructed with cementitious board and batten siding and includes a French door to match the existing house. In exchange for the SUP, the intent of this request is to legitimize the utilization of the Property with a high-quality accessory garage for the current resident.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed special use permit for an accessory garage will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposed garage will create no congestion on streets, roads, alleys or any other public right of way.

- ***Create hazards from fire, panic or other dangers.***

The accessory structure is developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

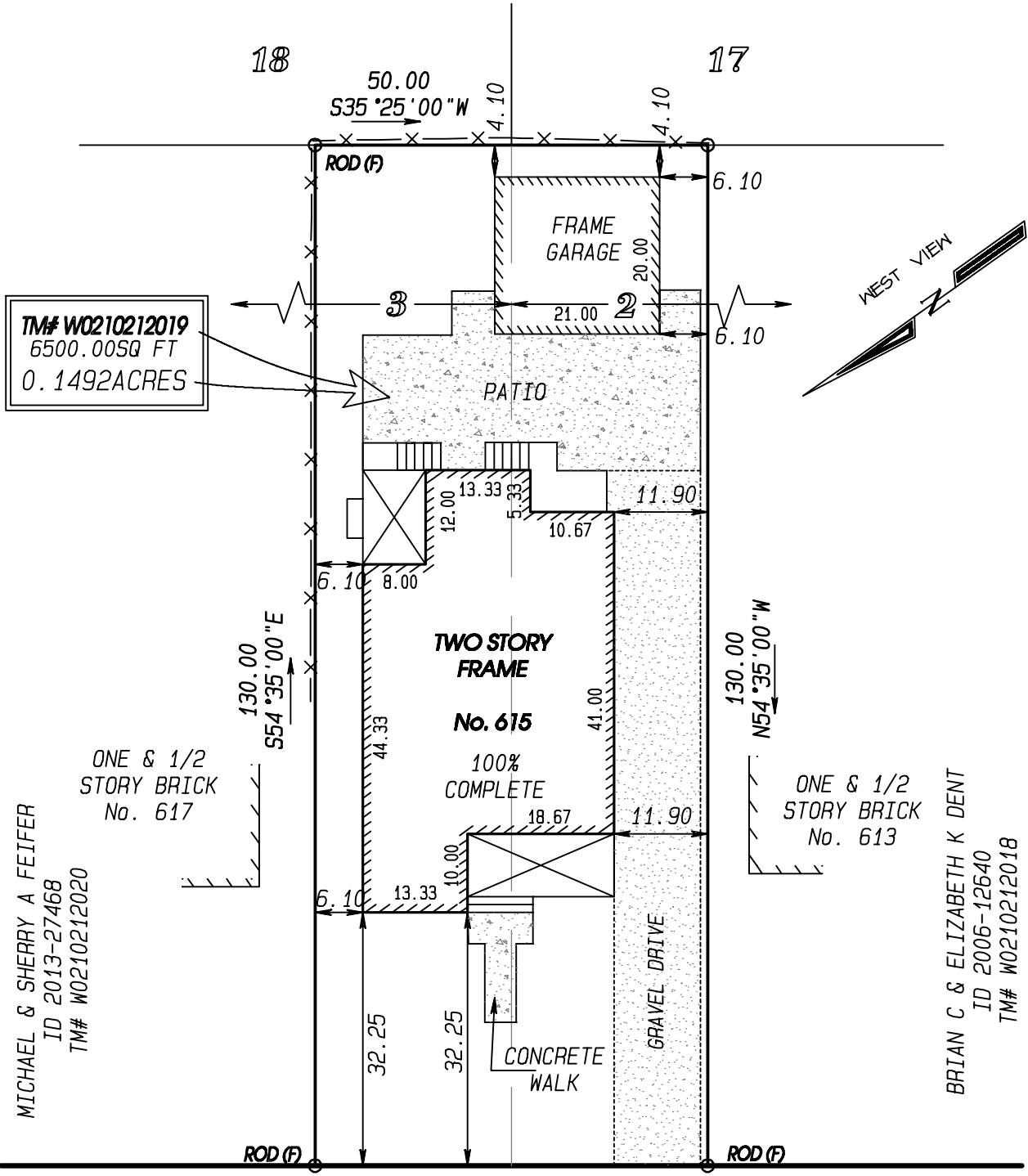
- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties will not be affected. The proposed structure is of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

In summary we are enthusiastically seeking approval for the existing high-quality detached accessory garage on the Property. The detached accessory garage was constructed pursuant to the Building Permit issued on October 26th, 2022 and is permissible by the underlying zoning and allows the current Property owner to fully utilize their Property.

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: KRISTINA L BUSHEY ID2021-36616



TM# W0210212019
 6500.00SQ FT
 0.1492ACRES

MICHAEL & SHERRY A FEIFER
 ID 2013-27468
 TM# W0210212020

ONE & 1/2
 STORY BRICK
 No. 617

TWO STORY
 FRAME
 No. 615
 100%
 COMPLETE

ONE & 1/2
 STORY BRICK
 No. 613

BRIAN C & ELIZABETH K DENT
 ID 2005-12540
 TM# W0210212018

105.00' TO THE SOUTH LINE OF
 SAINT CHRISTOPHERS LANE
 EXTENDED

50.00
 N35°25'00"E

CURB &
 GUTTER

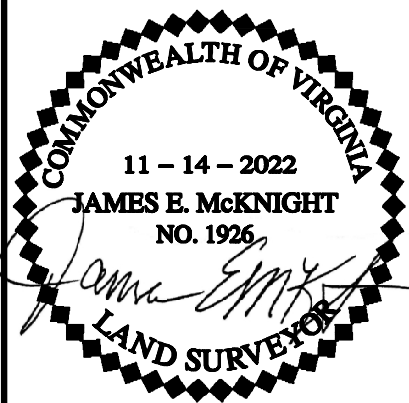
MAPLE AVENUE

60' RW

PLAT SHOWING IMPROVEMENTS ON No. 615
 MAPLE AVENUE, IN THE CITY OF
 RICHMOND, VIRGINIA.

THIS IS TO CERTIFY THAT ON NOVEMBER 14, 2022, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.

SCALE: 1" = 20'



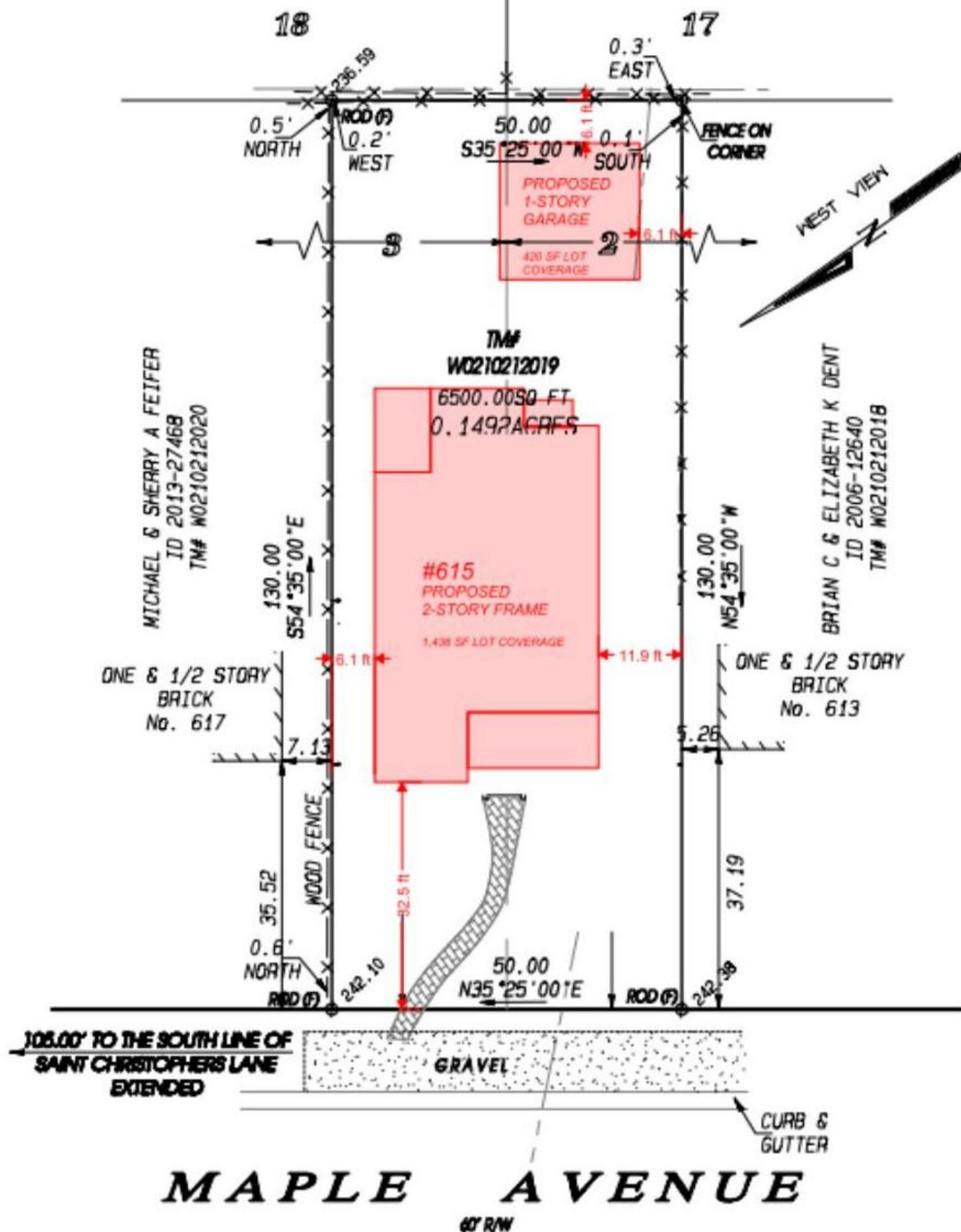
McKNIGHT
 & ASSOCIATES, P.C.

LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23235
 TELEPHONE (804) 320-2646

JOB NUMBER: 89043615FIN

NOTES: THIS PROPERTY IS LOCATED IN P.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: JANET W TUCKER ID 87-794
 VERTICAL DATUM REFERENCED FROM CITY OF RICHMOND GIS



**PLAT SHOWING IMPROVEMENTS ON A PORTION OF LOT 2 & 3,
 BLOCK "F", PLAN OF "WEST VIEW" SECTION "B",
 IN THE CITY OF RICHMOND, VIRGINIA.**

THIS IS TO CERTIFY THAT ON JULY 15, 2021 I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.

SCALE: 1" = 20'



**McKNIGHT
 & ASSOCIATES, P.C.**

LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23235
 TELEPHONE (804) 320-2646

JOB NUMBER: 89043615