



November 13, 2023

VIA EMAIL

Andreas D. Addison
Richmond City Council, 1st Voter District
900 E. Broad Street, Suite 305
Richmond, Virginia 23219

Dear Mr. Addison,

This letter is written in regard to SUP-126088–2023 (615 Maple Ave), a request to amend the setback for a recently-built garage that encroaches approximately two feet into the minimum six-foot rear yard specified in the zoning ordinance.

As you may be aware, Center Creek Homes has now built over 100 homes (almost all in the City of Richmond) since its inception in 2018. Our company is rooted in mission-focused, affordability-driven housing, and our Richmond-based team is committed to being a positive force for the community. New housing development on a dwelling-by-dwelling basis is inherently difficult, based on certain inefficiencies related to infill sites in the context of a complex regulatory environment. In recognition of that, Center Creek Homes takes our due diligence very seriously. We work alongside consultants and City reviewers on a case-by-case basis on every project in order to ensure compliance and identify any need for special approvals such as Special Use Permits (SUPs) up front. As a result, we have a proven track record of pursuing dozens of SUPs and Board of Zoning Appeals approvals in advance of construction. We hope this helps illustrate that we strive to understand the regulations and, where necessary, seek land use permission for projects prior to permitting and construction. We rarely, if ever, have found ourselves having to beg for forgiveness.

Center Creek approached the 615 Maple project with our typical standard of care. Appropriate permits were pursued and were issued by the City. Unfortunately, due to human error in the field during construction, the garage was built within the rear setback, which was not consistent with the approved plans. That discrepancy was only discovered upon receipt of the as-built survey for the property – with the main dwelling complete. Upon learning of our unintended error, we notified City officials to determine next steps.

The error itself was certainly a failure to follow approved plans, but it was in no way intended or planned in advance. Having said that, we completely acknowledge that an error was made, that it is our



error, and that it is our responsibility to address the error via the SUP process. The mistake occurred at no fault of the homeowner who entrusted us to build her home, the adjacent property owners, or the dedicated professionals and public officials at the City of Richmond (such as yourself). We deeply regret the consternation that this has caused, and we would like to express sincere assurances that this is the exception, and not the rule, with respect to how we operate.

We also understand that several neighbors have expressed concerns through this process, as is their right. We are sympathetic for having had to put them through this as well. We would note that we did meet with the adjacent property owners early on in the hopes of working out a boundary line adjustment as an alternative to a lengthy SUP process. However, as there was ultimately no interest in that solution on the part of the neighbors, the SUP was our only reasonable recourse. We do maintain that there are some critical inaccuracies in the information that has been provided to the City by those neighbors. However, at the same time, much of that is understandable as the City's land development processes and regulations are complex and not always intuitive.

Finally, we think it is important to point out that, while the SUP does address a mistake, it does not have to be viewed as precedent setting. This request, as noted by staff in their report and as discussed at the Planning Commission, does meet all the statutory requirements related to the approval of SUPs. In fact, we have clearly demonstrated that the garage as constructed is less impactful on the neighboring property than an accessory structure that could have been built on a by-right basis. As a result, this request has not been presented in a way that suggests all future mistakes by contractors are deserving of special approval.

We are certainly apologetic for our error and the resulting timing of the request. We have learned as a result of this project and will work hard to avoid this type of process failure in the future.

Very truly yours,

Greg Shron
Chief Operating Officer

Nate Van Epp
Principal