INTRODUCED: October 12, 2015

AN ORDINANCE No. 2015-229-223

To authorize the special use of the property known as 3508 East Broad Street for the purpose of waiving the parking requirement for a single-family dwelling and a dwelling unit located in an accessory building, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: NOV 9 2015 AT 6 P.M.

WHEREAS, the owner of the property known as 3508 East Broad Street, which is situated in a R-8 Urban Residential District, desires to use such property for the purpose of waiving the parking requirement for a single-family dwelling and a dwelling unit located in an accessory building, upon certain terms and conditions, which use, among other things, is not currently allowed by section 114-413.13(2)(d) of the Code of the City of Richmond (2004), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	NOV 9 2015	REJECTED:		STRICKEN:	

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 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 114-1050.1 of the Code of the City of Richmond (2004), 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 3508 East Broad Street and identified as Tax Parcel No. E000-1118/019 in the 2015 records of the City Assessor, as more particularly described in a deed recorded in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia, in Deed Book 384, page 1683, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a single-family dwelling and one dwelling unit located in an accessory building, hereinafter referred to as "the Special Use," substantially as shown on pages A1 through A12 of the plans entitled "3508 East Broad Street Carriage House Building Renovation Plans," prepared by Obsidian, Inc., dated April 7, 2015, and last revised May 20, 2015, 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) No off-street parking shall be required for the Special Use of the Property.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

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(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 (2004), 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.

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(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 114-1220 of the Code of the City of Richmond (2004), 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 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), 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 114-1080 of the Code of the City of Richmond (2004), 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

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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.



City of Richmond



900 East Broad Street 2nd Eloor of City Hall Richmond, VA 23219 www.richmondgov.com

Intracity Correspondence

Ordinance: a2015 - 1078

OCT 0 1 2015

OFFICE OF CITY ATTORNEY

File Number: a2015 - 1078

To authorize the special use of the property known as 3508 East Broad Street for the purpose of waiving the parking requirement for a dwelling unit located in an accessory building, upon certain terms and conditions.

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DATE	: Septemb	er 2, 2015	EDITI	DN: 1	S	EP 1 6 201	15
TO:	The Hono	orable Members of C	City Council			-	
THRC		Jones, Mayor	C	/ \	Ci	Idministration ty of Richmon	
	(This in r	io way reflects a re	commendation on	behalf of the Mayor	')		
THRC	UGH: Selena C	uffee-Glenn, Chief A	Administrative Offic	er 40	Λ	IN 2	
THRO		owney, Interim Dep nent and Planning	outy Chief Administ	rative Officer for Eco	nomic K	NJ	
FROM	1: Mark A. C Review	linger, Director, De	partment of Plannir	ng and Development	104		
RE:	•	se permit for 3508 E ent for a dwelling un		•	I		

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 3508 East Broad Street for the purpose of waiving the parking requirement for a dwelling unit located in an accessory building, upon certain terms and conditions.

REASON: The proposed dwelling unit to be located in an existing carriage house is a permitted use in the R-8 Urban Residential District. However, the applicant is not able to provide the required one off-street parking space and the conversion of the accessory building would be removing the existing parking space serving the single-family dwelling located on the property. Therefore, a special use permit is required.

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. This item will be scheduled for consideration by the Commission at its November 2, 2015, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The property is located in the Church Hill neighborhood near the intersection of East Broad Street and North 36th Street and directly across from Chimborazo Park. The property is currently improved with a single-family residence and a carriage house in the rear of the property, just off a public alley. The applicant requests a special use permit to waive the parking requirement for the existing single-family dwelling and a proposed dwelling unit in the carriage house.

The subject property is .133- acre in size and the existing single-family dwelling is approximately 2,840 square feet. The existing carriage house garage is building is approximately 1,400 square feet and would be converted into a dwelling unit with a kitchen and living room on the first floor and a bedroom and bathroom on the second floor.

The Richmond Master Plan designates this property as Single-Family (medium density) in the East Planning District. "Primary uses are multi-family dwellings at densities up to 20 units per acre. Includes day nurseries, adult day care and residential support uses such as schools, places of worship, neighborhood parks and recreation facilities and limited public and semi-public uses (p. 133)."

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

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

REVENUE TO CITY: \$300 application fee

Q \$\$ \$

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: September 28, 2015

CITY COUNCIL PUBLIC HEARING DATE: November 24, 2015

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, November 2, 2015

AFFECTED AGENCIES: Office of Chief Administrative Officer; Law Department (for review of draft ordinance); and City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance



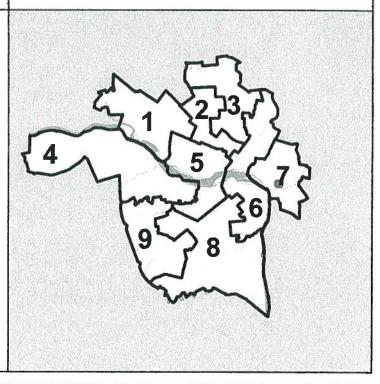
City of Richmond Department of Planning & Development Review

LOCATION: 3508 East Broad Street

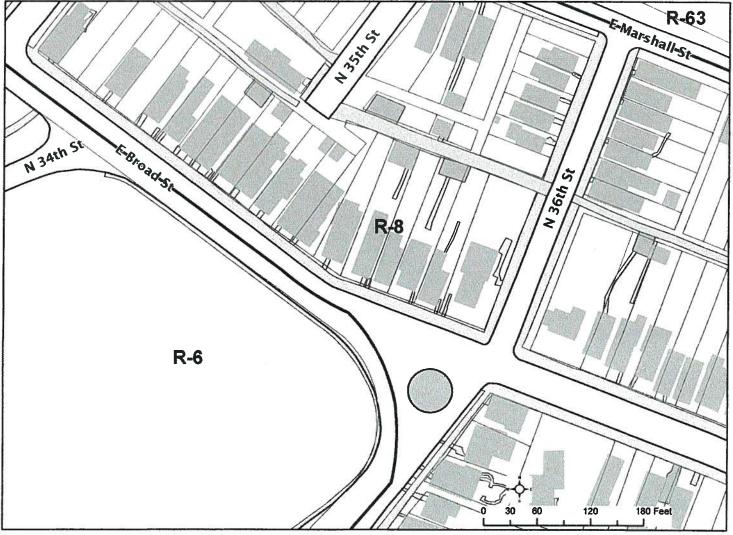
COUNCIL DISTRICT: 7

PROPOSAL: To authorize the special use of the property known as 3508 East Broad Street for the purpose of waiving the parking requirement for a dwelling unit located in an accessory building, upon certain terms and conditions.

Special Use Permit



For questions, please contact Lory Markham at 646-6309 or Lory. Markham@richmondgov.com



Richmond WRGINIA Application for	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/					
Amplication	D C C C C C C C C C C C C C C C C C C C					
Application is hereby submitted for: (check one) special use permit, new special use permit, plan amendment special use permit, text only amendment	JUL 0 2 2013					
Project Name/Location	LAND USE ADMINISTRATION					
Project Nome						
Property Address: 3508 EBFORIEST Richmond, Va Tax Map #: E0001118019						
Fee: Total area of affected site in acres: Total area of affected site in acres: Total area of affected site in acres: (See page 3 for fee schedule, please make check payable to the "City of Richmond")						
	e include a detailed description of the					
EXISTING USP NUCLEY & Constructions of Propos	Litional Single duselling CARRIAGE house					
Applicant/Contact Person: MARY SHARON WAYNE						
Mailing Address: 3508 E BROALST						
City: Richmond State	:1/a Tin Code: 23202					
Telephone: $(804) 5024799$ Eav. (
Email: SHARWAY 35@ TALOO, COM						
Property Owner: MARY Sharon WAUNE.						
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: 3508 E Broad St						
Telephone: (804,502/1299 State: Va Zip Code: 23222						
Fav: (~)						
Email: Sharway 35@YAhoo. com Property Owner Signature: Maria Shara (Maria)						
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 signa-						
NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)						

To: City Planning office

Re: 3508 E. Broad St. carriage house, special use permit

Dear Sirs,

July 6,2015

I am a 50 year (plus) resident of Richmond, currently living in historic Church hill. Twenty years ago I purchased a derelict property that had been ravaged by a fire and then sat empty for many years. I have lived in the midst of this process in this home, and restored it to its former beauty and historical In January I began the process of converting appropriateness. my carriage house into a one bedroom apt. I have worked hard to comply with the cities requirements, including the arduous process of complying with CAR. This has included specific and very costly windows and doors, and a litany of other specifics. That process took well into March, before I could even apply for a building permit. My belief that the difficult process was done, was soon deflated by roadblocks and delays within building and zoning. First I was advised that the one parking space that had been leased was not adequate, but rather two spaces were required, even though the carriage house was never used for off street parking.

Once the 2nd off street parking spaces were achieved the question was raised as to the actual ownership of the land as the city had an easement that took up a portion of that lot. While I believe that there is still enough room to park 2 cars on this parcel, the owner is unwilling to have the property surveyed. At this point, I pursued other options, I researched a vacant parcel in an attempt to buy it, and found that the owner had not paid taxes on the property since 2009. After an exhaustive search, including, registered mail, physical drive to address on record, query of neighbors, google search, whitepages.com, 411 information, facebook with various name permutations, and statewide obituary search, I have concluded that this person has either left the country, or is nonexistent.

During this process, I searched for other parking options, and found that my neighbor at 3514 E Broad St, had available parking for her household, as well as 2 more spaces. I cleaned up this lot, and added gravel, and wrote up a 2 year contract following the guidelines provided by the city. Both my neighbor and I signed this document, and I paid 6 months in advance. It was only after I did this second parking contract that the issue of the space requirement be commercial rather than There is an absence of commercial spaces in my residential. area, and none in the required distance from my carriage house. I do not understand the difference between a commercial space and a residential one, particularly if the residential area is already set up as a parking zone. To further confuse me, I find that another neighbor is renting residential parking spaces to a new construction apartment building at 2813 M St. I have also found that commercial apartments are only required to have 1 parking space for every 4 apartments.

At this point I spoke with an attorney to consider the process of adverse possession. My question to the city was whether my action of paying the back taxes, cleaning the lot, and putting up signage, would allow me to proceed with obtaining the building permit. This would be a risk on my part, as the process takes 15 years, and a win, win for the city. I approached the city attorney's office, and spoke to Greg Lukanouski, as well as contacting zoning administrator Chuck Davidson, by phone and email. To date I have received no acknowledgement from Mr. Davidson, except through Janell Baker. On my first call to Mr. Lukanouski, I was advised to speak to Mr. Davidson to "weigh in" on the feasibility of this approach. After several weeks of no response from zoning, I was told that the holdup was in the city attorney's office, as they could not reach Mr. Lukanouski. I then called a second time to speak with Mr Lukanouski, and was successful on my first try. In this call, I was told that the adverse possession action would not be enough to satisfy the approval of the building permit, until the 15years was spent. I am currently in the process

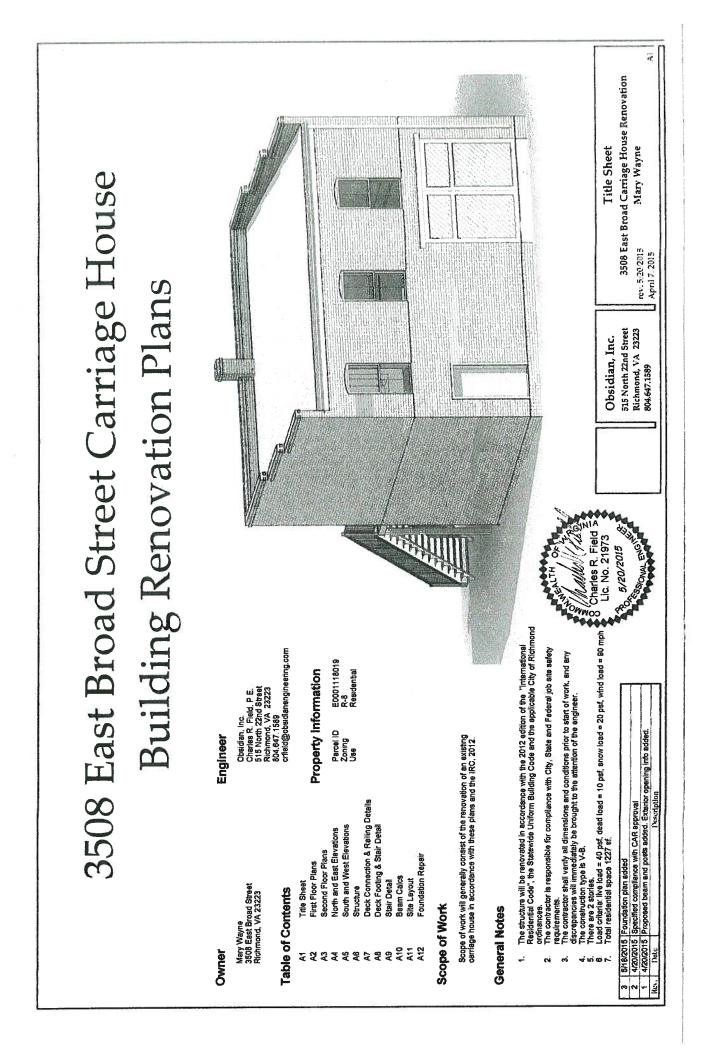
of petitioning to have the property at 3509 E. Marshall St., put up for auction due to back taxes, code enforcement violations (dumping), and drug trafficking, noted by the police.

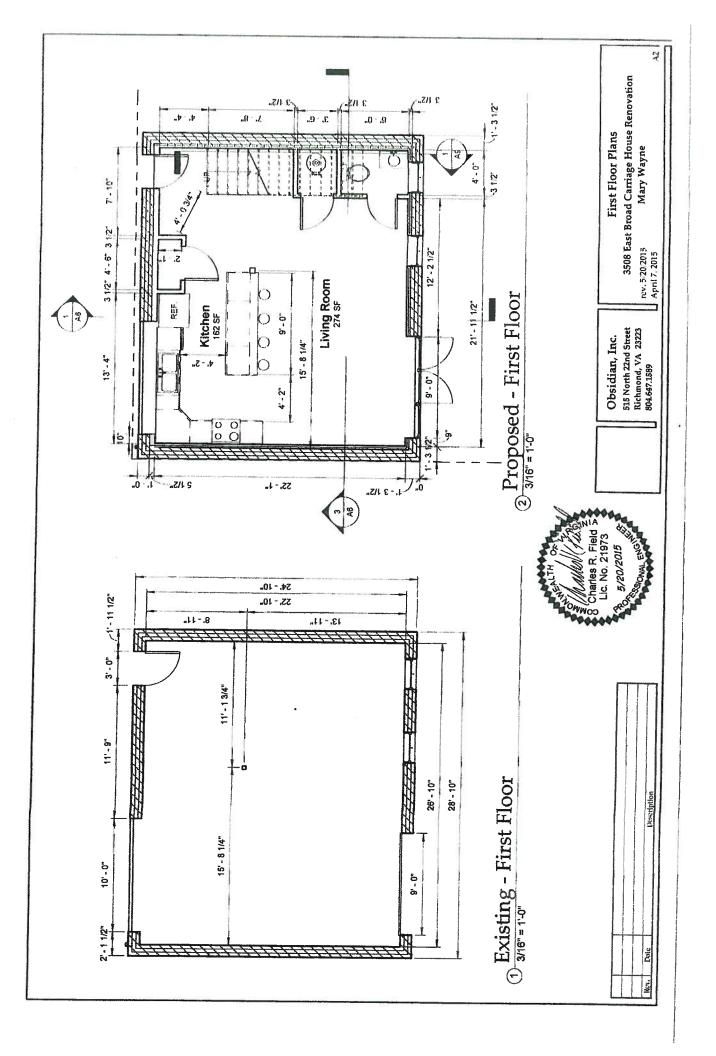
This special use permit is my last option. I am no real estate magnet, just a regular citizen who votes and pays taxes. I am pursuing the carriage house rental to vest myself in my retirement. It is a one bedroom unit, so the density impact would be minor. The renovation of the carriage house would bring added tax revenue to the city, and the preservation to an old and historic structure would be adventitious.

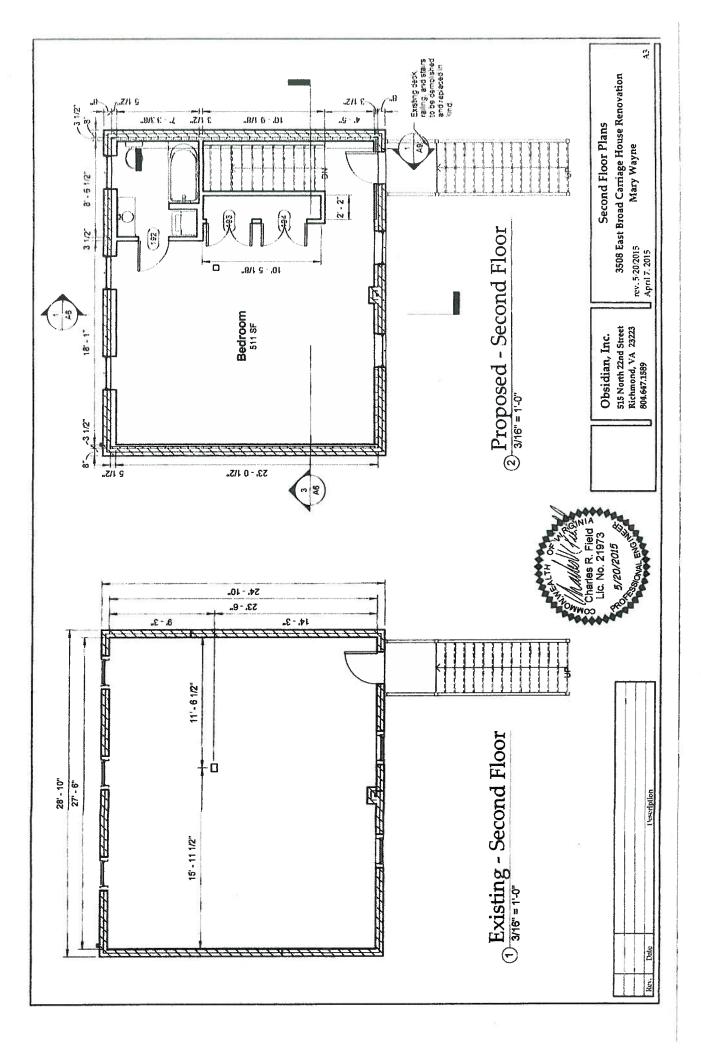
In addition, I want to point out that the suggestion of a parking space inside the carriage house is not an option. This is because, the slab that is poured is 12 inches, the turning radius to park inside is too small, the carriage house door is very heavy and manual, the rough in plumbing has been done. The space that would be taken up by a car would make the project economically unfeasible. I am sensitive to the parking needs of my neighborhood and to ease this I have sold a vehicle. I am over \$40,000.00 into this project, as I have used my retirement monies to progress to this point. I kindly ask that you waive the parking requirements and allow me to move forward with this project.

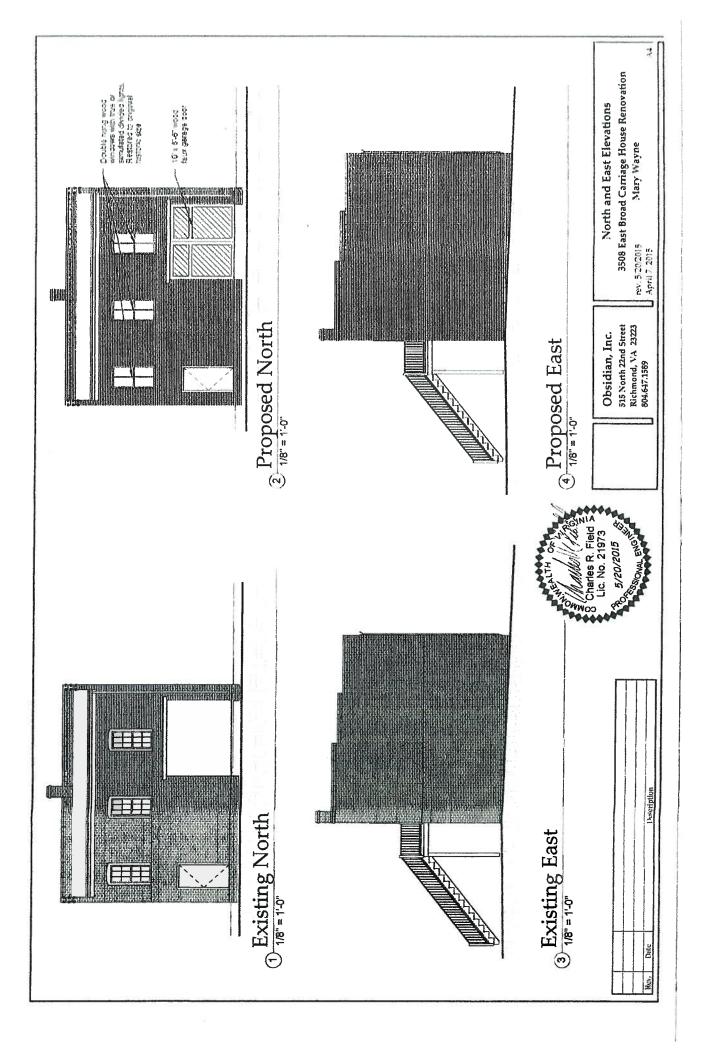
Respectfully,

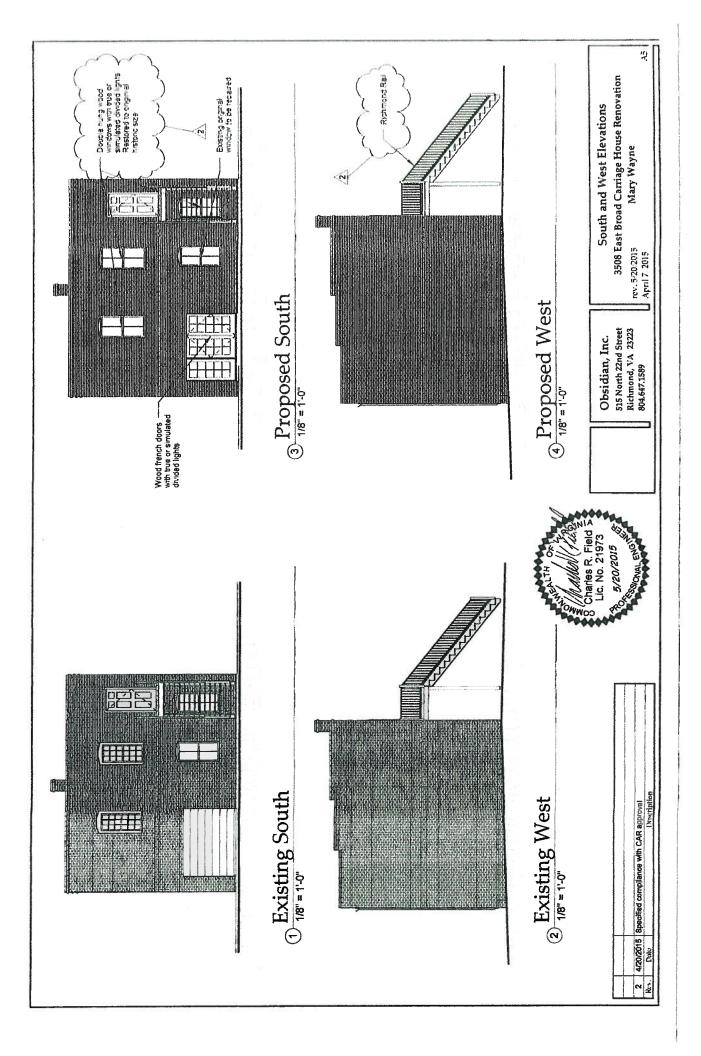
Mary Sharon Wayne

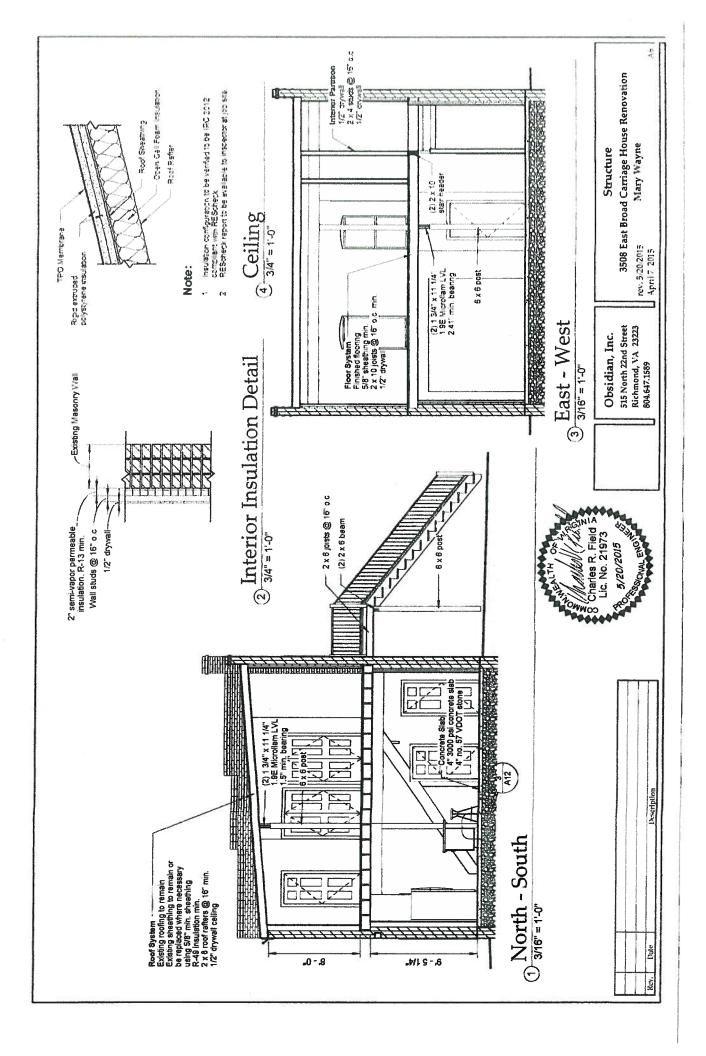


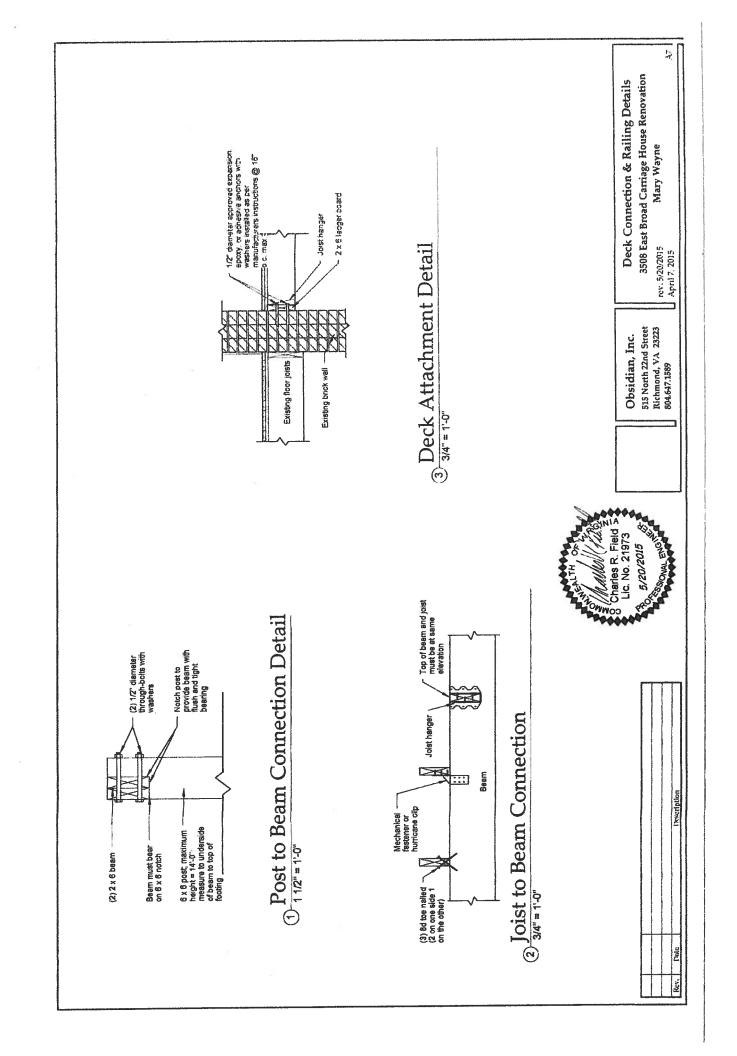


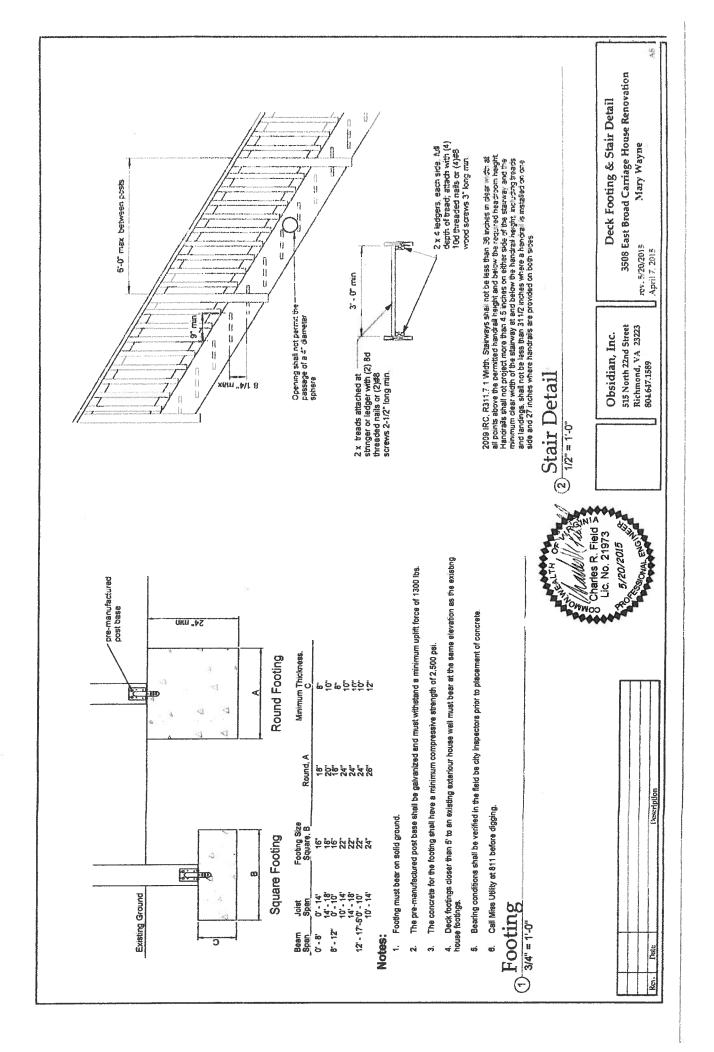


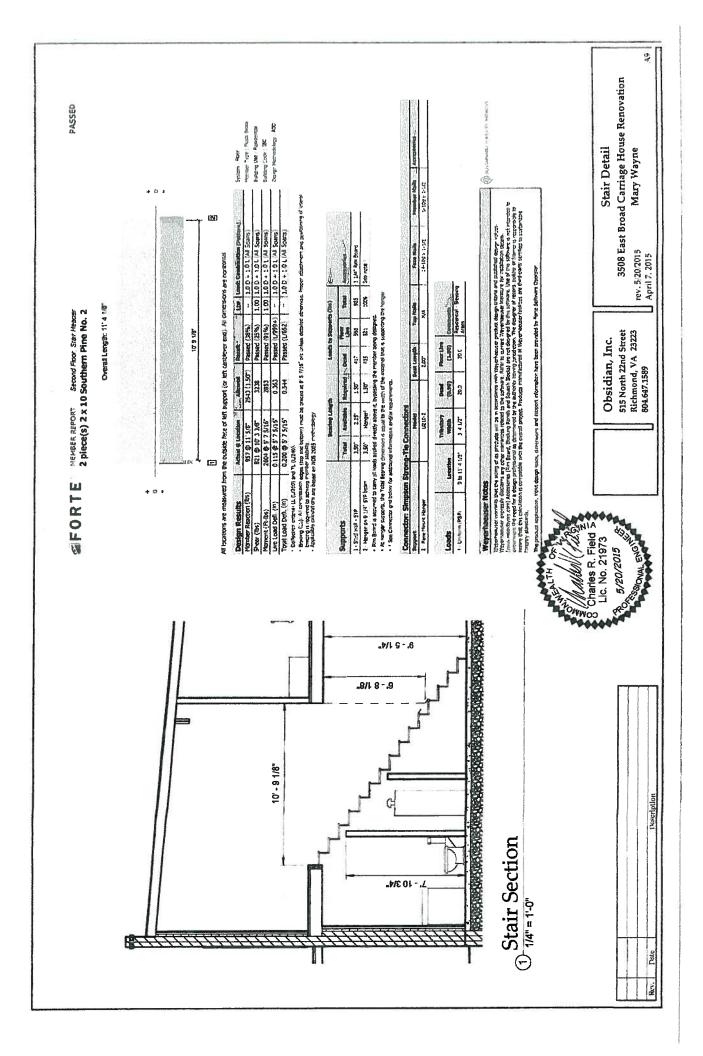


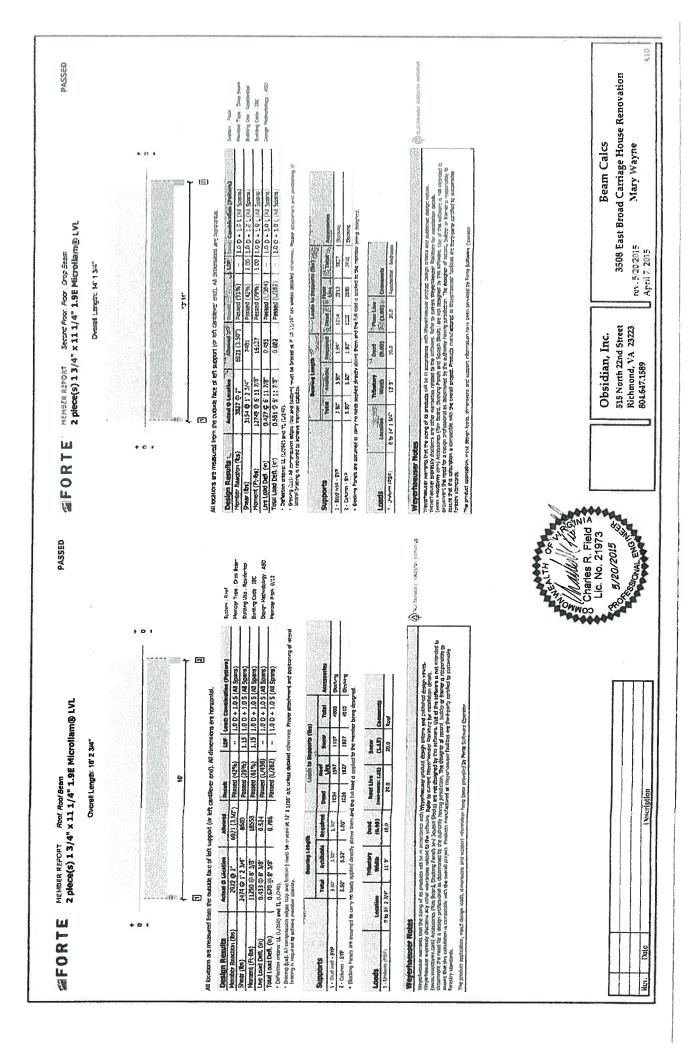


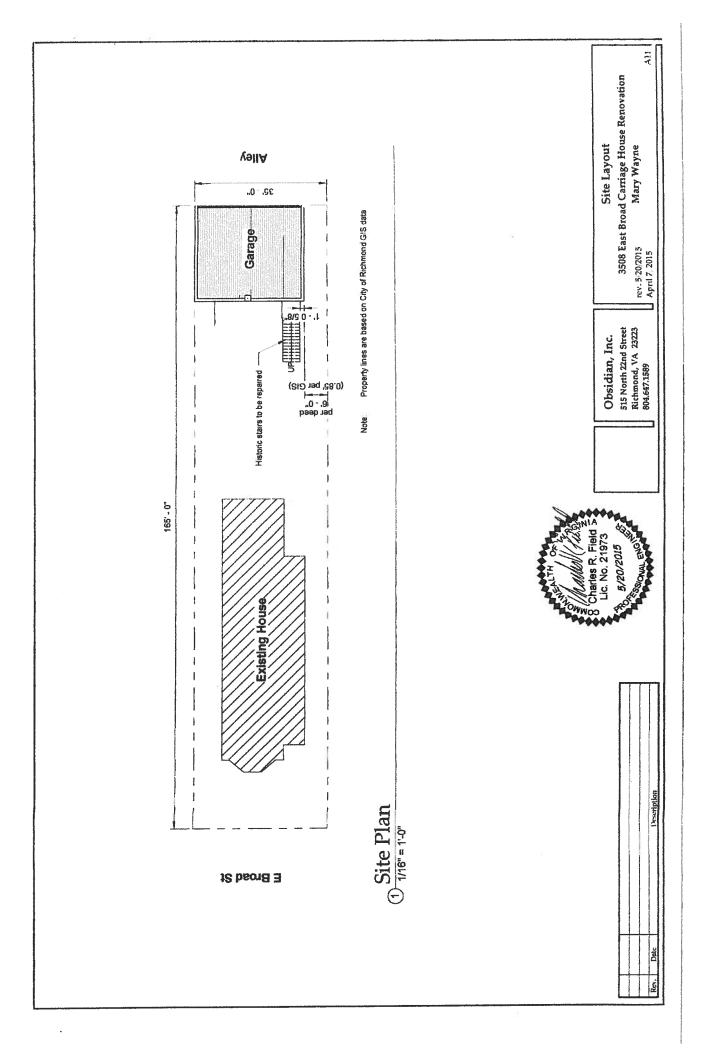












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