INTRODUCED: December 14, 2015

AN ORDINANCE No. 2015-261

To authorize the special use of the property known as 3100 East Marshall Street for the purpose of waiving the parking requirement for a two-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: JAN 11 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 3100 East Marshall Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of waiving the parking requirement for a two-family dwelling and a dwelling unit located in an accessory building, upon certain terms and conditions, which use, among other things, currently does not meet the parking requirements set forth in section 30-419.4 of the Code of the City of Richmond (2015), 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:	JAN 11 2016	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 30-1050.1 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 3100 East Marshall Street and identified as Tax Parcel No. E000-0730/020 in the 2015 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing a Physical Survey of Property Known as 3100 E. Marshall Street, City of Richmond, Virginia," prepared by Ronald L. Lang, Halder Surveys, P.C., and dated April 15, 2015, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted for a two-family dwelling and one dwelling unit located in an accessory building, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "3100 E Marshall St #3," prepared by Brad Price, and dated May 5, 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.
- (b) The use of the accessory building shall be permitted substantially as shown on the Plans attached to this ordinance.

- § 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 (2015), 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 (2015), 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 (2015), 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 (2015), 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.

4-4382



City of Richmond

Intracity Correspondence

Report: a2015 - 1510

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

DEC 10 2015

File Number: a2015 - 1510

To authorize the special use of the property known as 3100 East Marshall Street for the purpose of waiving the parking requirement for a two-family dwelling and a dwelling unit located in an accessory building upon certain terms and conditions.

DATE:

November 6, 2015

O & R Request

EDITION:

Chief Administration Office

City of Richmond

TO:

The Honorable Members of City Council

THROUGH:

Dwight C. Jones, Mayor

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH:

Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH:

Peter L. Downey, Interim Deputy Chief Administrative Officer for Economic Development and

Planning

FROM:

Mark A. Olinger, Director, Department of Planning and Development Review

RE:

To authorize the special use of the property known as 3100 East Marshall Street for the

purpose of waiving the parking requirement for a two-family dwelling and a dwelling unit

located in an accessory building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 3100 East Marshall Street for the purpose of waiving the parking requirement for a two-family dwelling and 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-63 Multi-family Urban Residential District. However, the applicant is not able to provide the required one off-street parking space and 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 January 4, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is located on a parcel 0.055 acre in size and is improved with a two-family dwelling unit and vacant carriage house. The two-family dwelling is approximately 2,300 square feet in size and the carriage house is 440 square feet.

The applicant proposes to convert the carriage house into a one-bedroom dwelling unit with a full kitchen, bathroom, living room, and bedroom. The special use permit would waive the off-street parking required for the dwelling unit in the carriage house as well as the primary two-family dwelling. On July 30, 2015, the Commission of Architectural Review granted a Certificate of Appropriateness for the proposed renovation.

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: \$1,800 application fee

DESIRED EFFECTIVE DATE: Upon adoption,

REQUESTED INTRODUCTION DATE: December 14, 2015

CITY COUNCIL PUBLIC HEARING DATE: January 11, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE:

None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, January 4, 2016

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, Plans, Survey

STAFF:

Willy Thompson, Senior Planner Land Use Administration (Room 511)

646-5734

DCD O&R No.15-37



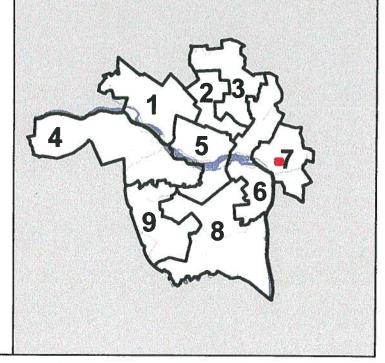
City of Richmond Department of Planning & Development Review

Special Use Permit

LOCATION: 3100 East Marshall Street

COUNCIL DISTRICT: 7

PROPOSAL: To authorize the special use of the property known as 3100 East Marshall Street for the purpose of waiving the parking requirement for a two-family dwelling and a dwelling unit located in an accessory building, upon certain terms and conditions.



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





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					
Project Name: 3100 East Marshall Street, Richmond VA	23223	Date: 8/28/15			
Property Address: 3100 East Marshall Street, Richmond VA 23223 Tax Map #: E00007300					
Fee: \$1,800 Total area of affected site in acres: 0.06 acres (See page 3 for fee schedule, please make check payable to the "City of Richmond")					
Current Zoning: R-63 Residential multifamily	Proposed Use Please include a detailed description of the proposed use in the required applicant's report)				
Existing Use: Duplex with detached carriage house Is this property subject to any previous land use cases? Yes No If Yes, Delay please list the Ordinance Number: Board of Zoning Appeals case 226-46 from 12/2/1946					
Applicant/Contact Person: Marie B. Assouan Company: Mailing Address: 1700 Timberly Waye					
City: Richmond					
Telephone: <u>(804) 647 - 1427</u>					
Email: Marybe.Assouan@gmail.com	900000A				
Property Owner: Marie B. Assouan					
If Business Entity, name and title of authorized signee:					
(The person or persons executing or attesting the execution of this Application been duly authorized and empowered to so execute or attest.)	cation on behalf of the				
Mailing Address: 1700 Timberly Waye City: Richmond		Zip Code: 23238			
Telephone: _(804) 647 - 1427	State. <u>VA</u> Fax: _(
Email: Marybe Assouan@gmail.com					
Property Owner Signature: Value Character	orana di salah				
The names, addresses, telephone numbers and signatures of all owners needed. If a legal representative signs for a property owner, please attached to be accepted.	ch an executed power	of attorney. Faxed or photocopied signatures			
NOTE: Please attach the required plans, checklist, and a check for t	he application fee (s	ee Filing Procedures for special use per-			

Special Use Permit Application 3100 East Marshall Street Richmond, VA 23223

Applicant's Report

I. Proposed Use

I am applying for a special use permit to convert the rear carriage house, unit #3 at 3100 East Marshall Street, currently listed as a detached garage in the tax records, into a one bedroom dwelling. The property is located in the Oakwood-Chimborazo Historic District, and stands at the corner of Marshall Street and 31st Street. The alternate address 407 North 31st Street sometimes shows up in City records.

The unit is currently boarded up, grows vine, and is an eye-sore to the beautiful community it belongs to, not to mention the depreciating impact it currently has on neighbor properties. The unit also poses a health and safety hazard as it stands, as rodents and looters might be attracted to an empty unit. This is particularly dangerous, since the garage is located on 31st Street, directly across from Chimborazo Elementary School.

Therefore, rehabilitating the unit would contribute to a significant improvement to the community's safety, health, morals and general welfare.

The unit can no longer be used as a garage (see background info below), and the inside already has the layout and amenities of a dwelling unit, so converting it into a one-bedroom apartment is the most logical and cost effective use of the building. In addition, the conversion to a one-bedroom unit is the transformation that would minimize any alterations to the building structure as it currently stands. Finally, this residential use would be consistent with all the homes on the same 31st block between Marshall Street and Clay Street.

The conversion would only add one car to street parking in the surroundings, which does not constitute a burden, as there is currently ample parking space available on 31st Street and Marshall Street. The location of the garage unit at the corner of a narrow off of 31st Street would make it impossible to take a turn and park in the garage, so the property has always relied on street parking.

II. Background

I purchased the property in August 2012, in good faith, and found that the garage unit was (and still is) boarded up. Upon removing the screws on the door leading to the rear yard, and entering the premises,

I noticed that the inside had been converted into a dwelling, and could no longer be used as a garage.

Upon further research at the zoning office, I discovered that the unit was approved to be used as an office in 1945, per the attached certificate of occupancy (exhibit 2), which explains the inside transformation. The garage unit already has its own electric meter, and is labeled unit #3, as can be seen on the attached pictures (exhibit 12) and Dominion bill (exhibit 6).

III. Detailed Description of Project

Outside

Consistent with the plans submitted to and approved by the Commission for Architectural Review (CAR) (exhibit 7), 1 plan on minimizing any changes to the outside of the building. The elevations (exhibit 4), current and proposed plans (exhibit 3) are attached.

I plan to keep the original colors of the building and trim, and color match any touch ups required.

Windows

The existing structure currently exhibits five double hung six-by-six wood windows, and one double hung two-by-one window at the rear of the building.

The windows are currently boarded up from the outside, some from the inside as well, as can be seen on the attached pictures. The glass is missing one some, and it's unclear if any of the windows are operational.

To the extent the existing windows can be refurbished and restored, they will be. Otherwise, likewise replacement double hung six by six wood windows will be used. Once installed, the windows will be stained to match the color of the existing windows.

The window at the rear of the building cannot be seen from any public place, including the back alley, as the view of that wall is completely obstructed by the neighbor's fence (see attached picture). The new interior plans call for a bearing wall that will go through the middle of the window. Therefore, it will be restored from the outside so as to appear functional, to preserve the historical character of the property, and sheet rocked from the inside.

Exterior Doors

The existing structure currently features one front door facing 31st Street, and another door on the right side of the building that looks into the rear yard of the property and is partially hidden from the outside by the wood fence and gate.

The door openings are currently boarded up. I plan on installing six wood-panel doors consistent with the residential doors guidelines found in the Old and Historic Districts Handbook.

The frame around the front door on 31st Street will be kept as is, and repaired as needed.

The front step will be kept as is and repaired as needed.

Lighting

I plan on using a traditional lantern design for the light by the front door on 31st Street, which is compatible with the historical district and has been approved by CAR. The white color matches the white trim color around the door and windows. The built-in photocell will turn the lamp on at dusk and off again at dawn, which will provide safety right across from Chimborazo Elementary School.

For the door opening to the rear yard, I will use a light fixture that matches the existing light fixture outside of the kitchen door on the main building. It's currently a white motion sensor floodlight. It will be installed on the side furthest away from the road, per CAR's recommendations.

HVAC

The unit will need its own HVAC system. The HVAC systems for the main building units #1 and #2 are located on the roof of the main building. My plan, which has been approved by CAR, is to place the HVAC on the garage unit on the roof as well, in the corner that is the furthest away from the road.

> Inside

The existing and proposed plans are attached (exhibit 3). The layout is very similar on both. The bearing wall separating the living room from the bedroom will be kept in place. It will be extended to the wall on the rear side of the property, to provide a cleaner separation between the kitchen and the bedroom.

The bathroom will remain in the same location, but be extended by half a foot. A utility closet with washer and dryer hookup will be installed between the bathroom and the bearing wall.

The kitchen, facing the living room, will feature a peninsula.

IV. City Approvals and Support from the Community

This project is dear to me, so I have attempted to go through the proper channels in order to enlist support from all the affected parties.

I worked closely with the staff in the CAR office while preparing my application, and received CAR approval at the July 28, 2015 meeting (staff report and approval confirmation letters attached, *exhibit* 7).

I applied for an encroachment permit for existing and proposed encroachments on the garage unit, and received approval on August 11, 2015 (exhibit 8).

I went door to door on 31st Street and Marshall Street to speak to my neighbors about my plans, and

received unanimous support for my project, with no concerns expressed. I am attaching signed affidavits of support (exhibit 10) from the following:

- 4 adjacent neighbors on 31st Street (409, 411, 413, 415 North 31st Street), the side most affected by the garage's current appearance and conversion.
- Neighbor residing at the corner of 31st Street and Clay Street (address 425 North 31st Street).
- 3 adjacent neighbors on Marshall Street (3102, 3104, 3108, 3110 Marshall Street).

The signatures I did not obtain are for residents I was not able to get in touch with, despite my efforts.

I also discussed my plans with the Church Hill Association (CHA) which I'm a member of, and attended their Board meeting on July 2nd 2015. On July 21st, 2015, the CHA general membership voted at the monthly meeting to support my application. A letter from the Vice-President of the Association, and President of the Zoning Committee (Bill Dinkin) is attached (exhibit 9).

Finally, I reached out to Chimborazo Elementary School Assistant Principal Sharon Collins to discuss my plans and enlist the school's support. Chimborazo School is located at 3000 East Marshall Street, and located directly across from my property on 31st Street. Ms. Collins referred me to her supervisor, Dr. Anthony Leonard, Executive Director of Elementary Education. I exchanged emails with Dr. Leonard and talked to him on the phone. His signed affidavit of support is attached (exhibit 11).

V. Previous Land Use Cases

I reviewed previous cases heard by the Board of zoning appeals and have outlined below cases that were similar to mine and received approval.

Case No. 02-13 based on section 114-1040.3(14) of the City Code

Approval to convert into one dwelling unit, a building that contains 2 existing dwelling units (resulting property would have 3 units like mine).

Board was satisfied that the property was acquired in good faith, and that the building could not reasonably be devoted to a conforming use.

> Case No. 07-14 based on section 114-1040.3(13) & (14) of the City Code

Approval to renovate, expand (which I'm not doing), structurally alter (which I'm not doing) and to reestablish the nonconforming use rights for a two-family dwelling.

Board was satisfied that:

- o The property was acquired in good faith
- The alterations were primarily for the purpose of enabling the nonconforming use to be operated more efficiently or safely in a manner that does not adversely impact adjoining and surrounding properties

The building could not reasonably be devoted to a conforming use.

Case No. 21-13 based on section 114-1040.3(11) of the City Code

Approval of a Certificate of Occupancy (C.O.) for a multi-family (3-units) dwelling.

- House constructed and first occupied as a two-family dwelling in 1913 (early 1900s like mine)
- o The third unit is a one bedroom/one bath (like my proposed garage renovation)

Board was satisfied that:

- o The property was acquired in good faith
- The exception will not result in an inadequate supply of parking or other adverse impact on the neighborhood.

Case No. 28-13 based on section 114-1040.3(14) of the City Code

Approval to convert an existing 2-story vacant building into a 4-unit multi-family dwelling (resulting in increased number of dwellings like mine).

Board was satisfied that the property was acquired in good faith, and that the building could not reasonably be devoted to a conforming use.

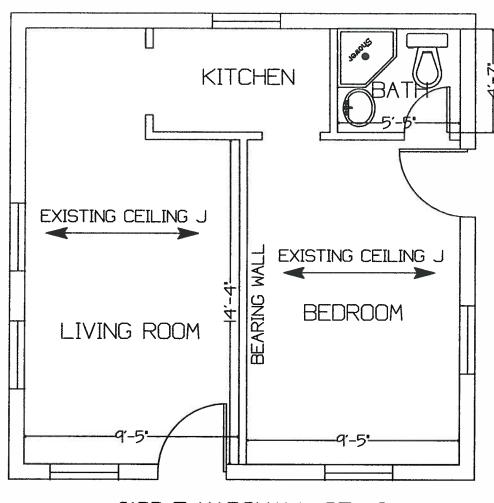
VI. Exhibits

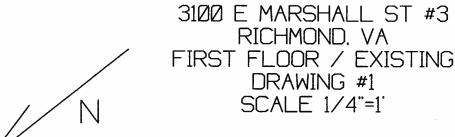
- Exhibit 1: Checklist of Plan Requirements
- Exhibit 2: 1945 Certificate of Occupancy
- Exhibit 3: Existing and proposed plans
- Exhibit 4: Elevations
- Exhibit 5: Survey
- Exhibit 6: 3100 E. Marshall St #3 Dominion electricity bill
- Exhibit 7: Commission of Architectural Review (CAR) approval and staff report
- Exhibit 8: Encroachment permit approval
- Exhibit 9: Church Hill Association (CHA) letter of support
- Exhibit 10: Neighbors signatures
- Exhibit 11: Signed support from Chimborazo school
- Exhibit 12: Pictures

Special Use Permit Application 3100 East Marshall Street Richmond, VA 23223

Plans Cover Page and Index (9 sets):

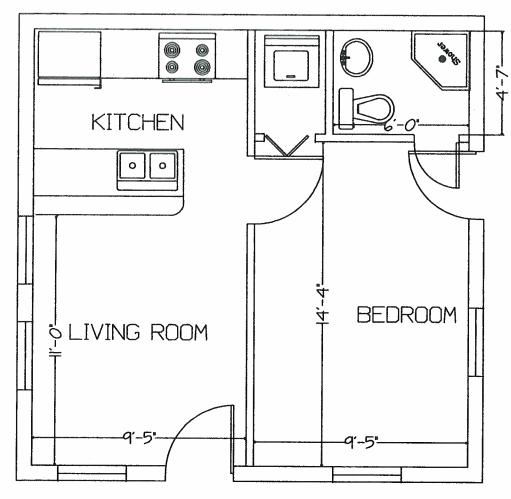
- 1- Existing Floor Plan
- 2- Proposed Floor Plan
- 3- Elevations, Existing and Proposed
- 4- Survey





1 0F3 THIS PLAN WAS DESIGNED FOR 3100 E MARSHALL ST #3 RICHMOND, VA

NetCadDrafting.com RESIDENTIAL HOUSE PLAN SERVICES 804-640-0791 DATE OF PLANS 5/5/15 PLANS DRAWN BY BRAD PRICE



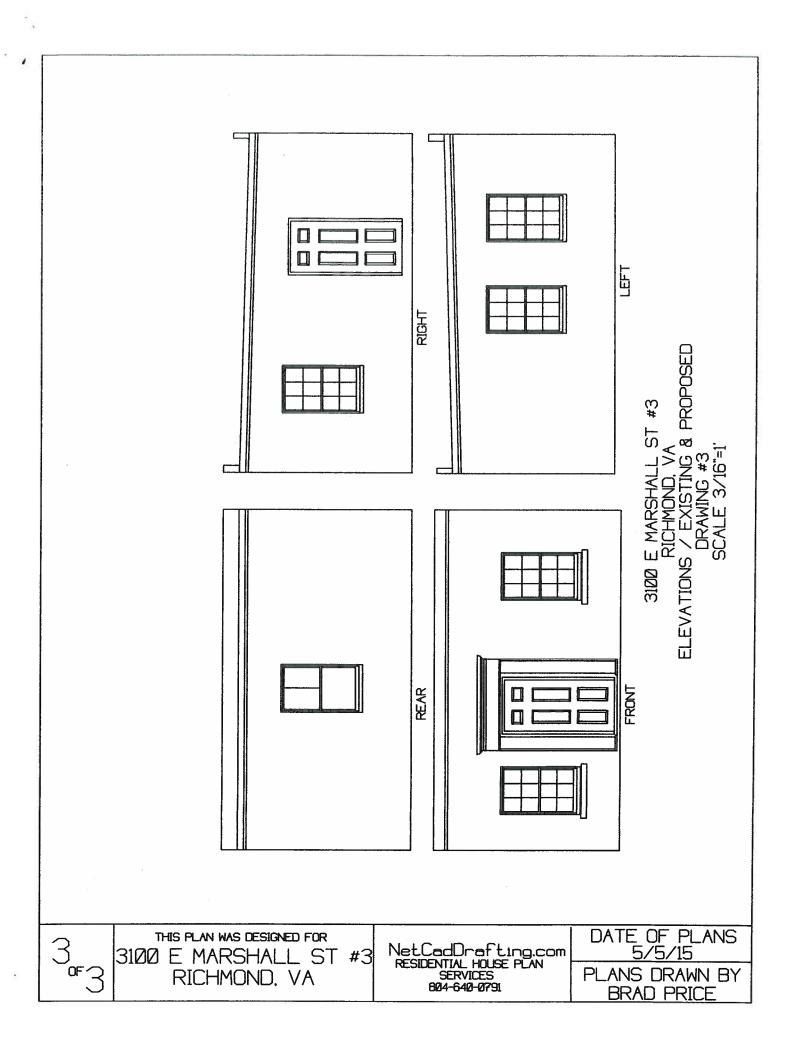
3100 E MARSHALL ST #3 RICHMOND, VA FIRST FLOOR / PROPOSED DRAWING #2 SCALE 1/4"=1"



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or →

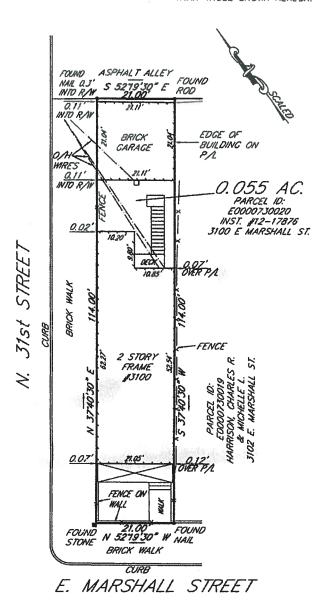
THIS PLAN WAS DESIGNED FOR 3100 E MARSHALL ST #3 RICHMOND, VA

NetCadDrafting.com RESIDENTIAL HOUSE PLAN SERVICES 804-640-0791 DATE OF PLANS 5/5/15 PLANS DRAWN BY BRAD PRICE



THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP (F.I.R.M.) PANEL NUMBER: 5101290043E EFFECTIVE DATE: 7-16-2014

THIS IS TO CERTIFY THAT ON APRIL 15, 2015
I MADE AN ACCURATE SURVEY OF THE PREMISES
SHOWN HEREON AND THAT THERE ARE NO
ENCROACHMENTS VISIBLE ON THE GROUND OTHER
THAN THOSE SHOWN HEREON.



PLAT SHOWING A PHYSICAL SURVEY OF PROPERTY KNOWN AS 3100 E. MARSHALL STREET CITY OF RICHMOND, VIRGINIA

THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

