

INTRODUCED: February 22, 2016

AN ORDINANCE No. 2016-041

To authorize the special use of the property known as 1608 West Cary Street for the purpose of permitting a two-family attached dwelling unit and accessory parking, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 28 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 1608 West Cary Street, which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of a two-family attached dwelling unit and accessory parking, which use, among other things, currently does not meet the lot area, lot width, and yard requirements set forth in sections 30-413.5 and 30-413.6 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: MAR 28 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 (2015), 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 1608 West Cary Street and identified as Tax Parcel No. W000-0658/028 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “Survey and Plat of the Property Known as #1608 West Cary Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated April 10, 2014, 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 two-family attached dwelling unit and accessory parking, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Cary St,” prepared by Brad Price, and dated November 25, 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) The use of the Property shall consist of a two-family attached dwelling unit and accessory parking, substantially as shown on the Plans.

(b) A minimum of one parking space per dwelling unit shall be provided as shown on the Plans.

§ 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.



City of Richmond

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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-37

JP

ID

File Number: PRE. 2016-37

FEB 07 2016

To authorize the special use of the property known as 1608 West Cary Street for the purpose of authorizing one (1) two-family detached dwelling unit and accessory parking, upon certain terms and conditions.

OFFICE CITY ATTORNEY

O & R Request

O & R REQUEST

DATE: January 27, 2016 **EDITION:** 1

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, Deputy Chief Administrative Officer for Economic Development and Planning

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

ORD. OR RES. No.

JAN 27 2016
4-4592
Chief Administration Office
City of Richmond

PURPOSE: To authorize the special use of the property known as 1608 West Cary Street for the purpose of authorizing one (1) two-family detached dwelling unit and accessory parking, upon certain terms and conditions.

REASON: The applicant is proposing to construct one (1) two-family detached dwelling unit and accessory parking. The subject property is located in an R-7 District, which permits a two-family detached dwelling use. However, the proposed use does not meet all the site requirements of the zoning ordinance.

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 March 21, 2016 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is a vacant lot located on the block bounded by West Cary Street to the south, South Vine Street to the west, West Main Street to the north, and South Lombardy Street to the east. The lot is approximately 2,345 square feet in area and has a lot width of 25.92 feet and depth of 90.48 feet.

The applicant is requesting an SUP to construct one (1) two-family detached dwelling unit and accessory parking. The building would be three stories in height, and each unit would be approximately 1,500 square feet in size with three bedrooms and two and one-half bathrooms. Three parking spaces would be provided off of the alley to the rear of the building.

The subject property is located in an R-7 District, which permits a two-family detached dwelling use. However, the proposed use does not meet all the site requirements of the zoning ordinance, including lot width, lot area, and minimum yard setbacks.

The Richmond Master Plan designates this property as Single-Family (medium density) in the Near West Planning District. "Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category are R-43 and R-48" (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

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: February 22, 2016

CITY COUNCIL PUBLIC HEARING DATE: March 28, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, March 21, 2016

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

RELATIONSHIP TO EXISTING ORDINANCES: None.

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

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734



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/>

RECEIVED
AUG 13 2015

LAND USE ADMINISTRATION

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: 1608 West Cary Street Date: August 13, 2015

Property Address: 1608 West Cary Street Tax Map #: W000-0658/028

Fee: _____ Total area of affected site in acres: 0.054 acres
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-7

Proposed Use

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

Existing Use: Vacant Land

Is this property subject to any previous land use cases? Two-Family Detached Dwelling

Yes No

If Yes, please list the Ordinance Number:
N/A

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources, LLC

Mailing Address: 919 East Main Street, Suite 2110

City: Richmond State: VA Zip Code: 23219-4625

Telephone: (804) 874-6275 Fax: ()

Email: markbaker@bakerdevelopmentresources.com

Property Owner: Telfian Brothers, LLC

If Business Entity, name and title of authorized signee: Rick Telfian, Managing Member

(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: 1621 West Cary Street

City: Richmond State: VA Zip Code: 23220

Telephone: () Fax: ()

Email: _____

Property Owner Signature: [Signature] By Special Limited Power of Attorney

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

August 12, 2015

*Special Use Permit Request
1608 West Cary Street, Richmond, Virginia
Map Reference Number: W000-0658/028*

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, LLC**
919 East Main Street, Suite 2110
Richmond, Virginia 23219-4625

Introduction

Telfian Brothers, LLC requests a special use permit (SUP) for the construction of a two-family detached dwelling and accessory parking.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The subject properties are located on the north side of West Cary Street Broad Street between South Vine and South Lombardy Streets. The subject property is referenced by the City Assessor as tax parcel W000-0658/028. The subject property is a vacant lot that is 25.92' wide by 90.48' in depth and contains approximately 2,345 square feet of lot area. The lot is relatively flat and is afforded access in the rear by means of an east-west alley.



The surrounding properties are developed with a mix of uses and include: single-family and single-family attached dwellings immediately to the west, commercial/industrial and residential uses to the north, commercial/retail uses and a two family dwelling to the east across South Lombardy, and a mix of contractors shops and other commercial uses, single family dwellings and multi-family dwellings to the south across Cary Street.

EXISTING ZONING

The property is zoned R-7 Single and Two-Family Urban Residential, which permits the proposed two family dwelling use. The properties to the west and south are also zoned R-7. The properties to the east are zoned UB Urban Business. The properties to the north are zoned R-7 and UB.

MASTER PLAN DESIGNATION

The Master Plan recommends "Single-Family (Medium Density)" for the subject properties.

Proposal

PROJECT SUMMARY

The proposed development includes the construction of a two-family detached dwelling and accessory parking accessed off the rear alley.

PURPOSE OF REQUEST

The R-7 district permits the two-family detached dwelling use. However, several feature requirements including lot area, lot width and side yard setback requirements are not met. Therefore an SUP is required in order to permit the development.

The intent of the request is to authorize the development as an infill project that (1) is sensitive to the existing fabric of the block and neighborhood at large; (2) is consistent with the R-7 district and the Master Plan designation of "Single-Family (Medium Density)" in terms of use and (3) that allows a transition to the immediately adjacent UB zoning and commercial uses to the east. It is our opinion that the request meets these criteria. The design of the project as discussed below was developed with sensitivity to the varied architecture in the vicinity. The proposed use is contemplated by both the R-7 district and Master Plan designation. The two-family attached use is consistent with the uses contemplated by the Master Plan designation. Finally, the proposed use offers a suitable transition between residential uses to the west and the UB district and commercial uses to the east.

PROJECT DETAILS

The proposed building is an urban row house in configuration and is intended to be consistent with other residential buildings in the vicinity. The building would be three stories in height. The buildings would be clad in brick in order to ensure quality and consistency with many other dwellings in the vicinity, including a majority of those within the block. Front entry would be through offset side-by-side double front doors as is the case with other two-family dwellings in the vicinity.

Each dwelling unit will include approximately 1,500 square feet of floor area with three bedrooms and two and one half bathrooms. The dwelling unit layouts are modern with open living areas. These areas incorporate the kitchen into the living and dining space through the use

of peninsula-counter arrangements and bar seating. Ample counter space is proposed in addition to a sensible working layout, thereby maximizing kitchen functionality. Bedrooms are decidedly large with the smallest bedroom exceeding 12' by 12' in dimension. Each unit would include a master bedroom complete with en suite master bath and walk-in closet.

Three accessory parking spaces are proposed at the rear of the property which would be accessed from the east-west alley. The parking area is necessarily deep in order to allow additional vehicle maneuvering area in addition to the existing alley width.

Findings of Fact

The following are factors indicted 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 amendment 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 amendment will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation and three off street parking spaces for the two dwelling units will create no congestion on streets, roads, alleys or any other public right of way.

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

The property will be 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 amendment will not tend to over crowd the land or create an undue concentration of land.

- ***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 amendment 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. This benefit can be attributed to the investment in the property coupled with the

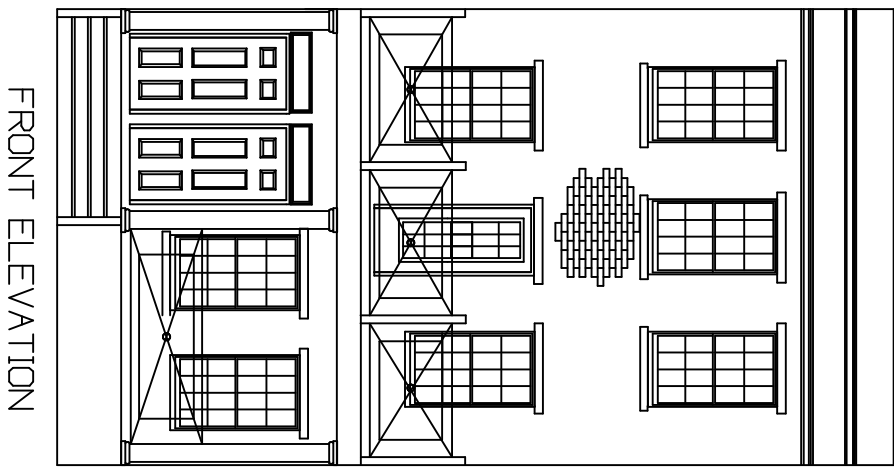
anticipated absence of school-age children residing within the dwellings, who require substantial City spending in schools and playground facilities.

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

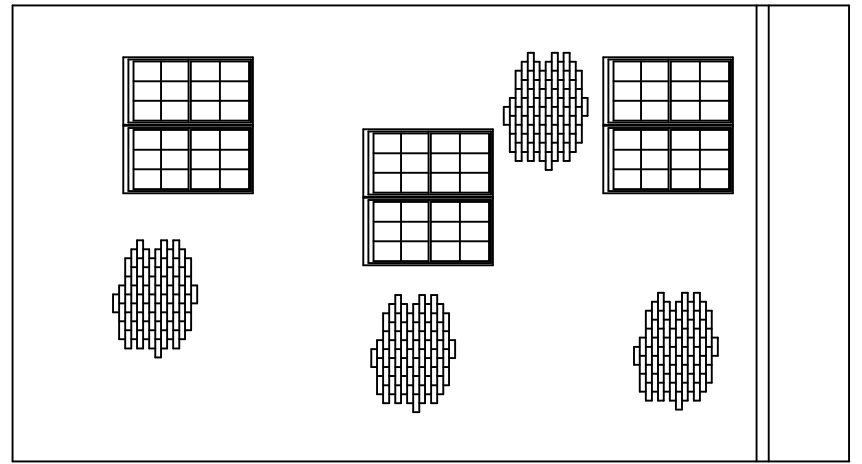
The light and air available to the subject and adjacent properties will not be affected. The proposed building is of compatible massing and spacing to the existing in the vicinity, which are in many cases attached, and will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

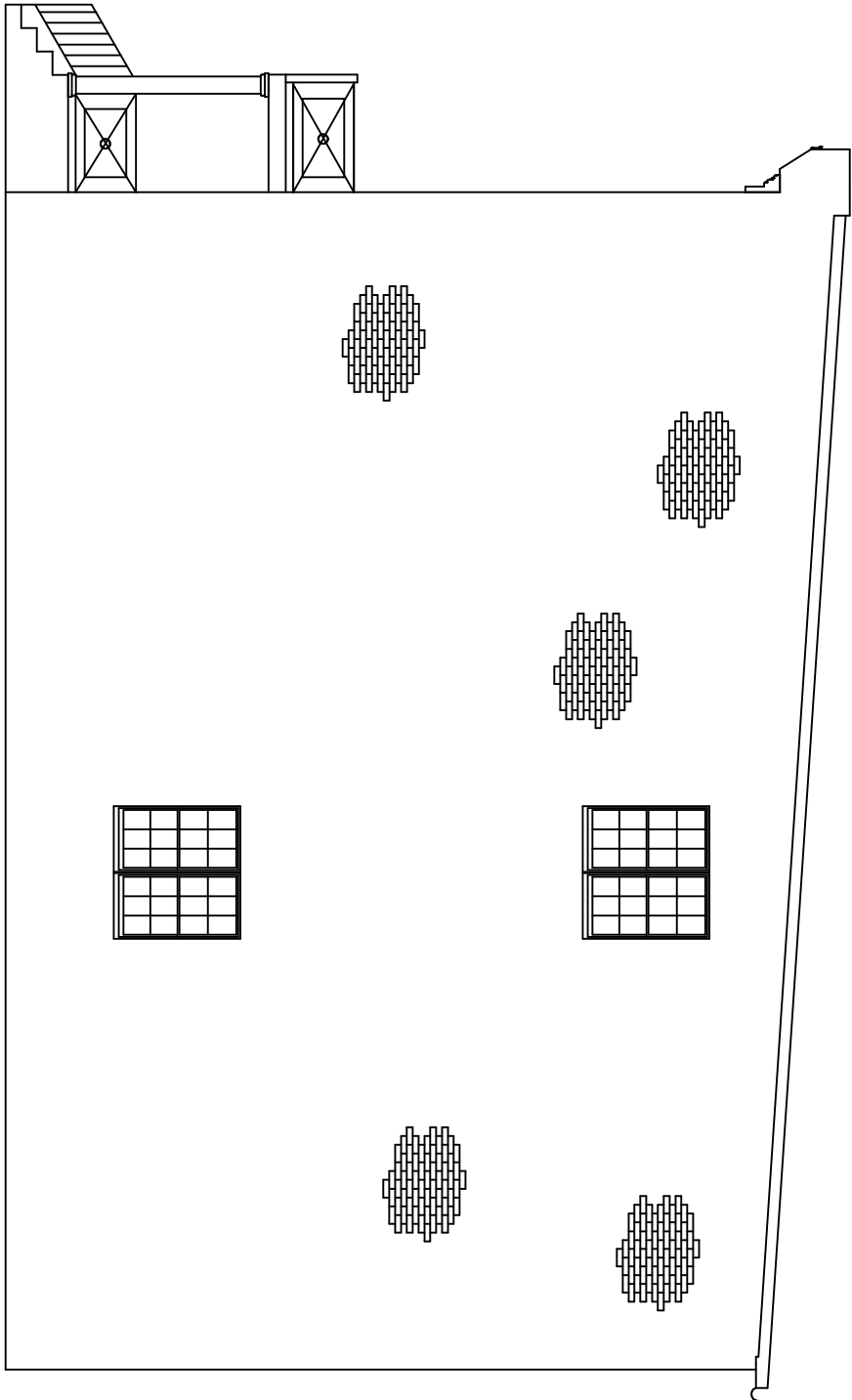
In summary we are enthusiastically seeking approval for the construction of the proposed two-family dwelling. The building has been thoughtfully designed in order to provide appropriate, high quality infill design. The proposed development will respectfully replace a missing tooth in the existing urban fabric and help better frame the existing pedestrian friendly urban streetscape in the block. The proposed development will contribute to the vibrancy of the block through the provision of a uniform street front and the addition street life in the form of additional pedestrian traffic and street-oriented front porch. This, coupled with the fact that accessory parking is appropriately located to the rear of the property, give the property the much desired traditional neighborhood design that is appropriate to the vicinity. The request offers compatibility with the City's Master Plan in terms of use. Finally, the request provides a sensible transition between residential uses to the west and the UB district and commercial uses to the east.



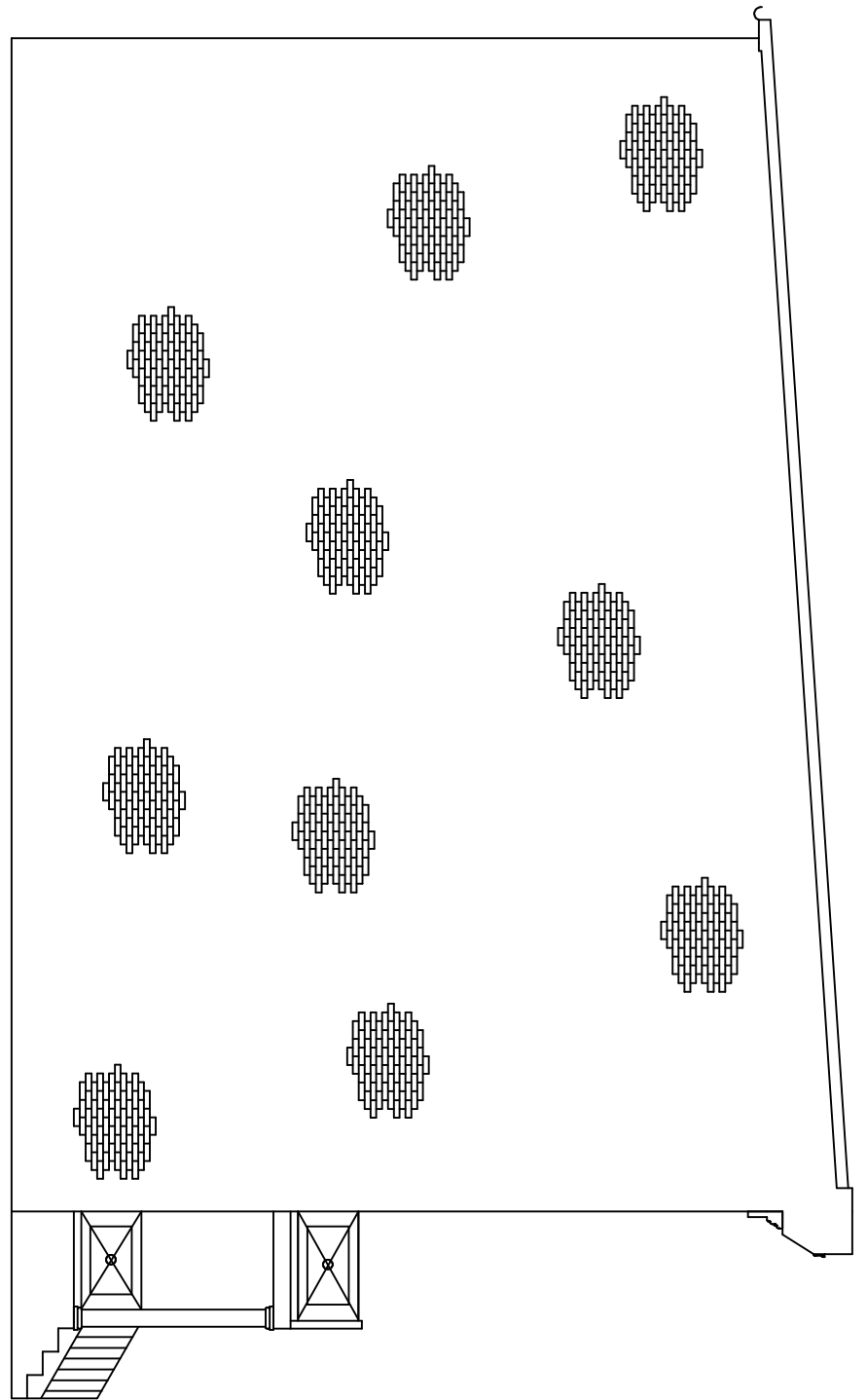
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



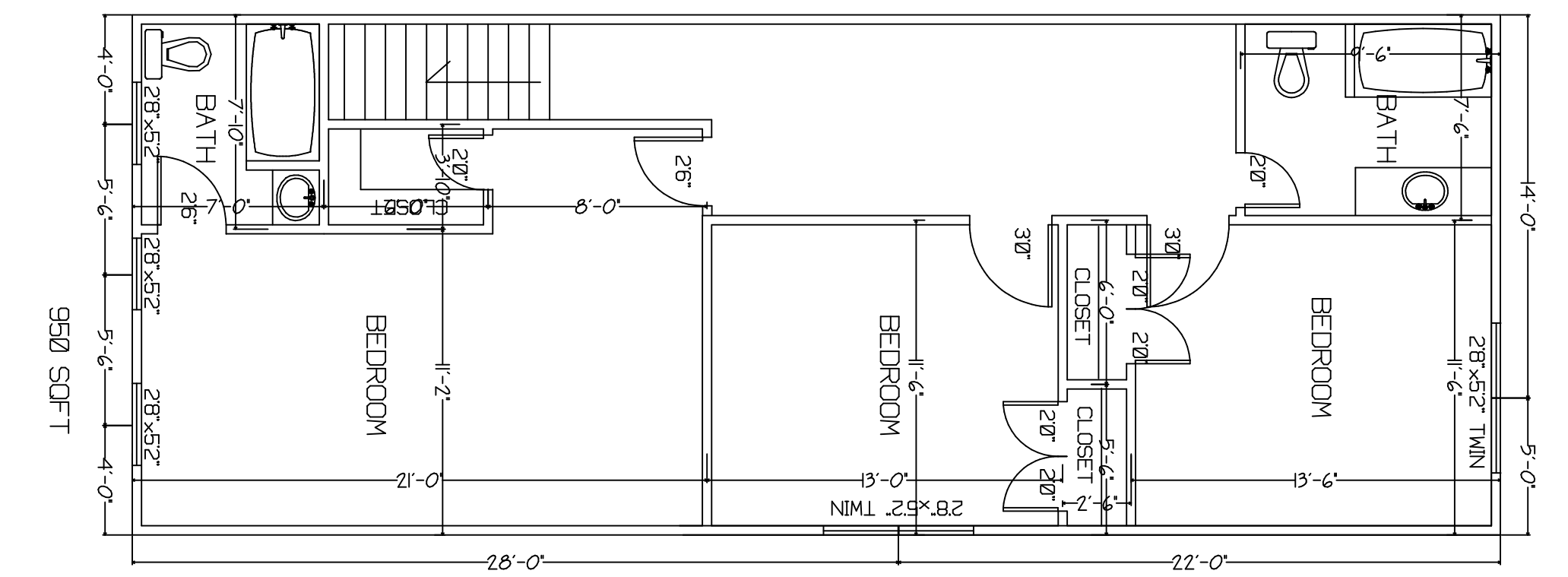
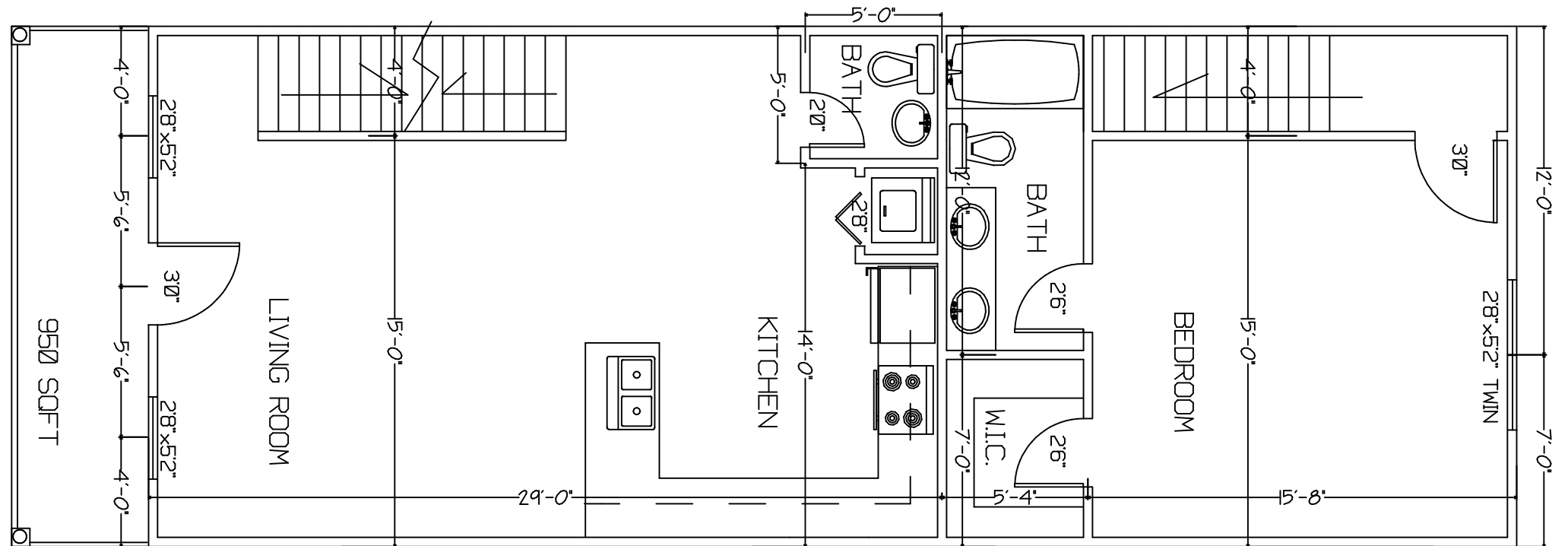
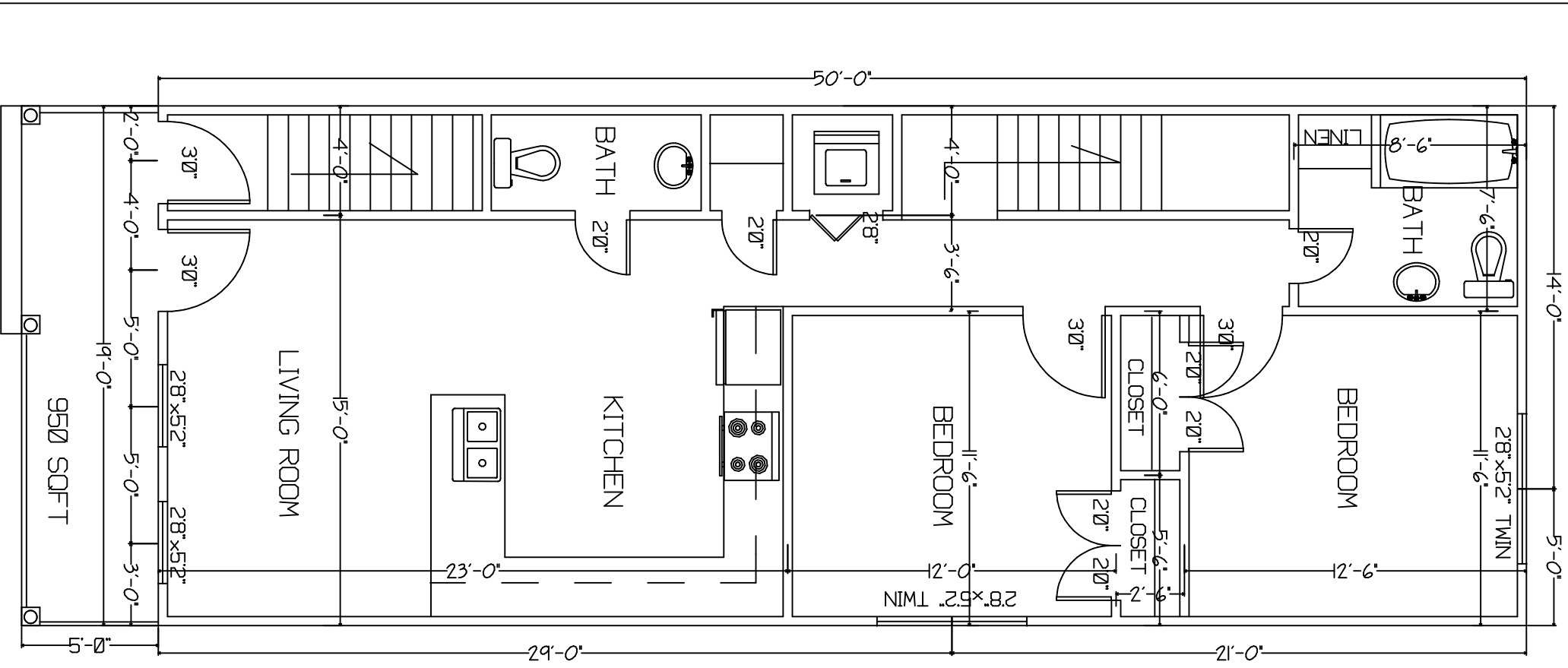
LEFT ELEVATION

1
OF
2

THIS PLAN WAS DESIGNED FOR
CARY ST

NetCadDrafting.com
RESIDENTIAL HOUSE PLAN
SERVICES
804-640-0791

DATE OF PLANS
11/25/15
PLANS DRAWN BY
BRAD PRICE

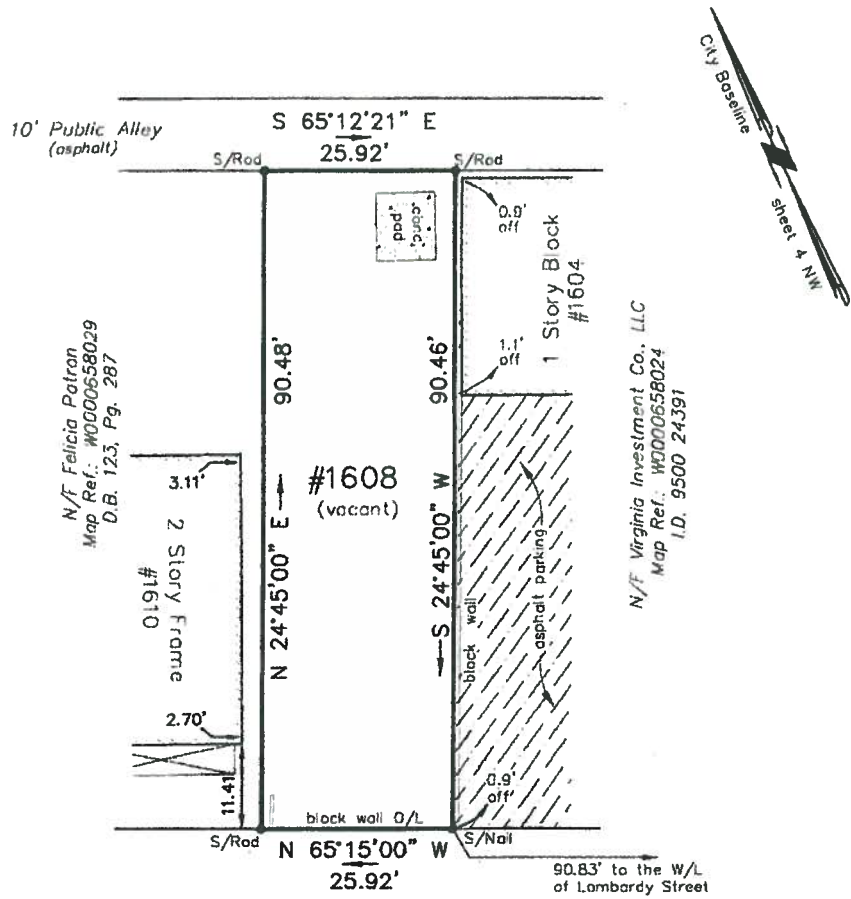


2 OF 2	THIS PLAN WAS DESIGNED FOR CARY ST	NetCadDrafting.com RESIDENTIAL HOUSE PLAN SERVICES 804-640-0791	DATE OF PLANS 11/25/15
			PLANS DRAWN BY BRAD PRICE

Current Owner: Lewis E. Morton
 Map Ref.: W0000658028
 D.B. 722, Pg. 1016

Notes: Bearings protracted from City
 Baseline sheet 4 NW.

Zoning: R-7



WEST CARY STREET



Survey and Plat of
**The Property Known as
 #1608 West Cary Street in
 the City of Richmond, VA**

This is to certify that on 04/02/14 I made an accurate field survey of the premises shown hereon that all improvements and easements known or visible are shown hereon, that there are no encroachments by improvements either from adjoining premises or from subject premises upon adjoining premises other than shown hereon. THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OR REPORT.

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map, Community Panel No. 51012900370 effective date of 04/02/09. Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.

Edwards, Kretz, Lohr & Associates, PLLC
 Land Surveyors-Planners
 Virginia-North Carolina
 1900 Byrd Avenue, Suite 203
 Richmond, Virginia, 23230
 Phone (804) 673-9666
 Fax (804) 673-9990

Scale: 1"=20' Date: 04/10/14
 Drawn: TCJ Checked: JAL
 Job: 1084-14