

INTRODUCED: January 23, 2017

AN ORDINANCE No. 2017-016

To authorize the special use of the property known as 1729 Porter Street for the purpose of a two-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: FEB 27 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 1729 Porter Street, which is situated in a R-53 Multifamily Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, does not meet the minimum lot area or minimum lot width requirements of section 30-418.4 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 detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 27 2017 REJECTED: _____ STRICKEN: _____

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 1729 Porter Street and identified as Tax Parcel No. S000-0245/020 in the 2017 records of the City Assessor, being more particularly shown on a survey entitled “Improvements on #1729 Porter Street, Richmond, Virginia,” prepared by Balzer and Associates, Inc., and dated June 25, 1997, 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 detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Proposal for 2 Family Use (1st floor rear suite),” prepared by Rick Farley, and dated August 8, 2016, 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 be a two-family detached dwelling, substantially as shown on the Plans.

(b) Two off-street parking spaces shall be provided at the rear of the Property adjacent to the public alley.

§ 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

Item Request

File Number: PRE. 2016-356

RECEIVED

JAN 06 2017

OFFICE OF CITY ATTORNEY

O & R REQUEST

DEC 15 2016

4-6072
Chief Administration Office
City of Richmond

O & R Request

DATE: December 6, 2016

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Levar M. Stoney, Mayor (Patron: Mayor, by Request) *LS*
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SCG*

THROUGH: Peter L. Downey, Chief Administrative Officer for Economic Development and Planning *PLD*

THROUGH: Mark A. Olinger, Director, Department of Planning and Development Review *MAO*

SUBJECT: To authorize the special use of the property known as 1729 Porter Street for the purpose of permitting a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1729 Porter Street for the purpose of permitting a two-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is proposing the renovation of the existing single-family detached dwelling into a two-family detached dwelling. While such a use is permitted in the R-53 district, the subject property does not meet the minimum lot area or minimum lot width requirements for a two-family detached dwelling in the R-53 district. Therefore, the applicant is requesting a special use permit.

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 February 6, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is improved with a 2,552 square foot two-story single-family detached wood framed residential dwelling located at 1729 Porter Street between 30' public alley to the north and Porter Street to the south and 19th Street to the west. The proposed two-family detached dwelling are comprised of a first floor 1-bedroom unit and a second floor main dwelling unit.

Per the City of Richmond Zoning Ordinance, an R-53 lot must be not less than 4,400 square feet in area with a width of not less than 42 feet to accommodate a two-family detached dwelling. The subject property is 3,300 square feet in area with a width of 30 feet.

Per the Zoning Ordinance, a total of two parking spaces are required for the two dwelling units. One space has been provided on the subject property and is accessible via the alley to the rear of the property. All surrounding properties are also located in the R-53 district. The predominant land uses on the 1700 block of Porter Street are single-family detached.

The City of Richmond's Master Plan speaks of Land Use policies and strategies within the Old South Planning District. It states, "Development of single-family residential housing on Porter Street, west of Cowardin Avenue." (p. 271) However the plan also states that, "The Swansboro neighborhood in the vicinity of 22nd and Street between Bainbridge Street and Semmes Avenue abuts an industrial area, which in many instances forms an indistinct line between the neighborhood and the industrial uses. Although this proximity would normally be discouraged phasing out of either use is not expected. A more distinct line between the otherwise incompatible uses should be recognized in the location generally shown on the Land Use Plan map. Buffers between these uses should be provided as opportunities arise." (p. 278) In general the plan shows that it is in keeping with this recommendation by increasing the density of this area, it acts as a buffer between the industrial uses and the single-family uses.

FISCAL IMPACT: The Department of 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: January 9, 2017

CITY COUNCIL PUBLIC HEARING DATE: February 13, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, February 6, 2017

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: Leigh V. Kelley, Planner II
Land Use Administration (Room 511)
646-6384



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 10 2016

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

9854

Project Name/Location

Project Name: Creating Mother in Law Suite Date: Aug. 8, 2016

Property Address: 1729 Porter St., Rich 23224 Tax Map #: 50000425020

Fee: 300 Total area of affected site in acres: 0.076 (lot)
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-53

Proposed Use

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

Existing Use: Residential

Is this property subject to any previous land use cases?

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

convert unused rooms on first floor into a suite.

Applicant/Contact Person: Richard Farley

Company: _____

Mailing Address: 1729 Porter St.

City: Richmond State: VA Zip Code: 23224

Telephone: (804) 396-0304 Fax: ()

Email: rfarley@wtvr.com

Property Owner: Richard Farley

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: _____

City: _____ State: _____ Zip Code: _____

Telephone: () Fax: ()

Email: _____

Property Owner Signature: [Signature]

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)

August 8, 2016

City of Richmond
Dept of Planning and and Development Review
Land Use Admin Division
900 E. Broad St.
Richmond, VA 23219
804-646-6304

Special Use Permit Application Review Board Member,

I purchased and moved into the single family home at 1729 Porter Street in 2012. It has two stories, is 2,508 sqft and was built in 1920. It is currently zoned R-53 Residential (Multi-Family) and is one house away from a R-7 zone (single- and two-family dwellings).

I am applying for a Special Use Permit so I can legally create a Mother In-Law Suite on the first floor for my wife's mother when she comes to stay with us for extended periods. She has difficulty using the stairs to access the bedroom and bath on the second floor.

Currently there are two large unused rooms and an unused full bath off the kitchen; at the rear of the house. I want to combine them into a finished suite that is 426 sqft with its own ground level entrance and off street parking.

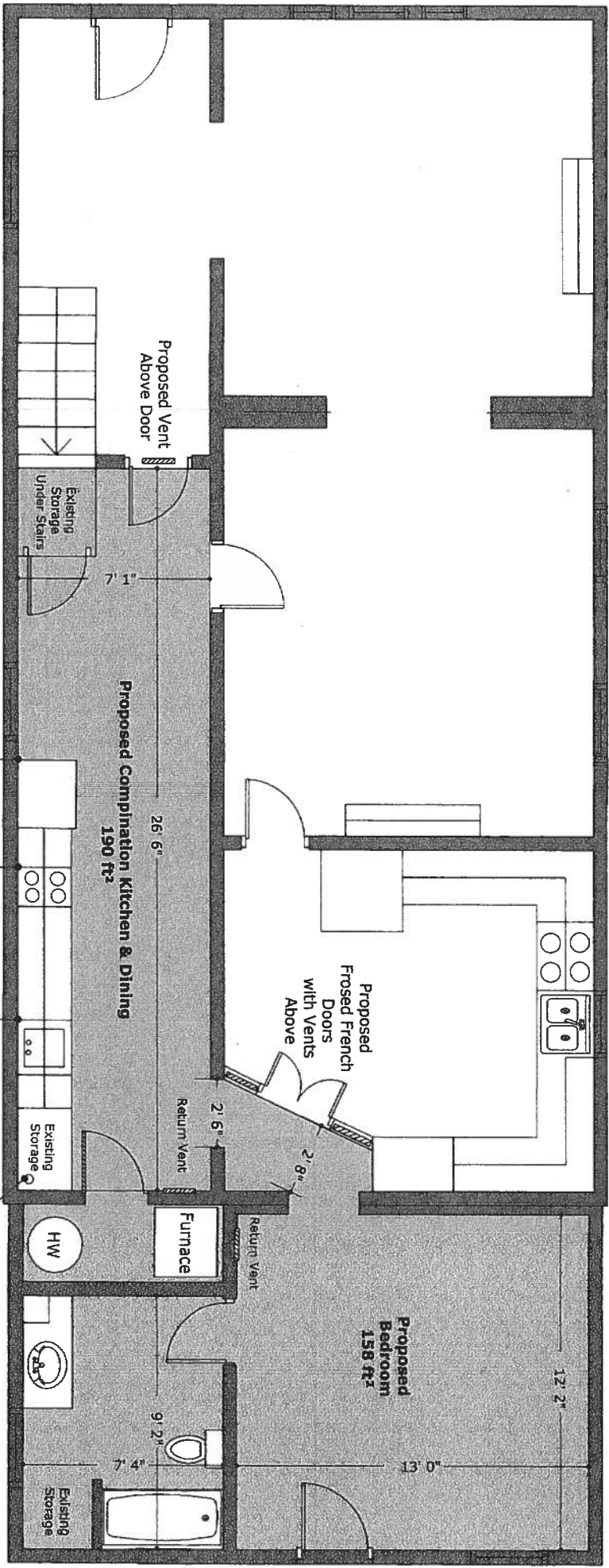
Since purchasing the house I have had significant structural repairs done to begin to overcome the neglect of the previous owners. This Suite will constitute the beginning of an interior renovation and convert the house into a Two Family Attached dwelling consisting of a large single family dwelling on the front and second floors and then a small, one person, apartment in the back.

I can foresee using this as a small rental apartment in the future, however that is not its intended purpose at this time.

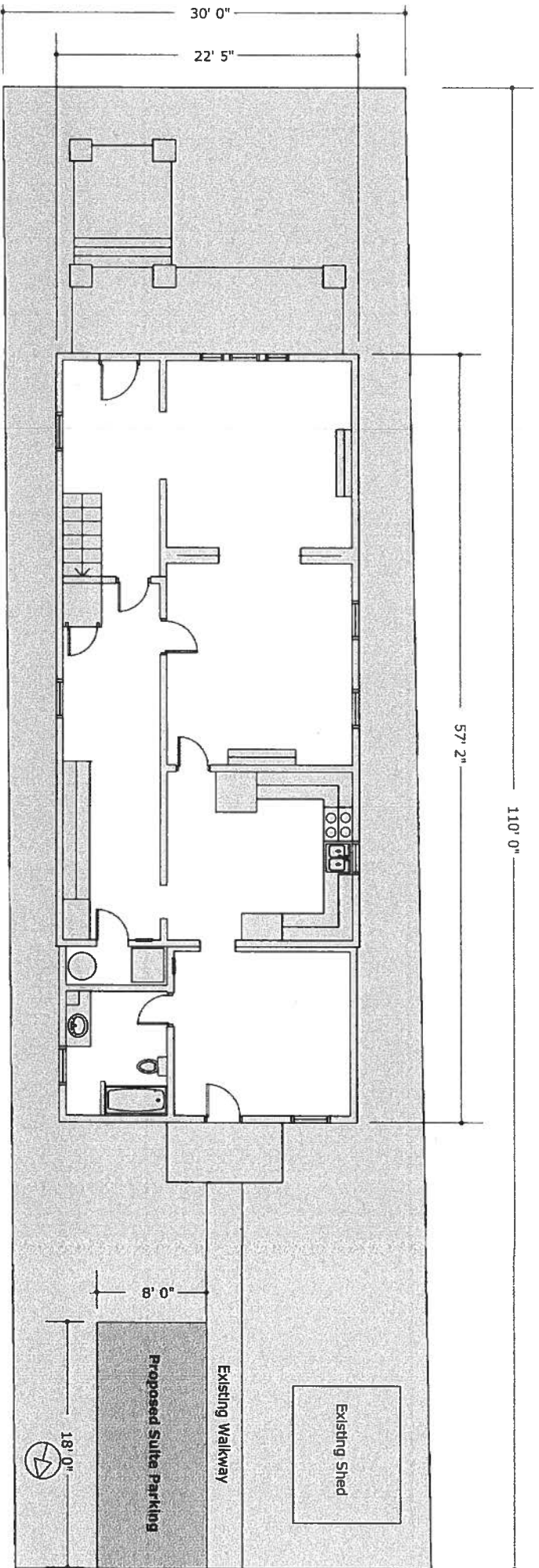
Sincerely,



Mr. Richard Farley,
Production Manager, WTVR-TV
1729 Porter St., Richmond, VA 23224
804-396-0304
rfarley@wtvr.com

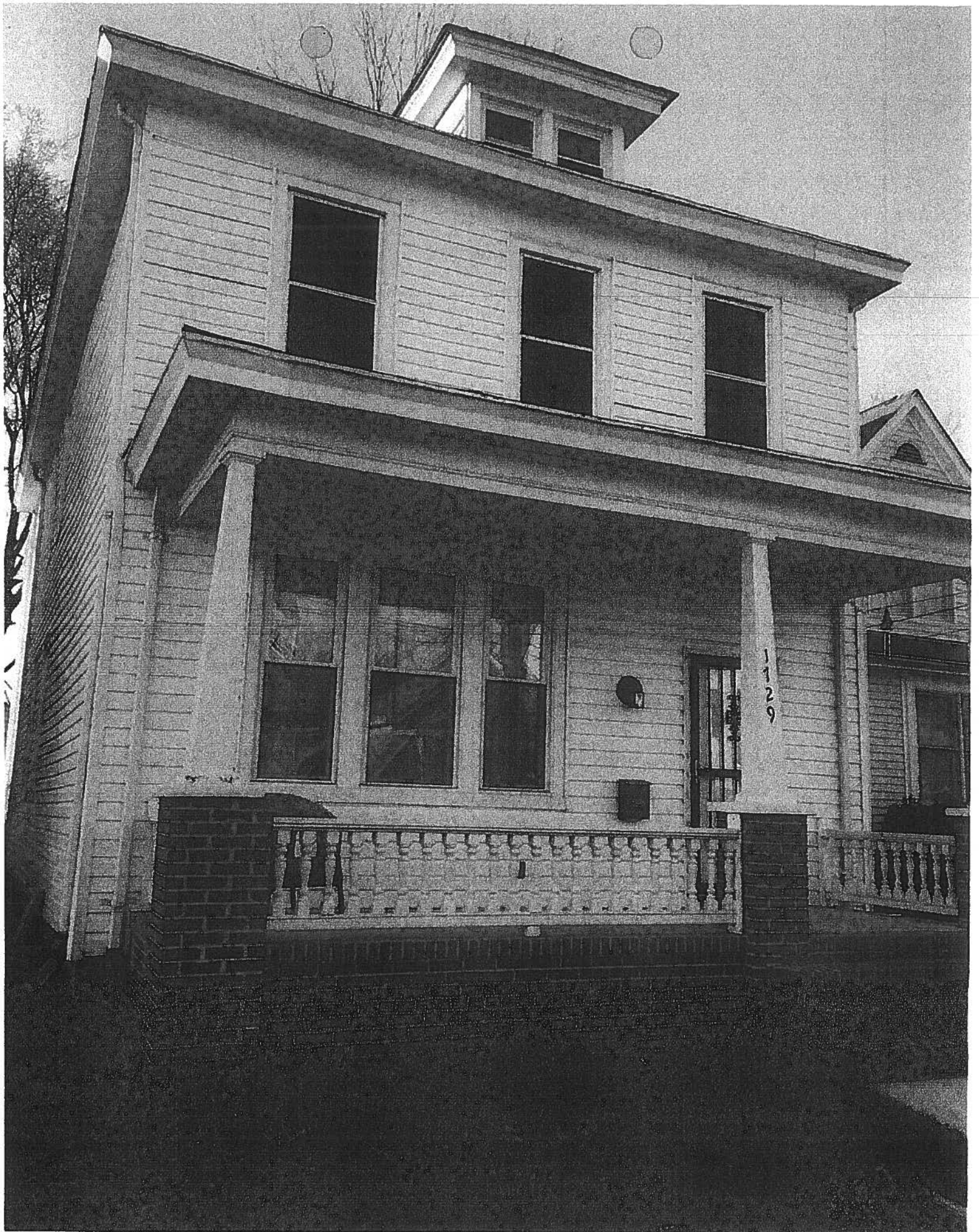


First Floor Plan With Proposed Suite In Grey
Suite Area will be 426 SqFt

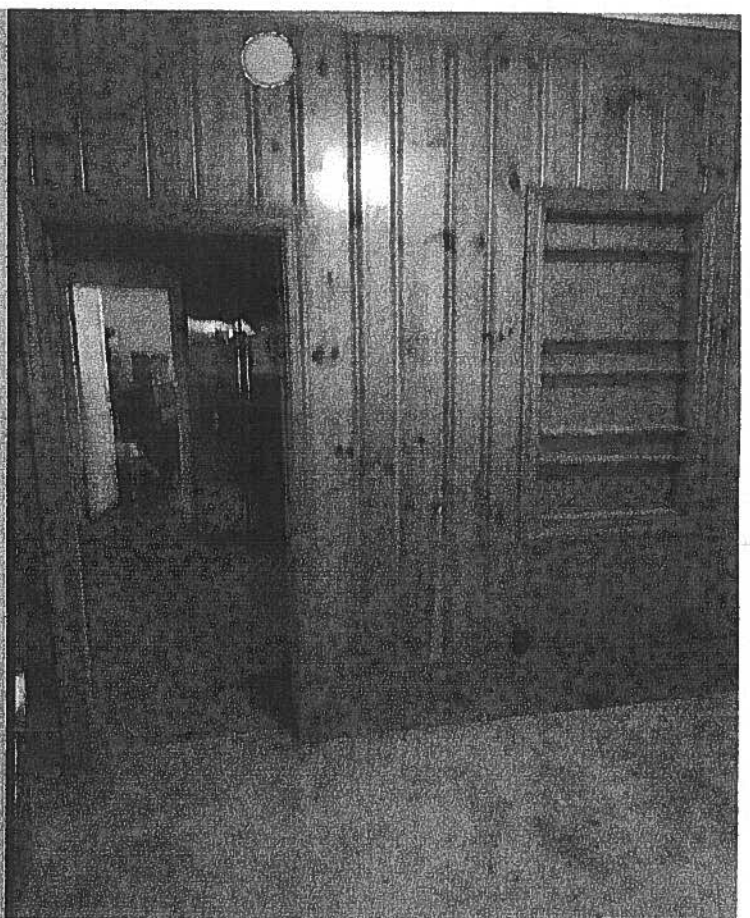


Existing first Floor Plan Shown On Lot

Parcel: 3300 SqFt



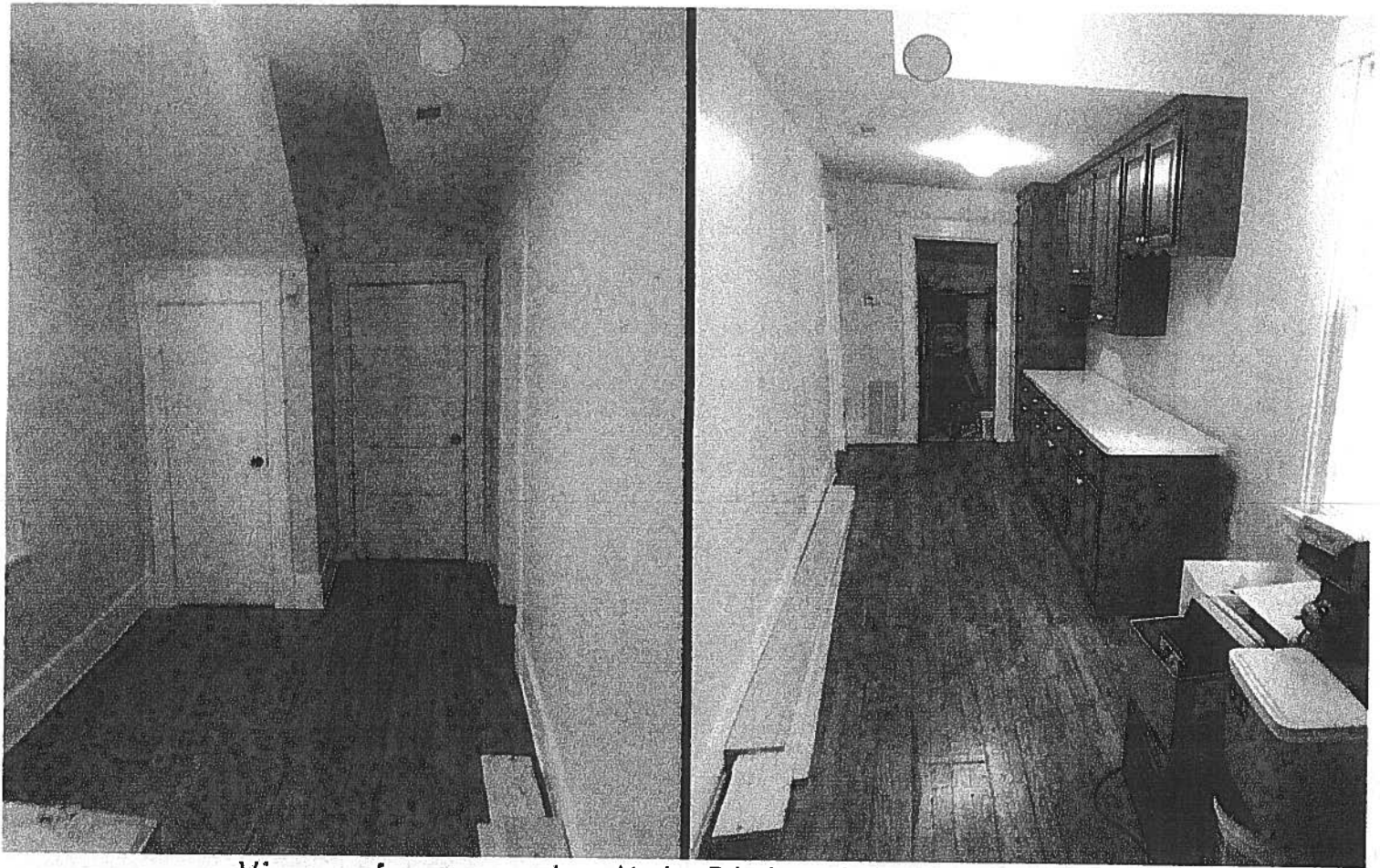
1729 Porter St. Richmond, Va, 23224



Views In & Out of proposed suite's bedroom



View of proposed wall separating main house from proposed suite
at 1729 Porter St, Richmond



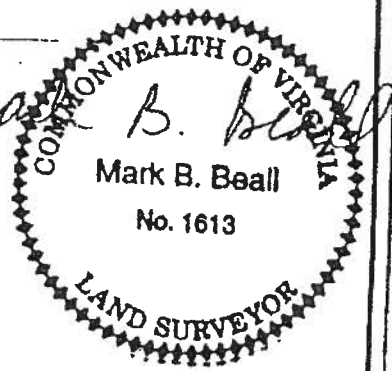
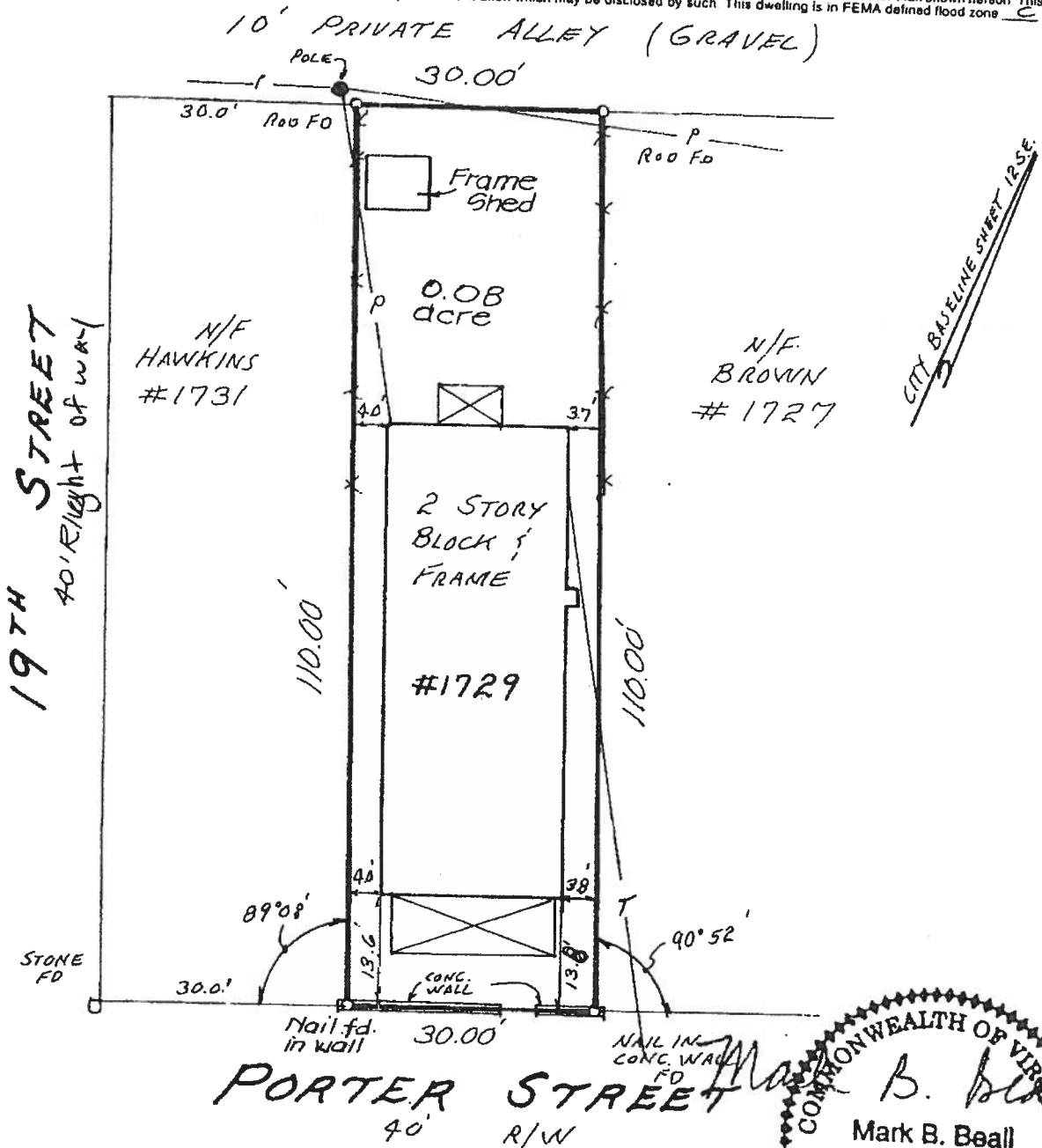
Views of proposed suite's Dining & Kitchen area



Views In & Out of proposed suite's Kitchen
at 1729 Porter St. Richmond

This is to certify that an accurate field survey of the premises shown hereon has been performed under my supervision, that all improvements and visible evidence of easements are shown hereon, and that there are no encroachments by improvements either from adjoining premises or from subject premises other than shown hereon. This survey was performed without the benefit of a title report and is subject to information which may be disclosed by such. This dwelling is in FEMA defined flood zone C

PC0253 11175



Improvements On
 #1729 PORTER STREET
 RICHMOND, VIRGINIA

Date: 6-25-97

Scale: 1" = 20'

Job No.: 0370218

PUR: Kenneth O. & Cynthia S. Thompson

• PLANNERS • ARCHITECTS • ENGINEERS • SURVEYORS •
 501 Branchway Road • Suite 100 • Richmond, Virginia 23236 • 794-0571 • Fax 794-2635
 1514 East Parham Road • Richmond, Virginia 23228 • 262-6046 • Fax 264-3037



mbeall@balzer.com