

INTRODUCED: February 11, 2019

AN ORDINANCE No. 2019-030

To amend and reordain Ord. No. 91-324-301, adopted Oct. 28, 1991, which authorized the special use of the property known as 412 West Marshall Street for the purpose of converting an existing two-family dwelling into a three-family dwelling, to authorize a dwelling unit within an accessory building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 11 2019 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 91-324-301, adopted October 28, 1991, be and is hereby amended and reordained as follows:

§ 1. That the [~~real-estate,~~] property known as 412 West Marshall Street, located on the north side of Marshall Street, east of Henry Street, being more completely described as follows: beginning at a point on the north right of way line of Marshall Street, said point being located 63.0 feet east of the east right of way line of Henry Street; thence in a northerly direction along a property line 160.57 feet to a point on the south line of a variable-width alley; thence in an easterly

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 11 2019 REJECTED: _____ STRICKEN: _____

direction along the south line of said alley 33.0 feet to a point; thence in a southerly direction along a property line 160.41 feet to a point on the north right of way line of Marshall Street; thence in a westerly direction along Marshall Street 33.0 feet to the point of beginning, for the purpose of converting an existing two-family dwelling into a three-family dwelling and authorizing a dwelling unit within an accessory building, together with accessory off-street parking, upon certain terms and conditions.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner or owners of the real estate, or successor in fee simple title, a [~~special-use~~] building permit to convert an existing two-family dwelling into a three-family dwelling, together with accessory off-street parking, and a dwelling unit within an accessory building, substantially in accordance with a floor plan entitled “Renovation of Basement – 412 W. Marshall St., Richmond, Va.”, prepared by Beamon and Associates, P.C., dated July, 1991, attached to Ordinance No. 91-324-301, adopted October 28, 1991, as modified by the plans entitled “412 W. Marshall St.,” prepared by Cornerstone Architects, dated June 11, 2018, and last revised December 10, 2018, a copy of which is attached to and made a part of this amendatory ordinance, and a survey plat entitled[~~,”Plat of Property Situated on the Northern Line of W. Marshall St. and East of Henry Street, Richmond, Virginia”;~~] “Boundary Survey for 412 West Marshall Street, Richmond, VA,” prepared by [~~Charles H. Fleet and Associates~~] Nyfeler Associates, dated August [~~8, 1991~~] 21, 2018, [~~copies of which floor plan and survey are attached to the draft of~~] a copy of which is attached to this amendatory ordinance and made a part hereof. The permits shall be transferrable to the successor in title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land, subject to the following terms and conditions:

(a) The owner shall be bound by, shall observe, and shall comply with all laws, ordinances, and rules and regulations adopted pursuant thereto, applicable to the land and buildings, except as otherwise provided in this ordinance;

(b) That the maximum use of the property shall be as a three-family dwelling and a dwelling unit within an accessory building;

(c) That [~~six~~] three off-street parking spaces [~~, three of which are stacked spaces,~~] shall be provided in the existing garage at the rear of the property. The existing garage doors shall be repaired or replaced so that the parking is useable and available to the tenants of the [~~building~~] buildings. The parking may be for either residents of the main dwelling or the unit accessory to the main dwelling.

(d) That 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 as not to be visible from adjacent properties and public streets;

(e) That final grading and drainage plans, if required, shall be approved by the Director of [~~Community Development~~] Public Utilities prior to the issuance of building permits;

(f) That storm and surface water shall not be allowed to accumulate on the land, and adequate facilities for the drainage of storm or surface water from the land or buildings shall be provided by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof.

(g) That exterior architectural details, building materials, and colors shall be subject to approval by the Commission of Architectural Review.

(h) [~~That should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions or foregoing paragraphs~~]

~~(a) through (g) of this ordinance and does not terminate such use if comply with such provisions within ninety days after written notice so to do has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;]~~ 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.

(i) That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~premises~~] property is abandoned for a period of twenty-four consecutive months, use of the [~~real-estate~~] property shall [~~by~~] be governed thereafter by the zoning regulations prescribed for the district in which the [~~real-estate~~] property is then situated.

(j) The height of the accessory building shall not exceed one story, substantially as shown on the plans attached to this amendatory ordinance.

(k) Secure bicycle parking for no fewer than four bicycles shall be provided on the property.

(l) All mechanical equipment serving the property shall be located or screened so as not to be visible from any public right-of-way.

§ 3. This ordinance shall be in force and effect upon adoption.

II. This amendatory 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.2018.480

O & R REQUEST

~~4-8507~~

JAN 16 2019

Office of the
Chief Administrative Officer

O & R Request

RECEIVED

EDITION:1

JAN 31 2019

OFFICE OF CITY ATTORNEY

DATE: January 16, 2019

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic
Development and Planning

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

RE: To amend and reordain Ordinance No. 91-324-301, adopted October 28, 1991, which authorized the use of real estate, property known as 412 West Marshall Street for the purpose of converting an existing two-family dwelling into a three-family dwelling, to authorize a dwelling unit within an accessory building, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend and reordain Ordinance No. 91-324-301, adopted October 28, 1991, which authorized the use of real estate, property known as 412 West Marshall Street for the purpose of converting an existing two-family dwelling into a three-family dwelling, to authorize a dwelling unit within an accessory building, upon certain terms and conditions.

REASON: The applicant is proposing to amend an existing Special Use Permit currently authorizing a three-family dwelling with accessory off-street parking. The amendment would authorize an additional dwelling unit within an accessory building and reduce the number of off-street parking spaces from six (6) to three (3).

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 4, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is 5,280 SF or .12 acres and has an existing 3,428 SF, two (2) story building and rear garage. The property is located in the Downtown Planning District and the Historic Jackson Ward neighborhood.

The City of Richmond's adopted Pulse Corridor Plan designates a land use category for the subject property as NMU (Neighborhood Mixed Use). "Neighborhood Mixed-use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts. They are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors and at corner sites." (City of Richmond, Pulse Corridor Plan, p. 29)

The property is currently zoned R-6 (Single Family Attached Residential) as does much of the surrounding neighborhood. B-4 (Central Business) and RO-6 (Residential Office) districts occupy zones generally to the south and east respectively.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,200 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 11, 2019

CITY COUNCIL PUBLIC HEARING DATE: March 11, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, March 4, 2019

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 ORD. OR RES.: Amendment of Ordinance No. 91-324-301.

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, 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.richmond.gov>

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

Property Address: 412 W Marshall St, Richmond VA 23220 Date: 07/27/2018
 Tax Map #: N0000207021 Fee: \$1200.00
 Total area of affected site in acres: _____

(See page 6 for fee schedule. please make check payable to the "City of Richmond")

Zoning

Current Zoning: R-6 - Residential
 Existing Use: Multifamily Residence

Proposed Use

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

Additional One-bedroom apartment/ Single dwelling unit
Existing Use: Residential Garage

Is this property subject to any previous land use cases?

- Yes No If Yes, please list the Ordinance Number: 91-324-301

Applicant/Contact Person: Erik Quackenbush

Company: Comerstone Architects
 Mailing Address: 23 West Broad St, Suite 200
 City: Richmond State: VA Zip Code: 23220
 Telephone: (804) 353-3015 Ext. 104 Fax: ()
 Email: equackenbush@csarch.com

Property Owner: UP Richmond, LLC

If Business Entity, name and title of authorized signee: Andrew Horrocks, President

(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: P.O.Box 1408
 City: New York State: NY Zip Code: 10028
 Telephone: (1-833) 864-7767 Ext. 2 Fax: ()
 Email: awhorrocks@university-property.com

Property Owner 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)



SPECIAL USE PERMIT APPLICATION TABLE OF CONTENTS

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Building Section	4
Front Elevation	5
Back Elevation	6
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Interior Perspective	10
Site Survey	11



Special Use Permit Application Report
Description of the proposed use:

We are proposing to convert part of an existing private garage that is located in the rear of the property addressed 412 W Marshall St Richmond VA 23219. This structure is a solid masonry structure that likely pre-dates the primary residence. In 1991 a special use permit (No. 91-324-301) was approved, allowing the owners at the time to convert the existing two-family dwelling into a three-family dwelling. This prompted the conversion of the brick structure in the rear of the property into off-street parking in compliance with parking ordinance at the time. The Special Use Permit required six parking spots, two for each dwelling. As the existing structure is a three-wide, this was achieved by “stacking” three of the parking spots in the rear portion of the garage accessible only by moving the parked cars in front back out onto the street causing inefficiency and potential congestion.

Since that time the need for a vehicle per household has decreased. The development of the surrounding urban area has allowed people access to day-to-day needs within walking or biking distance. In addition to that, the recent opening of the GRTC Pulse line has reduced the necessity for a vehicle. We believe that an additional dwelling unit at our site is an appropriate use of the space, considering the site is within walking distance from the public transportation line, markets and other commercial businesses.

According to the housing Market analysis completed by the U.S. Department of Housing and Urban Development in June of 2016, the overall rental vacancy rate in Richmond VA has dropped from 9% in 2010 to an estimated 6%. This is due to the increased rise in the rental demands driven by the substantial economic growth seen in Richmond VA over the past several years. Another factor driving this increase in rental demand is the consistent growth in the annual enrollment rate at VCU – directly affecting the housing market in the surrounding urban area. Since the site in question is located in the aforementioned urban area, we believe that an additional dwelling unit is not only compatible with the demands of the surrounding area but would be a great benefit.

The following notes are addressing conditions specified by the City Charter. At this early stage of the planning we believe that we meet the conditions set by the City Council and have listed them as follows.

- A. There appears to be no detrimental effect to the safety and wellbeing of the community – our plan is to make use of an otherwise unused portion of the solid masonry structure. The renovation will primarily consist of interior work and will have very little effect on the exterior of the building.
- B. We believe that there will not be a significant tendency to create congestion in the street or the surrounding circulation network; as we are only intending to add a single dwelling unit.
- C. We do not anticipate any creation of hazards from fire, panic or other dangers that might arise from a simple interior renovation.
- D. We determine that there will be very little effect on overcrowding and will have scant increase in population – as stated in section B we are intending to add a single unit



- E. We do not foresee that this renovation will interfere with light and air, since we will maintain the existing structural integrity of the building as well as all the existing openings/fenestration. Refer to elevations 1-3.

The structure has a closed-off chimney, industrial drainage, and large swinging doors fronting the main building. It was converted to a garage at some point with three garage doors opening to the rear alley. In reality, the garage only functions as a three car garage due to the width of the structure and sole access form the alley. The excess space in the front of the garage, originally intended as the "stacked" parking spots, is largely unusable and has become a storage area with many abandoned items. We are considering converting the unused area to a one-bedroom apartment, while retaining the three parking spaces for the current residents. The scope of the renovation is mostly confined to the interior therefore will have minimal impact on the surrounding area.

The proposed floor plan of this one bedroom apartment shows the utilization of the currently unused area of the garage creating an open living space. The outdoor area will also receive suitable landscaping. We will provide a separate entrance to the garage for the current residents of the adjacent dwelling units. They will be able to continue to use the garage in its current state. The scope of the contemplated project includes, the repointing of all historic brickwork, replacing the existing roof, interior renovations of the unused area of the garage. The existing footprint and parking spaces will be maintained. We anticipate a construction period of three to four months and approximately \$100,000 in investments. We plan to use an all local team of Architects, contractors and subcontractors, construction team and suppliers.

We have been informed that, due to the provisions of a prior Special Use Permit, we must request an amendment to that permit from the Land Use Committee. We understand that the prior permit required the preservations of six parking spaces, even though the building could only ever function as a three-car garage. Our preliminary plans appear, at this early stage, to be consistent with zoning, building and other guidelines. We are therefore submitting this application for an amendment to the existing Special Use Permit and kindly request your consideration.



Special Use Permit Application Report
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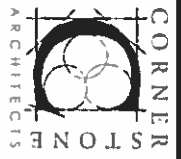


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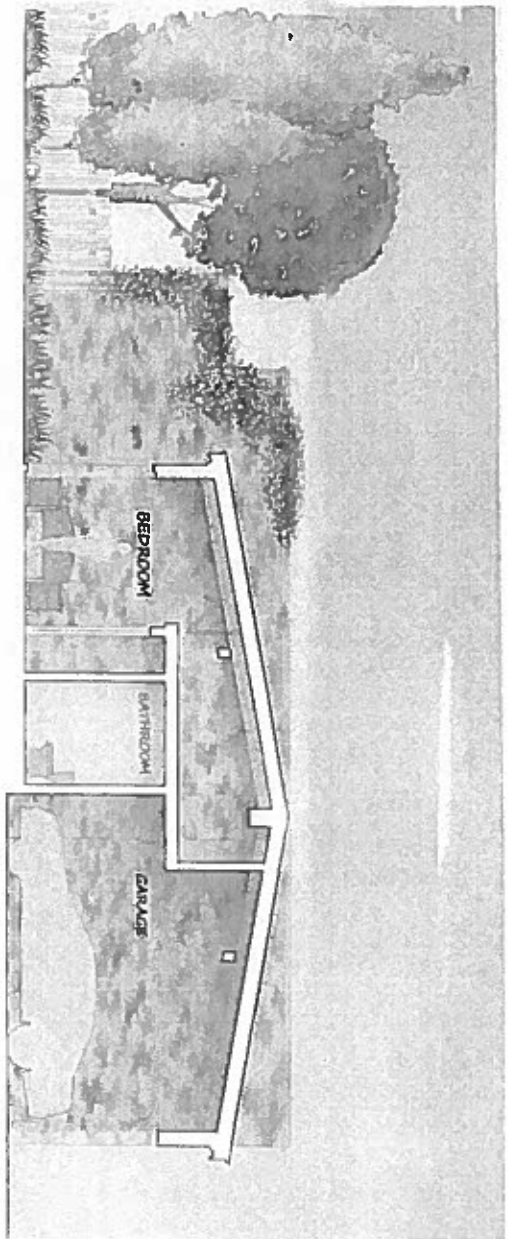
CORNERSTONE
ARCHITECTS
23 WEST BROAD STREET, SUITE 200
RICHMOND, VIRGINIA 23219
PHONE: 804.353.2531
FAX: 804.353.2532
WWW.CORNERSTONEARCHITECTS.COM

412 W. MARSHALL ST.
412 W Marshall St
Richmond, VIRGINIA 23219

MARK	DATE	DESCRIPTION
1/2/2016	CONCEPTUAL USE PLAN	

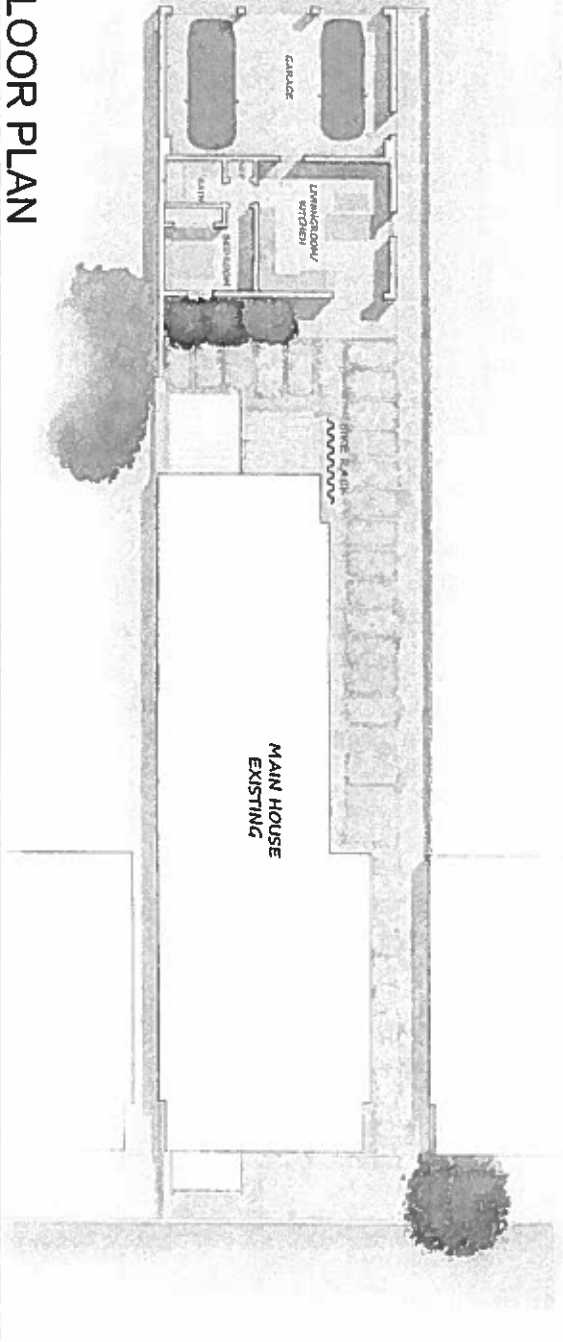
PROJECT NO.: 18015.00
 MODEL FILE: 18015.00 412 W MARSHALL
 START DATE: 06/11/2018
 PROJECT MAN: KHV
 PRINCIPAL: ERO
 CORNERSTONE ARCHITECTS, ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

SHEET TITLE
 SPECIAL USE PERMIT APPLICATION
 SK-02
 SHEET #2 OF #8



2
BUILDING SECTION

SK-03 SCALE: 1/8" = 1'-0"



1
FLOOR PLAN

SK-03 SCALE: 1/16" = 1'-0"

CORNER STONES ARCHITECTS
 21 WEST BROAD STREET, SUITE 200
 RICHMOND, VIRGINIA 23219
 TEL: (804) 622-1234
 FAX: (804) 622-1235
 WWW.CORNERSTONESARCHITECTS.COM

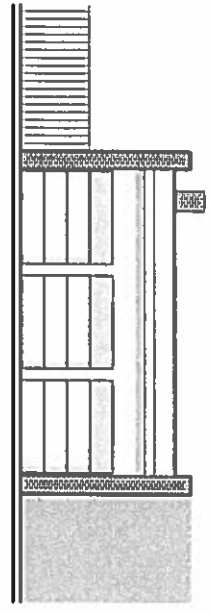
412 W. MARSHALL ST.
 412 W Marshall St
 Richmond, VIRGINIA 23219

MARK	DATE	DESCRIPTION

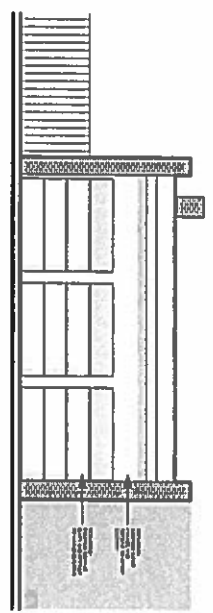
PROJECT NO. 18015 00
 MODEL FILE 18015 00 412 W MARSHALL ST
 START DATE: 08/17/2018
 PROJECT AMAN KHV
 PRINCIPAL, ENO

SHEET TITLE
FLOOR PLAN AND SECTION

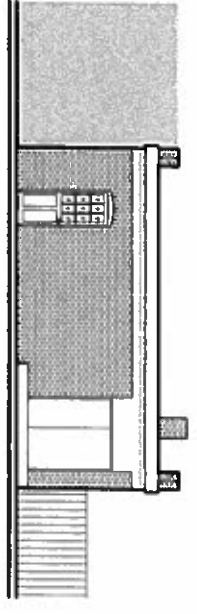
SK-03
 SHEET 43 OF 46



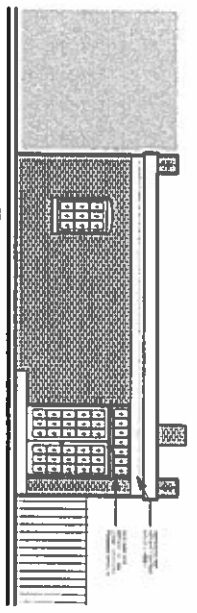
1
SK-04
EXISTING FACADE ELEVATION
SCALE: 3/32" = 1'-0"



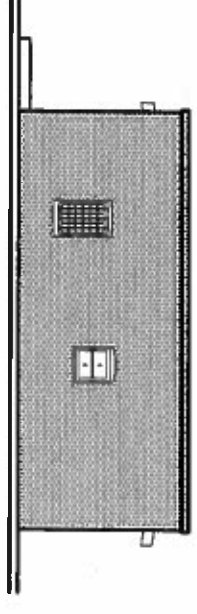
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SK-04
NEW FACADE ELEVATION
SCALE: 3/32" = 1'-0"



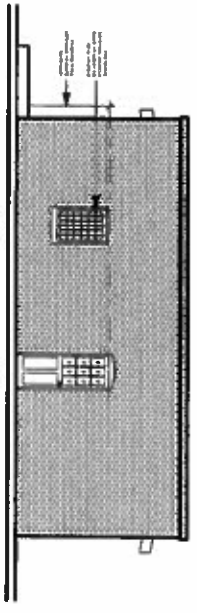
2
SK-04
EXISTING REAR ELEVATION
SCALE: 3/32" = 1'-0"



4
SK-04
NEW REAR ELEVATION
SCALE: 3/32" = 1'-0"

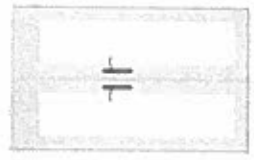


5
SK-04
EXISTING WEST ELEVATION
SCALE: 3/32" = 1'-0"

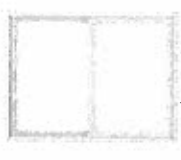


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SK-04
NEW WEST ELEVATION
SCALE: 3/32" = 1'-0"

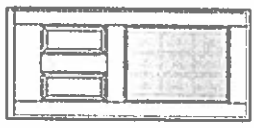
- GENERAL NOTES
- 1 SOURCE HISTORIC BRICKS WHERE NECESSARY FOR REPLACEMENT ON INTERIOR AND EXTERIOR
 - 2 USE SALVAGED WOOD PLANKS FOR INTERIOR FLOOR
 - 3 PRESERVE EXISTING EXPOSED CEILING BEAMS AT INTERIOR
 - 4 REFURBISH EXISTING WOOD FACADE AND TRIM AT GARAGE DOOR AND REPAINT
 - 5 REFURBISH EXISTING



2 BASIS OF DESIGN, ANDERSON WOOD HINGED PATIO DOOR (WHITE)



3 BASIS OF DESIGN, ANDERSON WOOD DOUBLE-HUNG WINDOW (WHITE)



4 RELOCATE EXISTING -OR BASIS OF DESIGN, ANDERSON STRAIGHTLINE 179 SERIES WITH COLOMIAL GRILLE (WHITE)

CORNER STONE ARCHITECTS
 22 WEST BROAD STREET, SUITE 200
 RICHMOND, VIRGINIA 23220
 TEL: (804) 353-1222
 FAX: (804) 353-1222
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412 W. MARSHALL ST.
 412 W Marshall St
 Richmond VIRGINIA 23219

MARK	DATE	DESCRIPTION

PROJECT NO. 18015.00
 MODEL FILE: 18015.00 412W MARSHALL
 START DATE: 08/17/2018
 PROJECT MAN: KHW
 PRINCIPAL: ERG

SHEET TITLE
 EXISTING AND NEW ELEVATIONS
 SK-04
 SHEET 44 OF 48

±18' PUBLIC ALLEY (COBBLESTONE)

S68° 25' 21"E

33.17

414 W. MARSHALL ST.
DAHM FAMILY LIVING TRUST
INST. #14-15070
PARCEL ID#N0000207022

BRICK GARAGE

WEST MARSHALL STREET
±29' PUBLIC R.O.W.

412 W. MARSHALL ST.
UP RICHMOND, LLC
INST. #S17-15924,
17-15925 & 17-15926
PARCEL ID#S N0000207031,
N0000207032 &
N0000207033

N20° 59' 34"E

160.56

160.46
S21° 04' 39"W

410 W. MARSHALL ST.
GLENN M. SMITH
D.B.194, PG.132
PARCEL ID#N0000207020

BUILDING ENC. 0.4'

2 STORY
BRICK
WITH
BASEMENT

GRANITE STONE FOUND

45.40

N68° 35' 03"W

16.43

32.93
N68° 35' 03"W

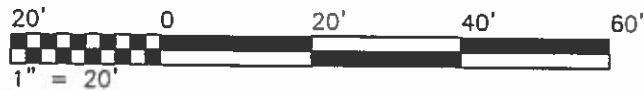
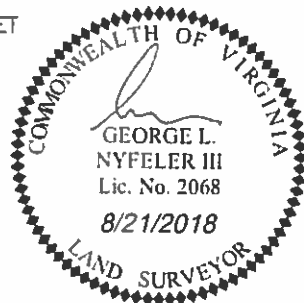
WEST MARSHALL STREET
±60' PUBLIC R.O.W.

LEGEND

- BUILDING LINE
- - - - ROOF OVERHANG
- ⊙ IRON ROD FOUND
- ⊠ ELECTRIC METER
- ▭ CONCRETE
- ▭ BRICK
- x - FENCE LINE
- HP HEAT PUMP
- GM GAS METER
- E - OVERHEAD UTILITY LINE

NOTES:

1. BUILDINGS ARE CLEAR OF PARCEL LINES EXCEPT WHERE NOTED.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.



BOUNDARY SURVEY

FOR
412 WEST MARSHALL
STREET
RICHMOND, VA



**NYFELER
ASSOCIATES**

LAND SURVEYING & MAPPING
619 W CARY STREET RICHMOND, VA 23220
804-277-4231

www.nyfelerassociates.com

SHEET NO.: 1 OF 1

DATE:
8/21/2018

SCALE:
1" = 20'

JOB NUMBER:
18129

DRAWN BY:
JRW

SK-05