

INTRODUCED: December 9, 2019

AN ORDINANCE No. 2019-350

To authorize the special use of the property known as 806 West Clay Street for the purpose of the construction of an addition to an existing single-family attached dwelling, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JAN 13 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 806 West Clay Street which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of the construction of an addition to an existing single-family attached dwelling which use, among other things, is not currently allowed by section 30-413.6(2)(a), concerning side yards, 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 (2019), 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:    JAN 10 2020    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 806 West Clay Street and identified as Tax Parcel No. N000-0352/013 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing a Physical Survey of a Parcel of Land Located at 806 W. Clay Street in the Name of Andre M. Wilson,” prepared by Timmons Group, and dated March 22, 2019, 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 the construction of an addition to an existing single-family attached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the survey entitled “Plat Showing a Physical Survey of a Parcel of Land Located at 806 W. Clay Street in the Name of Andre M. Wilson,” prepared by Timmons Group, and dated March 22, 2019, and the plans entitled “806 W Clay St, Richmond, VA,” prepared by NetCadDrafting.com, and dated March 20, 2019, hereinafter referred to collectively 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 as a single-family attached dwelling with a rear addition, substantially as shown on the Plans

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

§ 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

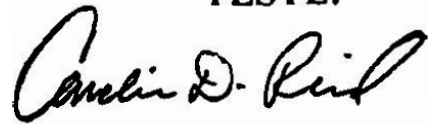
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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.

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink that reads "Carlin D. Reed". The signature is written in a cursive style with a large initial "C".

**City Clerk**

# City of Richmond

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

**Item Request**  
File Number: PRE.2019.370

**O & R REQUEST**

NOV 12 2019

4-9396  
Office of the

Chief Administrative Officer

RECEIVED

DEC 02 2019

OFFICE OF THE CITY ATTORNEY

## O & R Request

EDITION: 1

**DATE:** November 8, 2019

**TO:** The Honorable Members of City Council

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

**THROUGH:** Lenora G. Reid, Acting Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, 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 806 West Clay Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 806 West Clay Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

**REASON:** The applicant is proposing a special use permit to authorize a two-story rear addition to an existing non-conforming single-family dwelling. The property is currently located in the R-7 Single- and Two-Family Urban Residential District. The proposed addition is not permitted within the R-7 District due to side-yard set-back requirements. A Special Use Permit is therefore 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 6, 2020, meeting.

**BACKGROUND:** The subject property consists of a 1,650 SF (.04 acre) parcel of land improved with an existing two-story dwelling. The building is located in the City's Near West Planning District in the Carver neighborhood, on West Clay Street between Goshen and Gilmer Streets.

The City of Richmond's Pulse Corridor Plan designates a land use category for the subject property as 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. The building size, density, and zoning districts for these areas will vary depending on historic densities and neighborhood characteristics. New development should be in scale with existing context. Regardless of use, buildings should have street-oriented facades with windows and door openings along street frontages. Appropriate setbacks and open space should be provided for residential uses. New driveway entrances prohibited on priority streets. Vehicular access to parcels should use alleys where possible. Parking lots and parking areas should be located to the rear of street-facing buildings. Potential future zoning districts: R-7, R-8, R-63, B-5, B-6, B-7, RF-1, UB-2." (City of Richmond Pulse Corridor Plan, p.XII).

The property is currently zoned R-7 Single- and Two-Family Urban Residential District as are all surrounding properties. A mix of commercial, residential, mixed-use, industrial, and institutional land uses are present in the area.

**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:** \$300 application fee.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** December 9, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** January 13, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
January 6, 2020

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

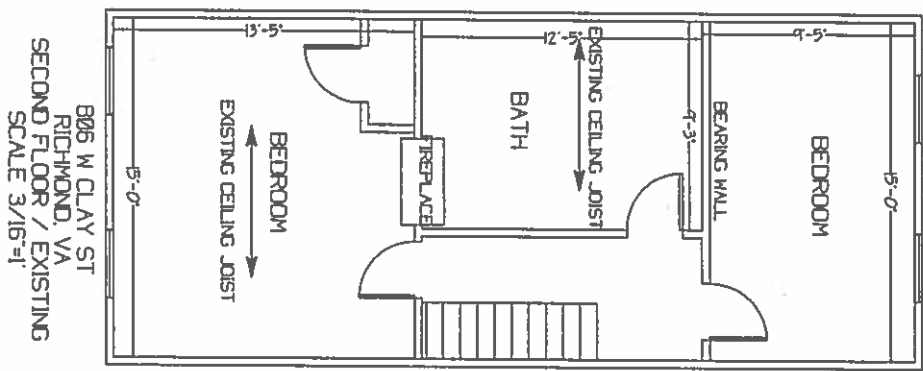
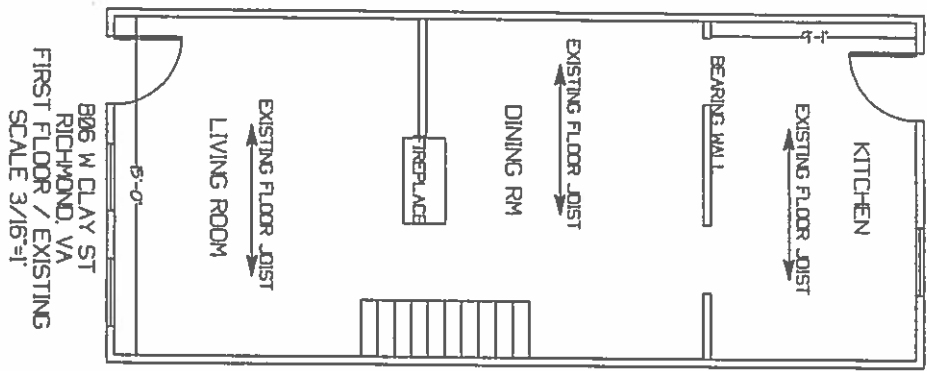
**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

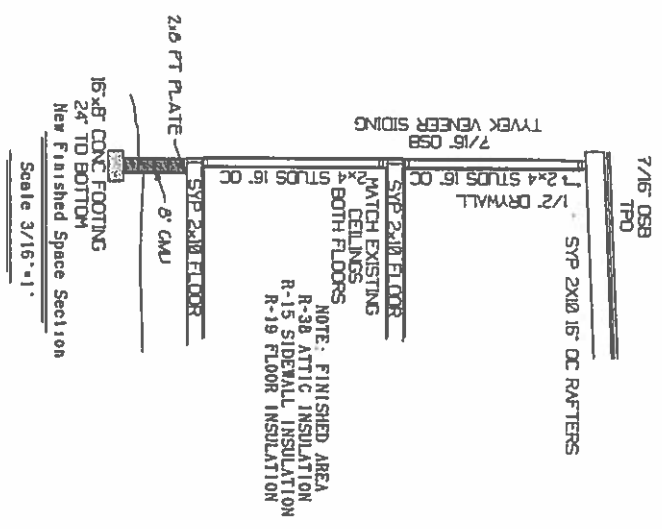
**ATTACHMENTS:** Application Form, Applicant's Report, Draft Ordinance, Plans & Survey, Map

**STAFF:** Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734

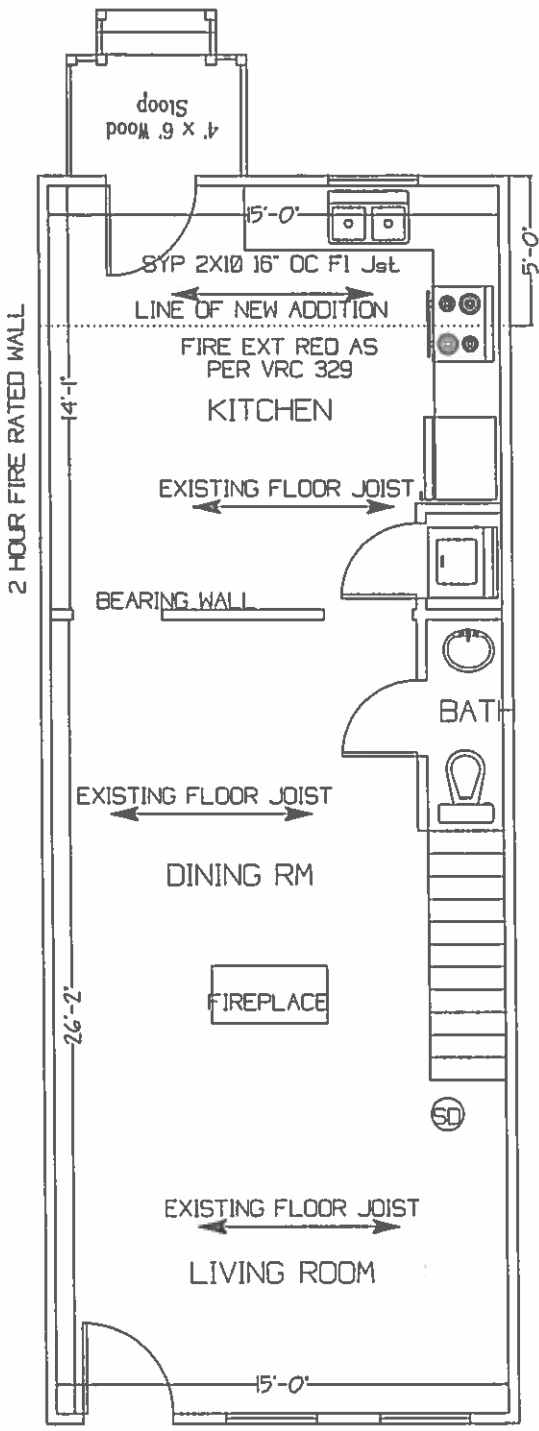




THIS PLAN IS DRAWN TO MEET  
IRC 2015 & VRC 2015  
BRAIDED WALL LINES USING  
NOT APPLICABLE



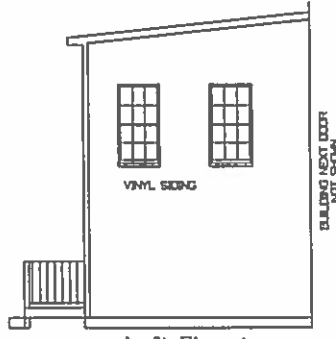
1 of 3	THIS PLAN WAS DESIGNED FOR 806 W CLAY ST RICHMOND, VA	NetCadDrafting.com RESIDENTIAL HOUSE PLAN SERVICES 804-640-0791	DATE OF PLANS 3/20/19
			PLANS DRAWN BY BRAD PRICE



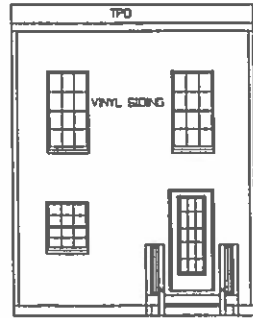
806 W CLAY ST  
 RICHMOND, VA  
 FIRST FLOOR / PROPOSED  
 SCALE 1/4"=1'



Scale 1/8"=1'



Scale 1/8"=1'



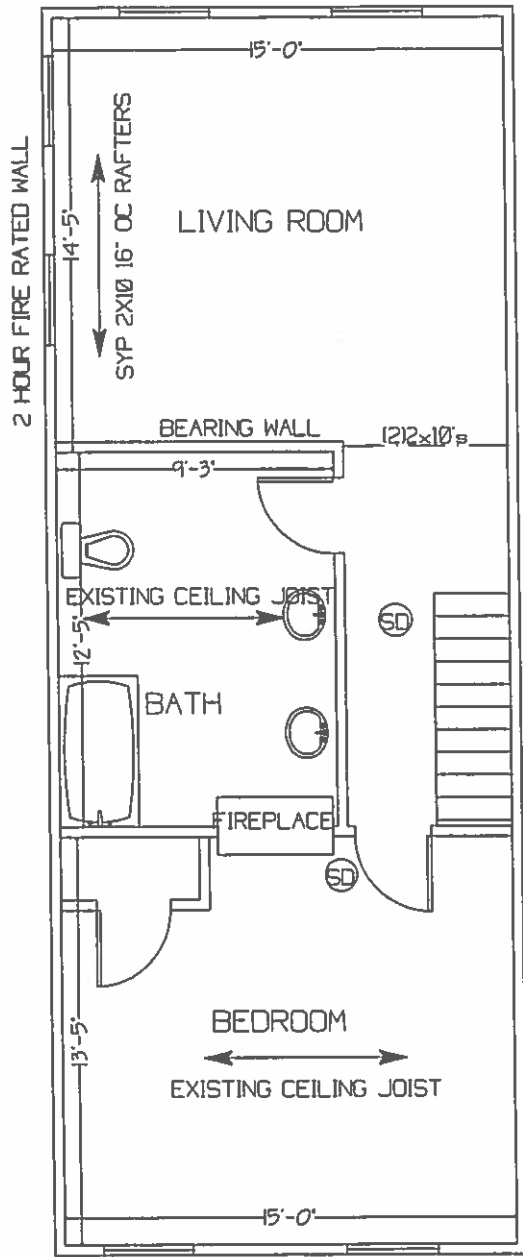
Scale 1/8"=1'

302  
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THIS PLAN WAS DESIGNED FOR  
 806 W CLAY ST  
 RICHMOND, VA

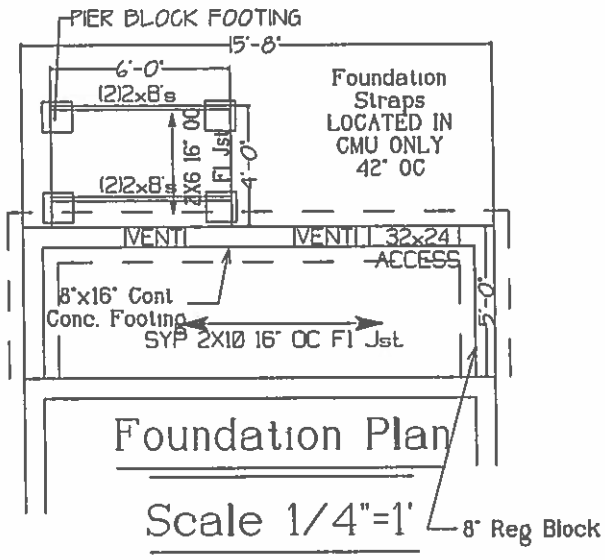
NetCadDrafting.com  
 RESIDENTIAL HOUSE PLAN  
 SERVICES  
 804-640-0791

DATE OF PLANS  
 3/20/19  
 PLANS DRAWN BY  
 BRAD PRICE



Exterior Grade to Have  
6" Fall from House Within  
First 10'

NOTE:  
UNLESS OTHERWISE NOTED ALL HEADERS  
ARE AS FOLLOWS  
UNDER 48" - (2)2x8's  
48" TO 60" - (2)2x10's  
60" TO 72" - (2)2x12's  
FOR ALL BEARING WALLS



**Foundation Plan**

Scale 1/4"=1'

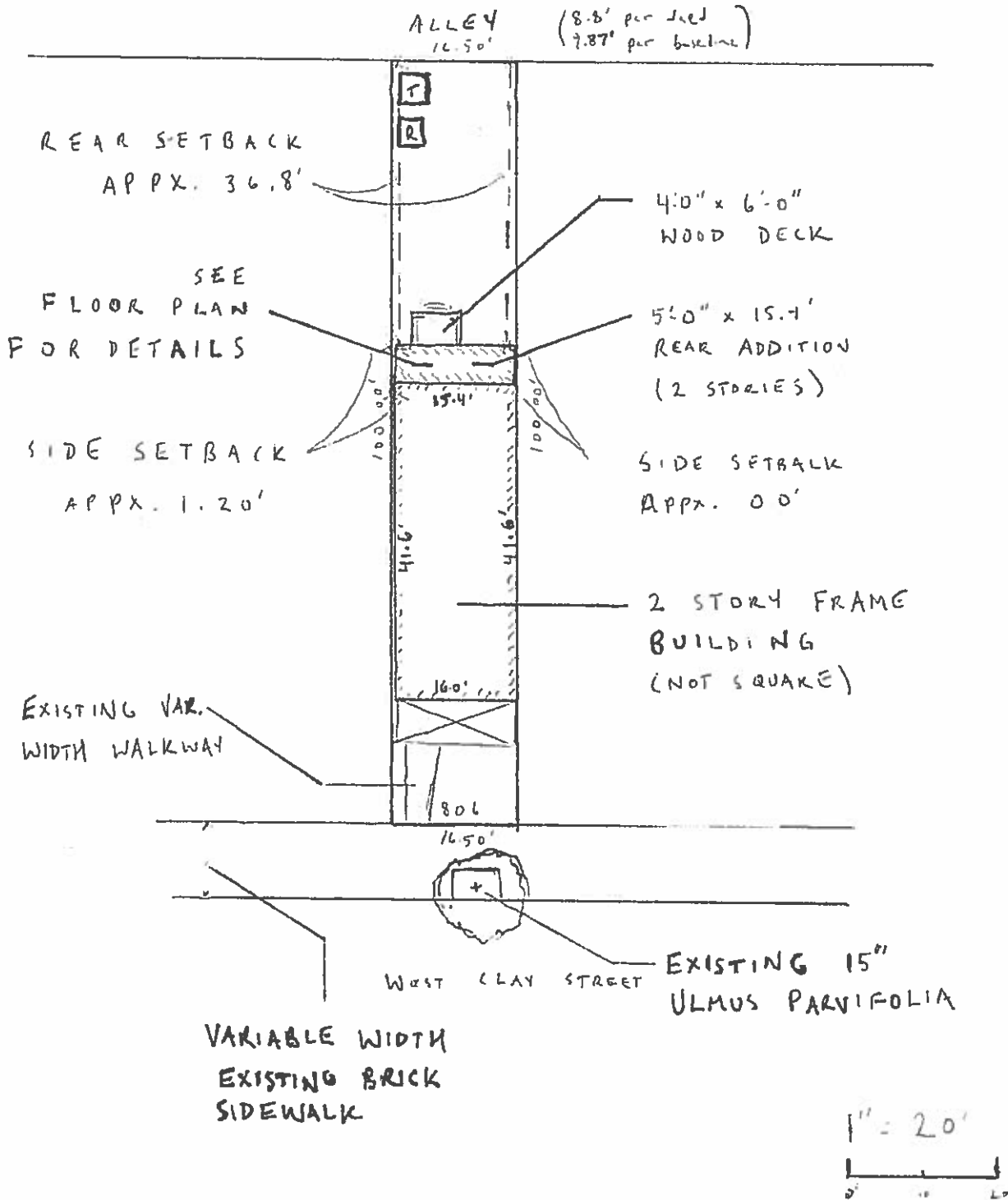
Interior Grade to  
be Equal to or Higher  
Than Exterior Grade

806 W CLAY ST  
RICHMOND, VA  
SECOND FLOOR / PROPOSED  
SCALE 1/4"=1'

	THIS PLAN WAS DESIGNED FOR 806 W CLAY ST RICHMOND, VA	NetCadDrafting.com RESIDENTIAL HOUSE PLAN SERVICES 804-640-0791	DATE OF PLANS 3/20/19
			PLANS DRAWN BY BRAD PRICE

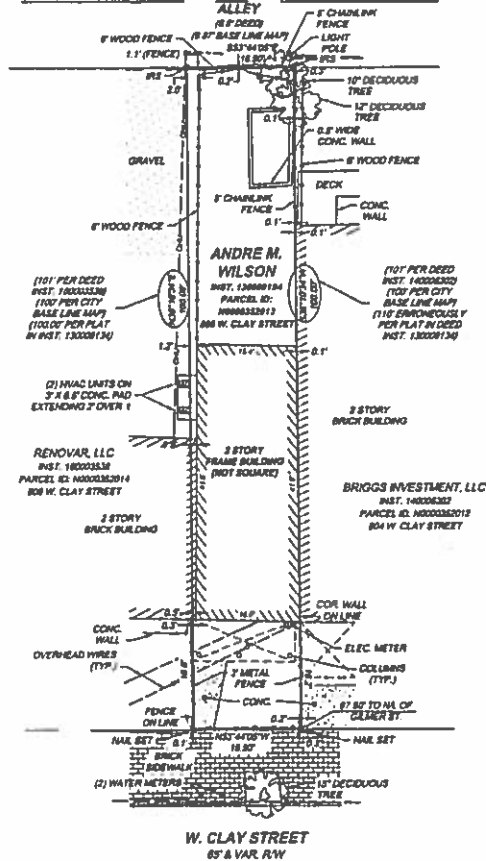
# SITE PLAN CONCEPT

## 806 W. CLAY STREET



V:\80114\3307-806-W\_Clay\_BRIDGEG-13307-V-FPSURV.dwg | Plotted on 3/22/19 10:12:22 PM | by Kenneth Robinson

① PARCEL ID N0000352007      ② PARCEL ID N0000352008      ③ PARCEL ID N0000352009



**OWNER OF RECORD**

- ① DELFA L WASHINGTON  
INST. 06021312  
811 CATHERINE STREET,  
RICHMOND, VA 23220
- ② MARY BAYLOR  
INST. 03021978  
808 CATHERINE STREET,  
RICHMOND, VA 23220
- ③ LARRYWOOD K. THORNTON & SUZANNE D. THORNTON  
INST. 180003780  
807 CATHERINE STREET,  
RICHMOND, VA 23220

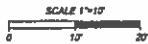
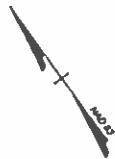
**NOTES**

Based on graphic determination the property is in zone "X" of the F.I.U.D. defined flood hazard area as shown on P.E.M.A. Flood Insurance Rate Map, Community Panel #5101029 00370 dated 04/02/05.

This is to certify that on 03/01/19 to the best of my professional knowledge and belief I made an accurate field survey of the premises shown hereon, that all improvements known or visible are shown hereon; that there are no visible improvements across property lines either from adjoining premises or from subject premises upon adjoining premises other than as shown hereon.

This survey was prepared without the benefit of a title binder and may therefore not show all existing easements or other pertinent facts which may affect the property.

This is a physical survey of the property and not a boundary survey and as such is based strictly on the current description of record for the subject parcel. There is a discrepancy in the depth of the lot and width of the alley when comparing the current deed and City of Richmond base line maps. A boundary survey is recommended to address discrepancy.



PLAT SHOWING  
A PHYSICAL SURVEY OF A PARCEL OF LAND  
LOCATED AT 806 W. CLAY STREET IN THE  
NAME OF ANDRE M. WILSON

City of Richmond, VA	
Date: March 22, 2019	Scale: 1"=10'
Drawn by: J.L.R.	Checked by: G.F.D.
Revised:	

**TIMMONS GROUP**



SUP-055243-0019

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)

- [X] special use permit, new
[ ] special use permit, plan amendment
[ ] special use permit, text only amendment

Project Name/Location

Property Address: 806 W Clay St Date: 5/15/2019
Tax Map #: N-000-0352/013 Fee: \$300.00
Total area of affected site in acres: 0.038

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

Zoning

Current Zoning: R-7 (Single & 2 Family Urban)

Existing Use: Single-family detached (abutting 804 and 808 W Clay)

Proposed Use

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

Addition to single-family detached
Existing Use Single-family detached

Is this property subject to any previous land use cases?

Yes [ ] No [X] If Yes, please list the Ordinance Number. N/A

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources
Mailing Address: 11 S 12th Street, Suite 500
City: Richmond State VA Zip Code: 23219
Telephone: (804) 874-6275 Fax: ( )
Email: markbaker@bakerdevelopmentresources.com

Property Owner: Andre Wilson

If Business Entity, name and title of authorized signer:

(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 986

City: Chesterfield State VA Zip Code: 23832
Telephone: (804) 399-3461 Fax: ( )
Email: awilson@aol.com

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)



May 29, 2019

Mr. Matthew Ebinger  
City of Richmond, Department of Planning and Development Review  
Land Use Administration Division, Room 511  
City Hall, 900 E Broad Street  
Richmond, Virginia 23219

Re: **Special Use Permit: 806 W Clay Street**

Dear Matthew,

I am representing the property owner in an application for a special use permit (SUP) for the property known as 806 W Clay Street, identified as Tax Parcels N000-0352/013 ("the Property"). The Property is located on the north side of W Clay Street between Goshen Street and Gilmer Street. The Property consists of one lot that is 16.5 feet in width and 100 feet in depth. The lot contains 1,650 of lot area. The Property is occupied by a single-family dwelling that was constructed in 1900 according to the City Assessor.

The Property is zoned R-7 Residential (Single & 2 Family Urban), which permits single-family and two-family dwellings. The SUP is required in order to permit the reconstruction and expansion of a rear addition to the existing single-family detached dwelling on the Property. A side yard setback of not less than three feet (3') is required for a single-family detached dwelling in the R-7 district. The dwelling on the Property abuts the dwellings at 804 and 808 W Clay. As abutting structures their walls are subject to the required 3' side yard setback. However, based on the age of the dwellings they are nonconforming (grandfathered). Accordingly, a previous two-story rear addition on the dwelling had been nonconforming with regard to this requirement. However, that addition was removed as discussed in further detail below. A special use permit is now required in order to replace and expand the addition as proposed.

In 2018, a contractor working with the owner discovered structural damage while pursuing floor repairs. The original scope of work did not require a permit. However, as work progressed the scope of work expanded to include the substantial demolition of and replacement of damaged joists and studs – significant termite and water damage was discovered when floors and walls were opened up for repair. With the partial demolition of the addition the scope was expanded further to include an expansion of the addition area to include an expansion of the footprint by 75 square feet (150 square feet of floor area on two floors). The demolition/replacement and expansion of the addition area is in line with the existing side wall configuration. However, no plans were filed, or permits issued, for the work. The owner indicates that the contractor failed to advise him of the need to stop at the point where a permit would have been needed. The City issued a stop work order for replacing walls and floor joists with no approved plans or permits in 2018. Since that time, work has been suspended and the addition is incomplete. Because portions of the existing addition were removed and due to the expansion, the right to the nonconforming setback has now been lost. As such the partially complete

rehabilitation/expansion of the addition does not meet the setback requirement and is therefore out of compliance.

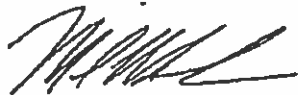
The SUP would legitimize the partially constructed addition. The addition is consistent with the historic development pattern in the area. The dwelling is modest in size, including 1,162 square feet of floor area prior to the demolition. The proposed addition would include an additional 150 square feet of floor area on two floors. It would improve livability by permitting a larger, more modern kitchen layout on the first floor and a larger second bedroom on the second floor. When complete, the dwelling would contain approximately 1,312 square feet of floor area.

The proposal is consistent with the Master Plan Land Use Plan recommendation and the rehabilitation of the dwelling would be consistent with multiple objectives of the Master Plan related to housing and neighborhoods.

This proposal addresses the various factors in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. In summary, the applicant is seeking approval for a modest rear addition in order to allow for the needed repair of and improvement of the existing dwelling on the Property.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,



Mark R. Baker  
Baker Development Resources, LLC

cc: the Honorable Kimberly Gray, 2<sup>nd</sup> District Councilmember