

INTRODUCED: March 22, 2021

AN ORDINANCE No. 2021-083

As Amended

To authorize the special use of the property known as 109 North Plum Street for the purpose of no more than one dwelling unit within an accessory building to an existing single-family dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 26 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 109 North Plum Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of no more than one dwelling unit within an accessory building to an existing single-family dwelling, which use, among other things, is not currently allowed by section 30-412.2(2), concerning permitted accessory uses, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), 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: JUN 14 2021 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 (2020), 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 109 North Plum Street and identified as Tax Parcel No. W000-0527/040 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing the Proposed Garage at W0000527040, 109 North Plum Street, Bryan & Julian Carr,” prepared by C. E. Duncan & Associates, Inc., and dated September 19, 2020, 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 no more than one dwelling unit within an accessory building to an existing single-family dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Carr Garage/Guesthouse, 109 North Plum Street, Richmond, Virginia,” prepared by Joseph F. Yates, Architects, and dated September 30, 2020, 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 Special Use of the Property shall be as no more than one dwelling unit within an accessory building to an existing single-family dwelling, substantially as shown on the Plans.

(b) Two off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.

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

(d) The height of the Special Use shall not exceed the height shown on the Plans.

(e) All building materials and elevations shall be substantially as shown on the Plans.

(f) The accessory building shall not be used for ~~[short-term]~~ rental purposes. However, rental of the accessory building to individuals having a familial relationship to the Owner by blood, marriage, legal guardianship, or adoption shall be permitted.

~~[(g) The accessory building shall not be rented to the general public.]~~

§ 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 (2020), 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 (2020), 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.

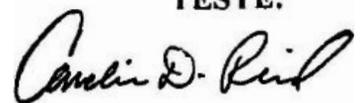
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), 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 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:**



City Clerk

City of Richmond

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

Item Request

File Number: PRE.2021.492

O & R Request

DATE: February 22, 2021

EDITION: 1

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



THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer



THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic
Development and Planning



FROM: Kevin J. Vonck, Acting Director, Department of Planning and Development Review



RE: To authorize the special use of the property known as 109 North Plum Street for the purpose of no more than one dwelling unit within an accessory building to an existing single-family dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 109 North Plum Street for the purpose of no more than one dwelling unit within an accessory building to an existing single-family dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize construction of a 2-story detached garage with an accessory dwelling unit, within an R-6 Single-Family Attached Residential District. Accessory dwelling units are not allowed in newly-constructed buildings in the R-6 District. 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 April 19, 2021, meeting.

BACKGROUND: The property is located in the Fan neighborhood on North Plum Street between Grove and Floyd Avenues. The property is currently improved with a 1,848 sq. ft. single-family dwelling situated on a 3,187 sq. ft. (.073 acre) parcel of land.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use which is described as "existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses." Primary uses include Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary uses include large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government. (p. 56)

The current zoning for this property is R-6 Single-Family Attached Residential. All adjacent properties are located within the same R-6 Residential Zone. A mix of single-, two-, and multi-family residential, and some commercial land uses are present in the vicinity.

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: March 22, 2021

CITY COUNCIL PUBLIC HEARING DATE: April 26, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
April 19, 2021

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: Draft Ordinance, Application Form, Applicant's Report, 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.richmondgov.com/>

- Application is hereby submitted for: (check one)
- special use permit, new
 - special use permit, plan amendment
 - special use permit, text only amendment

Project Name/Location
 Property Address: 109 N. Plum Street Date: 9-10-20
 Tax Map #: W0000527040 Fee: \$ 300.00
 Total area of affected site in acres: 0.073

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

Zoning
 Current Zoning: R-6 Single-family Attached Residential
 Existing Use: Single car garage

Proposed Use
 (Please include a detailed description of the proposed use in the required applicant's report)
Two-car garage and guest house studio
 Existing Use: Single car garage

Is this property subject to any previous land use cases?

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

Applicant/Contact person: Bryan & Julia Carr
 Company: N/A
 Mailing Address: 109 N. Plum Street
 City: Richmond State: VA Zip Code: 23220
 Telephone: (804) 971-2141 Fax: ()
 Email: Carrj1@gmail.com

Property Owner: Bryan & Julia Carr
 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: 109 N. Plum Street
 City: Richmond State: VA Zip Code: 23220
 Telephone: (804) 971-2141 Fax: ()
 Email: Carrj1@gmail.com

Property Owner Signature: Bryan Carr Julia Carr

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)

September 10, 2020

Special Use Permit Application
City of Richmond, VA

For: 109 N. Plum Street

Applicant's Report:

1. The new garage/guest house will not be detrimental to the safety, health, morals and general welfare of the community of the Fan District. It will be used solely for use by the owners Bryan and Julia Carr.
 2. Construction of the garage/guest house will not create congestion in streets, roads, alleys and other public ways and places in the Fan District. The new garage will be a double garage as opposed to the current single car garage so that it will remove an additional car from the public street. When guests are visiting they will use one of the parking spaces in the garage.
 3. The new garage/guest house will not create hazards from fire, panic or other dangers as it will be used solely for off street parking and as a guest suite.
 4. The new garage/guest house will not cause overcrowding of land and an undue concentration of population as it will be located at the rear of a residential lot and will occupy slightly more than the location of the current garage.
 5. The new garage/guest house will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage. The guest suite will only be used periodically by family members so there will be no use of public or private schools. The effect on both water supplies and sewer will be the addition of a kitchenette and one bathroom.
 6. The new garage/guest house will not interfere with adequate light and air as it will be at the rear of a residential property and will be two stories in height. All of the houses and apartment buildings in the neighborhood are either two or three stories in height. The new structure will have exposure on the public alley to the south, with single family lots to the north and east. The west end elevation will face the rear yard of the adjacent property. There will be no windows on the north side of the new structure. There is a large three storey apartment building at 1411 Grove Avenue that blocks the views of the garage/guest house from both Grove Avenue and N. Harvie Street.
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September 10, 2020

(Name and address)

Re: Special Use Permit for 109 N. Plum Street

Dear Neighbor:

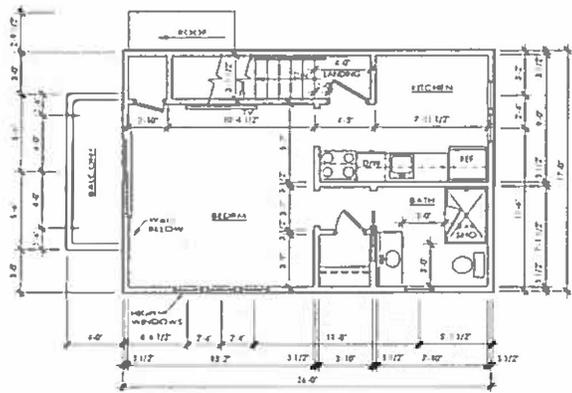
We are proposing to construct a two story garage and guest house behind our house at 109 N. Plum Street. The existing garage is in poor condition and will be demolished. The reason for this project is that our house is only a two bedroom residence and we have extended families on both sides who visit regularly. The guest space will not be rented out for long or short term rentals nor will it be rented as an Air B & B.

The reason we are requesting a Special Use Permit is that we are proposing a full bathroom as opposed to a half-bath, and the height of 25'-0" exceeds the zoning requirement of 20' -0".

Should you have any questions please email us at Bryan Carr cavcarr1@gmail.com or Julia Carr at carrj@vcu.edu or you may email our architect Joe Yates at joe@jfyarchitects.com.

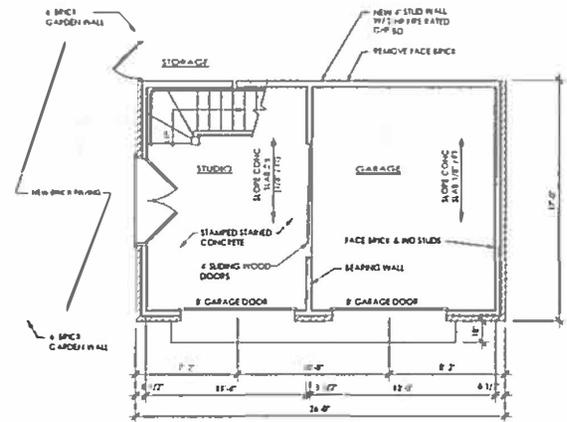
Yours truly:

Joseph F. Yates, Architect



Second Floor Plan

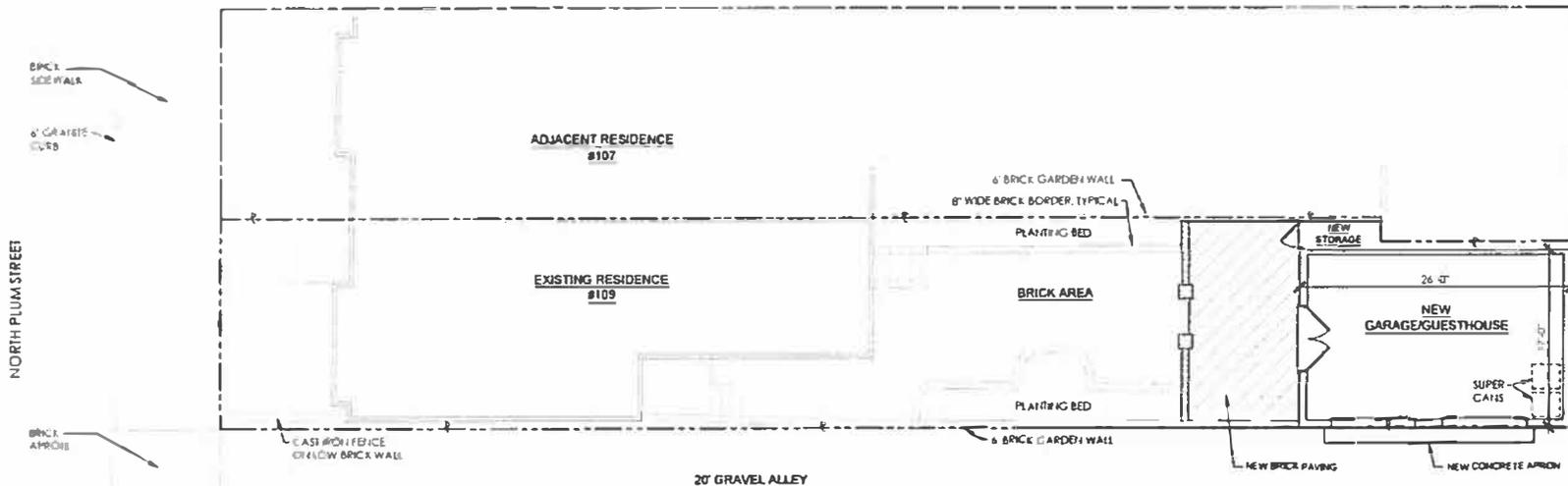
SCALE: 1/4" = 1'-0"



First Floor Plan

SCALE: 1/4" = 1'-0"

10' GRAVEL ALLEY



109 North Plum Street - Site Layout

SCALE: 3/8" = 1'-0"

ALLEY

PROGRESS PRINT - NOT FOR CONSTRUCTION

Carr Garage/ Guesthouse
 109 PLUM STREET
 RICHMOND, VIRGINIA

Joseph F. Yates
 ARCHITECT
 804-639-3747
 joe@jfyarchitects.com

Set Date:
 SEP 30, 2020
 Revisions:

Project No.:
 2020-10

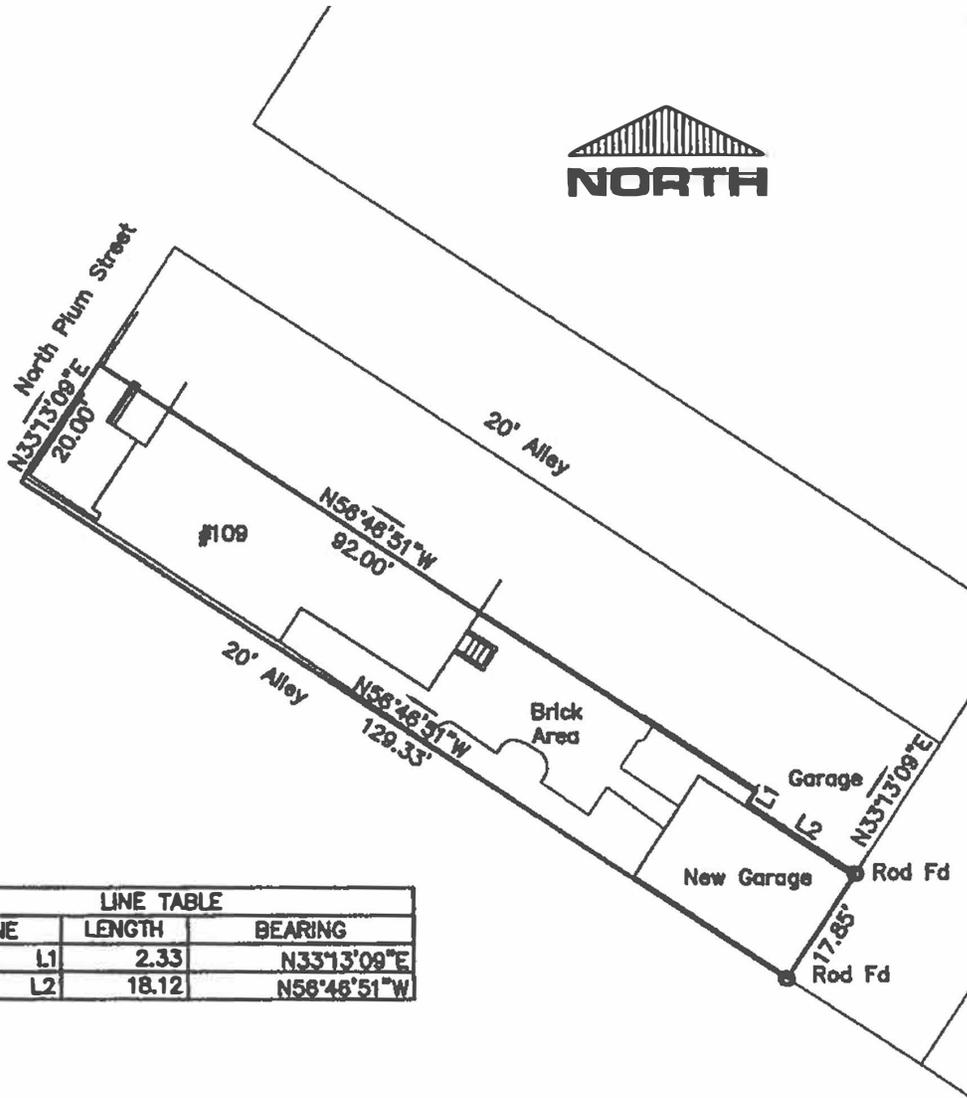
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I hereby certify that an accurate survey of the property was made on June 10, 2020 and that any encroachments are noted hereon. This survey was made without benefit of a title report and there may be encumbrances present that are not shown.

Carl E. Duncan

Carl E. Duncan, P.E., L.S.



LINE TABLE		
LINE	LENGTH	BEARING
L1	2.33	N33°13'09"E
L2	18.12	N56°46'51"W

Plat Showing the
Proposed Garage at
W0000527040
109 North Plum Street
Bryan & Julian Carr

2nd District
City of Richmond



C. E. Duncan & Associates, Inc.
2508 Rocky Oak Road
POWhatan, Virginia 23139
(804) 508-8240 Fax (804) 508-9240
DATE: 9/19/20 SCALE: 1"=20'
DRAWN BY: CED Job No.: 18-0182