

INTRODUCED: September 13, 2021

AN ORDINANCE No. 2021-259

To authorize the special use of the property known as 1615 Rear Hanover Avenue for the purpose of up to ten garages as principal uses, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 11 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 1615 Rear Hanover Avenue, which is situated in a R- Single-Family Attached Residential District, desires to use such property for the purpose of up to ten garages as principal uses, which use, among other things, is not currently allowed by section 30-412.1 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 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 11 2021 REJECTED: _____ STRICKEN: _____

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 1615 Rear Hanover Avenue and identified as Tax Parcel No. W000-0664/041 in the 2021 records of the City Assessor, being more particularly shown on the plans entitled “Proposed Subdivision Exhibit for SUP Fan Garages, 1615 Rear Hanover Avenue, City of Richmond, VA,” prepared by Nyfeler Associates, and dated October 29, 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 up to ten garages as principal uses, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Proposed Subdivision Exhibit for SUP Fan Garages, 1615 Rear Hanover Avenue, City of Richmond, VA,” prepared by Nyfeler Associates, and dated October 29, 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 up to ten garages as principal uses, substantially as shown on the Plans. The garages shall be provided with alley access and may be used by individuals who are not owners of principal uses on the block in which the garages are located.

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

(c) Prior to the issuance of any certificate of occupancy for the Special Use, the subdivision of up to ten lots, substantially as shown on the Plans, shall be accomplished by obtaining subdivision approval from the City and by recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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.

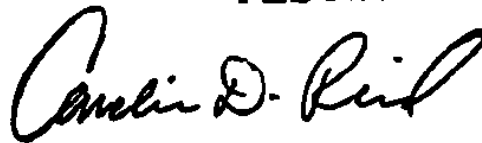
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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, appearing to read "Carolin D. Reed". The signature is fluid and cursive, written over a white background.

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.2021.581

O & R Request

DATE: August 12, 2021

EDITION: 1

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



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



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



RE: To authorize the special use of the property known as 1615 Rear Hanover Avenue for the purpose of subdividing the parcel in order to create 10 parcels with garages as a principal use on each parcel subject to terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 1615 Rear Hanover Avenue for the purpose of subdividing the parcel in order to create 10 parcels with garages as a principal use on each parcel subject to terms and conditions.

REASON: The structure contains ten individual residential garage units of approximately 258 square feet of floor area. Each unit is separated by a masonry wall that extends above the roof line in order to provide fire containment. The zoning ordinance allows these units to be accessory uses only to those dwelling units on "the same entire block" as the principal uses. The applicant wishes to subdivide the garages along the party walls into ten units and then sell them to prospective owners who may own principal uses on the block. 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 October 4, 2021 meeting.

BACKGROUND: The property is located in the Fan neighborhood and is accessible only by an alleyway extending between North Vine Street and North Lombardy Street. The property is currently improved with a 2,580 square foot detached ten unit garage structure. The property owner reserves two garages for use by the home located at 1615 Hanover Street. The remaining units are leased to nearby home owners. The applicant wishes to subdivide each garage unit as a standalone fee simple property. The remaining unreserved garage units would be sold.

The City of Richmond's *Richmond 300* Master Plan designates a future land use for the subject property and the surrounding area as Neighborhood Mixed-Use. This area is characterized by highly walkable urban residential neighborhoods. The plan specifically calls for parking areas to be located behind buildings that face the street.

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 residential densities 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: September 13, 2021

CITY COUNCIL PUBLIC HEARING DATE: October 11, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 4, 2021

AFFECTED AGENCIES: Office of Chief Administration 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 and Narrative, Plans, Survey, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036

**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: Rear 1615 Hanover Ave

Date: 11/02/2020

Tax Map #: W0000664041

Fee: \$300

Total area of affected site in acres: 0.059

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

Zoning

Current Zoning: R6

Existing Use: 10 garages for residential use -some rented out

Proposed Use

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

10 garages for residential use - now with proposed individual ownership

Existing Use: Garages for residential use, with a number of them being rented to others

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Linda K. Foster

Company: _____

Mailing Address: 1615 Hanover Ave

City: Richmond

State: VA

Zip Code: 23220

Telephone: (804) 353-1966

Fax: ()

Email: Lndjoh@yahoo.com

Property Owner: Linda K. Foster

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: _____

City: _____

State: _____

Zip Code: _____

Telephone: ()

Fax: ()

Email: _____

Property Owner Signature: Linda K. Foster

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)

SUP Applicant Report for Rear 1615 Hanover Ave – 11/02/2020

If granted a Special Use Permit to subdivide the 10 existing garages currently all located on one parcel of land into 10 parcels - each with one garage - the proposed use will effectively match the current use as residential garages, except that after subdividing, the ownership of each garage will now be allowed to vary.

Since the effective use (outside of ownership) will remain the same, there will be no additional conditions that would:

- a. Be detrimental to the safety, health, morals and general welfare of the community involved;
- b. Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
- c. Create hazards from fire, panic or other dangers;
- d. Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
- e. Interfere with adequate light and air.

All new division lines will run down the centers of existing party walls. These are existing double brick thickness walls separating each garage as shown in the accompanying survey "Proposed Subdivision Exhibit for SUP Fan Garages" prepared by Nyfeler Associates and dated 10/29/2020. These walls run up through the roof as parapet walls, for complete separation between the garages. Should a particular garage be in need of roof repair, that garage's common parapet walls with other garages creates a clear roof division and may therefore be repaired or replaced without affect on the other garages.

No construction is anticipated. If approved, I will go through the subdivision process to create 10 parcels. Once the subdivision is approved and recorded, I plan on selling some or all of the garage parcels.

Sincerely,



Linda K. Foster
(804) 353-1966
Lndjoh@yahoo.com

SUBDIVISION CERTIFICATE

The subdivision of land shown hereon, designated "Fan Garages" is with the free consent and in accordance with the desires of the undersigned owners thereof. There are no Deeds or Mortgages on this property. All streets, alleys and easements are of the width and extent shown hereon and are dedicated to the City of Richmond, Virginia free and unrestricted by any previous agreements or easements, except as noted on this plat at the time of recordation. All unrestricted easements are subject to the right of the City of Richmond, Virginia to establish alleys on said easements at a future time without cost of the property involved. The dedication of easements to the City includes the right to make reasonable use of the adjoining land for construction and maintenance of public facilities within the boundaries of the easements shown hereon. All dedications of land are subject to the right of the City of Richmond, Virginia to establish streets, alleys, or easements on such property at a future time without cost of the property involved. IN WITNESS WHEREOF, the Owners, Mortgagees, and Trustees have/has affixed their

signature and seal as of this _____ day of _____, 2017.

By: _____
Owner / Mortgagee / Trustee

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, To-wit:

I, _____, a Notary Public in and for the jurisdiction

aforesaid, do hereby certify that

_____, who is known to me and whose name is signed to the foregoing instrument personally appeared before me and has acknowledged the same before me in the jurisdiction

aforesaid this _____ day of _____, 2018.
Notary Public My commission expires: _____

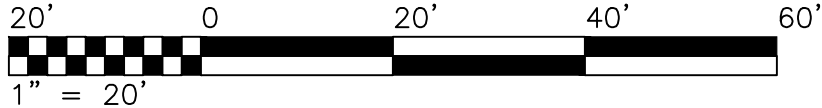
Registration No.: _____

NOTES:

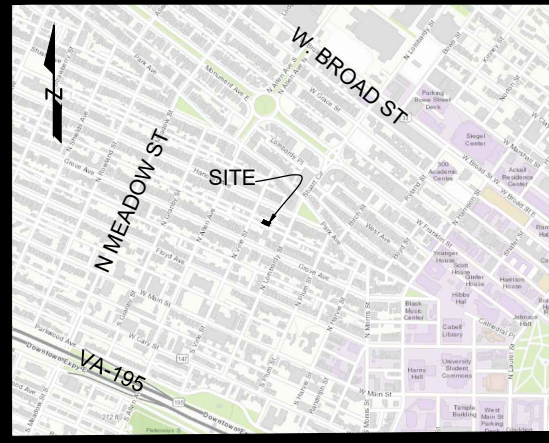
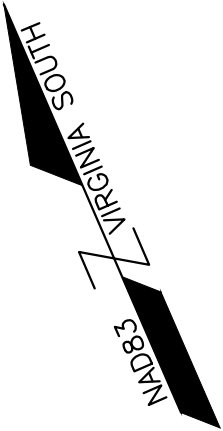
1. Use: Garage/Storage
2. Zoning: R-6
3. Setbacks: 15' Front, 5' Side and Rear
4. Address: 1615 Rear Hanover Avenue
5. Tax map reference number: W0000664041
6. Water: Public - City of Richmond, Virginia
7. Sewer: Public - City of Richmond, Virginia
8. Drainage: Surface
9. Public Utilities: Overhead (Existing)
10. Owner(s): LINDA K. JOHNSON
11. Developer: LINDA K. JOHNSON
12. Total Area: 0.059 Acres & 2,582 square feet
Area in Roads: 0 Acres & 0 square feet
Area in Lots: 0.059 Acres & 2,582 square feet
Area of Land Dedicated for Public Purposes: 0 Acres & 0 square feet
13. Number of Lots: 10
Minimum Lot size: 254 Square feet
Maximum Lot size: 262 Square feet
Average Lot size: 258 Square feet
14. Property within the limits of this subdivision is not located in a Flood Zone, as shown on Flood Insurance Rate Map Number 5101290037D, revised 4/2/2009.
15. Property within the limits of this subdivision does not contain wetlands identified on the National Wetlands Inventory Map dated 10/1/2020 (online).
16. Property within the limits of this subdivision is not located in Chesapeake Bay Preservation Areas designated by the City of Richmond, Virginia pursuant to Chapter 50 of the City Code of 2004.
17. Utilities shown from surface evidence and City of Richmond provided mapping.
18. Vertical Datum: NAVD88
19. Horizontal and Vertical datum established with RTK solutions for GPS observed points.
20. L17-L29 fall along centerline of existing brick walls.

SOURCE OF TITLE

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SUBDIVISION IS THAT PROPERTY CONVEYED LINDA K. JOHNSON FROM VANCE H. JOHNSON AND LINDA K. JOHNSON BY WILL OF VANCE H. JOHNSON DATED APRIL 23, 1999 INST. NO. IW9900-515; BEING THE SAME PROPERTY CONVEYED TO VANCE H. JOHNSON AND LINDA K. JOHNSON FROM WILLIAM C. SCOTT AND MARIAN M. SCOTT BY DEED DATED MARCH 31, 1998 INST. NO. 98-7990; BEING THE SAME PROPERTY CONVEYED TO WILLIAM C. SCOTT AND MARIAN M. SCOTT FROM ROBERT T. SCOTT BY DEED OF GIFT DATED FEBRUARY 26, 1996, INST. NO. 96-5488; BEING THE SAME PROPERTY CONVEYED TO ROBERT T. SCOTT FROM DAVID D. REDMOND, TRUSTEE BY DEED OF GIFT DATED NOVEMBER 30, 1994 IN BOOK 433, PAGE 1350; BEING THE SAME PROPERTY CONVEYED TO DAVID D. REDMOND BY FRANK D. WILLIAMS, JR. AND JOANNE B. WILLIAMS BY DEED DATED AUGUST 4, 1959 IN DEED BOOK 595C, PAGE 526.



HANOVER AVENUE
66' PUBLIC R.O.W.



VICINITY MAP
1" = 2000'

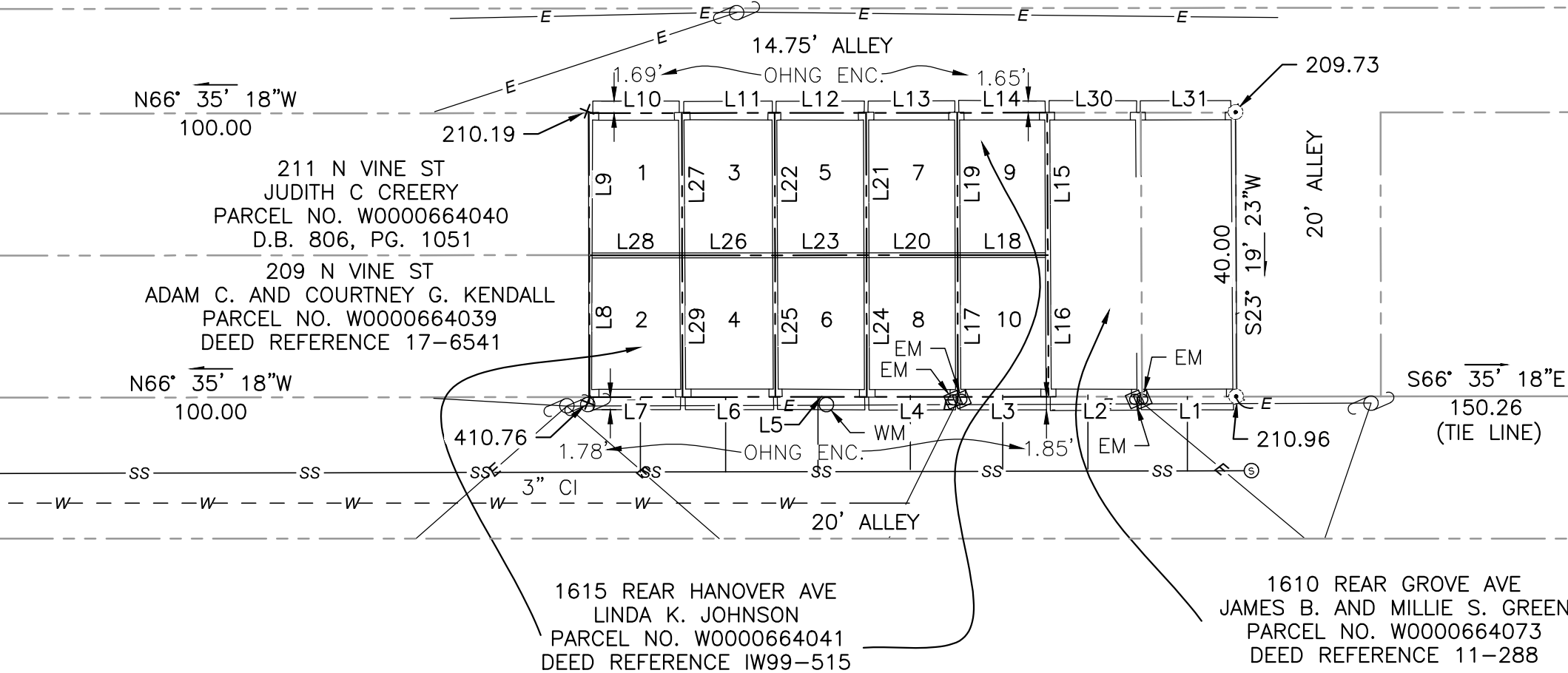


Line Table		
Line	Bearing	Length
L1	N66° 35' 18"W	13.22
L2	N66° 35' 18"W	13.22
L3	N66° 35' 18"W	12.75
L4	N66° 35' 18"W	12.82
L5	N66° 35' 18"W	12.87
L6	N66° 35' 18"W	13.07
L7	N66° 35' 18"W	13.09
L8	N23° 19' 34"E	19.96
L9	N23° 19' 34"E	20.04
L10	S66° 35' 18"E	13.09
L11	S66° 35' 18"E	13.07
L12	S66° 35' 18"E	12.87
L13	S66° 35' 18"E	12.82
L14	S66° 35' 18"E	12.66
L15	S23° 11' 39"W	20.04
L16	S23° 11' 39"W	19.96
L17	N23° 19' 34"E	19.96
L18	N66° 35' 18"W	12.71
L19	S23° 19' 34"W	20.04
L20	N66° 35' 18"W	12.82
L21	N23° 19' 34"E	20.04
L22	S23° 19' 34"W	20.04
L23	S66° 35' 18"E	12.87
L24	S23° 19' 34"W	19.96
L25	N23° 19' 34"E	19.96
L26	N66° 35' 18"W	13.07
L27	N23° 19' 34"E	20.04
L28	S66° 35' 18"E	13.08
L29	S23° 19' 34"W	19.96
L30	S66° 35' 18"E	13.22
L31	S66° 35' 18"E	13.31
L32	N23° 20' 12"E	14.74
L33	N23° 20' 12"E	20.12

SURVEYOR'S CERTIFICATE

To the best of my knowledge and belief all of the requirements as set forth in the ordinance for approving plats of subdivision in the City of Richmond, Virginia have been complied with. All monuments have been previously set or will be set by the LAST day of December 2021.

SUBDIVISION ACREAGE = ±0.059
LOT 1 ACREAGE = ±0.006
LOT 2 ACREAGE = ±0.006
LOT 3 ACREAGE = ±0.006
LOT 4 ACREAGE = ±0.006
LOT 5 ACREAGE = ±0.006
LOT 6 ACREAGE = ±0.006
LOT 7 ACREAGE = ±0.006
LOT 8 ACREAGE = ±0.006
LOT 9 ACREAGE = ±0.006
LOT 10 ACREAGE = ±0.006
SUBJECT PROPERTY AND ABUTTERS
ZONED R-6



LEGEND

- | | | | |
|------|------------------------|-----------|-----------------------|
| □ | MONUMENT FOUND | | UTILITY POLE |
| ⊙ | IRON ROD FOUND | —SS— | COMBINED SEWER LINE |
| ○ WM | WATER METER | —W— | WATERLINE |
| ⊗ EM | ELECTRIC METER | —E— | OVERHEAD UTILITY |
| ⊙ | COMBINED SEWER MANHOLE | --- | BOUNDARY LINE |
| | | OHNG ENC. | OVERHANG ENCROACHMENT |

GROVE AVENUE
66' PUBLIC R.O.W.

SHEET NO.: 1 OF 1

DATE: 10/29/2020	SCALE: 1" = 20'
JOB NUMBER: 2015	DRAWN BY: KAH
	APPROVED BY: GLN

NYFELER ASSOCIATES
LAND SURVEYING & MAPPING
619 W CARY ST. RICHMOND, VA 23220
804-277-4231 www.nyfelerassociates.com

PROPOSED SUBDIVISION EXHIBIT FOR SUP

FAN GARAGES
1615 REAR HANOVER AVENUE
CITY OF RICHMOND, VA
PARCEL ID# W0000664041
PREPARED FOR LINDA K. JOHNSON