



Legislation Details (With Text)

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On agenda: 3/14/2022 **Final action:** 3/14/2022

Title: To authorize the special use of the property known as 1801 Carlisle Avenue for the purpose of two two-family detached dwellings, upon certain terms and conditions. (As Amended) (7th District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2022-024, 2. 20220228 Amendment of Ord. No. 2022-024, 3. Staff Report, 4. Application and Applicant's Report, 5. Plans, 6. Survey, 7. Map, 8. 1801 Carlisle Avenue_Presentation

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------|-------------------------|--------|
| 3/14/2022 | 1 | City Council | adopted | Pass |
| 2/28/2022 | 1 | City Council | amended and continued | |
| 2/22/2022 | 1 | Planning Commission | | |
| 1/24/2022 | 1 | City Council | introduced and referred | |

To authorize the special use of the property known as 1801 Carlisle Avenue for the purpose of two two-family detached dwellings, upon certain terms and conditions. (As Amended) (7th District)

WHEREAS, the owner of the property known as 1801 Carlisle Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two two-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.1 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 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 1801 Carlisle Avenue and identified as Tax Parcel No. E011-0205/023 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Improvements on Lot 5 and 6, Block 19, Plan of Montrose in Richmond, VA,” prepared by Joliffe & Associates, Inc., and dated March 19, 2004, 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 two two-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as

shown on the plans entitled “1801 Carlisle Avenue Duplex, Richmond, VA 23223,” prepared by Penn & Company, dated August 3, 2019, and last revised October 17, 2021, and 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 two two-family detached dwellings, substantially as shown on the Plans.

(b) No less than two off-street parking spaces shall be provided for each two-family detached dwelling, which parking spaces shall be accessed from the alley abutting the Property.

(c) All building materials and site improvements, including, but not limited to, building finishes and landscaping, shall be substantially as shown on the Plans.

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

(e) Prior to the issuance of any certificate of occupancy for the Special Use, the division of two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and 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 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.

O & R Request

DATE: December 10, 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, Chief Administrative Officer

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

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

RE: To authorize the special use of the property known as 1801 Carlisle Avenue for the purpose of two two-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1801 Carlisle Avenue for the purpose of two two-family detached dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to authorize the use of the property as two two-family dwellings. Two-family dwellings are not permitted in the R-5 Single-Family Residential District. There is an existing nonconforming two-family dwelling on western portion of the lot, and the applicant is requesting to split the lot and construct a second two family dwelling on the western portion of the existing lot.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its February 7, 2022, meeting.

BACKGROUND: The subject property contains a lot area of approximately 10,108 square feet and is improved with a two story two-family detached dwelling. The R-5 District does not permit two-family dwellings. The existing two-family dwelling is legally nonconforming (“grandfathered”).

Richmond 300 recommends a future land use of “Residential” for the property. The primary uses recommended for Residential are single family homes, accessory dwelling units and open space. Secondary uses include duplexes and small multi-family buildings (3-10 units), institutional and cultural uses. These uses should typically be located on major streets. The development style for Residential is houses on medium or large sized lots with homes setback from the street. Future development should continue or introduce a gridded pattern of development and new buildings should be built to a scale and design that is consistent with existing buildings. Buildings are generally one to three stories, with lots generally ranging up to 5,000 SF to 20,000 SF. General density should be 2-10 units per acre.

The property falls within the Fulton Neighborhood Node. This area is envisioned to become a neighborhood destination with a mix of uses, including mixed-income housing. The character of the surrounding single-family neighborhoods should be preserved with programs that allow homeowners to live in high-quality homes and programs that increase homeownership opportunities. Primary next steps for the area are to rezone the Fulton Node in accordance with the Future Land Use Map and to implement high-frequency transit along Williamsburg Road to the airport with a transit stop at the intersection of Government Road and Williamsburg

Road.

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: January 10, 2022

CITY COUNCIL PUBLIC HEARING DATE: February 14, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
February 7, 2022

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: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-4856

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: