



City of Richmond

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

Legislation Text

File #: ORD. 2020-206, **Version:** 2

To authorize the special use of the property known as 1429 Mechanicsville Turnpike for the purpose of a two-family detached dwelling, upon certain terms and conditions.

WHEREAS, the owner of the property known as 1429 Mechanicsville Turnpike, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, is not currently allowed by section 30-412.4 concerning lot area and width, density, and unit width, 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 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 1429 Mechanicsville Turnpike and identified as Tax Parcel No. E000-0768/034 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Survey and Plat of The Property Known as #1429 Mechanicsville Turnpike in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated July 25, 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 a two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “1429 Mechanicsville Turnpike, Building Permit Plans,” prepared by Obsidian, dated September 4, 2019, and last revised April 6, 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 a two-family detached dwelling, 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.

(c) Two off-street parking spaces shall be provided for the Special Use and accessed from the alley at the rear of the Property.

(d) Siding materials shall consist of cementitious siding, vinyl siding at least 0.044 inches in thickness, or similar materials.

§ 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.

O & R Request

DATE: August 6, 2020 **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: 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 1429 Mechanicsville Turnpike for the purpose of allowing a two-family detached dwelling

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1429 Mechanicsville Turnpike for the purpose of allowing a two-family detached dwelling.

REASON: The subject property is zoned R-6 Single-Family Attached zoning district. This proposal is to renovate an existing dwelling and authorize its use as a two-family dwelling. A two-family dwelling is a permitted principal use in the R-6 District however the lot width and area requirements are not met and therefore a Special Use Permit is 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 5, 2020, meeting.

BACKGROUND: The subject property consists of a 30 foot wide parcel that is 3,751 square feet in area. It contains a two-story 1,880 square foot dwelling that was built in 1915 in the Brauer Neighborhood within the City's East Planning District. The property is located on Mechanicsville Turnpike near the convergence of Richmond Street and Brauer's Lane. Access to the rear of the property is provided by an alley that extends from Brauer's Lane south to T Street.

The City of Richmond's Master Plan designates the subject property for Single-Family (Medium Density) uses. Primary uses in this category are "single-family detached dwellings at densities between 8 and 20 units per acre." (See page 133, Richmond Master Plan.) The density of the parcel if developed as proposed would be a ratio of approximately 34 units per acre. There are also a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for the continued creation of market rate rental housing and a desire for neighborhoods to provide a variety of housing choices.

A two-family detached dwelling is permitted in the R-6 Single-Family Attached district provided that it is located on a lot no less than 6,000 square feet and width of 50 feet. The property has historically been used as a two-family detached dwelling but lost legally nonconforming status when it was vacant for more than two years. It is the applicant's desire to fully renovate the structure for use as a two-family detached dwelling. The project consists of interior renovations and will not change the existing yard setbacks, building height nor lot coverage. However, as the existing lot does not meet the feature requirements of the zoning district where it is located, a special use permit is required.

The adjacent properties surrounding the subject property are located within the same R-6 Single-Family Attached district as the subject properties. The area surrounding the subject property contains a mixture of single-family, two-family and vacant land uses.

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 14, 2020

CITY COUNCIL PUBLIC HEARING DATE: October 12, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission October 5, 2020

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, The Property, The Plans, Map, Site Pic

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

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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