



Legislation Text

File #: ORD. 2022-223, **Version:** 1

To amend and reordain Ord. No. 2004-345-325, adopted Dec. 13, 2004, which previously authorized the special use of the properties known as 3217 Grove Avenue and 111 North Dooley Avenue, now known as 3217 Grove Avenue and 3219 Grove Avenue, for the purpose of a single-family detached dwelling use and a lot split for the construction of a single-family detached dwelling, to authorize a three-car garage at 3219 Grove Avenue instead of the two-car garage previously authorized on that property, upon certain terms and conditions. (1st District)

I. That Ordinance No. 2004-345-325, adopted December 14, 2004, be and is hereby amended and reordained as follows:

§ 1. That the properties known as 3217 Grove Avenue and [~~111 North Dooley Avenue~~] 3219 Grove Avenue and identified as Tax Parcel Nos. [~~W000-1458/001 and~~] W000-1458/002 and W000-1458/001, respectively, in the [~~2004~~] 2022 records of the City Assessor, being more particularly shown on a survey entitled “Grading and Utility Plan: 3217 Grove Avenue, No. 111 and No. 113 N. Dooley Avenue Richmond, Virginia”, prepared by Edwards, Kretz, Lohr & Associates, Inc., and dated October 8, 2004, a copy of which was attached to and made a part of Ordinance No. 2004-345-325, adopted December 13, 2004, and on the survey entitled “Plat Showing Improvements on No. 3219 Grove Avenue, in the City of Richmond, Virginia..” prepared by McKnight and Associates, P.C., and dated February 10, 2016, a copy of which is attached to and made a part of this amendatory ordinance, which properties are hereinafter referred to, collectively, as the “Property,” are hereby permitted to be used for the purpose of a single-family detached dwelling use and a lot split resulting in a substandard width lot for the construction of a second single-family detached dwelling, substantially as shown on sheets A-1 through A-4 of the plans entitled “A Residential Lot For Jones Realty and Construction Village Grove Project”, prepared by Irby + Papit + Winn Architects, and dated August 17, 2004, with sheet A-1 last revised October 12, 2004, copies of which are attached to and made a part of Ordinance No. 2004-345-325, adopted December 13, 2004, as modified by the plans entitled “Additions &

Alterations for M/M Tim & Megan McCreary, 3219 Grove Avenue, Richmond, VA 23221,” prepared by 3 North, and dated October 15, 2021, copies of which is attached to and made a part of this amendatory ordinance.

§ 2. That the adoption of this amendatory ordinance shall constitute the granting of a special use permit for the [~~properties~~]Property, which shall be transferable from the owners of the [~~properties~~] Property to the successor or successors in fee simple title of the owners, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owners of the [~~properties~~] Property building permits substantially in accordance with the plans referred to above for the aforementioned purpose, subject to the following terms and conditions:

(a) The owners of the [~~properties~~] Property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the [~~properties~~] Property, except as otherwise provided in this ordinance.

(b) Application for a building permit to construct the [~~single family detached dwelling on the substandard width lot~~] three-car garage shall be made within [~~twenty-four (24)~~] 24 months from the effective date of this amendatory ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within [~~one hundred eighty (180)~~] 180 days from the date of the building permit or if construction is suspended or abandoned for a period of [~~one hundred eighty (180)~~] 180 days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within [~~twenty-four (24)~~] 24 months after the effective date of this amendatory ordinance or should the building permit expire and become null and void after the expiration of the [~~twenty-four (24)~~] 24 month time period for making application for the building permit, the privileges granted by this amendatory ordinance shall terminate and the special use permit shall [~~become null and void~~] be governed by Ordinance No. 2004-345-

325, adopted December 13, 2004.

(c) 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 subject property have been paid.

(d) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of [~~Community Development~~] Public Utilities prior to the issuance of the building permit.

(e) Storm or surface water shall not be allowed to accumulate on the land. The owner of the Property, 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.

(f) 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.

(g) Two lots shall be created substantially as shown on the [~~attached~~] plans attached to Ordinance No. 2004-345-325, adopted December 13, 2004. One of the lots shall be established for the existing main building on the [~~property~~] Property, which shall be renovated for use as a single-family detached dwelling substantially as shown on the [~~attached site plan~~] plans attached to Ordinance No. 2004-345-325, adopted December 13, 2004, as modified by the plans entitled "Additions & Alterations for M/M Tim & Megan McCreary, 3219 Grove Avenue, Richmond, VA 23221," prepared by 3 North, and dated October 15, 2021, copies of which is attached to and made a part of this amendatory ordinance. A second lot shall be established for the construction of a single-family detached dwelling, substantially as depicted on the [~~attached elevation and floor~~] plans attached to Ordinance No. 2004-345-325, adopted December 13, 2004, including exterior construction materials. Side yard setbacks shall be a minimum of four and one-half [~~(4.5)~~] feet for the

construction of the single-family detached dwelling.

(h) Any existing encroachments as shown on the ~~[attached]~~ plans attached to Ordinance No. 2004-345-325, adopted December 13, 2004, as modified by the plans entitled “Additions & Alterations for M/M Tim & Megan McCreary, 3219 Grove Avenue, Richmond, VA 23221,” prepared by 3 North, and dated October 15, 2021, copies of which is attached to and made a part of this amendatory ordinance, shall be subject to the applicable provisions of the Code of the City of Richmond ~~[(2004)]~~ (2020), as amended.

(i) The lot split and a cross access easement to provide access to the rear of the ~~[forty (40)]~~ 40 foot wide lot from North Dooley Avenue shall be recorded prior to the issuance of a building permit for the construction of the single-family dwelling on the lot.

(j) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 4. That words and phrases used in this amendatory 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.

§ 5. That 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 amendatory 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.

§ 6. That the privileges granted by this amendatory ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner of the lot affected. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use

permit pursuant to the provisions of sections [~~114-1050.7~~] 30-1050.7 through [~~114 -1050.11~~] 30-1050.11 of the Code of the City of Richmond [~~(2004)~~] (2020), as amended, if (a) the property owner does not abate the violation within [~~thirty (30)~~] 30 days of the issuance of the notice or (b) three [~~(3)~~] notices of violation are issued to the property owner within any [~~twelve (12)~~] 12 month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this amendatory ordinance shall constitute a violation of section [~~114 -1080~~] 30-1080 of the Code of the City of Richmond [~~(2004)~~] (2020), as amended, or any other applicable laws or regulations.

§ [~~5-~~] 7. That when the privileges granted by this amendatory ordinance terminate and the special use permit becomes null and void or when the special use of the Property as authorized by this amendatory ordinance is abandoned for a period of 730 consecutive calendar days, whether as a result of the owner of the Property 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-~~] 8. That Ordinance No. 69-242-209, adopted October 27, 1969; Ordinance No. 84 13-17, adopted February 13, 1984; and Ordinance No. 95-61-66, adopted April 10, 1995, be and are hereby repealed.

§ [~~7-~~] 9. This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

O & R Request

DATE: May 31, 2022

EDITION: 1

TO: The Honorable Members of City Council

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, Chief Administrative Officer

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

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

RE: To amend and reordain Ordinance No. 2004-345-325, adopted December 14, 2004, which previously authorized the special use of a the property known as 3219 Grove Avenue for the purpose of subdividing the existing lot to construct a new dwelling that did not meet certain zoning requirements and to renovate an existing medical office to return to use as a dwelling which included a two-car garage, to authorize a three-car garage, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ordinance No. 2004-345-325, adopted December 14, 2004, which previously authorized the special use of a the property known as 3219 Grove Avenue for the purpose of subdividing the existing lot to construct a new dwelling that did not meet certain zoning requirements and to renovate an existing medical office to return to use as a dwelling which included a two-car garage, to authorize a three-car garage, upon certain terms and conditions.

REASON: The applicant proposes to modify the existing site layout to demolish an existing two-car garage and construct a three-car garage. The property previously received a special use permit in conjunction with Ordinance No. 2004-345-325, where a two-car garage was included, although not the subject of that previous special use approval. As such, an amendment to the previously approved Special Use Permit is requested.

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 July 18, 2022, meeting.

BACKGROUND: The property is located in the Museum District at North Dooley Avenue and Grove Avenue. The property is 12,560 sq. ft. (0. 28 acre) in size and contains a single-family detached home. The application requests to allow a 3-car garage.

The property received special use approval on December 14, 2004 (Ordinance 2004-345-325) to allow the renovation of the existing house from a medical office use to residential and stated that a two-car garage may be constructed in conjunction with the renovation. The previous approval also included allowance to subdivide a portion of the then existing lot to construct a new single-family detached home. An access easement was to be maintained on the subject property to allow vehicular access to the newly subdivided lot. The applicant currently proposes to demolish the existing two-car garage and construct a new three-car garage, while maintaining the required access easement and other considerations required by the previous special use approval.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use. This designation is defined as a "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: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for this property is R-6 Residential (Single Family Attached) and adjacent properties are zoned the same R-6 Zone. The property is also located in the West of the Boulevard Design Overlay. The proposal meets all requirements of the zoning code and the West of the Boulevard Design District.

The surrounding land uses include primarily residential attached and detached dwellings.

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: June 27, 2022

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 18, 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): Amend Ordinance No. 2004-345-325

ATTACHMENTS: Draft Ordinance, Application Form, Applicant’s Report, Plans, Survey, Map

STAFF: Ray Roakes, Associate Planner, Land Use Administration (Room 511) 804-646 5467

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: