



## Legislation Details (With Text)

<b>File #:</b>	ORD. 2019-030	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Adopted	
<b>File created:</b>	12/11/2018	<b>In control:</b>		City Council	
<b>On agenda:</b>	3/4/2019	<b>Final action:</b>		3/11/2019	
<b>Title:</b>	To amend and reordain Ord. No. 91-324-301, adopted Oct. 28, 1991, which authorized the special use of the property known as 412 West Marshall Street for the purpose of converting an existing two-family dwelling into a three-family dwelling, to authorize a dwelling unit within an accessory building, upon certain terms and conditions.				
<b>Sponsors:</b>	Mayor Stoney (By Request)				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ord. No. 2019-030, 2. Staff Report, 3. Application Form & Applicant's Report, 4. Plans & Survey, 5. Map				

Date	Ver.	Action By	Action	Result
3/11/2019	1	City Council	adopted	Pass
3/4/2019	1	Planning Commission	recommended for approval	
2/11/2019	1	City Council	introduced and referred	

To amend and reordain Ord. No. 91-324-301, adopted Oct. 28, 1991, which authorized the special use of the property known as 412 West Marshall Street for the purpose of converting an existing two-family dwelling into a three-family dwelling, to authorize a dwelling unit within an accessory building, upon certain terms and conditions.

### THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 91-324-301, adopted October 28, 1991, be and is hereby amended and reordained as follows:

§ 1. That the [~~real estate,~~] property known as 412 West Marshall Street, located on the north side of Marshall Street, east of Henry Street, being more completely described as follows: beginning at a point on the north right of way line of Marshall Street, said point being located 63.0 feet east of the east right of way line of Henry Street; thence in a northerly direction along a property line 160.57 feet to a point on the south line of a variable-width alley; thence in an easterly direction along the south line of said alley 33.0 feet to a point; thence in a southerly direction along a property line 160.41 feet to a point on the north right of way line of Marshall

Street; thence in a westerly direction along Marshall Street 33.0 feet to the point of beginning, for the purpose of converting an existing two-family dwelling into a three-family dwelling and authorizing a dwelling unit within an accessory building, together with accessory off-street parking, upon certain terms and conditions.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner or owners of the real estate, or successor in fee simple title, a [~~special use~~] building permit to convert an existing two-family dwelling into a three-family dwelling, together with accessory off-street parking, and a dwelling unit within an accessory building, substantially in accordance with a floor plan entitled “Renovation of Basement - 412 W. Marshall St., Richmond, Va.”, prepared by Beamon and Associates, P.C., dated July, 1991, attached to Ordinance No. 91-324-301, adopted October 28, 1991, as modified by the plans entitled “412 W. Marshall St.”, prepared by Cornerstone Architects, dated June 11, 2018, and last revised December 10, 2018, a copy of which is attached to and made a part of this amendatory ordinance, and a survey plat entitled[~~,”Plat of Property Situated on the Northern Line of W. Marshall St. and East of Henry Street, Richmond, Virginia”;~~] “Boundary Survey for 412 West Marshall Street, Richmond, VA,” prepared by [~~Charles H. Fleet and Associates~~] Nyfelor Associates, dated August [~~8, 1991~~] 21, 2018, [~~copies of which floor plan and survey are attached to the draft of~~] a copy of which is attached to this amendatory ordinance and made a part hereof. The permits shall be transferrable to the successor in title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land, subject to the following terms and conditions:

(a) The owner shall be bound by, shall observe, and shall comply with all laws, ordinances, and rules and regulations adopted pursuant thereto, applicable to the land and buildings, except as otherwise provided in this ordinance;

(b) That the maximum use of the property shall be as a three-family dwelling and a dwelling unit within an accessory building;

(c) That [~~six~~] three off-street parking spaces [~~, three of which are stacked spaces;~~] shall be provided in the existing garage at the rear of the property. The existing garage doors shall be repaired or replaced so that

the parking is useable and available to the tenants of the ~~[building]~~ buildings. The parking may be for either residents of the main dwelling or the unit accessory to the main dwelling.

(d) That 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 as not to be visible from adjacent properties and public streets;

(e) That final grading and drainage plans, if required, shall be approved by the Director of [Community Development] Public Utilities prior to the issuance of building permits;

(f) That storm and surface water shall not be allowed to accumulate on the land, and adequate facilities for the drainage of storm or surface water from the land or buildings shall be provided by the owner at its cost and expense so as not to adversely affect or damage adjacent properties or public streets and the use thereof.

(g) That exterior architectural details, building materials, and colors shall be subject to approval by the Commission of Architectural Review.

(h) ~~[That should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions or foregoing paragraphs (a) through (g) of this ordinance and does not terminate such use or comply with such provisions within ninety days after written notice so to do has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;]~~ 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.

(i) That when the privileges granted by this ordinance terminate and the special use permit becomes

null and void or when use of the [~~premises~~] property is abandoned for a period of twenty-four consecutive months, use of the [~~real estate~~] property shall [~~by~~] be governed thereafter by the zoning regulations prescribed for the district in which the [~~real estate~~] property is then situated.

(j) The height of the accessory building shall not exceed one story, substantially as shown on the plans attached to this amendatory ordinance.

(k) Secure bicycle parking for no fewer than four bicycles shall be provided on the property.

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

§ 3. 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:** January 16, 2019

**EDITION:** 1

**TO:** The Honorable Members of City Council

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

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

**THROUGH:** Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**RE:** To amend and reordain Ordinance No. 91-324-301, adopted October 28, 1991 which authorized the use of real estate, property known as 412 West Marshall Street for the purpose of converting an existing two-family dwelling into a three-family dwelling, to authorize a dwelling unit within an accessory building, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To amend and reordain Ordinance No. 91-324-301, adopted October 28, 1991 which authorized the use of real estate, property known as 412 West Marshall Street for the purpose of converting an existing two-family dwelling into a three-family dwelling, to authorize a dwelling unit within an accessory building, upon certain terms and conditions.

**REASON:** The applicant is proposing to amend an existing Special Use Permit currently authorizing a three-family dwelling with accessory off-street parking. The amendment would authorize an additional dwelling unit within an accessory building and reduce the number of off-street parking spaces from six (6) to three (3).

**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 March 4, 2019 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property is 5,280 SF or .12 acres and has an existing 3,428 SF, two (2) story building and rear garage. The property is located in the Downtown Planning District and the Historic Jackson Ward neighborhood.

The City of Richmond's adopted Pulse Corridor Plan designates a land use category for the subject property as NMU (Neighborhood Mixed Use). "Neighborhood Mixed-use areas are cohesive districts that provide a mix of uses, but with a larger amount of residential uses than other mixed-use districts. They are an urban, walkable environment with limited neighborhood-oriented uses incorporated along key commercial corridors and at corner sites." (City of Richmond, Pulse Corridor Plan, p. 29)

The property is currently zoned R-6 (Single Family Attached Residential) as does much of the surrounding neighborhood. B-4 (Central Business) and RO-6 (Residential Office) districts occupy zones generally to the south and east respectively.

**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:** \$1,200 application fee.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** February 11, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** March 11, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, March 4, 2019

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)  
City Assessor (for preparation of mailing labels for public notice)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amendment of Ordinance No. 91-324-301.

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

**STAFF:** Jonathan Brown, Senior Planner  
Land Use Administration (Room 511) 646-5734

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: