



## Legislation Text

**File #:** ORD. 2018-324, **Version:** 1

To amend and reordain Ord. No. 2007-131-174, adopted Jul. 23, 2007, which authorized the special use of the property known as 1400 Grove Avenue for the purpose of permitting a multifamily dwelling consisting of no more than ten units and authorized the special use of the properties known as 1410 and 1412 Grove Avenue for the purpose of allowing single-family attached dwellings on substandard sized lots, together with accessory off-street parking, to remove from the ordinance the provisions pertaining to 1412 Grove Avenue, upon certain terms and conditions.

### THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2007-131-174, adopted July 23, 2007, be and is hereby amended and reordained as follows:

§ 1. That the property known as 1400 Grove Avenue and identified as Tax Parcel No. W000-0528/015 in the [2007] 2018 records of the City Assessor, being more particularly shown on a survey entitled “Job Number: 91061600,” prepared by McKnight & Associates, P.C., and dated January 18, 2007, a copy of which is attached to and made a part of [this ordinance] Ordinance No. 2007-131-174, adopted July 23, 2007, is hereby permitted to be used for the purpose of a multifamily dwelling consisting of no more than ten units, and that the [properties] property known as 1410 Grove Avenue [and 1412 Grove Avenue] and identified [respectively] as Tax Parcel [Nos.] No. W000-0528/030 [and W000-0528/031] in the [2007] 2018 records of the City Assessor, being more particularly shown on a survey entitled “Job Number: 91061600,” prepared by McKnight & Associates, P.C., and dated January 18, 2007, a copy of which is attached to and made a part of [this ordinance] Ordinance No. 2007-131-174, adopted July 23, 2007, [are] is hereby permitted to be used for the purpose of a single-family attached [dwellings] dwelling, substantially as shown on sheet AS1.1 of the plans entitled “Proposed Alteration, 1400 Grove Avenue, Special Use Set”, prepared by Donahue Designs / KOP Architects PC, and dated March 14,

2007, sheets A1.1, A1.2, A1.3, A1.4, A3.1, and A6.1 of the plans entitled “Proposed Alterations, 1400 Grove Avenue, Special Use Set”, prepared by Donahue Designs / KOP Architects PC, and dated March 5, 2007 and sheet E-0 of the plans entitled “Electrical Site Plan, 1400 Grove Avenue”, prepared by HS Engineering, Inc., and dated January 2, 2007, copies of which are attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2007-131-174, adopted July 23, 2007.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the properties, which shall be transferable from the owner of the properties to the successor or successors in fee simple title of the owner, 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 a building permit substantially in accordance with plans referred to above for the aforementioned purpose, subject to the following terms and conditions: The owner of the properties shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the properties, except as otherwise provided in this ordinance.

(a) Application for a building permit for the alterations depicted on the plans referenced above shall be made within ~~[twenty-four (24)]~~ 24 months from the effective date of this 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 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 ordinance shall terminate and the special use permit shall become null and void.

(b) 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 properties have been paid.

(c) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of [Community] Planning and Development Review prior to the issuance of building permits.

(d) 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 properties so as not to adversely affect or damage adjacent property or public streets and the use thereof.

(e) 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.

(f) A multifamily dwelling consisting of no more than ten units shall be permitted on the property known as 1400 Grove Avenue, configured substantially as depicted on the [~~attached~~] plans attached to Ordinance No. 2007-131-174, adopted July 23, 2007. Two or more units depicted on the [~~attached~~] plans attached to Ordinance No. 2007-131-174, adopted July 23, 2007, and located on the property known as 1400 Grove Avenue may be combined into a single dwelling unit such that no units resulting from such combination shall be less than 1,040 gross square feet in area. Single-family attached dwelling shall be permitted on the [~~properties~~] property known as 1410 [and 1412] Grove Avenue, configured substantially as depicted on the [~~attached~~] plans attached to Ordinance No. 2007-131-174, adopted July 23, 2007.

(g) A subdivision of the properties shall be permitted with lot sizes configured substantially as depicted on the ~~[attached]~~ plans attached to Ordinance No. 2007-131-174, adopted July 23, 2007. For purposes of the subdivision, such subdivision may include the property known as 1412 Grove Avenue and identified as Tax Parcel No. W000-0528/031 in the 2018 records of the City Assessor.

(i) Fifteen on-site parking spaces shall be provided for the ten unit multifamily dwelling units located on the property known as 1400 Grove Avenue. Five of the required on-site parking spaces serving the ten unit multifamily dwelling located on the property known as 1400 Grove Avenue shall be configured as captive spaces, substantially as depicted on the attached plans. Two on-site parking spaces shall be provided for the single-family dwelling on the property known as 1410 Grove Avenue~~;~~ ~~and three on-site parking spaces shall be provided for the single-family dwelling on the property known as 1412 Grove Avenue~~. Such on-site parking spaces shall be configured substantially as depicted on the ~~[attached]~~ plans attached to Ordinance No. 2007-131-174, adopted July 23, 2007.

(j) Landscaping and screening shall be provided as shown on the ~~[attached]~~ plans attached to Ordinance No. 2007-131-174, adopted July 23, 2007.

(k) There shall be no exterior alterations or additions to the building located on the property known as 1400 Grove Avenue, other than those identified on the plans attached to Ordinance No. 2007-131-174, adopted July 23, 2007, and normal repair and maintenance. Any future exterior alterations or additions to the single-family dwellings on the ~~[properties]~~ property known as 1410 Grove Avenue ~~[and 1412 Grove Avenue]~~ shall be subject to section ~~[114-620.1]~~ 30-620.1 of the Code of the City of Richmond ~~[(2004)]~~ (2015), as amended.

(l) The existing structures located on the above referenced properties shall not be demolished. The owner may demolish one or more of the structures after the substantial destruction of such structure by fire, explosion, act of God or the public enemy to the extent of ~~[sixty]~~ 60 percent ~~[(60%)]~~ or more of its replacement

value as determined by the Commissioner of Buildings using the RS Means or similar cost evaluation system for comparable construction.

(m) Any encroachments existing, proposed on the [~~attached~~] plans attached to Ordinance No. 2007-131-174, adopted July 23, 2007, 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 [~~(2004)~~] (2015), as amended.

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

(o) Notwithstanding any other provision of law to the contrary , the property known as 1400 Grove Avenue shall be removed from the Fan Residential Parking District prior to the issuance of a Certificate of Occupancy for any of the dwelling units located on the property known as 1400 Grove Avenue. The Director of Public Works shall furnish the Director of [~~Community~~] Planning and Development Review or [~~her~~] the designee thereof with written verification that the property known as 1400 Grove Avenue has been removed from the Fan Residential Restricted Parking District.

§ 4. That the privileges granted by this 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. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of violation, and (iii) that he City Planning Commission shall hold a public hearing at which is 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)~~] (2015), 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 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 ordinance shall constitute a violation

of section [~~114-1080~~] 30-1080 of the Code of the City of Richmond [~~(2004)~~] (2015), as amended, or any other applicable laws and regulations.

§ 5. 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 (24)~~] 24 consecutive months, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. 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:** August 28, 2018

**EDITION:** 1

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

**THROUGH:** The Honorable Levar M. Stoney, Mayor (by request)

**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 Ord. No. 2007-131-174, adopted July 23, 2007, to authorize the special use of the property known as 1400 Grove Avenue for the purpose of permitting a multifamily dwelling consisting of no more than ten units and to authorize the special use of the properties known as 1410 and 1412 Grove Avenue for the purpose of allowing single-family attached dwellings on substandard sized lots, together with accessory off-street parking, upon certain terms and conditions, to remove from the ordinance the provisions pertaining to 1412 Grove Avenue.

**ORD. OR RES. No.**

**PURPOSE:** To amend and reordain Ord. No. 2007-131-174, adopted July 23, 2007, to authorize the special use of the property known as 1400 Grove Avenue for the purpose of permitting a multifamily dwelling consisting of no more than ten units and to authorize the special use of the properties known as 1410 and 1412 Grove Avenue for the purpose of allowing single-family attached dwellings on substandard sized lots, together with accessory off-street parking, upon certain terms and conditions, to remove from the ordinance the provisions pertaining to 1412 Grove Avenue.

**REASON:** The applicant has requested a special use permit to allow 1412 Grove Avenue to be used as short-term rental units and as a single-family dwelling. The single-family use of 1412 Grove Avenue is currently authorized by a special use permit (Ord. No. 2007-131-174) that also encumbers 1400 and 1410 Grove Avenue. This amendment would remove 1412 Grove Avenue from Ord. No. 2007-131-174 in order to allow the proposed use of 1412 Grove Avenue to be authorized by a new special use permit.

**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 15, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** 1412 Grove Avenue consists of a 4,493 SF or .10 acre parcel of land improved with a four-bedroom, 3,524 SF dwelling located on Grove Avenue, between North Plum Street and North Harvie Street, in the Fan neighborhood and Near West Planning District.

1412 Grove Avenue is subject to Ord. No. 2007-131-174, a special use permit authorizing single-family residential use of 1410 and 1412 Grove Avenue and multi-family residential use of 1400 Grove Avenue. At the time of adoption, these properties were one parcel. The parcel has subsequently been subdivided and 1400, 1410 and 1412 Grove Avenue are currently owned by different entities. As part of this proposal, Ord. No. 2007-131-174 would be amended to remove 1412 Grove Avenue and a new ordinance would be adopted authorizing the existing single-family residential use and the proposed short-term rental use of 1412 Grove Avenue. The terms and conditions of Ord. No. 2007-131-174, as they currently pertain to 1400 and 1410 Grove Avenue, would not change as part of the amendment.

The City of Richmond's current Master Plan designates the subject property for Single-Family Medium Density land use which includes, "...single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses" (p.133).

Adjacent and nearby properties are within the same R-6 Single-Family Attached Residential District as the subject property. Single-family, two-family, and multi-family residential land use is present in the vicinity of the subject property.

**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:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** September 24, 2018

**CITY COUNCIL PUBLIC HEARING DATE:** November 13, 2018

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, October 15, 2018

**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 to Ord. 2007-131-174

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

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

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

*PDR O&R No. 18-57*

**Key Issues:**

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: