



Legislation Text

File #: ORD. 2019-082, Version: 1

To amend Ord. No. 2017-194, adopted Nov. 13, 2017, which authorized the special use of the property known as 3138 Grayland Avenue, now the properties known as 3136 Grayland Avenue and 3138 Grayland Avenue, for the purpose of two single-family detached dwellings, to modify the setback requirements pertaining to 3136 Grayland Avenue, upon certain terms and conditions.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2017-194, adopted November 13, 2017, be and is hereby amended and reordained as follows:

WHEREAS, the ~~[owner]~~ owners of the ~~[property]~~ properties known as 3136 Grayland Avenue and 3138 Grayland Avenue, which ~~[is]~~ are situated in a R-5 Single-Family Residential District, ~~[desires]~~ desire to use such ~~[property]~~ properties for the purpose of two single-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.4, concerning lot area and width requirements, 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 (2010), 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]~~ properties known as 3136 Grayland Avenue and 3138 Grayland Avenue and identified as Tax Parcel ~~[No.]~~ Nos. W000-1402/049 and W000-1402/044, respectively, in the ~~[2017]~~ 2019 records of the City Assessor, being more particularly shown on a plat entitled ~~“Plat Showing [Proposed Division of #3138 Grayland Avenue & Existing and Proposed] Improvements, on a Portion of Lots 9 & 10, Block 3, Plan of ‘Park Place Annex’, in the City of Richmond, Virginia,”~~ prepared by Frederick A. Gibson & Associates, P.C., ~~[and]~~ dated ~~[January 20, 2017]~~ January 23, 2019, and last revised January 25, 2019, hereinafter referred to as “the Plat,” 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 single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the ~~[plans]~~ Plat, the page entitled “[Site Plan, 3136 Grayland Avenue,]” “[Plans, 3136 Grayland Avenue,]” prepared by Fultz & Singh, and dated May 30, 2017, and ~~[revised]~~ the three pages entitled “Elevation, 3136 Grayland Avenue” and the page entitled “Elevations, 3136 Grayland Avenue,” prepared by Fultz & Singh, and dated September 19, 2017, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this amendatory 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 ~~[use]~~ Special Use of the Property shall be as two single-family detached dwellings, substantially as shown on the Plans and the Plat.

(b) Two off-street parking spaces shall be provided for the use of the ~~[Property]~~ dwelling at 3136 Grayland Avenue, substantially as shown on the ~~[Plans]~~ Plat.

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

(d) Signage on the Property shall be limited to signage permitted within the underlying zoning district.

~~(e) [Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of two residential lots, substantially as shown on the plat attached to this ordinance, shall be accomplished by obtaining approval from the City of the division of the existing lot into two lots and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.]~~

~~(f)~~ (f) The height of the ~~[Special Use]~~ dwelling at 3136 Grayland Avenue shall not exceed the height as shown on the Plans.

~~[(g)]~~ (f) All building materials, elevations, setbacks, and landscaping shall be substantially as shown on the Plans and the Plat.

§ 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) The Owner shall make improvements within the public right-of-way, including installation of a street tree along Grayland Avenue and an entrance to the 18-foot public alley abutting the Property, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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]~~ certificate of occupancy for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the ~~[building permit]~~ certificate of occupancy shall be made within 730 calendar days following the date on which this amendatory ordinance becomes effective. If ~~[either]~~ the application for the ~~[building permit]~~ certificate of occupancy 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.

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

O & R Request

DATE: February 12, 2019

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: 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, Dept. of Planning and Development Review

RE: To amend and reordain Ord. No. 2017-194, adopted Nov. 13, 2017, which authorized the special use of the property known as 3138 Grayland Avenue, now known as 3136 and 3138 Grayland Avenue, for the purpose of two single-family detached dwellings, to authorize a change in setbacks pertaining to 3136 Grayland Avenue, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and reordain Ord. No. 2017-194, adopted Nov. 13, 2017, which authorized the special use of the property known as 3138 Grayland Avenue, now known as 3136 and 3138 Grayland Avenue, for the purpose of two single-family detached dwellings, to authorize a change in setbacks pertaining to 3136 Grayland Avenue, upon certain terms and conditions.

REASON: The applicant is proposing to amend the special use permit to authorize the existing side-yard setbacks of the recently constructed, 2,292 square ft. home that was approved through ordinance 2017-194, which authorized the creation of a new lot for the purpose of constructing the single-family detached dwelling.

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 April 1, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: 3136 Grayland Avenue consists of a 2,460 SF or .05 acre parcel of land improved with a 2,292 SF residential building constructed, per tax assessment records, in 2018 as a Single-family dwelling. It is located in the Carytown neighborhood of the Near West Planning District.

The City of Richmond's Master Plan designates a future land use category for the subject property as Single

Family Low Density. Primary uses for this category include "...single-family detached dwellings at densities up to seven 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. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5." (City of Richmond Master Plan).

Adjacent properties on the 3100 Block of Grayland Avenue are of similar-sized houses and lots. Residential land uses dominate the area, with some two-family residential and vacant land uses present as well. All surrounding properties are within the same R-5 Single-family zoning district as 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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 11, 2019

CITY COUNCIL PUBLIC HEARING DATE: April 8, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, April 1, 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.: Amend Ord. No. 2017-194

REQUIRED CHANGES TO WORK PROGRAM(S): None

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