



Legislation Text

File #: ORD. 2020-265, **Version:** 1

To authorize the special use of the property known as 2515 Rear Hanover Avenue for the purpose of a single-family detached dwelling, storage, a parking area, and a community garden, upon certain terms and conditions.

WHEREAS, the owner of the property known as 2515 Rear Hanover Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a single-family detached dwelling, storage, a parking area, and a community garden, which use, among other things, is not currently allowed by section 30-610.1, concerning public street frontage and access easements, 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 (2020), 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 2515 Rear Hanover Avenue and identified as Tax Parcel No. W000-1122/029 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "Plat of Property Situated East of W. Robinson Street and South of Hanover Ave., City of Richmond, Virginia," prepared by Steven B. Kent & Associates, P.C., and dated June 30, 2011, 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 single-family detached dwelling, storage, a parking area, and a community garden, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Carriage House Rehabilitation/Adaptive Reuse, 2515 Rear Hanover Avenue, Richmond, Virginia 23220," prepared by 510 Architects, dated December 14, 2017, and last revised August 27, 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 single-family detached dwelling and storage within an existing brick building, existing storage shed, parking area, and community garden, substantially as shown on the Plans. The dwelling [may] shall not be used for short-term rental purposes.
- (b) The height of the Special Use shall not exceed the height as shown on the Plans.
- (c) Elevations, building materials, and site improvements shall be substantially as shown on the Plans. The existing brick building and storage shed shall remain as brick.
- (d) The parking area shall contain [up to] five off-street parking spaces, substantially as shown on the Plans, for use by residents of the block bound by Hanover Avenue, North Davis Avenue, Grove Avenue, and North Robinson Street.
- (e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (f) No permit implementing the Special Use shall be issued until written evidence that the Director of Public Works, the Chief of Police, and the Chief of Fire and Emergency Services have confirmed that the alley access to the Property for all-weather travel by public and emergency vehicles is appropriate in accordance with applicable laws and regulations has been submitted to the Zoning Administrator.
- (g) Prior to the issuance of any certificate of occupancy for the Special Use, the Owner shall submit a request to name the primary alley access to the Property in accordance with sections 8-7 through 8-10 of the Code of the City of Richmond (2015), as amended, and such alley shall be named pursuant to sections 8-7 through 8-10 of the Code of the City of Richmond (2015), as amended.
- (h) Occupancy of the dwelling shall be limited to four persons.
- (i) The second floor of the dwelling shall be limited to storage use only.
- (j) All windows and doors on the north elevation of the dwelling are to be fire-rated, subject to the requirements of the Virginia Department of Historic Resources.

§ 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. Storm or surface water shall not drain onto abutting properties.
- (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) Upon completion of underground utilities installation and renovations, the existing cobblestone alley shall be repaired to existing or better condition, in accordance with the requirements of the Department of Public Works.
- (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 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 with 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 ado

O & R Request

DATE: November 13, 2020

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: 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 2515 Rear Hanover Avenue for the
purpose of a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2515 Rear Hanover Avenue for the purpose
of a single-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for the adaptive re-use of an
existing garage into a single-family dwelling within an R-6 Single-Family Attached Residential District. The
proposed use is not currently allowed by section 30-610.1 of the Code of the City of Richmond 2020, regarding
public street frontage, a Special Use Permit is therefore 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 January 4, 2020, meeting.

BACKGROUND: The property is located in the Fan neighborhood of the Near West Planning District on an internal alleyway between Robinson and Davis Streets. The property is currently improved with a 1,200 sq. ft. detached garage. The application is to adapt the garage into a two-bedroom, single-family detached dwelling.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single Family Residential at Medium densities. Primary uses for this category "...are 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. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7. (City of Richmond Master Plan, 133)

The final version of the Richmond 300 Master Plan designates a future land use for the subject property as Destination Mixed-Use. This category is viewed to include higher density, transit-oriented development encouraged on vacant or underutilized sites. New development should be urban in form, may be of larger scale than existing context, and, where relevant, should pay special attention to the historic character of the existing context. Development should enhance the public realm and create a sense of place. Many buildings are vertically mixed use. Developments continue or introduce a gridded street pattern to increase connectivity. In terms of mobility, this land use includes pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. Driveway entrances are required to be of alleys whenever possible; new driveways are prohibited on priority and principal street frontages. Surface parking is prohibited as a principal use; when surface parking is provided as an accessory use, it should be located to the rear of buildings and screened. Parking requirements are reduced to allow more market-based parking strategies, including shared parking. Primary Uses include: Retail, office, personal service, multi-family residential, cultural, and open space. Secondary Uses include Institutional and government.

The current zoning for this property is R-6 (Single Family Attached Residential). All adjacent properties are located within the same R-6 Residential Zone. A mix of residential densities, with several commercial uses on nearby Robinson Street, are present in the area.

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: December 14, 2020

CITY COUNCIL PUBLIC HEARING DATE: January 11, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
January 4, 2021

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): 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: