INTRODUCED: September 11, 2023

AN ORDINANCE No. 2023-263

To authorize the special use of the properties known as 1310 Dubois Avenue and 1314 Dubois Avenue for the purpose of two single-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: OCT 10 2023 AT 6 P.M.

WHEREAS, the owner of the properties known as 1310 Dubois Avenue and 1314 Dubois Avenue which are situated in a R-5 Single-Family Residential District, desires to use such properties for the purpose of two single-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.6, concerning lot coverage, of the Code of the City of Richmond (2020), 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	NOV 13 2023	REJECTED:		STRICKEN:	

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 (2020), 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 properties known as 1310 Dubois Avenue and 1314 Dubois Avenue and identified as Tax Parcel Nos. N000-0847/012 and N000-0847/004, respectively, in the 2023 records of the City Assessor, being more particularly shown on surveys entitled "Site Plan, 1310 Dubois Ave., City of Richmond, Virginia," prepared by Long Surveying, LLC, and dated February 21, 2023, and "Site Plan, 1314 Dubois Ave., City of Richmond, Virginia," prepared by Long Surveying, LLC, and dated February 21, 2023, copies of which are attached to and made a part of this ordinance, hereinafter referred to as, collectively, 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 entitled "Site Plan, 1310 Dubois Ave.," prepared by Long Surveying, LLC, and dated May 19, 2023, "Site Plan, 1314 Dubois Ave.," prepared by Long Surveying, LLC, and dated May 19, 2023, "1310 Dubois Richmond," prepared by Brad Price, and dated February 16, 2022, and "1314 Dubois Richmond," prepared by Brad Price, and dated February 16, 2022, and "1314

(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:

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(a) The Special Use of the Property shall be as two single-family detached dwellings, substantially as shown on the Plans.

(b) Four off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(c) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.

(d) All elevations and site improvements, including landscaping, shall be substantially as shown on the Plans. Brick, brick veneer, stone, stone veneer, masonry, vinyl, fiber cement, and engineered wood shall be permitted building siding materials. Vinyl siding shall have a minimum wall thickness of 0.044 inches, as evidenced by the manufacturer's printed literature.

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

§ 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.

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(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 (2020), as amended, and all future amendments to such laws.

(e) 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 (2020), 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,

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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 (2020), 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 (2020), 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 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.

A TRUE COPY: TESTE: melin D. Ril

City Clerk

RICHMOND VIRGINIA .

City of Richmond

Master

File Number: Admin-2023-0677

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

File ID:	Admin-2023-0677	Туре:	Request for Ordinance or Resolution	Status:	Regular Agenda
Version:	1	Reference:		In Control:	City Clerk Waiting Room
Department:	Richmond Dept of Planning & Development. Review	Cost:		File Created:	06/14/2023
Subject:				Final Action:	
Title:	To authorize the special use of the properties known as 1310 Dubois Avenue and 1314 Dubois Avenue, for the purpose of two single-family detached dwellings, upon certain terms and conditions.				

Internal Notes:

Code Sections:		Agenda Date:	09/11/2023
Indexes:		Agenda Number:	
Patron(s):		Enactment Date:	
Attachments:	Admin-2023-0677 - Application Documents, Admin-2023-0677 - Ordinance Draft - mje edits	Enactment Number:	
Contact:		Introduction Date:	
Drafter:	jonathan.brown@richmondgov.com	Effective Date:	
Related Files:			

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date	
1	1	8/10/2023	Matthew Ebinger	Approve	7/26/2023	
1	2	8/10/2023	Kris Daniel-Thiem - FYI	Notified - FYI		
1	3	8/15/2023	Kevin Vonck	Approve	8/17/2023	
1	4	8/15/2023	Alecia Blackwell - FYI	Notified - FYI		
1	5	8/15/2023	Sharon Ebert	Approve	8/22/2023	
1	6	8/15/2023	Caitlin Sedano - FYI	Notified - FYI		
1	7	8/15/2023	Jeff Gray - FYI	Notified - FYI		
1	8	8/25/2023	Lincoln Saunders	Approve	8/17/2023	
1	9	9/7/2023	Mayor Stoney	Approve	8/29/2023	

History of Legislative File

Ver- Acting Body:	Date:	Action:	Sent To:	Due Date:	Return	Result:
sion:					Date:	

Text of Legislative File Admin-2023-0677

Title

To authorize the special use of the properties known as 1310 Dubois Avenue and 1314 Dubois Avenue, for the purpose of two single-family detached dwellings, upon certain terms and conditions. **Body**

	O & R Request
DATE:	August 11, 2023 EDITION: 1
то:	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 authorize the special use of the properties known as 1310 Dubois Avenue and 1314 Dubois Avenue, for the purpose of two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 1310 Dubois Avenue and 1314 Dubois Avenue, for the purpose of two single-family detached dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize two single family detached dwellings within an R-5 Single Family Residential District. While the use is permitted, the properties do not meet the current lot coverage requirements for single family dwellings within the R-5 Zone. 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 October 2, 2023, meeting.

BACKGROUND: The property is located in the Virginia Union neighborhood Langston Avenue and U.S. Interstate 64. The properties together are a total of 8,700 sq. ft., (.18 acre), unimproved, parcels

of land.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as neighborhoods "...consisting primarily of single-family houses on large-or medium-sized lots more homogeneous in nature."

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre. Primary Uses: Single-family houses, accessory dwelling units, and open space. Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets (p. 54)

The current zoning for this property is R-5 Single Family Residential District. All adjacent and nearby properties are located within the same R-5 Urban Residential Zone. The area is generally single family residential, with Virginia Union University in close proximity to the south. The density of the proposed units is two units upon .18 acres or 11 units per acre.

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: September 11, 2023

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission October 2, 2023

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

..Recommended Action

Key Issues: Retain on Consent Agenda Move to Regular Agenda Refer Back to Committee Remove from Council Agenda Strike Withdrawn ---- Continue to:

Application for SPECIAL USE PERMIT



Department of Planning and Development Review Land Use Administration Division 900 E. Broad Street, Room 511 Richmond, Virginia 23219 (804) 646-6304 <u>http://www.richmondgov.com/</u>

Application is hereby submitted for: (check one)

- \Box special use permit, new
- special use permit, plan amendment
- □ special use permit, text only amendment

Project Name/Location

(See *page 6* for fee schedule, please make check payable to the "City of Richmond")

Zoning

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Existing I	Use:		
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Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use:			

Is this property subject to any previous land use cases?

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If **Yes**, please list the Ordinance Number:

Applicant/Contact Person: _____

No

Company:		
Mailing Address:		
City:	State: Zip Code:	
Telephone: _()	Fax: _()	
Email:		

Property Owner:

If Business Entity, name and	d title of authorized signee:
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(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address:			
City:	State:	Zip Code:	
Telephone: _()	Fax: _()	
Email:			
Property Owner Signature:			

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

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If **Yes**, please list the Ordinance Number:

Applicant/Contact Person: _____

No

Company:	
Mailing Address:	
City:	State: Zip Code:
Telephone: _()	Fax: ()
Email:	

Property Owner:

If Business Entity, name and	d title of authorized signee:
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(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address:			
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Telephone: _()	Fax: _()	
Email:			
Property Owner Signature:			

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06/06/2023

NARRATIVE: AV Design Concepts LLC Is a Real Estate investment company here in the Richmond area who loves the Richmond community and takes great pride in renovating and building homes to enhance the beauty of the cities landscape. The project at hand are two new construction homes at 1310 and 1314 DuBois Ave, Richmond VA, 23220. At this time there is only on street parking to our properties. To better suite potential buyers we would like to build garages which will be accessed thru the ally. While building garages are permitted, we exceed the zoning lot coverage by 156 sq. Ft which is very minimal. We ask that we are granted this special use permit to accommodate us and the future home owners so that they can enjoy this city amenities while also have private parking. This will not only help new Homer's but also allow more on street parking for neighbors in the neighborhood. We will in no way be encroaching property lines or not meeting any setbacks. This special use permit is only being applied for because we exceed lot coverage allowance by 156 sq ft which is very minimal.

The proposed special use will not:

be detrimental to the safety, health, morals and general welfare of the community

involved;

tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;

create hazards from fire, panic or other dangers;

tend to cause overcrowding of land and an undue concentration of population;

adversely affect or interfere with public or private schools, parks, playgrounds, water

supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or interfere with adequate light and air."

Please do not hesitate to contact me directly with any questions. Dennis Smith (804)-307-9961 <u>Dj.smith0319@gmail.com</u>.

















