

INTRODUCED: December 11, 2017

AN ORDINANCE No. 2017-247

To authorize the special use of the property known as 909 North 27th Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 8 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 909 North 27th Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, does not meet the minimum lot area or minimum lot width requirements of section 30-419.5 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 8 2018 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 (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 909 North 27th Street and identified as Tax Parcel No. E000-0477/030 in the 2017 records of the City Assessor, being more particularly shown on a plat entitled “Survey and Plat of the Property Known as #909 N. 27th Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, dated January 5, 2016; later modified by David R. Winn, LLC, dated February 15, 2017, and last revised November 17, 2017; and provided as an inset on sheet A-001 of the plans entitled “New Two-Family Residence, 909 North 27th Street, Richmond, Virginia,” prepared by David R. Winn, LLC, dated February 15, 2017, and last revised November 17, 2017, 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 two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “New Two-Family Residence, 909 North 27th Street, Richmond, Virginia,” prepared by David R. Winn, LLC, dated February 15, 2017, and last revised November 17, 2017, 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 use of the Property shall be a two-family detached dwelling, substantially as shown on the Plans.

(b) Two off-street parking spaces shall be provided as shown on the Plans.

(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) The height of the Special Use shall not exceed the height shown on the Plans.

(e) All building materials and elevations shall be substantially as shown on the Plans.

§ 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 new curbing and street trees, substantially as shown on the Plans, 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 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.

City of Richmond

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

Item Request

File Number: 2017.514

RECEIVED

DEC 07 2017

OFFICE OF CITY ATTORNEY

O & R Request

O & R REQUEST

4-7274

NOV 21 2017

Office of the
Chief Administrative Officer

DATE: November 20, 2017 EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) **ED 12/6/17**
(This in no way reflects a recommendation on behalf of the Mayor)

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

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning **PLD 11-20-17**

FROM: Mark A. Olinger, Director, Department of Planning and Development Review **11/21/17**

SUBJECT: To authorize the special use of the properties known as 909 North 27th Street for the purpose of a new two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the properties known as 909 North 27th Street for the purpose of a new two-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is proposing to construct a two-story, 1,600 square ft., two-family dwelling. The property is currently located in the R-63, Single Family zoning district. The R-63 district calls for two-family detached dwellings to be located upon lots with lot areas of not less than 3,200 sq. ft., and lot widths of not less than 27 ft. The proposal does not meet these requirements, 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 8, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The proposed development is located in the Church Hill North neighborhood in the East Planning District. The property is comprised of .07 acres and is currently unimproved. The front and sideyard setbacks of the proposed house are not dissimilar to the rest of the houses on the block where infill development has occurred.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Mixed Use Residential. Primary uses for this category include "...single, two, and multi-family dwellings, live/work units and neighborhood serving commercial uses developed in a traditional urban form. (And), Typical zoning classifications that may accommodate this land use category: R-63, R-8." (City of Richmond Master Plan, p. 304) Adjacent and nearby properties are located within the same R-63, with R-6 and R-8 Residential zones to the east and south of the property respectively.

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: December 11, 2017

CITY COUNCIL PUBLIC HEARING DATE: January 15, 2018

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, January 8, 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 ORDINANCES: None.

ATTACHMENTS: Application Form, Applicant's Letter, Draft Ordinance, Survey, Plans

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

PDR O&R No.17-43



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

<http://www.ci.richmond.va.us/landuse/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address: 909 N 27th Street Date: 04/11/2017

Tax Map #: E0000477030 Fee: \$250

Total area of affected site in acres: 2990 square feet

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

Zoning

Current Zoning: R-63 - Residential (Multi-family Urban)

Existing Use: Vacant

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Construct a new two-family structure, to be owned and maintained by project HOMES

Existing Use: Vacant

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Matt Morgan

Company: ElderHomes T/A project HOMES

Mailing Address: 88 Camellion Street

City: Richmond State: VA Zip Code: 23225

Telephone: (804) 525-7651 Fax: (804) 230-0778

Email: Matthew.Morgan@projecthomes.org

Property Owner: ElderHomes Corp T/A Project Homes

If Business Entity, name and title of authorized signer: Leo Householder, CEO

(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: 88 Camellion Street

City: Richmond State: VA Zip Code: 23225

Telephone: (804) 233-2827 Fax: (804) 230-0778

Email: Leo.Householder@projecthomes.org

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)

Special Use Permit Applicant's Report: 909 N 27th Street

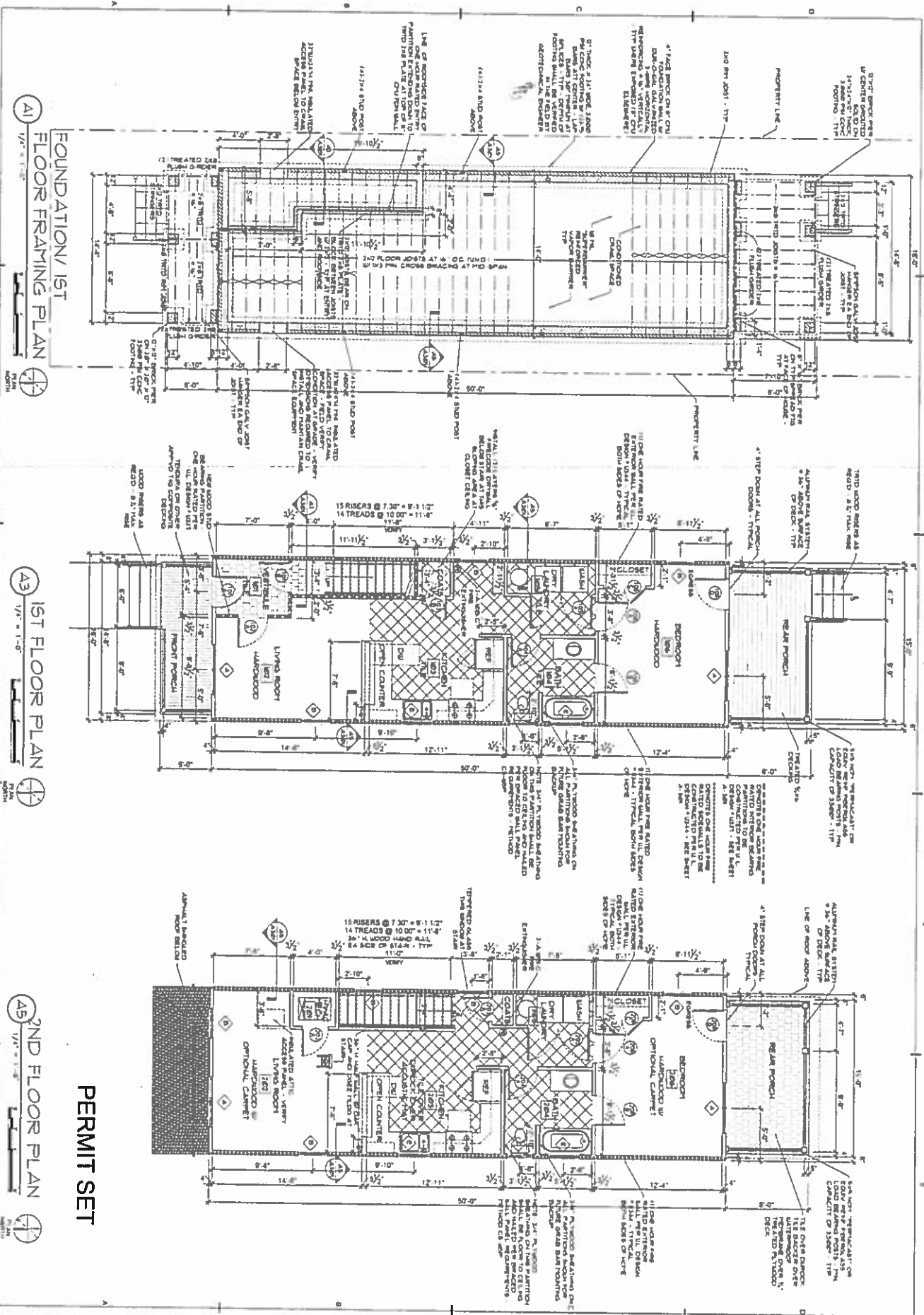
With this application, Project:HOMES is requesting a Special Use Permit to build a detached two family dwelling at 909 North 29th street as allowed in the R-63 zoning district. The proposed structure consists of two 800 Square foot one bedroom apartments. Our non-profit, project:HOMES, intends to build an affordable two-family building on the lot. Project:HOMES is a Richmond-based non-profit, that provides neighborhood infill, affordable housing, repairs for low-income families, and weatherization across the region.

While the construction of a two family dwelling is permitted in the R-63 district, the proposed dwelling does not meet the minimum lot requirements for a detached structure. It is project:HOMES' desire to build this building as a detached structure instead of an attached structure as allowed by the current zoning and lot size.

This property lies in a block in between two blocks where project:HOMES has done substantial home repair, neighborhood infill, and new construction, the 800 and 1000 blocks of North 27th Street. All of our new homes are designed with the character of the neighborhood in mind. The aesthetic look of the home is designed to match its neighbors. All aspects from the columns, to trim, to the type of windows used are selected based on what will best suit the neighborhood. All of our homes built for the Model Block and throughout North Church Hill have been submitted to, and approved by the Section 106 historic review process. The home design we have chosen for this project (see attached elevations and floor plans) will feature neighborhood housing characteristics.

Furthermore, as both units in this building are one-bedroom units, there will be no adverse impact on traffic, congestion, or parking. The plans for the building reflect two parking spaces at the rear of the home for the tenants. The home will not have any negative environmental effects, create density problems, or create an additional hazard for fires and other dangers.

In summary, the proposed use of the property at 909 N 27th Street will be an affordable, two-family home that will be owned and maintained by project:HOMES. This house will match the historic character of the neighborhood, while providing opportunity for affordable housing, reduced vacancy, and neighborhood infill for North Church Hill. There will be no adverse impacts to community health, traffic congestion, or safety.



A1
 FOUNDATION/1ST
 FLOOR FRAMING PLAN
 1/8" = 1'-0"

A3
 1ST FLOOR PLAN
 1/8" = 1'-0"

A5
 2ND FLOOR PLAN
 1/8" = 1'-0"

PERMIT SET

NO.	DATE	DESCRIPTION
1	12/15/17	PERMIT SET
2	03/17/20	
3	04/11/20	

DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: 10132

new two-family residence
909 NORTH 27TH STREET
 RICHMOND, VIRGINIA
 PREPARED FOR PROJECT: HOMES

DAVID R. WINN, LL
 residential design
 10132 BERRYWOOD, P.O. BOX 23
 (804) 252-0548

BRACED WALL PANEL CALCULATIONS - 909 N. 27TH STREET

SEE CALCULATIONS ATTACHED WITH PERMIT APPLICATION

(1) 1 1/2" x 4 1/2" LVL, LEVEL, PERMISSIBLE LOAD VALUE OF 131 POUNDS PER SQUARE FOOT (PSF) (2) 1 1/2" x 4 1/2" LVL, LEVEL, PERMISSIBLE LOAD VALUE OF 131 POUNDS PER SQUARE FOOT (PSF)

BRACED WALL PANELS
 VRC SR602.10.4 METHODS CS-WSP AND CS-PP (7/16" OSB OR 15/32" PLYWOOD)
 CONNERS PER SR602.10.7 AND CONNECTIONS PER SR602.10.8
 ROOF DIAPHRAGM CONNECTION PER SR602.10.8.1
 FASTEN PER VRC SR602.3(1)
 PER SR602.10.8.1

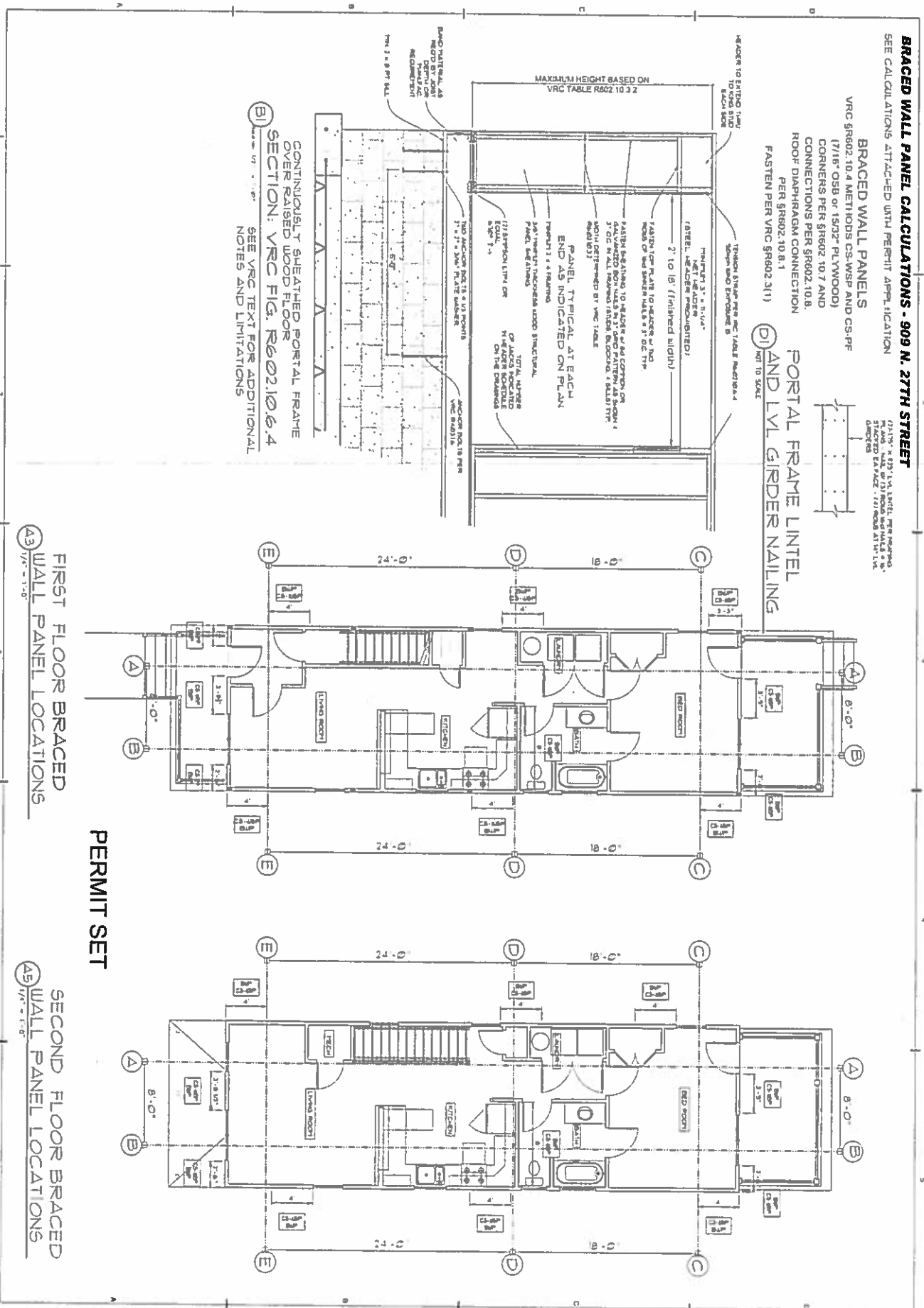
PORTAL FRAME LINTEL AND LVL GIRDER NAILING
 NOT TO SCALE

(B) CONTINUOUSLY SHEATHED PORTAL FRAME OVER RAISED WOOD FLOOR SECTION: VRC FIG. R602.10.6.4
 SEE VRC TEXT FOR ADDITIONAL NOTES AND LIMITATIONS

(A3) FIRST FLOOR BRACED WALL PANEL LOCATIONS
 1/4" = 1'-0"

(A5) SECOND FLOOR BRACED WALL PANEL LOCATIONS
 1/4" = 1'-0"

PERMIT SET

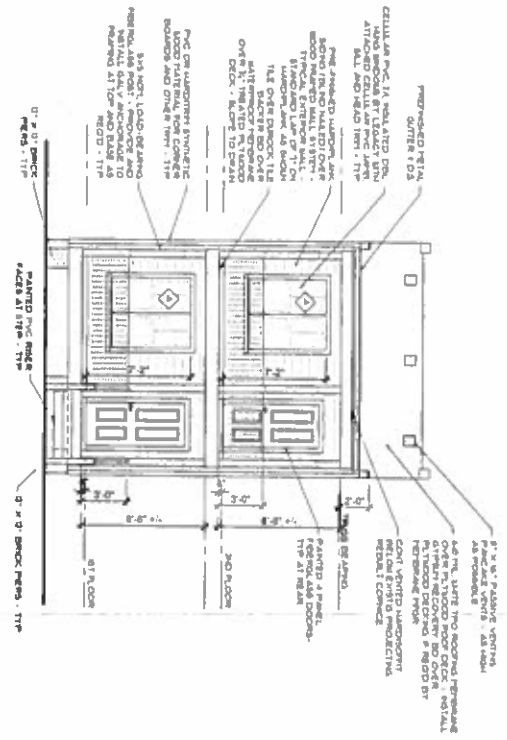


Sheet	A-103
of	4 of 7
Project	10132 BERRYDALE PLAS
Client	DAVE ALLEN, WYOMING 2008
Phone	(505) 252-0948
Address	10132 BERRYDALE PLAS
City	WYOMING 2008
State	WY
Zip	82001
Project No.	10132
Revision	02/13/17
Author	PT/MSI/ST
Checker	MSI/ST
Approver	MSI/ST
Date	02/13/17
Scale	AS SHOWN
Notes	SEE VRC TEXT FOR ADDITIONAL NOTES AND LIMITATIONS

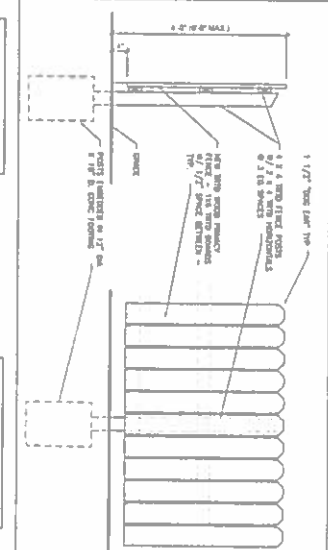
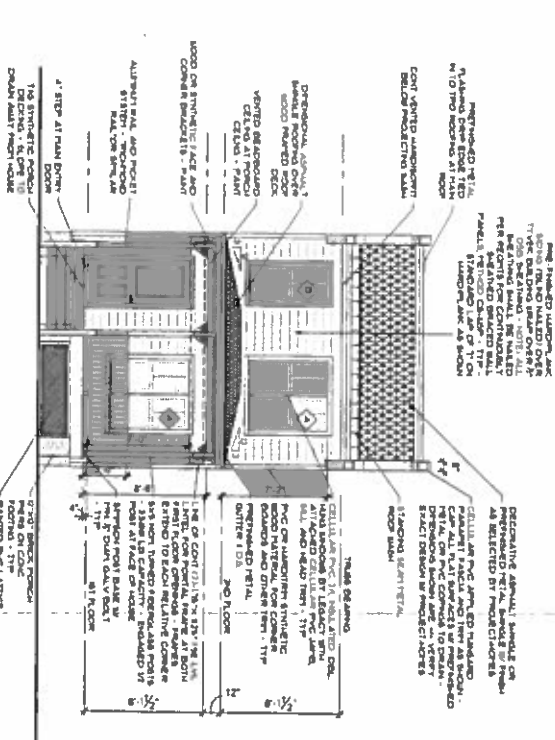
new two-family residence
909 NORTH 27TH STREET
 RICHMOND, VIRGINIA
 PREPARED FOR PROJECT:HOMES

DAVID R. WINN, LLC
 Residential design
 10132 BERRYDALE PLAS
 DAVE ALLEN, WYOMING 2008
 (505) 252-0948

SOUTH ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"



WINDOW SCHEDULE - 909 N. 27TH STREET

NO.	TYPE	SIZE	FINISH	GLASS	OPERATION	REMARKS
1	DOUBLE HUNG	36\"/>				

DOOR SCHEDULE - 909 N. 27TH STREET

NO.	TYPE	SIZE	FINISH	OPERATION	REMARKS
1	ENTRY	36\"/>			

SECOND FLOOR

NO.	TYPE	SIZE	FINISH	OPERATION	REMARKS
1	CL	6\"/>			

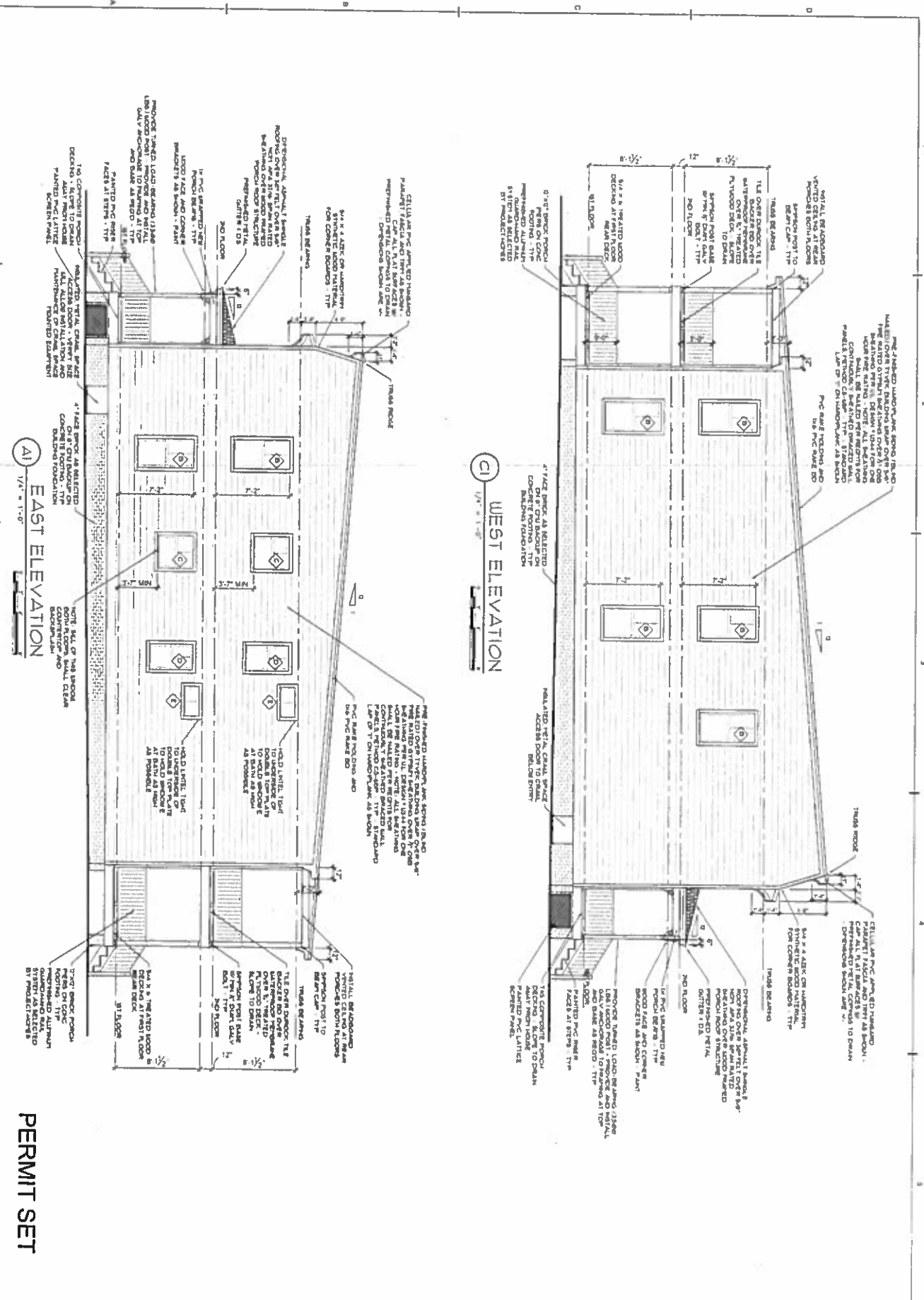
PERMIT SET

DAVID R. WINN, LL
Professional design
10135 BERRY AVE. SUITE 200
DENVER, COLORADO 80231
(303) 752-0948

new two-family residence
909 NORTH 27TH STREET

RICHMOND, VIRGINIA
PREPARED FOR PROJECT/HOMES

A-201
Sheet 5 of 7
© COPYRIGHT 2017



C WEST ELEVATION
1/4" = 1'-0"

A EAST ELEVATION
1/4" = 1'-0"

PERMIT SET

new two-family residence
909 NORTH 27TH STREET

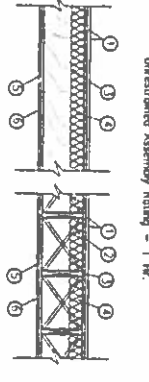
RICHMOND, VIRGINIA
PREPARED FOR PROJECT:HOMES

DAVID R. RYNN, II
Professional design
10137 BERRIDGE LANE, #2
GLENN ALLEN, VIRGINIA 22132
(804) 732-0948

ELEVATIONS

Sheet	Date	Revised	By	Checked
6 of 7	04/11/17			
5 of 7	04/11/17			
4 of 7	04/11/17			
3 of 7	04/11/17			
2 of 7	04/11/17			
1 of 7	04/11/17			

Design No. U1589
Unrestricted Assembly Rating - 1 Hr.

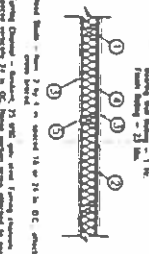


1. Existing system - The existing system shall consist of the following:
 - 1.1. Existing concrete slab on steel joist.
 - 1.2. Existing suspended ceiling system.
2. New System - The new system shall consist of the following:
 - 2.1. New concrete slab on steel joist.
 - 2.2. New suspended ceiling system.
3. Details - The details shall be as shown on the drawings.
4. Materials - The materials shall be as specified in the specifications.
5. Installation - The installation shall be as specified in the specifications.
6. Testing - The testing shall be as specified in the specifications.
7. Maintenance - The maintenance shall be as specified in the specifications.
8. Warranty - The warranty shall be as specified in the specifications.
9. Notes - The notes shall be as specified in the specifications.
10. Other - The other shall be as specified in the specifications.

ONE HOUR FLOOR/CEILING ASSEMBLY AT 2ND FLOOR

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Design No. U1237
Unrestricted Assembly Rating - 1 Hr.

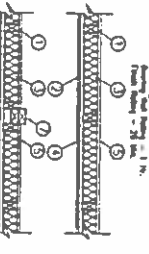


1. Existing system - The existing system shall consist of the following:
 - 1.1. Existing interior wall.
2. New System - The new system shall consist of the following:
 - 2.1. New interior wall.
3. Details - The details shall be as shown on the drawings.
4. Materials - The materials shall be as specified in the specifications.
5. Installation - The installation shall be as specified in the specifications.
6. Testing - The testing shall be as specified in the specifications.
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1ST FLOOR INTERIOR, ONE HOUR BEARING WALL

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Design No. U1244
Unrestricted Assembly Rating - 1 Hr.

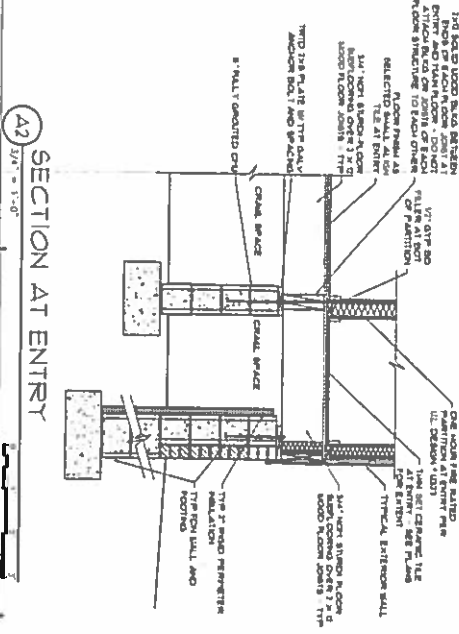


1. Existing system - The existing system shall consist of the following:
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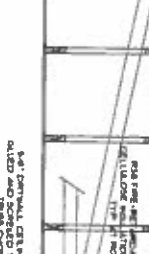
TYPICAL ONE HOUR EXTERIOR WALL

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SECTION AT ENTRY



Design No. U1244
Unrestricted Assembly Rating - 1 Hr.

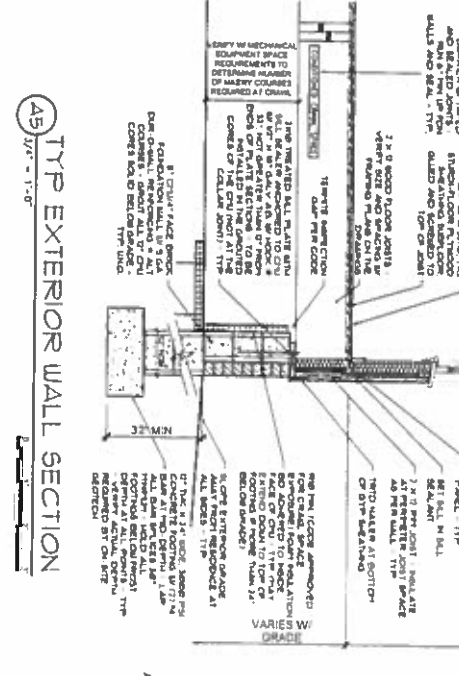


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TYP EXTERIOR WALL SECTION

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PERMIT SET



new two-family residence
909 NORTH 27TH STREET
RICHMOND, VIRGINIA
PREPARED FOR PROJECT/HOMES

DAVID R. RYAN, LL
1032 KENNETH DR. #A
CLINTON, VIRGINIA 23025
(804) 252-0918

A-301
Steel 7 of 7
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