

INTRODUCED: February 28, 2022

AN ORDINANCE No. 2022-050

To authorize the special use of the property known as 5 North Colonial Avenue for the purpose of a multifamily dwelling containing up to three dwelling units, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by
the City Attorney

PUBLIC HEARING: MAR 28 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 5 North Colonial Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a multifamily dwelling containing up to three dwelling units, which use, among other things, is not currently allowed by sections 30-412.1, concerning permitted principal uses, and 30-412.4, concerning lot area and width, density, and unit width, of the Code of the City of Richmond (2020), as amended; and

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 28 2022 REJECTED: _____ STRICKEN: _____

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 (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 property known as 5 North Colonial Avenue and identified as Tax Parcel No. W000-1244/030 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Improvements on #3 & #5 North Colonial Avenue, City of Richmond, Virginia,” prepared by Balzer & Associates, and dated July 29, 2021, 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 multifamily dwelling containing up to three dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “5 North Colonial Ave,” prepared by Johannas Design Group, with sheets SUP1 and SUP3 dated October 28, 2021, sheets SUP2 and SUP5 dated October 28, 2021, and last revised January 26, 2021, and sheets SUP4, SUP6 and SUP7 dated October 28, 2021, and last revised February 10, 2021, hereinafter referred to, collectively, 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 multifamily dwelling containing up to three dwelling units, substantially as shown on the Plans.

(b) No fewer than two off-street parking spaces within a garage shall be provided on the Property.

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

(d) All building materials and elevations shall be substantially as shown on the Plans, subject to the applicable regulations of the West of the Boulevard Design Overlay District, pursuant to sections 30-940 through 30-940.9 of the Code of the City of Richmond (2020), as amended.

(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.

(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, 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.

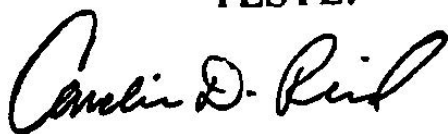
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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 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 adoption.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Carlin D. Reed". The signature is fluid and cursive, with the first name "Carlin" being more prominent.

City Clerk



City of Richmond

Item Request File Number: PRE.2022.0020

RECEIVED
By City Attorney's Office at 8:20 am, Feb 23, 2022

RECEIVED
By CAO Office at 11:14 am, Feb 01, 2022

2022-027

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

O & R Request

DATE: January 31, 2022

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: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Kevin Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 5 North Colonial Avenue for the purpose of a multifamily dwelling, containing up to three dwelling units, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 5 North Colonial Avenue for the purpose of a multifamily dwelling, containing up to three dwelling units, upon certain terms and conditions.

REASON: The subject property is located in the R-6 Single-family Attached Residential zoning district. Multi-family dwellings are not permitted uses in this district. Furthermore, parking is generally required at a ratio of one off-street parking space per dwelling unit. The proposed development provides two off-street parking spaces. Therefore a special use permit is 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 March 21, 2022 meeting.

BACKGROUND: The subject property is located midblock on the eastern side of North Colonial Avenue between Ellwood Avenue and Floyd Avenue. Public alleys run along the northern and eastern property lines. The subject property is each 36 feet wide with a depth of 100 feet for a total area of 3,627 square feet. The subject property is improved with a two-story 2,496 square foot two-family (converted) dwelling which will be demolished as part of this proposal. The Assessor's office deems the condition of the structure as normal for age.

The proposed three unit multi-family dwelling will be in harmony with the existing uses in the neighborhood. Within the surrounding area, there are four multi-family buildings along with a mix of smaller multi-family, one, and two-family homes.

The proposed project conforms to the recommendations of the Richmond 300 Master Plan which designates the subject property for neighborhood Mixed-uses. Primary uses are single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

The subject property and all adjacent properties are in the same R-6 Single-family Attached Residential District as the subject property. The adjacent property to the south contains a six unit multi-family building. The properties across North Colonial Avenue to the west contain single-family attached homes. Properties located across the alley to the north contain single, two, and three family homes.

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: February 28, 2022

CITY COUNCIL PUBLIC HEARING DATE: March 28, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
March 21, 2022

AFFECTED AGENCIES: Office of Chief Administration 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: David Watson, Senior Planner, Land Use Administration, 804-646-1036

**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.richmondgov.com/>

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: 5 North Colonial Ave. Richmond, VA 23221

Date: 11/12/2021

Tax Map #: W0001244030 Fee: \$1,800

Total area of affected site in acres: 0.0568

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

Zoning

Current Zoning: R-6

Existing Use: Two Family Converted

Proposed Use

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

The owners are requesting approval to build a new three-unit building with two parking spaces for the owners' unit.

Existing Use: The existing building is a duplex with no on-site parking.

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: David Johannas

Company: Johannas Design Group

Mailing Address: 1901 West Cary Street

City: Richmond

State: VA

Zip Code: 23220

Telephone: (804) 358-4993

Fax: ()

Email: dave@johannasdesign.com

Property Owner: Georgia & Mark Kukoski

If Business Entity, name and title of authorized signee: _____

(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: PO BOX 17971

City: Richmond

State: VA

Zip Code: 23226

Telephone: (804) 839-3424

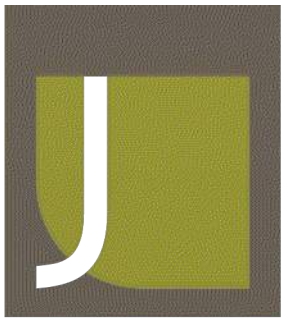
Fax: ()

Email: mrkukoski@icloud.com

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)



JOHANNAS design group
1901 West Cary Street
Richmond Virginia 23220

P. 804.358.4993

F. 804.358.8211

W. johannasdesign.com

**SUP Application Report
For a new home
5 North Colonial Avenue**

Georgia and Mark Kukoski recently purchased 5 North Colonial Avenue. The existing building has suffered from deferring maintenance for 30 to 40 years and is in disrepair. The owners have decided that they would like to build a new home including two additional apartments, or accessory dwelling units. The owners have owned the adjacent property at 3 North Colonial Avenue for twenty-three years.

The existing building is a duplex with no on-site parking. The owners are requesting approval to build a new three-unit building with two parking spaces for the owners' unit. The proposed design includes three stories plus a loft with a raised roof area, a monitor. The monitor is set back from the front facade by 18', and the area above the parapet is set back 7' to 10' from the alley side elevation.

Current zoning

The current zoning is R-6, possibly adopted in the early 1960s.

Setbacks, roof height, parapet height, and maximum site coverage comply with zoning requirements. The owner is proposing two new parking spaces. The height of the building meets R-6 zoning with the exception of the monitor. The owner is requesting additional density, a marginal increase in height for the monitor, not visible from the front right-of-way, and limiting the parking requirement to two parking spaces.

Richmond 300 Master Plan - A Guide for Growth

The recently adopted master plan designates the Museum District as Neighborhood Mixed Use. "The primary uses are single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Heights are generally two to four stories."

The Master Plan prescription to improve equitable housing states proposes that Richmond "is a city where all people can access quality housing choices." Objective 14.5 states "encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes." Section "e" states that Richmond should "allow the development of middle housing (2-4 units buildings) by-right within a half-mile of high frequency transit stops."

The #5 bus, which is a high frequency circulator, stops on West Main Street, half a block from the property. Additional bus routes in the immediate vicinity are the #78 and the #20.

Site context

This segment of North Colonial Avenue, situated in the Museum District one block west of Arthur Ashe Boulevard, is contained with its south end at Carytown and its north end at the Virginia Museum of Fine Arts. The site is at the midpoint of the three blocks. The R-6 one- and two-family zoning designation was overlaid on this district as a measure that blocked further diversity in housing types. However, the Museum District, and particularly this location, was historically developed with a mix of smaller multi-family buildings and one- and two-family housing.

Currently, there are four multi-family buildings and four one- and two-family buildings facing Colonial in these three blocks. There is an additional multi-family building on the corner facing Grove at Colonial. The immediate neighborhood context is mixed one- and two-family buildings and multi-family buildings.

West of the Boulevard Overlay District Guidelines

The drawings were submitted to Alex Dandridge, Secretary of the Urban Design Committee. Johannas Design Group, JDG, was prepared to meet with the Urban Design Committee to review the design, however, Alex determined that the application met the guidelines.

Community meetings

JDG and the owners have met with the immediate neighbors twice to discuss this proposal. We have also met directly with the owners of 2815, 2817, and 2819 Floyd Avenue. Mark Kukoski has spoken with the former owner of 2821 Floyd Avenue, but that property recently sold. These properties are directly across the alley from 5 North Colonial. We have also spoken with the owner of 2811 Floyd. We have presented our initial concepts to the Museum District Zoning Committee and president and will be following up with an additional presentation.

Summation

This project is a positive response to the Richmond 300 Plan. Per UDC staff approval, the building responds to the site and context, and meets the goals set by the West of the Boulevard Design Guidelines. The building is being built with a large owner occupied unit, plus two additional units. Georgia's mother is considering moving into the second floor apartment. We have discussed quality housing choices in our city, however, our current zoning restricts these goals. Here is an example of a small multi-family building that provides opportunities for families to expand and contract through the generations, or for an owner to have a large owner unit with smaller, more affordable, rental units in the same building. This is an example of how to expand our housing choices in Richmond.

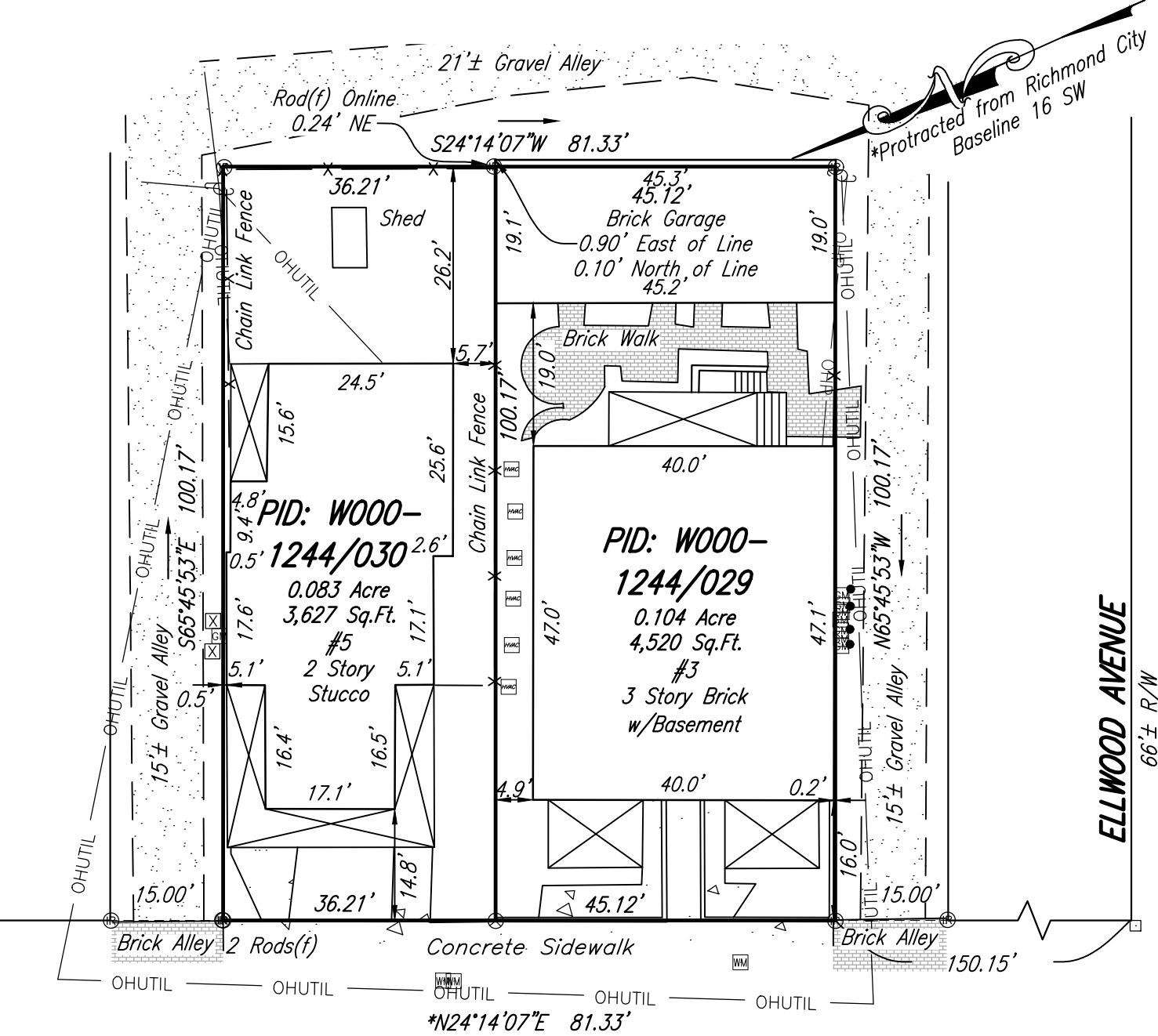
The proposed special use will not: 1. be detrimental to the safety, health, morals and general welfare of the community involved; 2. create congestion in streets, roads, alleys and other public ways and places in the area involved; 3. create hazards from fire, panic or other dangers; 4. tend to cause overcrowding of land and an undue concentration of population; 5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or 6. interfere with adequate light and air.

I am available to review the project and its unique location, and will reach out to you to see if you are available to meet.

Thank you for your consideration.

Dave Johannas

This is to certify that this plat or map was prepared under my direction from an actual field survey without the benefit of a title report. Unless otherwise noted, to the best of my knowledge and belief all visible evidence of improvements, easements and apparent encroachments are shown hereon. Not all easements may be shown.



LEGEND

- Ⓡ Rod Found
- Ⓢ Utility Pole
- Ⓜ HVAC
- Bollard
- Ⓜ Gas Meter
- Ⓢ Punch Set
- Ⓜ Monument Found
- Ⓜ Water Meter
- Ⓜ Approximate Location of Knocked over Bollard

Current Owner(s):
The Marcus Group, LLC.
PID: W000-1244/029
ID: 9800-00637
#3 North Colonial Avenue

Kukoski, Mark & Georgia
PID: W000-1244/030
ID: 2100-04009
#5 North Colonial Avenue

NORTH COLONIAL AVENUE
50'± R/W

IMPROVEMENTS ON
#3 & #5 NORTH
COLONIAL AVENUE
CITY OF RICHMOND, VIRGINIA



RE: The Marcus Group, LLC.
DATE: 07/29/2021
SCALE: 1"=20'
JOB NO.: 55210277.MS
DRAWN BY: NWD
CHECKED BY: JAB

PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY / SHENANDOAH VALLEY / LYNCHBURG
15871 City View Drive, Suite 200 / Midlothian, Virginia 23113 / Phone (804) 794-0571 / www.balzer.co



12100530521155210277.MS.DWG

5 NORTH COLONIAL AVE

PROJECT DATA

Owner

Georgia and Mark Kukowski

SCOPE OF WORK

DEMOLISH EXISTING BUILDING,
CONSTRUCT NEW MULTI-FAMILY
BUILDING WITH 3 UNITS

UNIT INFO

Unit 1	865 SF
Unit 2	865 SF
Unit 3	2,681 SF

Building Areas:

1st floor including Garage	= 1715 sf
2nd floor	= 1715 sf
3rd floor	= 1715 sf
Monitor	= 265 sf

DRAWING LIST

SUP 1	COVER
SUP 2	SITE PLAN
SUP 3	FLOOR PLANS
SUP 4	ELEVATIONS
SUP 5	ELEVATIONS
SUP 6	ELEVATION MATERIALS
SUP 7	IMAGES

LOCATION MAP



REVISIONS

5 NORTH COLONIAL AVE. INFILL

SHEET TITLE

COVER

PROJECT NO.

2113

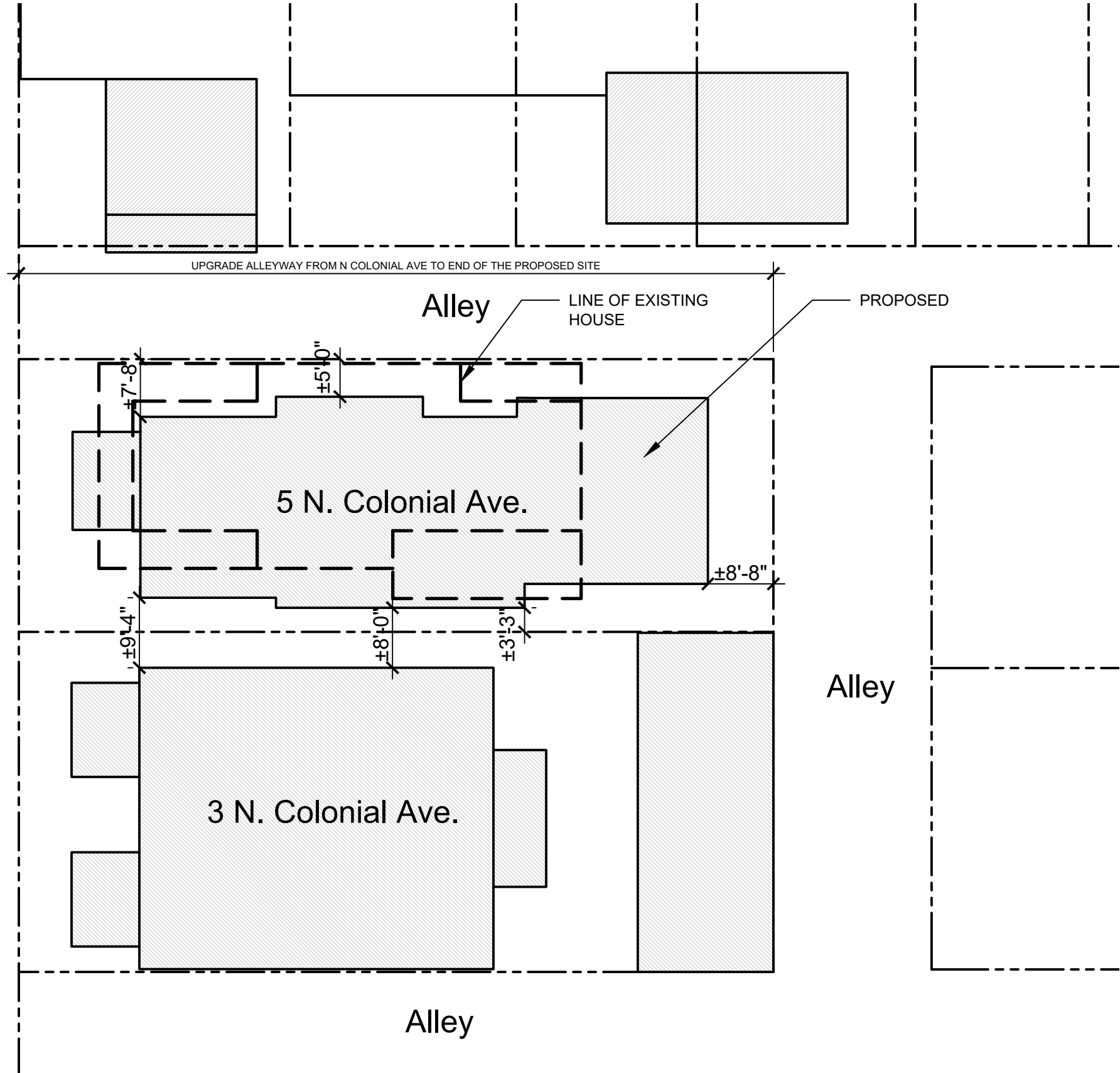
DATE

10.28.2021

SHEET NO.

SUP1

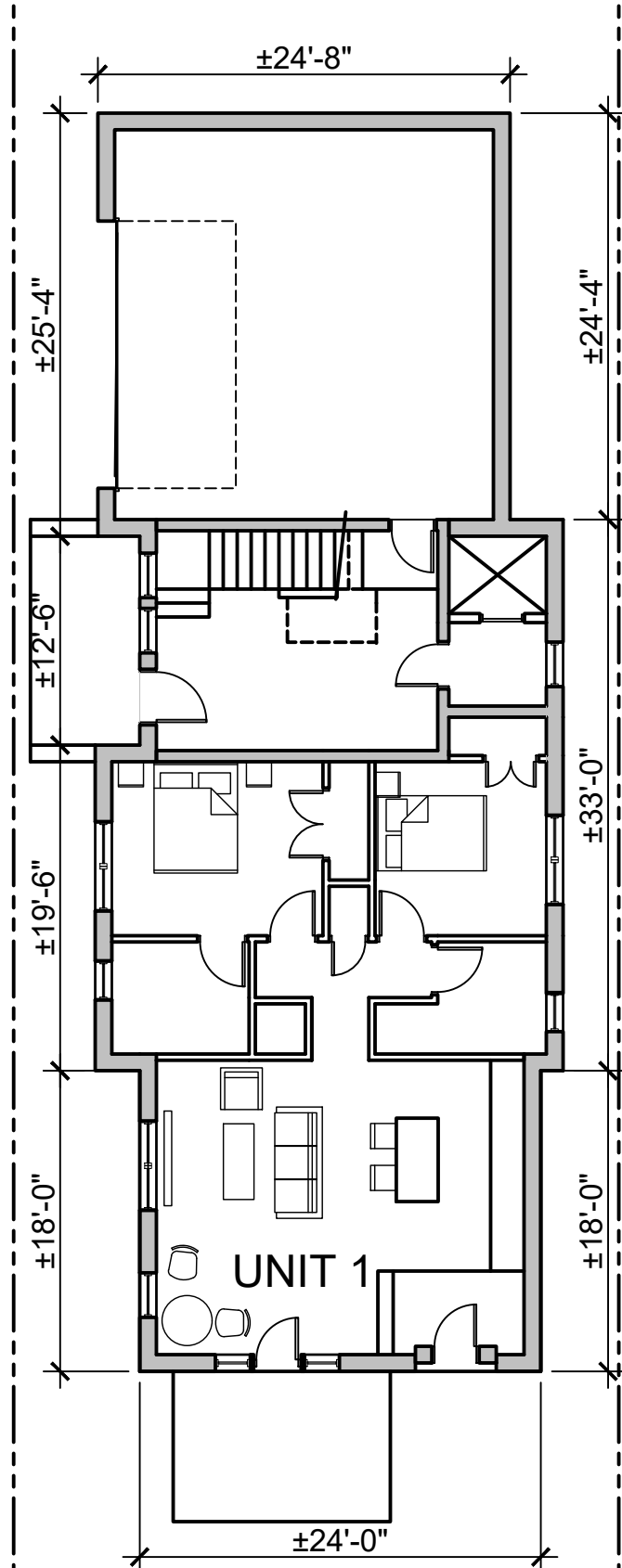
North Colonial Avenue



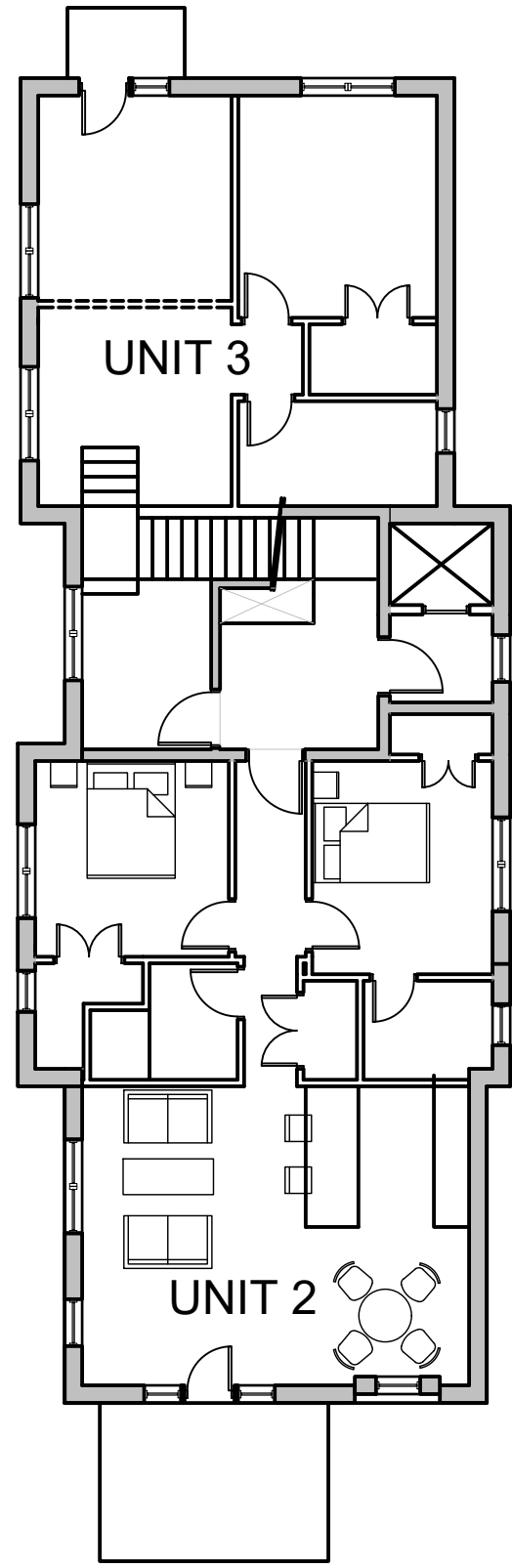
1 SITE PLAN
1/16" = 1'-0"

J O H A N N A S D E S I G N G R O U P 1901 WEST CARY STREET RICHMOND, VA 23220 P 804.358.4993 F 804.358.8211

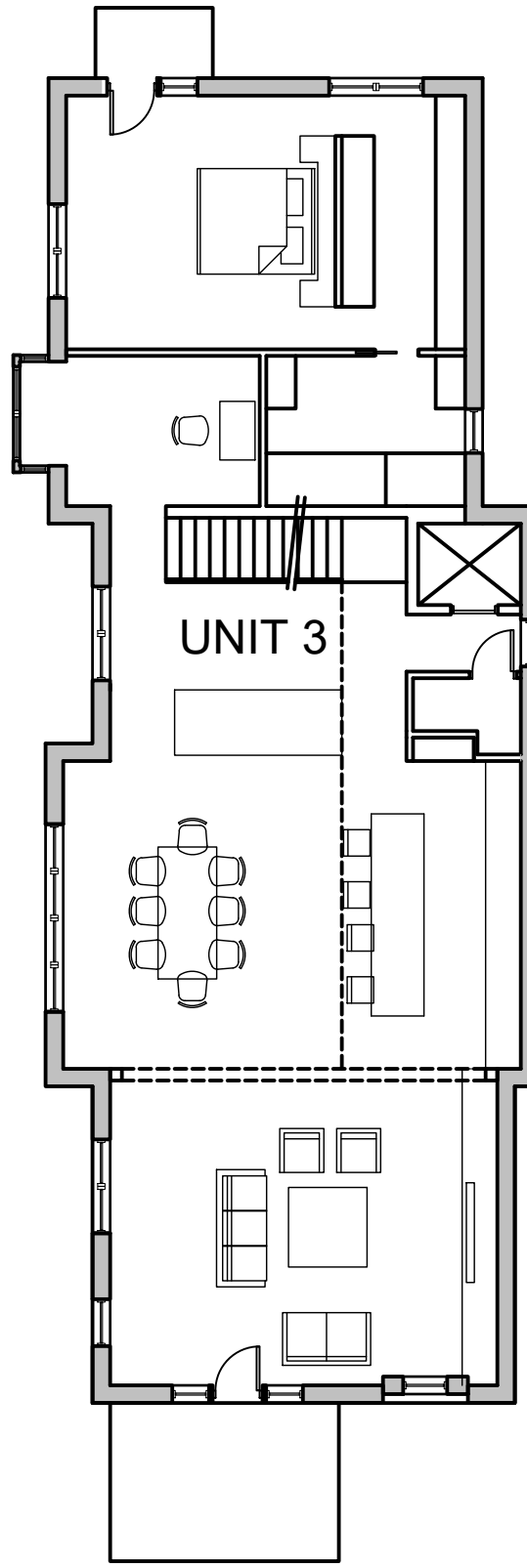
REVISIONS	
1)	01.26.2021
SHEET TITLE	
5 NORTH COLONIAL AVE. INFILL	
SITE PLAN	
PROJECT NO.	
2113	
DATE	
10.28.2021	
SHEET NO.	
SUP2	



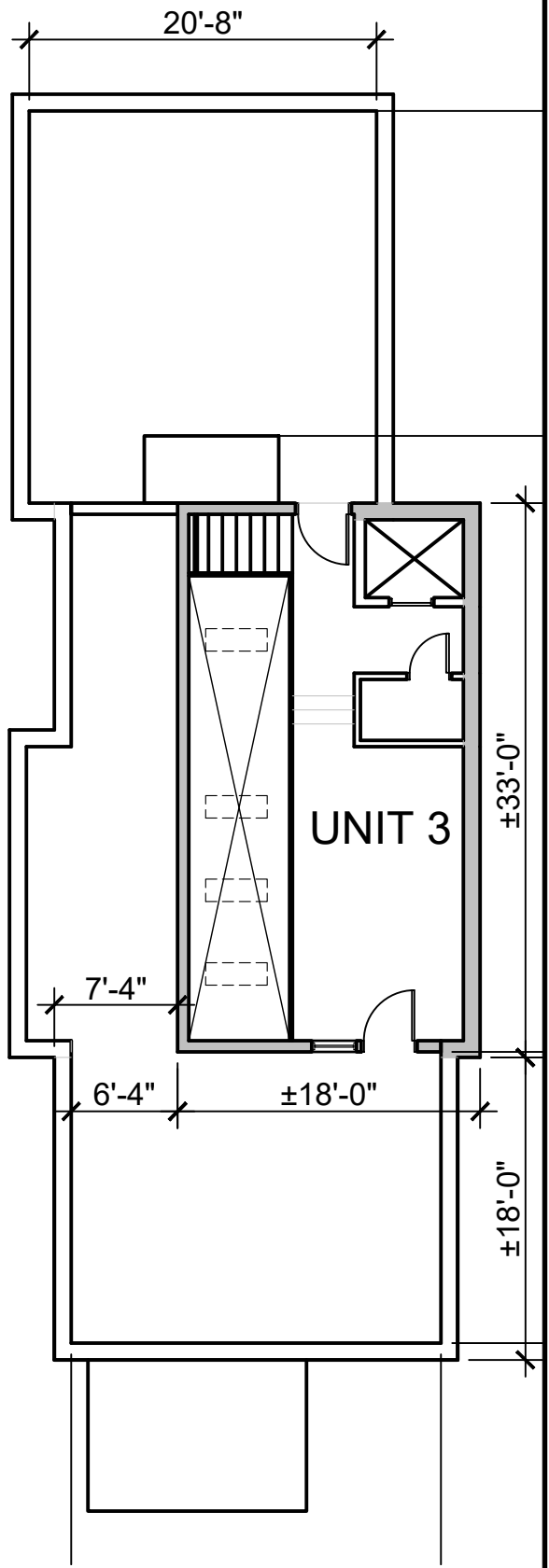
1 FIRST FLOOR
3/32" = 1'-0"



2 SECOND FLOOR
3/32" = 1'-0"



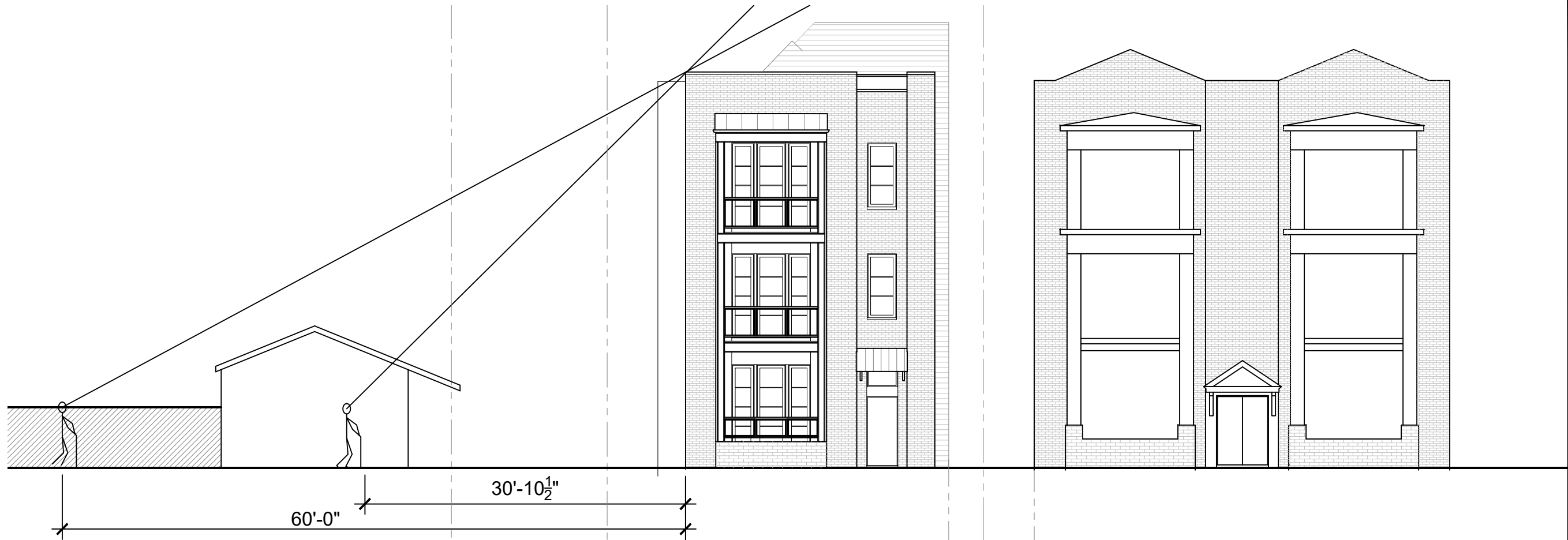
3 THIRD FLOOR
3/32" = 1'-0"



4 MONITOR AND ROOF DECK
3/32" = 1'-0"

J O H A N N A S DESIGN GROUP 1901 WEST CARY STREET RICHMOND, VA 23220 P 804.358.4993 F 804.358.8211

REVISIONS	
5 NORTH COLONIAL AVE. INFILL	
SHEET TITLE	
PLANS	
PROJECT NO.	
2113	
DATE	
10.28.2021	
SHEET NO.	
SUP3	



1 FRONT ELEVATION WITH CONTEXT
3/32" = 1'-0"



2 ALLEY SIDE ELEVATION
3/32" = 1'-0"

J O H A N N A S D E S I G N G R O U P 1901 WEST CARY STREET RICHMOND, VA 23220 P 804.358.4993 F 804.358.8211

REVISIONS
1) 01.26.2021
2) 02.10.2021

5 NORTH COLONIAL AVE. INFILL

SHEET TITLE

ELEVATIONS

PROJECT NO.

2113

DATE

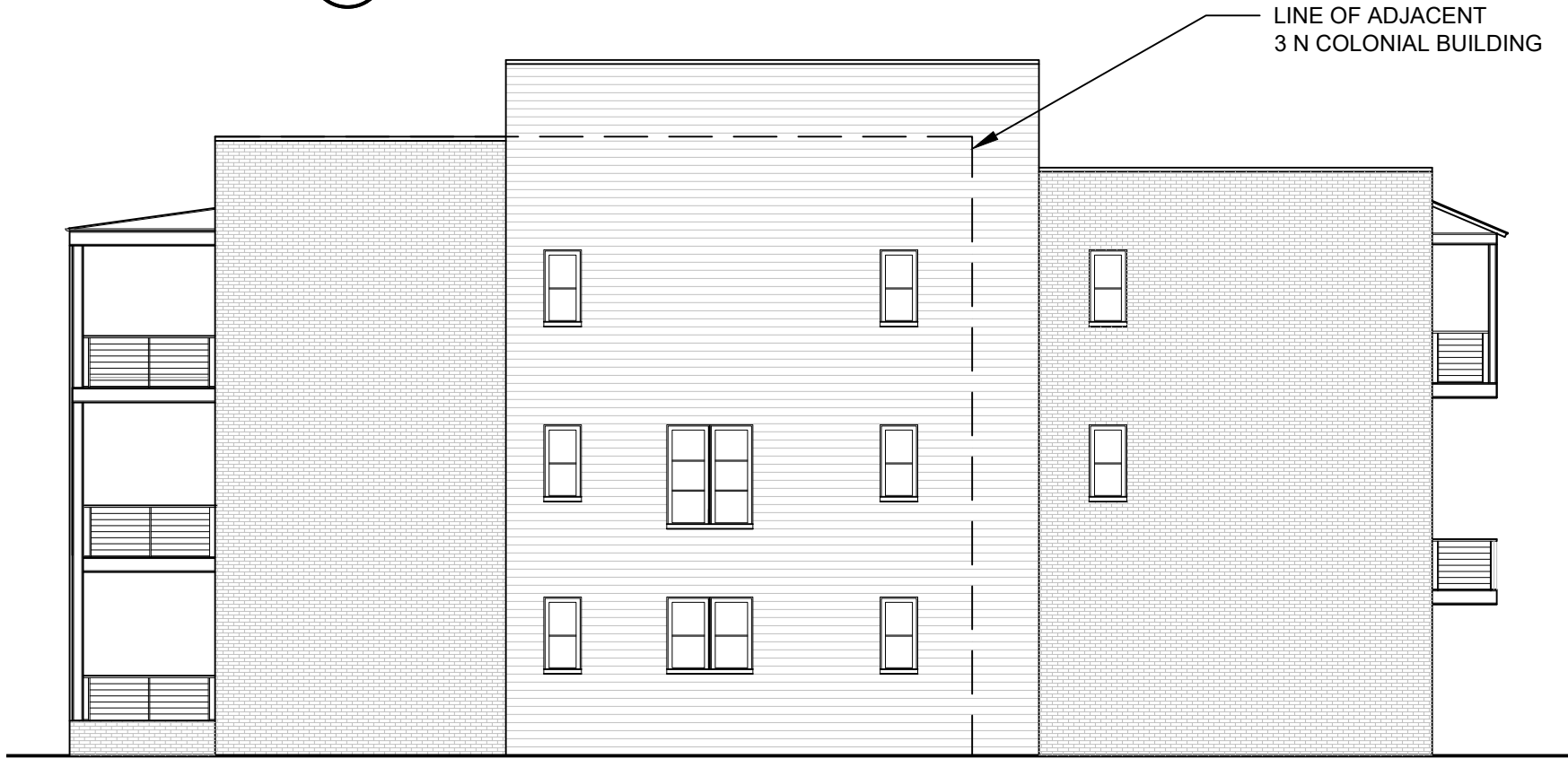
10.28.2021

SHEET NO.

SUP4



1 REAR ELEVATION
3/32" = 1'-0"



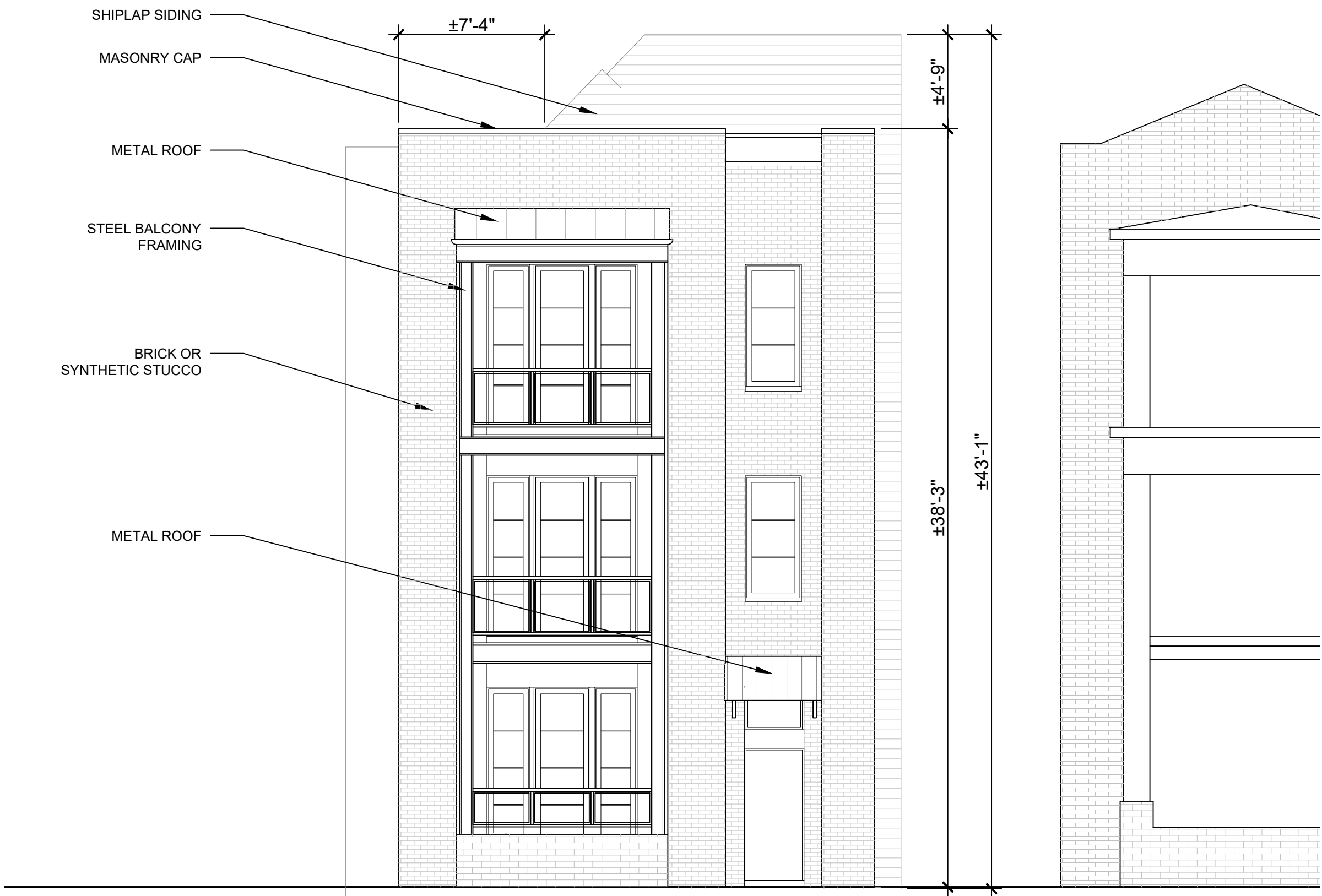
2 SIDE ELEVATION
3/32" = 1'-0"

J O H A N N A S D E S I G N G R O U P 1901 WEST CARY STREET RICHMOND, VA 23220 P 804.358.4993 F 804.358.8211

REVISIONS
1) 01.26.2021

5 NORTH COLONIAL AVE. INFILL

SHEET TITLE	
ELEVATIONS	
PROJECT NO.	2113
DATE	10.28.2021
SHEET NO.	SUP5



1

FRONT ELEVATION WITH MATERIALS

3/16" = 1'-0"

J O H A N N A S D E S I G N G R O U P 1901 WEST CARY STREET RICHMOND, VA 23220 P 804.358.4993 F 804.358.8211

REVISIONS	
1)	01.26.2021
2)	02.10.2021
5 NORTH COLONIAL AVE. INFILL	
SHEET TITLE	
ELEVATION MATERIALS	
PROJECT NO.	
2113	
DATE	
10.28.2021	
SHEET NO.	
SUP6	

