

INTRODUCED: April 14, 2025

AN ORDINANCE No. 2025-075

To authorize the special use of the property known as 1301 North 38th Street for the purpose of one two-family detached dwelling and one single-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 12 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 1301 North 38th Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of one two-family detached dwelling and one single-family detached dwelling, which use, among other things, is not currently allowed by section 30-410.1 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 12 2025 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 property known as 1301 North 38th Street and identified as Tax Parcel No. E000-1767/001 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled “Map Showing the Division of No.1301 N 38th Street, in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated June 4, 2024, 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 one two-family detached dwelling and one single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Sketch Showing the Proposed Improvements on No.1303 N 38th Street, in City of Richmond, VA.,” prepared by Virginia Surveys, dated July 19, 2024, and last revised September 13, 2024, and “1303 N 38th St.,” prepared by River Mill Development, and dated July 1, 2024, 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 one two-family detached dwelling and one single-family detached dwelling, substantially as shown on the Plans.
- (b) No off-street parking shall be required for the Special Use.
- (c) The height of the Special Use shall not exceed two stories, substantially as shown

on the Plans.

(d) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.

(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) Prior to the issuance of a building permit for the Special Use, the establishment of no more than two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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.

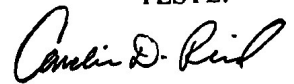
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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 1,096 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:



City Clerk

DATE: March 5, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor (by request)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Sabrina Joy-Hogg, Interim Chief Administrative Officer

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

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 1301 North 38th Street for the purpose of one two-family detached dwelling and one single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: The applicant is requesting a Special Use Permit to authorize the special use of the property known as 1301 North 38th Street for one two-family detached dwelling and one single-family detached dwelling. Two-family dwellings are not permitted in the R-5 zoning district. As a result, a Special Use Permit is necessary to proceed with this request.

BACKGROUND: The property is located in the Oakwood neighborhood at the corner of North 38th Street and Canepa Street. The property is currently a 7,200 square foot parcel of land improved with a single-family detached dwelling. The City's Richmond 300 Master Plan designates a future land use for the subject property has Neighborhood Mixed-Use, which is defined as, "existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses".

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for this property is R-5 - Residential (Single Family). The area is generally residential. The density of the proposed is three units upon 0.165 acres or about 18 units per acre.

COMMUNITY ENGAGEMENT: Church Hill Central Civic Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Ordinance to be considered by the Planning Commission on May 6, 2025

FISCAL IMPACT: \$400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 14, 2025

CITY COUNCIL PUBLIC HEARING DATE: May 12, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission (May 6, 2025)

AFFECTED AGENCIES: Office of the Chief Administrative Officer; Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Application Form, Applicant's Report, Plans, Survey

STAFF: Shaianna Trump, Planner Associate, Land Use Administration (Room 511) 646-7319



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: 1301 N 38th Street

Date: 7-16-20224

Parcel I.D. #: E0001767001 Fee: \$300

Total area of affected site in acres: 0.165

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

Zoning

Current Zoning: R-5

Richmond 300 Land Use Designation: Neighborhood Mined-Use

Proposed Use

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

Construction of a two-family detached dwelling

Existing Use: Single-family detached

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Will Gillette

Company: Baker Development Resources

Mailing Address: 530 East Main Street, Suite 730

City: Richmond

State: VA

Zip Code: 23219

Telephone: (864) 377-9140

Fax: ()

Email: will@bakerdevelopmentresources.com

Property Owner: EVOLVE DEVELOPMENT INC

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: 3420 PUMP RD #169

City: RICHMOND

State: VA

Zip Code: 23233

Telephone: () Fax: ()

Email: _____

Property Owner Signature: Daniil V. Kleyman

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)



Review & Approval process for **SPECIAL USE PERMIT**

In instances where it has been determined that underlying zoning regulations cannot be met, a special use permit may be granted by City Council to provide relief from zoning regulations.

Special use permit applications are reviewed for compliance with the *Richmond 300* to ensure the proposal is compatible with the surrounding area and that it is an appropriate use for the site. Specifically, applications are reviewed to ensure that the City Charter conditions for granting special use permits have been met. The City Charter requires that prior to City Council approval; it must be shown that 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.

Applicants **are encouraged** to schedule a pre-application conference with the Division of Land Use Administration staff to review related Master Plan, land use and other issues that may be involved prior to making application. Please call (804) 646-6304 to schedule an appointment with the staff. Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

Applicants should also discuss the proposed special use permit with area civic associations, property owners, residents, and the area Council Representative prior to submitting an application. Letters from the associations and property owners stating their position in regards to the request should be submitted with the application.

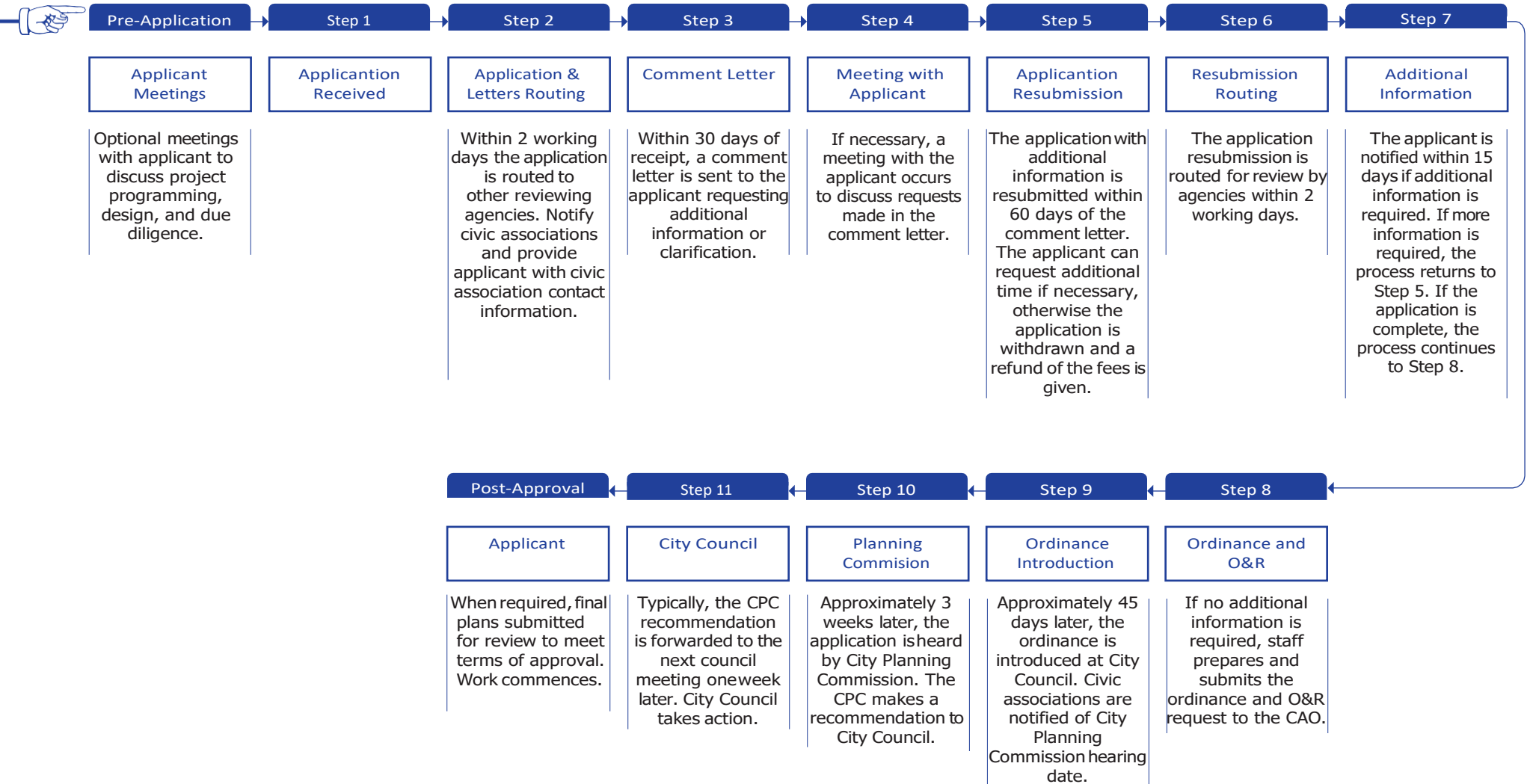
The Division of Land Use Administration circulates the special use permit application materials to appropriate City agencies as determined necessary. City agencies reviewing the proposal may include: Public Works, Building Permits & Inspections, Public Utilities, Water Resources, Zoning Administration, and Fire and Emergency Services. The Division of Land Use Administration will coordinate responses by City agencies. Written comments will be provided generally within 30 days of the application submittal date.

After review by these agencies and by the Division of Land Use Administration, the staff will confer with the applicant regarding suggested conditions to be included in the ordinance and any suggested changes to the plans. If the property is located in a City Old and Historic District and the request involves exterior alterations, additions or new construction, the plans should also be reviewed by the Commission of Architectural Review prior to an ordinance being introduced in City Council. Once the plans are in final form, an ordinance is drafted and the plans are attached to and are made a part of the ordinance. The staff will forward a copy of the ordinance to the applicant for review and approval.

The ordinance is then reviewed by the City Attorney's office and the City Administration. Once their review is complete, the ordinance is introduced to City Council and a public hearing is scheduled, usually thirty days after introduction. During this thirty-day period, public notice of the hearing is posted on the site and in a daily newspaper. Notices are also mailed to the owners of all properties within 150 feet of the subject property. One week prior to the City Council public hearing, the Planning Commission, after receiving a report from the Department of Planning and Development Review, considers the proposed special use permit and forwards a recommendation to City Council. The Planning Commission welcomes information submitted prior to the meeting and may ask questions of proponents and opponents during the course of its deliberation on the ordinance. Six affirmative votes of City Council are required to adopt a special use ordinance. Please note that there is a fee of \$250 for each continuance caused by the applicant.

If the special use ordinance is adopted by City Council, the applicant has a specified time period in which to apply for a building permit to implement the special use permit. Building permit plans must be substantially in accordance with the adopted special use permit plans, otherwise a building permit will not be issued. In general, the approval process for special use permits takes between 120 to 180 days. However, depending on the complexity of the proposed special use permit, more or less time may be required. The City Planning Commission considers approval of special use permits at its regular meetings on the first and third Monday of each month. ***Incomplete submissions or major modifications to the plan during the review process may cause delays in the schedule.***

Legislative Land Use Application Process





Filing Procedures for **SPECIAL USE PERMIT**

FILING

Special use permit applications are filed with the:

Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street, Richmond, Virginia 23219
Telephone (804) 646-6304

APPLICATION REQUIREMENTS

The application for a special use permit must include the following, each part of which is explained below. ***Application must be submitted in an electronic format (PDF).***

1. **Application form;**
 2. **Application fee;**
 3. **Applicant's report;**
 4. **Electronic PDF plans; and**
 5. **Survey plat.**
-
1. **Application Form:** All owners of the property must sign the application form. If a legal representative signs for a property owner, a copy of an executed power of attorney is required.
 2. **Application Fee:** The appropriate fee must accompany the application. Checks should be made payable to the "City of Richmond". The fees are determined from the attached fee schedule.
 3. **Applicant's Report: *A written report must be submitted describing the proposed use.*** For non-residential development, the description should include the anticipated number of employees, hours of operation, and an estimated amount of vehicular traffic that will be generated by the use. The report should point out the specific features of the special use that will ensure that it will be compatible with the surrounding area, and that it is an appropriate use for the site. In addition, the City Charter specifies certain conditions that must be met before City Council can approve a special use permit. It must be shown that the proposed special use will ***not***:
 - a. be detrimental to the safety, health, morals and general welfare of the community involved;
 - b. tend to create congestion in streets, roads, alleys and other public ways and places in the area involved;
 - c. create hazards from fire, panic or other dangers;
 - d. tend to cause overcrowding of land and an undue concentration of population;
 - e. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
 - f. interfere with adequate light and air.

The report must indicate the reasons why the applicant feels these conditions will be met (e.g., features of the plan, characteristics of the proposed use or surrounding area). ***Please note*** that the ***above materials will be forwarded to the City Planning Commission and City Council along with the special use permit ordinance.***



Filing Procedures for **SPECIAL USE PERMIT**

FILING

4. **Plans:** Plans are required to provide sufficient detail to permit the staff to make a determination of the compatibility of the proposed project with surrounding development. Plans must be properly scaled and include a scale bar. Depending on the request, plans may include the following:

- a. Site Plan
- b. Elevation Plans
- c. Floor Plans
- d. Landscape Plans
- e. Signage Plan & Details
- f. Lighting Plan & Details

In some cases not all plans would be relevant to the request and may not be required. If there is a question about the level of detail required, please contact Land Use Administration Staff. Electronic Plans (PDF) are required with the initial application and any subsequent resubmissions. Electronic plans may be submitted on a disk or via email at: DCDLanduseadmin@richmondgov.com.

5. **Survey Plat:** A PDF of a survey plat showing the property and including metes and bounds is required. The plat should show existing physical features of the property, including:
 - a. North arrow, scale, property address, the distance to nearest public street, preparer of plat, date, revision dates, area of site;
 - b. Existing structures, buildings, paved areas, fences, streets, alleys, easements, and limits of the 100 year flood plain, Chesapeake Bay Preservation Area limits, wetlands, and streams.



COMMUNITY UNIT PLAN

Preliminary	\$3,000 + \$100/acre ¹
Extension of Preliminary Approval	\$1,500
Final	\$1,500 + \$100/acre ¹
Amendment	\$1,500 + \$100/acre ¹

CONDITIONAL USE PERMIT

Initial	\$1,500 + \$100/acre ²
Amendment	\$1,000 + \$100/acre ²

PLAN OF DEVELOPMENT

Floor area & Land disturbed ≤ 5,000 square feet	\$500 + \$100/acre ²
Floor area & Land disturbed ≥ 5,001 & ≤ 50,000 square feet	\$1,000 + \$100/acre ²
Floor area & Land disturbed ≥ 50,001 square feet	\$1,500 + \$100/acre ²

REZONING/CONDITIONAL REZONING

Each continuance caused by the applicant	\$1,500 + \$100/acre ²
	\$250

SPECIAL USE PERMIT

Use	Initial	Amendment
Day Nursery	\$300	\$200
Single- or two-family detached or attached dwelling	\$300	\$200
Outdoor dining	\$300	\$200
Mobile food business	\$300	\$200
Sign	\$300	\$200
Multi-family dwelling (3 to ten units)	\$1,800	\$1,200
Commercial or industrial equal to or less than 5,000 sq ft	\$1,800	\$1,200
Multi-family dwelling (more than 10 units)	\$2,400	\$1,800
Commercial or industrial more than 5,000 sq ft	\$2,400	\$1,800

Each continuance caused by the applicant	\$250
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SUBDIVISION

Preliminary Plat	\$500 + \$15/lot
Extension of Preliminary Plat Approval	\$150
Final Plat	\$500 + \$15/lot
Subdivision Confirmation Letter	\$100
Continuance*	\$50
Plat of Correction	\$100

A full refund of the application fee is permitted if the application is withdrawn prior to the second submittal of plans. Once a second submittal of plans is made, fees are not refundable.

¹For Community Unit Plans (CUP), the first 10 acres are included in the base price.

²For Conditional Use Permits, Plans of Development, and Rezonings, the first acre is included in the base price.

For all applications with an additional price per acre, fractions of an acre are rounded up to the nearest whole number. Do not prorate the fee per fraction of acre.

- Example: A Conditional Use Permit (CUP) for a 0.76 acre property would owe \$1,500 (base fee only). A CUP for a 2.3 acre property would owe \$1,700 (\$1,500 base fee + 2*100 (for the 1.3 acres over the first acre))

* No charge for the 1st continuance requested by the applicant or for any continuance requested by the Planning Commission. The second or subsequent continuance request by the applicant costs \$50.

Fees went into effect upon adoption of Ordinance No. 2018-209 by City Council on September 10, 2018.







SUP_Application_20240709_1301 N 38th

Final Audit Report

2024-07-16

Created:	2024-07-15
By:	William Gillette (wwgillette@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAzTfXfdpAKye6MuZ1osmM-ynxI7cQZqAx

"SUP_Application_20240709_1301 N 38th" History

-  Document created by William Gillette (wwgillette@gmail.com)
2024-07-15 - 6:51:53 PM GMT- IP address: 73.40.55.78
-  Document emailed to dvk5f@yahoo.com for signature
2024-07-15 - 6:52:08 PM GMT
-  Email viewed by dvk5f@yahoo.com
2024-07-16 - 10:25:31 AM GMT- IP address: 69.147.94.143
-  Signer dvk5f@yahoo.com entered name at signing as Daniil V. Kleyman
2024-07-16 - 10:26:10 AM GMT- IP address: 100.7.20.205
-  Document e-signed by Daniil V. Kleyman (dvk5f@yahoo.com)
Signature Date: 2024-07-16 - 10:26:12 AM GMT - Time Source: server- IP address: 100.7.20.205
-  Agreement completed.
2024-07-16 - 10:26:12 AM GMT

APPLICANT'S REPORT

July 9th, 2024

*Special Use Permit Request
1301 N 38th Street, Richmond, Virginia
Map Reference Number: E000-1767/001*

Submitted to:	City of Richmond Department of Planning and Development Review Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219
Submitted by:	Baker Development Resources 530 East Main Street, Suite 730 Richmond, Virginia 23219

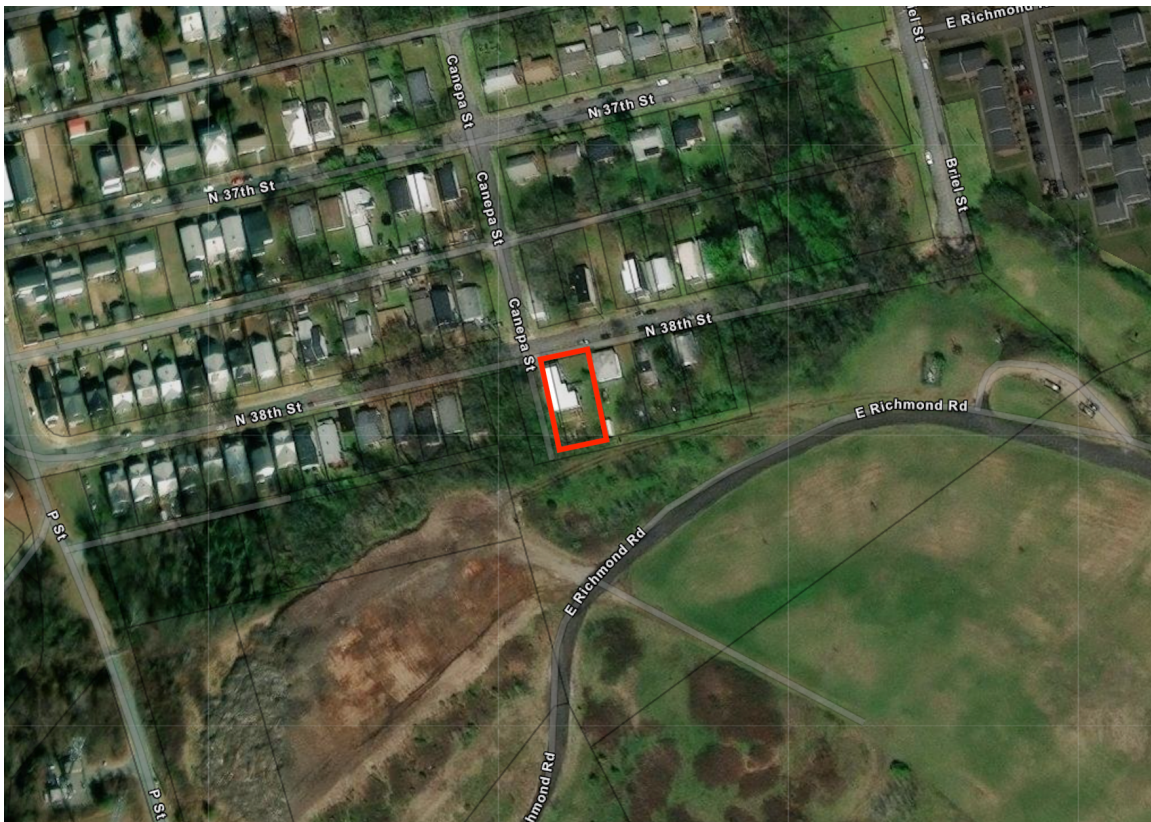
Introduction

The property owner is requesting a special use permit (the "SUP") for 1301 N 38th Street (the "Property"). The SUP would authorize the division of the Property in order to construct one (1) two-family detached dwelling ("duplex") on the newly created parcel. While the two-family detached use is recommended as a primary use for the area by the Richmond 300 Master Plan, the underlying R-5 Single-Family Residential zoning district does not permit the use, and therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the south side of N 38th Street adjacent the incomplete Canepa Street right of way. The subject property is referenced by the City Assessor as tax parcel E000-1767/001 and is currently occupied by a one-story single-family dwelling. The Property is approximately 60 feet in width by 120 feet in depth, containing approximately 7,200 square feet of lot area.



The properties in the vicinity are developed with a range of one- and two-story residential uses. To the rear of the Property lies the East Richmond Road Landfill owned by the City

of Richmond. The significant changes in topography in the area mean that many nearby streets and alleys do not connect through to adjacent streets.

EXISTING ZONING

The Property and those to the north, south, east, and west are zoned R-5 Single-Family Residential. To the west lies an R-53 zoning classification housing a large condo association.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the “Master Plan”) suggests “Neighborhood Mixed-Use” for the Property. The Master Plan describes this land use designation as “existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.” Recommended development styles are described as featuring “a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Single-family, two-family, and small multi-family buildings are contemplated as the primary uses in these areas.”

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request. In the High-Quality Places chapter, there are number of supporting objectives, such as:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to “Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options.”
 - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to “Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers.”
 - d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to “Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city.”
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to “Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance.”
- Page 159 (Thriving Environment Chapter) Objective 15.1 to “Reduce air pollution related to transportation.”

- a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).
- Page 86 (High-Quality Places Chapter), Objective 1.4, to “maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards.”
- Page 100 (High Quality Places Chapter), Objective 4.1, to “create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City,” as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

TRANSPORTATION

The Property is located near the R + 36th Bus Stop which is serviced by the 4A and 4B lines respectively and provide connection to the west toward Downtown and on to the VCU Medical Center and to the southeast toward Darbytown and into Henrico.

Proposal

PROJECT SUMMARY

The proposed development includes the division of the parcel and the construction of one two-family detached dwelling on the newly created lot.

PURPOSE OF REQUEST

The Property consists of a single lot of record which is approximately 60 feet wide and contains roughly 7,200 square feet of lot area. The owner is dividing the lot and building a new two-family detached dwelling on the east side of the property. While the Richmond 300 Master Plan designation of Neighborhood Mixed-Use for the Property recommends two-family dwellings as a primary use, the underlying R-5 zoning district does not permit this use, and therefore, a special use permit is required.

In exchange for the SUP, the intent of this request is to ensure the development of a high-quality infill dwelling. The overall project will remain respectful to the historic development pattern in the vicinity while the quality assurances conditioned through the SUP will guarantee a higher quality development and better neighborhood compatibility than might otherwise be constructed with a by right development.

PROJECT DETAILS

When complete, the new two-family detached dwelling would be two stories in height and has been designed to appear as a single-family home from the street to be consistent with the historic development pattern found throughout the neighborhood. The dwelling would

be configured as flats with each unit containing 1,240 square feet of floor area and two bedrooms and two bathrooms. The exterior would be clad in quality building materials including cementitious lap siding in order to ensure durability. A covered full-width front porch and two-story rear porch would engage the street and provide usable outdoor living space for future occupants.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed special use permit for high-quality infill construction will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation will create no congestion on streets, roads, alleys or any other public right of way.

- ***Create hazards from fire, panic or other dangers.***

The property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed special use permit will not tend to over crowd the land or create 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.***

The special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

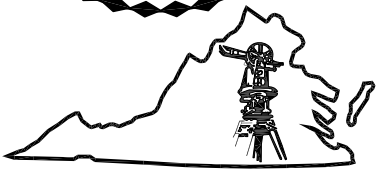
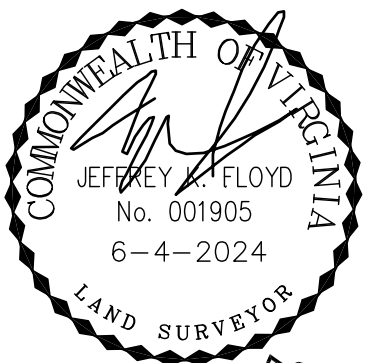
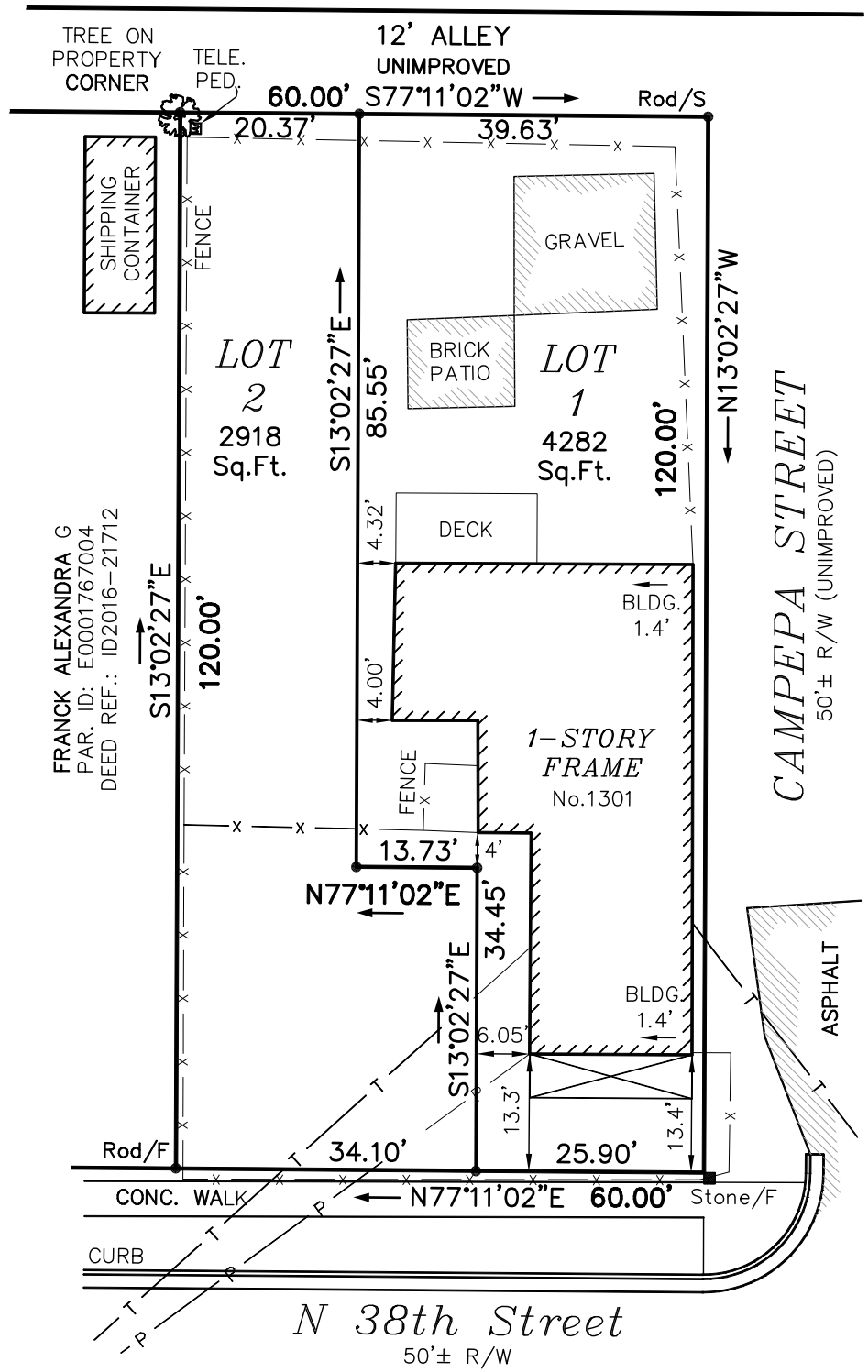
- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. Furthermore, the provision of a full-width front porch will provide additional usable outdoor space. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

In summary we are enthusiastically seeking approval for the construction of the proposed two-family detached dwelling. The building has been thoughtfully designed to provide appropriate, high-quality residences in the neighborhood. The request offers compatibility with the City's Master Plan in terms of use and would upgrade the Property while remaining respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. The proposed development would help encourage a pedestrian friendly traditional streetscape in the block and contribute to the vibrancy of the block through the addition of street life in the form of a street-oriented front porch. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on 5-7-2024 I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID.




Virginia Surveys

P.O. BOX 118
CHESTERFIELD, VA 23832
(804) 748-9481
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MAP SHOWING THE DIVISION
OF No.1301 N 38TH STREET,
IN CITY OF RICHMOND, VA.

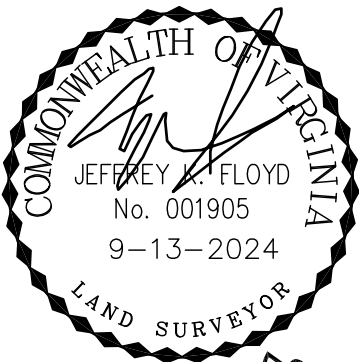
DATE: 6-4-2024
CERTIFIED BY JEFFREY K. FLOYD
VIRGINIA CERTIFICATE NO. 001905
SCALE: 1"=20'
JOB NO. 240416253





SUPER CANS
WITH SCREENING
< 5' TALL
OPEN 1 SIDE


MULCH BED WITH
3 GALLON MIN.
LANDSCAPING


HVAC UNIT
WITH SCREENING




Virginia Surveys

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REVISED: 9-13-2024

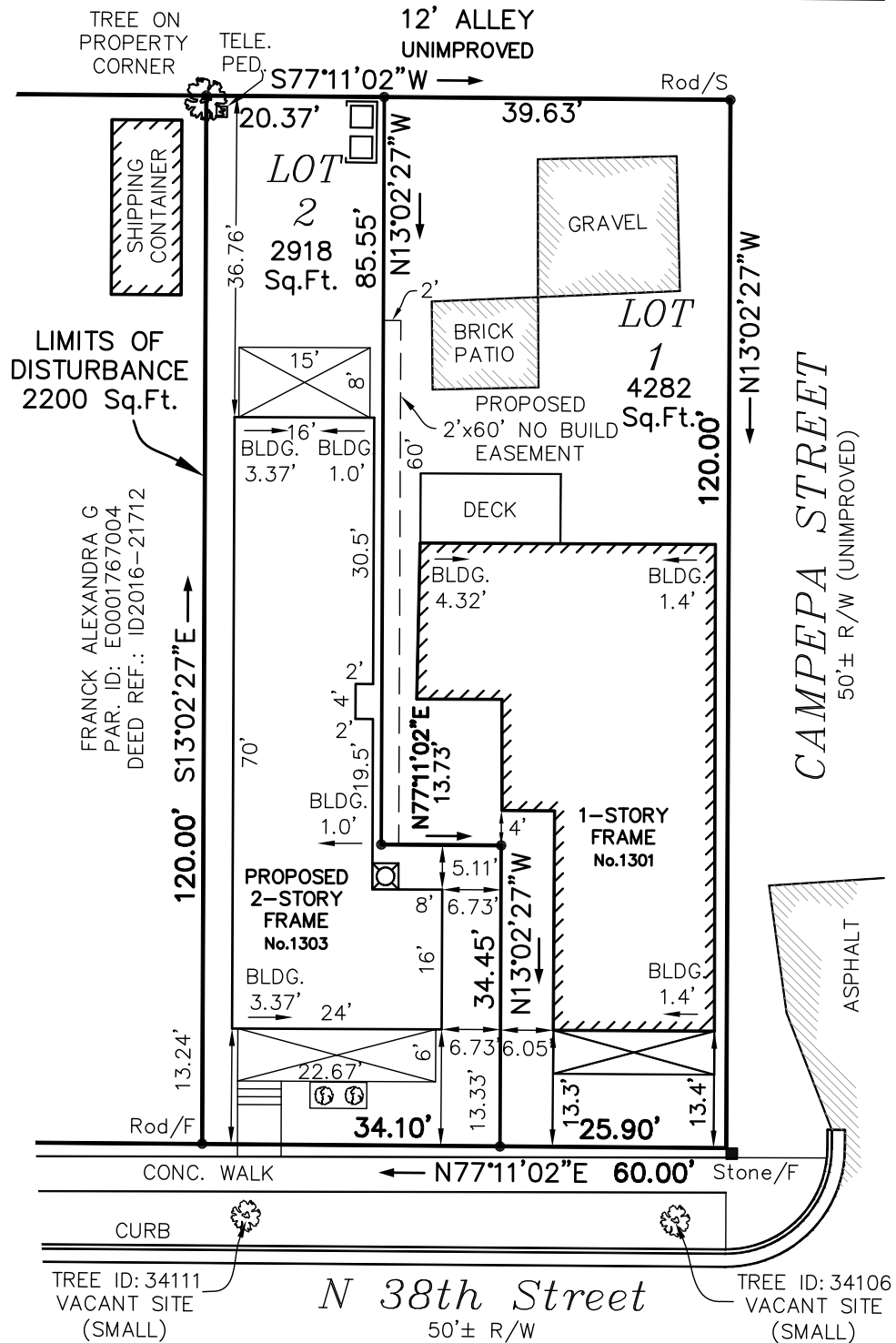
DATE: 7-19-2024

CERTIFIED BY JEFFREY K. FLOYD

VIRGINIA CERTIFICATE NO. 001905

SCALE: 1"=20'

JOB NO. 240416253



SKETCH SHOWING THE
PROPOSED IMPROVEMENTS ON
No. 1303 N 38TH STREET,
IN CITY OF RICHMOND, VA.

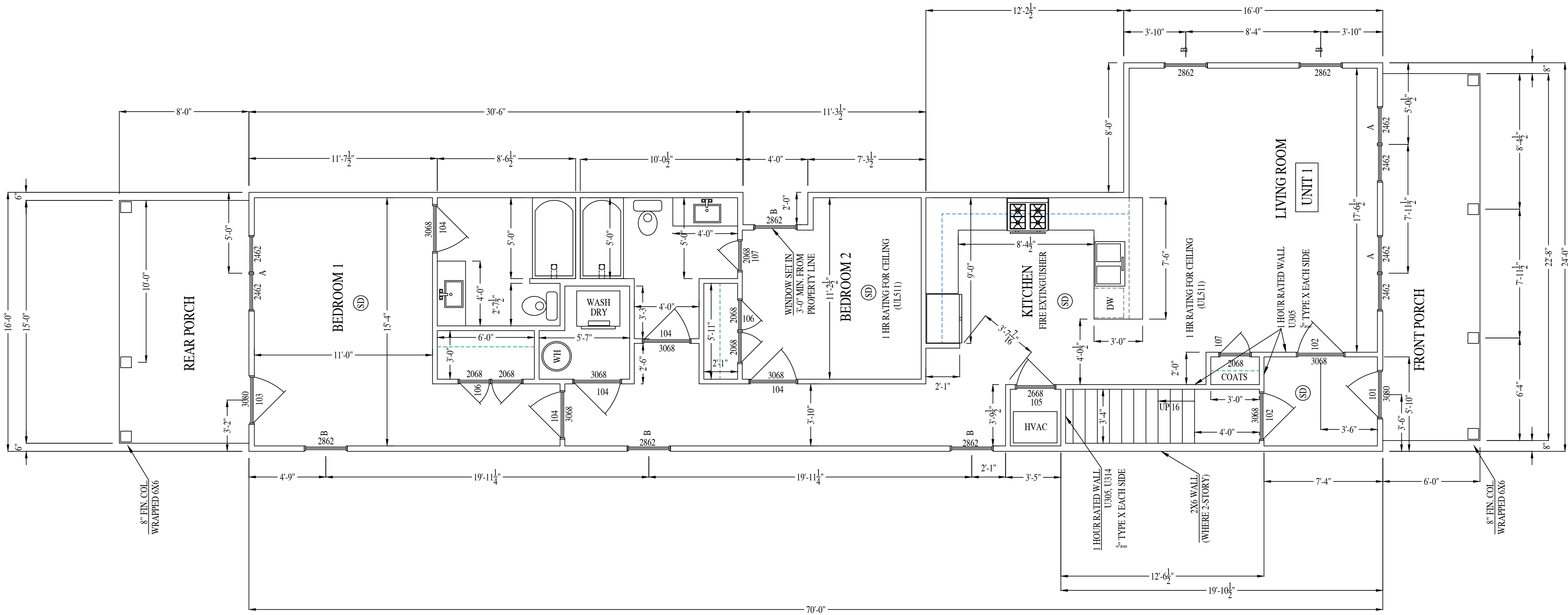
NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX U-FACTOR OF 0.32
NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX SOLAR HEAT GAIN COEFFICIENT (SHGC) OF 0.4

BUILDING INFORMATION

1ST FL. HEATED S.F.	1240
2ND FL. HEATED S.F.	1240

WINDOW SCHEDULE						
ID	WIDTH	HEIGHT	TYPE	TOP SASH	BOT. SASH	QTY.
A	2'-4"	6'-2"	TWIN D.H.	CLEAR	CLEAR	3
B	2'-8"	6'-2"	SINGLE D.H.	CLEAR	CLEAR	6
C	2'-8"	5'-6"	SINGLE D.H.	CLEAR	CLEAR	6
D	2'-4"	5'-6"	TWIN D.H.	CLEAR	CLEAR	3
E	3'-0"	5'-6"	SINGLE D.H.	CLEAR	CLEAR	1

DOOR SCHEDULE					
ID	WIDTH	HEIGHT	TYPE	DESCRIPTION	QTY.
101	3'-0"	8'-0"	EXTERIOR INSUL.	3/4 LITE FIBERGLASS	1
102	3'-0"	6'-8"	EXTERIOR INSUL.	NO LITE FIBERGLASS	2
103	3'-0"	8'-0"	EXTERIOR INSUL.	3/4 LITE FIBERGLASS	2
104	3'-0"	6'-8"	INTERIOR	WOOD	10
105	2'-6"	6'-8"	INTERIOR	WOOD	2
106	2'-0"	6'-8"	INTERIOR TWIN	WOOD	4
107	2'-0"	6'-8"	INTERIOR	WOOD	4



FIRST FLOOR PLAN

1303 N 38TH ST.

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

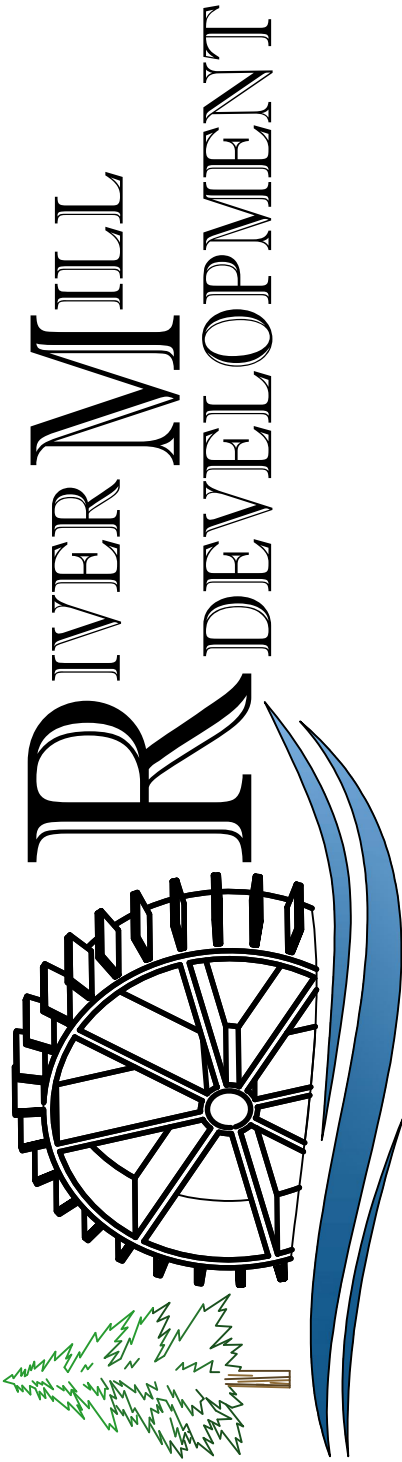
REVISION NOTES

DATE	START

SCALE:
1/4" = 1'-0"

DATE:
7-01-2024

SHEET:
A1.1



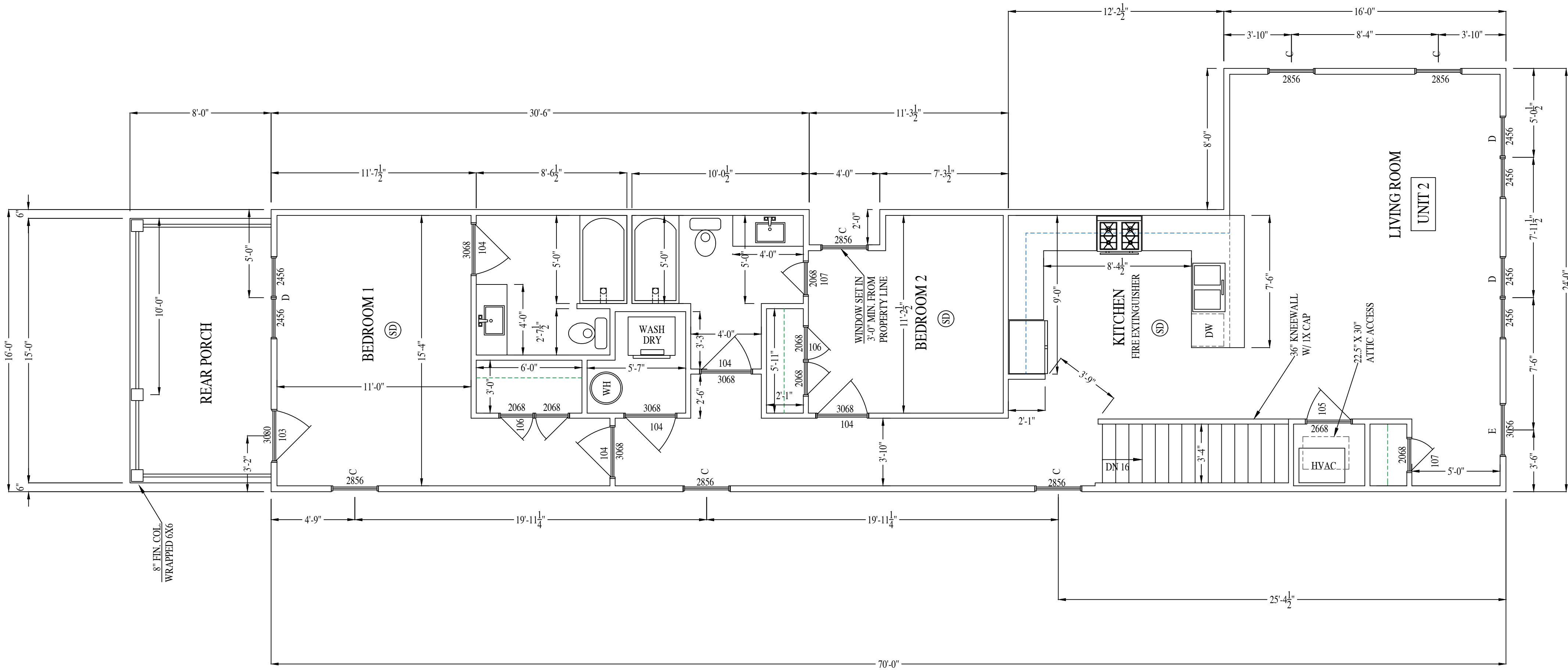
NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX U-FACTOR OF 0.32
NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX SOLAR HEAT GAIN COEFFICIENT (SHGC) OF 0.4

BUILDING INFORMATION

1ST FL. HEATED S.F.	1240
2ND FL. HEATED S.F.	1240

WINDOW SCHEDULE						
ID	WIDTH	HEIGHT	TYPE	TOP SASH	BOT. SASH	QTY.
A	2'-4"	6'-2"	TWIN D.H.	CLEAR	CLEAR	3
B	2'-8"	6'-2"	SINGLE D.H.	CLEAR	CLEAR	6
C	2'-8"	5'-6"	SINGLE D.H.	CLEAR	CLEAR	6
D	2'-4"	5'-6"	TWIN D.H.	CLEAR	CLEAR	3
E	3'-0"	5'-6"	SINGLE D.H.	CLEAR	CLEAR	1

DOOR SCHEDULE					
ID	WIDTH	HEIGHT	TYPE	DESCRIPTION	QTY.
101	3'-0"	8'-0"	EXTERIOR INSUL.	3/4 LITE FIBERGLASS	1
102	3'-0"	6'-8"	EXTERIOR INSUL.	NO LITE FIBERGLASS	2
103	3'-0"	8'-0"	EXTERIOR INSUL.	3/4 LITE FIBERGLASS	2
104	3'-0"	6'-8"	INTERIOR	WOOD	10
105	2'-6"	6'-8"	INTERIOR	WOOD	2
106	2'-0"	6'-8"	INTERIOR TWIN	WOOD	4
107	2'-0"	6'-8"	INTERIOR	WOOD	4



SECOND FLOOR PLAN

1303 N 38TH ST.

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

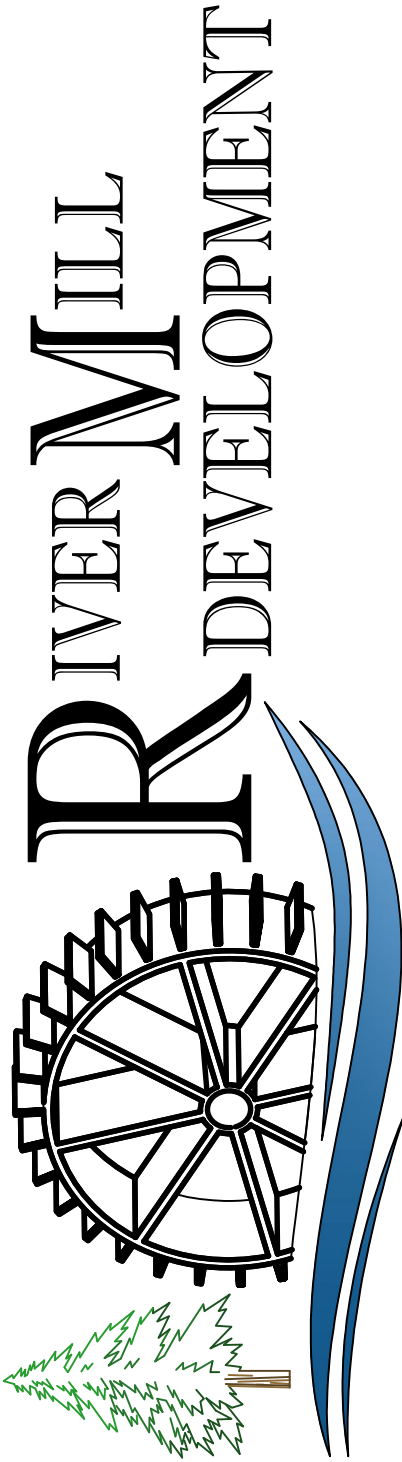
REVISION NOTES

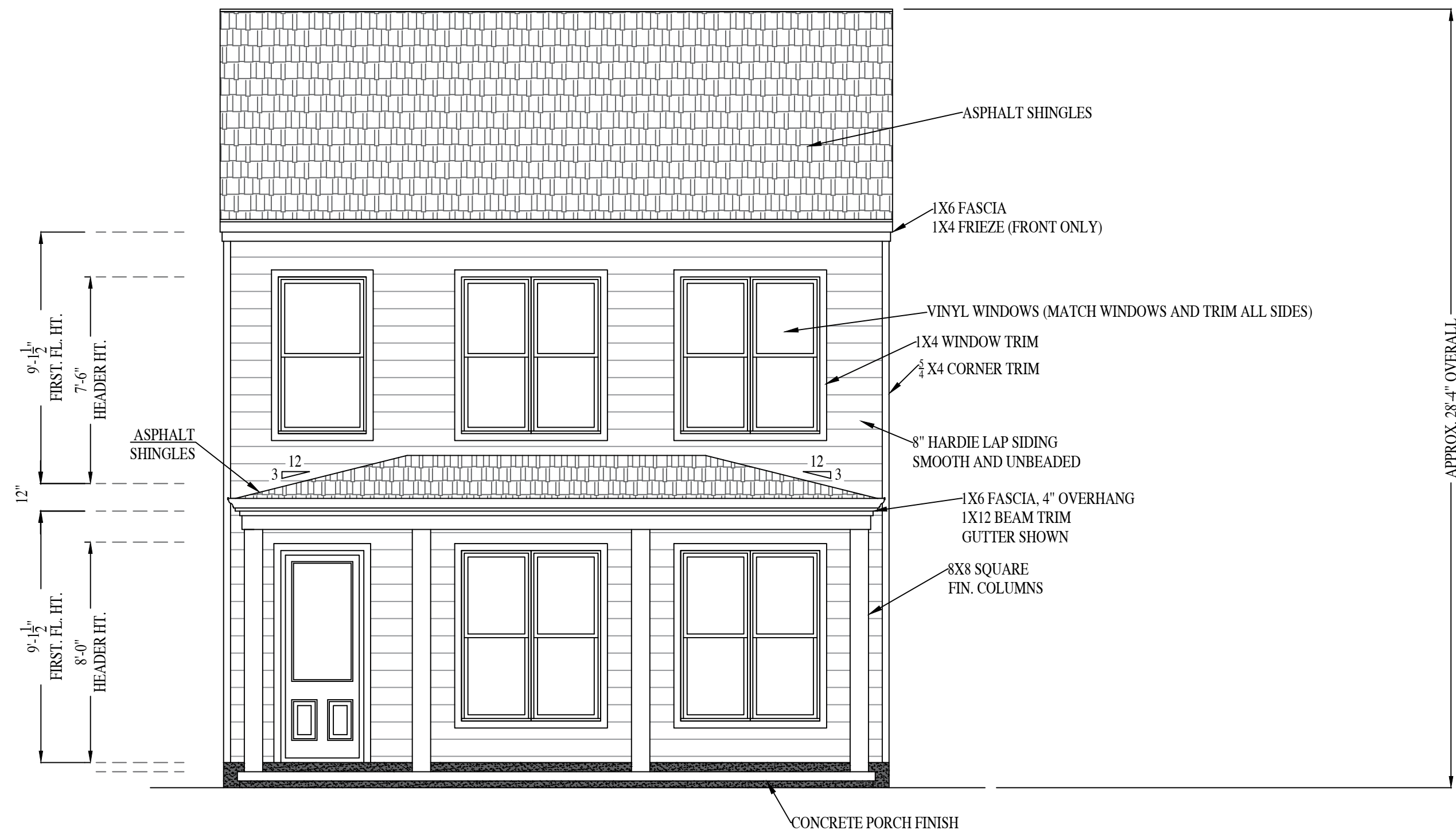
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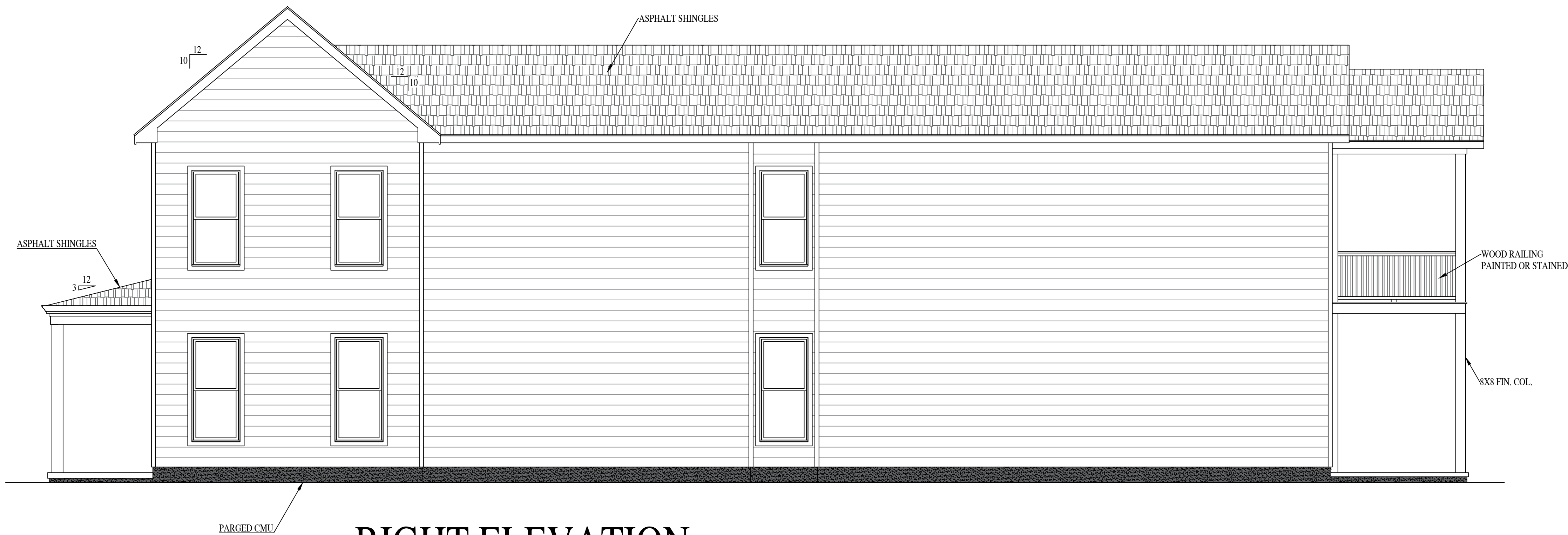
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7-01-2024

SHEET:
A1.2





FRONT ELEVATION



RIGHT ELEVATION

1303 N 38TH ST.

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

REVISION NOTES

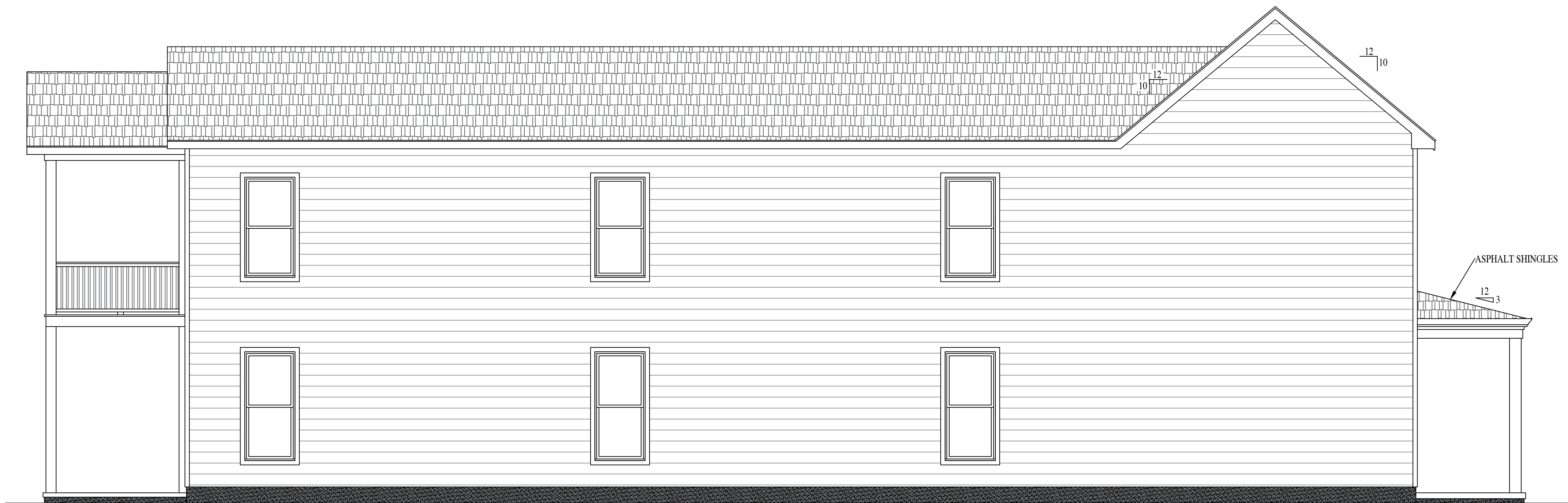
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DATE:
7-01-2024

SHEET:
A2.1





LEFT ELEVATION



REAR ELEVATION

1303 N 38TH ST.

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

REVISION NOTES

DATE	START

SCALE:
1/4" = 1'-0"

DATE:
7-01-2024

SHEET:
A2.2

