

INTRODUCED: December 12, 2016

AN ORDINANCE No. 2016-315

To authorize the special use of the property known as 2808½ East Leigh Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 9 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 2808½ East Leigh Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a single-family detached dwelling, which use, among other things, does not currently meet the lot area and 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 9 2017 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 2808½ East Leigh Street and identified as Tax Parcel No. E000-0527/027 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “Survey and Plat of the Property Known as #2808 ½ E. Leigh Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated November 24, 2015, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Single Family Residence at 2808.5 E Leigh Street, Richmond, VA 23223,” prepared by Cava Capital, and dated May 24, 2016, 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 as a single-family detached dwelling as shown on the Plans.

(b) No off street parking shall be required for the single-family detached dwelling.

(c) Exterior building materials shall be substantially as shown on the Plans. Alternative materials, alternative colors, or both may be used if approved by the Director of Planning and Development Review.

§ 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) 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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-335

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

4-5935

O & R REQUEST

File Number: PRE. 2016-335

NOV 18 2016

To authorize the special use of the property known as 2808 1/2 East Leigh Street for the purpose of permitting a single-family detached dwelling, upon certain terms and conditions. Chief Administration Office
City of Richmond

O&R Request

RECEIVED

NOV 30 2016

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

OFFICE OF CITY ATTORNEY

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

SUBJECT: To authorize the special use of the property known as 2808 1/2 East Leigh Street for the purpose of permitting a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 2808 1/2 East Leigh Street for the purpose of permitting a single-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is proposing to construct a single-family detached dwelling. While such a use is permitted in the R-63 district, the subject property does not meet the minimum lot area or minimum lot width requirements for a single-family detached dwelling in the R-63 district. Therefore, the applicant is requesting a special use permit.

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 16, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City

Council following that meeting.

BACKGROUND: The subject property is a vacant lot of 1,936 square feet located at 2808.5 East Leigh Street between North 28th Street to the west and North 29th Street to the east. The proposed single-family detached dwelling is comprised of a two story 3-bedroom dwelling.

Per the City of Richmond Zoning Ordinance, an R-63 lot must be not be less than 3,000 square feet in area with a width of not less than 25 feet to accommodate a single-family detached dwelling. The subject property is 1,936 square feet in area with a width of 22 feet.

Per the Zoning Ordinance, a total of one parking space is required for the dwelling. No spaces have been provided on the subject property because there is no alley access to the rear of the property.

All surrounding properties are also located in the R-63 and R-8 districts. The predominant land uses on the 2800 block of East Leigh Street are single-family detached. Single-family detached residences are located directly to the east and west of the subject property.

The City of Richmond's Master Plan designates the subject property along East Leigh Street for Single-Family (Medium Density) land use. Primary uses in this category are single-family and two-family dwelling units, both detached and attached.

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 12, 2016

CITY COUNCIL PUBLIC HEARING DATE: January 23, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, January 16, 2016

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: Leigh V. Kelley, Planner II
Land Use Administration (Room 511) 646-6384
PDR O&R No.16-37

SINGLE FAMILY RESIDENCE at 2808.5 E LEIGH STREET RICHMOND, VA 23223

BUILDING INFORMATION:

CONSTRUCTION CODE: VCC 2012, IRC 2012
 BUILDING AREA INCLUDING THE EXISTING WALLS: 1,210 SF
 1ST FLOOR: 650 SF
 2ND FLOOR: 500 SF
 TOTAL: 1,150 SF
 STORIES ABOVE GRADE: 2 1/2
 STORIES BELOW GRADE: 0
 USE CATEGORY: SINGLE FAMILY
 FIRE PROTECTION: 205
 INSULATION VALUE: R-15
 CEILING: R-38
 WALLS: R-15
 FLOORS: R-30
 ATTIC INSUL: R-30

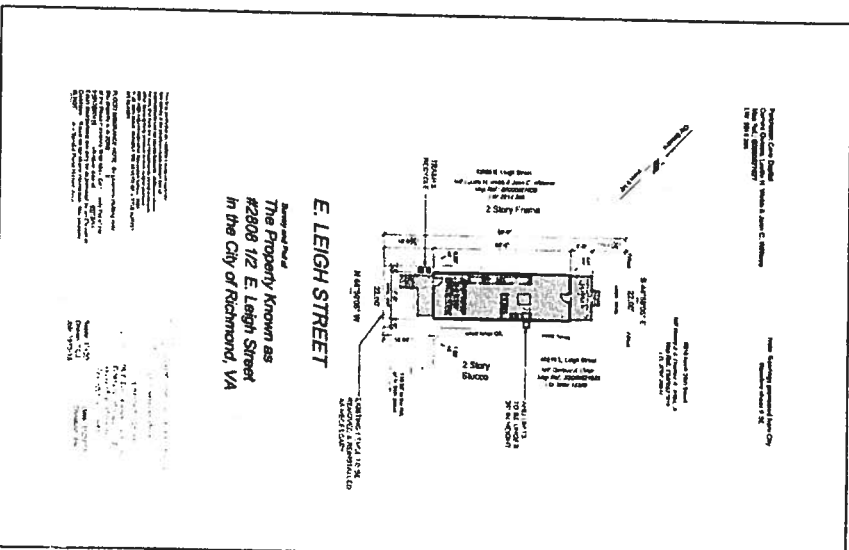
DRAWING INDEX:

- F-1 FINE SHEET SURVEY & FULL PLAN
- C-1 CONTEXT ELEVATIONS
- A-1 GENERAL CONSTRUCTION NOTES
- A-2 FOUNDATIONAL ROOF PLAN
- A-3 1ST FLOOR PLAN & 2ND FLOOR PLAN
- A-4 EXTERIOR ELEVATIONS

GENERAL STRUCTURAL NOTE: STRUCTURAL ITEMS ARE SHOWN FOR REFERENCE. ALL STRUCTURAL ELEMENTS ARE TO BE SPECIFIED/NOTED BY A STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

This drawing is prepared for the construction of a single family residence at 2808.5 E Leigh Street, Richmond, VA. The project consists of a two-story structure with a finished basement. The construction shall be in accordance with the Virginia Building Code (VCC 2012) and the International Residential Code (IRC 2012). The structure shall be designed for a live load of 40 psf and a dead load of 10 psf. The foundation shall be designed for a bearing capacity of 2,000 psf. The structure shall be constructed with 20% lightweight aggregate concrete and 40% steel reinforcement. The structure shall be finished with a minimum of 5/8" steel reinforcement. The structure shall be finished with a minimum of 5/8" steel reinforcement. The structure shall be finished with a minimum of 5/8" steel reinforcement.

PROPOSED SURVEY PLAN



DATE: 05-24-18
 T-1

SINGLE FAMILY RESIDENCE
2808.5 E LEIGH STREET
 RICHMOND, VA 23223



OFFICE: 804.510.0333
 5310 MARKEL RD. SUITE 104
 RICHMOND, VA 23230

GENERAL NOTES:

1. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE FOLLOWING CODES AND SPECIFICATIONS:
 - A. A.C.I. 318 - 1989
 - B. A.C.I. 308 - 1989
 - C. A.C.I. 305 - 1989
 - D. A.C.I. 309 - 1989
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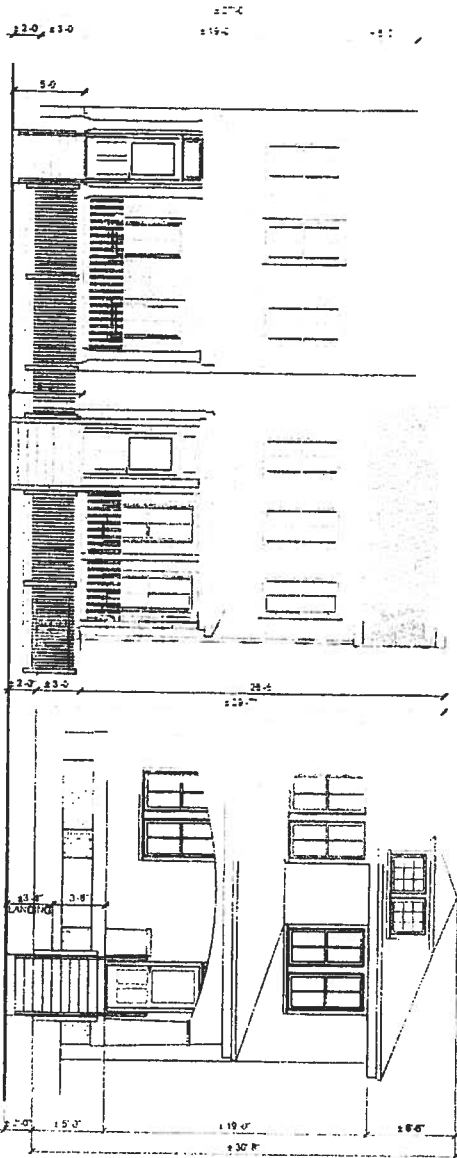
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SINGLE FAMILY RESIDENCE
2808.5 E LEIGH STREET
 RICHMOND, VA 23223

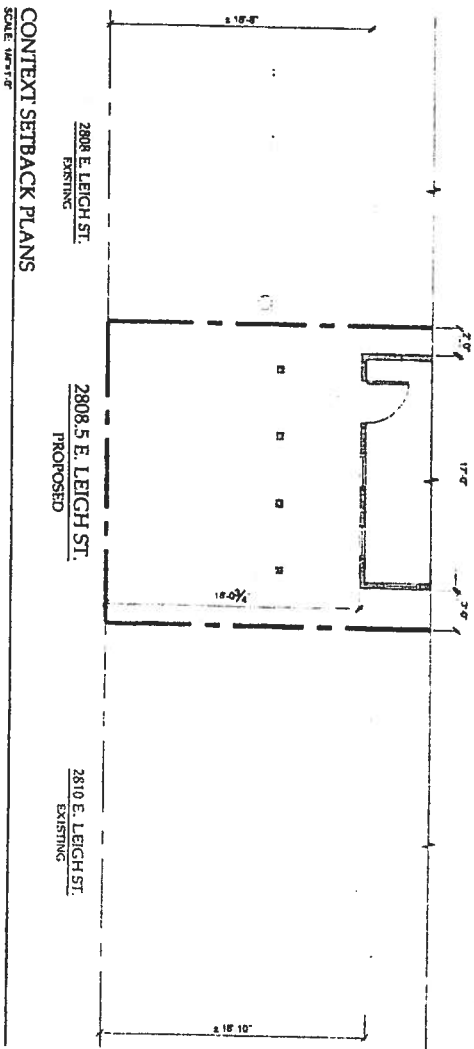
CAVA CAPITAL

OFFICE: 804.510.0333
 5310 MARKEL RD. SUITE 104
 RICHMOND, VA 23230

A-1



CONTEXT ELEVATIONS
SCALE 1/8"=1'-0"



CONTEXT SETBACK PLANS
SCALE 1/8"=1'-0"

C-1

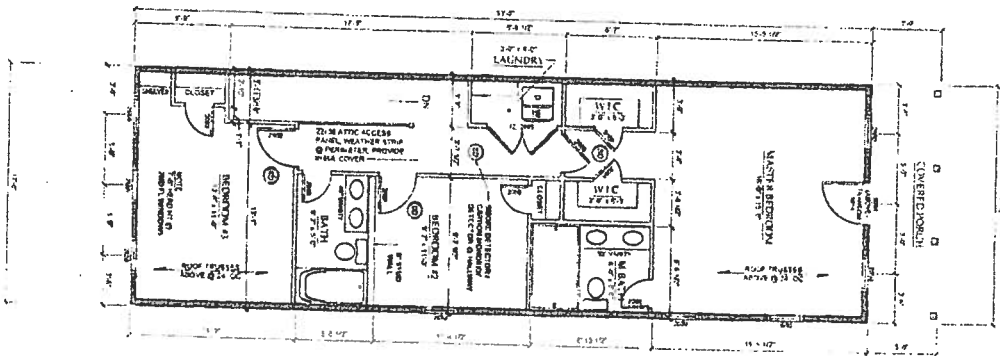
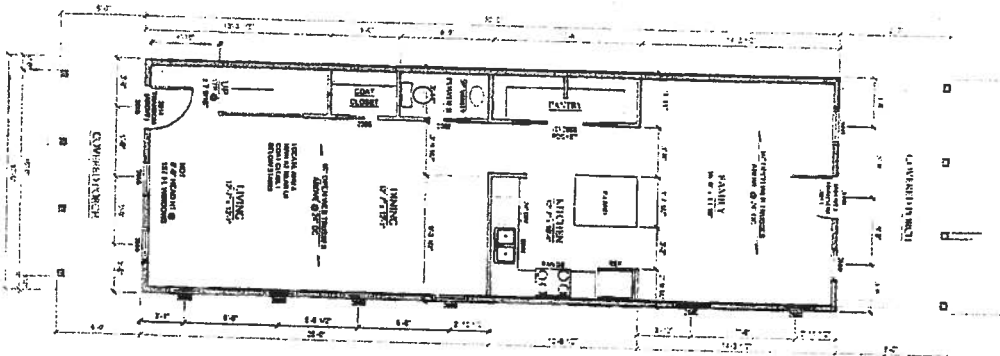
DATE: 05/24/18

SINGLE FAMILY RESIDENCE
2808.5 E LEIGH STREET
RICHMOND, VA 23223



OFFICE: 804.510.0333
5310 MARKEL RD. SUITE 104
RICHMOND, VA 23230

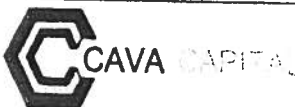
GENERAL NOTES:
 1. CONTRACTOR SHALL VERIFY ALL WALL THICKNESS INCLUDING CONCRETE BY
 MEASURING AND RECORDING AT ALL WALL CORNERS AND INTERSECTIONS.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL WALLS SHALL BE CONCRETE UNLESS NOTED OTHERWISE.
 4. ALL FLOORS SHALL BE CONCRETE UNLESS NOTED OTHERWISE.
 5. ALL CEILING SHALL BE CONCRETE UNLESS NOTED OTHERWISE.
 6. ALL DOORS SHALL BE 6'0" HIGH UNLESS NOTED OTHERWISE.
 7. ALL WINDOWS SHALL BE 4'0" HIGH UNLESS NOTED OTHERWISE.
 8. ALL WALLS SHALL BE FINISHED WITH 5/8" GYP BOARD UNLESS NOTED OTHERWISE.
 9. ALL FLOORS SHALL BE FINISHED WITH 1/2" GYP BOARD UNLESS NOTED OTHERWISE.
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 20. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



A-3

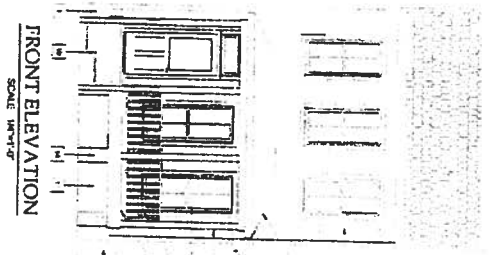
DATE: 07/20/17

SINGLE FAMILY RESIDENCE
2808.5 E LEIGH STREET
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OFFICE: 804.510.0333
 5310 MARKEL RD. SUITE 104
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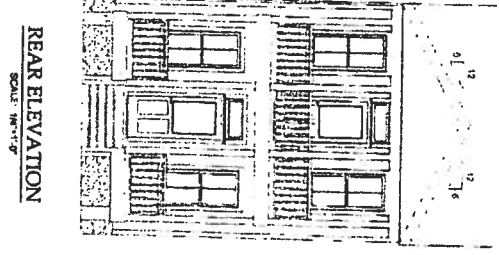
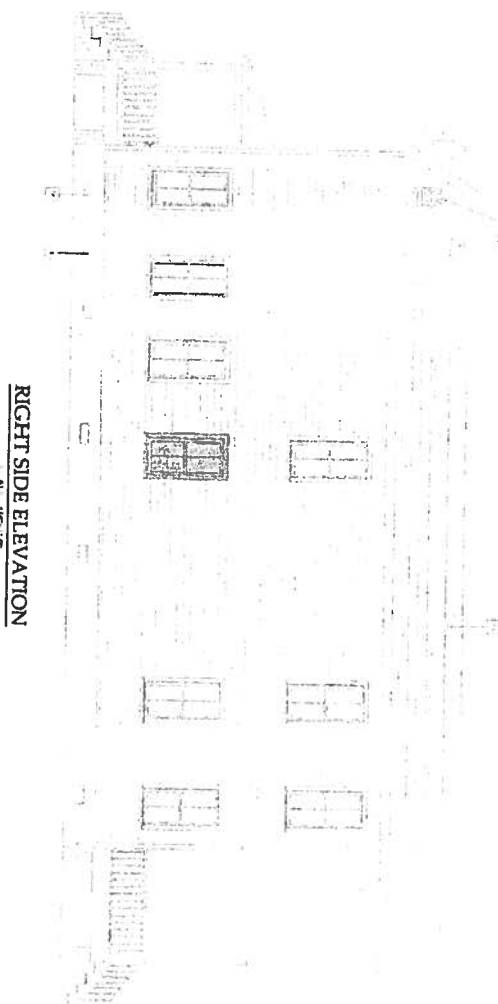
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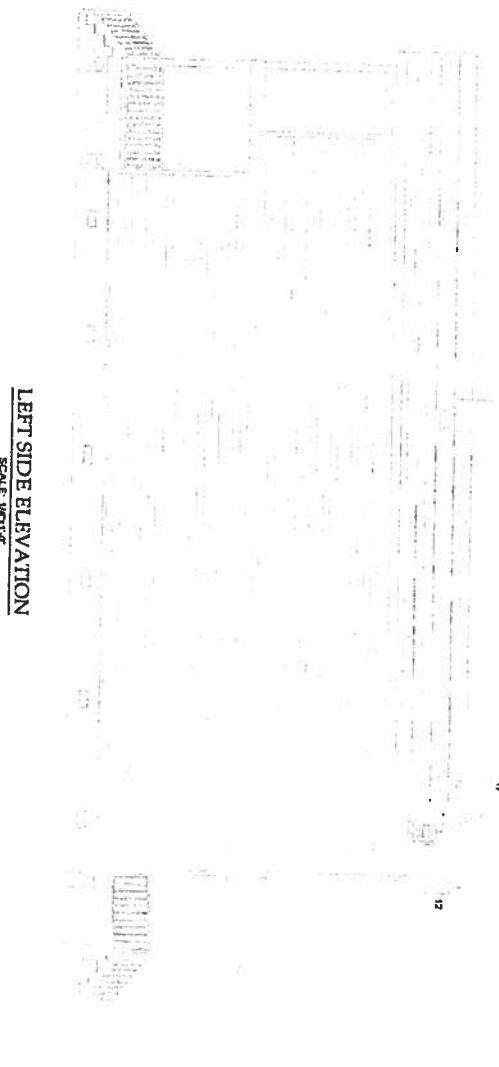
FRONT ELEVATION
SCALE: 1/8"=1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/8"=1'-0"



REAR ELEVATION
SCALE: 1/8"=1'-0"



LEFT SIDE ELEVATION
SCALE: 1/8"=1'-0"

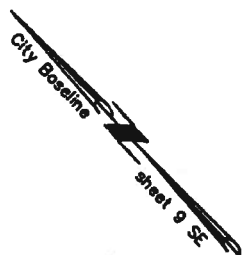
A-4	DATE: 07-2-14	SINGLE FAMILY RESIDENCE		OFFICE 804.510.0333
		2808.5 E LEIGH STREET RICHMOND, VA 23223		5310 MARKEL RD. SUITE 104 RICHMOND, VA 23230

Purchaser: Cava Capital
 Current Owners: Lucille H. Webb & Jean C. Williams
 Map Ref.: E0000527027
 I.W. 2014 388

Note: Bearings protracted from City
 Baseline sheet 9 SE.

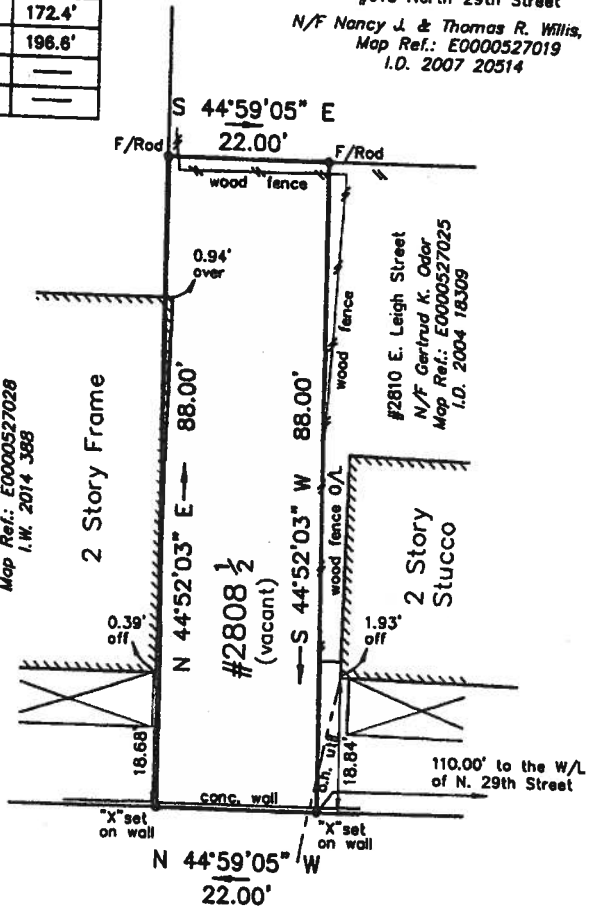
Note: Vertical datum per Dept. of Public
 Works Sewer Utility Map.

	2808	2808 1/2	2810
GROUND	163.2'	165.4'	168.1'
FINISHED FLOOR	167.6'	168.9'	172.4'
ROOF	193.9'	192.4'	196.6'
WINDOW (low)	169.7'	169.5'	---
WINDOW (high)	180.2'	180.0'	---

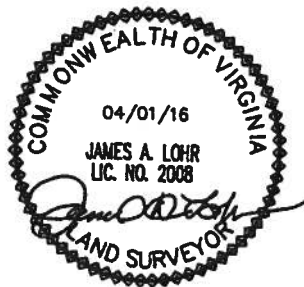


#610 North 29th Street
 N/F Nancy J. & Thomas R. Willis, Jr.
 Map Ref.: E0000527019
 I.D. 2007 20514

#2808 E. Leigh Street
 N/F Lucille H. Webb & Jean C. Williams
 Map Ref.: E0000527028
 I.W. 2014 388



E. LEIGH STREET



Survey and Plat of
**The Property Known as
 #2808 1/2 E. Leigh Street
 in the City of Richmond, VA**

This is to certify that on 04/01/16 I made an accurate field survey of the premises shown hereon that all improvements and easements known or visible are shown hereon, that there are no encroachments by improvements either from adjoining premises or from subject premises upon adjoining premises other than shown hereon. THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OR REPORT.

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map, Community Panel No. 5101290041E effective date of 07/16/14. Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.



Edwards, Krutz, Lohr & Associates, PLLC

Land Surveyors-Planners

Virginia-North Carolina

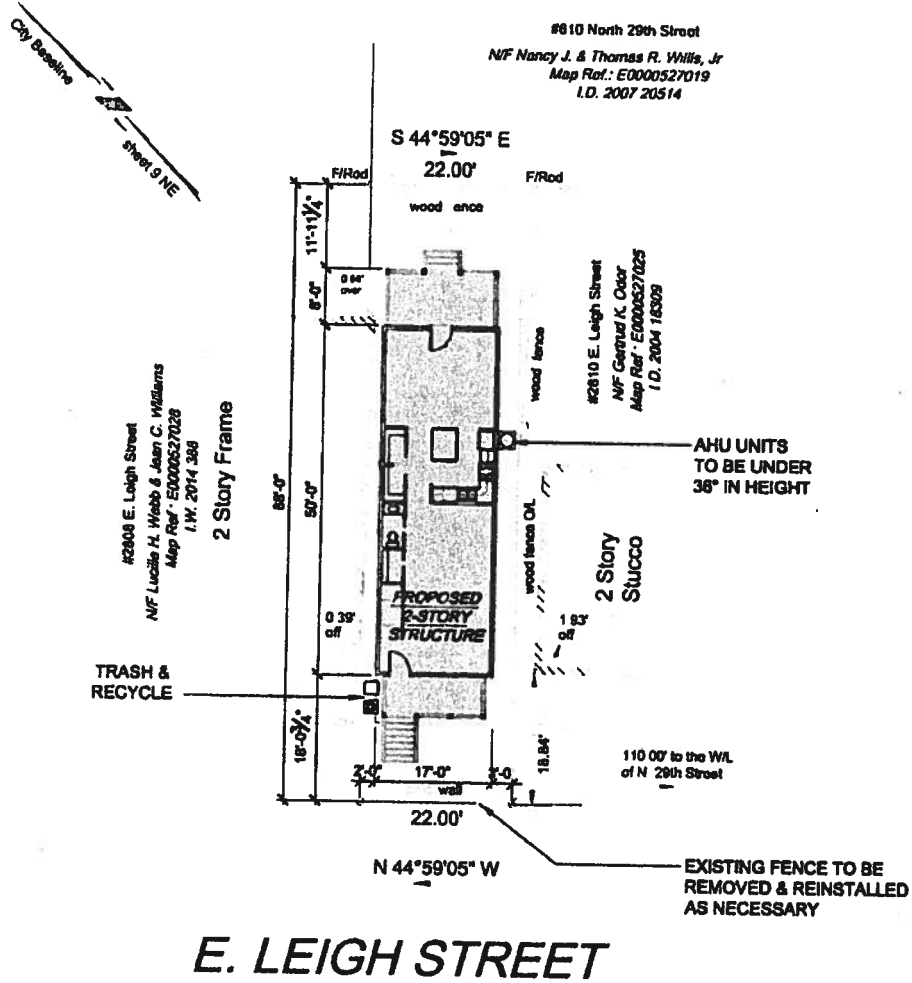
1900 Byrd Avenue, Suite 103
 Richmond, Virginia, 23230
 Phone (804) 673-9666
 Fax (804) 673-9990

Scale: 1"=20'
 Drawn: TCJ
 Job: 1575-15

Date: 11/24/15
 Revised: 04/05/16
 Checked: JAL

Purchaser: Cava Capital
 Current Owners: Lucille H Webb & Joan C Williams
 Map Ref.: E0000527027
 I W 2014 388

Note: Bearings protracted from City
 Baseline sheet 9 SE



E. LEIGH STREET

Survey and Plat of
 The Property Known as
 #2808 1/2 E. Leigh Street
 in the City of Richmond, VA

This is to certify that on 11/23/15 I made an accurate
 field survey of the premises shown hereon that all
 improvements and easements known or visible are shown
 hereon, that there are no encroachments by improvements
 either from adjoining premises or from subject premises
 upon adjoining premises other than shown hereon. THIS
 PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY
 OR REPORT

FLOOD INSURANCE NOTE. By graphics plotting only,
 this property is in ZONE X
 of the Flood Insurance Rate Map, Community Panel No.
 5101290041E effective date of 07/18/14
 Exact designations can only be determined by an Elevation
 Certificate. Based on the above information, this property
 IS NOT in a Special Flood Hazard Area

Scale: 1"=20'
 Drawn: TCJ
 Job: 1575-15
 Date: 11/24/15
 Checked: JAL