

INTRODUCED: July 25, 2022

AN ORDINANCE No. 2022- 224

To amend and reordain Ord. No. 2021-322, adopted Dec. 13, 2021, which authorized the special use of the properties known as 1012 West 49th Street and 1015 Herbert Street for the purpose of up to three single-family detached dwellings, to provide for modified plans, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 12 2022 AT 6 P.M.

I. That Ordinance No. 2021-322, adopted December 13, 2021, is hereby amended and reordained as follows:

WHEREAS, the owner of the properties known as 1012 West 49th Street and 1015 Herbert Street, which are situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of up to three single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-410.4, concerning lot area and width, and 30-410.5(1), concerning front yards, 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 12 2022 REJECTED: _____ STRICKEN: _____

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 properties known as 1012 West 49th Street and 1015 Herbert Street and identified as Tax Parcel Nos. S006-0368/023 and S006-0368/030, respectively, in the ~~[2021]~~ 2022 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Division of No. 1012 W. 49th Street, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated February 11, 2021, a copy of which is attached to and made a part of this amendatory ordinance, hereinafter referred to as “the Property,” are hereby permitted to be used for the purpose of up to three single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Boundaryless Living LLC,” prepared by Design Intent Creative Solutions, and dated August 20, 2021, ~~[with sheet A-1 dated August 20, 2021,]~~ and last revised ~~[September 20, 2021]~~ May 8, 2022, a copy of which is attached to and made a part of this amendatory ordinance. “1012 W49th [sic] Street, 1012 W49th [sic] Street, Richmond, VA 23225,” prepared by DHR, dated January 15, 2021, and last revised September 29, 2021, a copy of which is attached to and made a part of Ordinance No. 2021-322, adopted December 13, 2021, and “Plat Showing Division of No. 1012 W. 49th Street, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated February 11, 2021, a copy of which is attached to and made a part of this amendatory ordinance, 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 up to three single-family detached dwellings, substantially as shown on the Plans.

(b) All building elevations and site improvements shall be substantially as shown on the Plans. Vinyl siding shall not be used as a building material.

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

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

(e) No fewer than four off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.

(f) Prior to the issuance of any certificate of occupancy for the Special Use, the division of the property located at 1015 Herbert Street into 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) The Owner shall make improvements within the public right-of-way, including new entrances to Clarence Street and Herbert Street, a new sidewalk on Clarence Street, with concrete to match the existing sidewalk, and a street tree on West 49th Street and on Herbert Street, substantially as shown on the Plans. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative

Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (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.

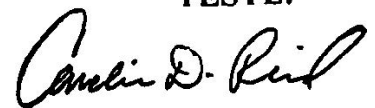
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property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

II. This amendatory ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**



City Clerk



City of Richmond

Item Request
File Number: PRE.2022.0237

RECEIVED
By City Attorney's Office at 10:39 am, Jul 21, 2022

RECEIVED
By CAO Office at 1:37 pm, Jul 07, 2022

2022-176

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

O & R Request

DATE: June 24, 2022

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

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

RE: To amend and reordain Ord. No. 2021-322, adopted Dec. 13, 2021, which authorized the special use of the properties known as 1012 West 49th Street and 1015 Herbert Street for the purpose of up to three single-family detached dwellings, upon certain terms and conditions, to modify the site layout, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To amend and reordain Ord. No. 2021-322, adopted Dec. 13, 2021, which authorized the special use of the properties known as 1012 West 49th Street and 1015 Herbert Street for the purpose of up to three single-family detached dwellings, upon certain terms and conditions, to modify the site layout, upon certain terms and conditions.

REASON: The applicant is requesting an amendment to an approved Special Use Permit which authorized construction of two single family detached dwellings, and one attached garage for an existing dwelling, within an R-5 Single Family Residential zoning district. The amendment changes the approved plans regarding specific access points to the site. A Special Use Permit Amendment is therefore necessary.

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 August 15, 2022, meeting.

BACKGROUND: The property is located in the Forest View neighborhood on 1012 West 49th Street and 1015 Herbert Street. The properties, together, are a combined 15,680 sq. ft. (.228 acre) parcel of land.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential which is defined as "Neighborhood consisting primarily of single family houses on large or medium sized lots more homogeneous in nature." Primary Uses: Single family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets (p. 54)

The current zoning for this property is R 5 Single Family Residential. All adjacent properties are located within the same R 5 Residential Zone. However, the properties are adjacent to a B 2 Community Business District directly to the North on the opposite side of Clarence Street. The area is primarily single family residential, with some multi family, institutional, residential and commercial uses present in the vicinity.

The property is currently subject to an existing ordinance No. 2021-322, adopted December 13, 2021.

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: \$200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 25, 2022

CITY COUNCIL PUBLIC HEARING DATE: September 12, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
August 15, 2022

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

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2021-322

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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



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: 1012 W 49th Street, 1015 Herbert Street Richmond VA 23225 Date: 03/04/2022

Tax Map #: S0060368023 Fee: _____

Total area of affected site in acres: 0.3600

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

Zoning

Current Zoning: R-5 - Residential (Single Family)

Existing Use: Residential

Proposed Use

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

Up to three single-family detached dwellings for private use

Existing Use: One single-family detached dwelling for private use

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: Ord.2021-322

Applicant/Contact Person: Aimee Callahan

Company: BoundaryLess Living LLC

Mailing Address: 5101 Caledonia Road

City: Richmond State: VA Zip Code: 23225

Telephone: (540) 641-1399 Fax: ()

Email: aimee@BLLiving.com

Property Owner: BoundaryLess Living LLC

If Business Entity, name and title of authorized signee: Bill Sweeney

(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: 5101 Caledonia Road

City: Richmond State: VA Zip Code: 23225

Telephone: (804) 677-5677 Fax: ()

Email: bill@BLLiving.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)

BoundaryLess Living, LLC (the developer) is applying to amend Ordinance No. 2021-322 authorizing special use of the properties known as 1012 W 49th Street and 1015 Herbert Street for up to three single-family detached dwellings upon certain terms and conditions. Deviation from the adopted site plan ("*BoundaryLess Living, LLC*," sheet A-1 prepared by Design Intent Creative Solutions dated August 20, 2021, and last revised September 20, 2021) is necessary to the continuation of the proposed development as consistent with BoundaryLess Living's **intended special use**, which is:

To provide adaptive, accessible homes within the general community for people using wheelchairs, living with disabilities and/or aging-in-place, and to place these homes in neighborhood-nodes located in close proximity to areas of strategic growth identified by the City's *Richmond 300: A Guide for Growth* so that future residents using wheelchairs, living with disabilities and/or aging-in-place have integrated access to urban development and are included in the City's long-term vision

To preface the defense of our amended site plan proposal in this Applicant's Report:

There is a severe shortage of residential options for people using wheelchairs, living with disabilities and/or aging-in-place to live safely and independently alongside the general population. Traditional residential standards and infrastructure designed for ambulatory people and cars require adaptation to meet the needs of these growing populations. If the intended special use of the properties 1012 W 49th Street and 1015 Herbert is successful, BoundaryLess Living plans to develop similar adaptive residences in other neighborhoods (future projects will target affordability, too).

*"... the plan includes goals to create and maintain high-quality neighborhoods, develop an equitable transportation network that **prioritizes the movement of people over the movement of vehicles**, foster a diverse economy, **provide inclusive housing with access to quality housing choices for all Richmonders**... Stay involved. Take the time to read this plan and **learn how you, as an invested resident, can use Richmond 300 to facilitate the growth of the city and build One Richmond**."*

– Mayor Levar M Stoney, *Richmond 300: A Guide for Growth, 2021*

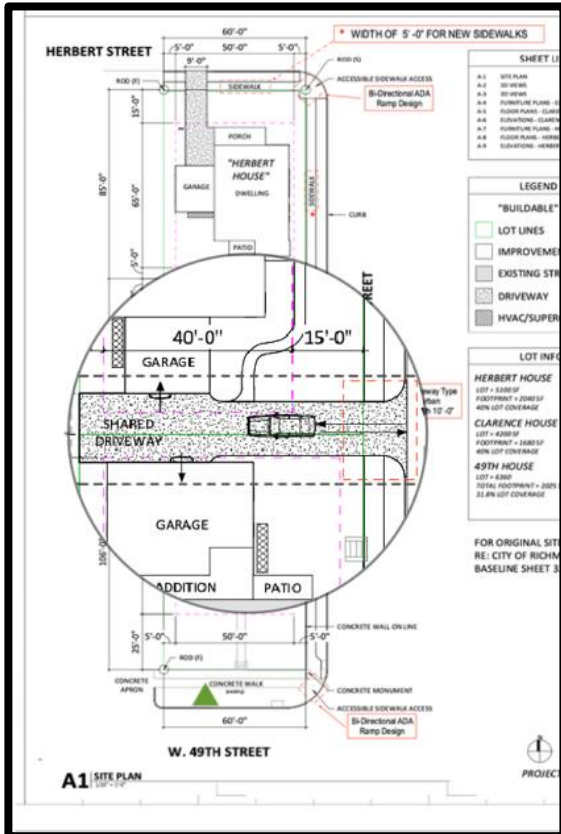
*"But beyond the plan, Richmond 300 is just the first step in realizing the vision so clearly outlined in this document. **The critical next step is implementation, using all of the tools the City has at its disposal**, the expertise of those that build the city, and the continued engagement of our stakeholders in realizing that long-term vision. **It will take all of us to create the high-quality, livable, and inclusive city that Richmond 300 establishes**... As we look to implement the plan, please stay involved and connected in the process as we will continue to need your voices. Let's get started."*

– Richmond Planning & Development Review, *Richmond 300: A Guide for Growth, 2021*

BoundaryLess Living requests the intentions and objectives laid out in the *Richmond 300* be considered in addition to the standard criteria the City refers to when reviewing our proposed plan amendment for special use and the proposals of other residential developers working to implement the plans of *Richmond 300*.

Review of adopted site Plan, Ordinance No. 2021-322

The need to amend Ordinance No. 2021-322 concerns the adopted site plan. Residential ADA-code does not exist. Commercial ADA standards are referred to in accessible residential design (can increase the potential for error). A miscalculation of existing site conditions was made in preliminary stages of planning the new shared driveway location between 1012 W 49th Street and #___ Clarence Street.



- (i) The estimated slope of the shared driveway shown on the adopted Plans is +/- 12%. ADA-slope for wheelchair use is maximum 8% (closer to 7% is recommended)
- (ii) The pitch of the shared driveway between 1012 W 49th Street and #___Clarence Street shown on the adopted Plans would be too steep for residents using wheelchairs to access the roadway or future sidewalk along Clarence Street from their homes (access would be restricted to vehicles)
- (iii) In order to grade, prepare, and reinforce the driveway shown on the adopted plans, demolition of the new construction of 1012 W 49th Street would be required, creating undue financial hardship for the developer and increasing land disturbance
- (iv) The new shared driveway requires a new curb cut on Clarence Street; a curb cut already exists to the north-east on Clarence Street

Reference to the adopted site plans (Design Intent Creative Solutions, 09/20/2021)

In light of these discoveries, BoundaryLess Living is requesting to amend the adopted site plan of Ordinance No. 2021-32 in order to:

- i. Preserve the intended special use of the site for up to three adaptive homes
- ii. Maximize accessible features of the development at-large
- iii. Avoid undue hardship to future residents using wheelchairs/aging-in-place
- iv. Avoid undue financial burden to the developer

****Please note the site plans prepared by Theta Homes (01/10/2022) and their reference in this report are for demonstration; Plans prepared by Design Intent Creative Solutions (03/04/2022) titled "BoundaryLess Living LLC" are the plans submitted for the amendment (Ordinance No. 2021-322 Amendment Plans)**

Review of “Amendment Plan Proposal V1” (Theta Homes, 01/10/2022)

Context:

BoundaryLess Living was not able to secure civil engineering plans for trade-contractors to construct a new driveway in the location shown on the adopted Plans (many attempts were made). Owner-developer Bill Sweeney needed both vehicle and wheelchair access to 1012 W 49th Street during the renovation / prior to the adoption of Ordinance No. 2021-322. The most reasonable option was to utilize the existing curb cut on Clarence Street for a driveway, which verifiably allows vehicles and people using wheelchairs to access 1012 W 49th Street and future #___ Clarence Street from the roadway / future sidewalk.

The new location and layout of the driveway from the existing curb cut on Clarence Street does not substantially alter the adopted layouts/footprints of #___ Clarence Street or 1015 Herbert Street, nor does it change the location of the driveway for 1015 Herbert Street. The substantial difference (and deviation from the City’s residential development preferences) is that the front set back of #___ Clarence Street is used for the driveway itself (versus a traditional yard) and runs parallel to a respective roadway. In defense of the driveway shown on **Amendment Plan Proposal V1:**



- (i) Maximized accessibility for residents using wheelchairs and/or relying adaptive services
- (ii) Driveway is elevated above roadway on the other side of an existing retaining wall further setback from the roadway
- (iii) Adds additional off-street parking for 1012 W 49th Street and #___ Clarence Street
- (iv) Requires the least amount of land disturbance
- (v) Does not restrict landscaping the front setback
- (vi) Residential traffic is farther removed from the three-way intersection at the corner of W 49th Street and Clarence Street
- (vii) Significantly reduces cost for the developer (and thereby future owners)

Reference to amendment proposal V1

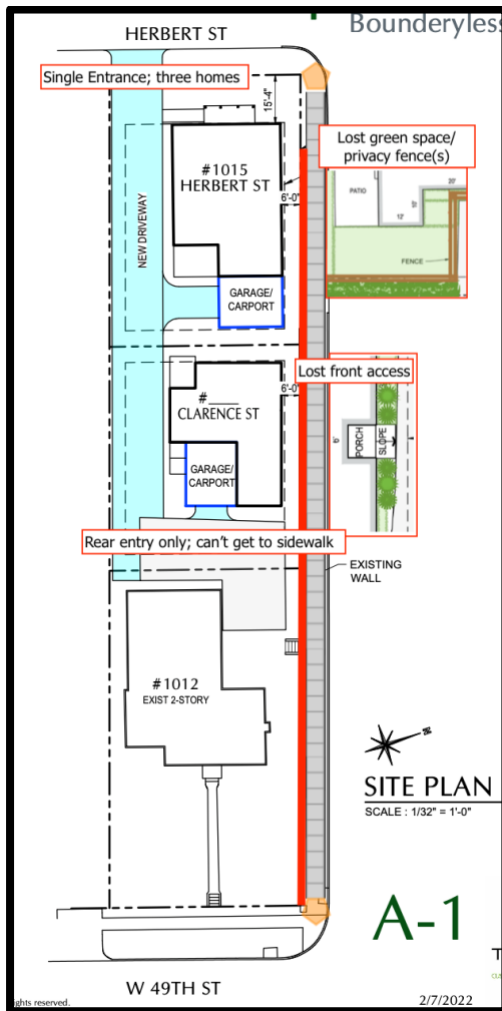
Review of “Amendment Plan Proposal V2_Alternate” (Theta Homes 01/10/2021)

The Department of Planning and Review, Land Use Administration Division, shared concerns about the new driveway layout from Clarence Street and made recommendations to better conform “Roadway” and “Alley” layouts for the amended plans.

BoundaryLess Living drew alternative plans based on the requests showing a shared driveway servicing all three homes from a single entrance from Herbert Street running parallel to the southwest property line that divides 1012 W 49th Street, 1015 Herbert Street, and 1010 W 49th Street.

The alternative site plans alleviate concerns for the shared driveway running parallel to a respective roadway and appease preference to incorporate Alley-type access on the property but pose new concerns regarding the intended special use of the property for up to three adaptive homes providing accessible features and layout for future residents using wheelchairs and/or aging-in-place.

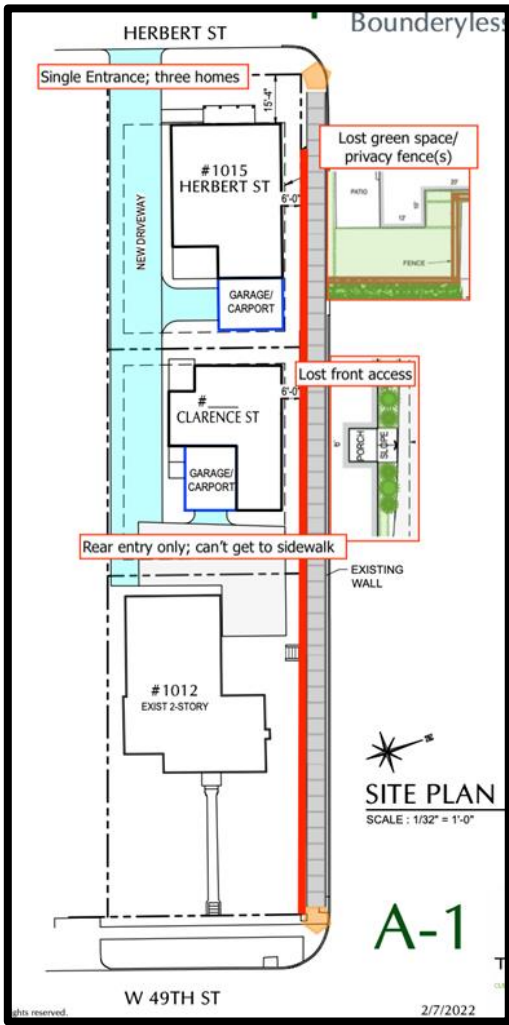
Specific Concerns for “Amendment Plan Proposal V2_Alternate”



Reference to amendment proposal V2

- (i) 1012 W 49th Street and #___ Clarence Street will not have access to future sidewalk from their homes (would rely on intermediary access via “Alley” and Herbert Street)
 - a. *This poses safety concerns for residents relying on wheelchair travel during inclement weather or in need of emergency access to the roadway*
- (ii) A single shared driveway path and entrance poses potential traffic congestion (undue hardship for residences).
- (iii) Front entrance for #___ Clarence Street is not possible; **restricted back-entrance only**
 - a. *#___ Clarence Street can only have a front entrance if the street-facing wall shown on the plans is pulled back 6’ for the number of steps required between ground and entry levels. Doing this eliminates over 200 SQ’ of finished living space making the plans essentially useless for residential purposes*

Specific Concerns for “Amendment Plan Proposal V2_Alternate” cont.



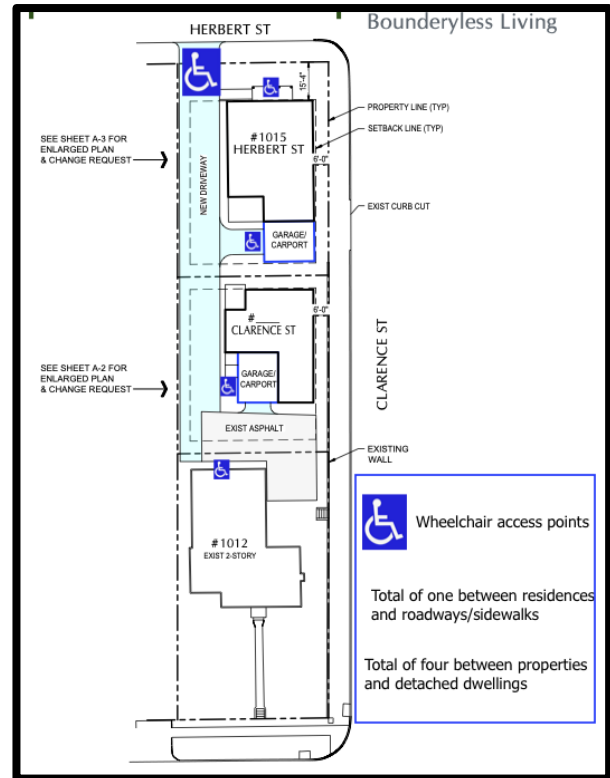
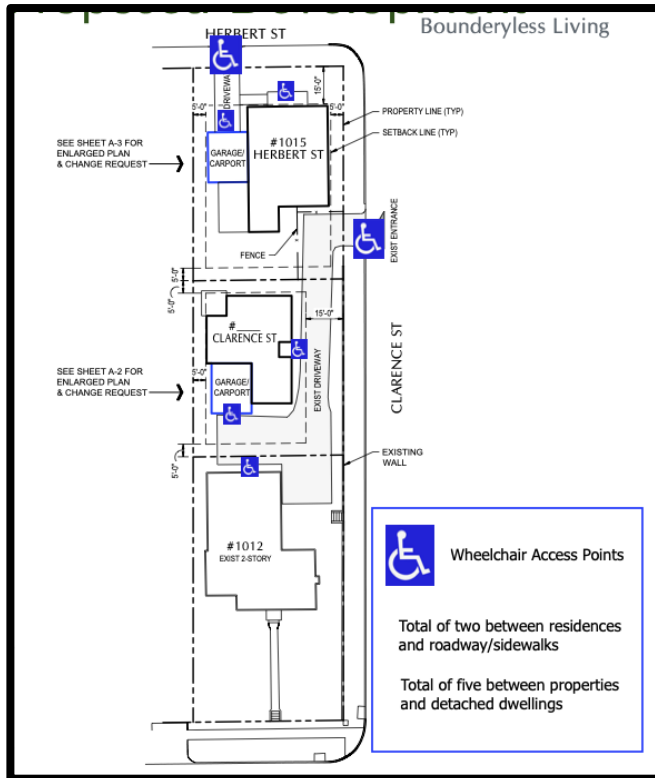
Reference to amendment proposal V2

- (iv) The outline of #___ Clarence Street restricts the intentions for open floor plans causing hardship for residents using wheelchairs and/or eliminating the possibility of universal access of the main floor
- (v) Little-to-no privacy available to #___ Clarence Street; Privacy between #___ Clarence Street and 1015 Herbert Street is reduced
 - a. The ‘front’ is street-facing; the back runs parallel to the shared driveway (an “Alley”)
 - b. Loss of green space between privacy fences
- (vi) 1015 Herbert Street and #___ Clarence Street lose potential yard/green outdoor area
- (vii) Undue financial burden for the developer
 - a. BoundaryLess Living would have to demolish existing pavement, regrade area of property along Clarence Street, and add a second, replacement driveway from Herbert Street
 - b. Accommodating the City’s preferences would diminish viability of attractive, functional, accessible homes, thereby diminishing return on private investment

Defense of “Amendment Plan Proposal V1” versus “Amendment Plan Proposal V2_Alternate”

- (i) The existing curb cut and shared driveway servicing access to 1012 W 49th Street and #___ Clarence Street are already graded, paved, provide turning radius to/from respective garages for forward facing exit, and provide additional off-street parking for visitors and/or caregivers (the functionality and layout is also conducive to mixed-use/shared-maintenance easement agreements between 1012 W 49th Street and #___ Clarence Street because the shared driveway and additional parking options are mutually beneficial for future residents).
- (ii) The driveway along the street-facing front wall of #___ Clarence Street allows for zero-threshold front entrance and smooth transition from pavement for people using wheelchairs and/or relying on ADA transportation services (this provides residents using wheelchairs with side garage/carport access via ramp AND front entrance via zero-threshold from pavement)

- (iii) The shared driveway entrance from Clarence Street maximizes wheelchair access of the development. The alternative plans showing the single shared entrance from Herbert Street diminishes the total number (see comparison of access points to/from property and houses)



In this Applicant Report to amend the adopted Plans of Ordinance No. 2021-322 for special use of the properties known as 1012 W 49th Street and 1015 Herbert Street BoundaryLess Living has:

- (i) Explained why the adopted Plans must change
- (ii) Drafted and reviewed alternative plans based on DPR's recommendations
- (iii) Provided evidence to support the added benefits of utilizing the existing curb cut on Clarence Street for the shared driveway servicing 1012 W 49th Street and #____ Clarence Street versus a single shared driveway from Herbert Street for all three homes

Additionally:

- (i) The developer cannot sell the finished remodeled home (1012 W 49th Street) until easement agreements can be finalized per Ordinance No. 2021-322 amendment for the lot. This creates financial burden to the developer while returns on private investments are on hold

- (ii) Ordinance No. 2021-322 took over ten months to be adopted. BoundaryLess Living is requesting expedited review of our amendment proposal per second SUP application

BoundaryLess Living’s defense of the developer’s preferred Plans (**Ordinance No. 2021-322 Amendment Plans**) to amend Ordinance No. 2021-322 in comparison to the adopted and alternate plans are not exhaustive. Please contact Bill Sweeney or Aimee Callahan for additional comment. Thank you for your review and considerations.



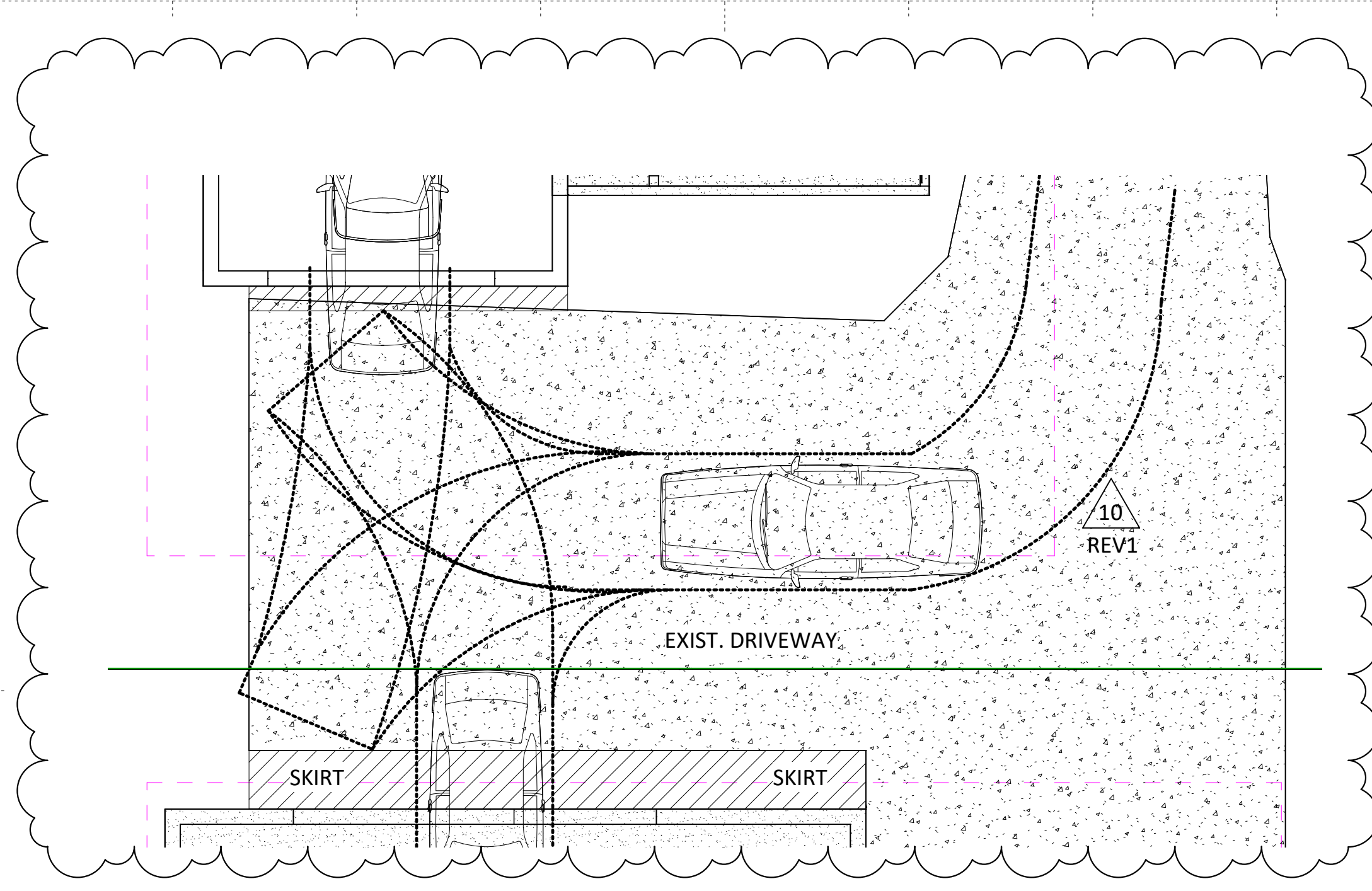
Longer, safer, fuller lives
Richmond | VA

Developer: Bill Sweeney
p: (804) 677-5677
e: bill@BLLiving.com

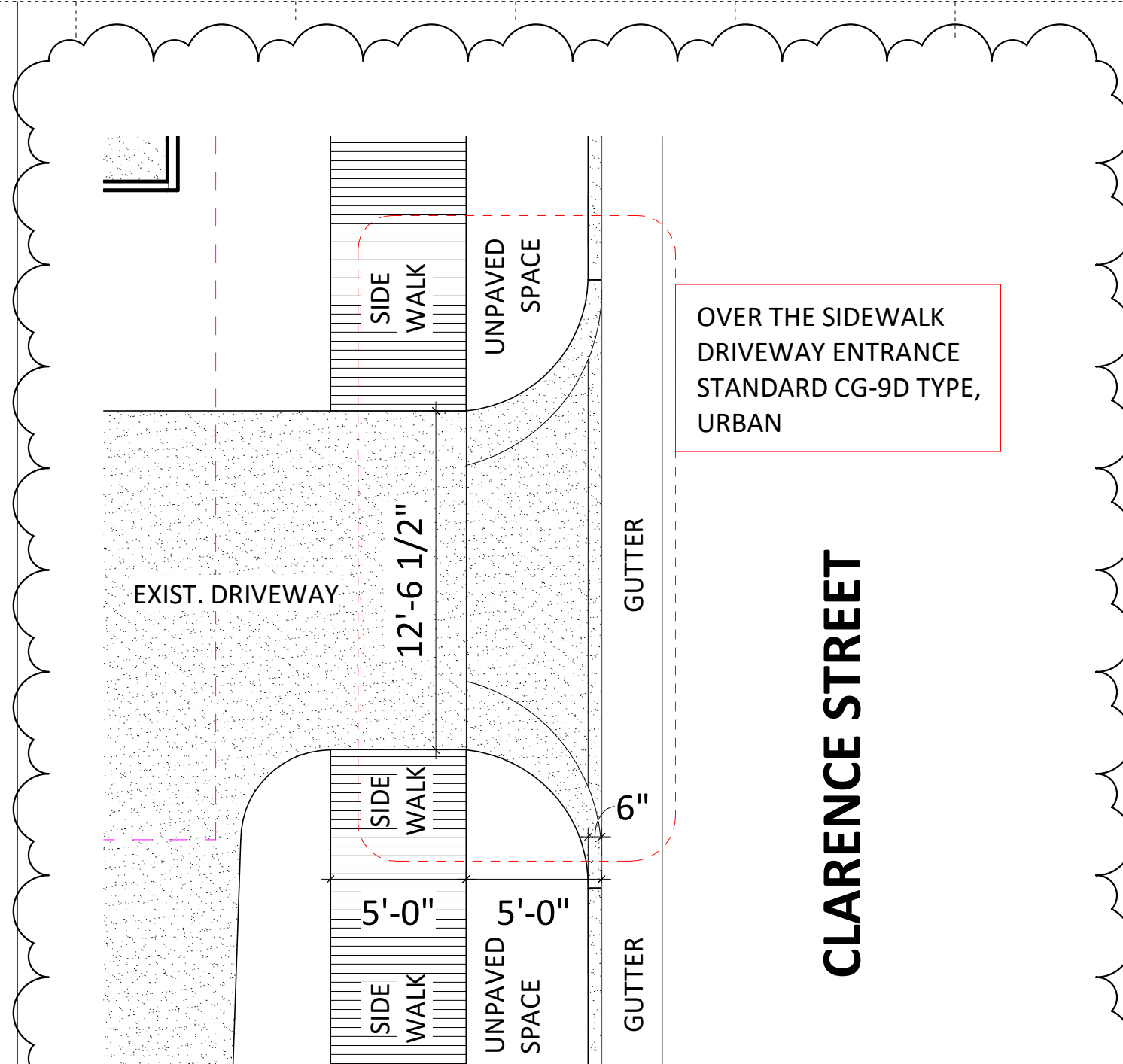
Point of Contact: Aimee Callahan
p: (540) 641-1399
e: aimee@BLLiving.com

References: preparers, plans, plats, drawings

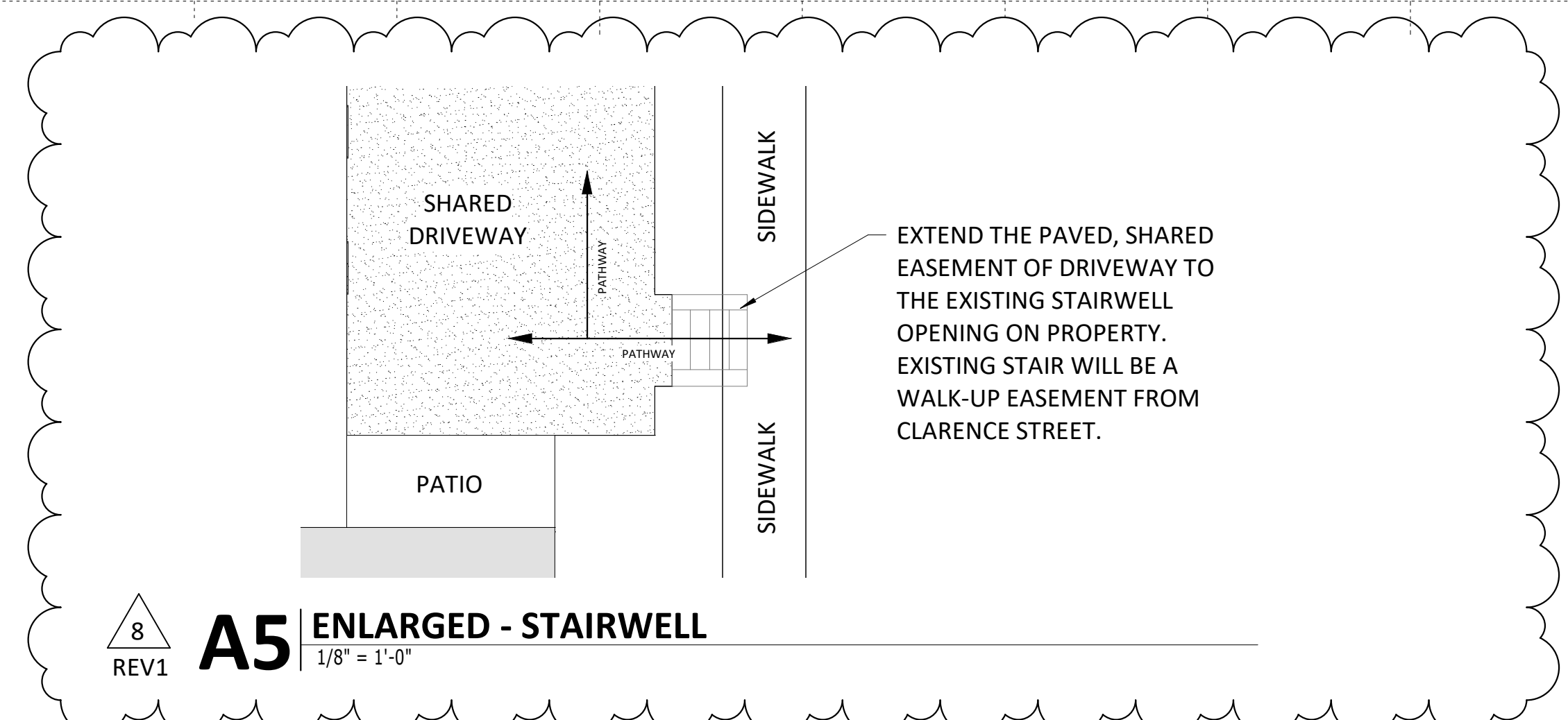
Ordinance No. 2021-322 Amendment Plans	
Ordinance No. 2021-322 Amendment Plans “Boundaryless Living LLC,” prepared by Design Intent Creative Solutions, and dated March 4, 2022, pages A1-A-9	New plans for amendment; adjusted per revised site and dwelling plan proposals
Remodel Plans, existing 1012 W 49th Street “1012 W49th [sic] Street 1012 W49th[sic]Street, Richmond, VA23225,” prepared by DHR, dated January 15, 2021, and last revised September 29, 2021	Approved plans for 1012 W 49 th Street; No changes
Plat Survey “Plat Showing Division of No. 1012 W. 49thStreet, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated February 11, 2021	No changes
Amendment Plan Proposal V1 and V2_Alternate “Proposed Development: BoundaryLess Living,” prepared by Theta Homes, and dated January 10, 2021	Demonstration drawings for site plan proposals and references for amendment plans
Special use application, new (SUP #087383-2021)	
Adopted Plans “Boundaryless Living LLC,” prepared by Design Intent Creative Solutions, and dated August 20, 2021, with sheet A-1 dated August 20, 2021, and last revised September 20, 2021	Plat Survey “Plat Showing Division of No. 1012 W. 49thStreet, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated February 11, 2021
Remodel Plans, existing 1012 W 49th Street “1012 W49th [sic] Street 1012 W49th[sic]Street, Richmond, VA23225,” prepared by DHR, dated January 15, 2021, and last revised September 29, 2021	



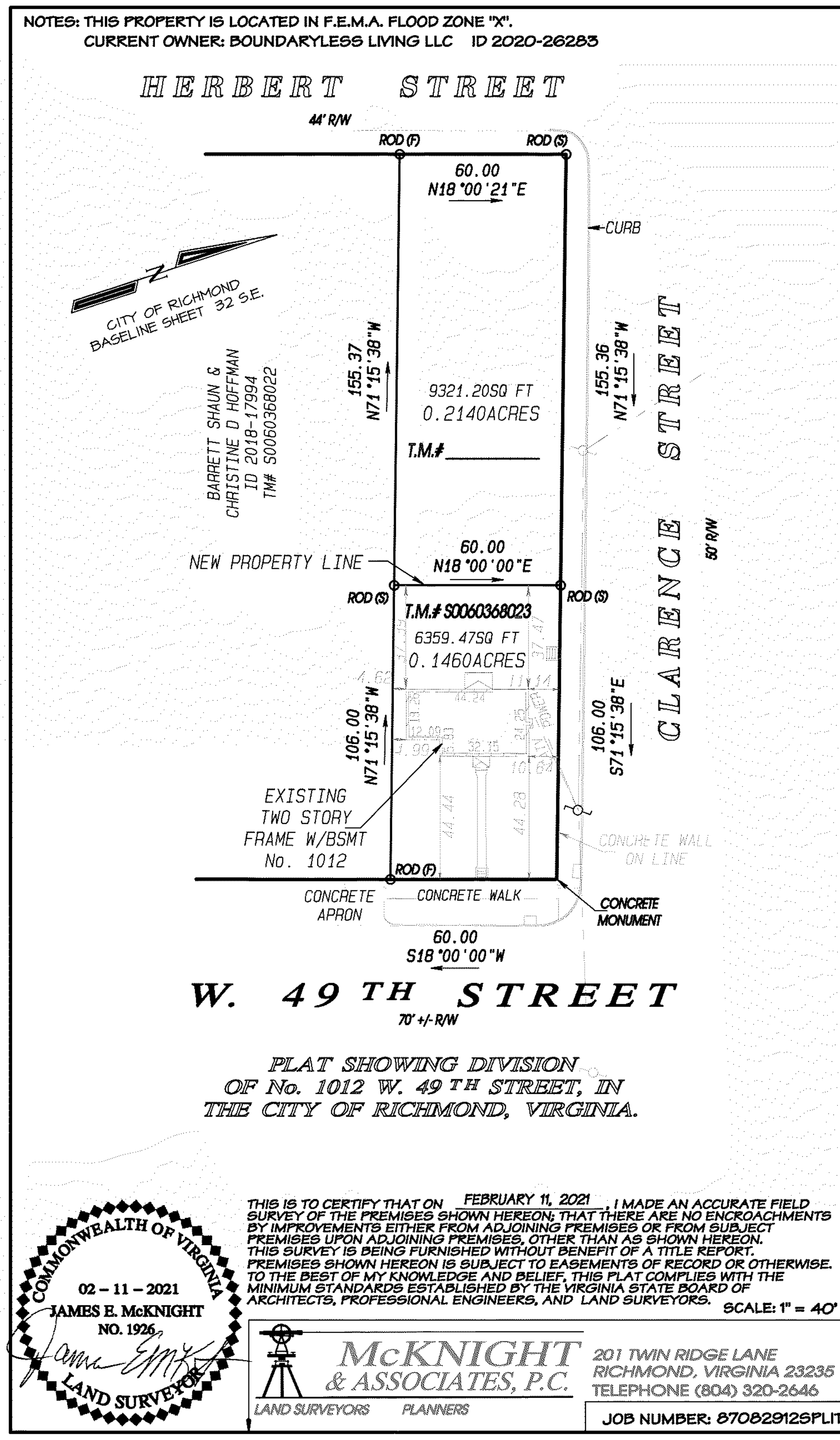
A2 ENLARGED SHARED DRIVEWAY DIAGRAM.
3/16" = 1'-0"



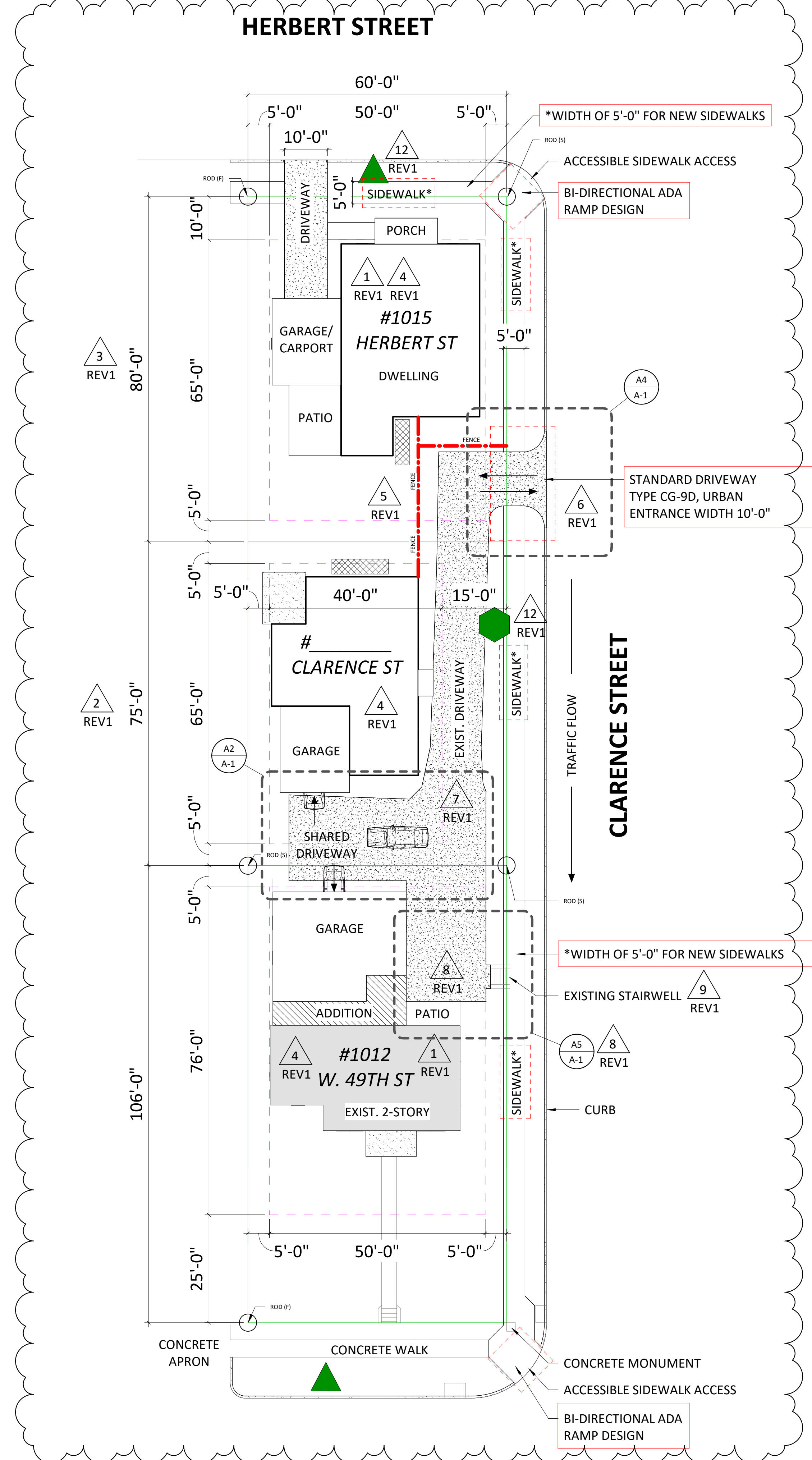
A4 ENLARGED DRIVEWAY ENTRANCE
3/16" = 1'-0"



A5 ENLARGED - STAIRWELL
1/8" = 1'-0"



A3 ORIGINAL PLAT - FOR REFERENCE ONLY
1/16" = 1'-0"



A1 SITE PLAN
1/16" = 1'-0"

SHEET LIST

A-1	SITE PLAN
A-2	3D VIEWS
A-3	3D VIEWS
A-4	FURNITURE PLANS - CLARENCE HOUSE
A-5	FLOOR PLANS - CLARENCE HOUSE
A-6	ELEVATIONS - CLARENCE HOUSE
A-7	FURNITURE PLANS - HERBERT HOUSE
A-8	FLOOR PLANS - HERBERT HOUSE
A-9	ELEVATIONS - HERBERT HOUSE

LEGEND

- "BUILDABLE" LOT
- LOT LINES
- IMPROVEMENTS
- EXISTING STRUCTURE
- DRIVEWAY
- HVAC/SUPERCAN AREA
- NEW STREET TREE (Herbert & W. 49th Street)
- EXISTING STREET TREE (Clarence Street)

LOT INFO

ZONING = R5

HERBERT HOUSE
LOT = 4800 SF
DWELLING FOOTPRINT = 1395 SF
29% LOT COVERAGE

CLARENCE HOUSE
LOT = 4500 SF
DWELLING FOOTPRINT = 1188 SF
26% LOT COVERAGE

49TH HOUSE
LOT = 6360
DWELLING FOOTPRINT = 1229 SF
19% LOT COVERAGE

GARAGE INFO

HERBERT HOUSE
SINGLE CAR

CLARENCE HOUSE
SINGLE CAR

W 49TH STREET
TWO CAR

FOR ORIGINAL SITE PLAN
RE: CITY OF RICHMOND
BASELINE SHEET 32 S.E.

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PROJECT PHASE

SPECIAL USE PERMIT DRAWINGS

PROJECT INFORMATION

BOUNDARYLESS LIVING LLC

BILL SWEENEY - PRESIDENT
BOUNDARYLESS LIVING
HALLMARK REALTY GROUP

PROJECT #: N/A

ISSUE DATE: 08.20.2021

REVISIONS:

DESCRIPTION	DATE
Revision 2	05.08.2022
Revision 1	09.20.2021

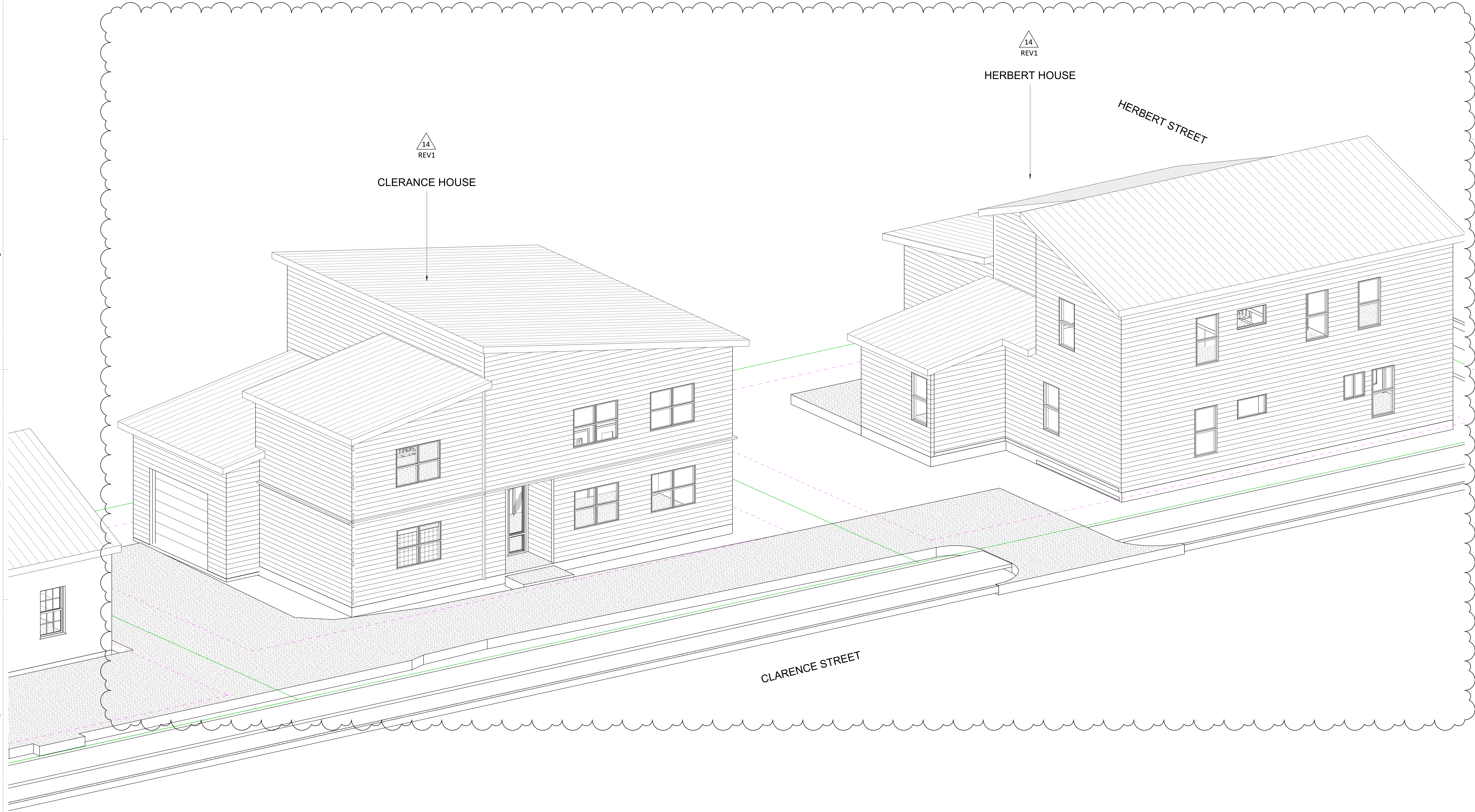
See Verbiage Document

Callouts:
Sidewalks
ADA Curbs
Driveway Type
Garages

SITE PLAN

A-1

5/11/2022 2:42:20 PM - PLOT DATE



3D VIEW - NEW CONSTRUCTION HOUSES - VIEW A
NOT TO SCALE

PROJECT #: N/A

ISSUE DATE: 08.20.2021

REVISIONS:
DESCRIPTION DATE

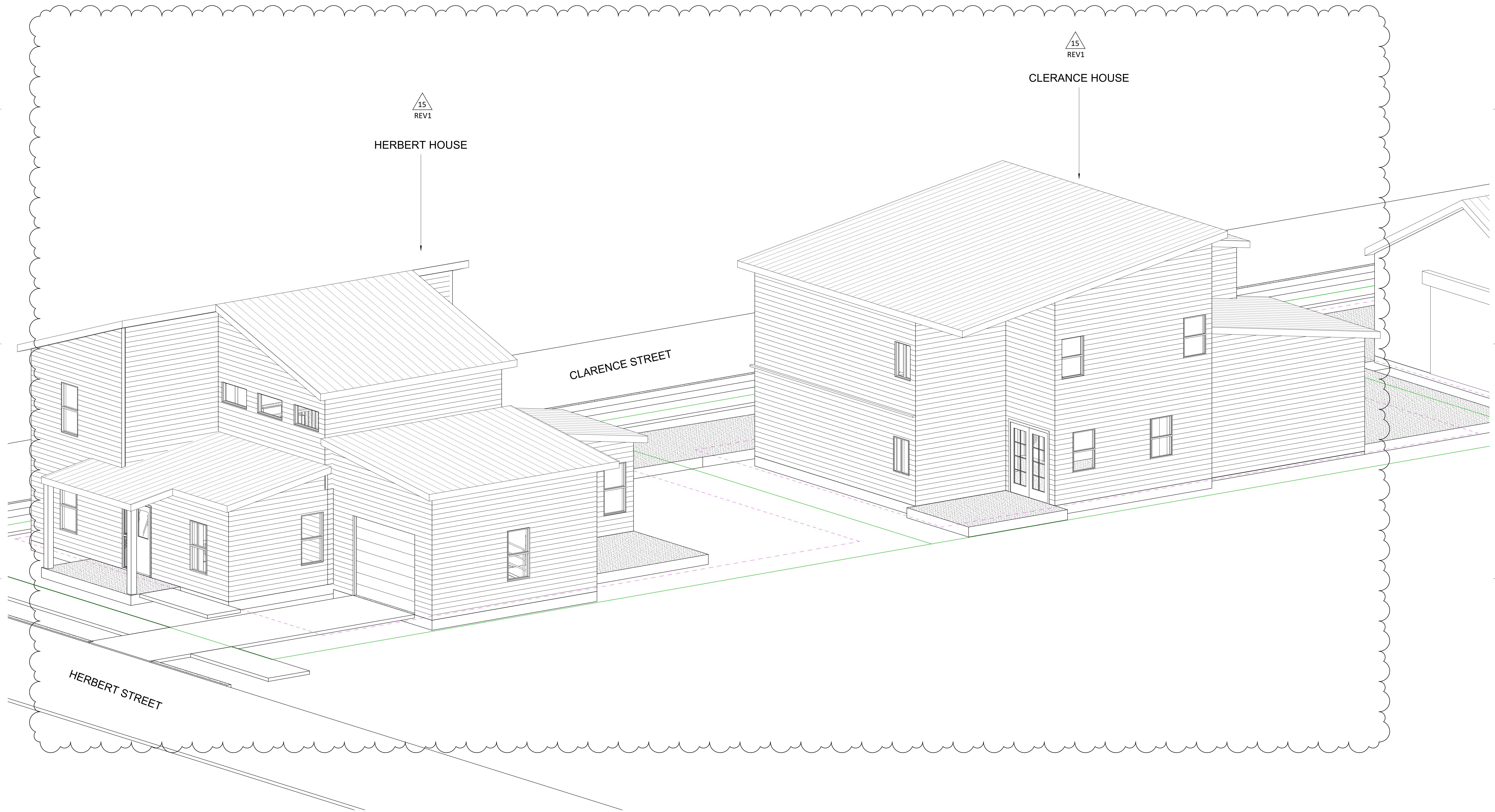
Revision 2 05.08.2022

See Verbiage Document

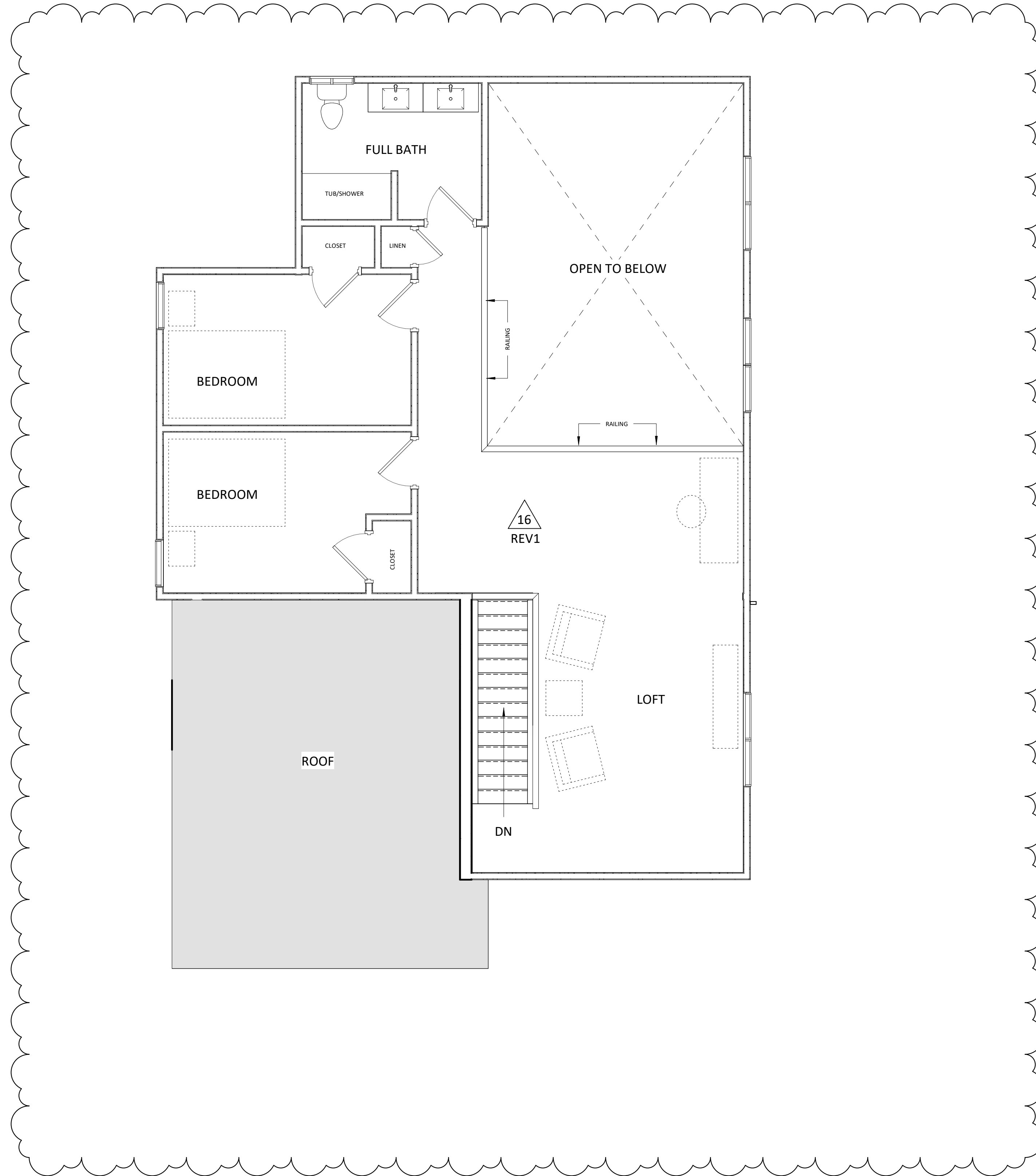
Revision 1 09.20.2021

Callouts:
Sidewalks
ADA Curbs
Driveway Type
Garages

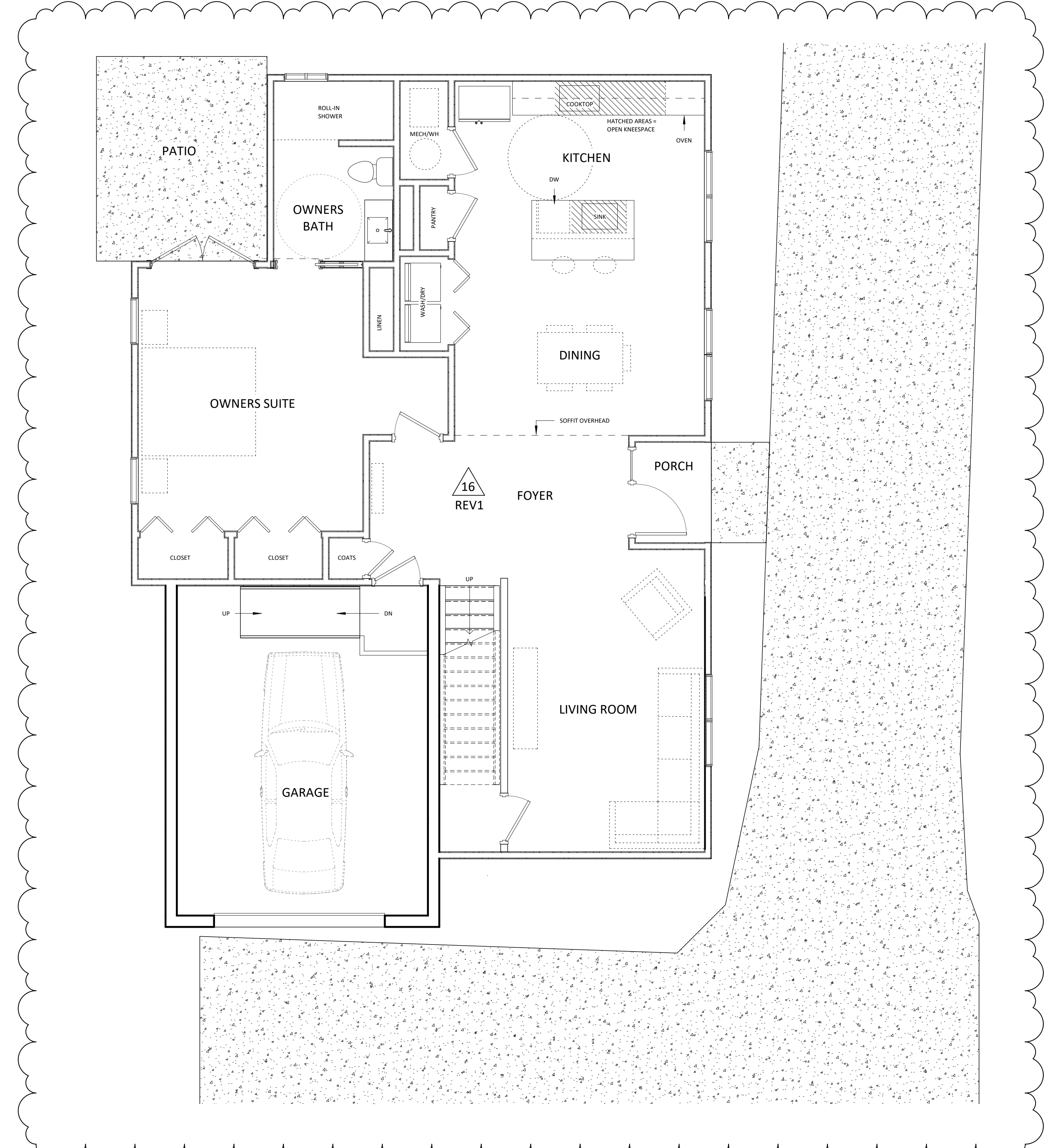
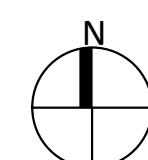
3D VIEWS



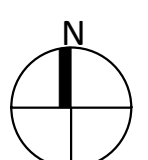
3D VIEW - NEW CONSTRUCTION HOUSES - VIEW B
NOT TO SCALE

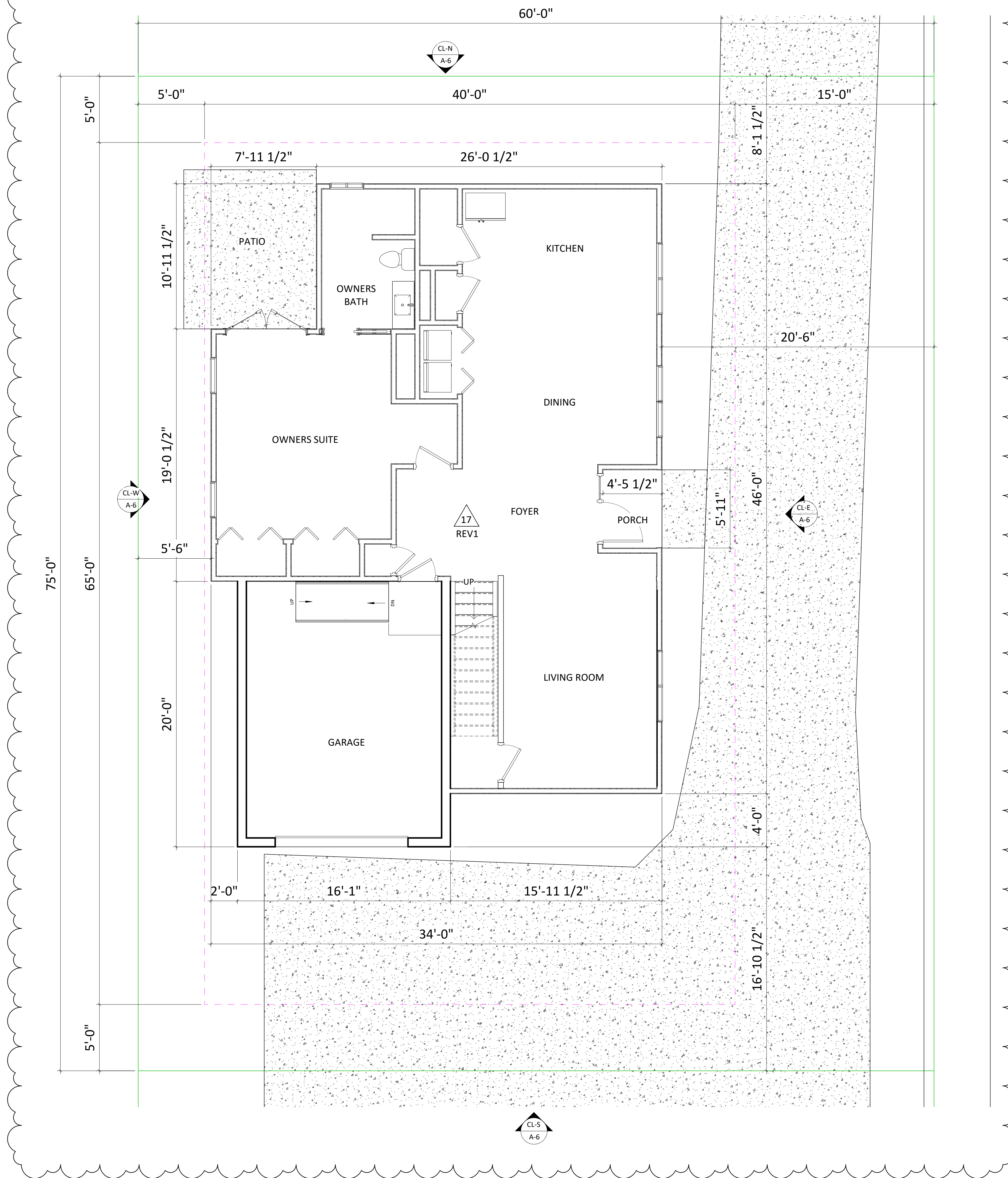
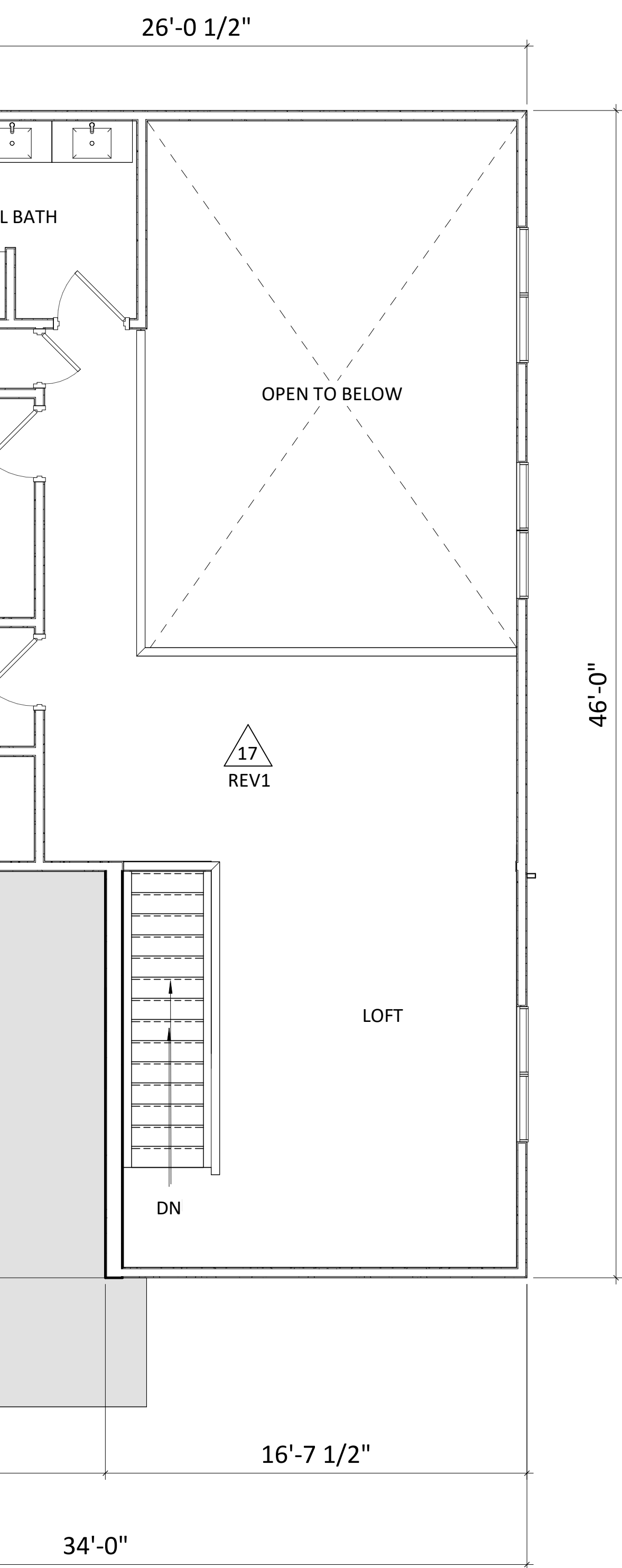


A2 LEVEL 2 - FURNITURE PLANS - CLARENCE HOUSE
1/4" = 1'-0"



A1 LEVEL 1 - FURNITURE PLANS - CLARENCE HOUSE
1/4" = 1'-0"





A1 LEVEL 1 - CLARENCE HOUSE
1/4" = 1'-0"

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PROJECT PHASE
**SPECIAL USE PERMIT
DRAWINGS**

PROJECT INFORMATION

BOUNDARYLESS LIVING LLC

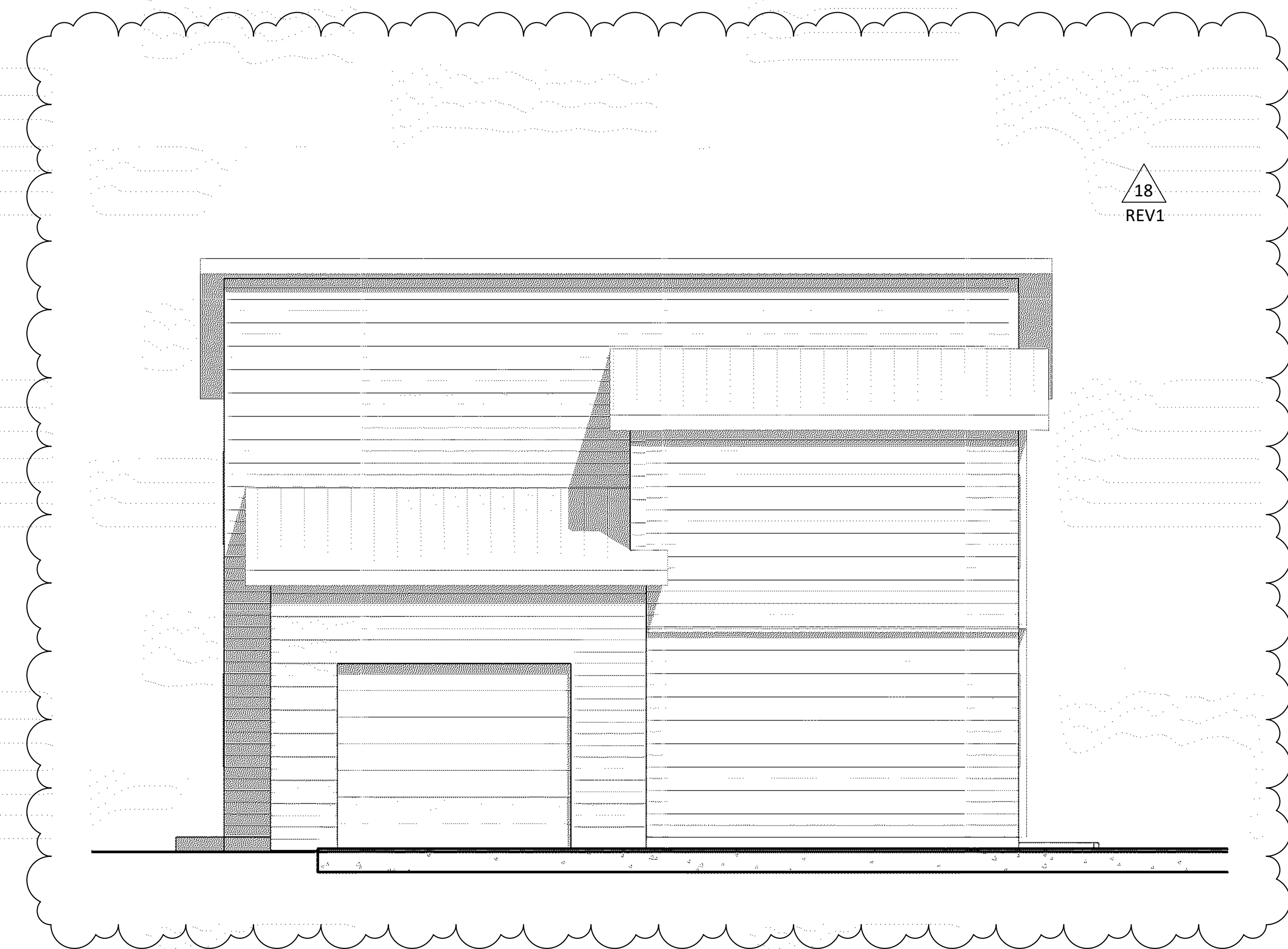
BILL SWEENEY - PRESIDENT
BOUNDARYLESS LIVING
HALLMARK REALTY GROUP

PROJECT #: N/A
ISSUE DATE: 08.20.2021
REVISIONS:
DESCRIPTION DATE
Revision 2 05.08.2022

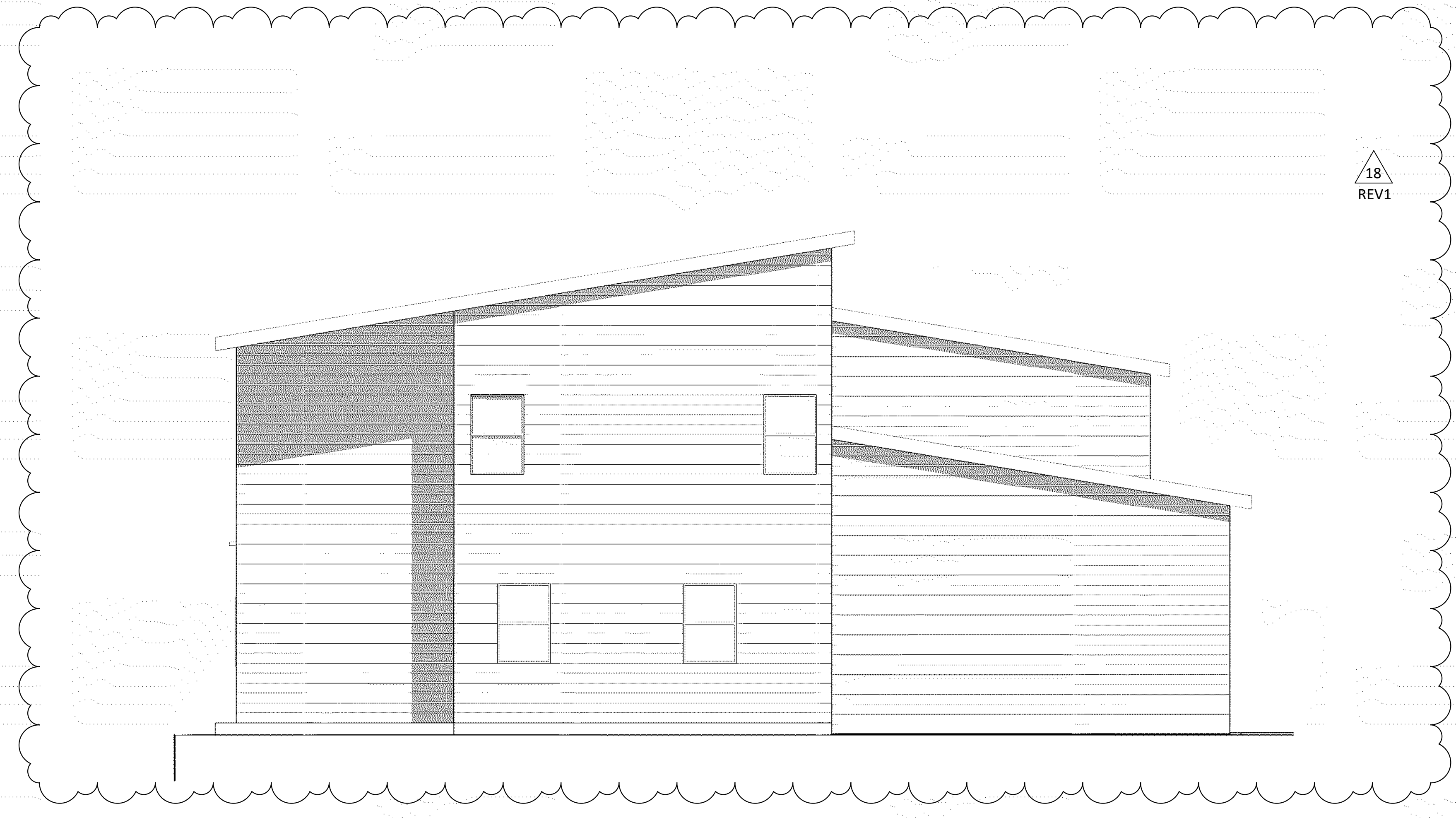
SHEET INFORMATION

FLOOR PLANS -
CLARENCE HOUSE

A-5



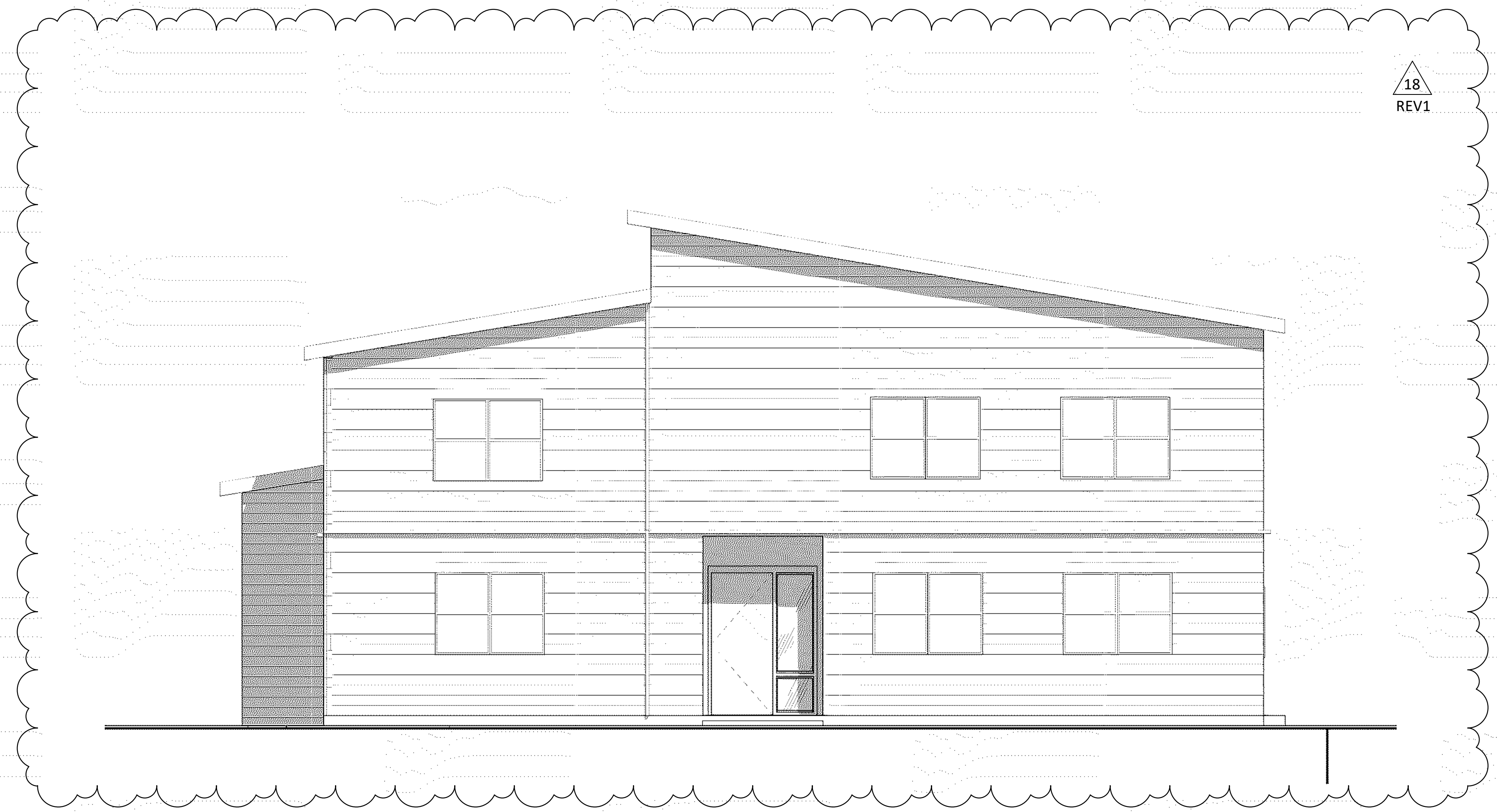
CL-S CLARENCE SOUTH
1/4" = 1'-0"



CL-W CLARENCE WEST
1/4" = 1'-0"



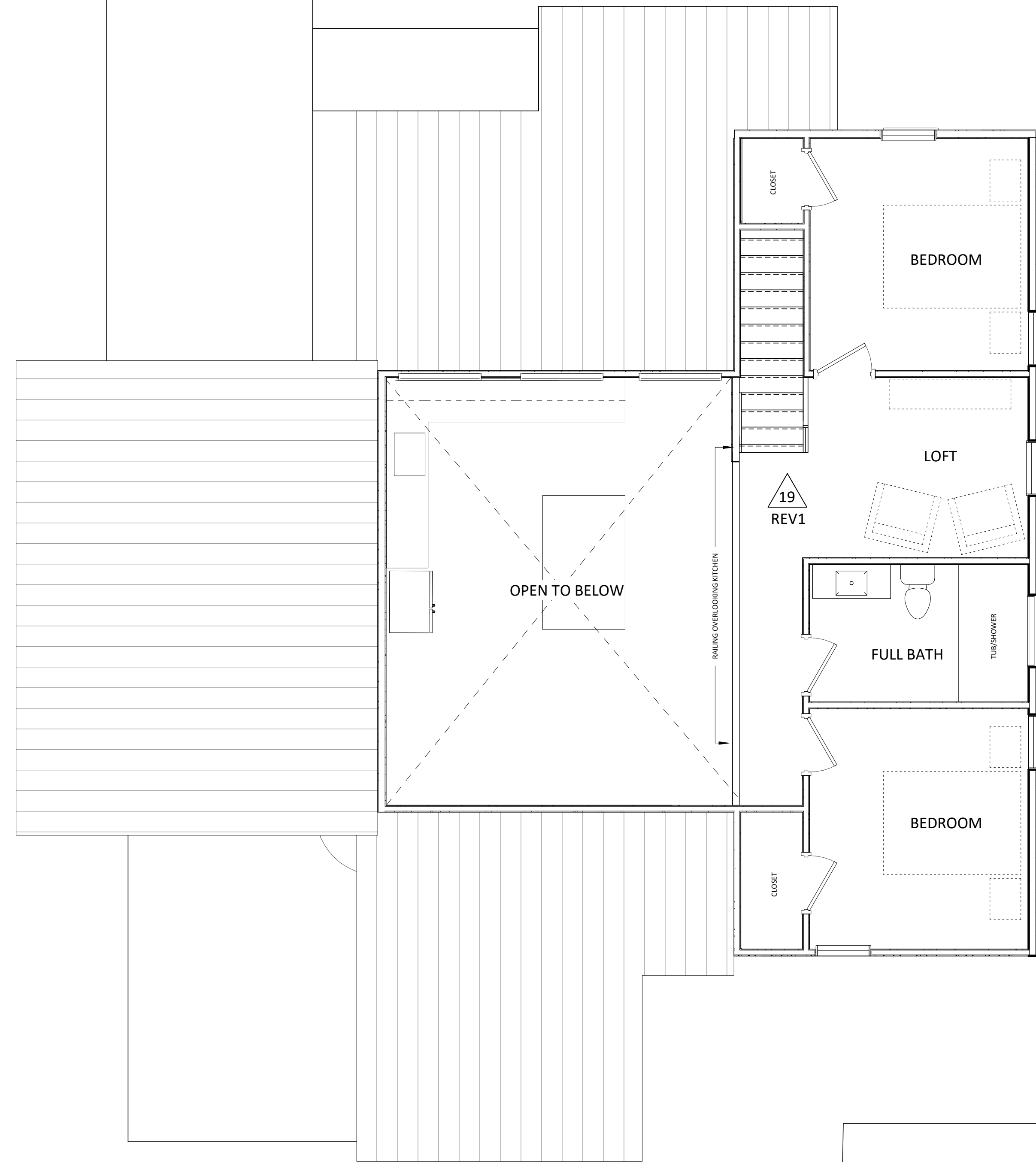
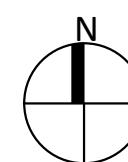
CL-N CLARENCE NORTH
1/4" = 1'-0"



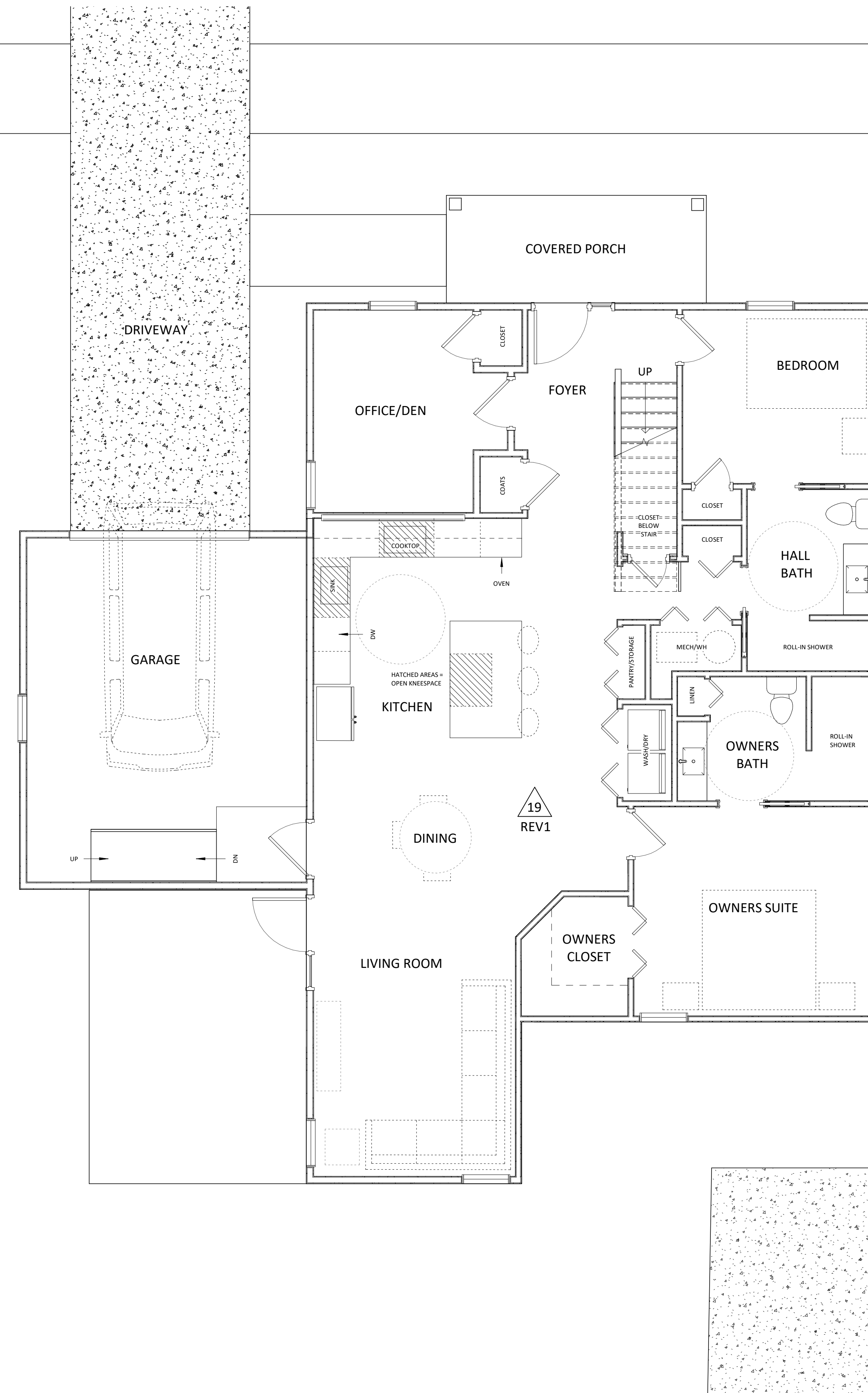
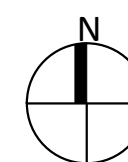
CL-E CLARENCE EAST
1/4" = 1'-0"

5/11/2022 2:42:25 PM - PLOT DATE

A2 LEVEL 2 FURNITURE PLANS - HERBERT HOUSE
1/4" = 1'-0"



A1 LEVEL 1 FURNITURE PLANS - HERBERT HOUSE
1/4" = 1'-0"



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PROJECT PHASE
**SPECIAL USE PERMIT
DRAWINGS**

PROJECT INFORMATION
BOUNDARYLESS LIVING LLC

BILL SWEENEY - PRESIDENT
BOUNDARYLESS LIVING
HALLMARK REALTY GROUP

PROJECT #: N/A

ISSUE DATE: 08.20.2021

REVISIONS:	DESCRIPTION:	DATE
Revision 2	See Verbiage Document	05.08.2022
Revision 1		09.20.2021

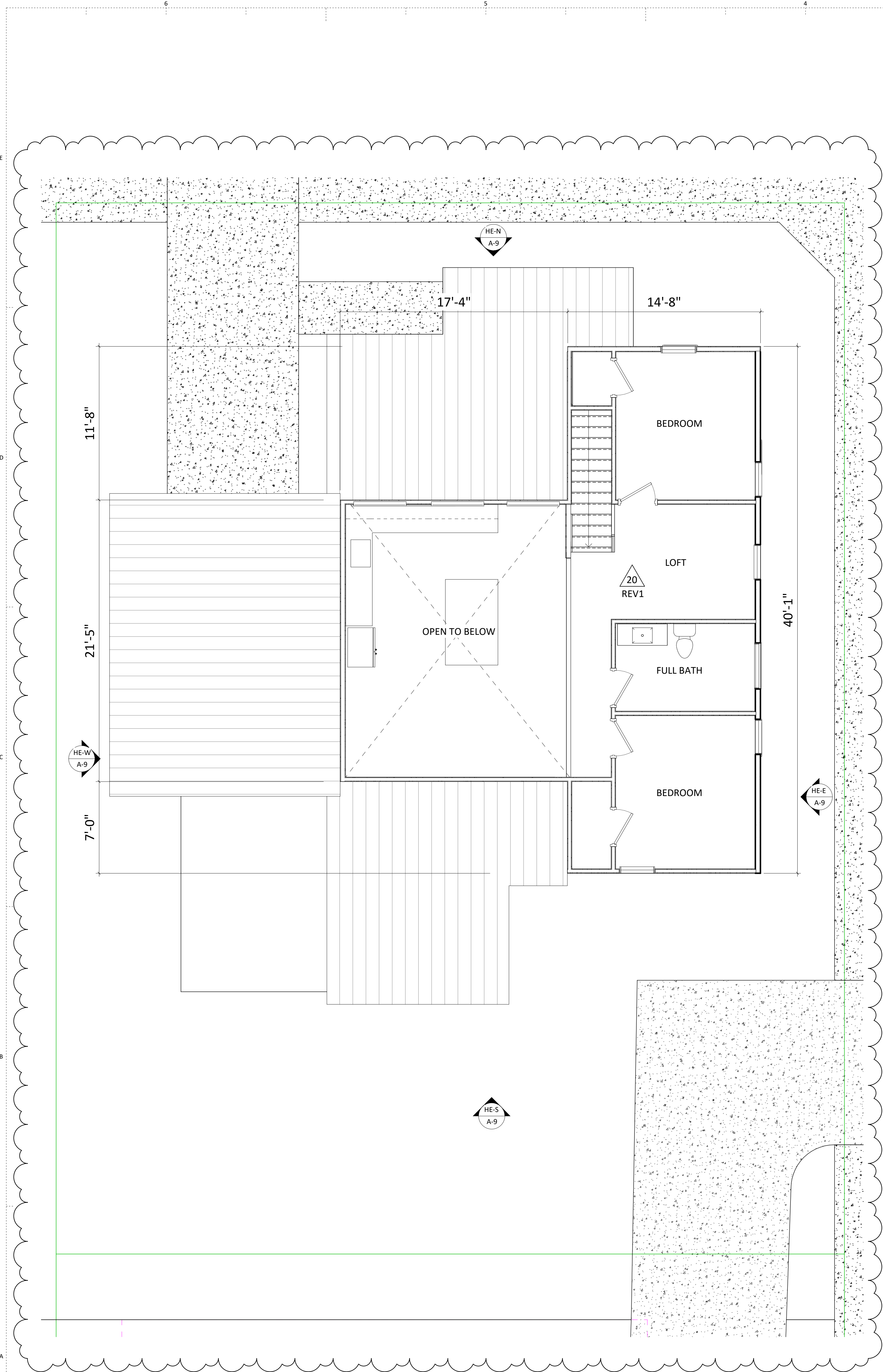
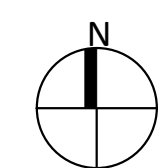
Callouts:
Sidewalks
ADA Curbs
Driveway Type
Garages

SHEET INFORMATION
FURNITURE PLANS -
HERBERT HOUSE

5/11/2022 2:42:26 PM - PLOT DATE

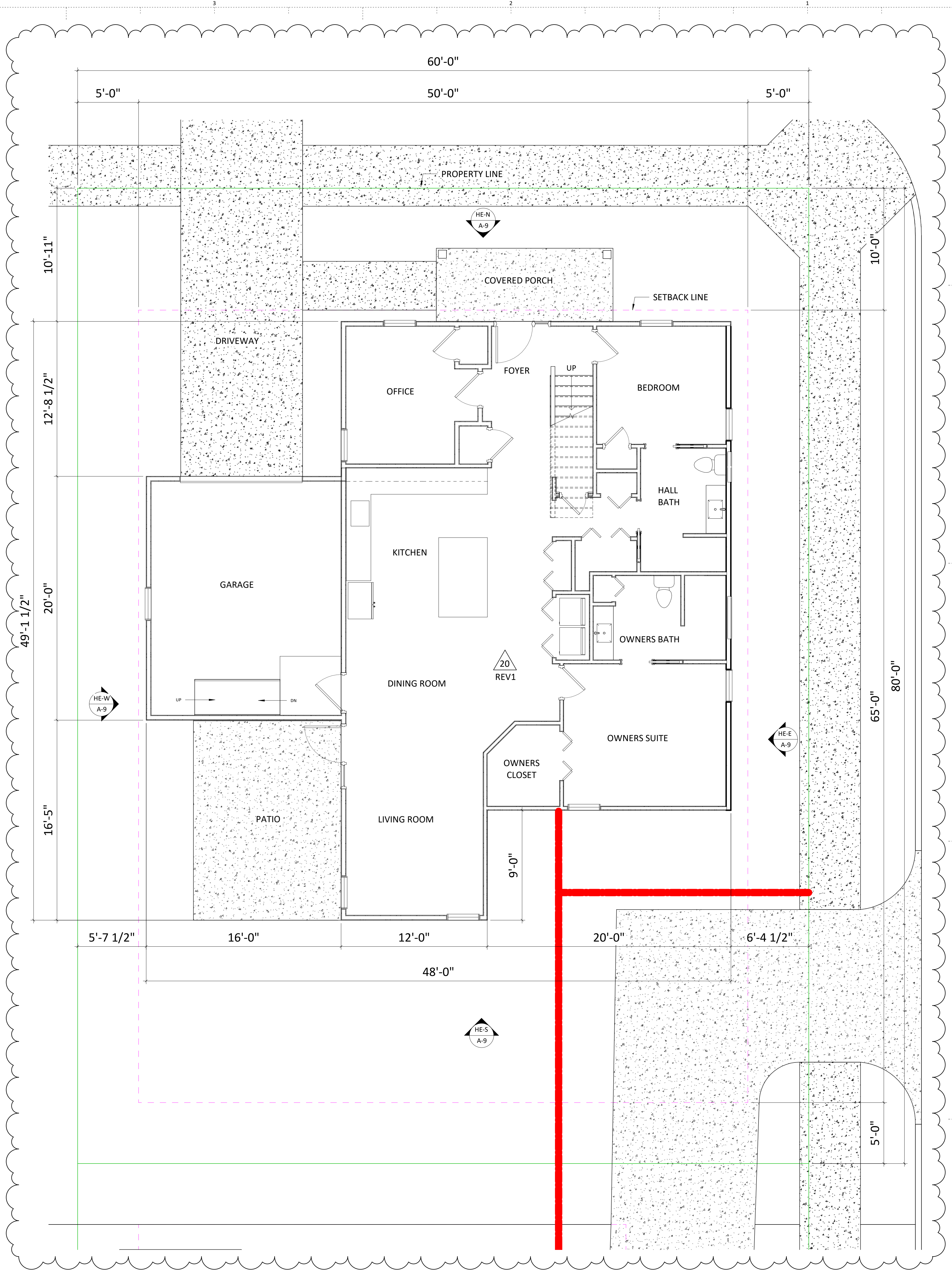
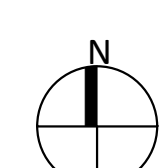
A2 LEVEL 2 HERBERT HOUSE

1/4" = 1'-0"



A1 LEVEL 1 HERBERT HOUSE

1/4" = 1'-0"



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PROJECT INFORMATION
BOUNDARYLESS LIVING LLC

BILL SWEENEY - PRESIDENT
BOUNDARYLESS LIVING
HALLMARK REALTY GROUP

PROJECT #:	N/A
ISSUE DATE:	08.20.2021
REVISIONS:	
DESCRIPTION	DATE
Revision 2	05.08.2022
See Verbiage Document	
Revision 1	09.20.2021

Callouts:
Sidewalks
ADA Curbs
Driveway Type
Garages

FLOOR PLANS - HERBERT HOUSE

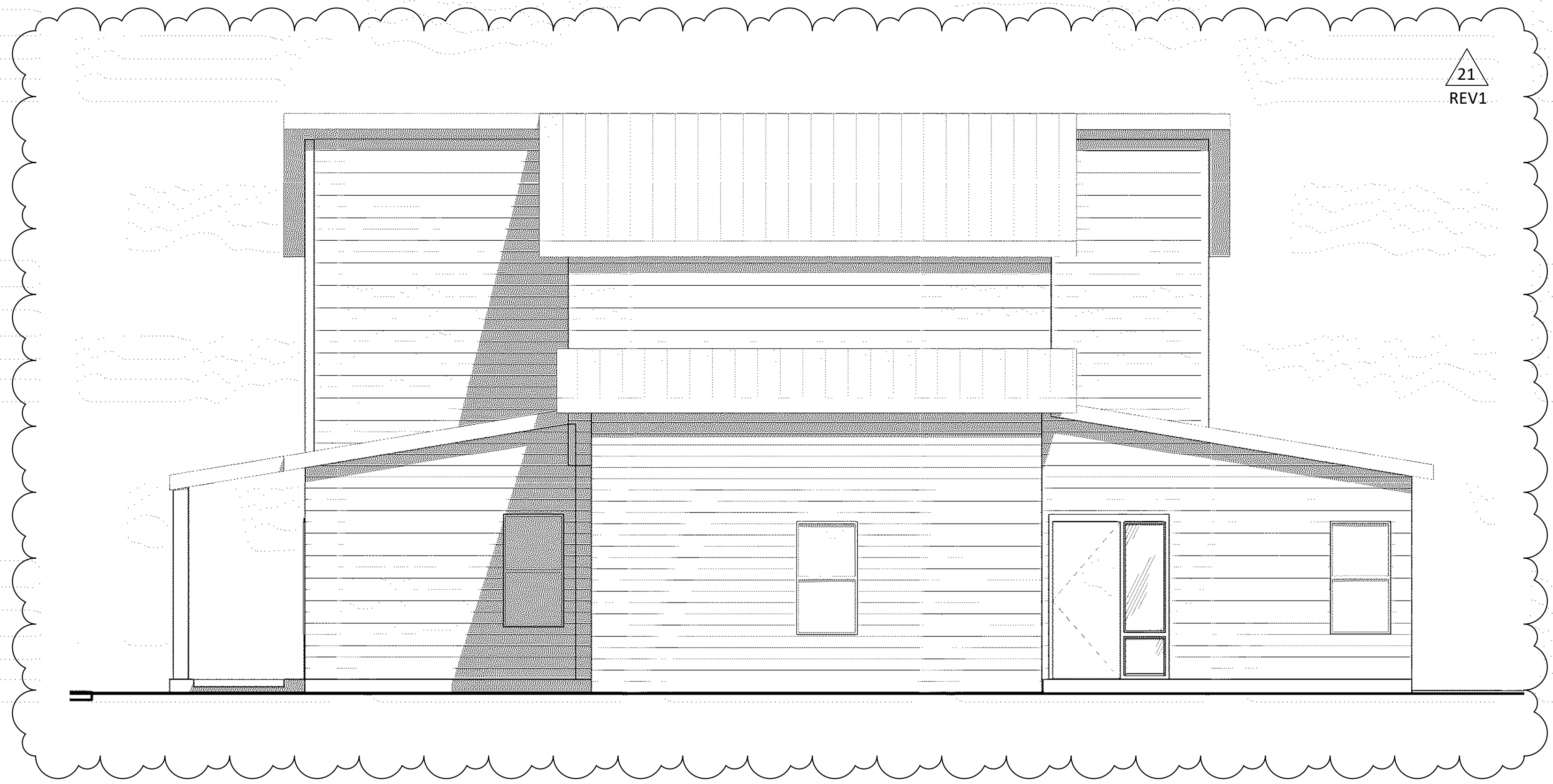
**SPECIAL USE PERMIT
DRAWINGS**

BOUNDARYLESS LIVING LLC

BILL SWEENEY - PRESIDENT
BOUNDARYLESS LIVING
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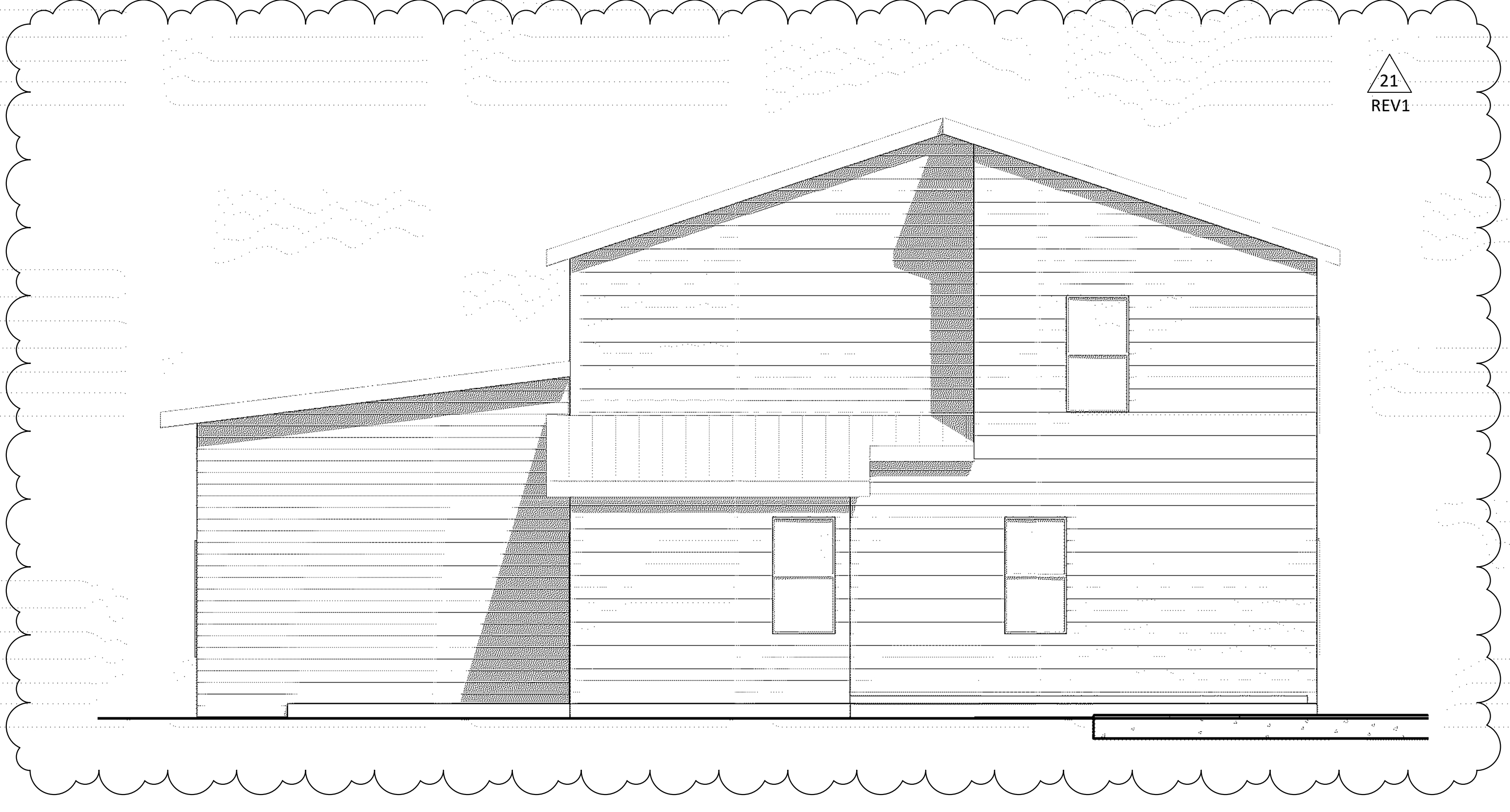
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ISSUE DATE:	08.20.2021
REVISIONS:	
DESCRIPTION	DATE
Revision 2	05.08.2022
See Verbiage Document	
Revision 1	09.20.2021
Callouts: Sidewalks ADA Curbs Driveway Type Garages	

ELEVATIONS - HERBERT HOUSE



21
REV1

HE-W HERBERT WEST
1/4" = 1'-0"



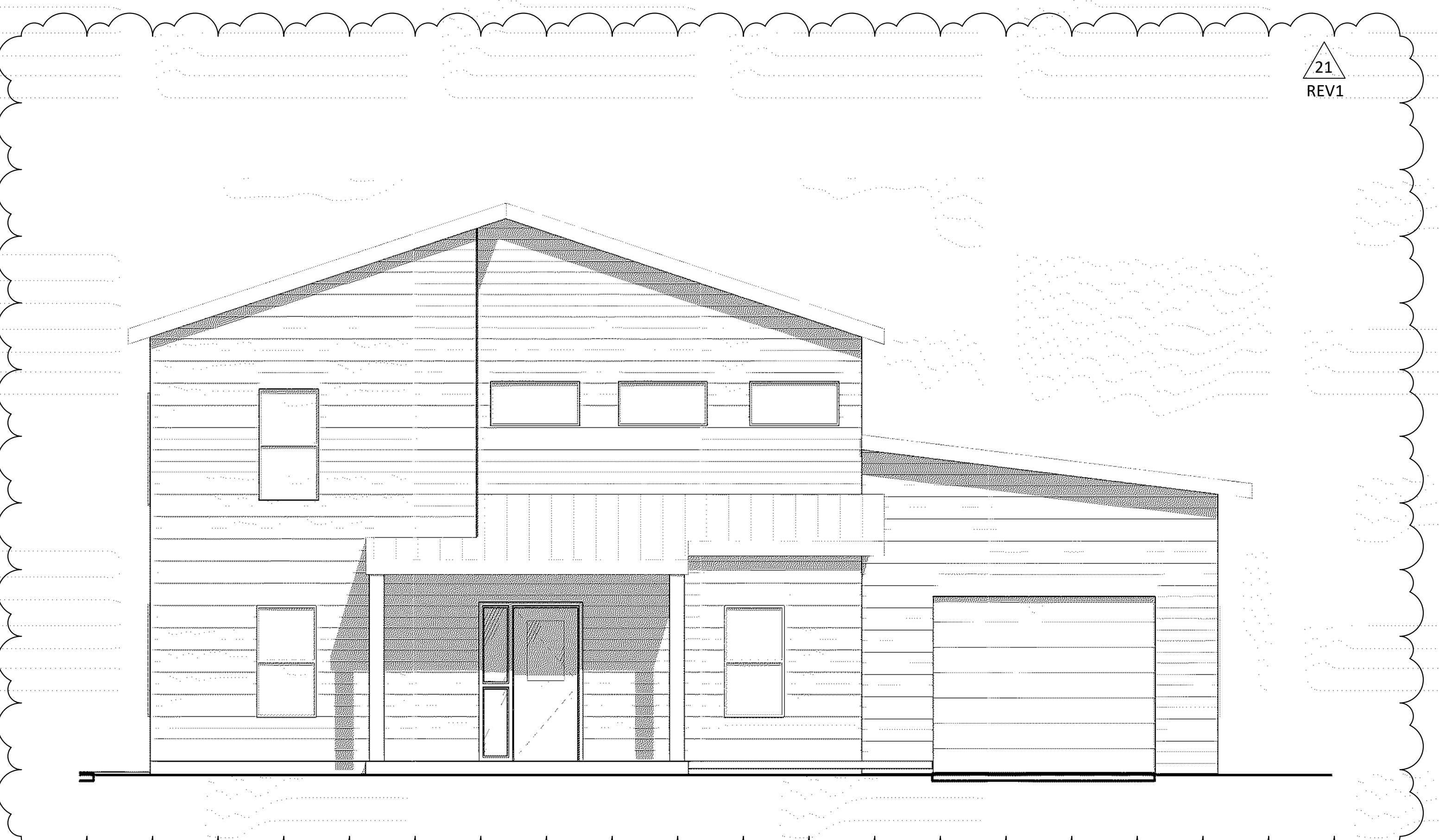
21
REV1

HE-S HERBERT SOUTH
1/4" = 1'-0"



21
REV1

HE-E HERBERT EAST
1/4" = 1'-0"

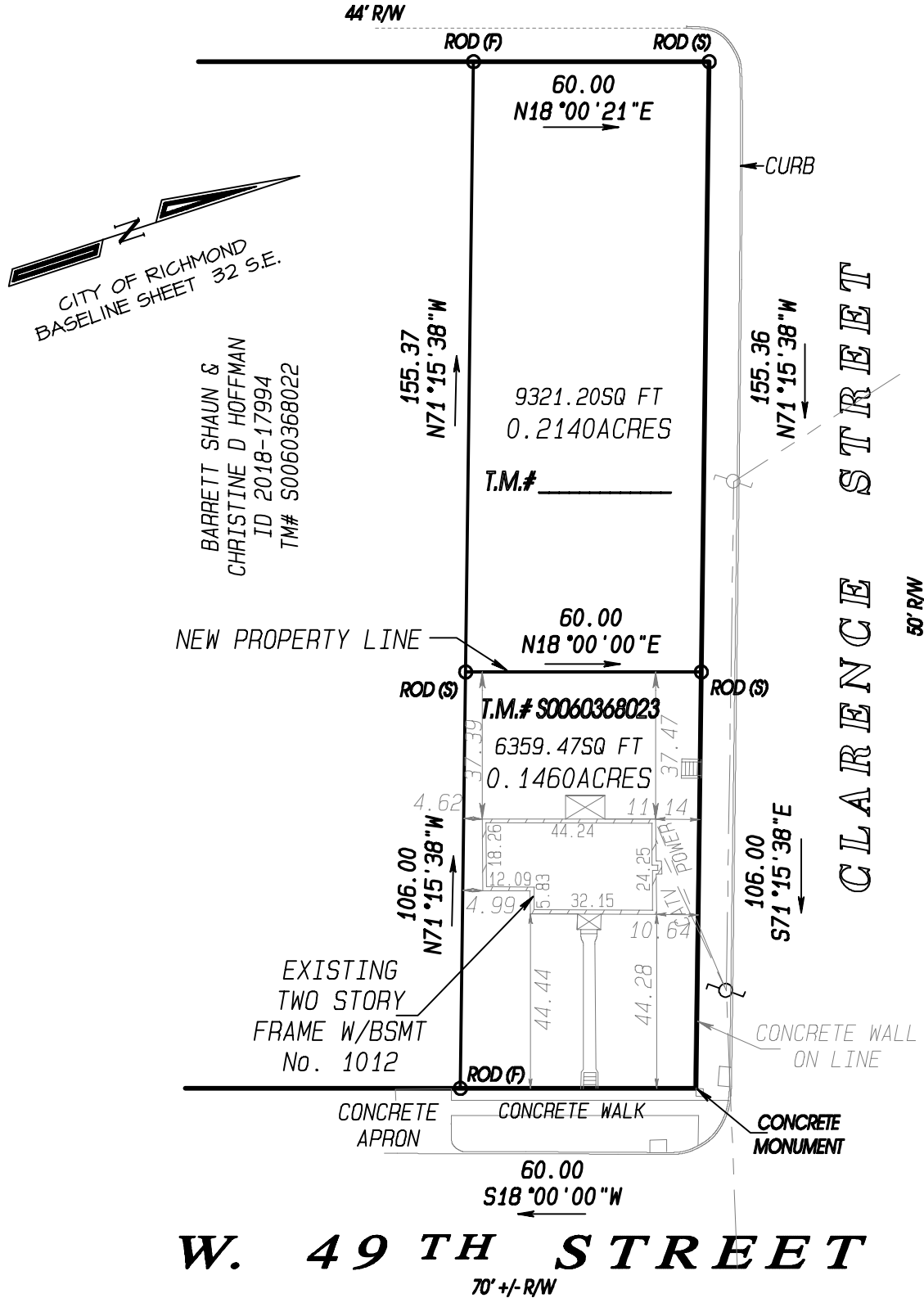


21
REV1

HE-N HERBERT NORTH
1/4" = 1'-0"

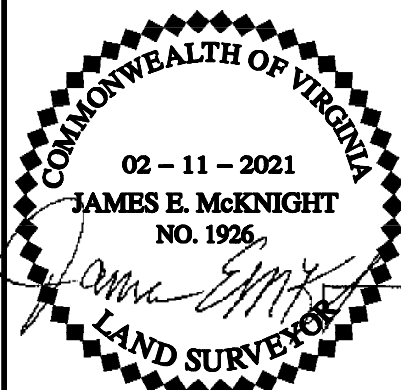
NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: BOUNDARYLESS LIVING LLC ID 2020-26283

HERBERT STREET



PLAT SHOWING DIVISION
 OF No. 1012 W. 49TH STREET, IN
 THE CITY OF RICHMOND, VIRGINIA.

THIS IS TO CERTIFY THAT ON FEBRUARY 11, 2021, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS. SCALE: 1" = 40'



McKNIGHT & ASSOCIATES, P.C.
 LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23235
 TELEPHONE (804) 320-2646

JOB NUMBER: 870829125PL1T