



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2014-106:** To authorize the special use of the property known as 404 North 23<sup>rd</sup> Street for the purposes of office use and one (1) single-family dwelling, upon certain terms and conditions.

---

**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** May 19, 2014

---

#### **PETITIONER**

Derek and Rebecca Metzler  
411 N. 23<sup>rd</sup> Street  
Richmond, VA

#### **LOCATION**

404 N. 23<sup>rd</sup> Street

#### **PURPOSE**

To authorize the special use of the property known as 404 North 23<sup>rd</sup> Street for the purposes of office use and one (1) single-family dwelling, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The subject property is an unimproved lot of 1,155 square feet located on the block bounded by North 23<sup>rd</sup> Street to the east, East Marshall Street to the south, North 22<sup>nd</sup> Street to the west, and East Clay Street to the north. A two-story building occupied the property before being demolished approximately ten years ago. The previous uses included retail use on the first floor and residential use on the second floor.

The property is zoned R-8 Urban Residential District and is located in the Church Hill North Old and Historic District. Though the district allows certain commercial uses with conditional use permits, it is primarily a residential district. All of the properties facing both sides of the N. 23<sup>rd</sup> Street block in which the subject property is located are residential uses. The R-8 District does not recognize office uses with dwelling units occupying space in the same building above the ground floor as permitted principal uses unless they meet the criteria for "principal uses permitted by conditional use permits." That criteria applies only to existing buildings. New construction containing an office use on the ground floor with a single dwelling unit above does not meet the criteria required for the granting of a conditional use permit in the R-8 district. Therefore, the applicant is requesting a special use permit.

The Richmond Master Plan designates this property as Neighborhood Commercial. "Primary uses include office, personal service and retail uses, intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents. Such uses are typically small scale and low intensity, have limited hours of operation, involve a high percentage of walk-in trade

and minimal vehicular traffic, and are especially compatible with adjacent low to medium density residential uses” (p.134).

The proposed development is consistent with the Master Plan recommendation for this property, which emphasizes small scale commercial uses adjacent to lower density residential uses. The Master Plan states that, “Neighborhood commercial uses traditionally provided needed goods and services to adjacent residents, and when located in multistory buildings, were usually coupled with residential uses above” (p. 170).

Staff finds that the proposal meets the City Charter criteria for the granting of special use permits. Specifically, the proposal would not be detrimental to the safety, health, morals and general welfare of the community established by the City’s Master Plan and R-8 zoning district. Therefore, staff recommends approval of the special use permit request.

---

---

## **FINDINGS OF FACT**

### **Site Description**

The subject property is an unimproved lot of 1,155 sq ft located on the block bounded by North 23<sup>rd</sup> Street to the east, East Marshall Street to the south, North 22<sup>nd</sup> Street to the west, and East Clay Street to the north. A two-story building occupied the property before being demolished approximately ten years ago. The previous uses included retail use on the first floor and residential use on the second floor.

### **Proposed Use of the Property**

The subject property is located in the R-8 Urban Residential zoning district. The applicant is seeking permission to construct a two-story mixed-use building with an office use on the first floor and one dwelling unit on the second floor. New construction containing an office service use on the ground floor with a single dwelling unit above is not permitted in the R-8 district; therefore, the applicant has requested a special use permit.

### **Master Plan**

The Richmond Master Plan designates this property as Neighborhood Commercial. “Primary uses include office, personal service and retail uses, intended to provide the daily convenience shopping and service needs of adjacent neighborhood residents. Such uses are typically small scale and low intensity, have limited hours of operation, involve a high percentage of walk-in trade and minimal vehicular traffic, and are especially compatible with adjacent low to medium density residential uses” (p.134).

### **Zoning & Ordinance Conditions**

The subject property is located in the R-8 Urban Residential zoning district. New construction containing an office service use on the ground floor with a single dwelling unit above is not permitted in the R-8 district; therefore, the applicant has requested a special use permit. The proposed ordinance would require the use of the property to be for office use on the first floor and one dwelling unit on the second floor. In addition, the ordinance would waive the off-street parking requirement.

**Surrounding Area**

The properties to the south, west, and north are zoned R-8 Urban Residential and are occupied by two-story residential uses. The properties to the east are zoned R-63 Multifamily Urban Residential and are occupied by two-story residential uses.

**Neighborhood Participation**

Staff contacted 7<sup>th</sup> District Councilperson, Cynthia Newbille and the Church Hill Association. Staff did receive a letter of support from the Church Hill Association.

**Staff Contact:** Willy Thompson, Senior Planner, 804-646-5734