



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*

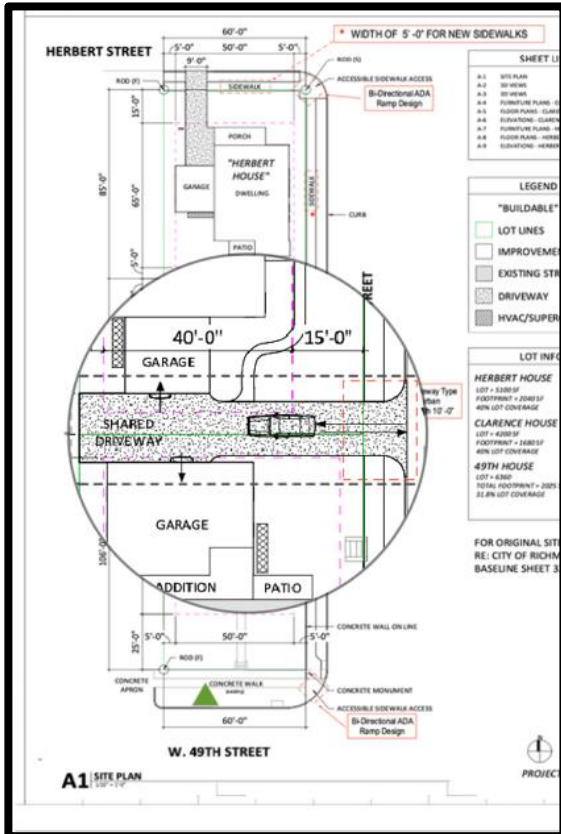
*"But beyond the plan, Richmond 300 is just the first step in realizing the vision so clearly outlined in this document. **The critical next step is implementation, using all of the tools the City has at its disposal**, the expertise of those that build the city, and the continued engagement of our stakeholders 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

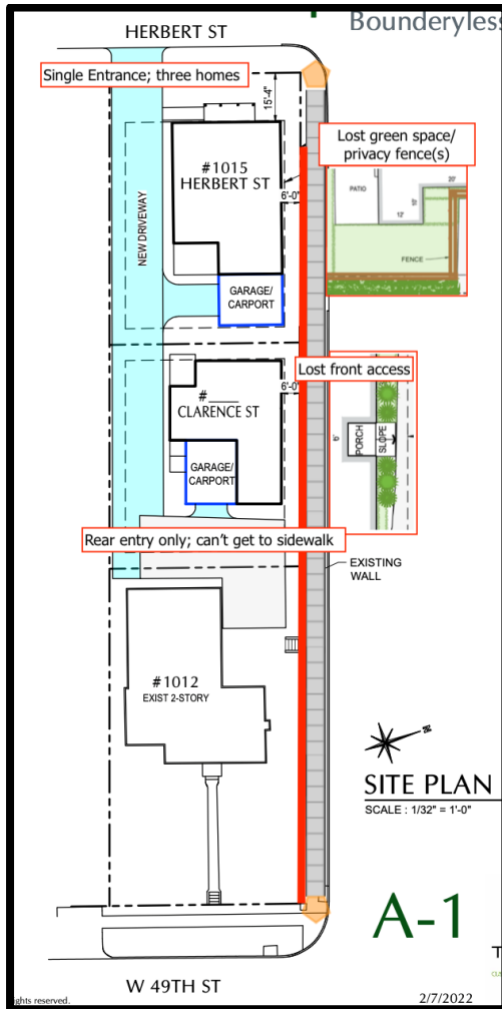
Review of “Amendment Plan Proposal V2_Alternate” (Theta Homes 01/10/2021)

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.

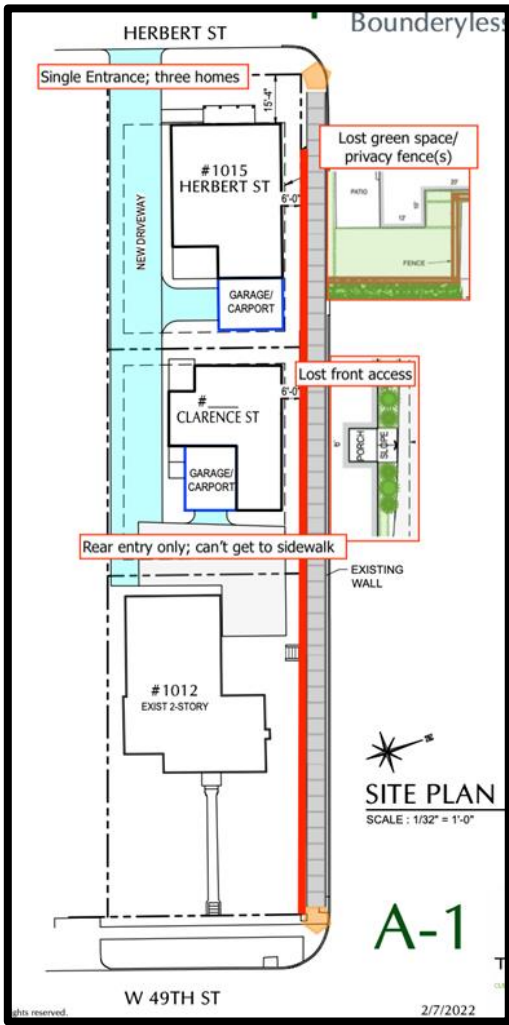
Specific Concerns for “Amendment Plan Proposal V2_Alternate”



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.



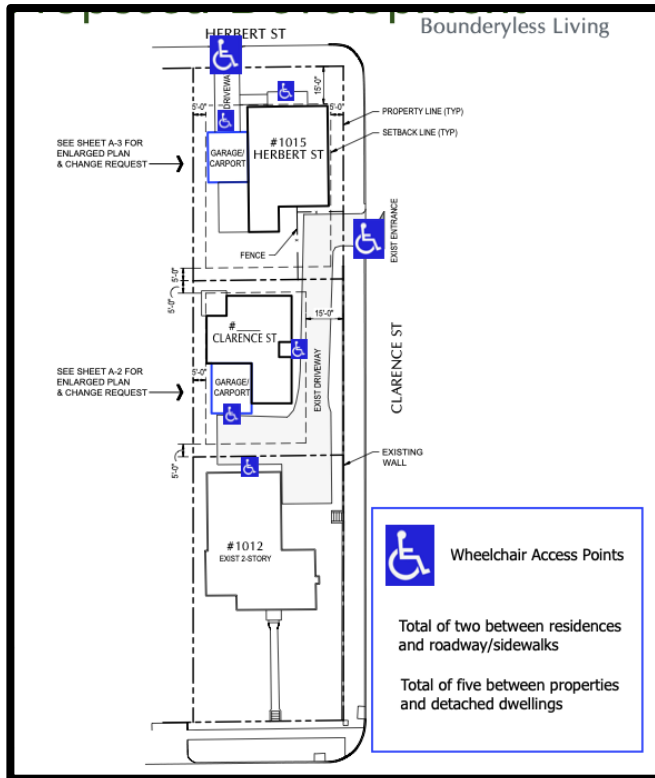
Reference to amendment proposal V2

- (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

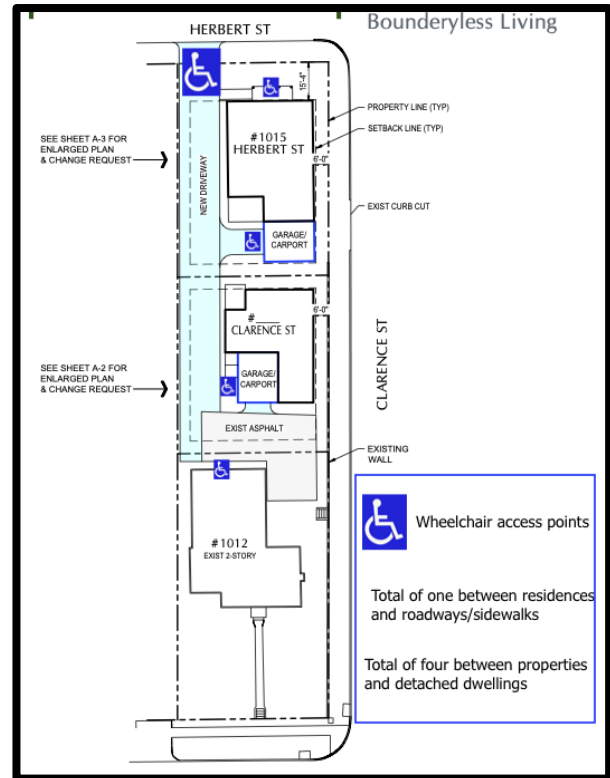
Defense of “Amendment Plan Proposal V1” versus “Amendment Plan Proposal V2_Alternate”

- (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)



Reference to amendment proposal V1



Reference to amendment proposal V2

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

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Point of Contact: Aimee Callahan
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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	