

INTRODUCED: February 24, 2025

AN ORDINANCE No. 2025-036

To authorize the special use of the property known as 3513 East Clay Street for the purpose of one two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 24, 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 3513 East Clay Street, which is situated in a R-8 Urban Residential District, desires to use such property for the purpose of one two-family detached dwelling, which use, among other things, is not currently allowed by section 30-413.14, concerning lot area and lot width, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 24 2025 REJECTED: _____ STRICKEN: _____

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 3513 East Clay Street and identified as Tax Parcel No. E000-1116/007 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 3513 E. Clay Street, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated March 18, 2024, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of one two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “3513 E Clay,” prepared by an unknown preparer, and dated October 15, 2024, hereinafter referred to, as “the Plans,” a copy of which is attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as one two-family detached dwelling, substantially as shown on the Plans.

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

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

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

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

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

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

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

provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 1,096 calendar days following the date on which this ordinance becomes effective. If the application



City of Richmond

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

Master

File Number: Admin-2024-1529

File ID: Admin-2024-1529

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 3

Reference:

In Control: City Attorney

Department:

File Created: 12/12/2024

Subject:

Final Action:

Title:

Internal Notes:

Agenda Date: 02/24/2025

Patron(s):

Enactment Date:

Attachments: AATF SUP - 3513 E Clay St, 3513 E Clay - Packet

Enactment Number:

Contact:

Introduction Date:

Drafter:

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
3	1	1/27/2025	Matthew Ebinger	Approve	1/29/2025
3	3	1/27/2025	Kevin Vonck	Approve	2/3/2025
3	5	1/28/2025	Sharon Ebert	Approve	1/29/2025
3	7	2/5/2025	Jeff Gray	Approve	1/30/2025
3	8	2/6/2025	Sabrina Joy-Hogg	Approve	2/7/2025
3	9	2/10/2025	Mayor Avula	Approve	2/10/2025

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-1529

DATE: January 27, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor (by request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Sabrina Joy-Hogg, Interim Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

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

RE: To authorize the special use of the property known as 3513 East Clay Street for the purpose of one two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant desires to use such properties for the purpose of one two-family detached dwelling, which use, among other things, is not currently allowed by section 30-413.14, concerning lot area and width.

BACKGROUND: The property is located in the Chimborazo Park neighborhood, on the south side of East Clay Street and east of North 35th Street. The property is currently a 3814.08 sq. ft. (.088 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which is defined as "Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses. Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft., with primarily single-story homes and some two-story homes. Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. The residential density of the proposed is two units upon .088 acres, or 22.7 units per acre.

COMMUNITY ENGAGEMENT: Civic notice was given to the Church Hill Central Civic Association. No feedback was given. Additional community notification will take place by staff after introduction.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan;

FISCAL IMPACT: \$400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 24, 2025

CITY COUNCIL PUBLIC HEARING DATE: March 24, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission March 18, 2025

AFFECTED AGENCIES: Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

STAFF:

Matthew Ebinger, Planning Supervisor, Land Use Administration (Room 511) 646-6308

Madison Wilson, Land Use Administration (Room 511) 646-7436



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

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

<https://rva.gov/planning-development-review>

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: 3513 E Clay Street Date: _____

Parcel I.D. #: E-000-1116/007 Fee: _____

Total area of affected site in acres: .088

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

Zoning

Current Zoning: R-8

Richmond 300 Land Use Designation: NH-MU

Proposed Use

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

two-family detached dwelling

Existing Use: Single-family detached dwelling

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Alessandro Ragazzi / Will Gillette

Company: Baker Development Resources

Mailing Address: 530 E Main Street, Suite 730

City: Richmond

State: Va

Zip Code: 23219

Telephone: (904) 432-7892

Fax: ()

Email: alessandro@bakerdevelopmentresources.com

Property Owner: 3513 E Clay Llc

If Business Entity, name and title of authorized signee: _____

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 301 Concourse Blvd #225

City: Glen Allen

State: Va

Zip Code: 23059

Telephone: ()

Fax: ()

Email: _____

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)



CITY OF RICHMOND, VA
Department of Planning and Development Review
Land Use Administration Division
900 East Broad Street, City Hall - Room 511, Richmond, Virginia 23219

AUTHORIZATION FROM PROPERTY OWNER

TO BE COMPLETED BY THE APPLICANT
Applicant must complete ALL items

HOME/SITE ADDRESS: _____ APARTMENT NO/SUITE _____

APPLICANT'S NAME: _____ EMAIL ADDRESS: _____

BUSINESS NAME (IF APPLICABLE): _____

SUBJECT PROPERTY OR PROPERTIES: _____

APPLICATION REQUESTED

- ☐ Plan of Development (New or Amendment)
- ☐ Wireless Plan of Development (New or Amendment)
- ☐ Special Use Permit (New or Amendment)
- ☐ Rezoning or Conditional Rezoning
- ☐ Certificate of Appropriateness (Conceptual, Administrative Approval, Final)
- ☐ Community Unit Plan (Final, Preliminary, and/or Amendment)
- ☐ Subdivision (Preliminary or Final Plat Correction or Extension)

TO BE COMPLETED BY THE AUTHORIZED OWNER
Owner must complete ALL items

Signing this affidavit acknowledges that you, as the owner or lessee of the property, authorize the above applicant to submit the above selected application/s on your behalf.

PROPERTY OWNER: _____

PROPERTY OWNER ADDRESS: _____

PROPERTY OWNER EMAIL ADDRESS: _____

PROPERTY OWNER PHONE NUMBER: _____

Property Owner Signature: *Shirley G. Jones*

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.

APPLICANT'S REPORT

October 30, 2024

*Special Use Permit Request
3513 E Clay Street, Richmond, Virginia
Map Reference Number: E000-1116/007*

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

Introduction

The property owner is requesting a special use permit (the "SUP") for 3513 E Clay Street (the "Property"). The SUP would authorize the conversion of the existing single-family detached dwelling into a two-family detached dwelling. While the two-family use is permitted by the underlying R-8 Urban Residential zoning district, certain feature requirements are not met and, therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the south side of E Clay Street east of N 35th Street and is referenced by the City Assessor as tax parcel E000-1116/007. The Property is 24' wide by 158' in depth, contains approximately 3,814 square feet of lot area, and is currently improved with a single-family detached dwelling. Access is provided at the rear of the Property by means of an east-west alley.



The properties in the immediate vicinity are developed primarily with a mixture of one and two-family residential uses with a range of building forms. There are several multi-family dwellings in the vicinity as well. Immediately to the south lies a large, vacant parcel of land.

EXISTING ZONING

The Property and those to the north, east, south, and west are currently zoned R-8 Urban residential which generally permits single-family and two-family dwellings subject to certain feature requirements. The vacant land to the south of the Property is zoned R-63 Multifamily Urban Residential. Properties to the west and south lie with the boundaries of the Chimborazo Old and Historic District. Additionally, there is property to the west and north that is zoned B-1 Neighborhood Business.

TRANSPORTATION

Located less than a quarter mile from the Property are bus stops served by Route 4 which provides connection to Church Hill, Montrose Heights, and Fulton Hill.

MASTER PLAN DESIGNATION

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

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

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
 - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
 - d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.4 to "Increase the number of mixed-income communities along enhanced transit corridors."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance."
- Page 155 (Inclusive Housing Chapter), Objective 14.8 to "Develop inclusionary and equitable housing options for our gentrifying neighborhoods to prevent involuntary displacement."
- Page 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."

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

Proposal

PROJECT SUMMARY

The applicant is proposing to convert the existing single-family detached dwelling on the Property into a new two-family detached dwelling.

PURPOSE OF REQUEST

The Property consists of a single lot of record which is approximately 24 feet wide and contains roughly 3,814 square feet of lot area. The owner is proposing to convert the existing single-family detached dwelling into a two-family detached dwelling. While the two-family use is permitted by the underlying R-8 Urban Residential zoning district, the lot width requirement is not met and, therefore, a SUP is required.

In exchange for the SUP, the intent of this request is to ensure the development of a high-quality infill dwelling. The overall project will be appropriately dense and efficient as contemplated by the Richmond 300 Master Plan. At the same time, it will remain respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP will guarantee a higher quality development than might otherwise be guaranteed with a by right development.

PROJECT DETAILS

The proposed two-family dwelling would be configured as flats with two bedrooms and two bathrooms per unit. Each unit would be approximately 990 square feet of floor area and are designed to meet the needs of the market with an open kitchen and living area. The existing structure would retain the appearance of a single family from the street and no changes are proposed to the exterior of the building.

Findings of Fact

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

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

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

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

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

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

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

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

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

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

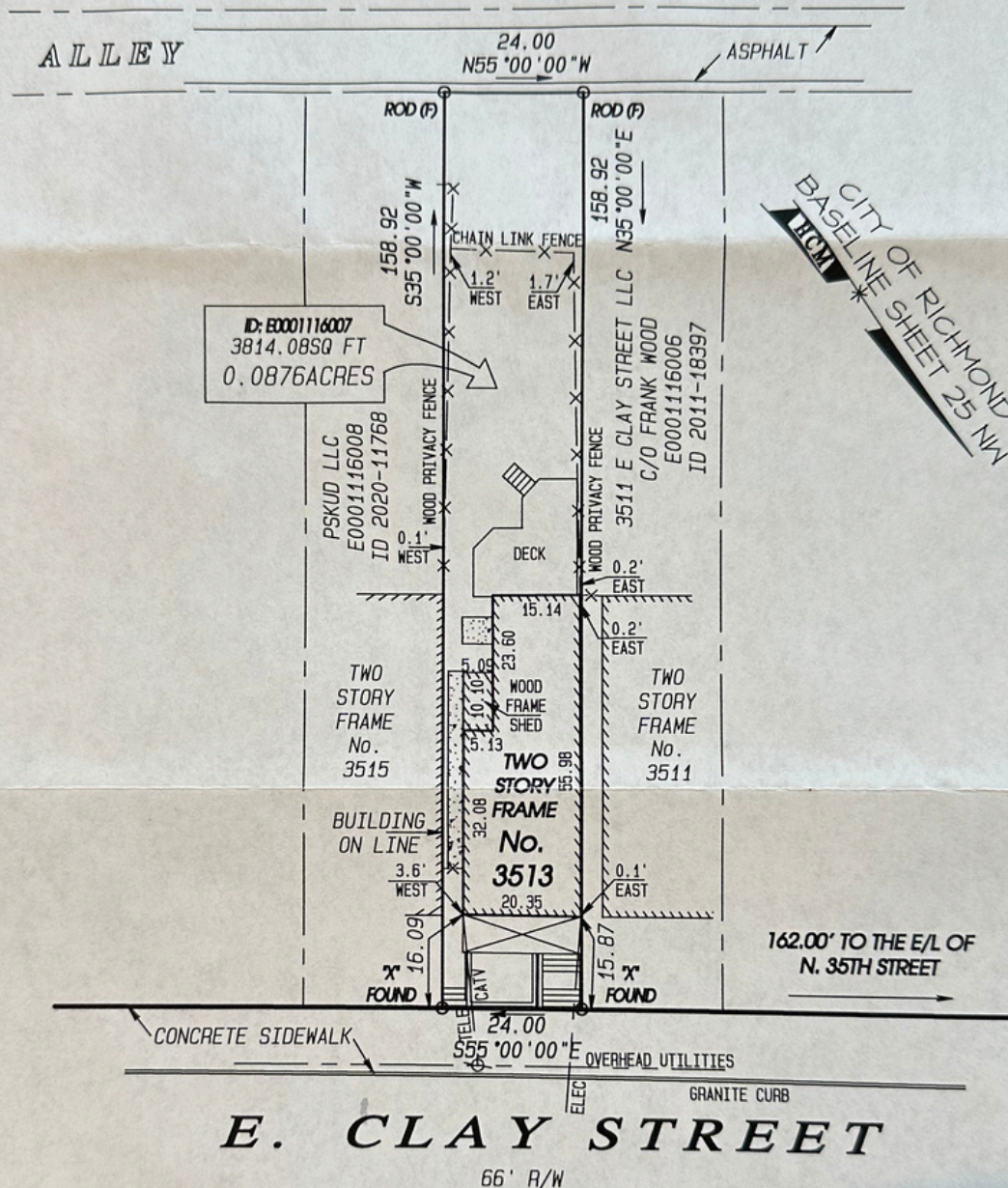
- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties will not be affected. The proposed building is of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

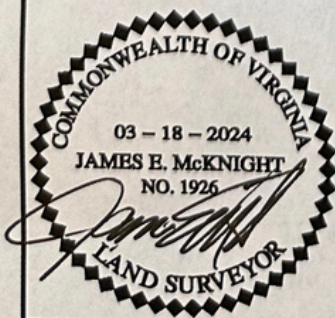
Summary

In summary, we are enthusiastically seeking approval for the conversion of the single-family detached dwelling into the proposed two-family detached dwelling. The request offers compatibility with the City's Master Plan in terms of use. The request would upgrade the Property while maintaining a desirable variation in housing style and type in the vicinity. No modifications to the exterior would continue the traditional building form appropriate to this area of the City. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
CURRENT OWNER: JEAN ETIENNE & MAIA A LAYALLEE ID 2004-16592



PLAT SHOWING IMPROVEMENTS ON No. 3513 E. CLAY STREET,
IN THE CITY OF RICHMOND, VIRGINIA.



THIS IS TO CERTIFY THAT ON MARCH 18, 2024, 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" = 25'

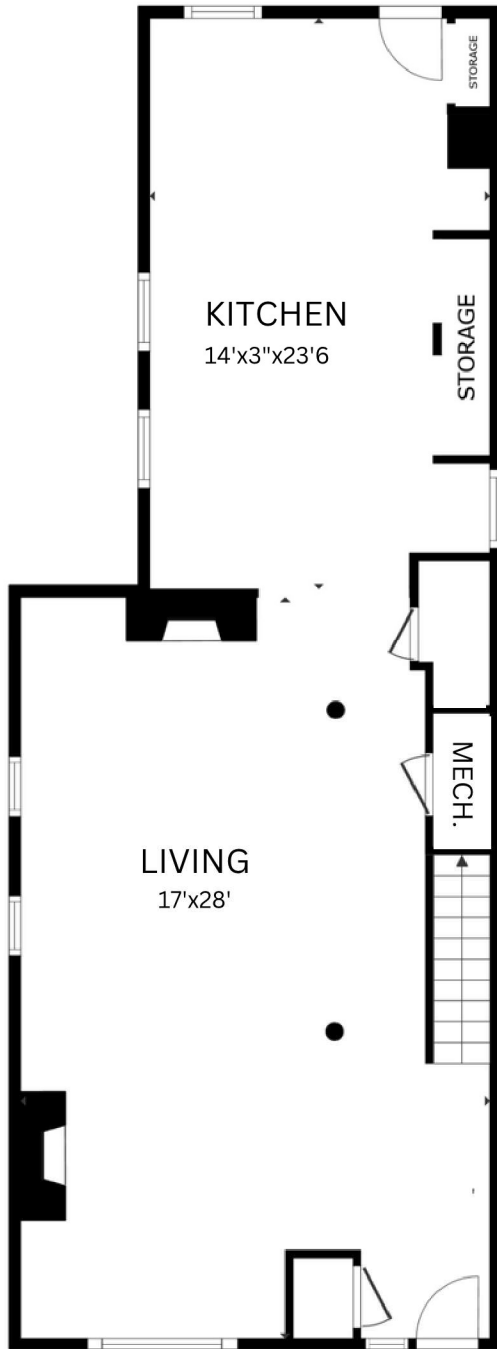


LAND SURVEYORS PLANNERS

**McKNIGHT
& ASSOCIATES, P.C.**

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

JOB NUMBER: 93021413



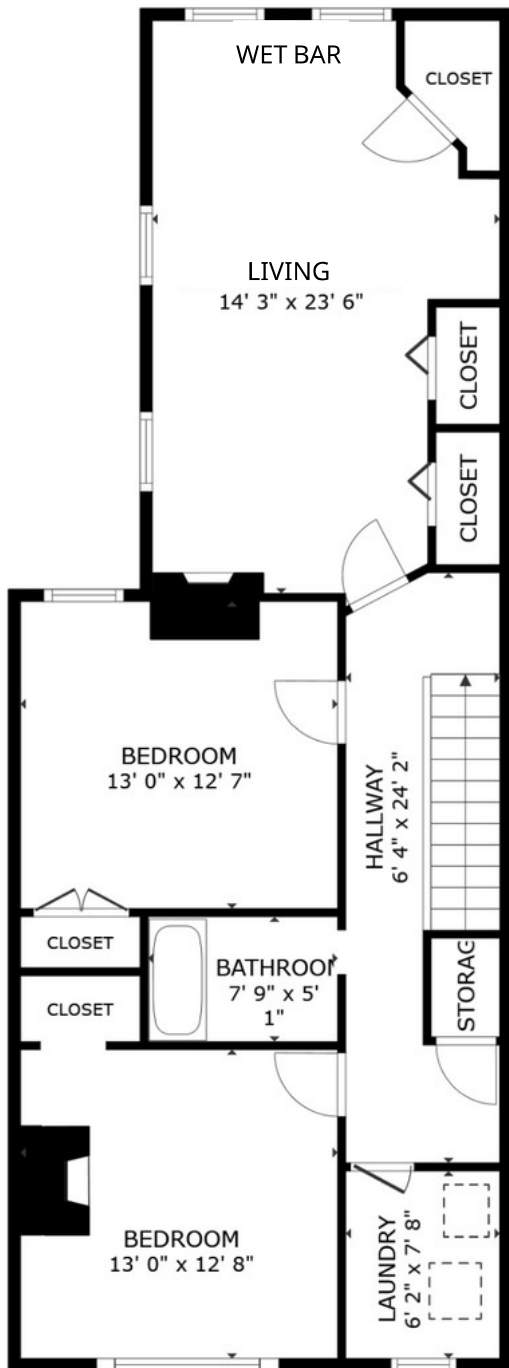
FLOOR 1
AS IS



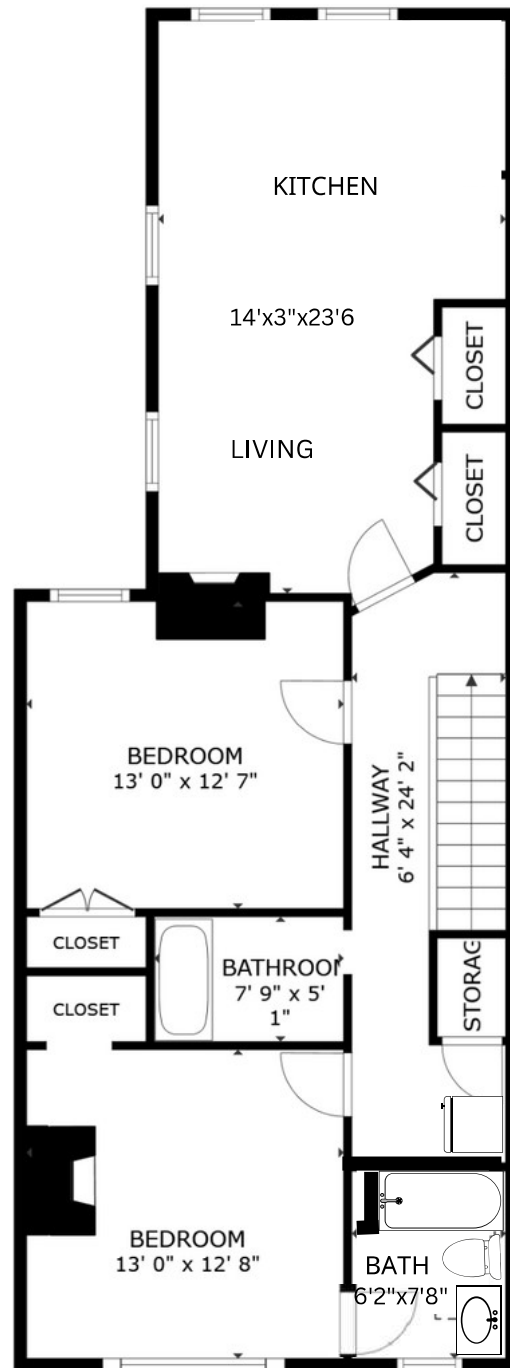
FLOOR 1
PROPOSED

3513 E Clay

1/8"=1'
10/15/24



FLOOR 2
AS IS



FLOOR 2
PROPOSED

3513 E Clay

1/8"=1'
10/15/24