INTRODUCED: July 28, 2025

#### AN ORDINANCE No. 2025-171

To authorize the special use of the property known as 1612 North 31<sup>st</sup> Street for the purpose of up to two two-family detached dwellings and up to two accessory dwelling units, upon certain terms and conditions.(7th District)

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Patron – Mayor Avula (By Request)

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Approved as to form and legality by the City Attorney

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PUBLIC HEARING: SEP 8 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 1612 North 31<sup>st</sup> Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of up to two two-family detached dwellings and up to two accessory dwelling units, which use, among other things, is not currently allowed by sections 30-410.1 and 30-410.2 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:	NOES:	ABSTAIN:	
ADOPTED:	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 1612 North 31<sup>st</sup> Street and identified as Tax Parcel No. E000-0795/043 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled "Sketch Showing Proposed Improvements on No. 1612 and No. 1612 ½ N 31<sup>st</sup> Street, in the City of Richmond, VA.," prepared by Virginia Surveys, dated February 13, 2025, and last revised April 15, 2025, 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 up to two two-family detached dwellings and up to two accessory dwelling units, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Sketch Showing Proposed Improvements on No. 1612 and No. 1612 ½ N 31<sup>st</sup> Street, in the City of Richmond, VA.," prepared by Virginia Surveys, dated February 13, 2025, and last revised April 15, 2025, and "1612 N 31st St," and "1612 N 31<sup>st</sup> St. ADU," prepared by River Mill Development, and dated June 14, 2024, 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 two two-family detached dwellings and up to two accessory dwelling units, substantially as shown on the Plans.

- (b) All building elevations and site improvements shall be substantially as shown on the Plans.
  - (c) Vinyl siding shall not be permitted.
- (d) All mechanical equipment, including heating, ventilation, and air conditioning units, serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (e) Prior to the issuance of any building permit for the Special Use, the establishment of no more than 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 right-of-way, including the installation of one street tree along North 31st Street, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. 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 or the designee thereof that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works or the designee thereof, 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, 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, whether as a result of

the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

- § 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 1,096 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.
  - § 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

### City of Richmond

#### Intracity Correspondence

#### **O&R** Transmittal

**DATE:** April 22, 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: Sharon L. Ebert, Interim Chief Administrative Officer

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

**RE:** To authorize the special use of the property known as 1612 North 31st Street for

the purpose of up to two two-family detached dwellings and up to two accessory

dwelling units, upon certain terms and conditions.

ORD	OB	DEC	No

**PURPOSE:** The applicant is requesting a Special Use Permit to authorize the subdivision of a parcel to facilitate the construction of a new two-family dwelling with an accessory dwelling unit on both parcels. Two-family dwellings are not permitted uses in the R-5 Single-Family Residential district where the property is located. Accessory dwelling units are not permitted by-right on lots with two-family dwellings. The proposed subdivision creates two lots that to not conform to the lot feature requirements of the R-5 Single-Family Residential district.

**BACKGROUND:** The property is located on the northwest side of North 31st Street between Maxie Lane and North Rabza Boulevard. The property is 45 feet wide and contains 6,078 square feet. 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." (p. 56)

Intensity: Buildings heights are generally two to four stories. (p. 56)

#### Page 2 of 2

The current zoning for this property is R-5 Single-Family Residential District. Adjacent properties two the north, south, and west are also located within this district. The area is generally single-family detached residential. The property across North 31<sup>st</sup> Street to the east contains properties governed by a Community Unit Plan authorized by Ord. No. 2015-5-30 which authorizes up to 300 dwelling units on the 21.76 acre site for a density of 14 units per acre.

The resulting density of the proposal is six units upon .1395 acres or 43 units per acre.

**COMMUNITY ENGAGEMENT:** Church Hill Central Civic Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$400 application fee.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** July 28, 2025

CITY COUNCIL PUBLIC HEARING DATE: September 8, 2025

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Planning Commission, August 19, 2025

**AFFECTED AGENCIES:** Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

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

David Watson, Senior Planner, Land Use Administration (Room 511) 646-1036



#### 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 T Applicant must comple	
HOME/SITE ADDRESS: 530 East Main Street	APARTMENT NO/SUITE 600
APPLICANT'S NAME: Will Gillette	EMAIL ADDRESS: will@bakerdevelopmentresources.com
BUSINESS NAME (IF APPLICABLE): Baker Developme	nt Resources
SUBJECT PROPERTY OR PROPERTIES: 1612 N 31st	
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 A	pproval, Final)
☐ Community Unit Plan (Final, Preliminary, and/or Amendment	
☐ Subdivision (Preliminary or Final Plat Correction or Extension	n)

# 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: EVOLVE RENTALS LLC PROPERTY OWNER ADDRESS: 3420 PUMP RD #169, RICHMOND, VA 23233 PROPERTY OWNER EMAIL ADDRESS: DVK5 F O MAYOO, COM PROPERTY OWNER PHONE NUMBER: BOY 991 - YIII Property Owner Signature: Duil V Wayner 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**

March 6<sup>th</sup>, 2025

Special Use Permit Request 1612 N 31<sup>st</sup> Street, Richmond, Virginia Map Reference Number: E000-0795/043

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: Mark Baker

Baker Development Resources 530 East Main Street, Suite 730

Richmond, VA 23219

#### Introduction

The applicant is requesting a special use permit (the "SUP") for the property known as 1612 N 31<sup>st</sup> Street (the "Property"). The SUP would authorize the division of the Property and construction of two abutting two-family detached dwellings, each with an accessory dwelling unit (the "ADU") in the rear. While the proposed two-family use is recommended as "Primary Use" by the Richmond 300 Master Plan for the underlying Neighborhood Mixed-Use land use classification, they are not currently permitted by the underlying R-5 Single-Family Residential Zoning District, and therefore, the SUP is required.

#### **Existing Conditions**

#### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located along the western line of N 31<sup>st</sup> Street near its intersection with Maxie Lane. and is referenced by the City Assessor with a tax parcel number of E000-0795/043. It is approximately 45 feet in width and 135 feet in depth and contains roughly 6,079 square feet of lot area. The Property is currently occupied with a single-family dwelling unit. Access is provided at the rear by means of a north-south alley.



The properties in the vicinity are developed with a range of residential uses. To the South and west lie predominantly single-family dwellings ranging from one to two stories in height and of a range of forms. To the east lie the Armstrong Renaissance Apartments which consist of two- and three-story buildings of traditional forms and varying materials. Finally, to the north lies the commercial corridor at the intersection of N 31<sup>st</sup> and Nine Mile Road.

#### **EXISTING ZONING**

The Property and the surrounding properties to the south, east, and west are zoned R-5 Single-Family Residential. Parcels directly across from the subject Property include small multi-family detached dwellings as part of the Church Hill North Community Revitalization Plan. Parcels in the area differ in size and frontage with many parcels in the vicinity unable to conform to the underlying R-6 lot width and area requirements. To the north of the subject Property, within the next block along Nine Mile Road lies a B-2 community business zoning district.

#### 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."

The Master Plan also describes N 31<sup>st</sup> Street as a "major mixed-use street" under the street typologies section of the future connections which call for an increase in density.

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."
  - o 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 14.5 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 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."
  - o 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**

#### PURPOSE OF REQUEST

The SUP would permit the division of the Property into two lots and the construction of a two-family detached dwelling and ADU on each parcel. The dwellings would be abutting and appear as attached dwellings from the street. The new lots would each be 22.5 feet in width and contain approximately 3,050 square feet of lot area. While the Richmond 300 Master Plan recommends Neighborhood Mixed-Use for the Property which suggests two-family dwellings as a "primary use," two-family dwellings are not permitted under the current R-5 district zoning, which necessitates the proposed SUP.

#### PROJECT DETAILS/DESIGN

The two proposed two-family dwellings configured as flats would each be approximately 19 feet in width, 56 feet in depth, two stories in height, and include approximately 2,164 square feet of finished floor area. Each unit would consist of two bedrooms and two bathrooms with modern and efficient floor plans designed to be meet the needs of the market. The proposed ADUs would be two stories in height and attached along the property line. Each would be a one bedroom, one- and one-half bathroom unit with a first-floor kitchen and living area and loft bedroom on the second floor. All dwellings would be clad in cementitious lap siding to ensure quality and durability and front and rear porches are proved to allow for additional outdoor living area and address the street. A total of four off-street parking spaces would be provided at the rear of the Property, accessible from the alley.

#### **Findings of Fact**

The following are factors indicated in Section 17.11 of the Charter and Section 30-1050.1 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 SUP 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 SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation and off-street parking spaces for the dwellings 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 SUP 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.

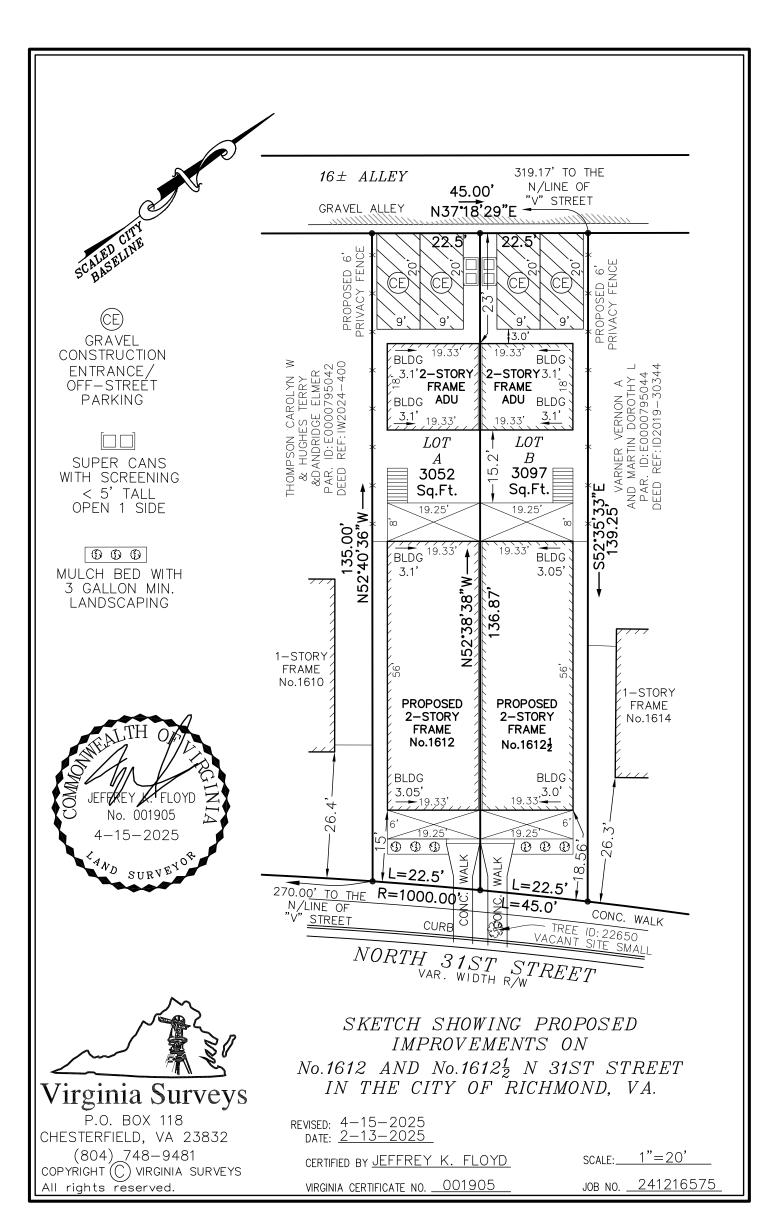
The proposed SUP would not adversely affect the above referenced City services.

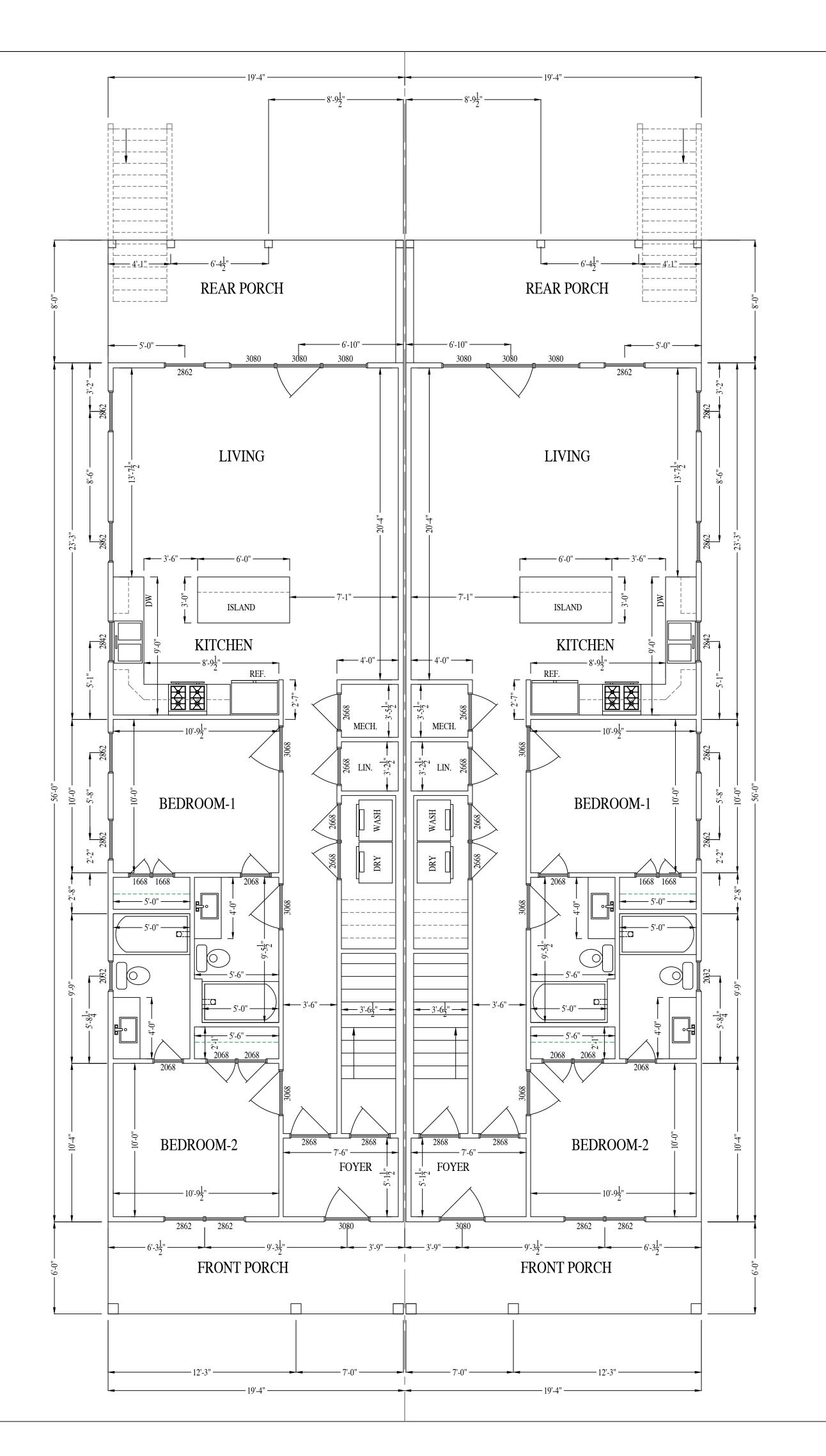
• Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity and normal side yard setbacks would be met. 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 construction of two two-family dwellings and two ADUs on the Property. The SUP represents an ideal, small-scale urban development for this location that would replace aging housing with new, modern dwellings which meet the needs of today's market. These dwellings provide updated housing opportunities for the neighborhood and are consistent with the goals of the Richmond 300 Master Plan. In exchange for the SUP, the quality assurances conditioned therein would guarantee the construction of high-quality residences consistent with Master Plan guidance.





1ST FL. HEATED S.F.	1082
2ND FL. HEATED S.F.	1082

**BUILDING INFORMATION** 

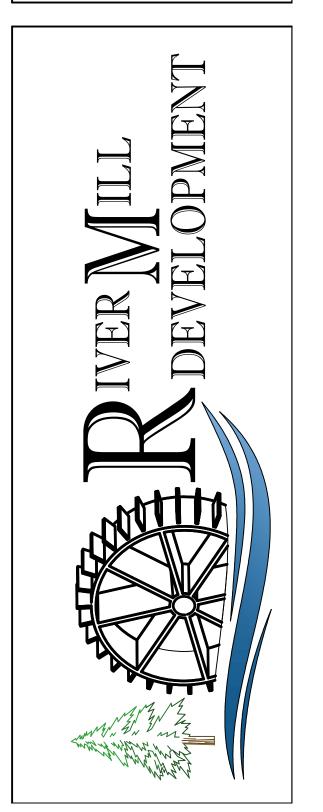
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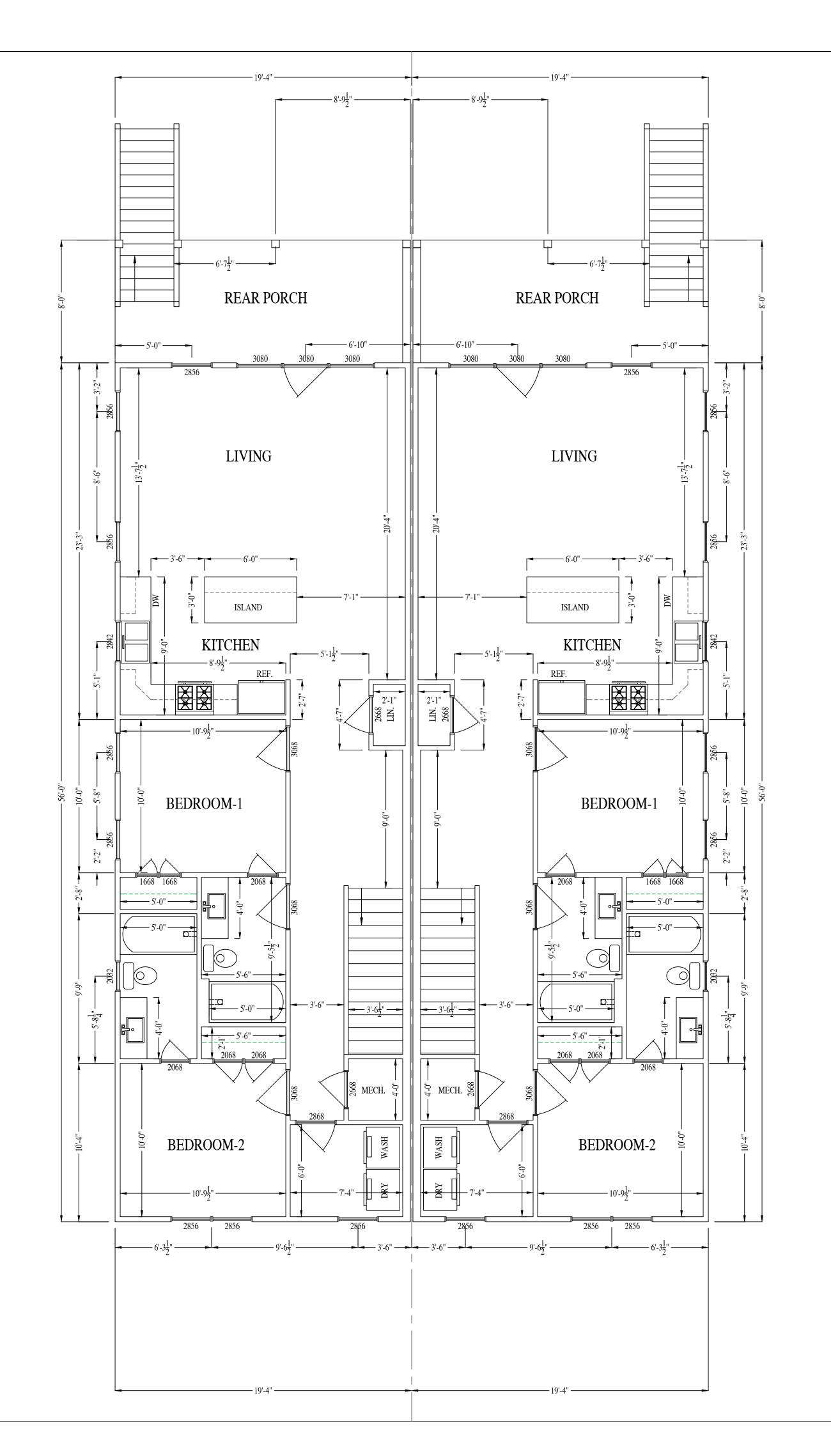
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FIRST FLOOR PLAN



1ST FL. HEATED S.F.	1082
2ND FL. HEATED S.F.	1082

SECOND FLOOR PLAN

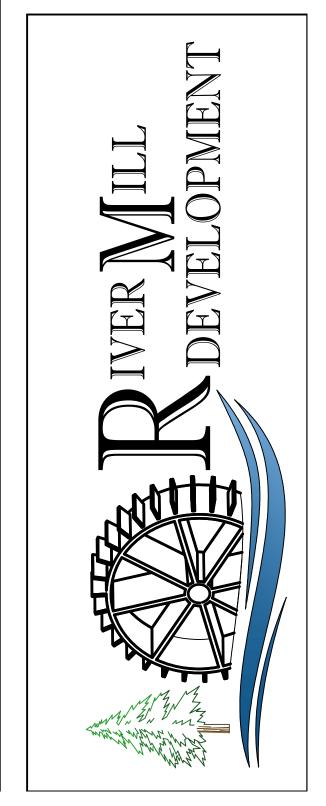
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DATE: 6-14-2024

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### BUILDING INFORMATION

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# 612 N 31st ST. ADU

IVER MILL DEVEL

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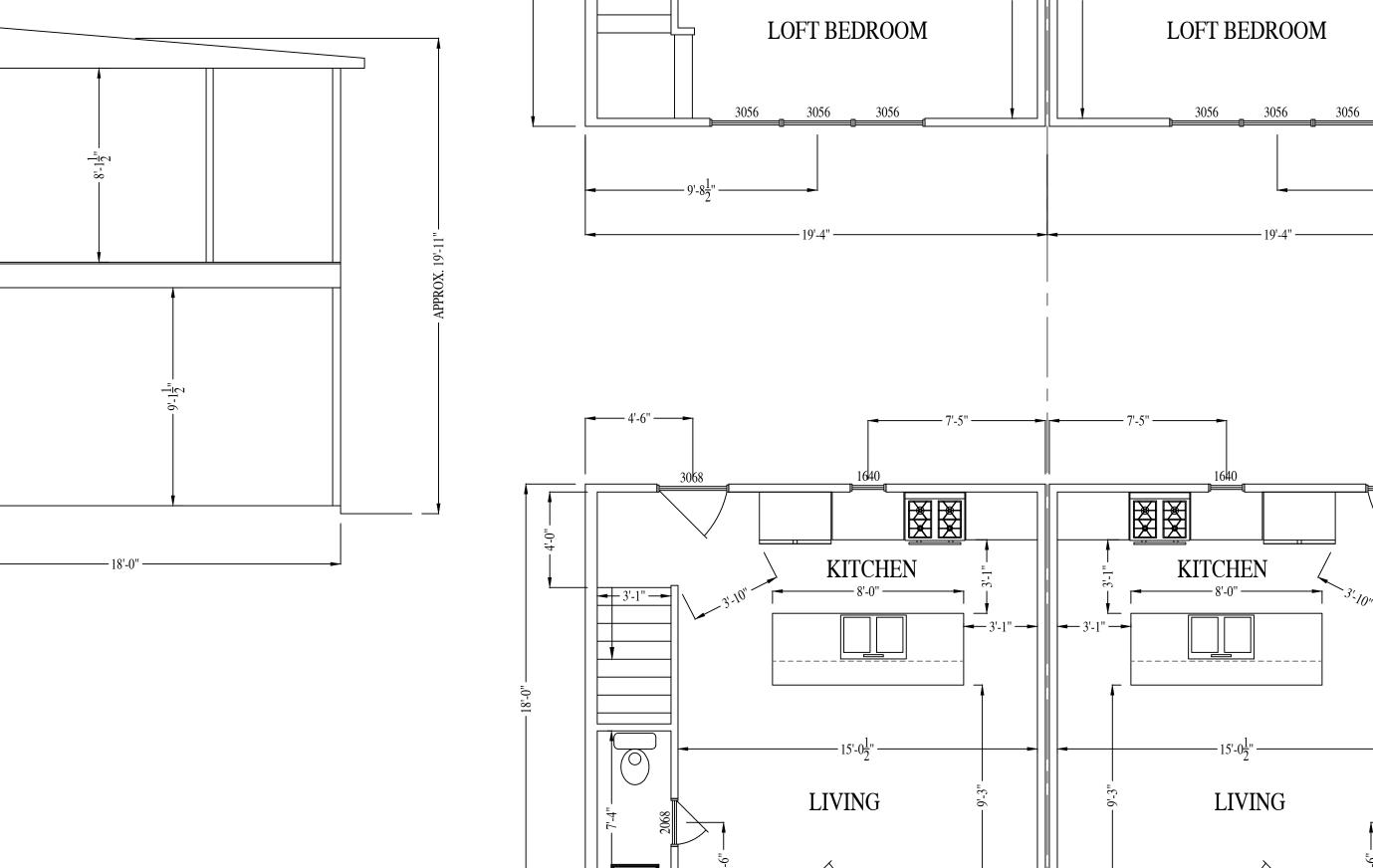
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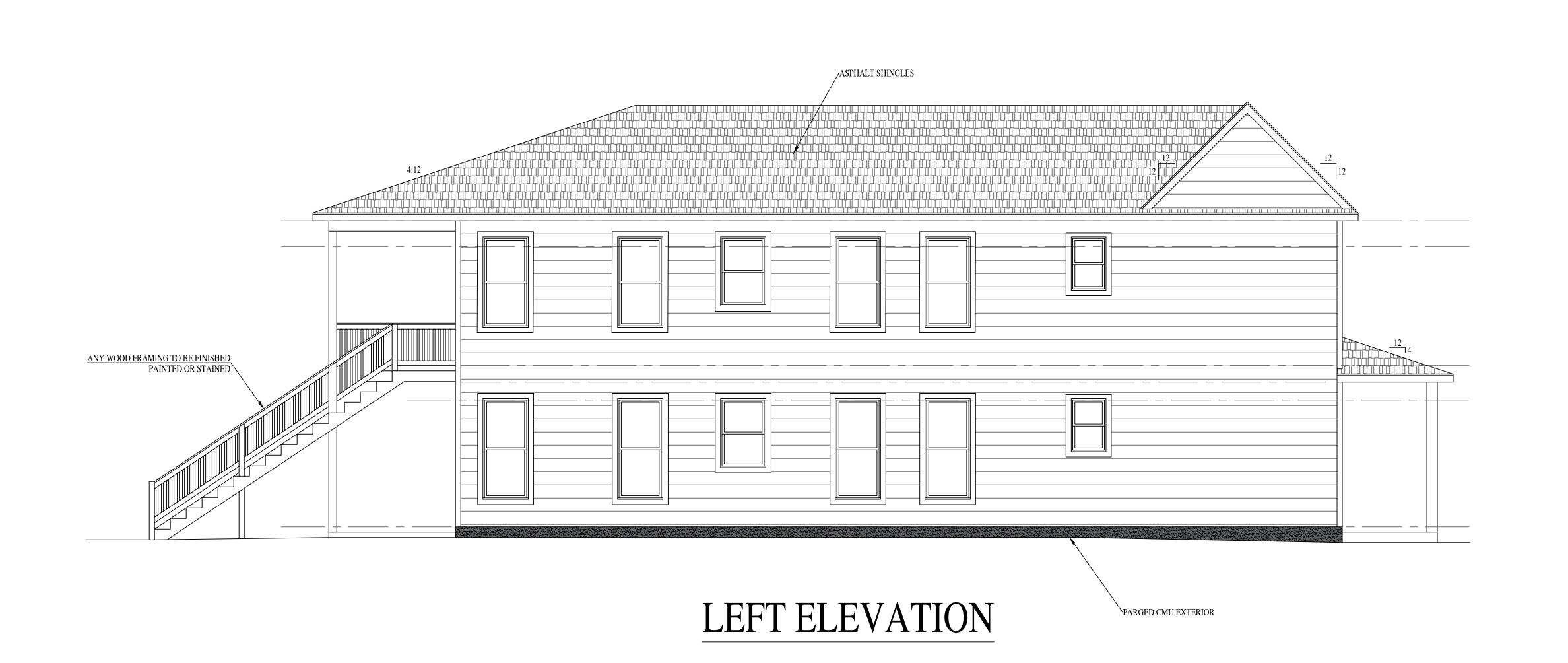


# SECOND FLOOR PLAN



FIRST FLOOR PLAN





2 N 31st ST.

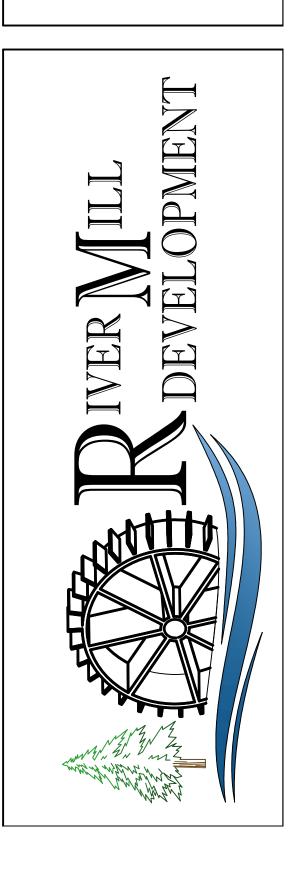
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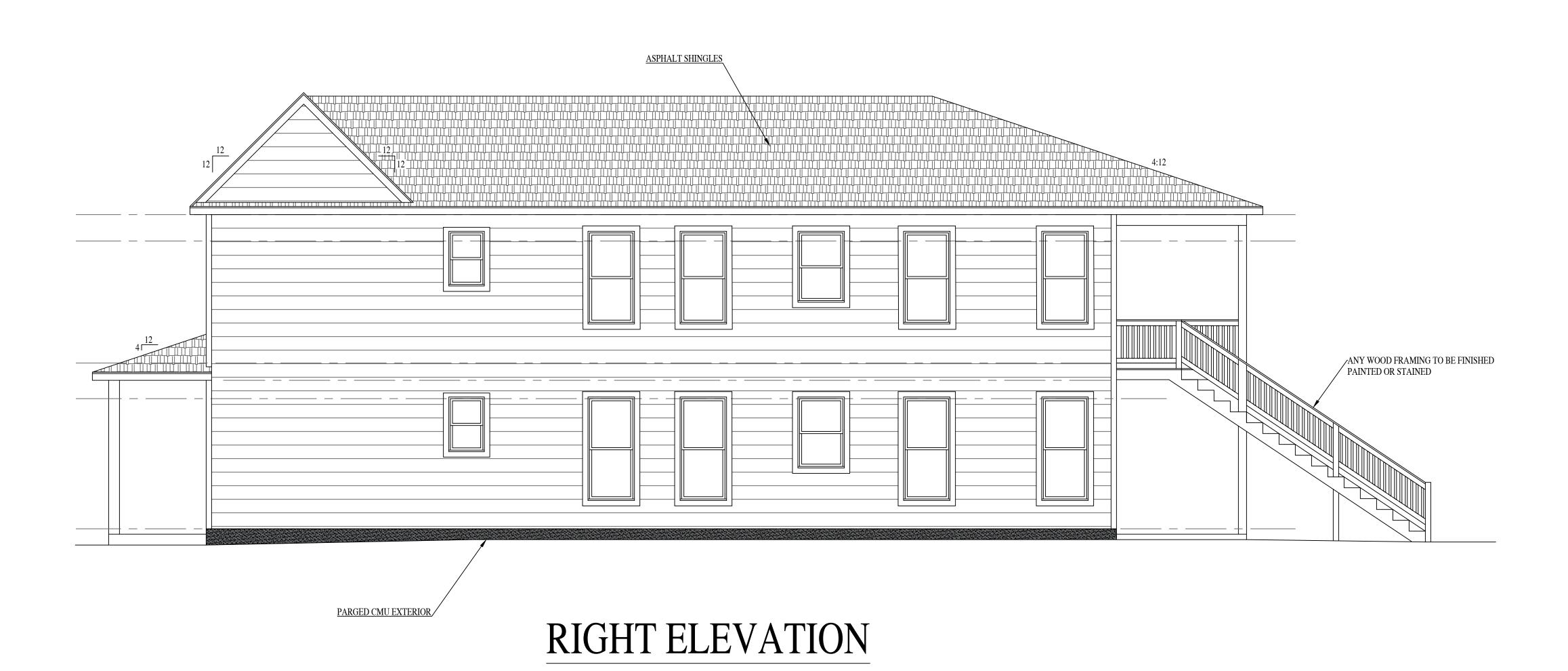
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# REAR ELEVATION



1612 N 31st ST.

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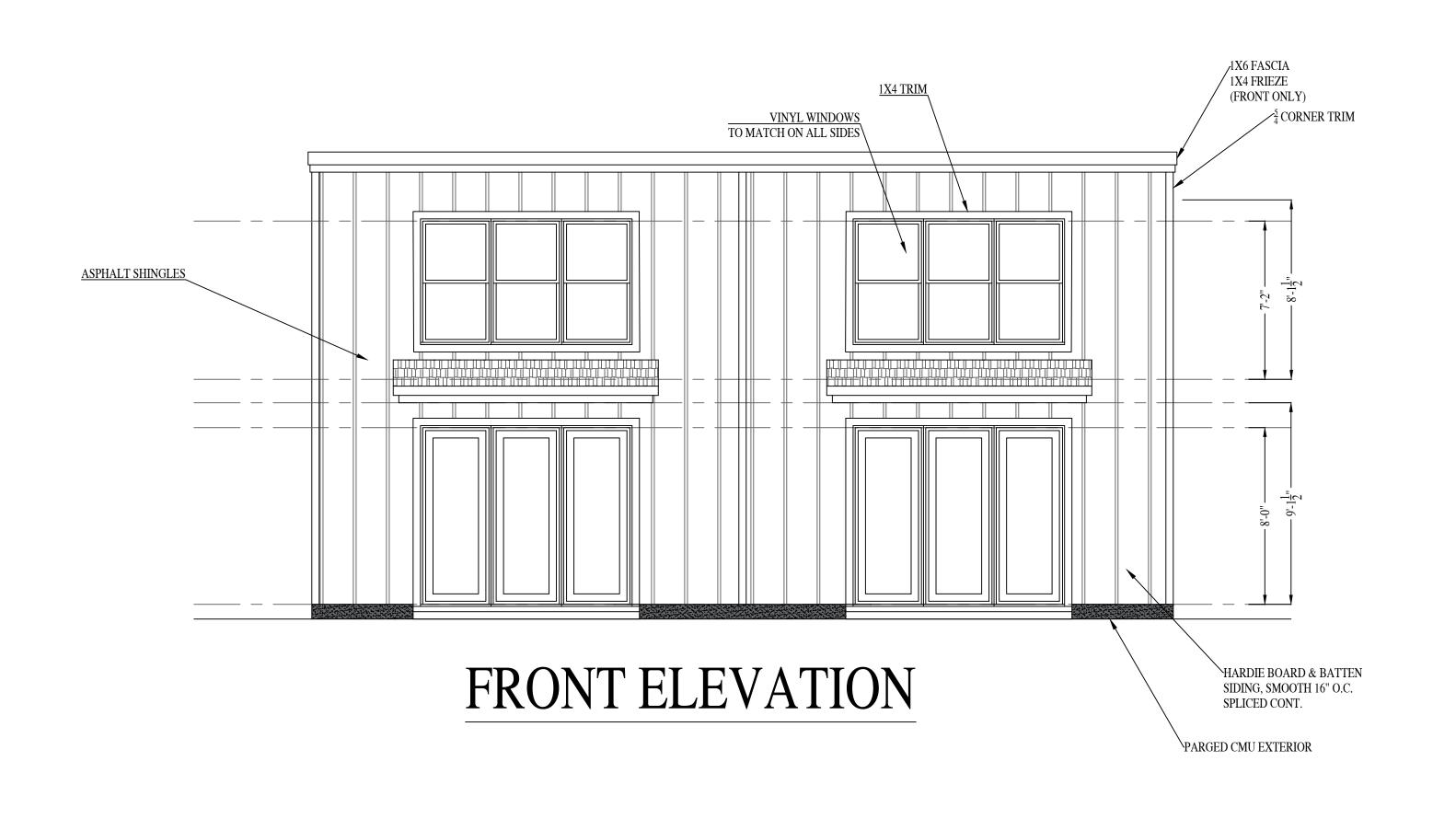
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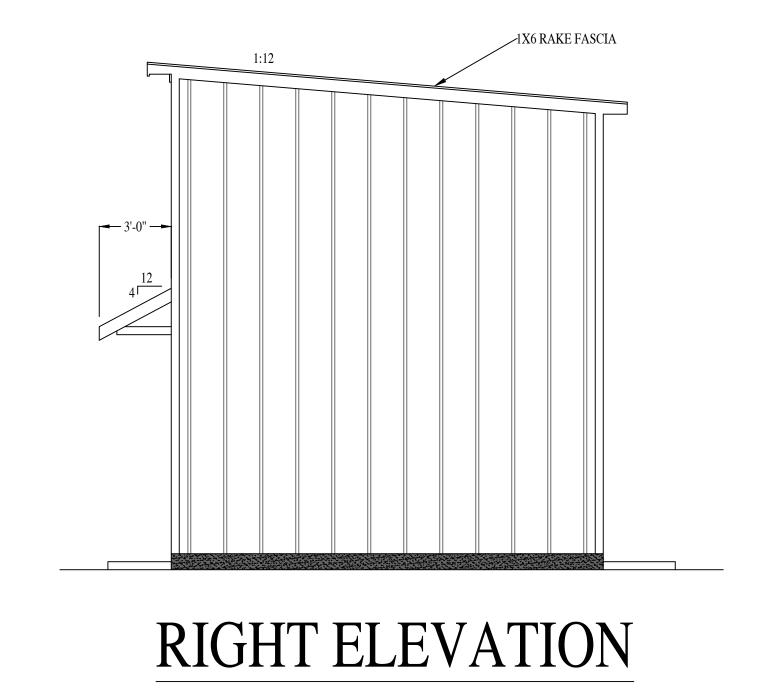
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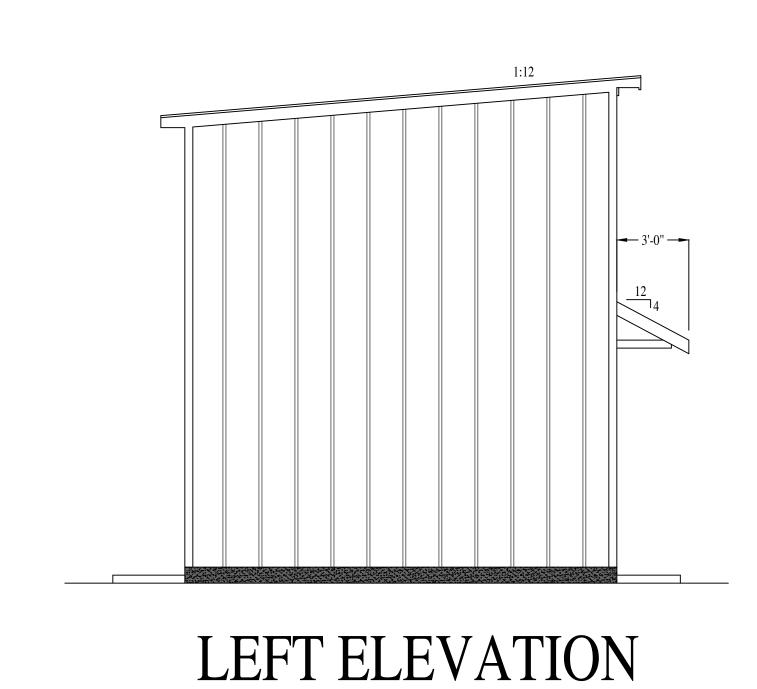
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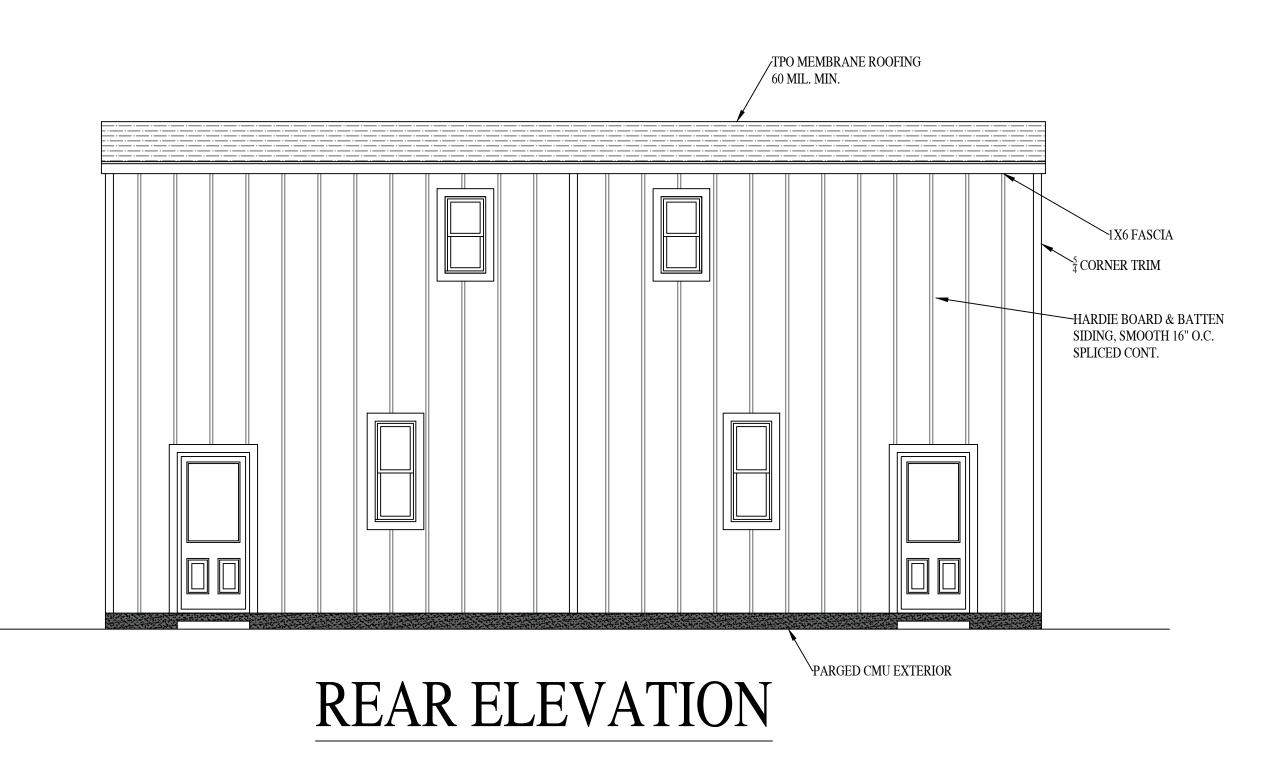
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N 31st ST.

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DATE: 6-14-2024

SHEET: A2.3





## City of Richmond Department of Planning & Development Review

**Special Use Permit** 

LOCATION: 1612 N 31st Street

**APPLICANT: Baker Development Resources** 

**COUNCIL DISTRICT: 7** 

PROPOSAL: To authorize the special use of the property known as 1612 North 31st Street, for the purpose of up to two two-family detached dwellings and up to two accessory dwelling units, upon certain terms and conditions.

For questions, please contact David Watson at 804-646-1036 or David Watson@rva.gov

