

INTRODUCED: September 27, 2021

AN ORDINANCE No. 2021-279

To authorize the special use of the property known as 3422 R Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 8 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 3422 R Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two 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 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 8 2021 REJECTED: _____ STRICKEN: _____

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 3422 R Street and identified as Tax Parcel No. E000-1273/043 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Proposed Improvements on Parcel A 0.074 Acres, Both on the East Side of R Street and North of N 35th Street, in the City of Richmond, Virginia,” prepared by Harvey L. Parks, Inc., dated September 11, 2019, and last revised December 15, 2020, 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 two single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “New Single-Family Home, 3420 R Street; Richmond, VA, Keana and Shanell Williams,” prepared by Architecturally Yours, and dated November 18, 2020, and entitled “Site Plan, 3420 ‘R’ Street, Keana Williams,” prepared by Architecturally Yours, and dated May 20, 2021, hereinafter referred to, respectively, 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 a two single-family detached dwellings, substantially as shown on the Plans.

(b) No off-street parking shall be required for the Special Use.

(c) All building materials and elevations shall be substantially as shown on the Plans.

(d) All mechanical equipment 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 a certificate of occupancy for the second single-family detached dwelling, the establishment of 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 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 three street trees along North 35th 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 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.

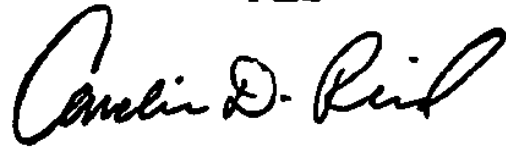
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute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

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive, flowing style.

City Clerk

City of Richmond

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

Item Request File Number: PRE.2021.688

O & R Request

DATE: August 30, 2021

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, Acting Chief Administrative Officer



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



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



RE: To authorize the special use of the property known as 3422 R Street for the purpose of two single family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 3422 R Street for the purpose of two single family detached dwellings, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize the use of an existing single family dwelling and the construction of a new single family detached dwelling within an R-5 Single Family Residential District. The proposed lots would not meet minimum lot area, lot width and front yard requirements. A Special Use Permit is therefore required.

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 October 18, 2021, meeting.

BACKGROUND: The property is located in the Oakwood neighborhood on R Street between Oakwood Avenue and North 35th Streets. The property is currently a 5,625 sq. ft. (.129 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." (p. 56)

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for this property is R 5 Single Family Residential. All adjacent properties are located within the same R 5 Residential Zone. The area is primarily single-family residential, with some multi-family residential present in the vicinity.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 27, 2021

CITY COUNCIL PUBLIC HEARING DATE: November 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
October 18, 2021

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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: 3422 R Street Date: 12-14-2020
 Tax Map #: _____ Fee: \$300
 Total area of affected site in acres: .077

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

Zoning

Current Zoning: R5

Existing Use: Residencial

Proposed Use

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

Owner would like to divide the existing 3422 R Street lot and create a separate parcel with address as 3420 R Street

Existing Use: Residencial

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Michelle Bebbs

Company: Architecturally Yours

Mailing Address: 1371 Cedar Lawn Avenue

City: Richmond State: VA Zip Code: 23231

Telephone: (804) 304-8172 Fax: ()

Email: architecturallyyours@hotmail.com

Property Owner: Keana and Shanell Williams

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

(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: 1218 N 37th st

City: Richmond State: Va Zip Code: 23223

Telephone: (804) 896-6607/ 8045024992 Fax: ()

Email: Shanellwilliams3003@gmail.com Keana.t.williams@gmail.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)

REASON AND GOAL FOR REQUESTING A SPECIAL USE PERMIT

AUTHOR/OWNER: KEANA WILLIAMS

PROPERTY ADDRESS IS: 3422 R STREET; RICHMOND, VA

PARCEL ID #: E0001273043

DATE: 3-11-21

My name is Keana Williams; My wife, Shanell Williams and I moved to the Church Hill area of Richmond VA in 2009. We purchased a renovation project in the Chimborazo district, which we continually improved and over the course of more than 11 years, we grew our family to four children and a dog. We sold our property approximately 18 months ago but were so intertwined in the community and the city culture; we decided to stay and rent in the Oakwood District. This is also where we were able to purchase another property just blocks away from the rental and from our first home.

We were grateful to be able to purchase the property at 3422 R Street and because the lot is approximately 60 ft wide with 40 ft being free space between our current home to the neighboring home, we would like to split the property lot so we can build our dream home and further invest into our family legacy and the City of Richmond. If we are approved to split the lot, the new parcel will house the new construction; increasing the neighborhood aesthetics and putting better use to some of the free space that stands out like a sore thumb in the Richmond City residential landscape.

The lot at 3422 R Street is slightly smaller than required to split the lot without a SUP but considering almost all neighboring homes that were in the neighborhood before the 1950s have narrow 20 to 25 ft lots, this project should fit in as if it were always there. I look forward to establishing a solid foundation for my family with a slightly bigger home to suit my larger family size, and my wife and I hope to do so here in Richmond, where we are proud to be residents and to call home.

The proposed Special Use will not cause detriment to the safety, health, morals, or general welfare of the community in any way. We will be creating a beautiful new home that will add value to the community.

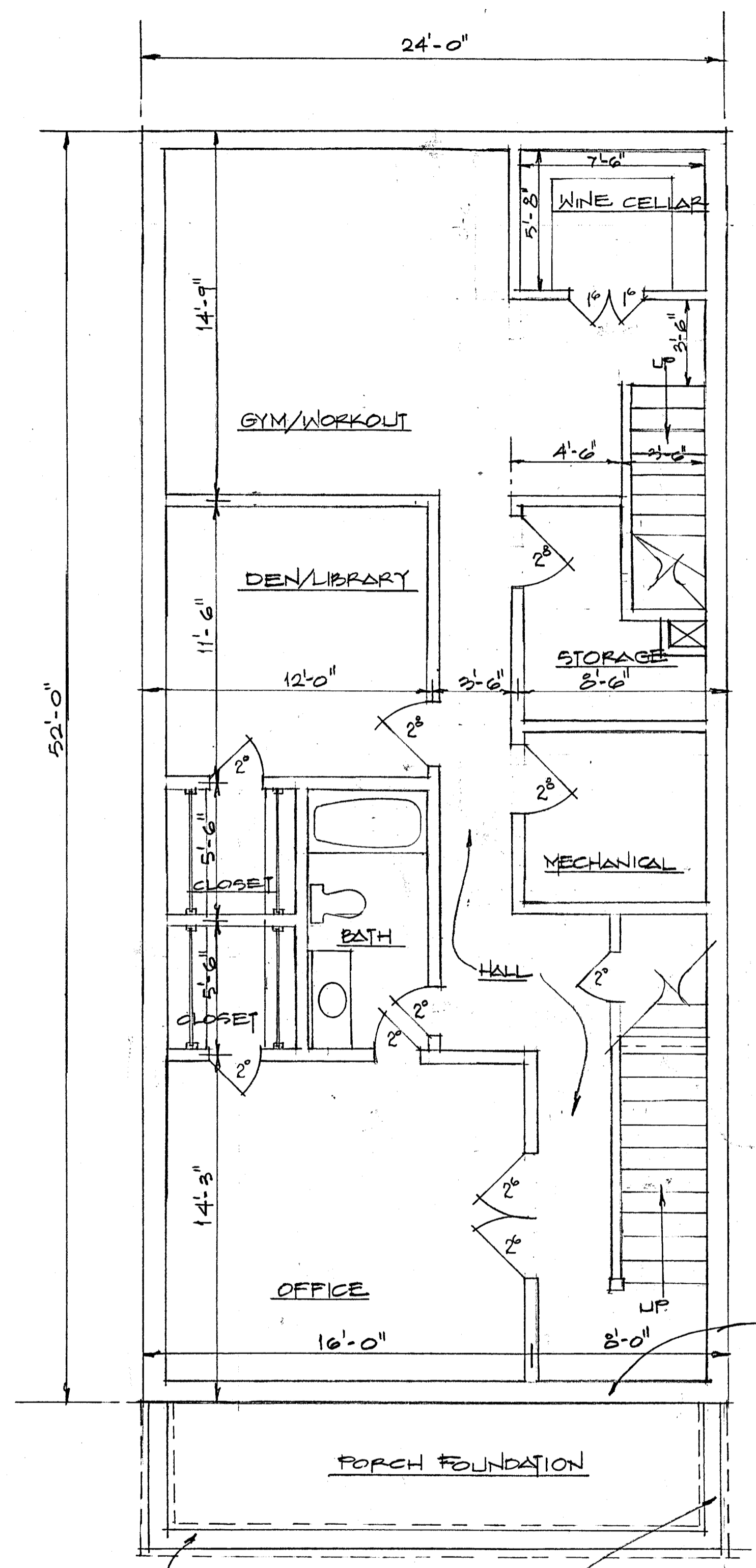
The proposed new home will not create congestion on the street or alleys or public ways. Parking studies have been done at all times through the day and there is almost always four free street parking spaces on the corner where the house is located, not to mention more street parking across R Street and within a block radius. This remains true even in the late hours after most residents are home from work.

We intend to abide by all setback requirements for the property and the proposed new home will not cause or create hazards of fire, panic, or other danger.

The neighborhood has houses that are on narrow lots and we believe that the new house will not cause overcrowding but will provide an opportunity to infill this vacant lot.

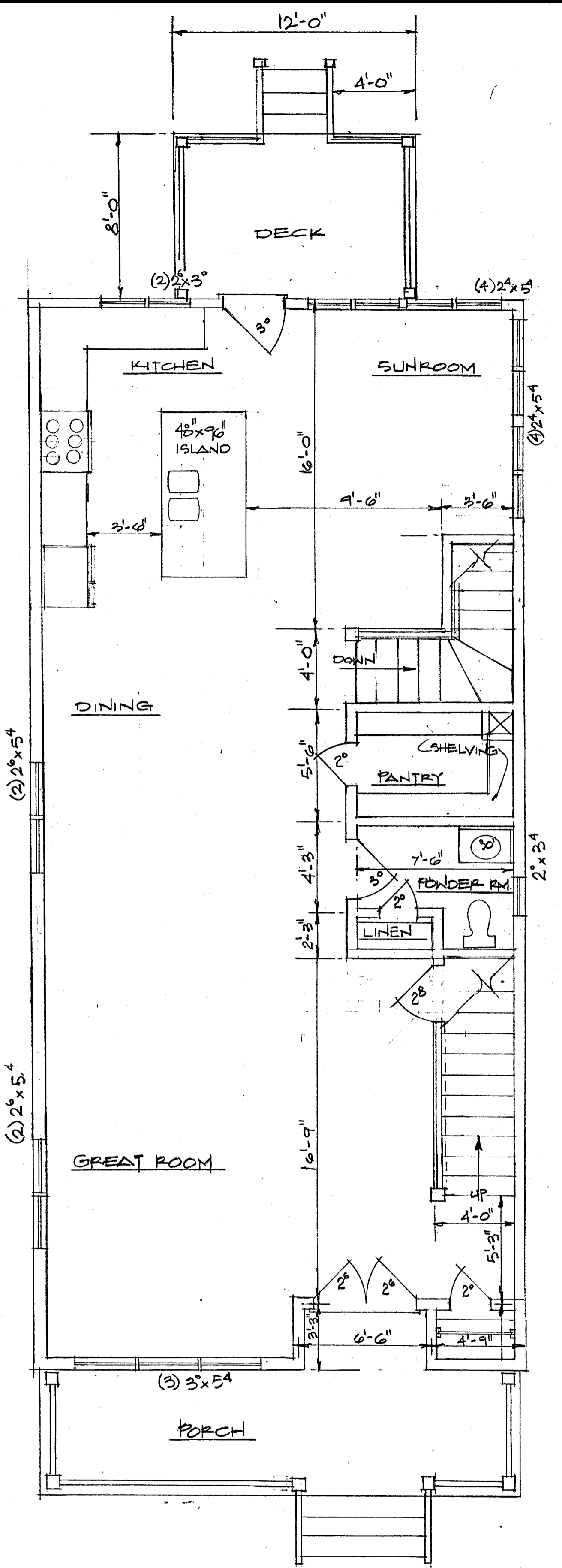
The proposed house will not interfere with public schools, playgrounds, transportation, or other public requirements. We do intend to use public water and sewage disposal in the area but should not affect other properties.

The proposed house will not interfere with adequate light or air to the adjacent neighbors.

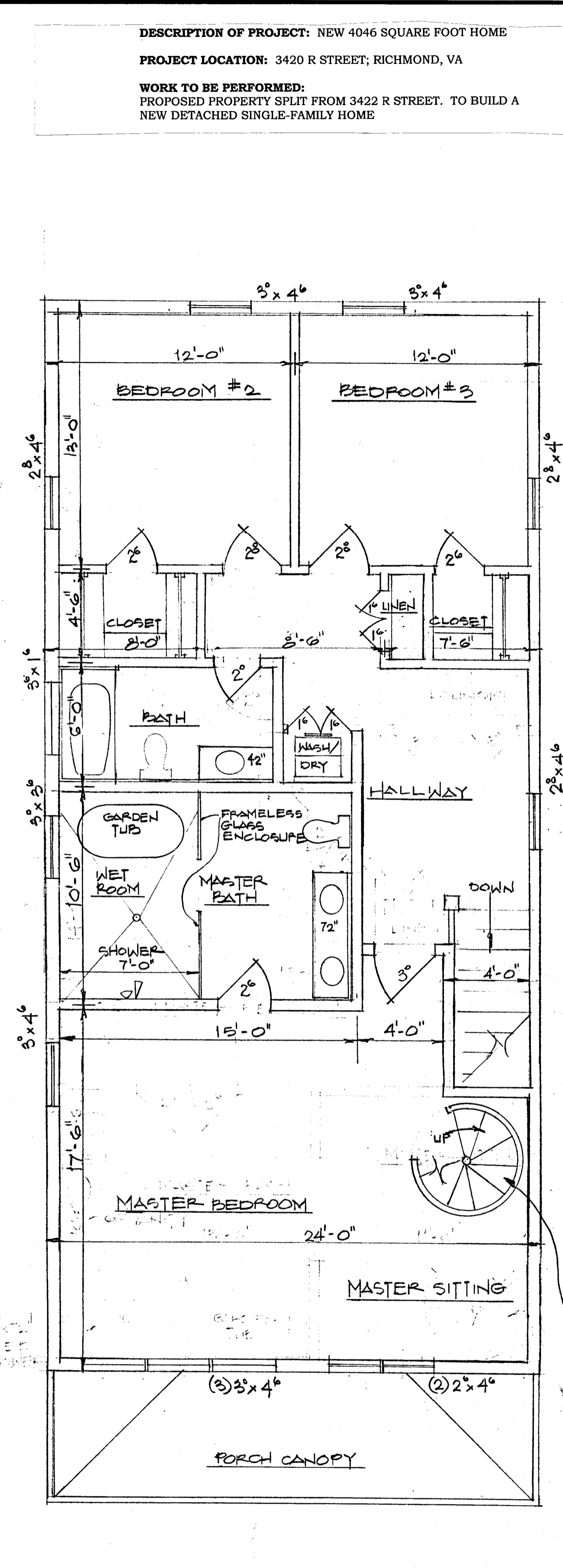


BASEMENT PLAN 1/4"=1'-0"

2" CONCRETE MASONRY LINT BASEMENT FOUNDATION WALL
 4" BRICK & 4" CONCRETE BLOCK W/ 2" x 16" CONCRETE FOOTING



FIRST FLOOR PLAN 1/4"=1'-0"



SECOND FLOOR PLAN 1/4"=1'-0"

DESCRIPTION OF PROJECT: NEW 4046 SQUARE FOOT HOME
 PROJECT LOCATION: 3420 R STREET, RICHMOND, VA
 WORK TO BE PERFORMED:
 PROPOSED PROPERTY SPLIT FROM 3422 R STREET. TO BUILD A NEW DETACHED SINGLE-FAMILY HOME

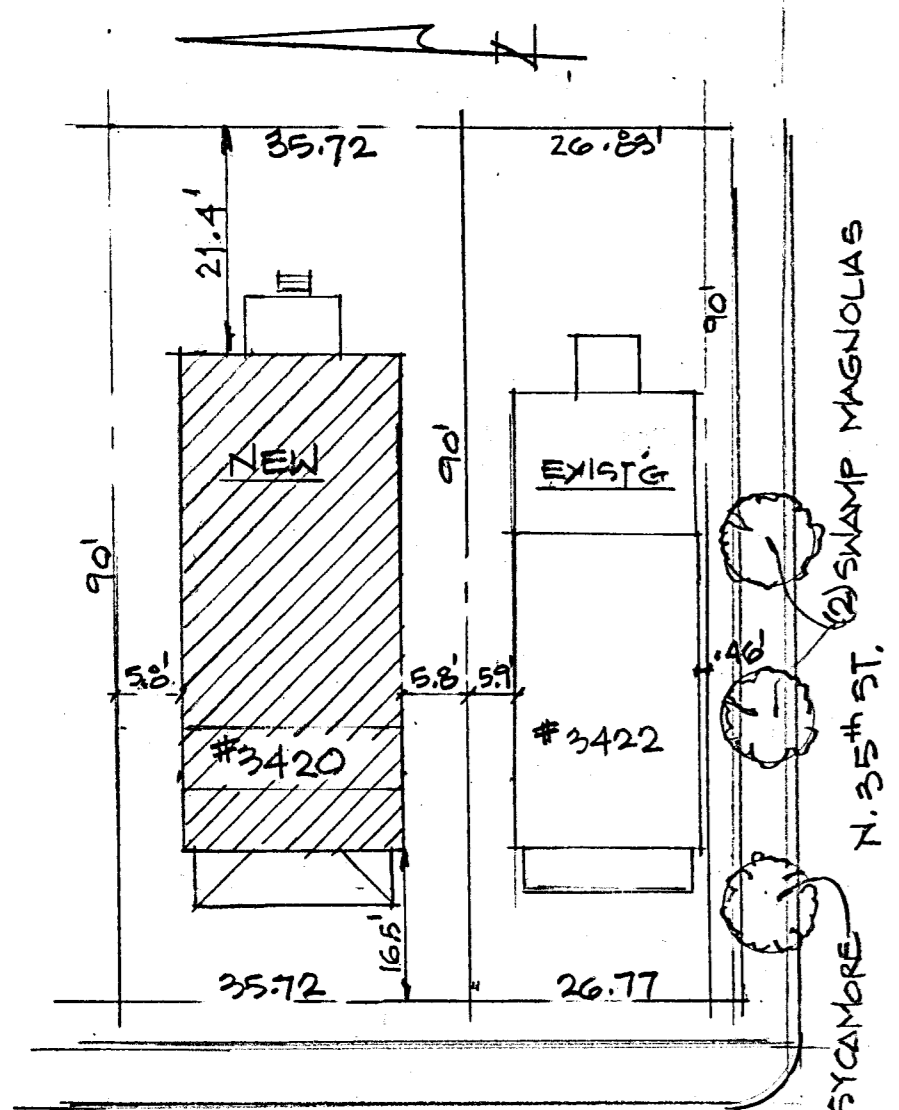
REVISIONS	BY

ARCHITECTURALLY YOURS
 Michelle Bebb
 Phone: (804) 304-8172
 architecturallyyours@tntmail.com

NEW SINGLE-FAMILY HOME
 3420 R STREET, RICHMOND, VA
 KEANA AND SHANELL WILLIAMS

Date	11-18-20
Scale	1/4"=1'-0"
Drawn	mb
Job	WILLIAMS
Sheet	1
Of	2 Sheets

REVISIONS	BY



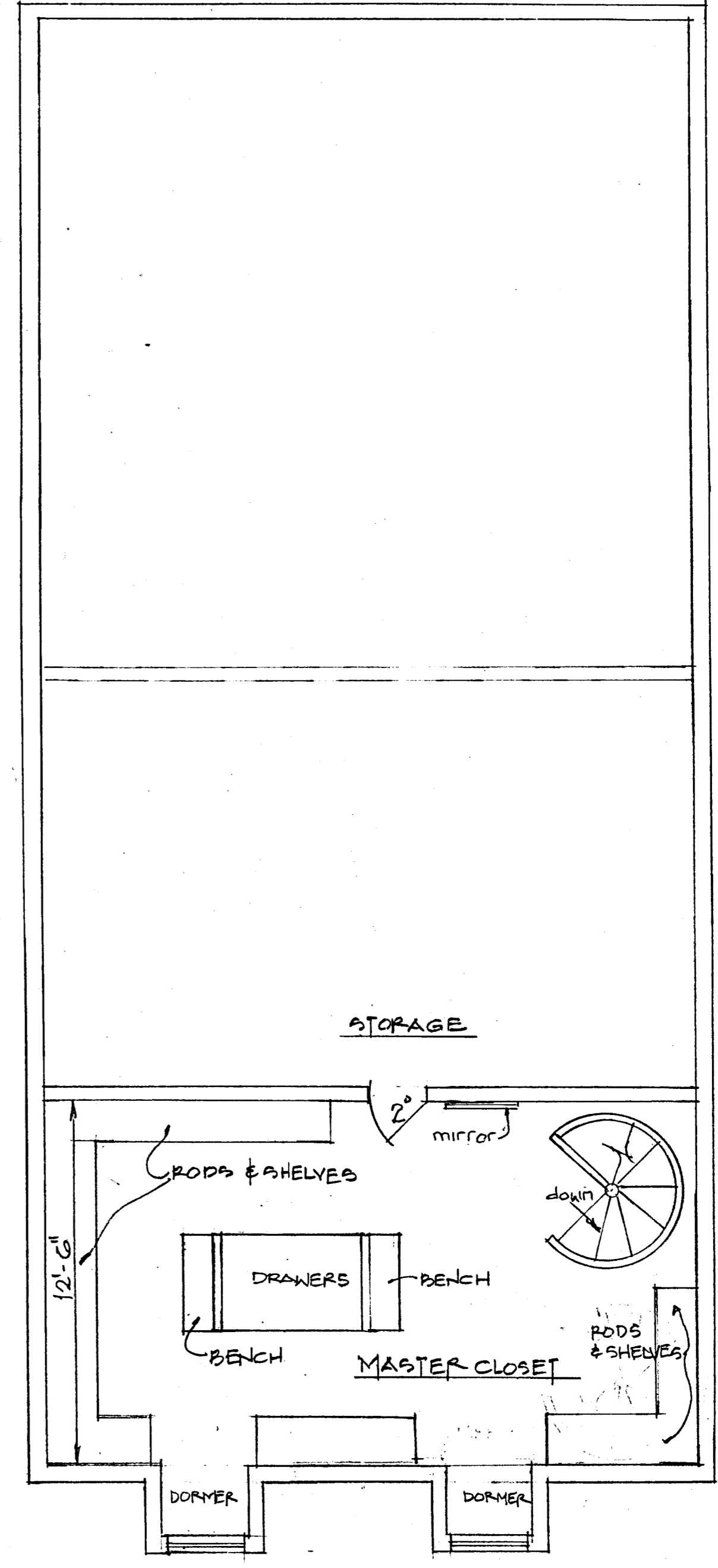
R STREET
PLAT PLAN
1"=20'-0"



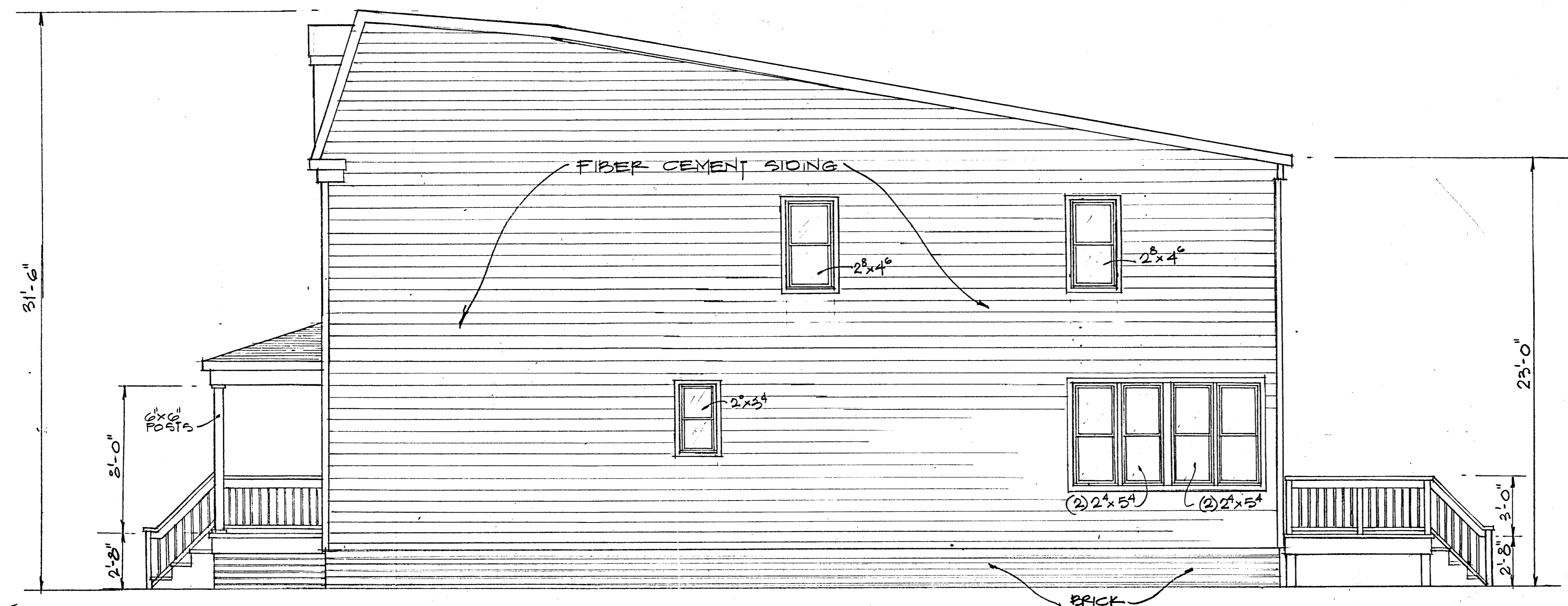
FRONT ELEVATION 1/4"=1'-0"



REAR ELEVATIONS 1/4"=1'-0"



THIRD FLOOR PLAN 1/4"=1'-0"

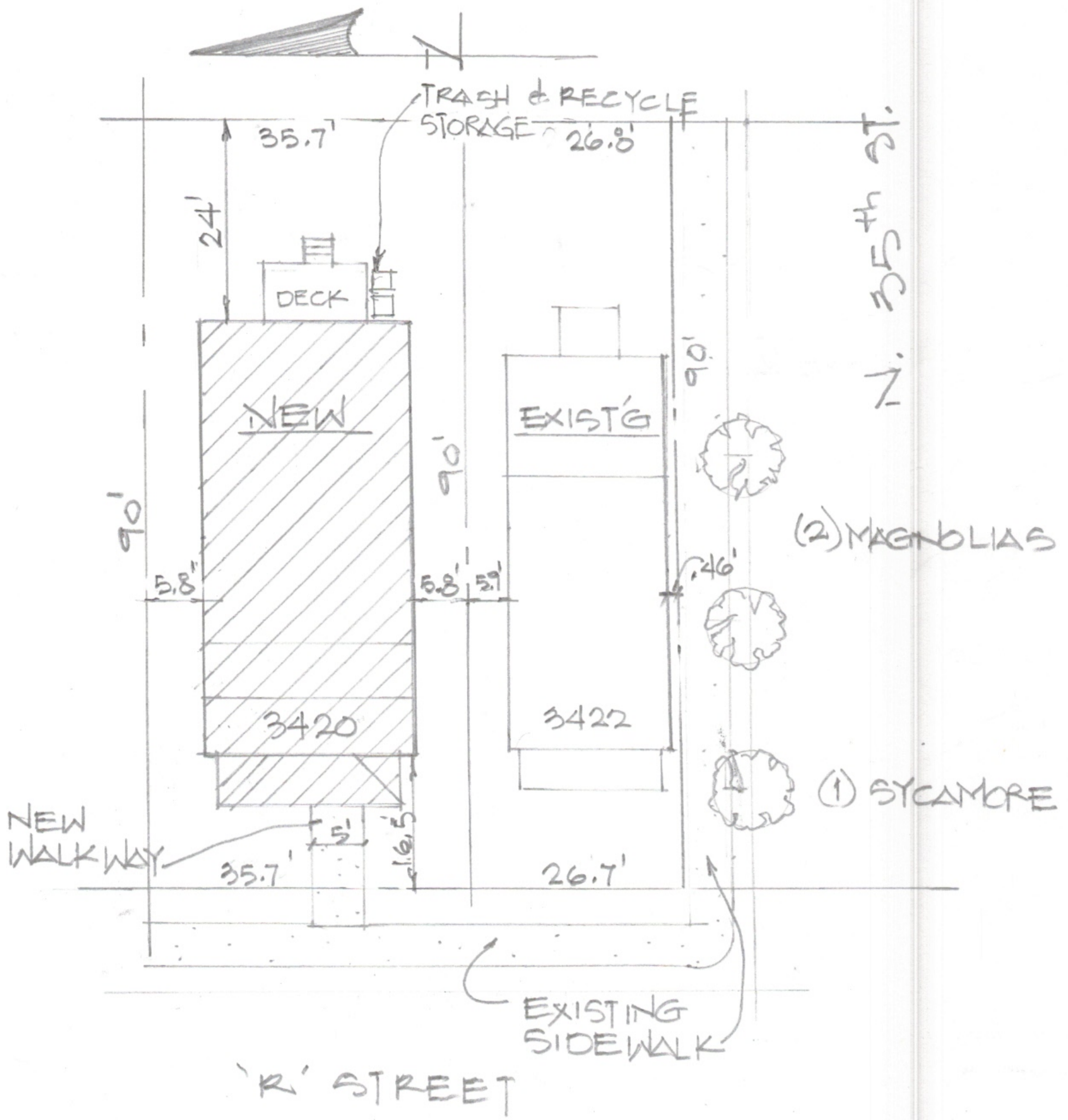


RIGHT SIDE ELEVATION 1/4"=1'-0"

ARCHITECTURALLY YOURS
Michelle Bobbs
Phone: (804) 304-8172
architecturallyyours@hotmail.com

NEW SINGLE-FAMILY HOME
3420 R STREET; RICHMOND, VA
KEANA AND SHANELL WILLIAMS

Date	11-18-20
Scale	1/4"=1'-0"
Drawn	mb
Job	WILLIAMS
Sheet	2
Of	2 Sheets



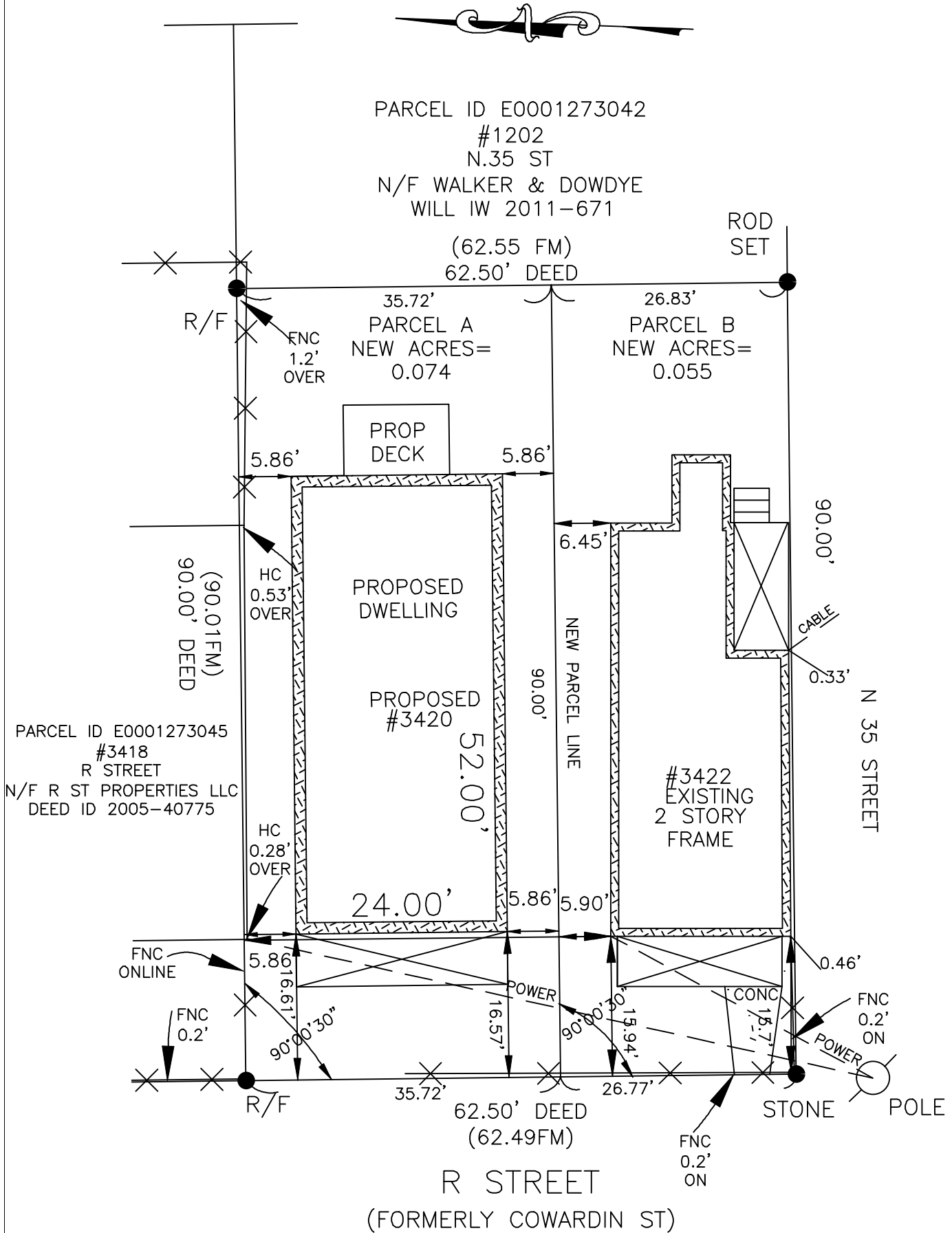
SITE PLAN 1" = 20'-0"

3420 'R' STREET
KEANA WILLIAMS

THIS IS TO CERTIFY THAT ON 12-15-2020, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

THIS PROPERTY IS IN H.U.D. DEFINED FLOOD HAZARD AREA. ZONE: X, AS SHOWN ON FIRM COMMUNITY PANEL #5101290042D, DATED 04-02-2009.

SUBJECT PARCEL
 PARCEL ID E0001273043
 CURRENT OWNER:
 WILLIAMS SHANELL. & KEANA
 INST#190013911
 0.129 ACRE



REVISED : 12-15-2020

THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

HARVEY L. PARKS, INC.

4508 W. HUNDRED ROAD
 CHESTER, VA.

PHONE: 804-748-8641

EMAIL: SURVEYS@HARVEYLPARKS.COM

DATE: SEPTEMBER 11, 2019 SCALE: 1"=15'

DRAWN BY: H.T.J.

CHECKED BY: R.L.O.

F.BK.: 623, PG. 29

62329.dwg

PLAT SHOWING PROPOSED IMPROVEMENTS ON
 PARCEL A 0.074 ACRES
 BOTH ON THE EAST SIDE OF R STREET
 AND NORTH OF N 35TH STREET
 IN THE CITY OF
 RICHMOND, VIRGINIA

