

INTRODUCED: April 8, 2024

AN ORDINANCE No. 2024-117

To authorize the special use of the properties known as 2902 ½ East Franklin Street and 2904 East Franklin 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: MAY 13 2024 AT 6 P.M.

WHEREAS, the owner of the properties known as 2902 ½ East Franklin Street and 2904 East Franklin Street, which are situated in a R-6 Single-Family Attached Residential District, desires to use such properties for two single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-412.4, concerning lot area and width, and 30-412.5, concerning 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

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 13 2024 REJECTED: _____ STRICKEN: _____

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 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 properties known as 2902 ½ East Franklin Street and 2904 East Franklin Street and identified as Tax Parcel Nos. E000-0578/024 and E000-0578/008, respectively, in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Map Showing the Division of No. 2904 E. Franklin Street of Richmond, Va.,” prepared by Virginia Surveys, and dated March 31, 2023, 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 “2904.5 E Franklin St.,” prepared by River Mill Development and dated May 10, 2023, and “Sketch Showing the Proposed Improvements on No. 2904 ½ E. Franklin Street of Richmond, Va.,” prepared by Virginia Surveys, dated June 19, 2023, and last revised June 22, 2023, 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 two single-family detached dwellings, substantially as shown on the Plans.

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

(c) The height of the Special Use shall not exceed three stories, substantially as shown

on the Plans.

(d) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans, subject to the applicable regulations of Chapter 30, Article IX, Division 4 of the Code of the City of Richmond (2020), as amended.

(e) All mechanical equipment, including, but not limited to, transformers, 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.

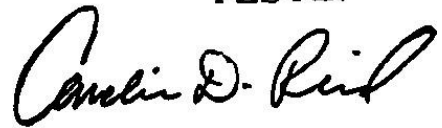
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

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 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:**



City Clerk

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE



City of Richmond

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

Master

File Number: Admin-2024-0181

File ID: Admin-2024-0181	Type: Request for Ordinance or Resolution	Status: Regular Agenda
Version: 2	Reference:	In Control: City Clerk Waiting Room
Department:	Cost:	File Created: 02/26/2024
Subject:	Final Action:	
Title:		

Internal Notes:

Code Sections:

Agenda Date: 04/22/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-0181 Ordinance AATF,
Admin-2024-0181 Application Documents

Enactment Number:

Contact:

Introduction Date:

Drafter: Alyson.Oliver@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	4/2/2024	Matthew Ebinger	Approve	4/4/2024
2	2	4/2/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	4/2/2024	Kevin Vonck	Approve	4/9/2024
2	4	4/2/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	4/3/2024	Sharon Ebert	Approve	4/4/2024
2	6	4/3/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	4/8/2024	Jeff Gray	Approve	4/5/2024
2	8	4/8/2024	Lincoln Saunders	Approve	4/10/2024
2	9	4/8/2024	Mayor Stoney	Approve	4/10/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2024-0181

City of Richmond
Intracity Correspondence

O&R Transmittal
DATE: April 2, 2024

TO: The Honorable Members of City Council
THROUGH: The Honorable Levar M. Stoney, Mayor (by request)
(This is no way reflects a recommendation on behalf of the Mayor)
THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer
FROM: Kevin J. Vonck, Director of Planning & Development Review
RE: To authorize the special use of the properties known as 2902 ½ E Franklin Street and 2904 E Franklin Street for the purpose of two single family detached dwellings, upon certain terms and conditions.
ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize two single-family detached dwellings which use, among other things, is not currently allowed by sections Sec. 30-412.4(1) and Sec. 30-412.5(1)b, concerning lot area and width, and side yard regulations, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is, therefore, required.

BACKGROUND: The properties are located on East Franklin Street, near its intersection with North 19th Street, in in the Church Hill neighborhood. The two properties total 8,132 square feet (0.18 acre). The property at 2904 East Franklin Street is improved with an existing 1,408 square foot single-family dwelling, constructed circa 1900. If approved, the applicant proposes to construct a single-family detached dwelling at 2902 ½ East Franklin Street.

Both properties are located within the R-6 Single-Family Attached Residential District, as well as the St. John's Church City Old and Historic District. A Certificate of Appropriateness was obtained for the proposed single-family dwelling in August 2023 (COA-134299-2023).

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."

COMMUNITY ENGAGEMENT: The Church Hill Association of RVA was notified of the application; additional community notification will take place upon introduction.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 22, 2024

CITY COUNCIL PUBLIC HEARING DATE: May 28, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, May 21, 2024

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, Survey, Plans, Map

STAFF: Matthew Ebinger, Planning Manager - Land Use Administration 804-646-6308

Alyson Oliver, Planner - Land Use Administration 804-646-3709



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: 2904 E Franklin Street Date: 6/20/2023

Parcel I.D. #: E0000578008 Fee: \$300

Total area of affected site in acres: 0.1871

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

Zoning

Current Zoning: R-6

Richmond 300 Land Use Designation: Neighborhood Mixed-Use

Proposed Use

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

Lot division and construction of one new single-family detached dwelling

Existing Use: One 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: Will Gillette

Company: Baker Development Resources

Mailing Address: 530 East Main Street, Suite 730

City: Richmond State: VA Zip Code: 23219

Telephone: (864) 377-9140 Fax: ()

Email: will@bakerdevelopmentresources.com

Property Owner: KIWI HOMES & CONSTRUCTION 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: 2120 STAPLES MILL STE 200

City: RICHMOND State: VA Zip Code: 23230

Telephone: () Fax: ()

Email: _____

Property Owner Signature: Casey G. White

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)

APPLICANT'S REPORT

June 7th, 2023

*Special Use Permit Request
2904 E Franklin Street, Richmond, Virginia
Map Reference Number: E000-0578/008*

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

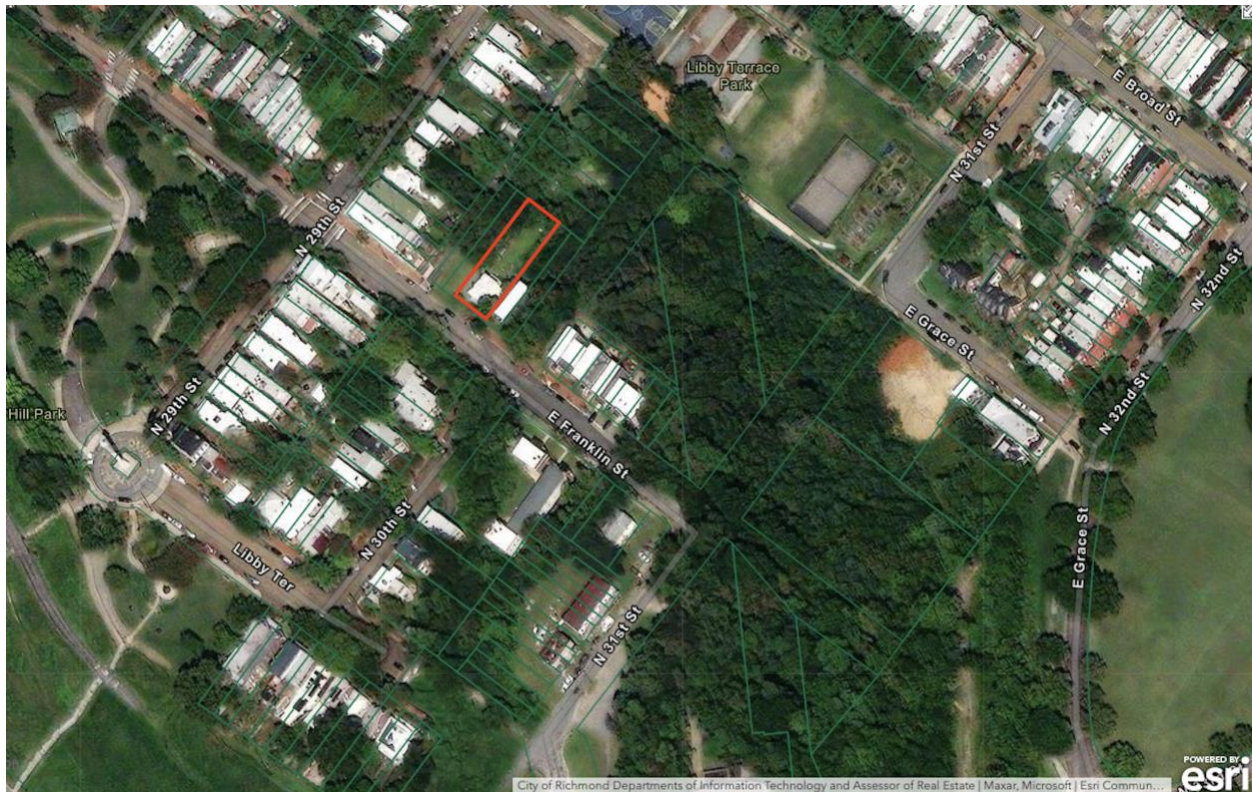
Introduction

The property owner is requesting a special use permit (the "SUP") for 2904 E Franklin Street (the "Property"). The SUP would authorize the division of the Property and the construction of a new single-family detached dwelling on the vacant western portion of the parcel. While the single-family use is permitted by the underlying R-6 Single-Family Attached Residential District, some of the underlying feature requirements cannot be met, and therefore a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the northern line of E Franklin Street between N 29th and N 30th Streets and is currently occupied with a single-family detached dwelling. The Property is referenced by the City Assessor as tax parcel E000-0578/008, is roughly 50' wide, and contains approximately 8,150 square feet of lot area. Due to the configuration of the existing lots nearby, no off-street access is provided for the Property.



The properties in the vicinity include a wide variety of housing types including single-family attached and detached dwellings, two-family dwellings, and multifamily dwellings. Dwellings in the area consist of a mix of new construction and historic dwellings generally ranging from two to

three stories and constructed of a range of materials. There is significant topography change to the north and east of the Property limiting construction and leading to a break in the street grid with both the N 30th and N 31st Street right of ways remaining incomplete north of E Franklin Street.

EXISTING ZONING

The Property is zoned R-6 Single-Family Attached Residential. All adjacent properties are also zoned R-6. The subject parcel and those located south of Carrington Street are located within the St. John's Church City Old and Historic District.

TRANSPORTATION

The Property is located within a half mile of GRTC bus stops which serve the high-frequency 'Pulse' BRT and 4A and 4B bus stops providing access throughout the City and connections to the GRTC bus system.

MASTER PLAN DESIGNATION

The proposed development is consistent with the Richmond 300 Master Plan (the "Master Plan"), which recommends "Neighborhood Mixed-Use" for the Property. This use is described 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." The Master Plan also recommends a development style that "feature 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."

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, including:

- 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 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.”
 - 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 proposed development includes the division of the parcel and the construction of a single-family detached dwelling on the vacant western parcel.

PURPOSE OF REQUEST

The SUP would permit the construction of a new, single-family detached dwelling fronting onto E Franklin Street. The proposed lot split would result in two parcels; the western parcel, containing the new dwelling, would be 18.6' in width and contain roughly 3,032 square feet of lot area. While the eastern parcel, containing the existing dwelling, would be 31.4 feet in width and containing roughly 5,118 square feet of lot area. As a result, the R-6 District lot area and width requirements would not be met for the new parcels. All other aspects of the underlying zoning requirements will be met.

PROJECT DETAILS

The proposed dwelling at 2904 E Franklin Street would be 15 feet in width, 50 feet in depth, and three stories in height and would include approximately 2,120 square feet of finished floor area. The dwelling would contain three bedrooms and two-and-one-half bathrooms. The proposed floor plans are modern and efficient, and designed to meet the needs of the market including a primary bedroom with en-suite bath and walk-in closet. The building would be of frame construction with a false mansard roof and would be clad in cementitious lap siding, similar to other dwelling which have recently been constructed nearby. A rear facing third floor terrace and full-width front porch would provide additional outdoor living area for the future occupant.

As the Property is located within the St. John's Church City Old and Historic District, the proposed dwelling is subject to review from the Commission of Architectural Review to ensure

compatibility with the historic neighborhood. In exchange for the SUP, the intent of this request is to create a high-quality infill product in the neighborhood that is in-line with future land use guidance.

Findings of Fact

The following are factors indicted 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 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 proposed residential use would be limited in size, type and scale to avoid any traffic or parking concerns.

- ***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 proposed special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would 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.

Summary

In summary we are enthusiastically seeking approval for the construction of a new, single-family detached dwelling on the Property. The SUP represents an ideal, small-scale urban infill development for this location. In exchange for the SUP, the quality assurances conditioned therein would guarantee the construction of a quality home ownership opportunity consistent with Master Plan guidance. This would contribute to the overall vibrancy of the block through the provision of an appropriate urban form and use that is consistent with the development pattern and surrounding neighborhood.

2904.5 E FRANKLIN ST.

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

REVISION NOTES

DATE	START

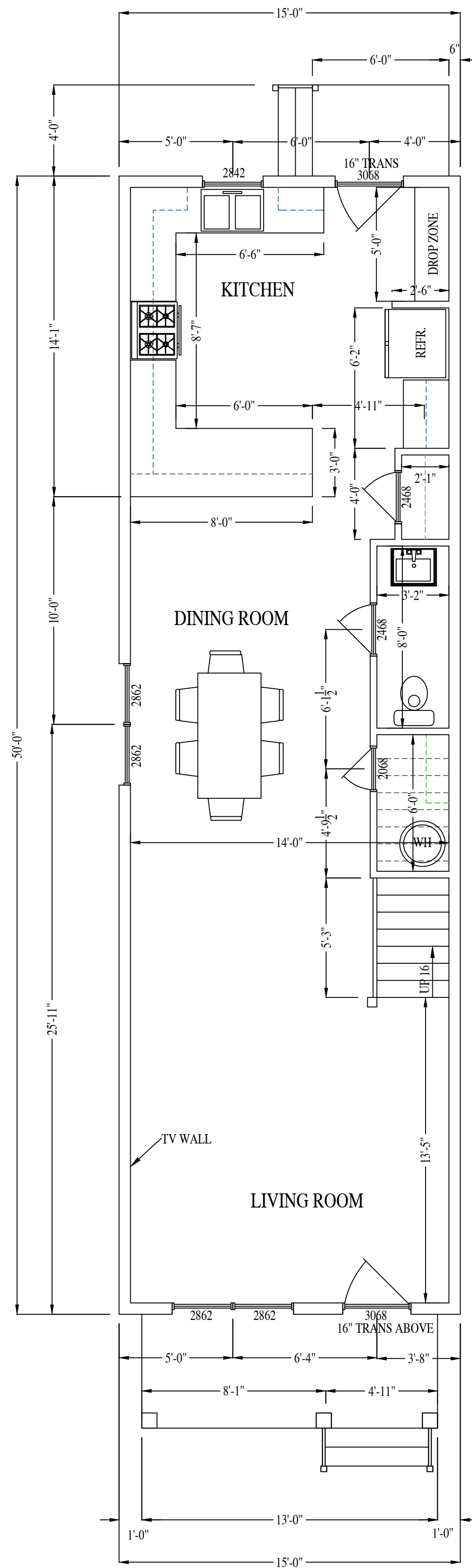
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DATE:
5-10-2023

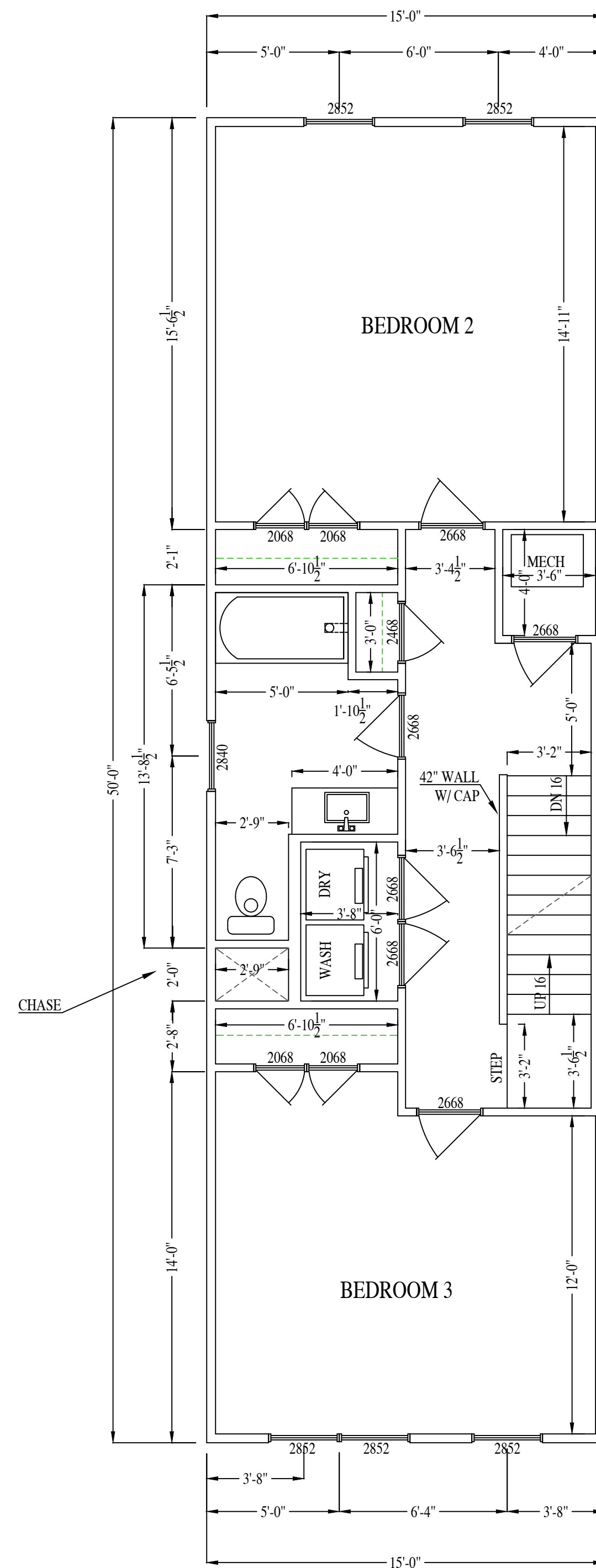
SHEET:
A1.0



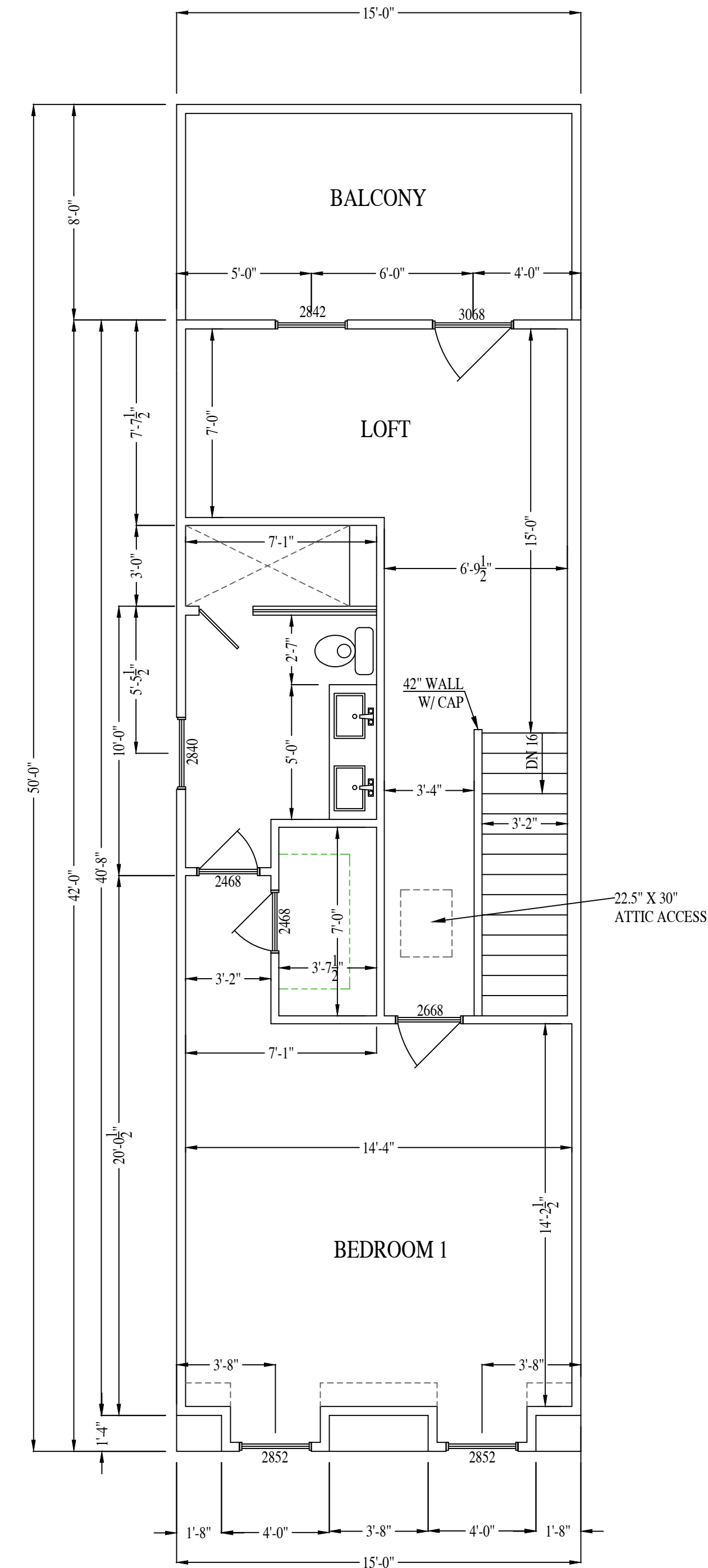
CONCEPTUAL STREET VIEW



FIRST FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN

BUILDING INFORMATION

1ST FL. HEATED S.F.	750
2ND FL. HEATED S.F.	750
3RD FL. HEATED S.F.	620

2904.5 E FRANKLIN ST.

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

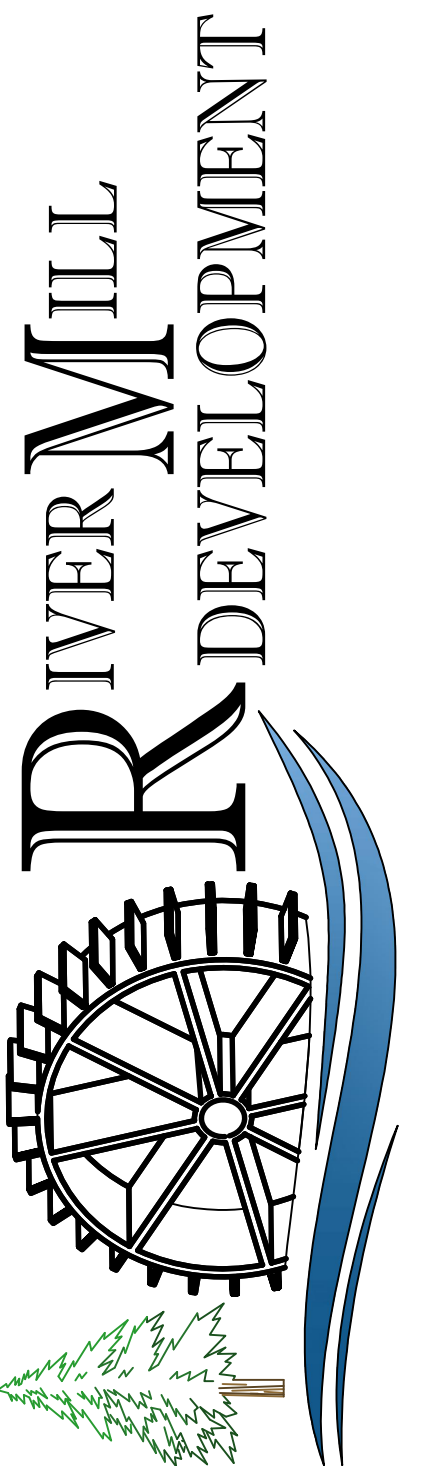
REVISION NOTES

DATE	START

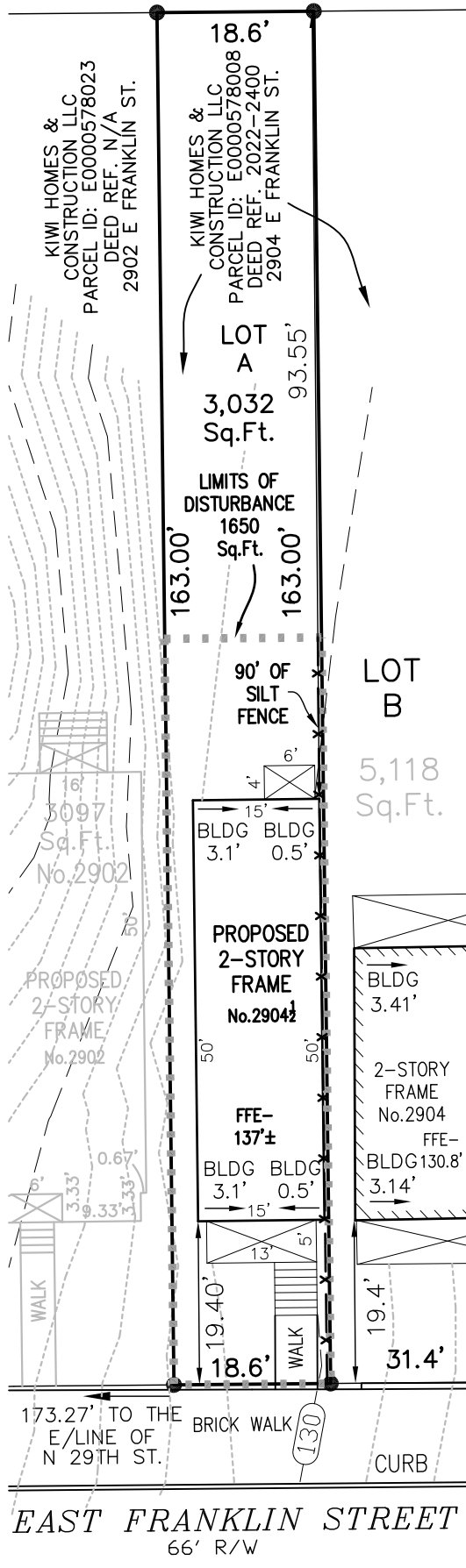
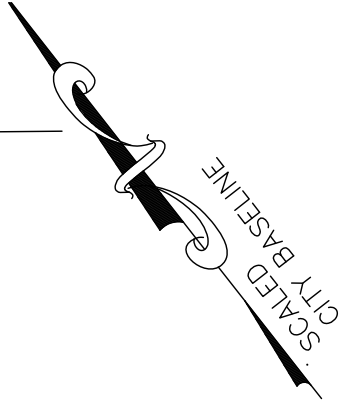
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DATE:
5-10-2023

SHEET:
A1.1



ERIC W. ANDERSON
 BARBARA C. ANDERSON
 PARCEL ID: E0000578005
 DEED REF. 09602-00768
 112 N 30th St.



SKETCH SHOWING THE PROPOSED
 IMPROVEMENTS ON
 No. 2904 1/2 E. FRANKLIN STREET
 OF RICHMOND, VA.

P.O. BOX 118
 CHESTERFIELD, VA 23832
 (804) 748-9481
 COPYRIGHT © VIRGINIA SURVEYS
 All rights reserved.

REVISED: 6-22-2023
 DATE: 6-19-2023

CERTIFIED BY JEFFREY K. FLOYD
 VIRGINIA CERTIFICATE NO. 001905

SCALE: 1"=20'
 JOB NO. 211114639