

INTRODUCED: March 28, 2016

AN ORDINANCE No. 2016-103

To authorize the special use of the property known as 1326 North 26th Street for the purpose of permitting a single family detached dwelling, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 25 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 1326 North 26th Street, which is situated in a B-2 Community Business District, desires to use such property for the purpose of a single family detached dwelling, which use, among other things, is not currently allowed by section 30-436.1 of the Code of the City of Richmond (2015), as amended, and does not meet the lot area and width and parking space requirements of sections 30-436.4 and 30-710.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), 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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: APR 25 2016 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 (2015), 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 1326 North 26th Street and identified as Tax Parcel No. E000-0620/001 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “The Property Known as #1326 N. 26th Street in the City of Richmond, VA, Also Designated as Being Lot 7, Block 37, Heckler’s Plan,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated June 4, 2015, 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 a single family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “A New Residence, 1326 North 26th Street, Richmond, Virginia,” prepared by David R. Winn, LLC, and dated September 17, 2015, hereinafter referred to 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 use of the Property shall be a single family detached dwelling with no accessory parking, substantially as shown on the Plans.

§ 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 (2015), 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 (2015), 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 (2015), 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 (2015), 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 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.



City of Richmond

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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-44

RECEIVED

MAR 07 2016

File Number: PRE. 2016-44

OFFICE OF CITY ATTORNEY

To authorize the special use of the property known as 1326 North 26th Street for the purpose of permitting a single-family detached dwelling, upon certain terms and conditions.

O & R Request

O & R REQUEST

DATE: February 3, 2016

EDITION: 1

TO: The Honorable Members of City Council

FEB 12 2016

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

4-4791

Chief Administration Office
City of Richmond

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

SUBJECT: To authorize the special use of the property known as 1326 North 26th Street for the purpose of permitting a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE To authorize the special use of the property known as 1326 North 26th Street for the purpose of permitting a single-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is proposing to construct a single-family detached dwelling. The proposed use is not permitted in the B-2 Business district, and therefore the applicant is requesting a special use permit.

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 March 14, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject properties are two vacant lots measuring 2,597 square feet and 2,144 square feet located at 1322 and 1326 North 26th Street between T Street to the northeast and a vacant lot to the southwest. The proposed is a two story single-family detached dwelling.

Per the City of Richmond Zoning Ordinance, single-family dwelling units are not permitted in the B-2 Business district. The subject properties total a width of 68' along North 26th Street and have a lot area of 4,741 square feet. In addition, per the Zoning Ordinance, a total of one parking space is required for the single-family dwelling unit. However, due to the irregular shape of the parcel and the need for an additional curb cut the applicant will not be providing off street parking. All properties to the south are located in the R-6 district. The predominant land uses on the 2600 block of 26th Street is single-family detached.

The City of Richmond's Master Plan speaks of Land Use policies and strategies within the East Planning District. It states, "Infill development of like density and use is appropriate. In addition, the predominate land uses in the district are residential in nature, and these uses should be preserved." (p. 166). On April 30, 2003, City Council adopted a resolution changing the land use map for the subject properties from mixed use to single-family, medium density (p. 167A) In general the plan shows that it is in keeping with traditional residential development patterns for the district in regards to density and land use.

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.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 22, 2016

CITY COUNCIL PUBLIC HEARING DATE: March 28, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, March 14, 2016.

AFFECTED AGENCIES: Office of Chief Administrative Officer, Law Department (for review of draft ordinance) City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

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

STAFF: Leigh V. Kelley, Planner II, Land Use Administration (Room 511) 646-6384

PDR O&R No.16-02

RECEIVED
OCT 09 2015

LAND USE
ADMINISTRATION

Special Use Permit Applicant's Report: 1329 N 26th Street

The purpose of this special use permit application is to allow for a vacant lot, that is currently zoned B-2 Business, to be built as single-family housing. Our non-profit, project:HOMES, intends to build an affordable single-family home on the lot. Project:HOMES is a Richmond-based non-profit, that provides neighborhood infill, affordable housing, repairs for low-income families, and weatherization across the region.

The property is adjacent to the existing Model Block project in North Church Hill. The Model Block is a partnership between several non-profit community development corporations and the city of Richmond Department of Economic and Community Development, whose goal is to create affordable housing, eliminate blight, reduce vacancy, and increase homeownership on the 1300 blocks of North 26th and 27th Streets in Church Hill.

All of our new homes are designed with the character of the neighborhood in mind. The aesthetic look of the home is designed to match its neighbors. All aspects from the columns, to trim, to the type of windows used are selected based on what will best suit the neighborhood. All of our homes built for the Model Block and throughout North Church Hill have been submitted to, and approved by the Section 106 historic review process. The home design we have chosen for this project (see attached elevations and floor plans) will feature neighborhood housing characteristics, and a wraparound porch due to its frontage on multiple streets.

Furthermore, being that the home will be for a single family, there will be no adverse effect on traffic or congestion in the area. The home will not have any negative environmental effects, create density problems, or create an additional hazard for fires and other dangers.

In summary, the proposed use of the property at 1329 N 26th Street will be an affordable, single-family home that will be sold to a family at or below 80% of the area median income. This house will match the historic character of the neighborhood, while providing opportunity for homeownership, reduced vacancy, and neighborhood infill for North Church Hill. There will be no adverse impacts to community health, traffic congestion, or safety.

Regards,



Matthew Morgan
Neighborhood Revitalization Production Coordinator



Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 F. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

RECEIVED
OCT 09 2015
LAND USE ADMINISTRATION

- 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

Project Name: _____ Date: _____
 Property Address: 1326 N 26th St Tax Map # E000062000
 Fee: \$300 Total area of affected site in acres: .049
 (See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning
Current Zoning: B-2

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

Existing Use: VACANT
 Is this property subject to any previous land use cases? _____

Yes No
 If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Matthew Morgan
 Company: Project: HOMES
 Mailing Address: 88 CARRINGTON STREET
 City: Richmond State: VA Zip Code: 23225
 Telephone: (804) 233-2827 Fax: (804) 230-0778
 Email: _____

Property Owner: Elderhomes Corporation T/A Project Homes
 If Business Entity, name and title of authorized signer: Lee Householder

(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: 88 Carrington Street
 City: Richmond State: VA Zip Code: 23225
 Telephone: (804) 233-2827 Fax: (804) 230-0778
 Email: Lee.Householder@projecthomes.org

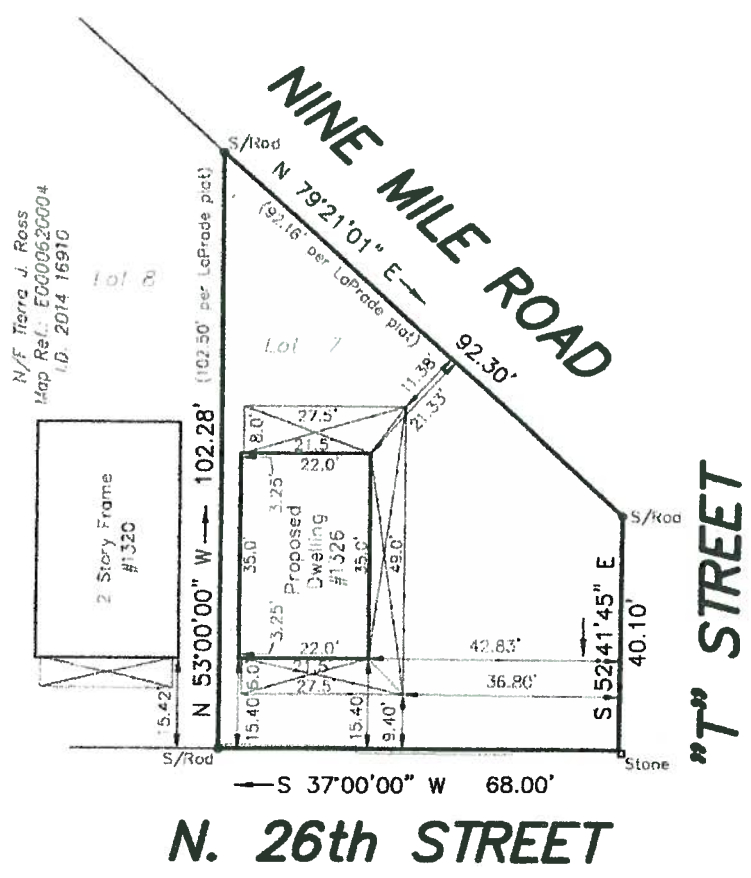
Property Owner Signature: _____

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)




Notes: Bearings protracted from City Baseline sheet 23 SW.
This plat references a plat by W.W. LaPrade & Bros., dated Sept. 8, 1933 in D.B. 387A, Pg. 466.



N/F Terra J. Ross
Map Ref.: EC000626004
ID: 2014 16910

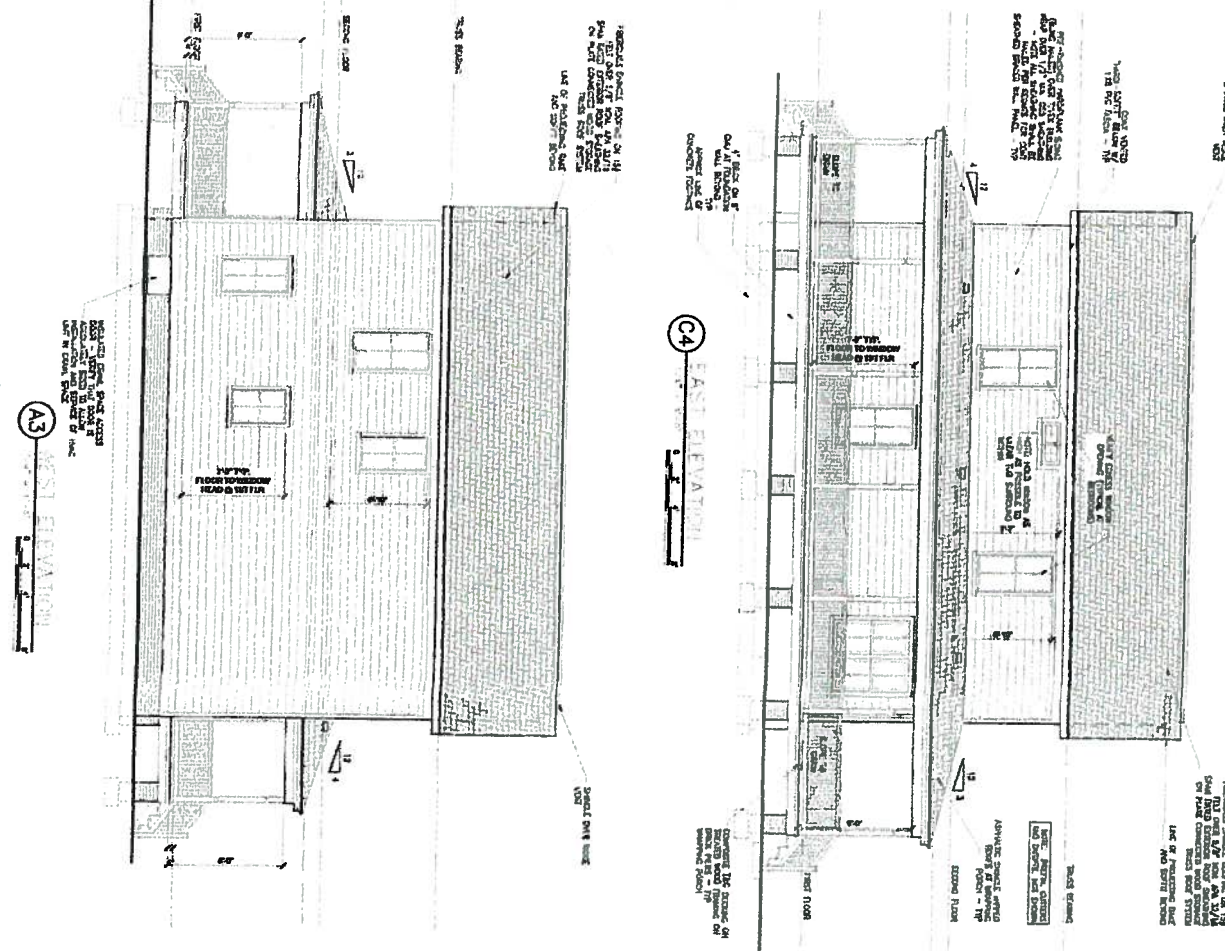
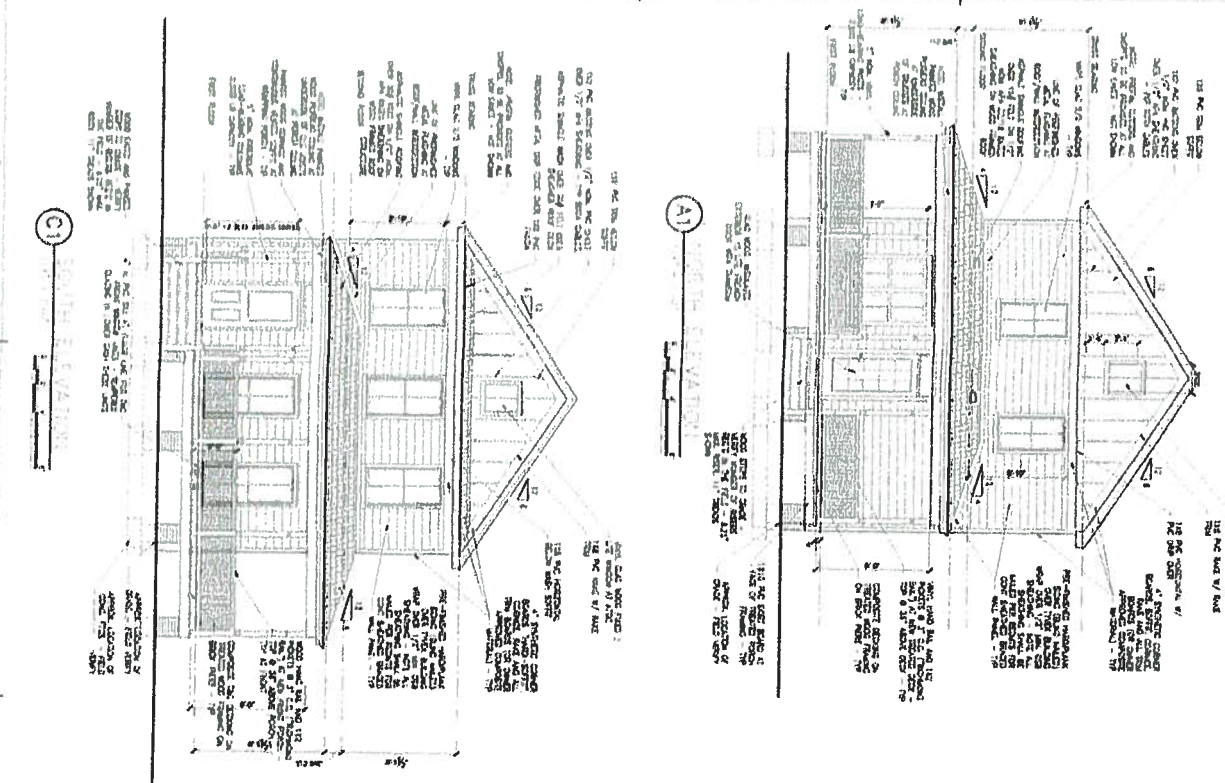
Building Permit Plat for
**The Property Known as
#1326 N. 26th Street in
the City of Richmond, VA**
Also Designated as Being
Lot 7, Block 37, Heckler's Plan



 **Edwards, Kretz, Lohr & Associates, PLLC**
Land Surveyors-Planners
Virginia-North Carolina
1900 Byrd Avenue, Suite 203
Richmond, Virginia, 23230
Phone (804) 673-9666
Fax (804) 673-9990

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map, Community Panel No. 5101290041E effective date of 07/16/14. Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.

Scale: 1"=25'
Date: 06/04/15
Drawn: TCJ
Checked: JAL
Job: 1243-15



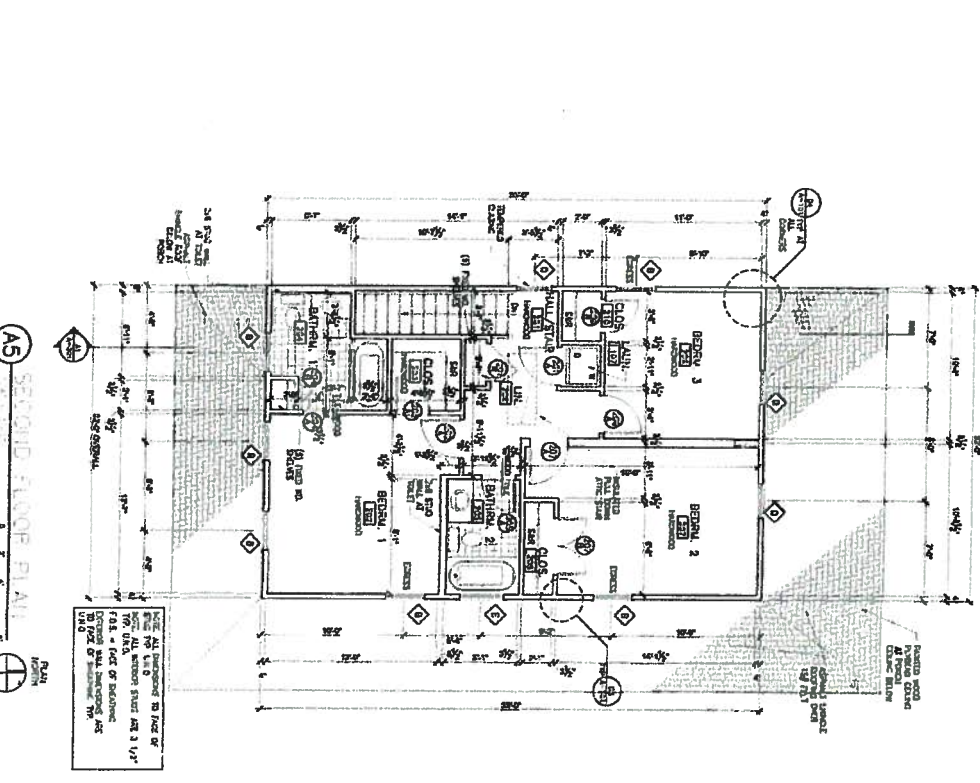
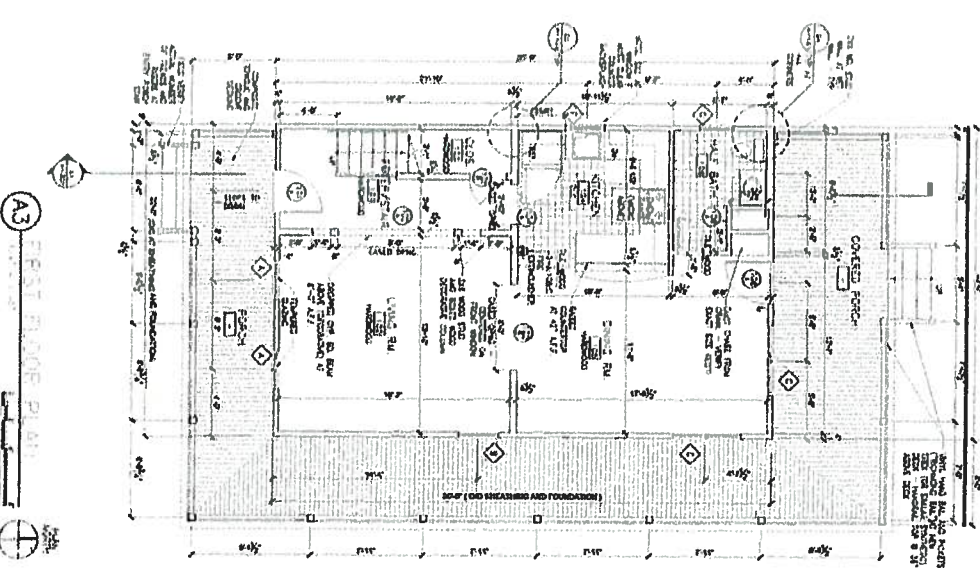
A-201
Sheet 2 of 2

DAVID R. WINN, LLC
residential design
10122 BERRYVADE PLACE
DALLAS, TEXAS 75243-2086
714.355.9918

**RICHMOND, VIRGINIA
PREPARED FOR PROJECT HOMES**

BUILDING ELEVATIONS

1326 NORTH 26TH STREET
RICHMOND, VIRGINIA 23220
10/1/2018
DWG: A-201
REV: 01
DATE: 10/1/2018
BY: DWG



A-101
Sheet 1 of 2
5/1/2018 10:15

FLOOR PLANS

DATE	DESCRIPTION
10/17/18	SPECIAL USE
10/17/18	ISSUED FOR PERMITS
10/17/18	ISSUED FOR PERMITS
10/17/18	ISSUED FOR PERMITS

a new residence
1326 NORTH 26TH STREET

RICHMOND, VIRGINIA
PREPARED FOR PROJECTHOMES

DAVID R. WINN, LLC
residential design
1012 BERRYVADE PLACE
GLENN ALLEN, VIRGINIA 23060
(804) 552-0246

