

INTRODUCED: July 27, 2020

AN ORDINANCE No. 2020-178

To authorize the special use of the properties known as 1106 North 21st Street and 1108 North 21st Street for the purpose of two two-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 14 2020 AT 6 P.M.

WHEREAS, the owner of the properties known as 1106 North 21st Street and 1108 North 21st Street, which are situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of two two-family attached dwellings, which use, among other things, is not currently allowed by sections 30-412.1, concerning permitted principal uses, and 30-412.4, concerning lot area and width, 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 (2019), 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 14 2020 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 (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 properties known as 1106 North 21st Street and 1108 North 21st Street and identified as Tax Parcel Nos. E000-0514/009 and E000-0514/008, respectively, in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Survey and Plat of The [sic] Properties Known as #1106 & #1108 N. 21st Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated December 30, 2019, 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 two-family attached dwellings, substantially as shown on the plans entitled “Special Use Permit for Two New 2-Story Attached Two-Family Houses in the Fairmount Neighborhood, 1106 & 1108 N 21st St. Duplexes, 1106 & 1108 North 21st Street, Richmond, Virginia 23223,” prepared by Chris Wolf Architecture, PLLC, and dated March 17, 2020, hereinafter referred to as “the Plans,” a copy of which is attached to and made a part of this ordinance.

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

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

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

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

(c) The height of the Special Use shall not exceed the height shown on the Plans.

(d) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.

(e) No fewer than one off-street parking space shall be provided per dwelling unit.

§ 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.

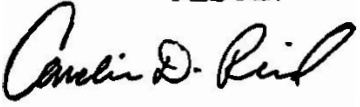
(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of 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, 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

RECEIVED
By Barbara Fore at 9:17 am, Jul 20, 2020

City of Richmond

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

Item Request File Number: PRE.2020.223

RECEIVED
By Barbara Fore at 9:39 am, Jul 07, 2020

O & R Request

DATE: June 29, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor)

 7/17/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *lgr*

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



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

RE: To authorize the special use of the properties known as 1106 and 1108 North 21st Street for the purpose of two two-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the properties known as 1106 and 1108 North 21st Street for the purpose of two two-family attached dwellings, upon certain terms and conditions.

REASON: Two-family attached dwellings are permitted in the R-6 Single-Family Attached District provided that they lawfully existed prior to June 28, 2004. As the proposed two-family attached structures shall be new construction, they are not permitted uses in the district. Furthermore, the proposed two-family attached dwellings will be built on parcels that do not meet the minimum lot feature requirements in the R-6 Single-Family Attached Residential District. Therefore, a special use permit is 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 September 8, 2020, meeting.

BACKGROUND: The subject properties are each 21 feet wide by 125 feet deep and total .124 acres (5,407 square feet) in area. They are vacant parcels located in the Fairmount neighborhood of the East Planning District, on North 21st Street between Q and R Streets.

The City of Richmond's Master Plan designates a future land use category for the subject property as Single-Family Medium Density. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7.

The subject property lot size is typical for the street where it is located. Those properties which contain improvements have single-family dwellings. The proposed two-family attached structures will each have a single front entrance that opens to a foyer, which in turn provides access to the first floor residential dwelling units and to stairwells that provide access to the second floor dwelling units. This configuration presents from the curb as a typical single-family attached dwelling similar to the other homes on the block. The net density of living units under this proposal is 32 units per acre. The zoning ordinance requires a minimum of two parking spaces per dwelling unit. Four parking spaces are provided in the rear and are accessed from the alley.

The properties are located in the R-6 Single-Family Attached Residential District. For this district, the Sec. 30-412.1 (4) of the zoning ordinance states that two-family attached dwellings lawfully existing prior to the effective date of the ordinance from which this section is derived. Section 30-412.5 (3) states that two-family attached and detached dwellings shall be located on lots of not less than 6,000 square feet in area with a width of not less than 50 feet. The proposal asks to build new two-family attached dwellings and require relief from the aforementioned sections of the zoning ordinance.

All adjacent properties are located in the R-6 Single-Family Attached Residential District and contain single-family attached or detached dwellings, or are vacant.

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: July 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
September 8, 2020

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

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



SPECIAL USE PERMIT FOR TWO NEW 2-STORY ATTACHED TWO-FAMILY HOUSES
IN THE FAIRMOUNT NEIGHBORHOOD

1106 & 1108 N 21ST ST. DUPLEXES

1106 & 1108 NORTH 21ST STREET
RICHMOND, VIRGINIA 23223

DRAWINGS

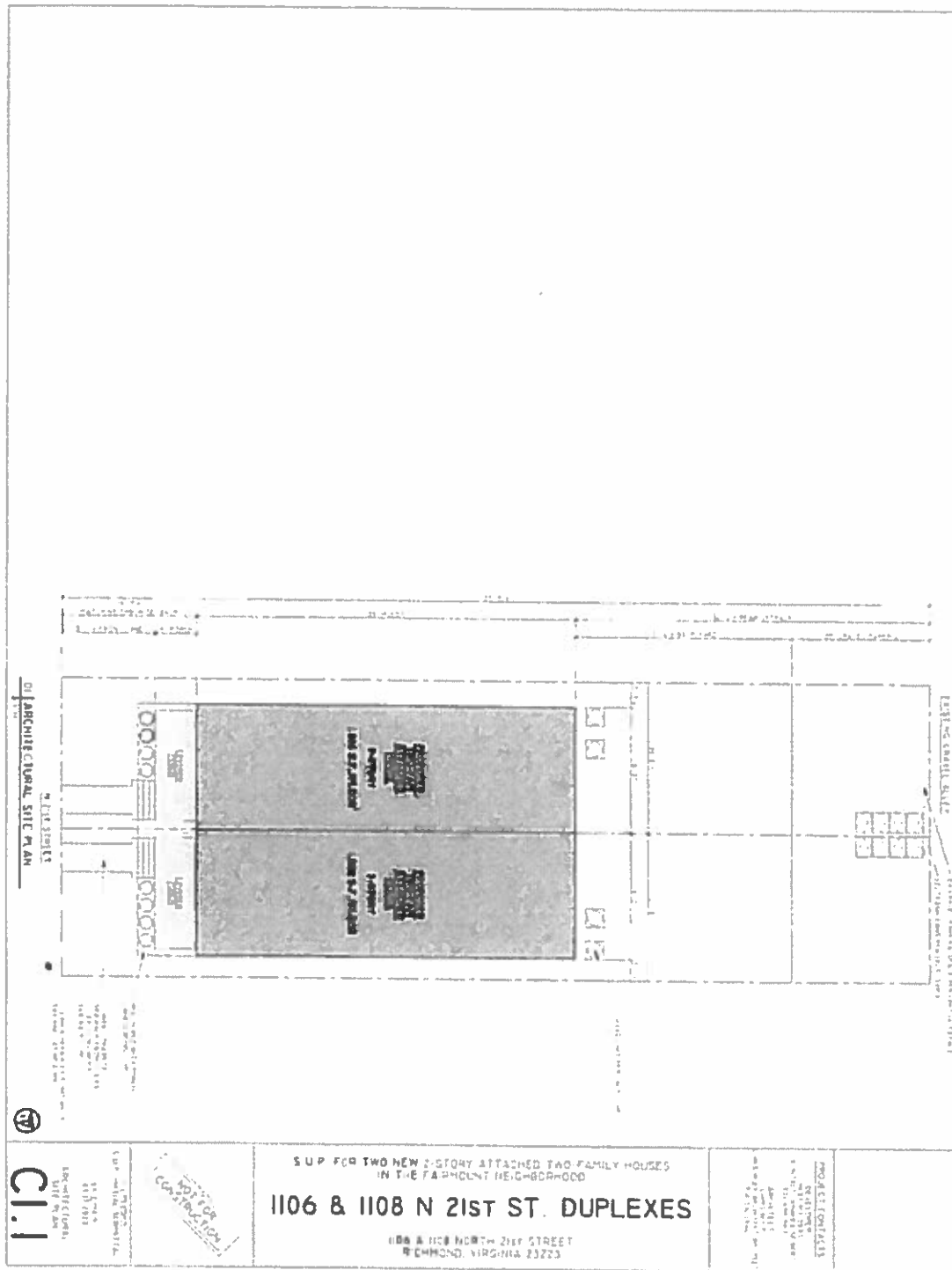
1. SITE PLAN
2. FLOOR PLAN
3. ELEVATIONS
4. SECTION
5. EXTERIOR FINISHES
6. INTERIOR FINISHES
7. MECHANICAL
8. ELECTRICAL
9. PLUMBING
10. PAINT

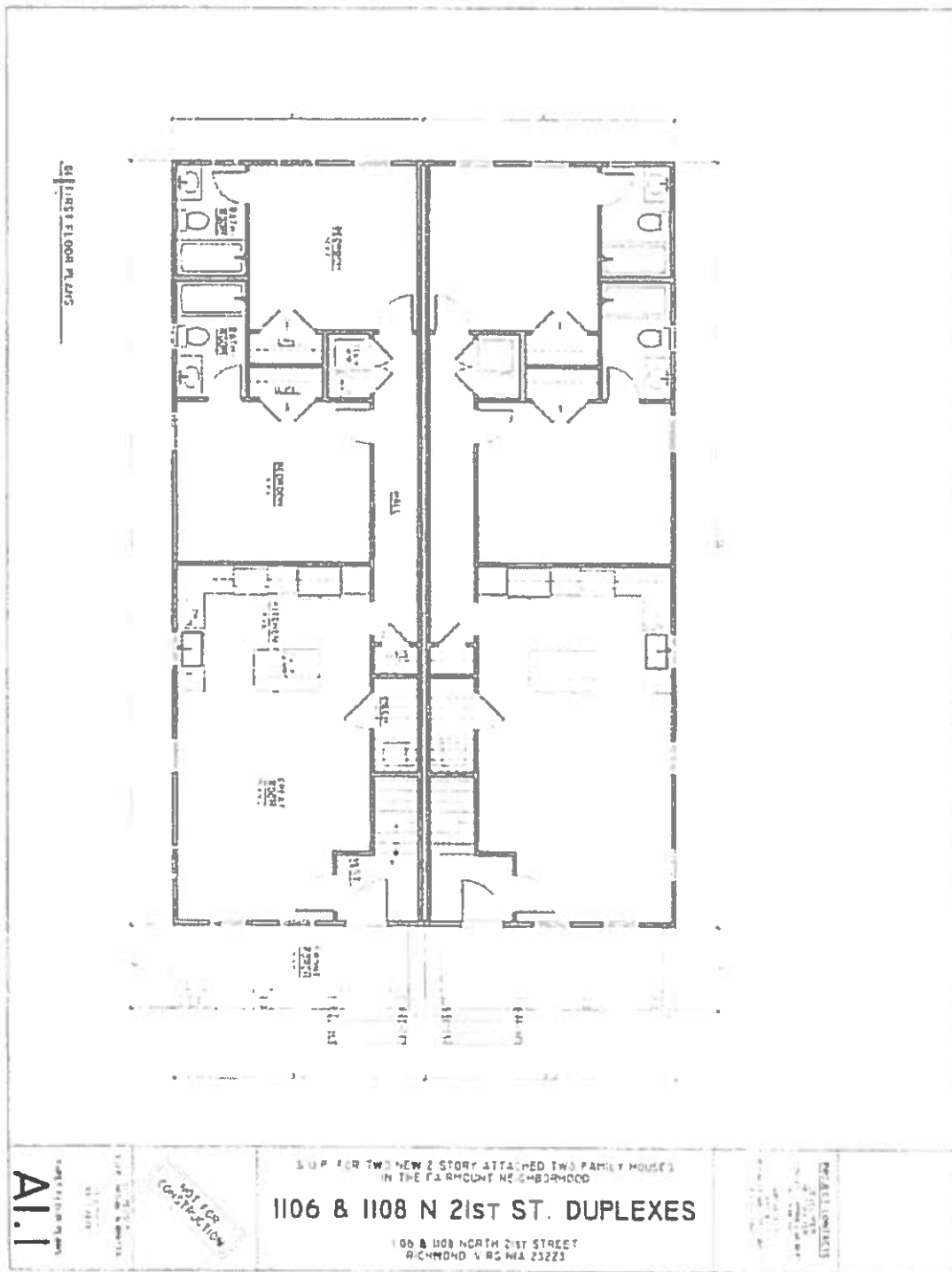
1106 & 1108 N 21ST ST. DUPLEXES
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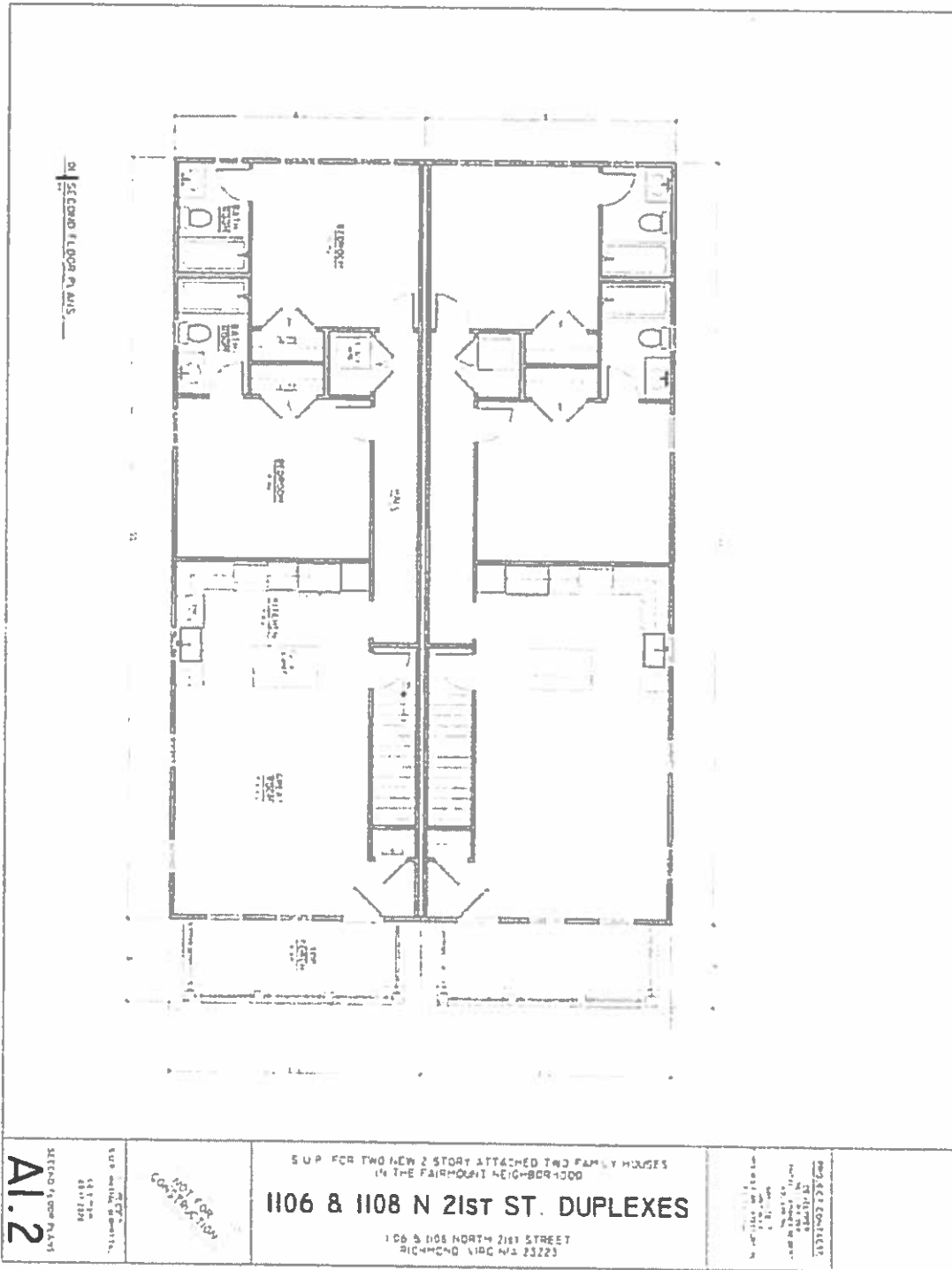
SUP FOR TWO NEW 2 STORY ATTACHED TWO FAMILY HOUSES
IN THE FAIRMOUNT NEIGHBORHOOD
1106 & 1108 N 21ST ST. DUPLEXES
1106 & 1108 NORTH 21ST STREET
RICHMOND, VIRGINIA 23223

1106 & 1108 N 21ST ST. DUPLEXES

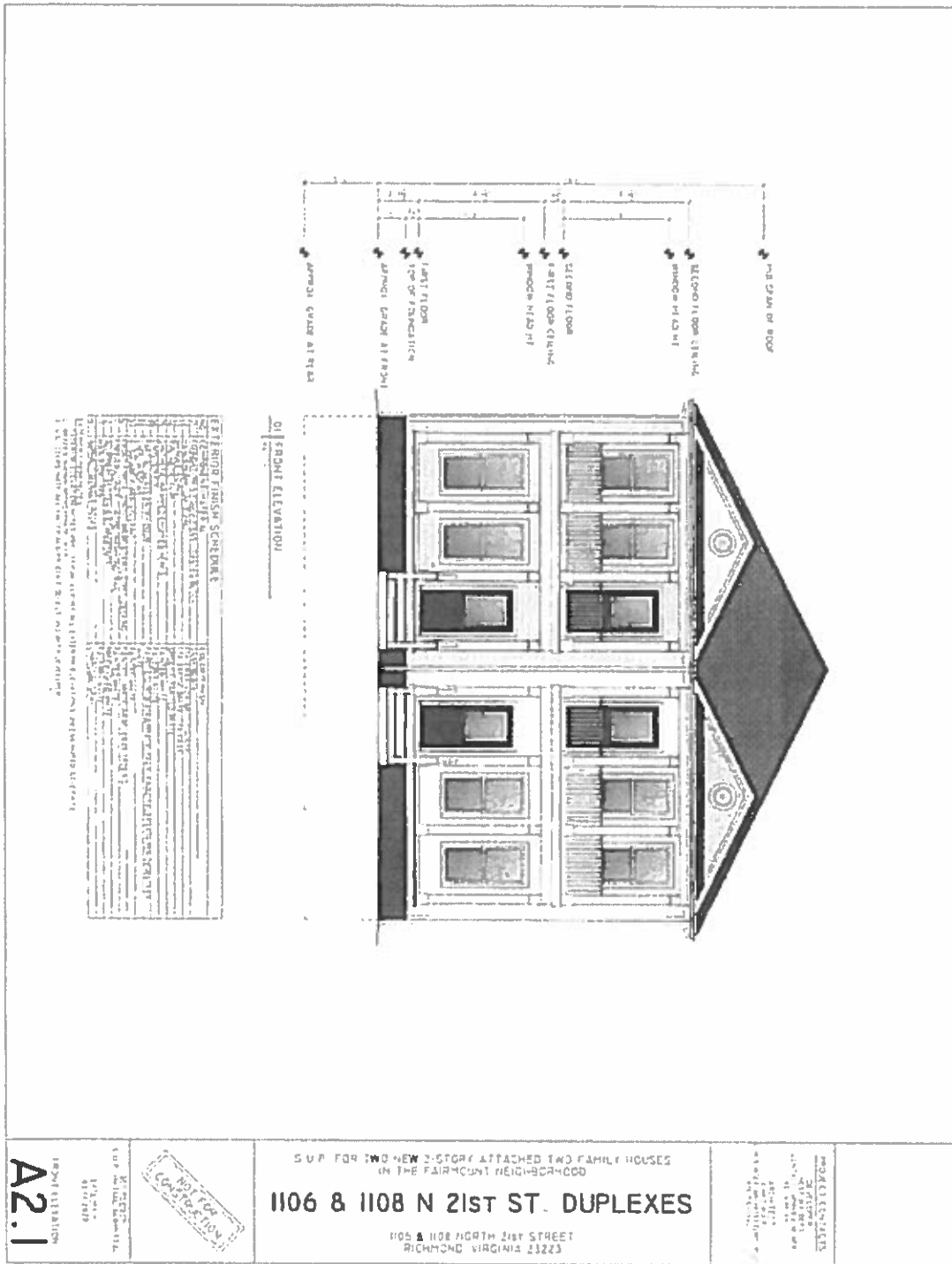
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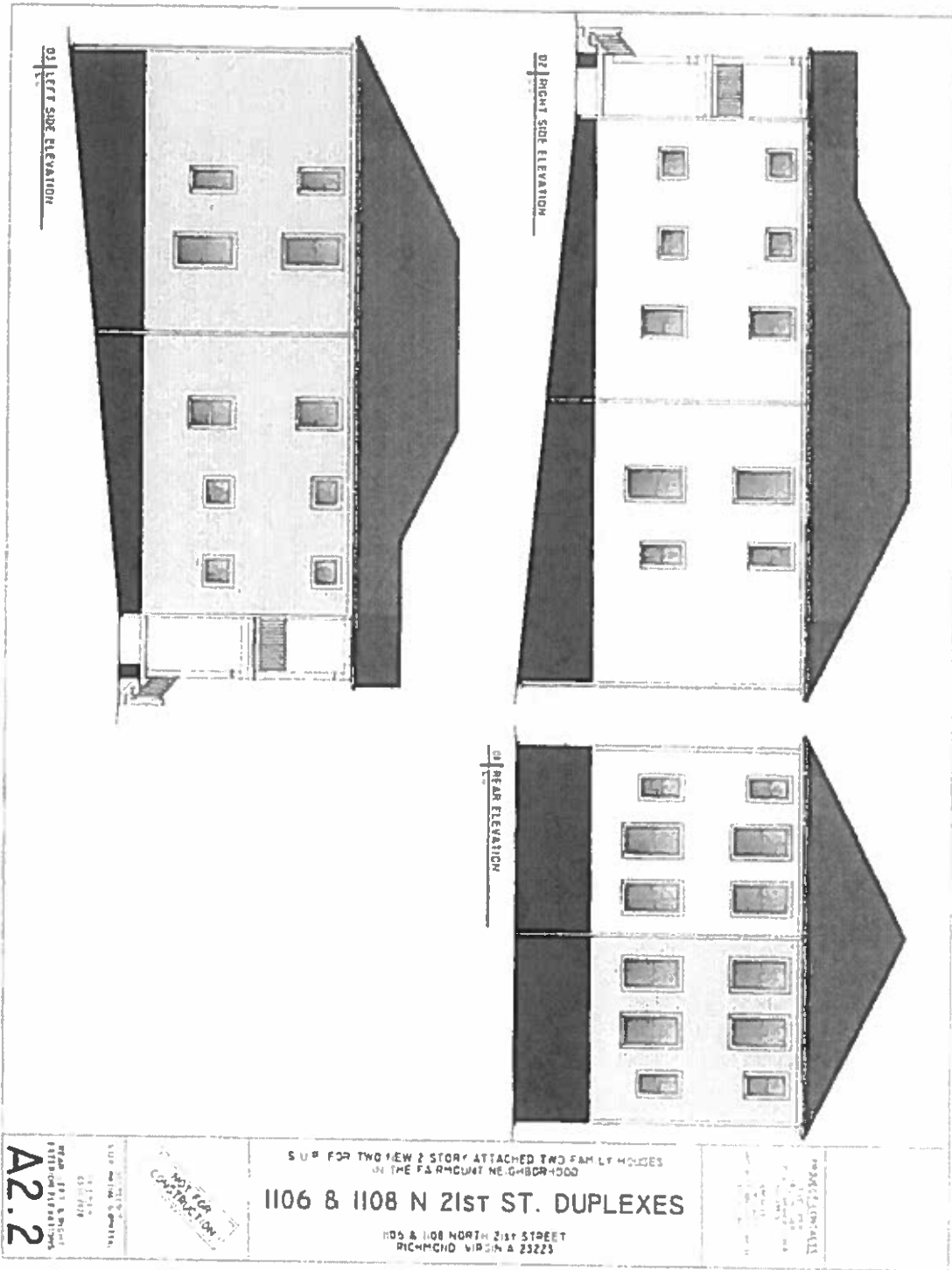


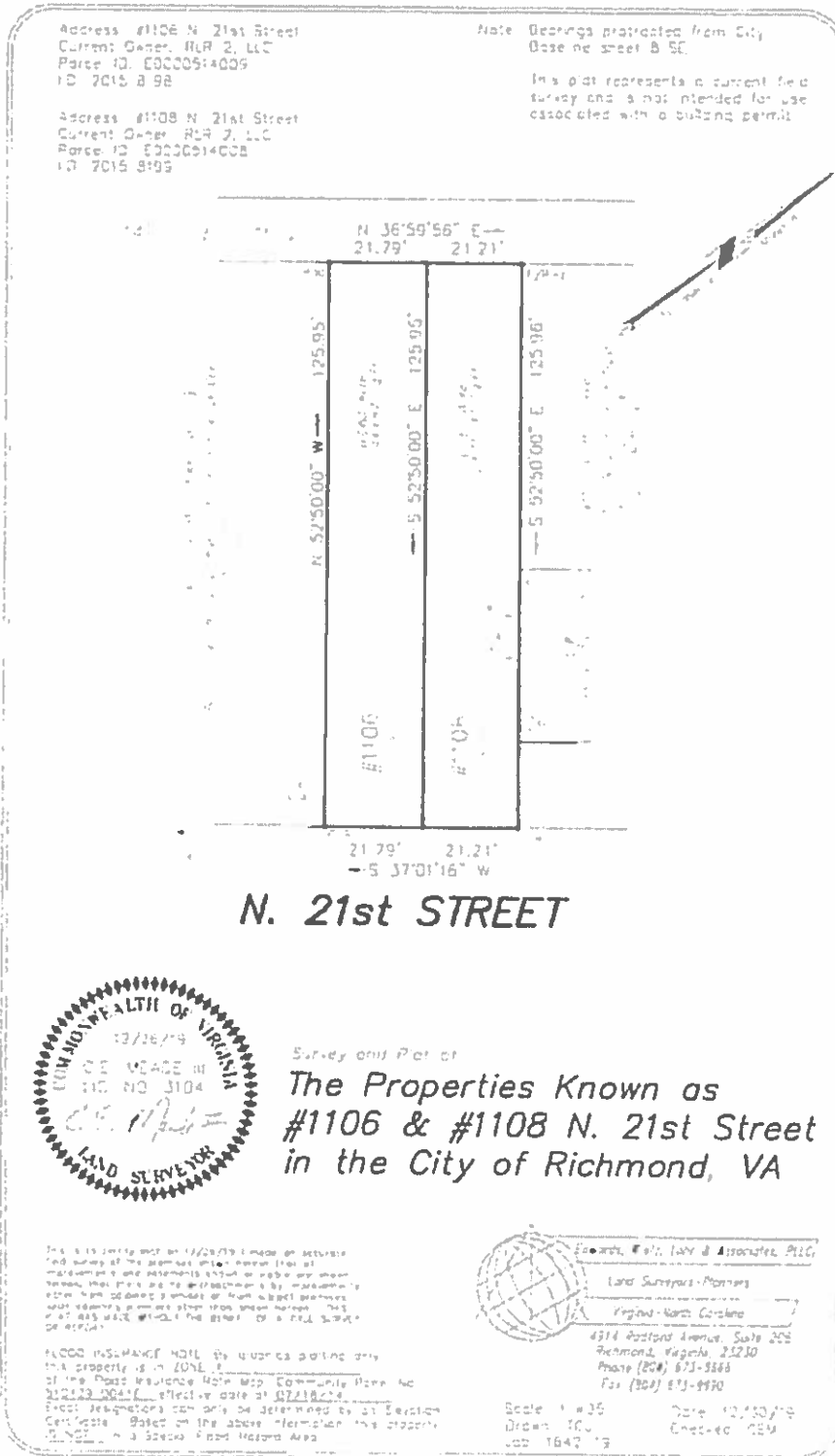




<p>A1.2</p> <p>SECOND FLOOR PLAN</p>	<p>DATE: 11/13/13</p> <p>SCALE: AS SHOWN</p> <p>BY: [Signature]</p>	<p>5 UP FOR TWO NEW 2 STORY ATTACHED TWO FAMILY HOUSES IN THE FAIRMOUNT NEIGHBORHOOD</p> <p>1106 & 1108 N 21ST ST. DUPLEXES</p> <p>106 & 108 NORTH 21ST STREET RICHMOND VIRG 23223</p>	<p>PROJECT NO: 13-001</p> <p>DATE: 11/13/13</p> <p>BY: [Signature]</p>
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Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 5H
Richmond, Virginia 23219
(804) 548-6304
<http://www.cihrm.gov>

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: 1106, 1108 N 21st Street Date: 02/03/2020
 Tax Map #: E0000514 009, 008 Fee: \$300
 Total area of affected site in acres: 0.124 acres

See page 6 for fee schedule, please make check payable to City of Richmond

Zoning

Current Zoning: R-6 Single-Family Attached Residential

Existing Use: Vacant Land

Proposed Use

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

Two, two-family attached dwellings
Existing Use: Vacant Land

Is this property subject to any previous land use cases?

Yes No If Yes please list the Ordinance Number: _____

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources
 Mailing Address: 1319 Summit Ave., Suite 102
 City: Richmond State: VA Zip Code: 23230
 Telephone: (804) 874-8275 Fax: _____
 Email: markbaker@bakerdevelopmentresources.com

Property Owner: RIR 2 LLC
If Business Entity name and title of authorized signee: David Scheidt

(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 do so execute or attest.)

Mailing Address: 2317 Carrington St.
 City: Richmond State: VA Zip Code: 23223
 Telephone: (804) 698-9142 Fax: _____
 Email: Amanda.B.Scheidt@gmail.com

Property Owner Signature: [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 permit checklist and a check for the application fee (see Filing Procedures for Special Use Permits)

APPLICANT'S REPORT

March 25, 2020

Special Use Permit Request

1106, 1108 N 21st Street, Richmond, Virginia

Map Reference Number: E000-051-4009, E000-051-4008

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 1519 Summit Ave., Suite 102 Richmond, VA 23230

Introduction

The property owner is requesting a special use permit (SUP) for 1106 and 1108 N. 21st Street ("the Property"). The SUP would authorize the construction of two (2) two-family attached dwellings, some of the features of which do not conform to the underlying R-6 Single-Family Attached Residential district zoning requirements applicable to the Property.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the western side of N. 21st Street between Q and R Streets. The subject property is referenced by the City Assessor as tax parcels E000-051-4009 and E000-051-4008. The Property consists of two vacant lots that are roughly 21' wide and 125' in depth and each contain a total of approximately 2,667 square feet of lot area. The lot is relatively flat and is afforded access by means of a north-south alley.



The properties located on N. 21st Street between Q and R streets are generally developed as one and two family homes. There are two-family homes located immediately adjacent to the north of The Property along with two, two-family homes located directly across 21st Street.

EXISTING ZONING

The Property is zoned R-6 Single-Family Attached Residential, which permits the construction of two-family dwellings only if they are detached (whereas two-family attached dwellings existing prior to the effective date of the Ordinance are permitted). The surrounding properties are also zoned R-6, except properties to the south of Q St. which are zoned R-6J Multi-Family Urban Residential.

MASTER PLAN DESIGNATION

This request is consistent with The Master Plan designation of "Single-Family (Medium Density)" for the Property in terms of use. The Master Plan describes this land use category as follows: "Primary uses are single-family and two-family dwellings, both detached and attached...Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7." There are also a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for the continued creation of market rate rental housing and a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse.

Proposal

PROJECT SUMMARY

The proposed development includes the construction of two (2) two-family attached dwellings on individual lots with four (4) accessory parking spaces.

PURPOSE OF REQUEST

The Property consists of two (2) lots that are both roughly 21' wide and each contain approximately 2,700' of lot area. Consistent with the relatively narrow lot widths of the property, the owner would like to construct two (2) two-family attached dwellings. The R-6 district permits the two-family attached dwellings that lawfully exist as of the effective date of the zoning ordinance. This request contemplates the new construction of two-family attached dwellings and several feature requirements applicable to two-family attached dwellings are not met. Therefore, a SUP is required in order to permit the development.

The proposed use of the lots is compatible with other lots in the vicinity and allows for the efficient use of the Property. On the subject block face, the lots are generally developed with a mix of single- and two-family homes that do not comply with the current R-6 requirements feature. These dwellings were typically built with minimal side-yard setbacks, and are substandard where lot width and lot area are concerned. Based on this historic lot pattern, the majority of lots in the vicinity are nonconforming with regard to lot area and lot width.

In exchange for the SUP, the intent of this request is to ensure a high-quality infill development. The overall project would be appropriately dense and efficient. It would be consistent with the use permitted by-right by the underlying zoning. At the same time, it would remain respectful to the historic lot pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the

quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

PROJECT DETAILS

The two-family attached dwellings would be two stories in height. From the street, the proposed buildings would read as a single-family dwellings, and are therefore consistent with other residential buildings in the vicinity in terms of scale and character. The building facades would be traditional in design and reflect architectural details that are existing in the block. Each building would contain approximately 2,000 square feet of floor area. Each unit would have two bedrooms and 2 baths in a spacious and modern floor plan with open living areas.

The buildings would be clad in cementitious siding in order to ensure quality and consistency with many other dwellings in the vicinity. Full-width front porches on both levels are proposed and would provide usable outdoor area for future occupants. Two parking spaces are proposed for the two dwellings. Parking spaces would be located to the rear of the dwellings and accessed by the rear alley.

Findings of Fact

The following are factors included 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 negligible traffic generation and four off street parking spaces for the four dwelling units will prevent congestion on streets, roads, alleys or any other public right of way.

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

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

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

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

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

The special use permit 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. The proposed buildings are of compatible massing and spacing to the existing in the vicinity, which are in many cases attached, and will not interfere with the provision of adequate light and air to the adjacent buildings. The proposed side yard setbacks equal the side yards that would be required for the by-right development of the Property.

Summary

In summary we are enthusiastically seeking approval for the construction of the proposed two-family attached dwellings. The buildings have been thoughtfully designed in order to provide appropriate, high quality market rate infill development. The request offers compatibility with the City's Master Plan in terms of use. The request would contribute to the ongoing revitalization of the neighborhood, upgrading a currently vacant property while maintaining a desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood.

The proposed development would respectfully replace missing teeth in the existing urban fabric and help encourage a pedestrian friendly urban streetscape in the block. This would contribute to the vibrancy of the block through the provision of a uniform street front and the addition street life in the form of additional pedestrian traffic and street-oriented full width front porches. An appropriate urban form coupled with the provision of accessory parking to the rear of the property would give the property the much-desired traditional neighborhood design. The provision of off-street parking spaces matching normal zoning standards would help mitigate any impact on parking related to the development. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.