

INTRODUCED: January 13, 2020

AN ORDINANCE No. 2020-017

To authorize the special use of the property known as 1512 North 23rd 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: FEB 10 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 1512 North 23rd Street, which is situated in a R-6 Single-Family Attached 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 section 30-412.4, concerning lot area and width, density, and unit 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 10 2020 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 (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 1512 North 23rd Street and identified as Tax Parcel No. E000-0778/001 in the 2020 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing a Division of Lot 5 ~ Section A ~ Andrews Row, Richmond, Virginia, Surveyed for Willie M. & Ruth M. Andrews,” prepared by Baseline Land Surveying, and dated August 12, 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 single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “New Single Family Home, 1510 North 23rd Street; Richmond, VA, Willie and Ruth Andrews,” prepared by Architecturally Yours, and dated July 14, 2019, 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 Special Use of the Property shall be two single-family detached dwellings, substantially as shown on the Plans.

(b) One off-street parking space per dwelling unit shall be provided on the Property.

(c) The height of the Special Use shall not exceed the height 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) All building materials and elevations shall be substantially as shown on the Plans.

(f) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of two residential lots, substantially as shown on the survey referred to in section 2(a) of this ordinance, shall be accomplished by obtaining subdivision 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 (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.

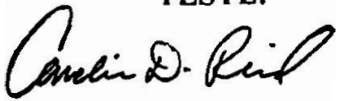
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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

City of Richmond

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

Item Request

File Number: PRE.2019.514

RECEIVED O & R REQUEST

JAN 07 2020

4-9515
DEC 17 2019

O & R Request

OFFICE OF THE CITY ATTORNEY
Office of the Chief Administrative Officer

DATE: December 13, 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)

THROUGH: Lenora Reid, Interim Chief Administrative Officer

THROUGH: Sharon 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 property known as 1512 N. 23rd Street for the purpose of 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 1512 N. 23rd Street for the purpose of a single-family detached dwelling, upon certain terms and conditions.

REASON: The proposed single-family detached dwelling will be built on a parcel that does not meet the minimum lot width or area required 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 February 3, 2020, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is .153 acres (6,648 square feet), 53 feet in width and contains a single-family dwelling.

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 open area to the east of the existing single-family dwelling formally contained a single-family structure that was destroyed by fire. After the demolition of this structure the property was merged with the adjacent property. It is the applicant's desire to again divide the parcel and develop the property with a two story single-family detached dwelling.

The subject property, as well as all adjacent properties, are located in the R-6 Single-Family Attached Residential District and contain similar uses.

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: January 13, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 10, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
February 3, 2020

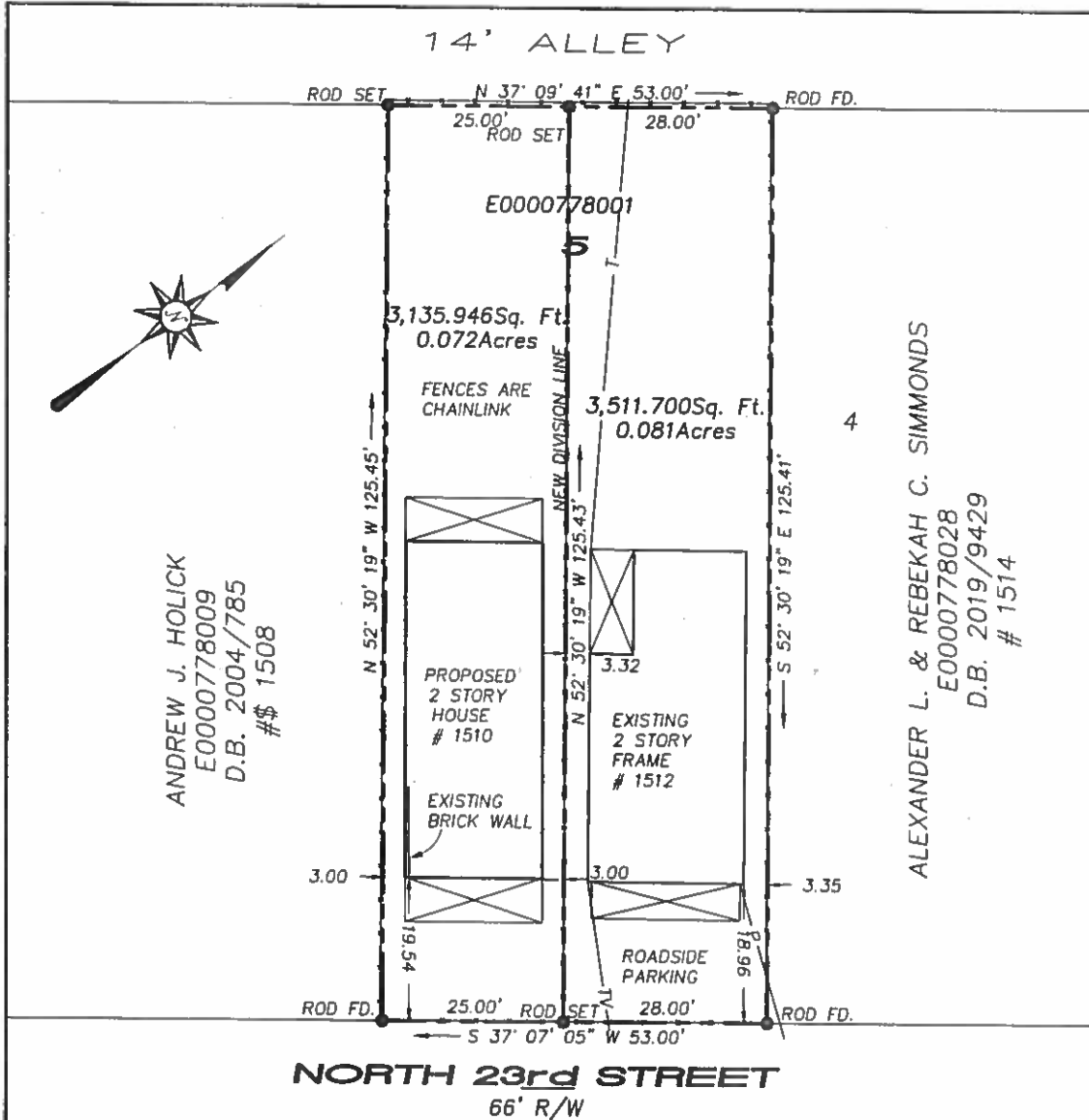
AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.:

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application and Narrative; Map; The Property; The Plans; Petitions of Support; Draft Ordinance.

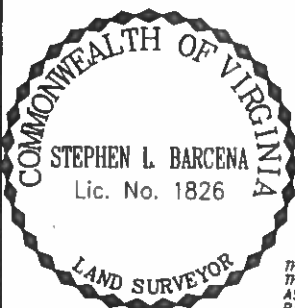
STAFF: David Watson, Senior Planner, Land Use Administration (Room 511) 646-1036



ANDREW J. HOLICK
E0000778009
D.B. 2004/785
\$ 1508

ALEXANDER L. & REBEKAH C. SIMMONDS
E0000778028
D.B. 2019/9429
1514

PLAT SHOWING A DIVISION OF
LOT 5 ~ SECTION A ~ ANDREWS ROW
RICHMOND, VIRGINIA
SURVEYED FOR
WILLIE M. & RUTH M. ANDREWS



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE BINDER AND IS SUBJECT TO ANY ENCUMBRANCES THAT ONE MAY REVEAL.

THIS IS TO CERTIFY THAT ON 8/12/19 TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT ALL IMPROVEMENTS KNOWN OR VISIBLE ARE SHOWN HEREON; THAT THERE ARE NO VISIBLE ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES OTHER THAN AS SHOWN HEREON.

THIS PROPERTY IS IN ZONE "X" OF THE HUD DEFINED FLOOD HAZARD AREA AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL #5101290041 DATED 7/16/14

0 20 40

BASELINE LAND SURVEYING
526 GROVE AVENUE
PETERSBURG, VIRGINIA 23803
BL523903@MSN.COM
PH.: 804.520.9180 / FX.: 804.722.9517

DATE: AUGUST 12, 2019	SCALE: 1" = 20'
DRAWN BY: SLB	
CHECKED BY:	CALC. CHK.: SLB
JOB NO.: 22073	F.B. 200/37

NOT VALID UNLESS SIGNED IN RED
PREVIOUS JOB NO.

REV.:



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: 1510 N. 23rd Street Date: 7-11-19
 Tax Map #: _____ Fee: _____
 Total area of affected site in acres: 3136 sq'

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

Zoning

Current Zoning: R-6

Existing Use land w/ partial foundation

Proposed Use

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

To rebuild single family detached home that was destroyed
 Existing Use: Vacant land after fire by fire

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number _____

Applicant/Contact Person:

Michelle Bobbs
 Company: Architecturally Yours
 Mailing Address: 1311 Cedar Lawn Ave
 City: Richmond State: VA Zip Code: 23231
 Telephone: (804) 324-8172 Fax: _____
 Email: architecturallyyours@hotmail.com

Property Owner:

Mr Willie & Ruth Andrews
 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: 1525 N. 23rd St
 City: Richmond State: VA Zip Code: 23223
 Telephone: (804) 338-0324 Fax: _____
 Email: willieand@comcast.net

Property Owner Signature:

Willie & Ruth Andrews

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)

PROJECT ADDRESS: 1510 NORTH 23RD STREET – R6 ZONING DISTRICT.

CURRENT PROJECT DESCRIPTION:

- THE EXISTING PROPERTY IS A VACANT LOT WITH A PARTIAL BRICK FOUNDATION WALL REMAINING. THE ORIGINAL HOUSE WAS DESTROYED BY FIRE SEVERAL YEARS AGO AND THAT HOUSE PROVIDED 3'-0" SIDE YARD SETBACKS PRIOR TO THE FIRE.

PROPOSED WORK DESCRIPTION:

- THE OWNER WISHES TO REBUILD A 1748 SQUARE FOOT SINGLE FAMILY DETACHED TWO STORY HOUSE ON THE VACANT LOT. THE NEW HOUSE WILL HAVE 3 BEDROOMS AND 2 ½ BATHS WITH AN OPEN FIRST FLOOR BETWEEN THE LIVING ROOM, DINING ROOM AND KITCHEN. PRELIMINARY PLANS HAVE BEEN SUBMITTED.
- THE OWNER IS REQUESTING TO BE ALLOWED TO PROVIDE 3'-0" SETBACKS ON BOTH SIDES OF THE NEW HOME THAT HE PROPOSES TO BUILD. THE ORIGINAL DWELLING ALSO HAD 3'-0" SETBACKS. THE NEW DWELLING WILL COMPLY WITH THE CURRENT ZONING ORDINANCE FOR THE FRONT AND REAR SETBACKS.