

INTRODUCED: February 25, 2019

AN ORDINANCE No. 2019-036

To authorize the special use of the property known as 507 North 30th Street for the purpose of a dwelling unit within an accessory building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 25 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 507 North 30th Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a dwelling unit within an accessory building, which use, among other things, is not currently allowed by section 30-419.4 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 (2018), 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: MAR 25 2019 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 507 North 30th Street and identified as Tax Parcel No. E000-0633/022 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 507, 509 & 509 ½ North 30th Street, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated August 27, 2018, hereinafter referred to as “the Survey,” 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 dwelling unit located in an existing accessory building to an existing multifamily dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the Survey and the plans entitled “Proposed Change of Use & Renovation - 30th Street, Richmond, VA.,” prepared by an unknown preparer, and dated September, 2018, hereinafter collectively 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 as no more than one dwelling unit within a building accessory to an existing multifamily dwelling, substantially as shown on the Plans.

(b) No fewer than one on-site parking space shall be provided on the Property, which parking space shall be accessed by way of the alley located at the rear of the Property, substantially as shown on the Plans.

(c) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.

(d) The height of the Special Use shall not exceed one story, substantially as shown on the Plans.

(e) All mechanical equipment 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 (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.



City of Richmond

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

Item Request

File Number: PRE.2018.433

O & R REQUEST

4-9540

JAN 30 2019

Office of the
Chief Administrative Officer

O & R Request

DATE: January 30, 2019

EDITION: 1

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.)

JD 2/6/19

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer *[Signature]*

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic
Development and Planning *[Signature]*

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *[Signature]*

RE: To authorize the special use of the property known as 507 North 30th Street, for the purpose
of a dwelling unit within an accessory building, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 507 North 30th Street, for the purpose
of a dwelling unit within an accessory building, upon certain terms and conditions.

REASON: The applicant is proposing a dwelling unit within a building accessory to a two-story,
multi-family dwelling. This use would not be permitted by the underlying zoning. A special use permit is
therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning
Ordinance, the City Planning Commission will review this request and make a recommendation to City
Council. This item will be scheduled for consideration by the Commission at its march 18, 2019, meeting. A
letter outlining the Commission's recommendation will be forwarded to City Council following that
meeting.

BACKGROUND: The subject property consists of a multi-family dwelling, including 507 and 509 N 30th
Street. The total size of the parcel is 5,270 SF, or .12 acres of improved land. The existing 2-story building
is 3,472 SF with a 684 SF detached accessory structure and was constructed, per tax assessment records, in
1910. The property is a part of the Church Hill neighborhood in the East Planning District.

The City of Richmond's current Master Plan designates the subject property for Mixed Use Residential (MUR) uses which include, "...single, two, and multi-family dwellings, live/work units and neighborhood serving commercial uses developed in a traditional urban form. These commercial uses are limited in location, type and scale and are intended to provide for the convenience of urban neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside the neighborhood. Typical zoning classification that may accommodate this land use category: R-63 and R-8. (City of Richmond, Master Plan)

The current zoning for the property is R-63, Multi-family Urban Residential. Properties in the vicinity to the South and East are zoned R-8, Urban Residential. A mix of residential (single-, two-, and multi-family), vacant, commercial, utility, and institutional land uses are present in the vicinity.

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

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

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$1,800

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 25, 2019

CITY COUNCIL PUBLIC HEARING DATE: March 25, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, March 18, 2019

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.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review

Land Use Administration Division

900 E. Broad Street, Room 511

Richmond, Virginia 23219

(804) 646-6304

http://www.richmond.gov/

SUP-042804-2018

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: 507-509 N. 30TH ST. Date: 10/11/2018

Tax Map #: _____ Fee: 1800

Total area of affected site in acres: _____

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

RECEIVED

OCT 3 2018

Zoning

Current Zoning: R-63

Existing Use: MULTIFAMILY - 4 UNITS

LAND USE ADMINISTRATION

Proposed Use

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

TO CONVERT EXISTING BLOCK STRUCTURE TO AN APARTMENT

Existing Use: STORAGE - EMPTY

Is this property subject to any previous land use cases?

Yes

No

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

Applicant/Contact Person: Steve Pack

Company: _____

Mailing Address: 16415 OLD COUNTRY RD

City: GLEN ALLEN State: VA Zip Code: 23060

Telephone: (804) 356-7965 Fax: ()

Email: sdpp@ AOL.COM

Property Owner: 30TH ST 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: 2307 E. BROAD ST

City: Richmond State: VA Zip Code: 23223

Telephone: (804) 644-7884 Fax: ()

Email: CDUVALL@LINDLORP.COM

Property Owner Signature: _____

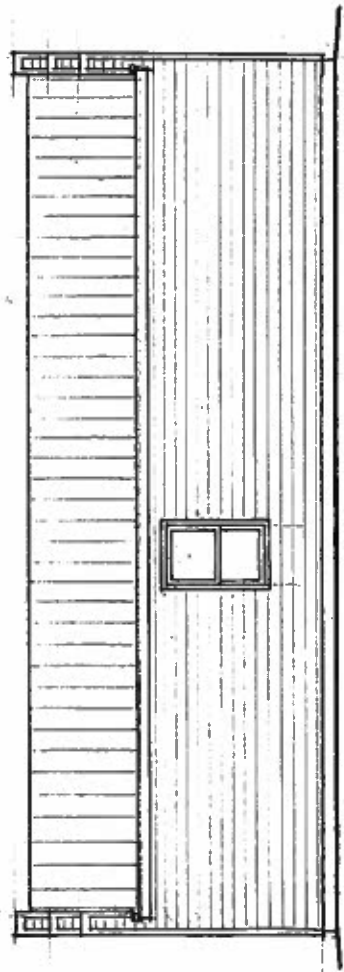
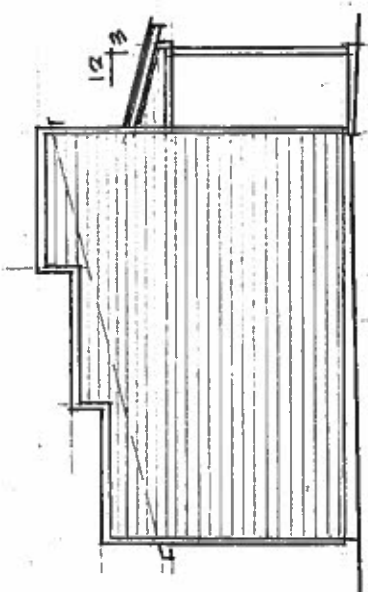
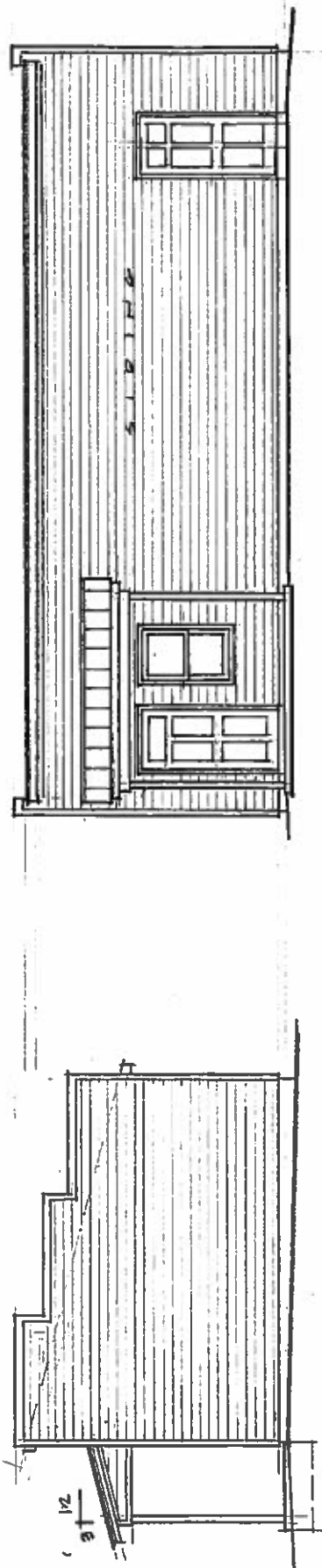
The names addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

APPLICANTS REPORT

507-509-509 ½ NORTH 30th ST

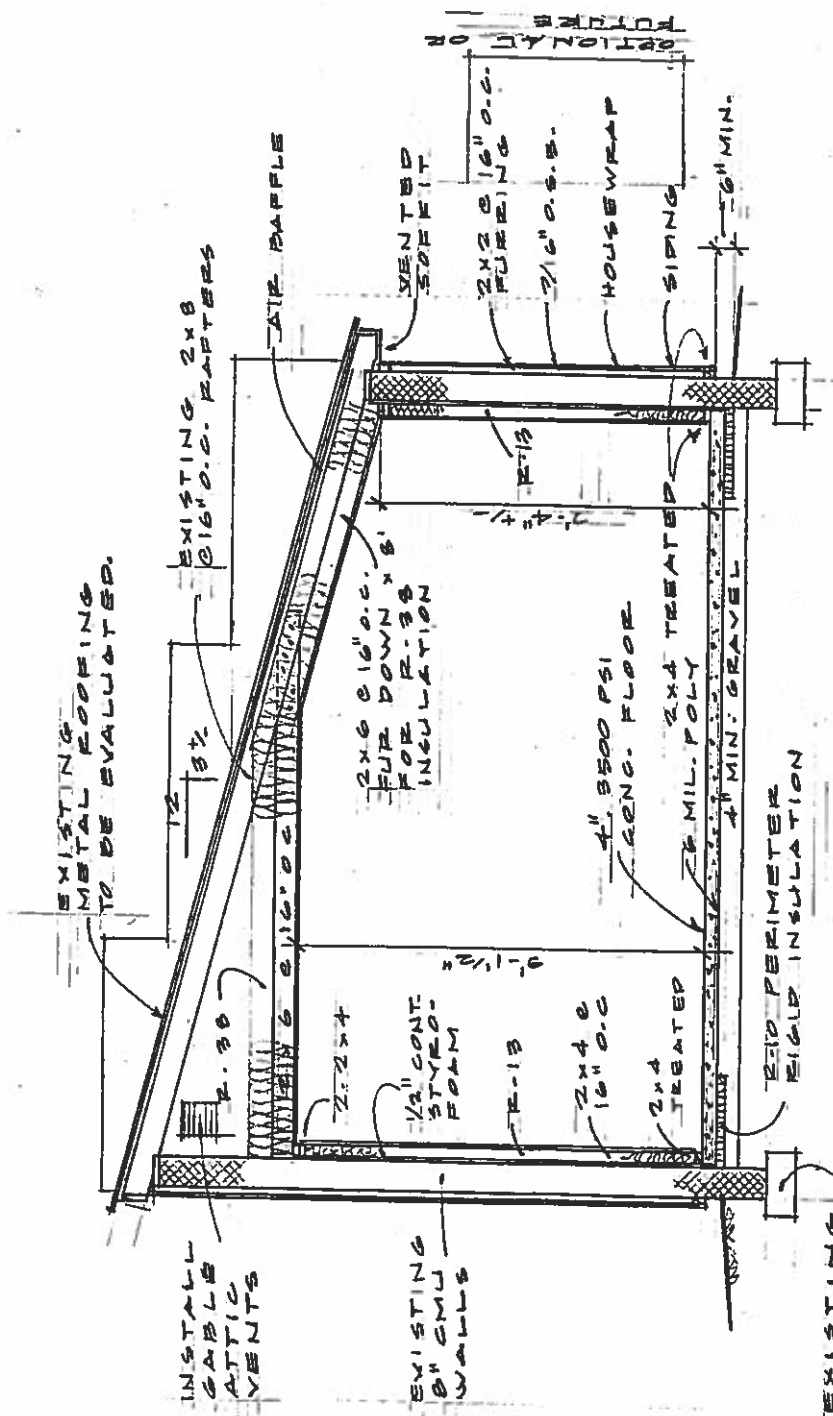
WE HAVE A LARGE CONCRETE BLOCK STRUCTURE IN THE REAR YARD OF A 4-UNIT MULTIFAMILY PROPERTY. IT IS EMPTY AND DOES NOT HAVE MUCH USE EXCEPT FOR STORAGE AND IS KIND OF AN EYESORE FOR THE AREA THAT APPEARS TO BE IMPROVING IN THE NEIGHBORHOOD. WE FELT LIKE IF WE CONVERTED IT INTO A 1-BEDROOM APARTMENT, WE COULD MAKE THE NECESSARY CHANGES INSIDE AND OUT, AND HAVE AN ATTRACTIVE BUILDING. WE WOULD USE THE EXISTING ALLEY FOR ACCESS TO AN OFF-STREET PARKING SPACE AND ENTRANCE.



PROPOSED CHANGE OF USE & RENOVATION
 304 H STREET
 RICHMOND, VA.
 SEPT. 2016

2 OF 3

Elevation
 Scale = 3/16" = 1'-0"



Building Section
 Scale = 3/8" = 1'-0"

PROPOSED
 CHANGE OF USE &
 RENOVATION
 30TH Street
 RICHMOND, VA.
 SEPT. 2018
 BFB