

INTRODUCED: April 27, 2020

AN ORDINANCE No. 2020-106

To authorize the special use of the property known as 1701 North 21st Street for the purpose of two single-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: MAY 26 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 1701 North 21st Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two single-family attached dwellings, which use, among other things, is not currently allowed by section 30-410.1 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 (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 create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 26 2020 REJECTED: _____ STRICKEN: _____

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 1701 North 21st Street and identified as Tax Parcel No. E000-0938/012 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Survey and Plat of The [sic] Property Known as #1701 North 21st Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, dated April 26, 2019, and last revised June 3, 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 newly-constructed single-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “1701 N. 21st Street, Site Plan,” prepared by T M Vavra Assoc., and dated March 12, 2020, and the plans entitled “1701 N. 21st Street,” prepared by T M Vavra Assoc., and undated, 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 a two newly-constructed single-family attached dwellings, substantially as shown on the Plans.

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

(c) All building materials and elevations shall be substantially 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) No fewer than two off-street parking spaces shall be provided on the Property, 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 Plans, shall be accomplished by obtaining approval from the City of the division of the existing lot into two lots and by 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) The Owner shall make improvements within the public right-of-way, including the installation of sidewalk along W Street and four street trees within the public right-of-way substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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.

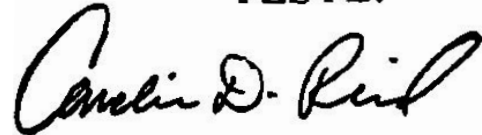
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

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 Zoning Administrator 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:**

A handwritten signature in black ink that reads "Carlin D. Reid". The signature is written in a cursive style with a large initial 'C'.

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.2020.067

O & R Request

DATE: March 30, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  4/8/2020
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer  4/3/2020

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 property known as 1701 North 21st Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1701 North 21st Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

REASON: The applicant is proposing to construct two single family attached dwellings with off street parking. The proposal is to split the subject lot to form two lots, with a lot area of 3472 square feet and lot width of 28' feet for new lot A and a lot area of 3557.6 square feet with a lot width of 28.69 feet for new lot B, and improve the lots with single-family attached dwellings. The R-5 Single-Family Residential zoning district requires a minimum lot area of 6000 square feet and a minimum lot width of 50 feet. Neither of the resulting lots will meet lot area or lot width requirements of the district, nor is a single-family attached dwelling permitted by right in the R-5 district.

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 May 18, 2020 meeting.

BACKGROUND: The subject property consists of a 7029 SF or .16 acre parcel of land, improved with a single-family detached dwelling constructed, per tax assessment records, in 1963. The property is located in the Peter Paul neighborhood in the City of Richmond's current East Planning District. The City's current Master Plan designates a land use category for the subject property as Single-Family Low Density.

Primary uses are "...single-family detached dwellings at densities up to seven 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-1, R-2, R-3, R-4, and R-5." (City of Richmond Master Plan)

The density of the parcel if developed as proposed would be one (1) unit / .08 acres or approximately (12.5) units per acre. The property is a part of a large, R-5 zone. A combination of R-6 (Single Family Attached) and R-53 (multi-family residential) zones are in near proximity to the south and north, respectively.

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: April 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: May 26, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
May 18, 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: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 804-646-5734



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

SUP-058735-2019

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 1701 N 21st St Date 7/5/19
Tax Map # E0600936012 Fee 5300
Total area of affected site in acres 0.161

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

Zoning

Current Zoning R-5

Existing Use Residential - single family

Proposed Use

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

Two identical lots zoned R-5 with two attached single family dwellings

Existing Use R-5 Single Family Home

Is this property subject to any previous land use cases?

Yes No
[] [x] If Yes, please list the Ordinance Number:

Applicant/Contact Person: Julia MacNelly
Company Maggie Walker Community Land Trust
Mailing Address: 203 N Robinson St
City Richmond State VA Zip Code 23220
Telephone (804) 251-1525 Fax
Email: Julia@hdadvisors.net

Property Owner: Maggie Walker Community Land Trust
If Business Entity, name and title of authorized signer: Robert J Adams

(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: Same as above
City State Zip Code
Telephone () Fax ()
Email:

Property Owner Signature: [Handwritten Signature]

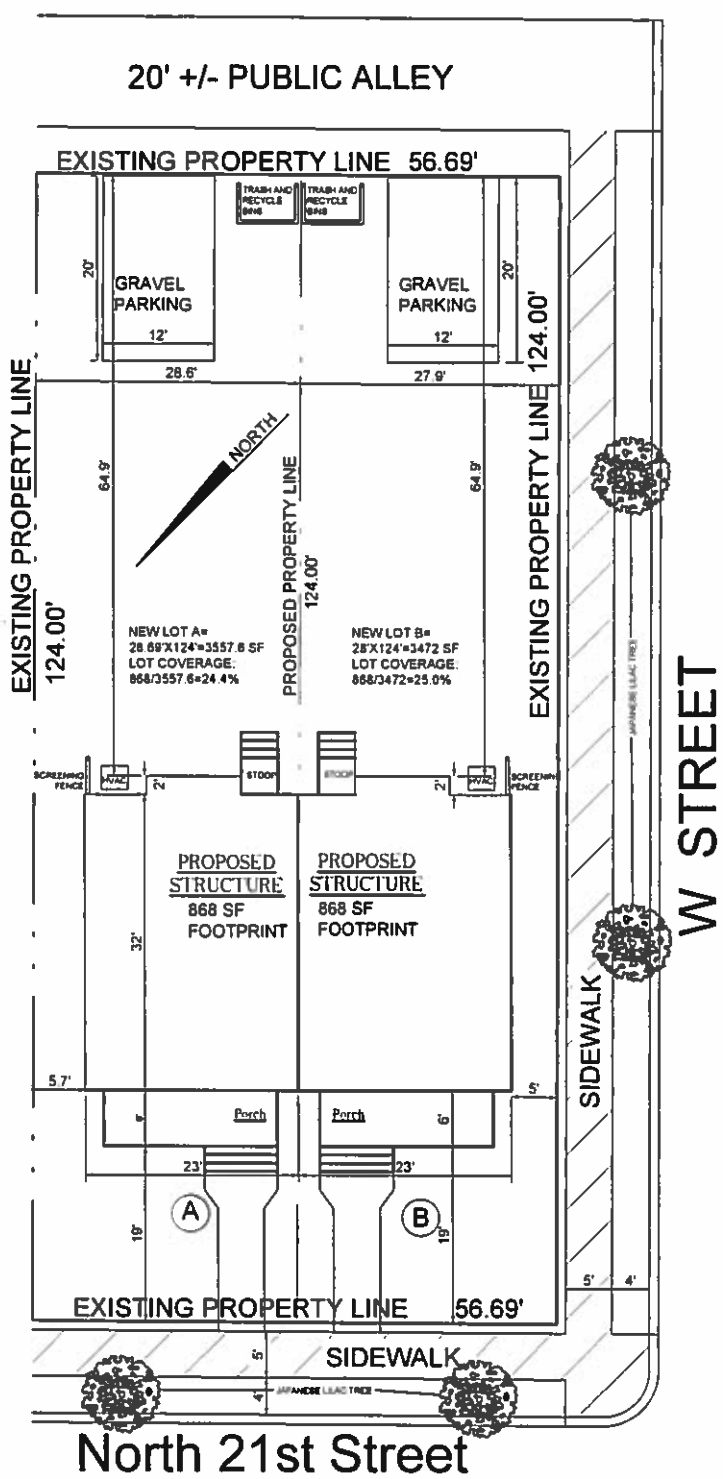
The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

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

3. Applicant's Report

The applicant, Maggie Walker Community Land Trust (MWCLT), intends to subdivide the property at 1701 N 21st St, demolish the existing structure, and build two attached single family homes that will provide affordable housing for low and moderate income households. MWCLT is a 501c3 with a staff of highly experienced real estate development professionals capable of completing projects on time and on budget. MWCLT has been developing affordable housing in the Richmond metro area since its inception in 2016, both as a developer and a partner to non-profit developers of affordable housing. Utilizing both our own network of contractors and publicly-available databases, MWCLT will make every effort to hire a WMBE certified Class A contractor in construction.

Both homes on the newly subdivided lot will be built at a density and architectural style in character with the neighborhood. The development and maintenance of high-quality affordable housing stock is beneficial to safety, health and general welfare of a given community. Given that the existing structure on the lot in question is currently unoccupied and unsuitable for living, the redevelopment of this structure as quality housing stock would contribute to the overall health of the community. Two parking spaces will be provided onsite to avoid unnecessary congestion in streets, alleys, and public ways. The neighborhood has ample street parking and generally low amounts of vehicular traffic. The demolition of the existing structure as well as the construction of the proposed attached homes will be fully code compliant and inspected by city officials throughout the process, thus avoiding hazards from fire, panic, and other dangers. The attached single family homes would have a footprint not exceeding 35% of the total lot size, and would each be occupied by one household, avoiding undue concentration of population or overcrowding of land. All setbacks will conform with code. Neither home will have an elevation exceeding that of the neighboring buildings, and therefore will not interfere with adequate light and air in the neighborhood.



1701 N
21st
STREET
SITE PLAN

3-12-20
NOTE THIS IS NOT
A SURVEY. THIS A
PRELIMINARY SITE
LAYOUT BASED ON
SURVEY DATA BY
OTHERS

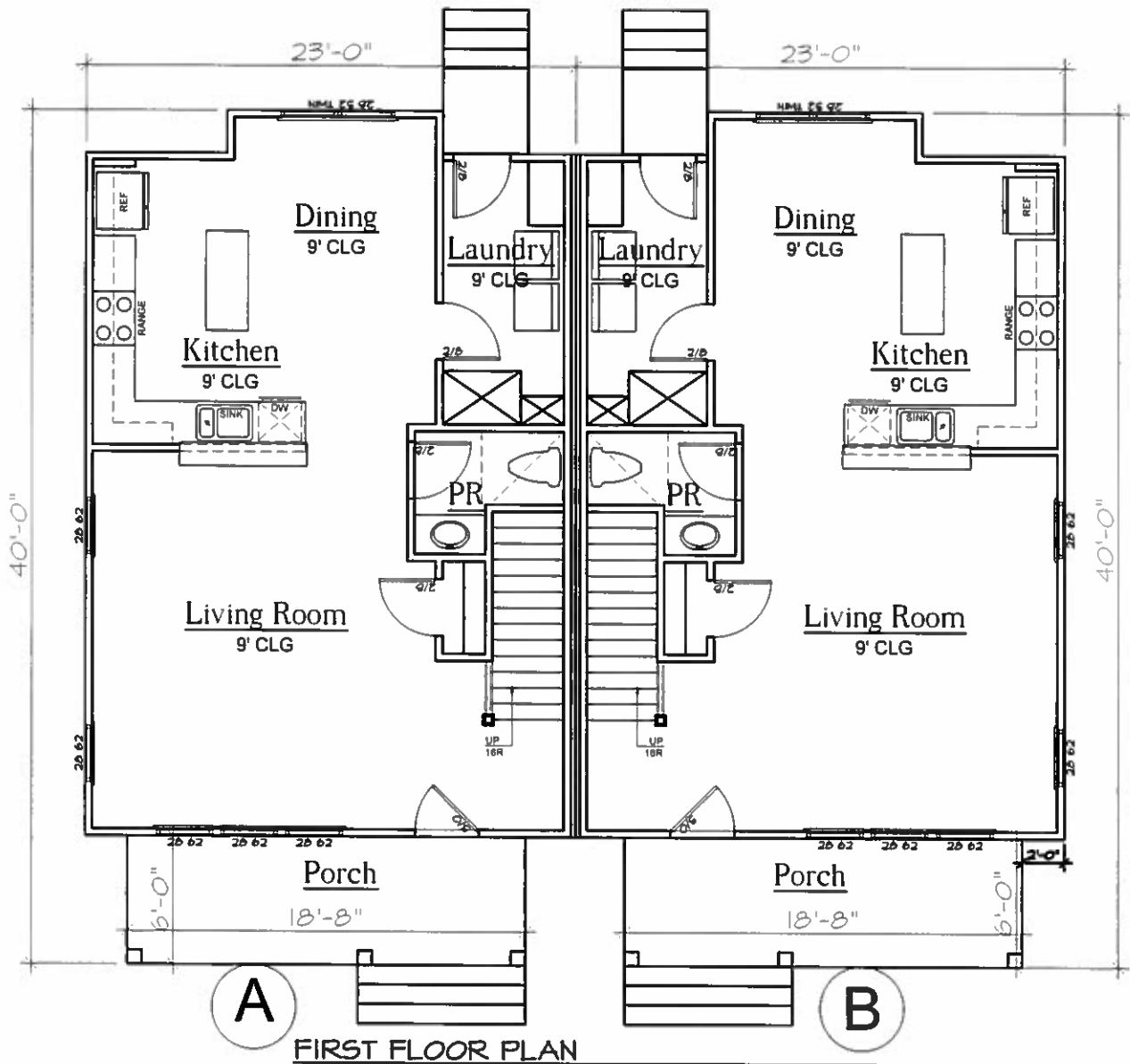
SCALE:
1"=20'

HD ADVISORS

ALL INFORMATION IS DEEMED RELIABLE BUT NOT GUARANTEED. ALL DETAILS AND ILLUSTRATIONS ARE APPROXIMATE AND MAY VARY FROM ACTUAL PLANS AND SPECIFICATIONS

TOM VAVRA, ARCHITECT
EMAIL: TOM@TMVAVRA.COM

T M VAVRA ASSOC. PH: 804-269-5129
5065 CRAIG RATH BLVD, MIDLOTHIAN, VA 23112



AREA CALCULATIONS

FIRST FL. UNIT A :	756 SF
SECOND FL. UNIT A :	684 SF
UNIT A COND. AREA :	1440 SF
ENTRY PORCH A :	112 SF
AREA UNDER ROOF A :	1552 SF

AREA CALCULATIONS

FIRST FL. UNIT B :	756 SF
SECOND FL. UNIT B :	684 SF
UNIT B COND. AREA :	1440 SF
ENTRY PORCH B :	112 SF
AREA UNDER ROOF B :	1552 SF

1701 N. 21st Street

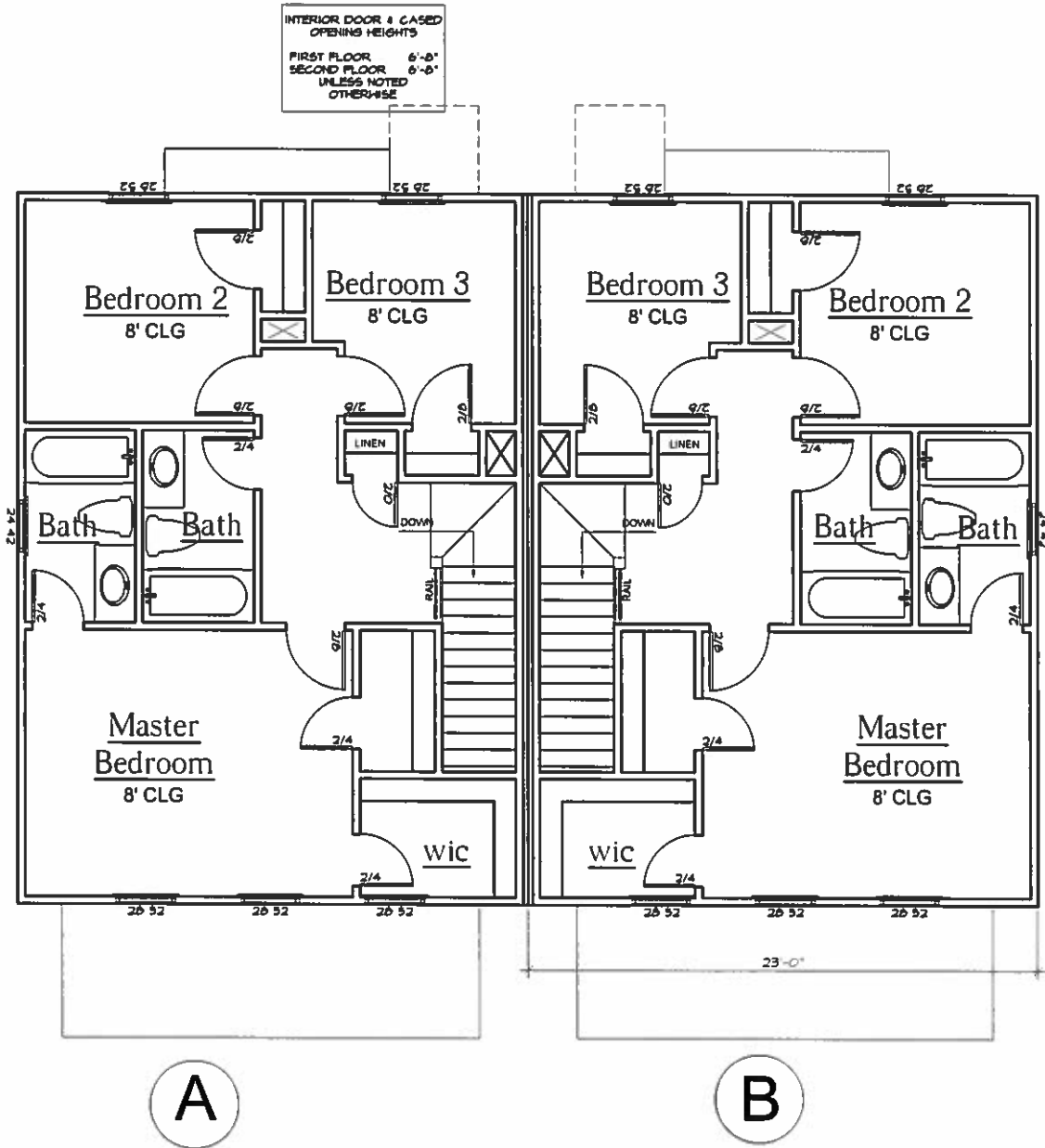
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SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

1701 N. 21st Street

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A

B

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

1701 N. 21st Street

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B REAR ELEVATION **A**
SCALE: 1/4" = 1'-0"

1701 N. 21st Street

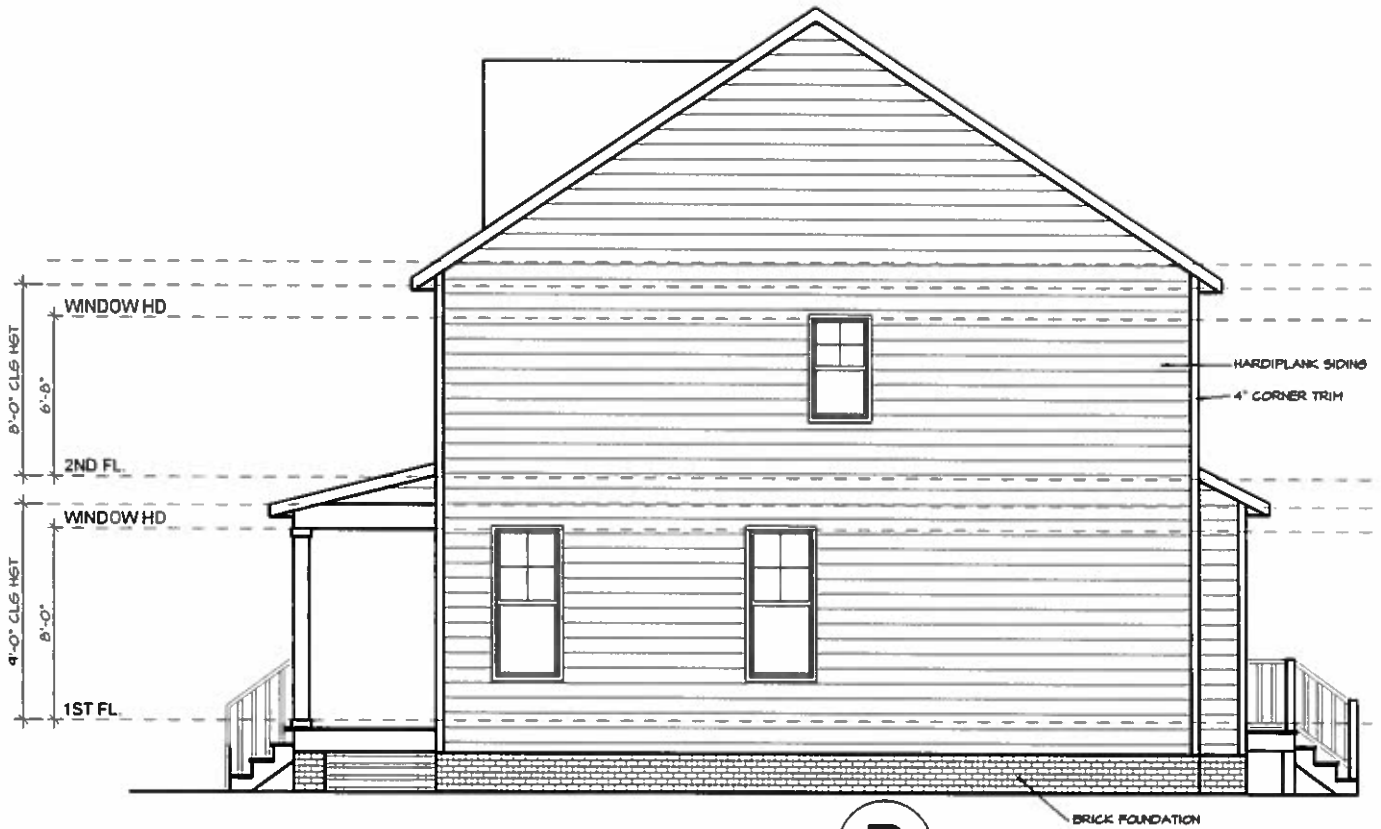
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RIGHT ELEVATION

B

SCALE: 1/4" = 1'-0"

1701 N. 21st Street

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LEFT ELEVATION

A

SCALE: 1/4" = 1'-0"

1701 N. 21st Street

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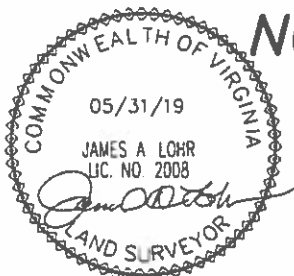
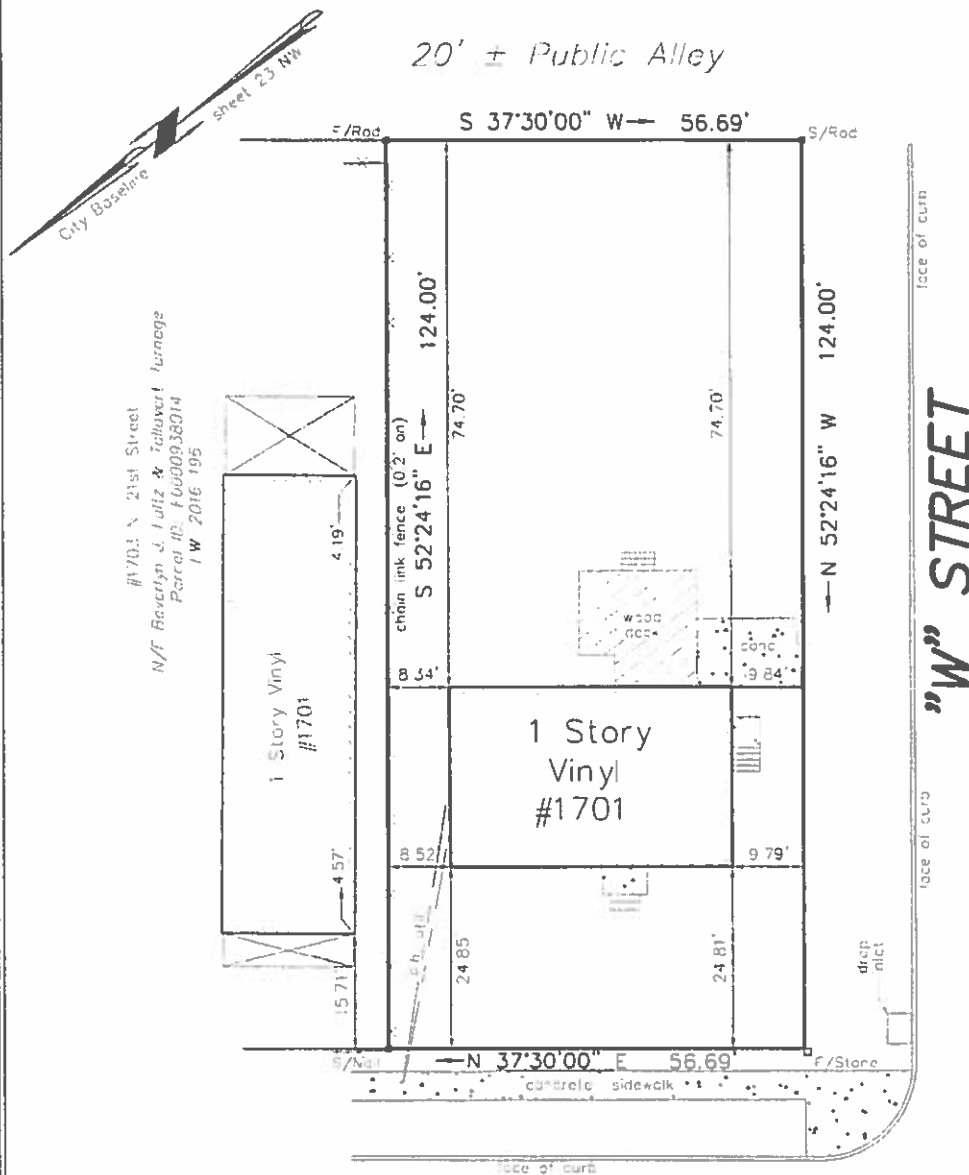
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T M VAVRA ASSOC.

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5065 CRAIG RATH BLVD., MIDLOTHIAN, VA 23112

Address: #1701 N. 21st Street
 Current Owner: The Maggie Walker Community Land Trust
 Parcel ID: E0000938012
 I.D. 2019 6487

Note: Bearings protracted from City
 Baseline sheet 23 NW.

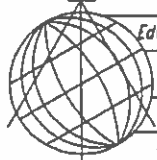


NORTH 21st STREET

Survey and Plat of
 The Property Known as
 #1701 North 21st Street in
 the City of Richmond, VA

This is to certify that on 05/31/19 I made an accurate field survey of the premises shown hereon that all improvements and easements known or visible are shown hereon, that there are no encroachments by improvements either from adjoining premises or from subject premises upon adjoining premises other than shown hereon. THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OR REPORT.

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map, Community Panel No. 510129 0041E 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.



Edwards, Kretz, Lohr & Associates, PLLC
 Land Surveyors-Planners
 Virginia-North Carolina
 4914 Radford Avenue, Suite 206
 Richmond, Virginia, 23250
 Phone (804) 673-9666
 Fax (804) 673-9990

Scale: 1"=20'
 Drawn: TCJ
 Job: 1237-19
 Date: 04/26/19
 Revised: 06/03/19
 Checked: JAL