INTRODUCED: March 9, 2020

AN ORDINANCE No. 2020-090

As Amended

To authorize the special use of the property known as 2852 Hull Street for the purpose of a single-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: APR 13 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 2852 Hull Street, which is situated in a B-3 General 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 30-438.1 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 (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:	8	NOES:	0	ABSTAIN:	
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ADOPTED:	JUN 8 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 2852 Hull Street and identified as Tax Parcel No. S000-1222/007 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "Plat of Property Situated on the Southern Line of Hull Street and West of Tynick Street, City of Richmond, Virginia," prepared by Steven B. Kent & Associates, P.C., and dated May 2, 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 a single-family detached dwelling, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Mr. Isaias Amaya Rivas, Residence Addition, 2852 Hulls [sic] St Richmond, VA 23224," prepared by A & X Construction Group, and [undated] dated March 2, 2019, and the plans entitled "Site Plan," prepared by Isaias Amaya, and dated December 4, 2019, hereinafter referred to together 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 single-family detached dwelling, substantially as shown on the Plans.
 - (b) One off-street parking space shall be provided at the rea of the Property.
 - (c) The elevations and building materials shall be substantially as shown on the Plans.

- (d) The height of the Special Use shall not exceed the height 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) The Owner shall make improvements within the right-of-way, including the installation of a street tree, 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 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:

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City Clerk

City of Richmond

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

Item Request

RECEIVED File Number: PRE.2020,007

O & R REQUEST

FFR 2 7 2020

2020 - 023 FEB 1 2 2020

OFFICE OF THE CITY ATTORNEY

O & R Request

Office of the Chief Administrative Officer

52/20/2020

DATE:

February 10, 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 G. Reid, Acting Chief Administrative Officer

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 2852 Hull 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 2852 Hull Street for the purpose of permitting a single-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is proposing a special use permit to authorize a single-family dwelling. The property is currently located in the B-3 General Business District, which does not permit single family residential as a principal use. 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 April 6, 2020, meeting.

BACKGROUND: The subject property consists of a 5,151 SF (.12 acre) parcel of land improved with an existing two-story dwelling. The building is located in the City's Old South Planning District in the Swansboro neighborhood, on Hull Street between Tynick and East 29th Streets.

The City of Richmond's Current Master Plan designates a land use category for the subject property as Single Family Low Density (SF-LD) which are primarily "...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 property is currently adjacent to R-5 Single Family Residential to the West and South with M-1 Light Industrial zoning to the east. Properties along the Hull Street Corridor are zoned B-3 (General Business) A mix of commercial, residential, and industrial land uses are present in the area.

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: March 9, 2020

CITY COUNCIL PUBLIC HEARING DATE: April 13, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Pla

City Planning Commission

April 6, 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, Draft Ordinance, 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.richmondgov.com/

Application is hereby submitted for: (check one) special use permit, new special use permit, plan amendment		1962
special use permit, text only amendment		Sup-057/21-2-19
Total area of affected site in acres: 0.119 Acres	ov. 6-5	Date: June 5, 2019
(See page 6 for fee schedule, please make check payable to the "City	of Richmond")	
Zoning Current Zoning: 13-3		
Existing Use. VACSA		
Proposed Use (Please include a detailed description of the proposed use in the require	ed applicant's report)	
Existing Use. VEC SA +		
Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number: Applicant/Contact Person: Company:		
Mailing Address		
City:	_ State: Fax: _(Zip Code:
Property Owner: Esting Amore Pives If Business Entity, name and title of authorized signee:	P	
(The person or persons executing or attesting the execution of this Applishe has or have been duly authorized and empowered to so execute or a	ication on behalf of thattest)	ne Company certifies that he or
Mailing Address 100/8 FSTOPF Do City: Munissos Telephone (201) 4093414 Email: Muchito grand e granifo Coin	State:	Zip Code: 20///
Property Owner Signature:		
The names, addresses telephone numbers and signatures of all owners of sheets as needed. If a legal representative signs for a property owner pliphotocopied signatures will not be accepted.	of the property are rec ease attach an execut	quired Please attach additional led power of attorney Faxed or

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

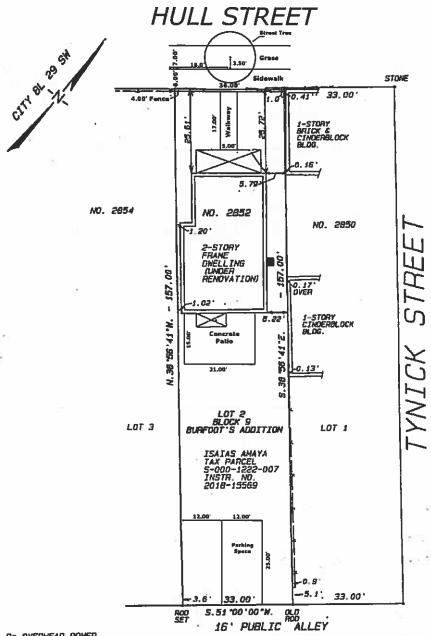
Applicant's Report

As the owner of 2852 Hull St I am requesting that my property be granted the right to be a single family dwelling and also to rebuild an existing addition on the rear side of the property. The reconstruction trespasses 10% more of the Square Ft of the existing building. The house will be reinforced and provide with a better quality of living.

- a. The subject property will not be detrimental to the safety, health, morals and general welfare of the community.
 - The house will be remodeled in accordance to the building permits and inspected to insure the property is in livable conditions. The property will provide a safe, healthy environment for the community. It will be home to a single family who will make the community more populated. The house will be kept in a safe, clean and responsible manner.
- b. The subject property will not create any kind of congestion in streets, roads or public ways. The house will have its own parking space. Since it will be considered a residential property it is well known that parking must be done only were it is accepted. The house is situated in a location that is not compromising any public roads or alleys.
- c. The subject property will not create hazards from fire, panic or other dangers. Remodeling and inhabiting this property will reduce the number of abandoned homes that is currently one of the issues in the neighborhood. By doing so the neighborhood will become more secure and current residents will feel more comfortable in their homes.
- d. The subject property will not cause overcrowding of land and an undue of concentration population. The home has already been built and there has not been an issue with overcrowding of land or population. When the project it's finished it will serve as a single family dwelling.
- e. The subject property will not affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements. The location of the home is located across the street from convenience stores and other community buildings however it does not block or interfere in any of their pathways or roads.
- f. The subject property does not interfere with adequate light or air. Since the house is situated at the end of the street the lighting in the house will provide a safer path for neighbors to cross the street or walk at night. The landscape job will improve air quality and atmosphere.

Isaias Amaya Rivas

August 15, 2019



P" OVERHEAD POWER

NOTE:
THIS SURVEY HAS BEEN
PREPARED WITHOUT THE
BENEFIT OF A TITLE REPORT,
AND DOES NOT. THEREFORE,
NECESSARILY INDICATE ALL
ENCUMBRANCES ON
THE PROPERTY

PLAT OF PROPERTY SITAUTED ON THE SOUTHERN LINE OF HULL STREET AND WEST OF TYNICK STREET CITY OF RICHMOND, VIRGINIA MAY 2, 2019 SCALE: 1=20

Site Plan

Drawn By: Isaias Amaya

Date: 12/04/19

CERTIFICATION

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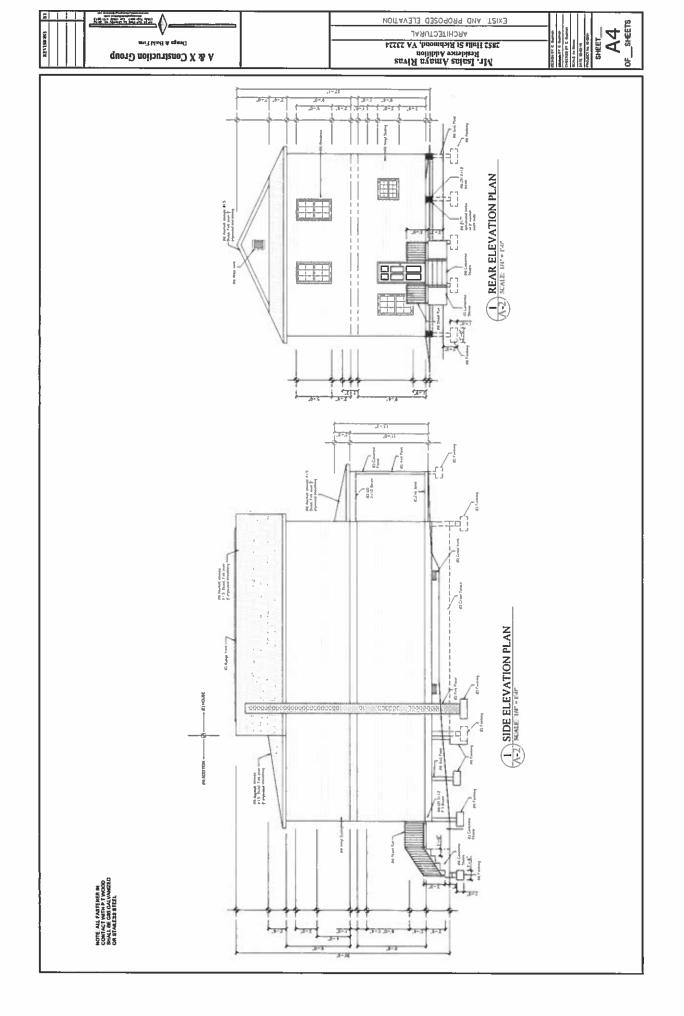
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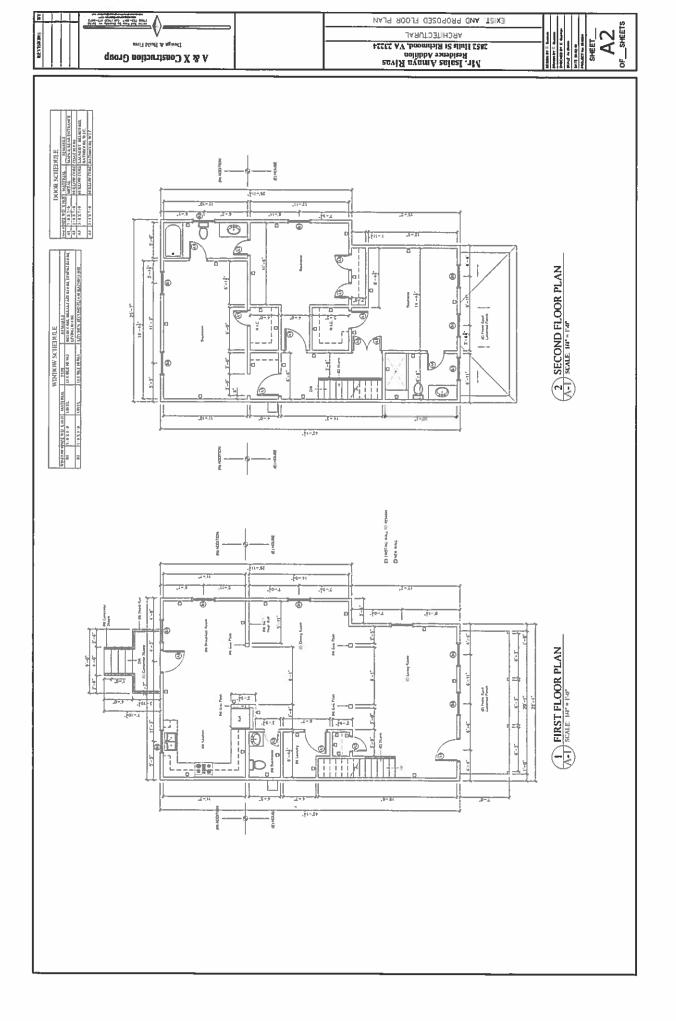
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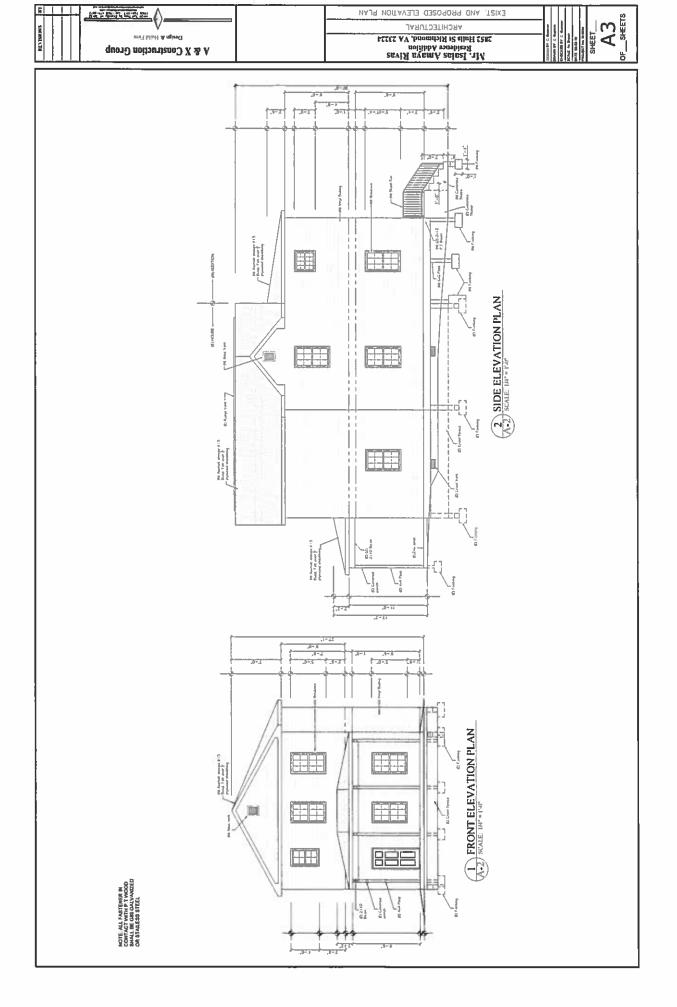
TEVEN B. KENT & ASSOCIATES, P.C. LAND SURVEYORS 1521 Brook Road Richmond, VA 23220

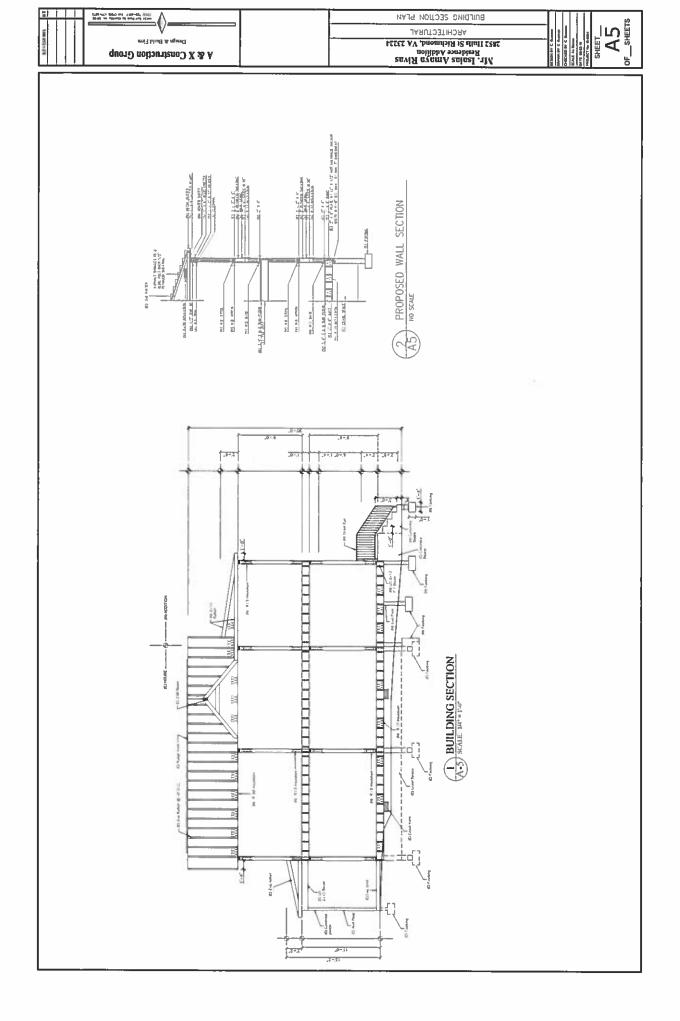
PH. 804-643-6113

BK. 131-18









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