

INTRODUCED: June 8, 2020

AN ORDINANCE No. 2020-143

To authorize the special use of the property known as 3416 East Broad Street for the purpose of a two-family attached dwelling, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JUL 27 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 3416 East Broad Street, which is situated in a R-8 Urban Residential District, desires to use such property for the purpose of a two-family attached dwelling, which use, among other things, is not currently allowed by sections 30-413.14(3), concerning lot area and width, and 30-710.1(a)(3), concerning the number of parking spaces required for specific uses, 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:      JUL 27 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 3416 East Broad Street and identified as Tax Parcel No. E000-0974/016 in the 2020 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing Improvements on #3416 E. Broad Street in the City of Richmond, Virginia,” prepared by Harvey L. Parks, Inc., and dated October 21, 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 two-family attached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Existing Plan - Basement,” prepared by Katie Kampmann, and dated December 9, 2019, and “Site Plan,” prepared by Katie Kampmann, and dated April 26, 2020, 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 two-family attached dwelling, substantially as shown on the Plans.

(b) No off-street parking shall be required for the Special Use.

(c) Secure bicycle storage for no less than two bicycles shall be provided on the Property.

(d) 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

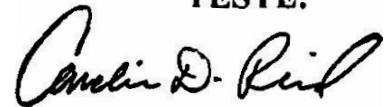
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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.

**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.2020.122

RECEIVED  
By Barbara Price on 6/04/2020, Jun 04, 2020

### O & R Request

DATE: May 11, 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)



6/4/2020

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *lgr* 5/15/2020

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

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

RE: To authorize the special use of the property known as 3416 East Broad Street for the purpose of a two-family attached dwelling, upon certain terms and conditions.

ORD. OR RES. No. \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 3416 East Broad Street for the purpose of a two-family attached dwelling, upon certain terms and conditions.

**REASON:** The applicant is proposing to convert an existing basement into a second dwelling unit. The property is currently located in the R-8 Urban Residential District, which permits two-family attached dwellings. However, the proposed plan does not meet the requirements for lot area and width, as well as the minimum off-street parking requirements. 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 July 6, 2020, meeting.

**BACKGROUND:** The subject property consists of a single family attached dwelling. The total size of the parcel is 3,240 SF, or .07 acres of improved land. The existing dwelling is 3,228 SF in area and was constructed, per tax assessment records, in 1914. The property is a part of the Church Hill neighborhood in the East Planning District and the Chimborazo Park City Old & Historic District.

The City of Richmond's Master Plan designates a future land use category for the subject property as Single-Family Medium Density. Primary uses for this category include "...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." (City of Richmond Master Plan). The density of the parcel if authorized for two-family use would be approximately 29 units per acre.

Two-family attached dwellings containing two or more stories are permitted in the R 8 District, however, the proposal does not meet the lot area and width within the R-8, or parking requirements for two-family dwellings. The minimum lot area requirement for a two-family attached dwelling is 3,400 SF. The lot area of the property is 3,240 SF. The minimum lot width requirement for a two-family attached dwelling is 28 feet. The lot width of the property is approximately 27 feet. The off-street parking requirement for two-family dwellings within the R-8 District is a minimum of two spaces. No off-street parking is proposed as a part of this application.

Residential land uses dominate the area, with some commercial and institutional land uses present as well. All surrounding properties are within the same R-8 Urban Residential District as the subject property.

**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:** June 8, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** July 27, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission, July 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:** 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.richmondgov.com/

Application is hereby submitted for: (check one)

- [X] special use permit, new
[ ] special use permit, plan amendment
[ ] special use permit, text only amendment

Project Name/Location

Property Address: 3416 East Broad St. Richmond, VA 23223 Date: 9/20/2019

Tax Map #: E0000774016 Fee: \$300.00

Total area of affected site in acres: .074

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

Zoning

Current Zoning: R-8 Urban Residential District

Existing Use: Residential

Proposed Use

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

Residential - Multi-Family (2) - Conversion of 1st level of home into separate rental

Existing Use: Residential - Single Family

Is this property subject to any previous land use cases?

Yes [ ] No [X] If Yes, please list the Ordinance Number: \_\_\_\_\_

Applicant/Contact Person: Patricia K. Kampmann

Company: \_\_\_\_\_

Mailing Address: 3820 13th St. S.

City: Arlington State: VA Zip Code: 22204

Telephone: (571) 337-2360 Fax: ( )

Email: kKampmann@gmail.com

Property Owner: JEFFREY A. COUPE and Patricia K. Kampmann

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: Same as Above

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Property Owner Signature: [Signature] Patricia K. Kampmann

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)

# **Applicant's Report-Revised**

*April 28, 2020*

*Special Use Permit Request*

*Conversion of Basement Level of 3 Level Single Family Home into Separate Rental Unit  
3416 E. Broad Street, Richmond, VA 23223*

**Submitted to:**

**Department of Planning and  
Development Review**

**Land Use Administration Division**

**900 E. Broad Street, Room 511**

**Richmond, VA 23219**

**Submitted by:**

**Patricia (Katie) Kampmann**

**Jeffrey Coupe**

**3820 13<sup>th</sup> St. South**

**Arlington, VA 22204**

## Introduction

We are applying for a special use permit (SUP) for 3416 E. Broad Street, Richmond, VA 23223 ('the Dwelling'). The SUP would authorize converting an existing 3-level single family home into a two-family dwelling. The conversion does not conform to the underlying R-8 Urban Residential district zoning requirements applicable to the Property.

## Existing Conditions

### Site Description and Existing Land Use

The Dwelling is located at 3416 E. Broad St and faces Chimborazo Park. The lot is afforded access in the rear by means of 15 ft alley. The lot is 27 ft by 120 ft. The dwelling is roughly 22 ft by 69 ft. Each level has an area of approximately 1100 square feet.



## Existing Zoning

The Property is zoned R-8 Urban Residential, which does not permit the proposed two-family detached dwelling use. The surrounding properties are also zoned R-8.

## Proposal

### Project Summary

The proposal calls for converting an existing 3-level single family home into a two-family dwelling. The R-8 Urban Residential district does not permit two-family dwellings. Therefore, a SUP is required in order to permit the proposed conversion.

### Project Details

The basement and first level (main level) have separate entrances: the main level is accessed from the front of the house and the basement level is accessed from the back of the house. There is an alley to the side of the house that allows access to the back yard and basement entrance from Broad Street. There is also a fence off the yard behind the house that provides access to the basement from the back yard, which is afforded access from the back alley.

We purchased the home in March of 2019 and are currently renting out the main part of the house (1<sup>st</sup> and 2<sup>nd</sup> levels) to a family (couple with two small children). The basement level already has a bedroom, full bath, and a kitchenette with sink, refrigerator, and microwave. The special use permit would enable us to apply for the appropriate permits to convert the kitchenette into a full kitchen with stove/oven and add a small laundry room with washer and dryer. We would then rent out the basement level as a second unit to a single individual or couple.

Our long term plan is to retire to Richmond in the next 5 years and live in the main part of the house and continue to rent out the basement level.

### Findings of Fact

The following are factors indicated 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 would in no way:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

Many other homes in our section of E. Broad Street have converted the first level of their 3-level homes into separate rental units. The houses are all well-kept and the individuals renting the rental units are considered a part of the neighborhood community.

- *Create congestion in streets, roads, alleys and other public ways and places in the area involved.*

There is plenty of on-street parking in our section of E. Broad. Our home faces Chimborazo Park and there is parking on both sides of the street. We have never had a situation where we could not find on-street parking. We are currently renting the upper levels to a couple and proposing to rent the basement level unit to a single individual or a couple. Adding at most two vehicles, and more likely one vehicle, would not contribute to undue parking congestion.

- *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. Having an individual or couple reside in the basement level of the home would in no way create hazards from fire, panic, or other dangers. The basement and upper levels of the house have multiple points of egress.

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

The upper levels of the house are currently being rented out to a couple with two small children. When we move to Richmond, we will be just two people. The basement level will never be rented to more than two people. The addition of two people to the local population will not cause overcrowding or an undue concentration of population.

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

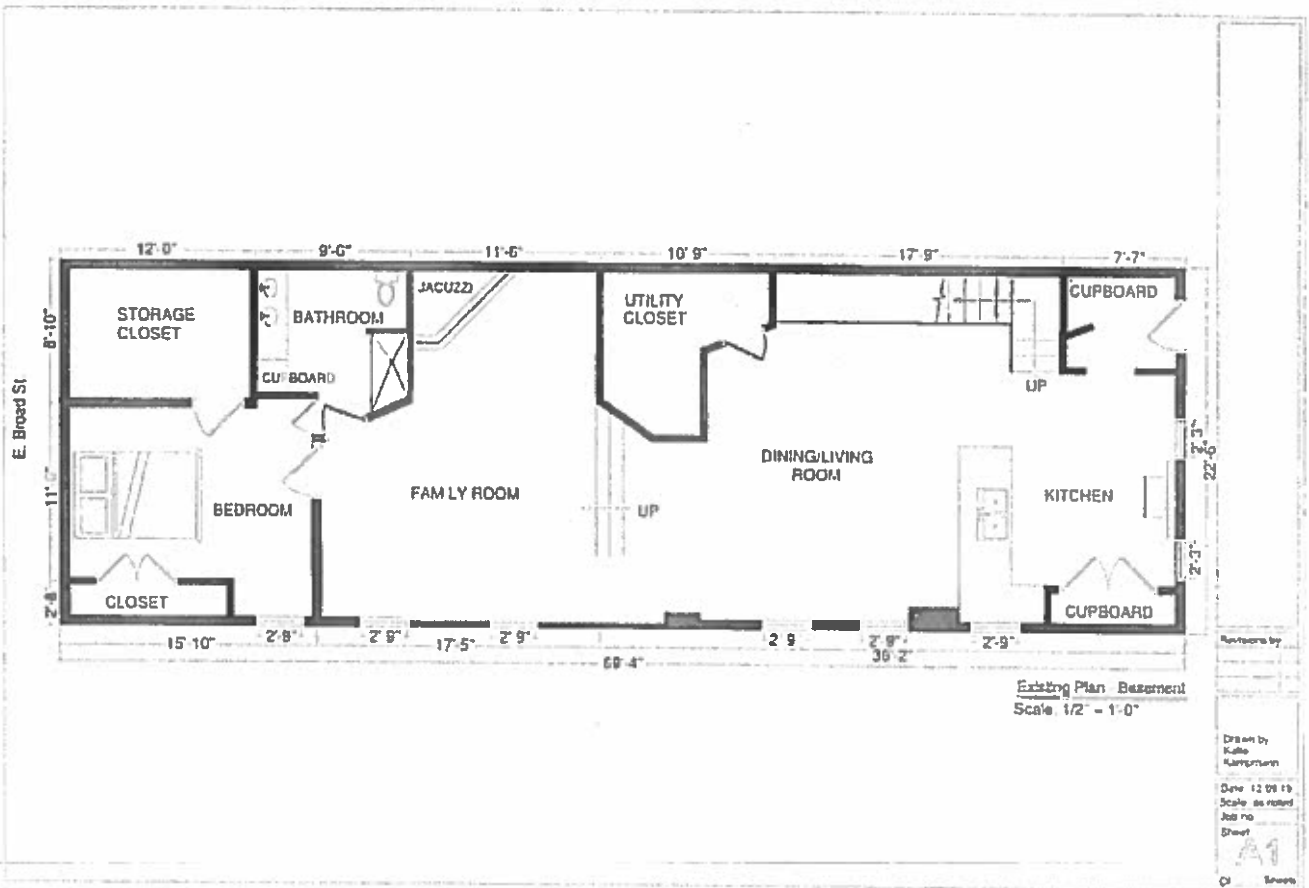
A separate rental unit with a maximum population of two people will not adversely affect or interfere with any of the above facilities or amenities.

- *Interfere with adequate light and air.*

The conversion of the basement level of the house to a separate rental unit will in no way interfere with adequate light or air. Any improvements made to the rental unit will be made to the interior of the home and will not impact the outside light or air or the light or air on the upper levels.

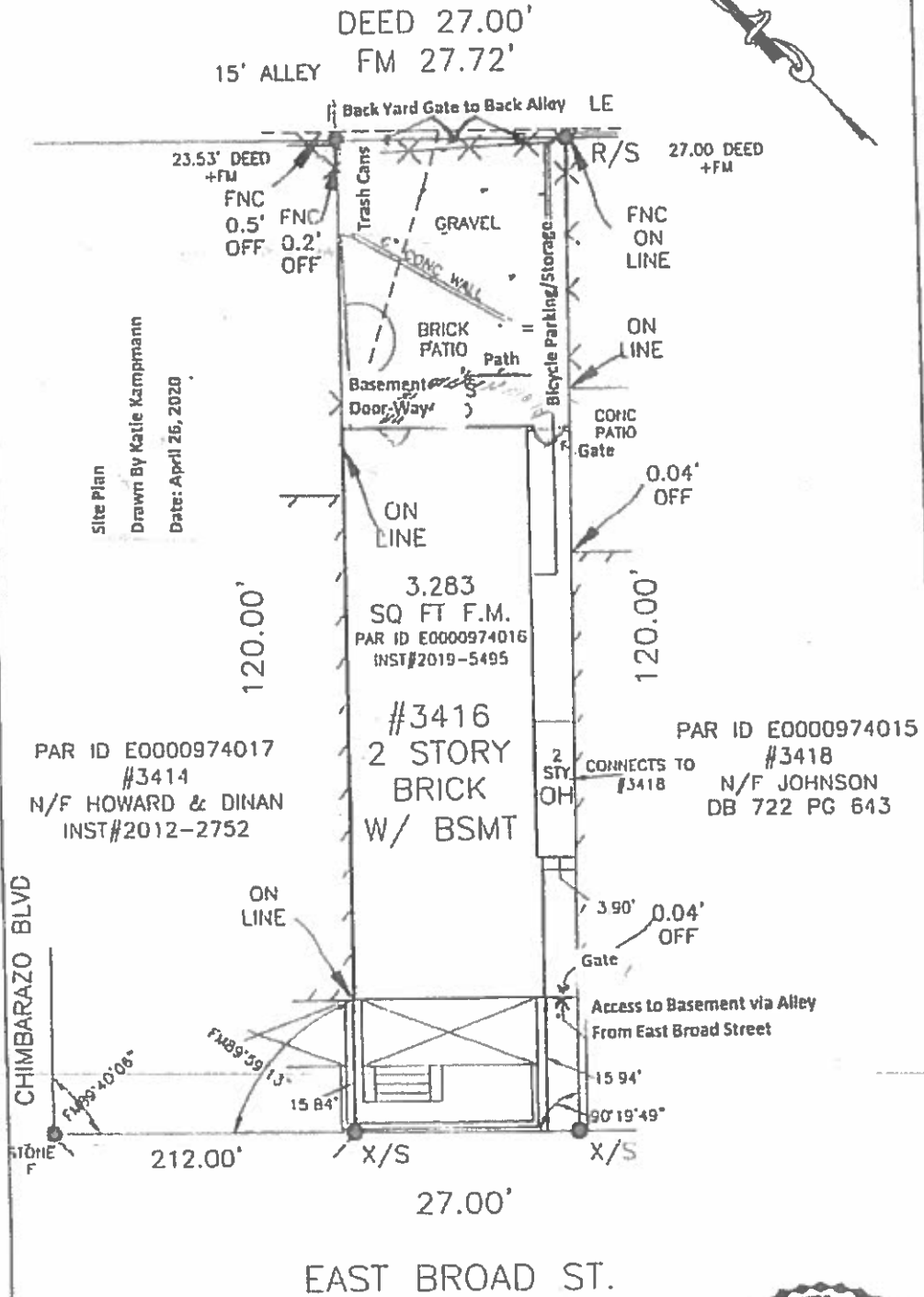
Thank you for your consideration,

Patricia (Katie) Kampmann and Jeffrey Coupe



THIS IS TO CERTIFY THAT ON 10-18-2019, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

THIS PROPERTY IS IN FLOOD DEFENSE FLOOD HAZARD AREA, ZONE: X, AS SHOWN ON FEMA COMMUNITY PANEL #0101290043C, DATED 07-16-2014.



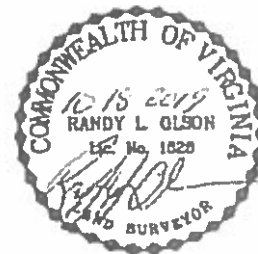
THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH WOULD DISCLOSE.

**HARVEY L. PARKS, INC.**

4508 W. HUNDRED ROAD  
CHESTER, VA  
PHONE: 804-748-8841  
EMAIL: [RLO@HARVEYL.PARKS.COM](mailto:RLO@HARVEYL.PARKS.COM)

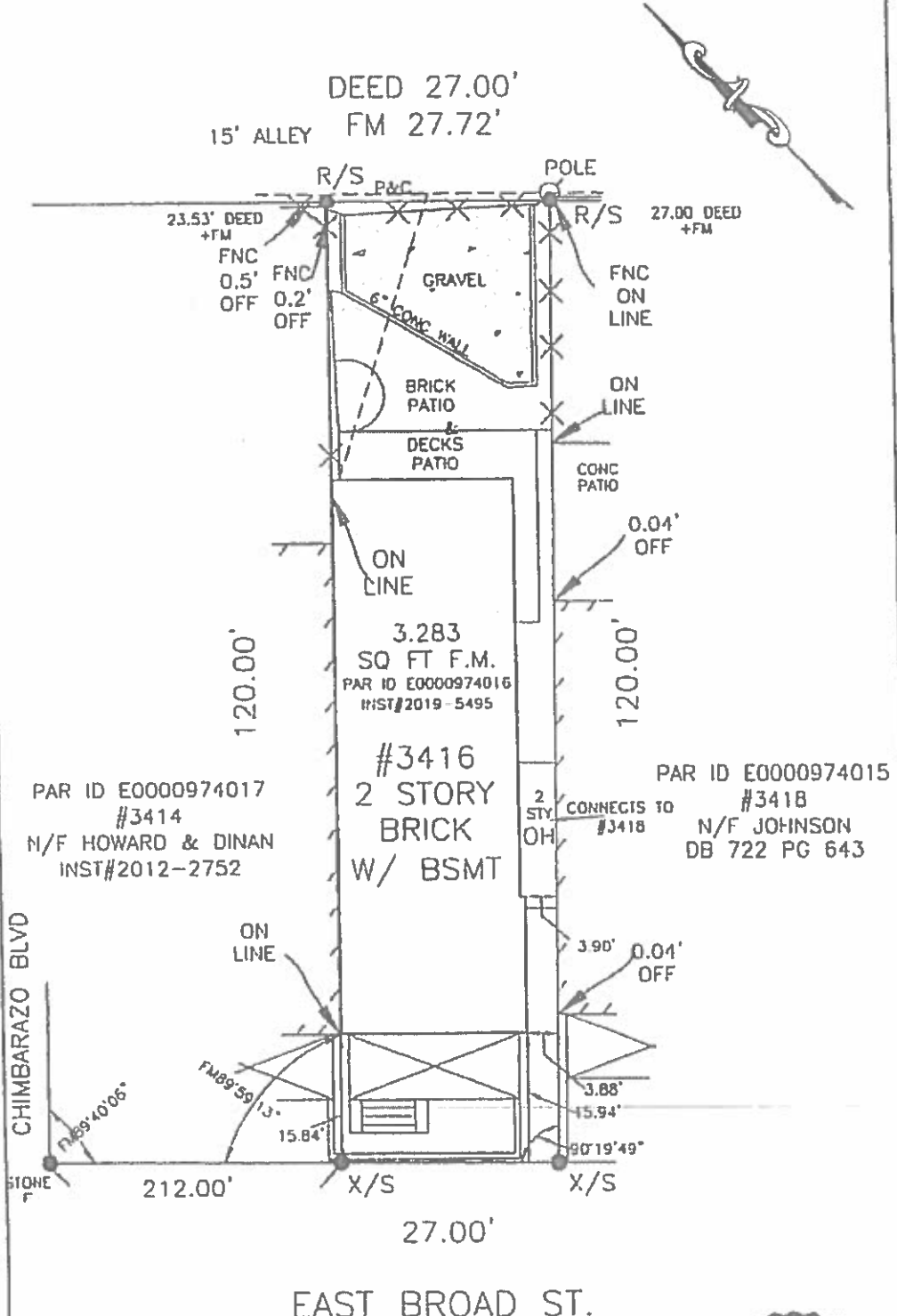
DATED: OCTOBER 27, 2019 SCALE: 1"=15'  
DRAWN BY: H.L.P.  
CHECKED BY: R.L.O.

PLAT SHOWING IMPROVEMENTS ON  
#3416 E. BROAD STREET  
IN THE CITY OF  
RICHMOND, VIRGINIA



THIS IS TO CERTIFY THAT ON 10-18-2019,  
I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES  
SHOWN HEREON AND THAT THERE ARE NO EASEMENTS  
OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER  
THAN THOSE SHOWN HEREON.

THIS PROPERTY IS IN HALLS DEFINED FLOOD  
HAZARD AREA, ZONE X, AS SHOWN ON FEMA  
COMMUNITY PANEL #3101280043E, DATED 07-18-2014.



PAR ID E0000974017  
#3414  
N/F HOWARD & DINAN  
INST#2012-2752

PAR ID E0000974015  
#3418  
N/F JOHNSON  
DB 722 PG 643

THIS SURVEY IS SUBJECT TO ANY EASEMENTS  
OF RECORD AND OTHER PERTINENT FACTS  
WHICH A TITLE SEARCH MIGHT DISCLOSE.

**HARVEY L. PARKS, INC.**  
4300 W. HANDED ROAD  
CHESTER, VA  
PHONE: 804-748-0641  
EMAIL: SURVEYS@HARVEYLPARKS.COM

DATE: OCTOBER 21, 2019 SCALE: 1"=15'  
DRAWN BY: R.L.O.  
CHECKED BY: R.L.O.

PLAT SHOWING IMPROVEMENTS ON  
#3416 E. BROAD STREET  
IN THE CITY OF  
RICHBOND, VIRGINIA

