### AN ORDINANCE No. 2025-047

To amend Ord. No. 2021-326, adopted Dec. 13, 2021, which authorized the special use of the property known as 1807 Harwood Street for the purpose of up to three two-family detached dwellings, upon certain terms and conditions, to revise the plans, upon certain terms and conditions. (8<sup>th</sup> District)

Patron – Mayor Avula (By Request)

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Approved as to form and legality by the City Attorney

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#### PUBLIC HEARING: APR 14 2025 AT 6 P.M.

I. That Ordinance No. 2021-326, adopted December 13, 2021, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the [property] properties known as 1803A Harwood Street, 1807 Harwood Street, and 1809 Harwood Street, which [is] are situated in a R-5 Single-Family Residential District, desires to use such [property] properties for the purpose of up to three two-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.1 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions

AYES:	9	NOES:	0	ABSTAIN:	
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ADOPTED:	APR 14 2025	REJECTED:		STRICKEN:	

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 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 (2020), 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.

- Subject to the terms and conditions set forth in this amendatory ordinance, the (a) [property] properties known as 1803A Harwood Street, 1807 Harwood Street, and 1809 Harwood Street and identified as Tax Parcel [No.] Nos. S007-1082/023, S007-1082/019, and S007-1082/024, respectively, in the [2021] 2025 records of the City Assessor, being more particularly shown on a survey entitled "Survey Plat Showing Existing Improvements to #1805 & 1807 Harwood Street, City of Richmond, Virginia," prepared by Shadrach & Associates LLC, and dated August 14, 2020, a copy of which is attached to and made a part of this amendatory ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of up to three two-family detached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled ["Duplex at 1805 & 1807 Harwood Street, Richmond, Virginia,"] "Duplex at 1805 / 1807, 1803(A) / 1803(B) Harwood Street Duplexes, Richmond, Virginia," prepared by Z.S. Becker Design, and dated [January 26, 2021] October 31, 2024, copies of which are attached to and made a part of this amendatory ordinance, and "Plat of Division of Tax Parcel S007-1082/019, Being #1805/1807 Harwood Street, City of Richmond, Virginia," prepared by Shadrach & Associates LLC, and dated March 9, 2021, [and hereinafter referred to, collectively, as "the Plans," copies of which are attached to and made a part of [this ordinance] Ordinance No. 2021-326, adopted December 13, 2021, and hereinafter referred to, collectively, as "the Plans."
- (b) The adoption of this <u>amendatory</u> 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 <u>amendatory</u> 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 amendatory 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 up to three two-family detached dwellings, substantially as shown on the Plans.
- (b) No less than two off-street parking spaces per dwelling unit shall be provided, substantially as shown on the Plans.
- (c) All elevations and site improvements shall be substantially as shown on the Plans. Building siding shall consist of cementitious siding or similar material.
- (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) Prior to the issuance of a certificate of occupancy for the Special Use, the subdivision of up to three residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds 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 (2020), 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 (2020), 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 (2020), 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 (2020), 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 <u>amendatory</u> ordinance. An application for the building permit shall be made within [730] 1,096 calendar days following the date on which this <u>amendatory</u> 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 <u>amendatory</u> 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.

APPROVED AS TO FORM:	A TRUE COPY:
	TESTE:
	Cambin D. Rind
CITY ATTORNEY'S OFFICE	Contract to 12 st
	City Clerk

This amendatory ordinance shall be in force and effect upon adoption.

II.





# **City of Richmond**

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

### Master

File Number: Admin-2024-1562

File ID: Admin-2024-1562 Type: Request for Ordinance or Status: Regular Agenda

Resolution

Version: 2 Reference: In Control: City Attorney

Department: File Created: 12/30/2024

Subject: Final Action:

Title:

**Internal Notes:** 

Agenda Date: 03/10/2025

Patron(s): Enactment Date:

Attachments: ADMIN-2024-1562\_1805 Harwood Street Supporting Enactment Number:

Documents.pdf, Admin-2024-1562 - AATF

Contact: Introduction Date:

Drafter: David.Watson@rva.gov Effective Date:

**Related Files:** 

### **Approval History**

Version Seq # Action Date Appro	over Action	Due Date
2 1 2/10/2025 Matth	ew Ebinger Approve	2/12/2025
2 3 2/11/2025 Kevin	Vonck Approve	2/17/2025
2 5 2/11/2025 Share	n Ebert Approve	2/13/2025
2 7 2/28/2025 Jeff G	ray Approve	2/13/2025
2 8 3/3/2025 Sabrii	na Joy-Hogg Approve	3/4/2025
2 9 3/3/2025 Mayo	r Avula Approve	3/5/2025

### **History of Legislative File**

Ver-	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return	Result:
sion:						Date:	

### Text of Legislative File Admin-2024-1562

City of Richmond Intracity Correspondence O&R Transmittal

**DATE:** February 10, 2025

**TO:** The Honorable Members of City Council

**THROUGH**: The Honorable Dr. Danny Avula, Mayor (by request)

(This in no way reflects a recommendation on behalf of the Mayor)

**THROUGH:** Sabrina Joy-Hogg, Interim Chief Administrative Officer

**THROUGH:** Sharon L. Ebert, DCAO for Economic Development and Planning

**FROM:** Kevin J. Vonck, Director, Planning and Development Review

**RE:** To amend Ord. No. 2021-326, adopted Dec. 13, 2021, which authorized the special use of the property known as 1807 Harwood Street for the purpose of up to three two-family detached dwellings, upon certain terms and conditions, to revise the plans, upon certain terms and conditions.

**PURPOSE:** A special use permit (Ord. 2021-326) authorized the subject property for up to three duplexes. The owner intends to build the approved duplexes, but wants to significantly alter the designs that were proposed on the original SUP. The Department of Planning and Development review advised the owner that such changes to the designs warrant applying to amend the SUP, as shown in the current application.

**BACKGROUND:** The subject property is in the R-5 Single-Family Residential District and two-family detached dwellings are not permitted uses in this zoning district. In addition, the proposed new parcels do not meet all of the lot feature requirements of the zoning district in which they are located. Ord. 2021-326 authorized the subdivision and construction of up to three two-family detached dwellings in substantial conformance with attached plans. The proposed new plans call for the demolition and reconstruction of the existing nonconforming two-family dwelling as well as a redesign of the previously authorized two-family dwelling.

COMMUNITY ENGAGEMENT: The Hampton Gardens Civic Association, Stonewall Court Civic Association, and the Westhampton Citizens Association were contacted regarding this proposal. Additional notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: The City's Richmond 300

Master Plan designates the property for Residential uses which consists primarily of single-family houses on large- or medium-sized lots more homogeneous in nature. Duplexes and multi-family housing are secondary uses under this designation.

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

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** March 10, 2025

CITY COUNCIL PUBLIC HEARING DATE: April 14, 2025

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Planning Commission. April 1, 2025

**AFFECTED AGENCIES:** Law Department (for review of ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amendment of Ord. No. 2021-326

**ATTACHMENTS:** Application Supporting Documents

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

David Watson, Senior Planner, Land Use Administration, 804-646-1036



# CITY OF RICHMOND, VA Department of Planning and Development Review Land Use Administration Division

900 East Broad Street, City Hall - Room 511, Richmond, Virginia 23219

### **AUTHORIZATION FROM PROPERTY OWNER**

TO BE COMPLETED BY THE APPLICANT Applicant must complete <u>ALL</u> items			
HOME/SITE ADDRESS:	APARTMENT NO/SUITE		
APPLICANT'S NAME:	EMAIL ADDRESS:		
BUSINESS NAME (IF APPLICABLE):			
SUBJECT PROPERTY OR PROPERTIES:			
APPLICATION REQUESTED			
☐ Plan of Development (New or Amendment)			
☐ Wireless Plan of Development (New or Amendment)			
☐ Special Use Permit (New or Amendment)			
☐ Rezoning or Conditional Rezoning			
☐ Certificate of Appropriateness (Conceptual, Administrative Approval, Final)			
☐ Community Unit Plan (Final, Preliminary, and/or Amendment)			
□ Subdivision (Preliminary or Final Plat Correction or Extension)			

# TO BE COMPLETED BY THE AUTHORIZED OWNER Owner must complete ALL items Signing this affidavit acknowledges that you, as the owner or lessee of the property, authorize the above applicant to submit the above selected application/s on your behalf. PROPERTY OWNER: PROPERTY OWNER ADDRESS: PROPERTY OWNER EMAIL ADDRESS: PROPERTY OWNER PHONE NUMBER: 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.

# Special Use Permit Amendment Applicant's Report

11/19/2024

Special Use Permit Amendment Request 1805/1807 & 1803(a)/1803(b) Harwood Street, Richmond, Virginia Map Reference Numbers: S0071082019, S0071082023

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Submitted to: City of Richmond

Department of Planning and Development Review

Land Use Administration

900 East Broad Street, Suite 511

Richmond, Virginia 23219

Submitted by: Zeb Becker

Semper Ubique LLC

1836 Thomas Street

Richmond, Virginia 23220

# Introduction

# **Project Summary**

The property owner requests an amendment to Ordinance 2021-326, a special use permit ("SUP") for 1805/1807 & 1803(a)/1803(b) Harwood Street (the "Property"). This SUP amendment would authorize the redesign and reconstruction of an existing duplex (1805/1807 Harwood), as well as the re-design of a proposed second duplex (1803(a)/1803(b) Harwood). Both lots are already approved for two-family residences by the original SUP.

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# **Purpose of Amendment Request**

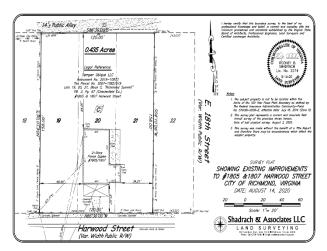
The original SUP was submitted because R-5 Single-Family Residential

District stipulates the construction of single-family homes, with a lot width of 50'+. The original SUP was required to permit the proposed nonconforming dwelling type, as well as their 40' lot widths.

The owner intends to build the approved duplexes, but wants to significantly alter the designs that were proposed on the original SUP. The Department of Planning and Development review advised the owner such changes to the designs warrant applying to amend the SUP.

# **Project Details**

# Existing Conditions - Site Description, Land Use, and Zoning



The Property is located on the northern side of Harwood Street, one house removed from the

intersection of
Harwood and East
18<sup>th</sup> Street. The
18,960 square foot
(0.435 acre) parcel is
comprised of three
lots of record, and is
thus noticeably
larger than abutting
parcels. Each lot has

40' of street frontage, giving the parcel a total width of 120', and 158' of depth. A public alley creates the Property's rear border.



The subdivision platt indicates the neighborhood was originally divided into 40' lots (and was a part of Chesterfield County before it was annexed by the City of Richmond). Currently, most existing neighboring structures sit on these 40' lots.

A duplex was built by the applicant in 2024 on said parcel's western lot (1809/1811 Harwood Street), after authorization was granted per the original SUP. The applicant worked with RRHA to get the new construction approved for the current tenants, one of whom uses the RRHA voucher system for her family of four. A second existing two-family dwelling stands primarily on the middle lot, with an addition which spills over onto the east lot of record.



1809 & 1811 Harwood, existing duplex proposed and constructed per original SUP



1805 & 1807 Harwood, existing duplex proposed to be reconstructed

As pictured above, two-family houses already stand adjacent and behind the Property's existing duplex, these are in addition to the duplex that stands at 2301 Harwood Street. Multifamily housing, single-family attached housing, and mixed-use properties lie in close proximity to the Property.

## **Proposal**

To reconstruct an existing duplex on the center lot (1805/1807 Harwood) and to redesign a proposed (and previously authorized per the original SUP) duplex on the East lot (1803(a)/1803(b) Harwood). Each duplex will have its own parking area, as well as street frontage that allows parking.

The proposed duplexes would read as two-story, single-family houses from the street, as to complement the neighborhood's existing architectural style. Blending with nearby houses, each duplex would have two dwelling units, with the first unit facing the street, and its second facing the alley. Each unit would have three bedrooms, one bathroom, and open concept-living space for a total of 1,040 square feet of enclosed space per dwelling unit, or 2,080 square feet per duplex. The total footprint of each duplex, which includes the porches, would be 1,280 square feet.

This would be in conformance with the R-5's 35% lot coverage limit, as the lots exceed R-5's required minimum 6,000 square feet. While the lots would be narrower than R-5 zoning stipulates, they would match the width of surrounding lots, creating a more uniform in-fill. The duplexes would have side yards of ten feet.

Each duplex would have a covered front and back porch, one for each of the dwelling units. The front porches would be aligned with the set back of the existing duplex at 1809 Harwood. Both structures would be clad in fiber cement siding (HardiePlank). Up to four alley accessible parking spaces would be placed behind each structure, ensuring that street parking does not become scarce.

Three tree wells have been planted according to Department of Public Works specifications. The roots of an existing street tree on the Property's fourth tree well will have its roots protected via the installation of root protective fencing.

# Master Plan Designation

The Master Plan recommends "Residential" for the Property. This SUP amendment supports a couple of the five "topic areas" under which the Master Plan groups its goals.

High-Quality Places: Building on lots of record to put structures at even intervals gives the
community a more "complete" feeling, and recognizes that the majority of opportunities for
new development are located in the context of existing neighborhoods. Additionally, new
construction techniques and materials make for safe, efficient, and high-quality structures.

Equitable Transportation: The Property is one block from a bus stop, and conveniently located
within a quarter mile of an elementary school, a grocery store, a convenience store, and a few
churches. This positioning could significantly reduce the residents' dependence on car travel.

# **Findings of Fact**

The following are factors included 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 permit will not:

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

The proposed SUP for high-quality infill construction will not impact the safety, health, morals, and general welfare of the nearby neighborhoods.

• Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation and addition of off-street parking spaces for each of the dwelling units will create no congestion on streets, roads, alleys or any other public right of way.

• 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.

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

The proposed SUP will not tend to overcrowd the land or create 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.

The SUP would not adversely affect the above referenced City services.

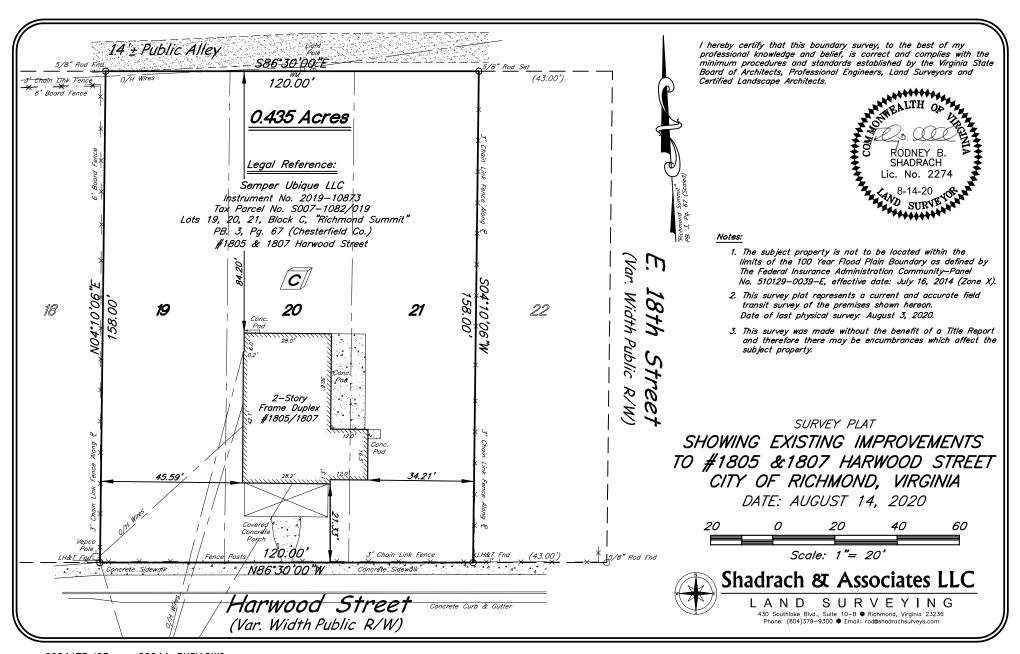
• Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. The

proposed dwellings are of compatible massing and spacing to the existing dwellings throughout the neighborhood. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

# **Summary**

We are enthusiastically seeking approval for the redesign of the two duplexes. The buildings were thoughtfully designed in order to provide appropriate, high-quality, infill development. The request offers compatibility with the spirit of the Master Plan in terms of use. The Master Plan projects Richmond will need between 4,788-27,086 multi-family units by the end of 2037. Approving this SUP would contribute to the ongoing revitalization of the neighborhood, improve the Property, and provide desirable new housing options. We hope to soon join our neighbors in building and beautifying!



# 1805 / 1807, 1803(A) / 1803(B) Harwood Street Duplexes

Richmond, Virginia

### **SCOPE OF WORK**

Construction of a new duplex and reconstruction of a second duplex

### **PROJECT INFO**

Owner: Zeb Becker

Zoning District: R-5 - Residential (Single Family) Existing Use: Two-family

Proposed Use: Redesign/Reconstruction of 2 duplexes from Ordinance 2021-326

Site Area: 6,319 Square Feet Lots

### **CONTENT LIST**

**COVER SHEET** SUP

SUP1 SITE PLAN

SUP2 FLOOR PLANS

**ELEVATIONS** SUP3

SUP4 **ELEVATIONS** 

SUP5 FRONT ELEVATIONS







**VICINITY MAP** NTS

REVISIONS

1805 / 1807, 1803(A) / 1803(B) Harwood Street Duplexes

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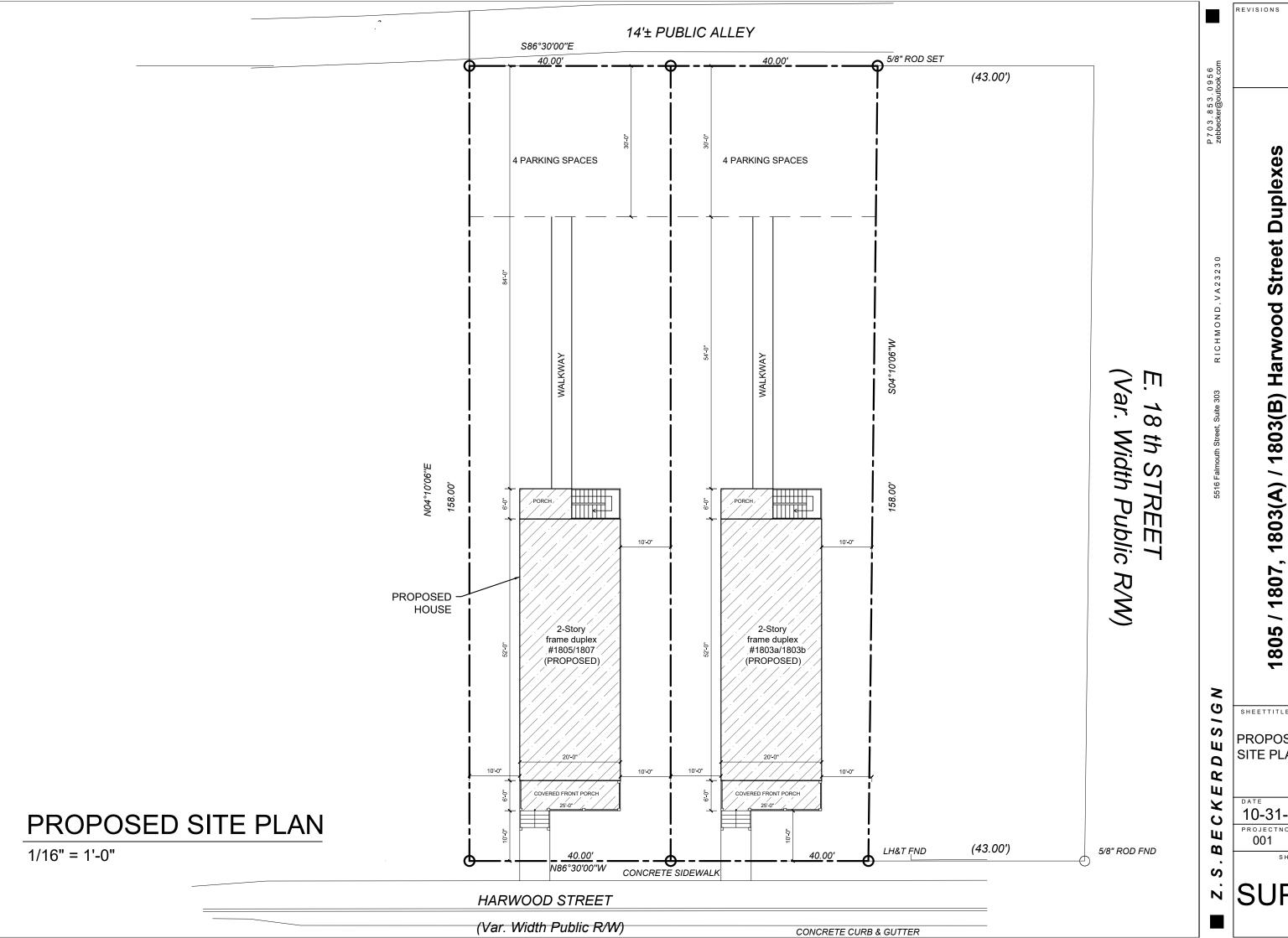
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**COVER** 

10-31-24 PROJECTNO. 001



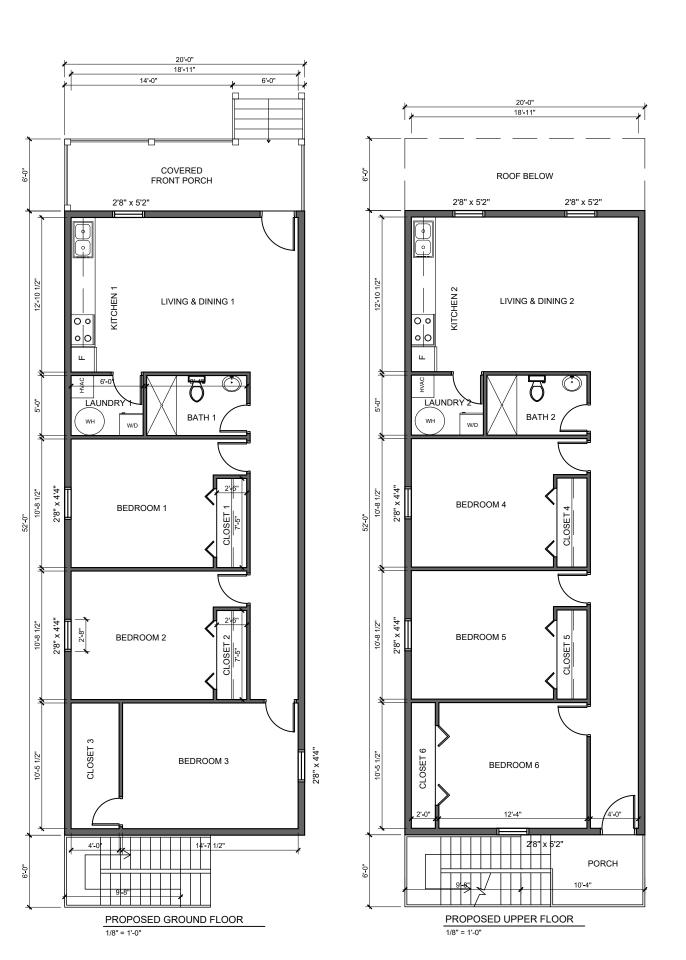


REVISIONS

SHEETTITLE

PROPOSED SITE PLAN

10-31-24
PROJECTNO. 001



REVISIONS

1805 / 1807, 1803(A) / 1803(B) Harwood Street Duplexes

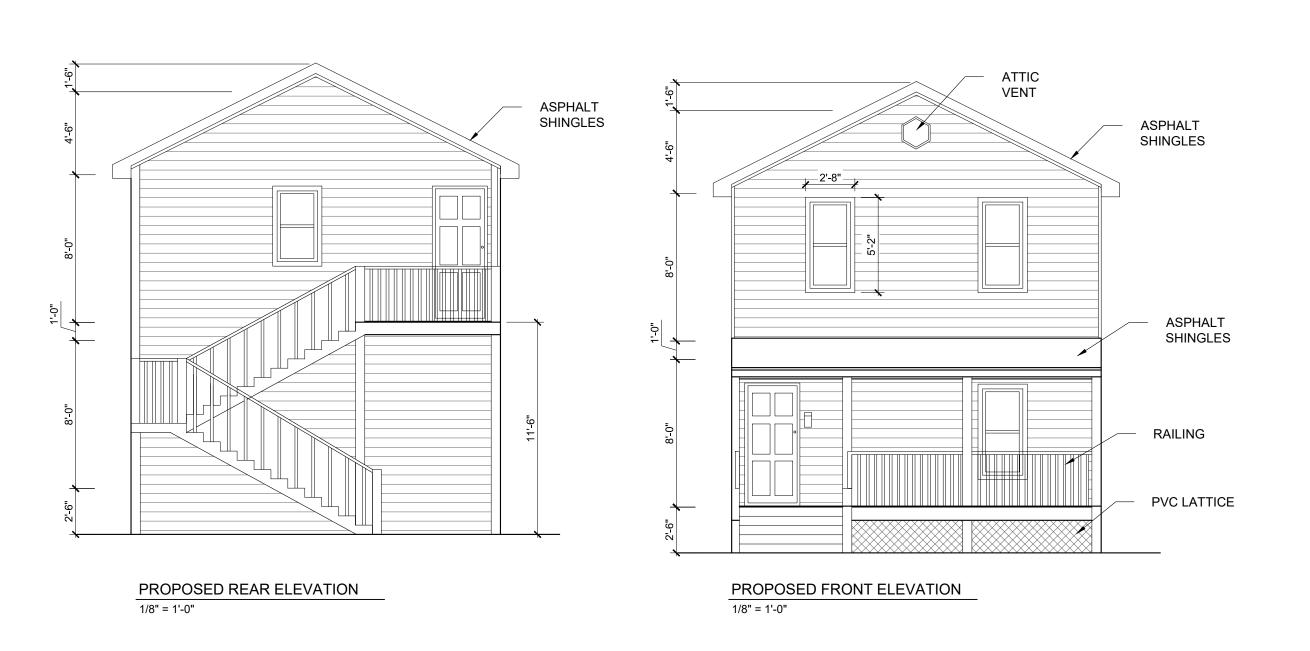
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FLOOR PLAN Q ER CK 10-31-24 PROJECTNO. 001

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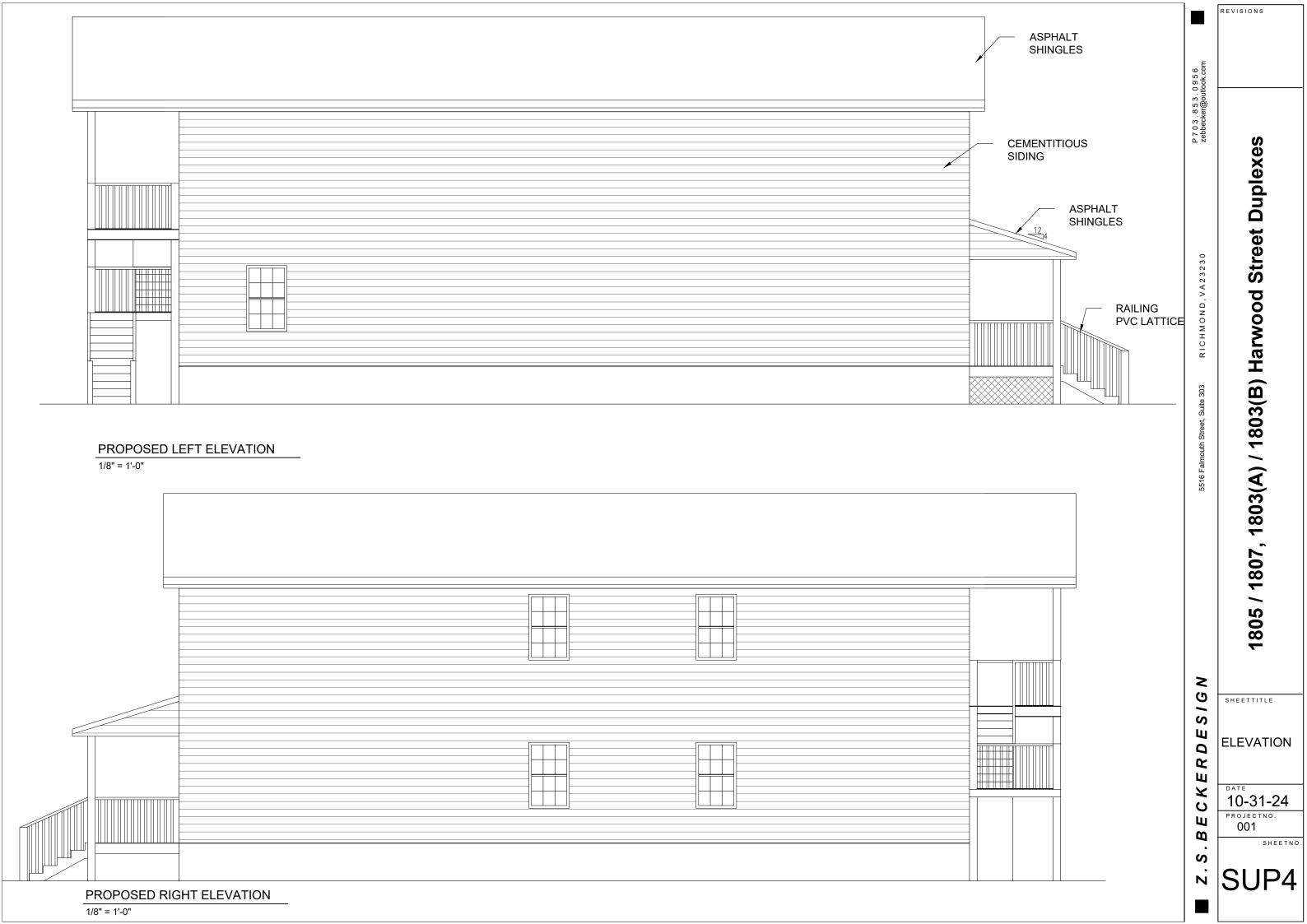
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ELEVATION

DATE

DATE 10-31-24 PROJECTNO. 001 SHEETNO.

SUP3



PROPOSED FRONT ELEVATION
1/8" = 1'-0"

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RICHMOND, VA23230

1805 / 1807, 1803(A) / 1803(B) Harwood Street Duplexes

ECKERDESIGN SHEETTITLE

ELEVATION

10-31-24 PROJECTNO. 001

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N.



# City of Richmond Department of Planning & Development Review

# **Special Use Permit**

LOCATION: 1807 Harwood Street
APPLICANT: Semper Ubique LLC

COUNCIL DISTRICT: 8

PROPOSAL: To amend Ord. 2021-326 authorizing the special use of the property known as 1807 Harwood Street for the ppurpose of up to three two-family detached dwellings, upon ccertain terms and conditions.

For questions, please contact David Watson at 804-646-1036 or David.Watson@richmondgov.com

