

INTRODUCED: July 22, 2019

AN ORDINANCE No. 2019-200

To authorize the special use of the property known as 1117 North 31st Street for the purpose of the expansion of an existing single-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: SEP 9 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 1117 North 31st Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of the expansion of an existing single-family attached dwelling, which use, among other things, is not currently allowed by section 30-412.5(2)(b), concerning setback requirements for side yards, 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 9 2019 REJECTED: _____ STRICKEN: _____

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 (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 1117 North 31st Street and identified as Tax Parcel No. E000-0722/030 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on 1117 N. 31st Street, City of Richmond, Virginia,” prepared by Harvey L. Parks, Inc., and dated May 24, 2019, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted for the purpose of the expansion of an existing single-family attached dwelling that encroaches into the side yard, hereafter referred to as “the Special Use,” substantially as shown on the plans entitled “House Renovation, 1117 N3 31st Street, Richmond VA,” prepared by Trinity HDC, dated February 4, 2019, and last revised April 22, 2019, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. Special Terms and Conditions. This special use permit is conditioned on the following special terms and conditions:

- (a) The Special Use of the Property shall be as a single-family attached dwelling with an addition that encroaches into the side yard, substantially as shown on the Plans.
- (b) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

- (c) The height of the Special Use shall not exceed the height shown on the Plans.
- (d) All building materials and elevations shall be substantially as shown on the Plans.
- (e) One on-site parking space shall be provided for the Special Use.

§ 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.

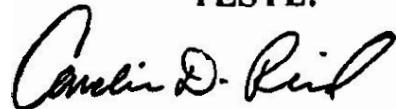
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

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:

A handwritten signature in black ink, appearing to read "Carolin D. Reid".

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.2019.307

O & R REQUEST

4-8936
JUN 26 2019

Office of the
Chief Administrative Officer

O & R Request

DATE: June 25, 2019

EDITION: 1 RECEIVED

TO: The Honorable Members of City Council

JUL 15 2019

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request, *Signature*) OF THE CITY ATTORNEY
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer *SLG*

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

FROM: Mark A. Olinger, Director, Department of Planning and Development Review *MAO*

RE: To authorize the special use of the property known as 1117 North 31st Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 1117 North 31st Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

REASON: The applicant has proposed to rehabilitate and expand the existing structure, for use as a single-family attached dwelling unit. The special use will enable an encroachment into the required 3' side yard setback.

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 September 3, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 2,376 SF (.055 acre) parcel of land containing a two-story structure. It is located in the Church Hill North Neighborhood within the City's East Planning District on N. 31st Street, between Q and R Streets. This property is being rehabilitated in tandem with the attached property located at 1119 N. 31st Street and a Special Use request has also been made for this property.

The City of Richmond's Master Plan designates the subject property for Single-Family (Medium Density) uses. Primary uses in this category are "single-family detached dwellings at densities between 8 and 20 units per acre." The density of the property would remain at 18 units per acre.

All properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential zoning district. A mix of single-family detached residential, single-family attached residential, and vacant land uses predominate the vicinity of 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: July 22, 2019

CITY COUNCIL PUBLIC HEARING DATE: September 9, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
September 3, 2019

AFFECTED AGENCIES: Office of Chief Administration Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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

House Renovation 1117 N 31st Street Richmond, VA

117 N3 31st Street Richmond, VA

DESIGNER: TRINITY HOMES

WICH E. ODELL, JR. (PENNAME OF WICHITA)
BORN APRIL 22, 1912, IN WICHITA, KANSAS; HEIGHT 5' 7 1/2"; WEIGHT 165;
HAIR DARK BROWN; EYES BROWN.

BRENT JOHNSON
Engineer
100 Old Stand Rd., Luray, VA 20802
(540) 434-1439

WILDER: Espinosa Development, LLC

卷之三

REVIEWED BY ROBERT L. STONE, JR., DEPARTMENT OF POLITICAL SCIENCE, THE UNIVERSITY OF TEXAS AT AUSTIN

REVIEWED BY LINDA THOMAS, LIBRARY OF CONGRESS & RANDI D. ELLIGSON, AIA

SOCIETIES

FRACTIONATION OF POLY(1,3-PHENYLICARBOXYLIC ACID).

THESE ARE THE PROBLEMS WHICH HAVE BEEN SOLVED AND THESE ARE THE PROBLEMS WHICH HAVE BEEN LEFT UNSOLVED.

THESE CONVENTIONAL FORMS ARE AS FOLLOWS: THE PAPER OR SHEET OF PAPER PREPARED FOR THE BURNING, LAY IT OUT ON A FLAT SURFACE, PLACED OVER IT A METALLIC PLATE OF ONE SIDE OF WHICH IS COATED WITH AN INK, AND THE OTHER SIDE IS COATED WITH A LIQUID WHICH IS ABSORBED BY THE PAPER.

THE TROPICAL CLOUDS OF EAST AFRICA AND THEIR INFLUENCE ON THE CLIMATE AND DRAINAGE SYSTEM

IN 1970 THE CHIEF LIBRARY OF THE UNIVERSITY OF TORONTO WAS TRANSFERRED FROM THE UNIVERSITY COLLEGE BUILDING TO A NEW LIBRARY ON THE CAMPUS. THIS LIBRARY IS KNOWN AS THE ROBERTSON LIBRARY. THE LIBRARY IS LOCATED IN THE ROBERTSON BUILDING, WHICH WAS BUILT IN 1969. THE LIBRARY HAS A COLLECTION OF OVER 1,000,000 VOLUMES. THE LIBRARY IS OPEN TO THE PUBLIC AND IS FREE TO USE.

AT THEIR PRESENT STAGE OF DEVELOPMENT, THEY ARE NOT SUITABLE FOR COMMERCIAL APPLICATIONS. WE PLAN A FURTHER OPPORTUNITY TO FOLLOW UP THE INITIAL TESTS WITH ADDITIONAL STUDIES AND RESEARCH BY THE STATEMENT.

EDUCATIONAL NOTES.

70-100% OF ALL VACCINES FAIL TO PROTECT LONG TERM. AT ALL. VACCINES ARE NOT 100% WORKING AT ALL. VACCINES ARE NOT 100% WORKING AT ALL.

THE JOURNAL OF CLIMATE

THE JOURNAL OF CLIMATE, VOL. 17, APRIL 2004

the first time in history that the United States has been involved in a war of aggression against another country.

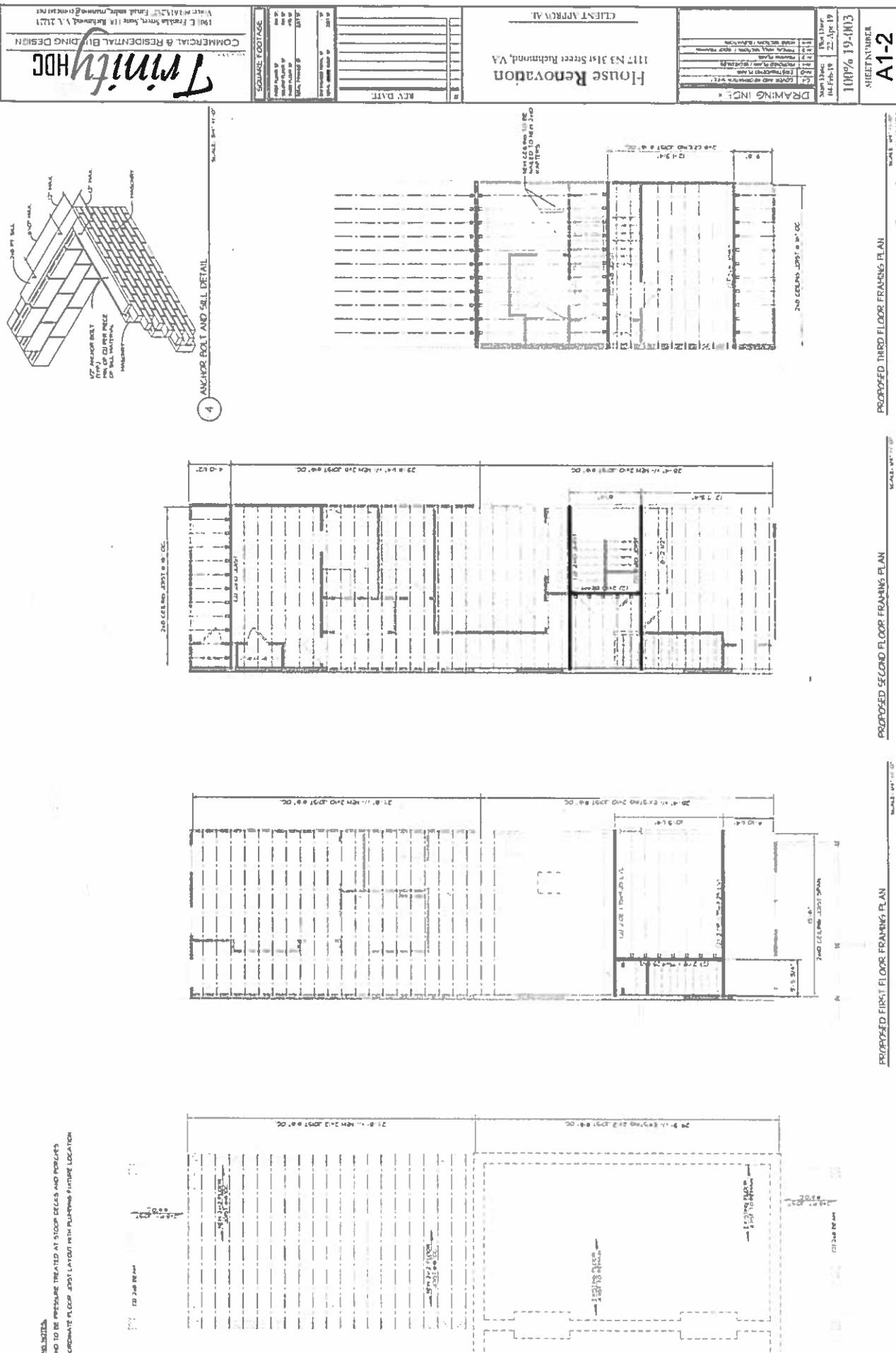
STUDY SUBJECTS: 1. THE DISEASES OF MUSCULAR DYSTROPHY AND THEIR TREATMENT AS DESCRIBED BY DR. WALTER B. BOYD
2. THE DISEASES OF MUSCULAR DYSTROPHY AS DESCRIBED BY DR. EUGENE C. HARRIS

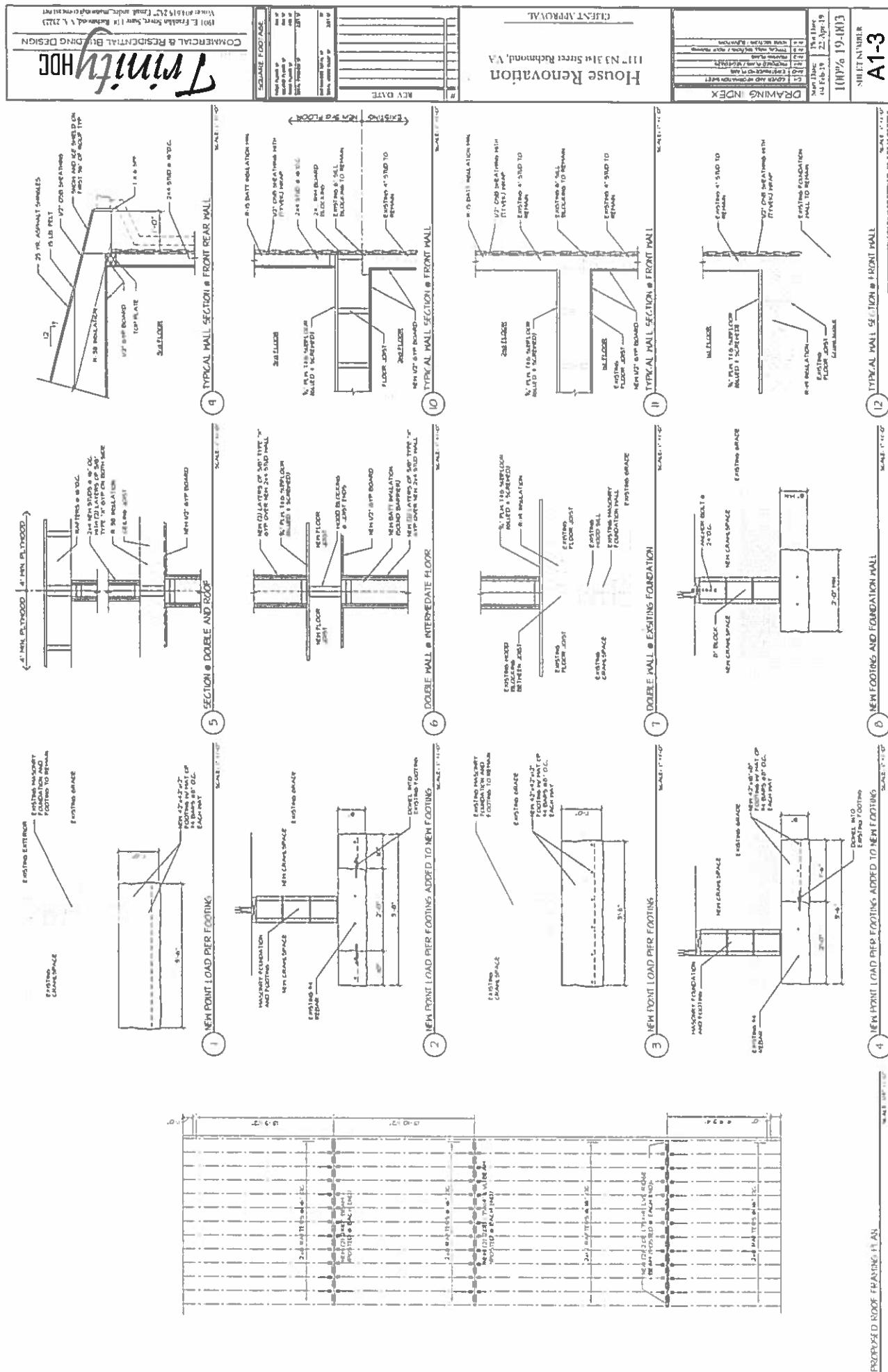
THE MUSEUM OF NATURAL HISTORY, NEW YORK, RECEIVED FROM THE UNIVERSITY OF CALIFORNIA, THE
TYPE SPECIMEN OF *LEPTOCHEIUS* SP. N. AND A SERIES OF EXEMPLARS FOR COMPARISON.

THE JOURNAL OF CLIMATE

THE BOSTONIAN AND THE NEW ENGLANDER. — The Bostonian is a weekly paper, edited by Mr. J. C. Greenleaf, and published at Boston, Mass., every Saturday morning.

THE PRACTICAL APPROACH TO LEARNING CIVIL ENGINEERING





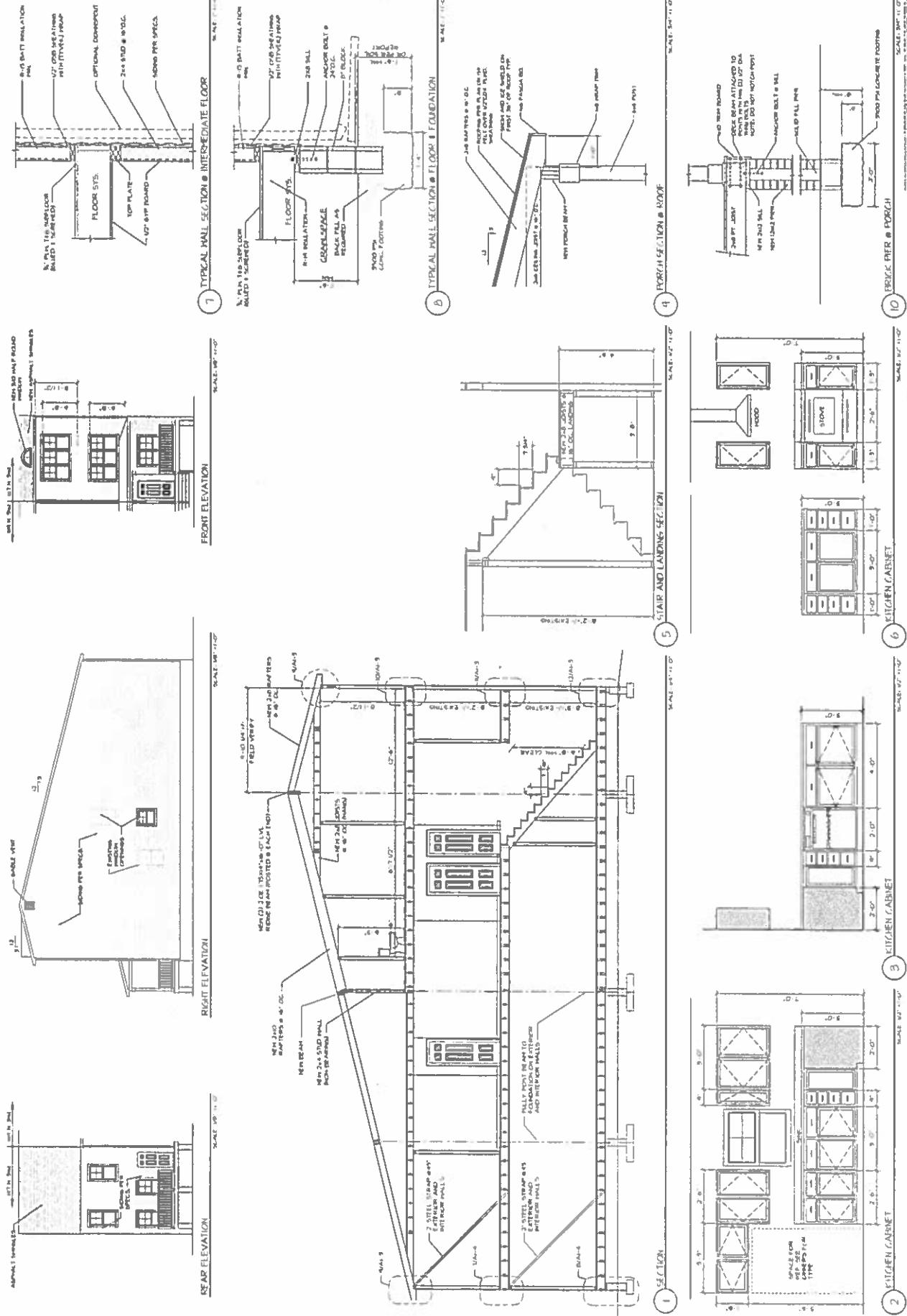
CILINT APPROVAL

COMMERICAL & RESIDENTIAL BUILDING DESIGN
HDC

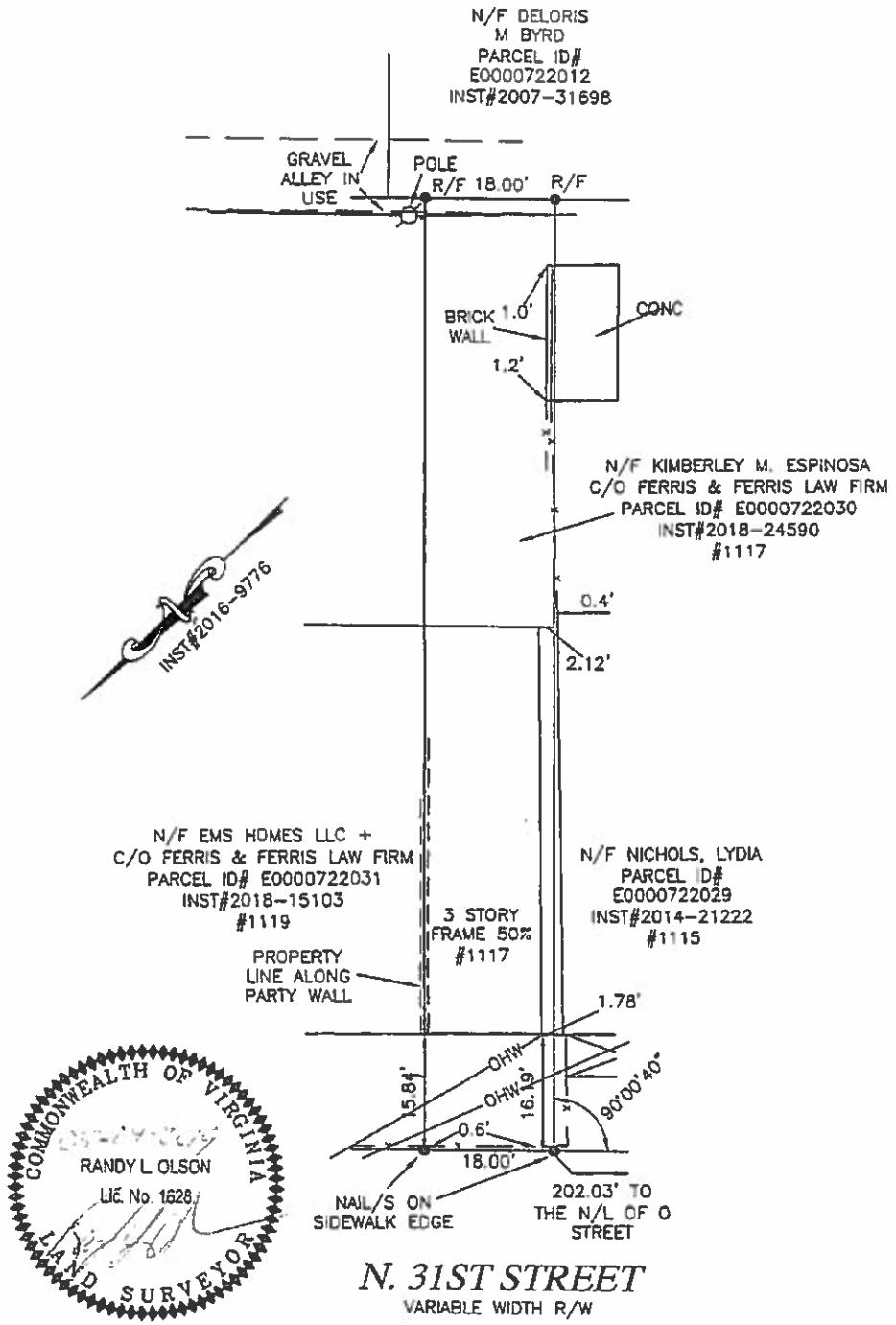
CLINT APPROVAL

X

10



1. THIS IS TO CERTIFY THAT ON MAY 24, 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.
2. THIS PROPERTY IS IN H.U.D. DEFINED FLOOD HAZARD AREA, ZONE "X", AS SHOWN ON FIRM COMMUNITY PANEL #5101290042D, EFFECTIVE DATE APRIL 2, 2009.
3. THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.



PLAT SHOWING IMPROVEMENTS ON

1117 N. 31ST STREET

CITY OF RICHMOND, VIRGINIA

PUR.: KIMBERLEY MCMINN ESPINOSA

HARVEY L. PARKS, INC.

4508 W. HUNDRED ROAD	748-8641	748-0515
CHESTER, VA.	EMAIL: SURVEYS@HARVEYPARKS.COM FAX: 796-5742	
DATE: REV. 05-24-2019	SCALE: 1"=20'	
DRAWN BY: J.M.D.		
CHECKED BY: R.L.O.		
6166911177.dwg		



SUP-055-357-2019

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.richmondcity.gov/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

RECEIVED

MAY 31 2019

LAND USE ADMINISTRATION

Project Name/Location

Property Address: 1117 N 31st Richmond Va 23223

Tax Map #: E0000722030

Fee: \$~~750~~ 300.00

Date: 05/29/19

Total area of affected site in acres 0

~~5600 sq ft disturbed~~

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

Zoning

Current Zoning: R6

Existing Use: R6

Proposed Use

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

Existing Use: single family home

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Kimberley McMinn Espinosa or Eric Espinosa

Company: _____

Mailing Address: 12170 Abington Hall Place unit 207

City: Reston

State: VA

Zip Code: 20190

Telephone: (214) 435-6833 or 301 901 0314

Fax: () _____

Email: kim.espinosa898@yahoo.com

Property Owner: Kimberley F McMinn

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: _____

City: _____

State: _____

Zip Code: _____

Telephone: () _____

Fax: () _____

Email: _____

Property Owner Signature:

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

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