



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**
- special use permit, text only amendment**

Project Name/Location

Property Address: 212 E Clay Street Date: 1/20/2021

Tax Map #: N000-0039/016 Fee: \$300

Total area of affected site in acres: 0.224

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

Zoning

Current Zoning: B-2

Existing Use: Mixed-Use

Proposed Use

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

Addition of one (1) basement level dwelling unit within existing mixed-use building

Existing Use: Mixed-Use Building

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources

Mailing Address: 1519 Summit Ave., Suite 102

City: Richmond State: VA Zip Code: 23230

Telephone: (804) 874-6275 Fax: ()

Email: markbaker@bakerdevelopmentresources.com

Property Owner: Robert Lee

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: 6924 Swanhaven Dr

City: Richmond State: VA Zip Code: 23234

Telephone: (703) 395-4990 Fax: ()

Email: rlee87@gmail.com

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)



January 15, 2021

Mr. Matthew Ebinger
City of Richmond, Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 E Broad Street
Richmond, Virginia 23219

Re: Special Use Permit: 212 E Clay Street (N0000-039/016)

Mr. Ebinger,

This letter shall serve as the Applicant's Report accompanying the application for a special use permit (the "SUP") for the property known as 212 E Clay Street, identified as Tax Parcel N-000-039/016 (the "Property"). The Property is located on the north side of E Clay Street between N 2nd and N 3rd Streets. The Property consists of approximately 0.224 acres of lot area and is occupied by a mixed-use residential building containing 24,196 square feet of floor area. The building was built in 1908 and was redeveloped as 12 multi-family dwelling units (condominiums) with 4,500 square feet of ground-floor commercial uses. The SUP would permit an additional dwelling unit on the basement level of the structure.

The applicant is proposing to build out an existing unfinished portion of the basement level that is already defined as an individual unit within the condominium documents. The area in question was envisioned as a dwelling unit as part of the original adaptive reuse of the building but was never built out as it was not permitted at the time. The Property is zoned B-2 Community Business which permits multi-family dwelling units in conjunction with ground floor commercial uses provided that the dwellings are "located above the ground floor of the building or to the rear of other permitted principal uses". Because the area subject to this request is technically below the ground floor commercial uses the requirement related to the location of dwelling units would not be met. Therefore a SUP is required.

The commercial street frontage on E Clay and N 3rd Streets would remain unchanged. The proposed dwelling unit would be located in an area of the basement level that is directly accessible from the interior of the building via the open main stair. The area is also accessible by virtue of a dedicated entrance at the rear of the building. The dwelling would include one bedroom and one bath. It would be large for a one-bedroom dwelling with approximately 773 square feet of floor area. The floor area, along with existing high ceilings for a basement level, would make for a spacious dwelling. The dwelling would provide for a practical, efficient, and livable use of the space. It would include open living/dining space, a modern kitchen layout, washer and dryer, and ample storage. While the unit would technically be located on the basement level, the dwelling would include a window that penetrates the rear exterior wall of the building. An additional window would provide light from the open interior stairwell, which is well-lit with exterior windows. As a result, the proposed unit meets the intent of the Planning Commission's 2012 resolution concerning Light and Air.

The request is respectful of future land use guidance applicable to the Property in terms of use and development character. The Richmond 300 Plan suggests the “Neighborhood Mixed Use” future land use designation for the Property. That designation recommends buildings with ground-floor retail uses that face the street creating “highly-walkable urban neighborhoods.” Objective 4.1 of the High-Quality Places section of the Master Plan also promotes walkable urban neighborhoods which are “overall less-reliant on the automobile and feature non-residential destinations within a short walk, bike ride, or transit trip.” The request is also consistent with the guidance provided for the Jackson Ward Priority Growth Node where the City is encouraging the comparatively more significant growth in population and development over the next 20 years. Finally, the proposal is also consistent with the housing goals contained within the Richmond300 Plan which encourages more housing types throughout the city and greater density along enhanced transit corridors and at Nodes.

In exchange for the SUP, the intent of this request is to provide for a quality dwelling unit. The request would retain the uninterrupted commercial frontage for the building and the functional and architectural compatibility of the building with the surrounding area. The proposed dwelling would further contribute to the mixed-use character of the building and support existing ground floor commercial uses. The SUP would allow for the reasonable use of an underutilized portion of the building for which commercial uses would not be viable. By permitting the proposed development, the SUP would allow for the sale of the creation of a condominium ownership opportunity, thereby addressing objectives of the Master Plan related to housing.

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 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 will not impact the safety, health, morals and general welfare of the nearby community. The proposed dwelling is consistent with what would be permitted by right within the B-2 zoning classification but for the dwelling location requirement relative to commercial uses.

- ***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 for one additional dwelling unit will easily be handled by the existing road network. An off-street parking space would be provided for the dwelling unit and the Property is in a very walkable location and has a strong connection to public transportation. As such, the SUP will not create 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 over crowd the land or create an undue concentration of population. The request represents a density that is consistent with what would be permitted by right

within the B-2 district. The dwelling would not require any physical expansion of the existing building on the Property.

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

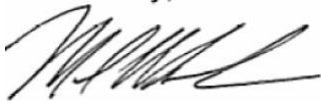
The SUP would not adversely affect the above referenced City services.

- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties will not be affected. The proposed development would be interior to the building and would not involve any modification to the existing building footprint or massing.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,



Mark R. Baker
Baker Development Resources, LLC