

INTRODUCED: November 8, 2021

AN ORDINANCE No. 2021-320

To authorize the special use of the property known as 610 North 29<sup>th</sup> Street for the purpose of a single-family detached dwelling with an attached deck, upon certain terms and conditions.

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

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

PUBLIC HEARING: DEC 13 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 610 North 29<sup>th</sup> Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a single-family detached dwelling with an attached deck, which use, among other things, is not currently allowed by section 30-419.6(2)(a), concerning side yards, 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 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:    DEC 13 2021    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 (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.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 610 North 29<sup>th</sup> Street and identified as Tax Parcel No. E000-0527/019 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing a Proposed Deck on No. 610 North 29<sup>th</sup> Street in the City of Richmond, Virginia.,” prepared by Harvey L. Parks, Inc., dated February 18, 2016, and last revised October 30, 2020, 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 with an attached deck, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “610 N 29<sup>th</sup> St,” prepared by branch property services, and dated October 2, 2020, and 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 dwelling with an attached deck, substantially as shown on the Plans.

(b) All building materials and elevations shall be substantially as shown on the Plans unless otherwise approved by the Commission of Architectural Review prior to the issuance of a building permit.

§ 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 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:

*Carolin D. Reed*  
City Clerk



# City of Richmond

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

## Item Request File Number: PRE.2021.690

### O & R Request

**DATE:** October 8, 2021

**EDITION:**1

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

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Mayor, by Request)  
(This is no way reflects a recommendation on behalf of the Mayor.)

**THROUGH:** J.E. Lincoln Saunders, Acting Chief Administrative Officer

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

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

**RE:** To authorize the special use of the property known as 610 North 29th Street for the purpose of a single-family detached dwelling with an attached deck, upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of the property known as 610 North 29th Street for the purpose of a single-family detached dwelling with an attached deck, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit which would allow for an attached deck within an R-63 Multi-Family Urban Residential Zoning District. The proposed use is not permitted by section 30-419.6(2)a, of the Zoning Ordinance regarding permitted side yards for single-family and two-family dwellings and buildings accessory thereto, of the Code of the City of Richmond (2021) 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 December 6, 2021, meeting.

**BACKGROUND:** The property is located in the Church Hill neighborhood on North 29th Street, between

East Leigh and M Streets. The property is currently a 2,805 sq. ft. (.06 acre) parcel of land with a 2,020 sq. ft. single-family detached dwelling constructed, per tax assessment records, in 2007. The application is to allow for an existing deck which was built outside the allowable, side-yard setbacks.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use. This designation is defined as a "Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government. (p. 56)

The current zoning for this property is R-63 Multi-Family Urban Residential. Adjacent properties are located within the same R 5 Residential Zone.

**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:** November 8, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** December 13, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
December 6, 2021

**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)

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

**Project Name/Location**

Property Address: 610 N. 29th Street Date: 2/25/2021  
 Tax Map #: E0000527019 Fee: \$300.00  
 Total area of affected site in acres: \_\_\_\_\_

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

**Zoning**

Current Zoning: R-103

Existing Use: Single Family Detached

**Proposed Use**

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

deck construction  
 Existing Use: residential / yard

Is this property subject to any previous land use cases?

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

**Applicant/Contact Person:** Tracy Lipscombe  
 Company: Branch Property Services  
 Mailing Address: P.O. Box 2204  
 City: Mechanicville State: VA Zip Code: 23116  
 Telephone: (804) 522-1318 Fax: ( )  
 Email: tracy.e.gobranh.net

**Property Owner:** Marin Lluka  
 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: 610 N. 29th Street  
 City: Richmond State: VA Zip Code: 23223  
 Telephone: (804) 928-5827 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)

## **Applicant's Report**

March 30, 2021

Prepared by: Tracy Lipscombe, Branch Property Services

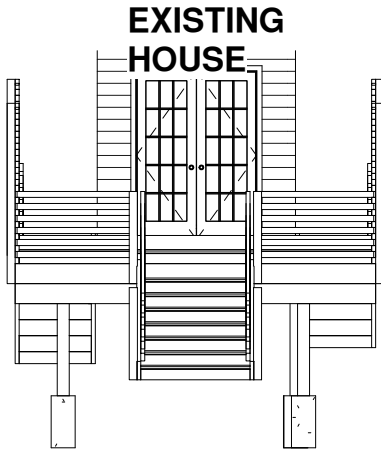
### **Re: 610 N 29<sup>th</sup> Street, Richmond, VA 23223**

This special use permit is intended to be for the use of a residential deck on the property of 610 N. 29th Street, Richmond, VA 23223. The City's required setbacks are 3', but the deck is built with a 1' side yard setback. In addition, the fenced sides of the deck are 6 feet from the deck floor, while the city limits fences to be not higher than 6 feet from the ground. The understanding is that the SUP would allow the fence to be 10 feet high from ground level, which may cause a future issue if this precedence is set.

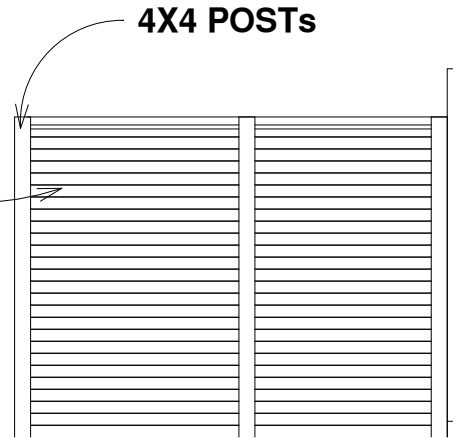
The homeowner intends to use this deck strictly for private, residential use.

The proposed special use will not:

- a. be detrimental to the safety, health, morals, and general welfare of the community involved as this is a deck in the homeowner's yard;
- b. tend to create congestion in streets, roads, alleys and other public ways and places in the area involved as this deck will not be blocking those areas noted;
- c. create hazards from fire, panic, or other dangers, as this is a residential deck;
- d. tend to cause overcrowding of land and an undue concentration of population as this is a residential deck;
- e. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements as the deck is located on the homeowners' property, and is not an obstruction to any of the items mentioned; or
- f. interfere with adequate light and air as this is an open, residential deck.

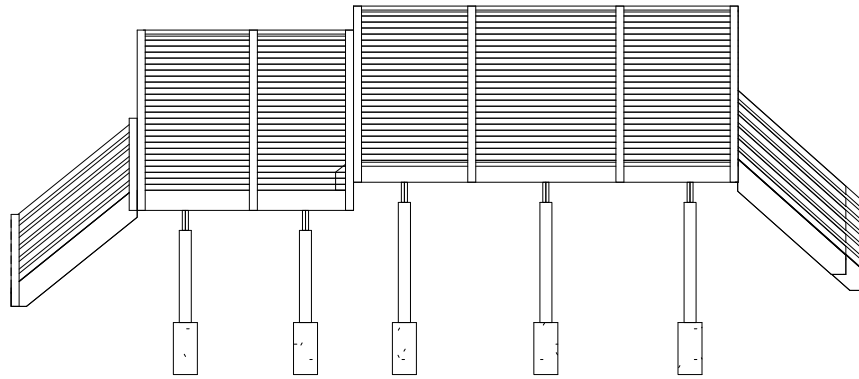


**2X4s NAILED FLAT INTO 4X4 POSTS @4" O.C.**

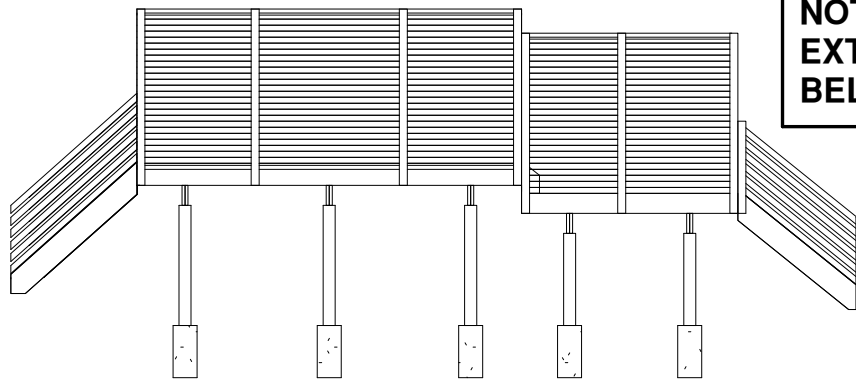


① REAR ELEVATION  
1/8" = 1'-0"

④ RAIL DETAIL  
1/4" = 1'-0"



② LEFT ELEVATION  
1/8" = 1'-0"



**NOTE: ALL 6X6 POSTS EXTEND TO GRADE BELOW**

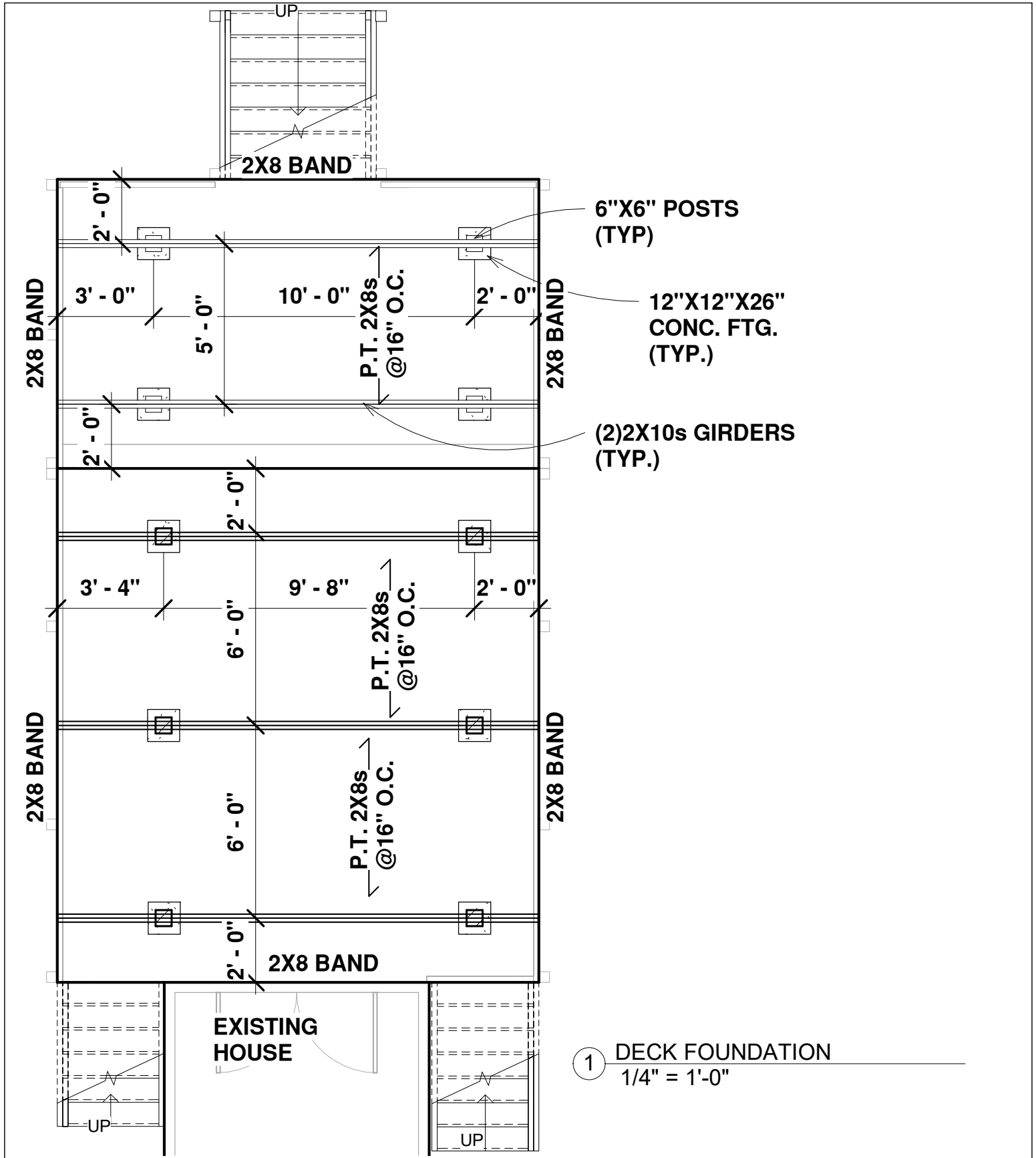
③ RIGHT ELEVATION  
1/8" = 1'-0"



610 N 29TH ST

**ELEVATIONS**

Project number	61029	<b>S1</b>
Date	Issue Date	
Drawn by	RG	Scale As indicated
Checked by	RG	



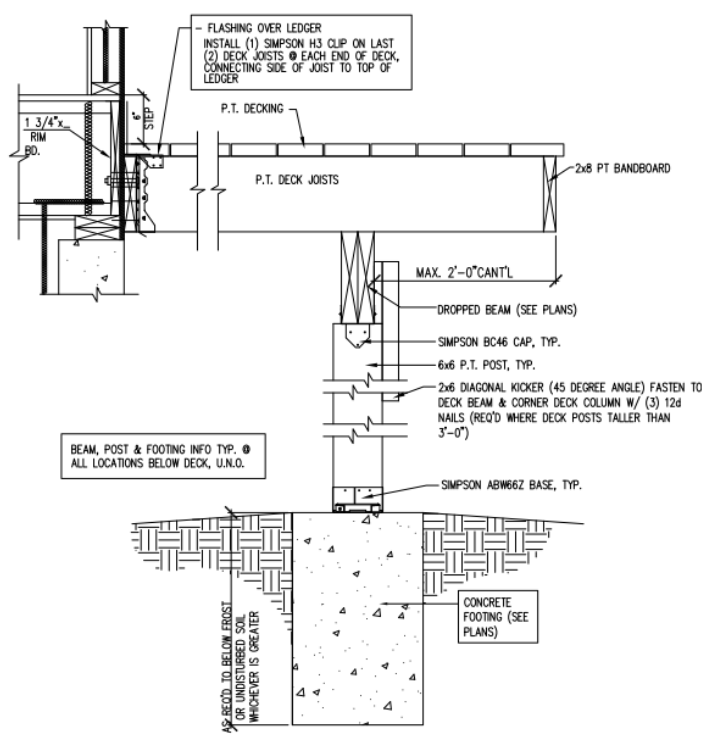
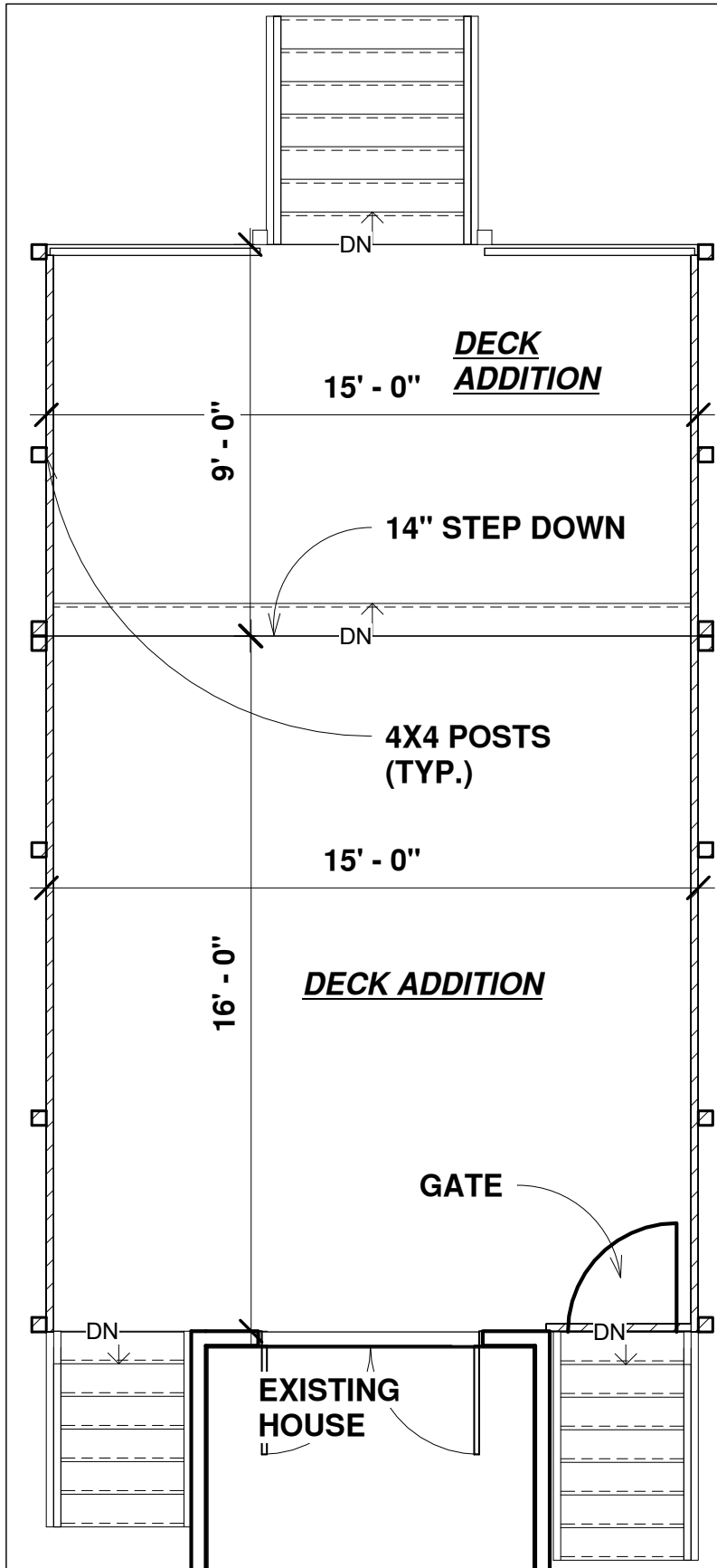
① DECK FOUNDATION  
1/4" = 1'-0"



610 N 29TH ST

## DECK FOUNDATION

Project number	61029	S2
Date	Issue Date	
Drawn by	RG	Scale 1/4" = 1'-0"
Checked by	RG	



**DECK DETAIL-N.T.S.**

1 DECK PLAN  
1/4" = 1'-0"

	<p>610 N 29TH ST</p>		<p><b>DECK PLAN</b></p>	
			<p>Project number 61029</p>	<p>Date Issue Date</p>
<p>Drawn by RG</p>	<p>Checked by RG</p>	<p>Scale 1/4" = 1'-0"</p>		

THIS IS TO CERTIFY THAT ON FEBRUARY 18, 2016,  
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 FEMA DEFINED FLOOD  
HAZARD AREA. ZONE: "X".

**SUBJECT PARCEL REF.:**

2,710 SQ. FT.  
0.0622 AC.

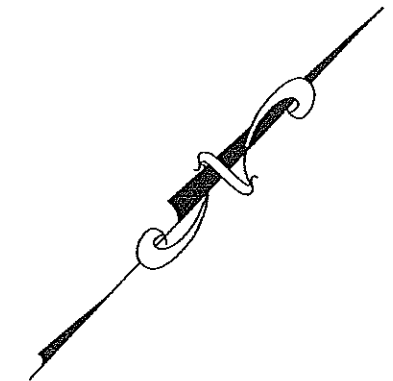
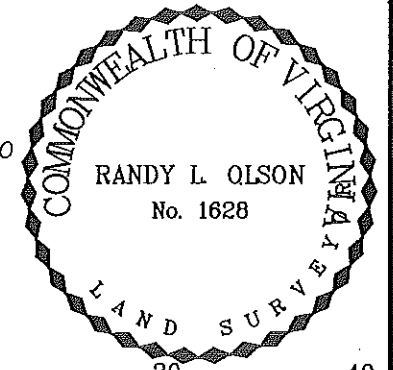
N/F  
THOMAS R., JR & NANCY J, WILLIS  
PARCEL I.O.: E0000527019  
INST. #: 2007-20513  
(PLAT) IN D.8.: 1798, PG.366  
No.610

**HARVEY L. PARKS, INC.**

4508 W. HUNDRED ROAD  
CHESTER, VA.  
748-8641 748-0515  
EMAIL: SURVEYS@HARVEYLPARKS.COM FAX: 796-5742  
DATE: FEBRUARY 18, 2016 SCALE: 1"=20'  
DRAWN BY: H.T.J.  
CHECKED BY: R.L.O.  
F.BK.: 600, PG.45 60045.dwg

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

REVISED: OCTOBER 30, 2020  
REVISED: MARCH 16, 2016



PLAT SHOWING A PROPOSED DECK ON  
No.610 NORTH 29th STREET  
IN THE CITY OF RICHMOND, VIRGINIA.

EAST LEIGH STREET

NORTH 29th STREET

