

INTRODUCED: February 11, 2019

AN ORDINANCE No. 2019-033

To authorize the special use of the property known as 2119 East Broad Street for the purpose of a dwelling unit within an accessory building, upon certain terms and conditions.

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

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

PUBLIC HEARING: MAR 11 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 2119 East Broad Street which is situated in a R-8 Urban Residential District, desires to use such property for the purpose of a dwelling unit within an accessory building, which use, among other things, is not currently allowed by section 30-413.13(2)(c), concerning lot area, 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

AYES:            7            NOES:            0            ABSTAIN:            \_\_\_\_\_

ADOPTED:      MAR 11 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 2119 East Broad Street and identified as Tax Parcel No. E000-0224/011 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Plat of a Parcel of Land Containing 2,548.50 Square Feet (0.01 Acres) Situated at the North West Corner of East Broad Street and North 22<sup>nd</sup> Street, Church Hill Neighborhood, City of Richmond, Virginia,” prepared by Townes Site Engineering, and dated April 19, 2018, 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 dwelling unit located in an existing accessory building to an existing single-family attached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Project: 2119 East Broad Street,” prepared by Loch Design, and dated January 18, 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 no more than one dwelling unit within a building accessory to an existing single-family dwelling, substantially as shown on the Plans.

(b) No off-street parking space shall be required for the Property.

(c) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights or lighting on emergency vehicles.

(d) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.

(e) Elevations shall be substantially as shown on the Plans, unless otherwise required by the Commission of Architectural Review in accordance with applicable laws and regulations.

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

(g) 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) The Owner shall make improvements within the public right-of-way, including closing an existing entrance to North 22<sup>nd</sup> Street and replacing such entrance with a brick sidewalk and granite curb to match the existing curb and sidewalk, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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.

# City of Richmond

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

## Item Request

File Number: PRE.2018.422

O & R REQUEST

RECEIVED

4-8506  
JAN 16 2019

JAN 31 2019

OFFICE OF CITY ATTORNEY  
O & R Request

Office of the  
Chief Administrative Officer

DATE: January 15, 2019

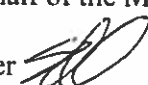
EDITION:1

TO: The Honorable Members of City Council

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

JA 1/24/19

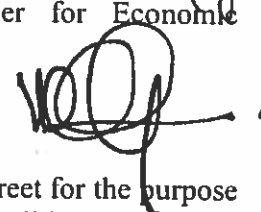
THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer



THROUGH: Douglas C. Dunlap, Interim 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 2119 East Broad Street for the purpose  
of a dwelling unit within an accessory building, upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of the property known as 2119 East Broad Street for the purpose  
of a dwelling unit within an accessory building, upon certain terms and conditions.

**REASON:** The applicant is proposing to renovate a two story, 640 SF, detached garage to be converted to  
a two-story, dwelling unit. The property is currently located in the R-8 zoning district and the proposed use  
is not permitted due to lot area and parking requirements. A special use permit has therefore been requested  
by the applicant.

**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 March 4, 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 2,017 SF or .046 acre parcel of land improved with a 1,884 SF residential building constructed, per tax assessment records, in 1883 as a Single family dwelling. It is located in the Church Hill neighborhood of the East Planning District. The property is also located within the St. John's Church 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 developed would be approximately 43 units per acre.

Dwelling units located in accessory buildings containing two or more stories are permitted in the R-8 District, however, the lot area requirement for a two-family dwelling (3,400 SF) must be met. A lot area of 2,017 SF exists. One off-street parking space is required to be provided for the additional dwelling unit within the R-8. However, none are proposed.

Adjacent properties on the 2100 Block of East Broad Street are of similar-sized houses and lots. Rear garages are common in the neighborhood, some of which have been adapted to apartments. 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 Single family zoning 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:** February 11, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** March 11, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, March 4, 2019

**AFFECTED AGENCIES:** Office of Chief Administrative 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:** 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: 2119 EAST BROAD ST 23223 Date: 9/1/2018  
Tax Map #: E0000224011 Fee: 0  
Total area of affected site in acres: 0.046

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

**Zoning**

Current Zoning: R-8

Existing Use: SINGLE FAMILY HOME WITH DETACHED GARAGE.

**Proposed Use**

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

SINGLE FAMILY HOME WITH APARTMENT IN GARAGE.

Existing Use: SEE ABOVE. SINGLE FAMILY HOME WITH DETACHED GARAGE.

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: REQUEST WAS DENIED. SEE ATTACHED.

**Applicant/Contact Person:** MARY LORINO  
Company: LOCH DESIGN  
Mailing Address: 12 N. 30TH STREET  
City: RICHMOND State: VA Zip Code: 23223  
Telephone: (804) 840 9415 Fax: ( )  
Email: MARY@LOCHDESIGN.COM

**Property Owner:** RONALD C. EVANS & ASSOCIATES, INC.  
If Business Entity, name and title of authorized signee: RONALD C. EVANS, PRESIDENT

(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: 201 WYLDEROSE COMMONS, SUITE 200  
City: MIDLOTTIAN State: VA Zip Code: 23113  
Telephone: (804) 897-8300 EXT. 106 Fax: (804) 897-8400  
Email: ron.evans@rcema.com

**Property Owner Signature:** Ronald C. Evans

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)

August 30, 2018

City of Richmond  
 Department of Planning and Development Review  
 900 East Broad Street, Room 511  
 Richmond, VA 23219

RE: 2119 East Broad Street, SUP application, **APPLICANT'S REPORT**

The property is currently a single family home with an outbuilding/garage. The proposed use of the property is a single family home (unchanged) and conversion of the existing outbuilding/garage to become a residential apartment. The existing property is not, by right, allowed to have an apartment in the garage due to the lot size and parking requirement.

Lot size: The structures are currently existing – no change is being made to the existing footprint of the buildings. (Note that an existing enclosed second story porch is being enlarged by 4"-6" to allow for use of space to become a bathroom, however the porch will remain under the existing roofline.) The first floor footprint will remain unchanged. Although the property is not large enough for an apartment by right, the built density of the property will remain unchanged.

Compatibility: The project's Owners are using historic preservation tax credits to assist with funding the renovation. The renovation will be in compliance with the Secretary of the Interiors Guidelines for Rehabilitating Historic Structures – therefore ensuring compatibility with the surrounding historic neighborhood.

Parking: The existing outbuilding has an associated curb cut which allows access to the outbuilding/garage, however the existing outbuilding is small and has difficult to use doors which currently complicate it's ability to use for vehicle storage. The curb cut currently takes 1 street parking space. The conversion of the outbuilding/garage to an apartment will allow the curb cut to be returned to a curb. A street parking space will then be made available where currently there is none – therefore the addition of the apartment will have no real impact of the parking availability of the neighborhood.

Additional Information: Currently the property has a large retaining wall that supports the City sidewalk and 22<sup>rd</sup> street. The wall is in need of repair. The cost to repair the wall is significant due to its size and retainage. The ability to use the garage as an apartment will offset the tremendous cost to repair the wall which will improve the City sidewalk and safety of 22<sup>nd</sup> street.

Existing curb cut. Owner is discussing with City the concept of replacing curb cut with curb and gutter. Currently no parking is allowed in front of the curb cut. Owner is proposing that the road space in front of curb cut will provide required parking for carriage house.

North 22nd Street

Existing Tree

Sidewalk to be repaired

Fence and retaining wall to be repaired

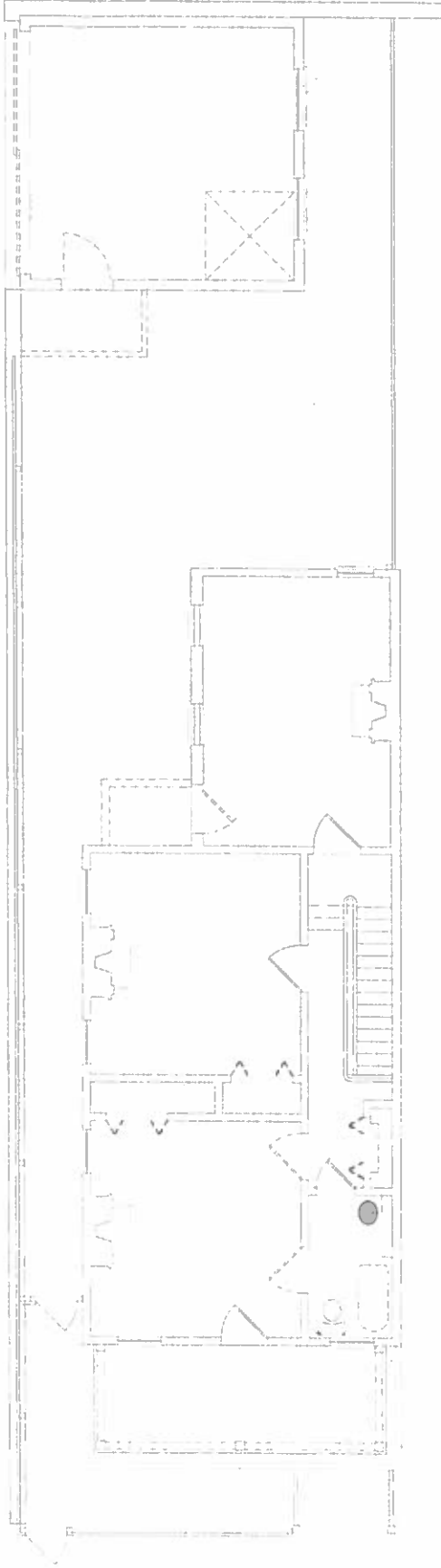
Existing Single Family House

Existing Carriage House  
new gray TPO roof

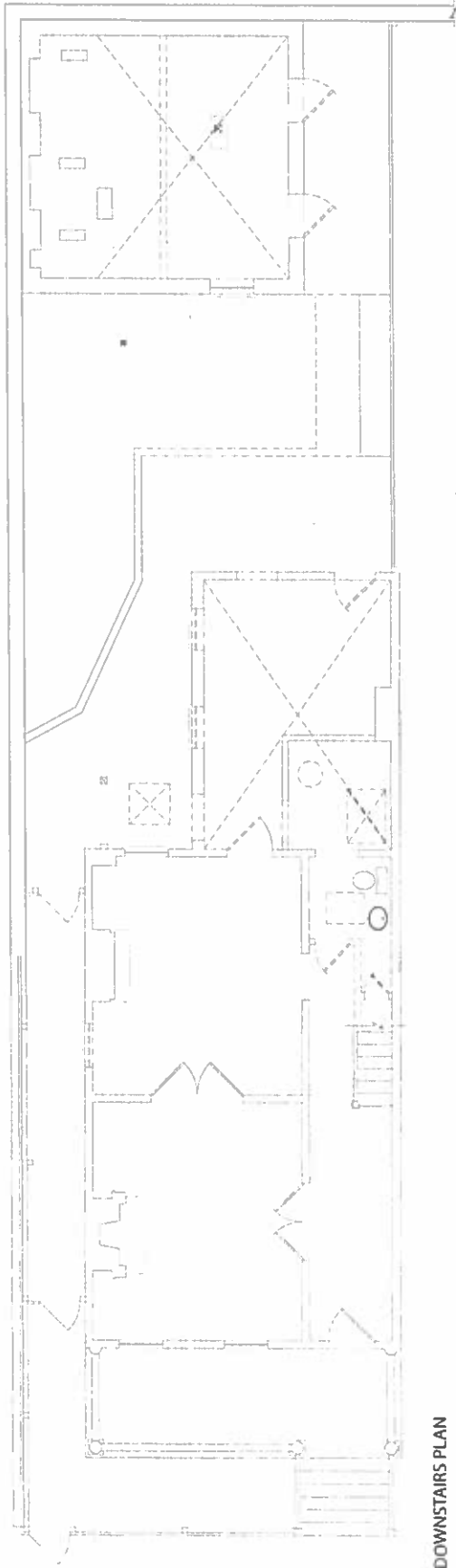
Rebuilt ballustrade. Possibly new deck and guardrail.

Broad Street

SITE PLAN  
not to scale

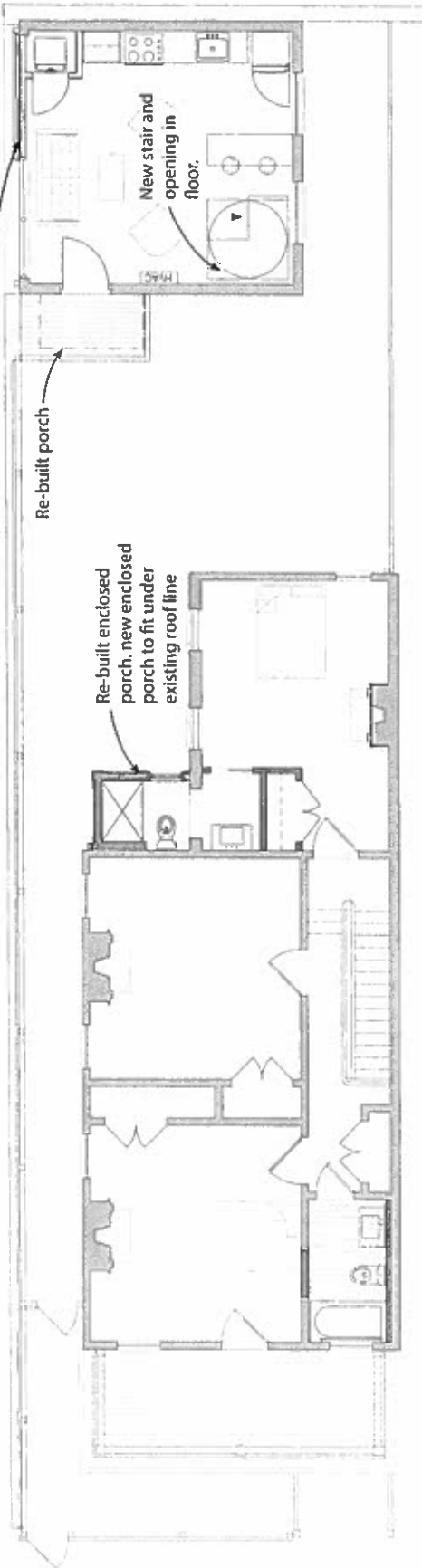


UPSTAIRS PLAN

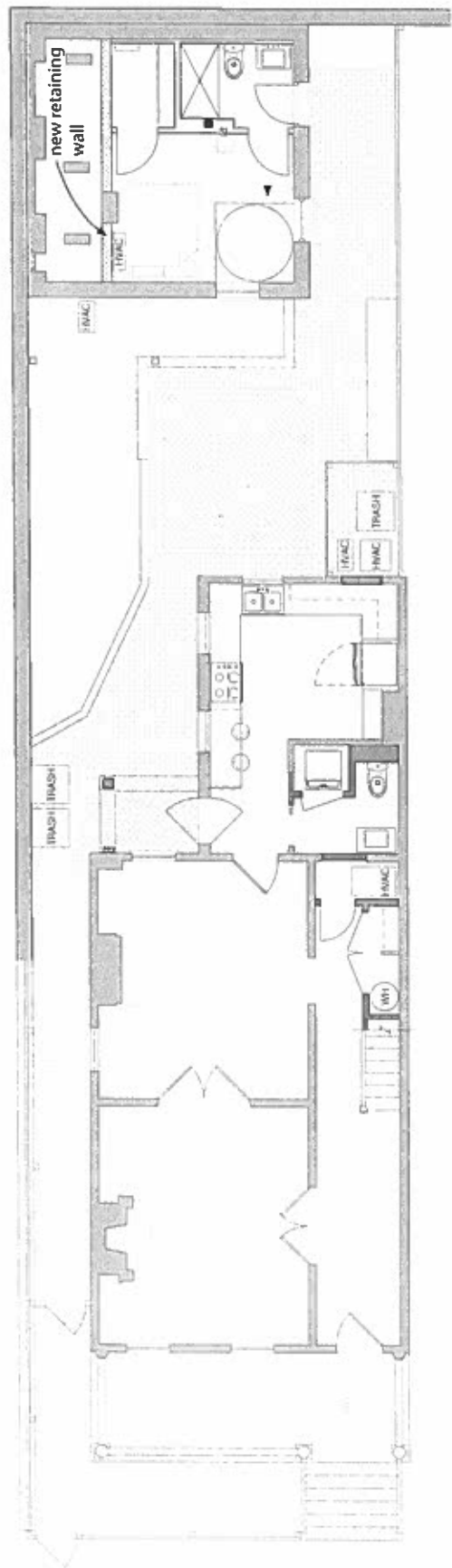


DOWNSTAIRS PLAN

Re-built operable garage doors on barn door hardware. New black storefront behind garage doors.

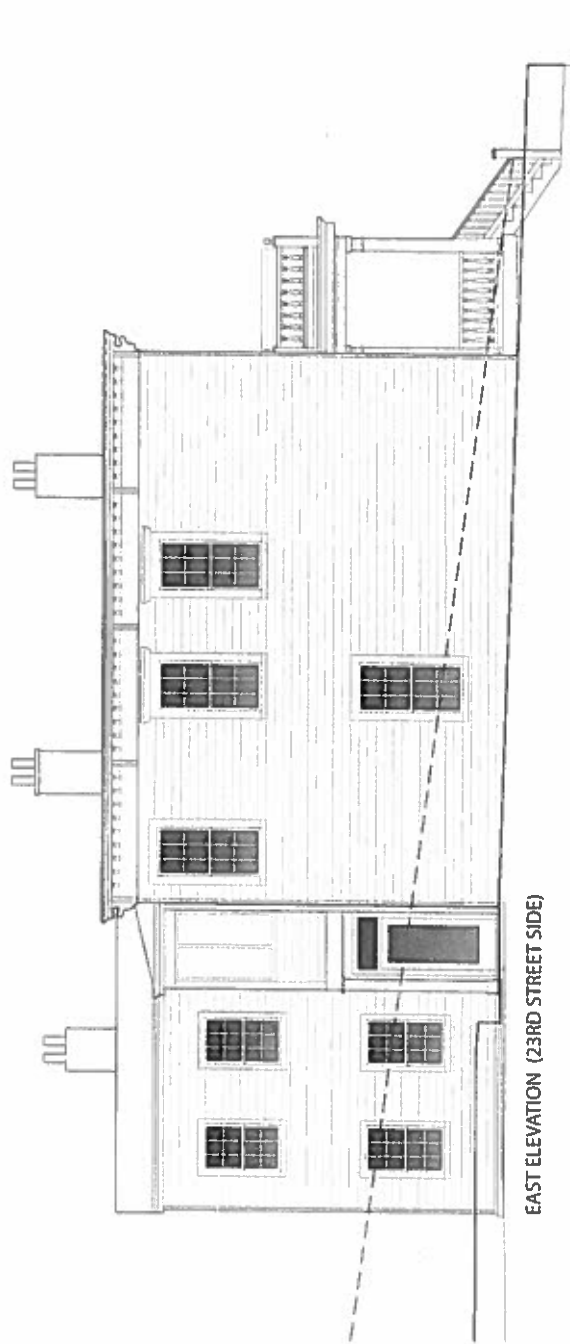


UPSTAIRS PLAN

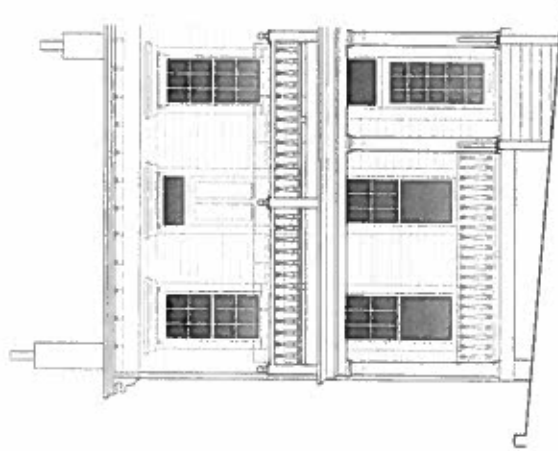


DOWNSTAIRS PLAN

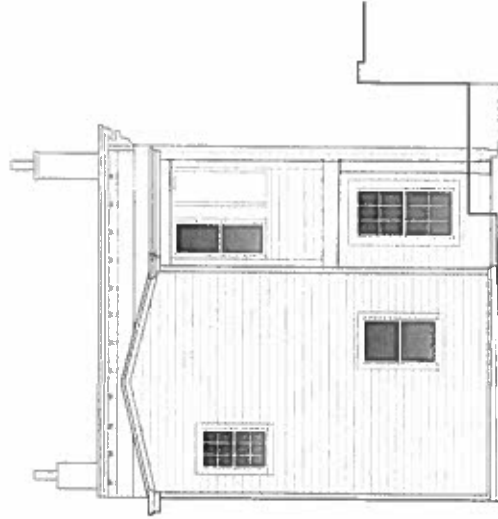
**PROPOSED FLOOR PLANS**  
not to scale



EAST ELEVATION (23RD STREET SIDE)



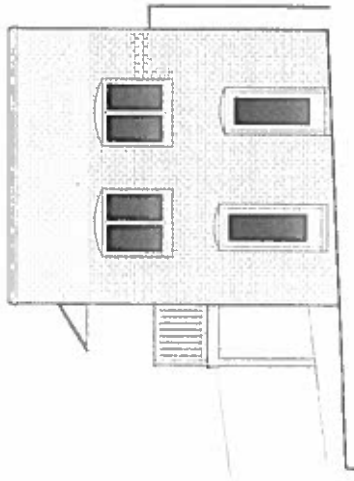
NORTH ELEVATION (BROAD STREET)



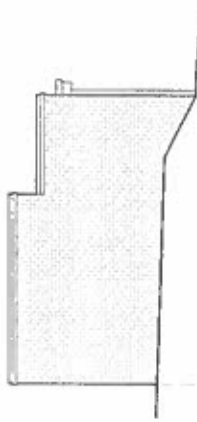
SOUTH ELEVATION (SOUTH SIDE)

ELEVATIONS OF SINGLE FAMILY HOUSE  
not to scale

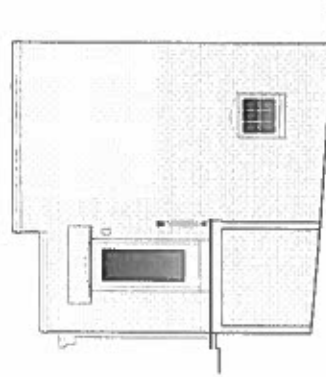




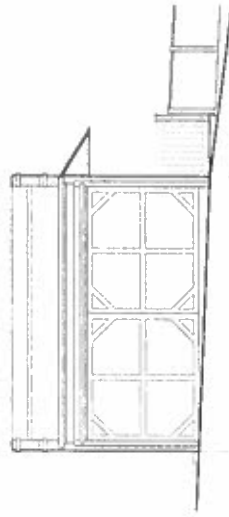
WEST ELEVATION



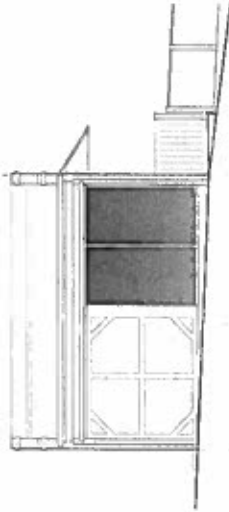
SOUTH ELEVATION (SOUTH SIDE)



NORTH ELEVATION



EAST ELEVATION (23RD STREET SIDE)  
GARAGE DOORS SHUT



EAST ELEVATION (23RD STREET SIDE)  
GARAGE DOOR OPEN

ELEVATIONS OF CARRIAGE HOUSE  
not to scale



VICINITY MAP - 1" = 250'

LEGEND	
○	LIGHT POLE
●	POWER POLE
⊙	GUY WIRE
—	OVERHEAD UTILITY
⊕	GAS VALVE
⊗	WATER METER
—	WOODEN PICKET FENCE

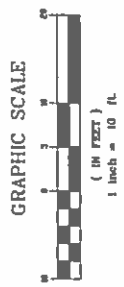
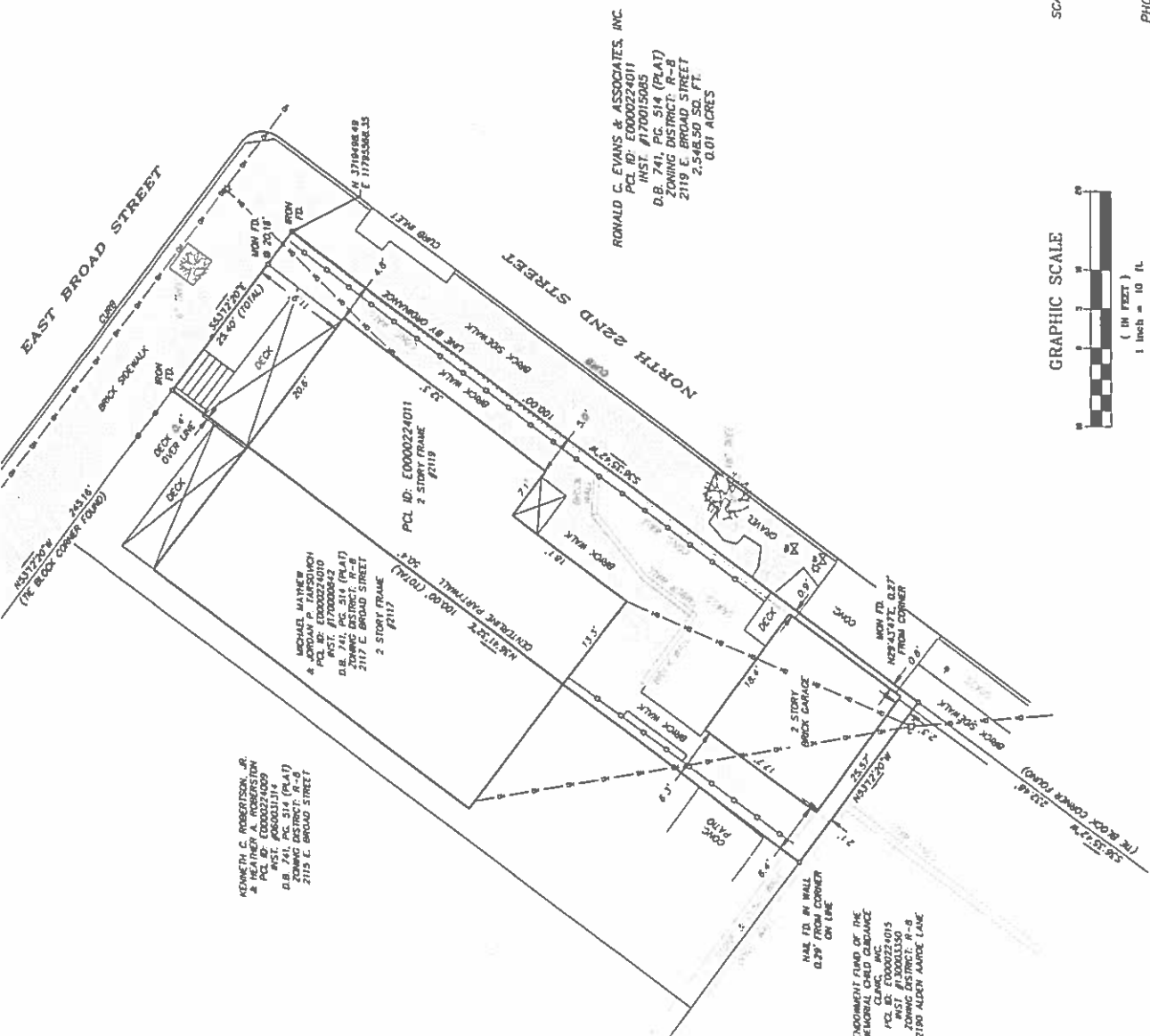


**PLAT**

OF  
 A PARCEL OF LAND CONTAINING  
 2,548.50 SQUARE FEET (0.01 ACRES)  
 SITUATED AT THE NORTH WEST CORNER OF  
 EAST BROAD STREET  
 AND  
 NORTH 2ND STREET  
 CHURCH HILL NEIGHBORHOOD  
 CITY OF RICHMOND, VIRGINIA  
 SCALE 1" = 10'

**Townes**  
 SITE ENGINEERING

9850 LORI ROAD, SUITE 201  
 CHESTERFIELD, VIRGINIA 23832  
 PHONE: (804) 748-9011 FAX: (804) 748-2590



RONALD C. EVANS & ASSOCIATES, INC.  
 PCL ID: E0000224011  
 INST. #170015085  
 D.E. 741, P.C. 514 (PLAT)  
 ZONING DISTRICT: R-8  
 2119 E. BROAD STREET  
 2.54850 AC. PL.  
 0.01 ACRES

KENNETH C. MCGEEHEE, JR.  
 &  
 JORDAN P. TINSMAN  
 PCL ID: E0000224009  
 INST. #660031314  
 D.E. 314, P.C. 314 (PLAT)  
 ZONING DISTRICT: R-8  
 2115 E. BROAD STREET

MICHAEL WALKER  
 &  
 JORDAN P. TINSMAN  
 PCL ID: E0000224010  
 INST. #170008642  
 D.E. 514, P.C. 514 (PLAT)  
 ZONING DISTRICT: R-8  
 2117 E. BROAD STREET

ENCUMBRANCE RECORD OF THE  
 MEMPHIS LAND SURVIVANCE  
 COMPANY, INC.  
 PCL ID: E0000224015  
 INST. #170008642  
 ZONING DISTRICT: R-8  
 2100 ALDEN ARCADE LAKE

REFERENCES:  
 1. CITY OF RICHMOND BLOCK MAP 95W

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE  
 COMPANY, No. 0-8401-001800487, DATED JULY 21, 2017.

NOTE: THIS PROPERTY IS WITHIN  
 A FEMA DEFINED FLOOD PLAIN  
 (FLOOD ZONE S) PROBABLE  
 EFFECTIVE DATE: JULY 16, 2014

THIS SURVEY WAS MADE FOR THE PURPOSE  
 OF IDENTIFYING LEGAL BOUNDARIES. THIS  
 SURVEY DOES NOT PURPORT TO IDENTIFY  
 ENVIRONMENTAL FEATURES SUCH AS WETLANDS  
 OR OTHER ENVIRONMENTAL FEATURES.  
 AN ENVIRONMENTAL ASSESSMENT WOULD BE NECESSARY.