



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2020-181:** To authorize the special use of the property known as 3131 Kensington Avenue for the purposes of five single-family attached dwellings, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** September 8, 2020

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#### **PETITIONER**

Nathan March – Johannas Design Group

#### **LOCATION**

3131 Kensington Avenue

#### **PURPOSE**

To authorize the special use of the property known as 3131 Kensington Avenue for the purposes of five single-family attached dwellings, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The subject property consists of an 11,979 SF, or .28 acre unimproved parcel of land, and is a part of the Museum District neighborhood in the Near West Planning District at the intersection of Kensington Avenue and Cleveland Street. The property is also located in the West of the Boulevard Overlay District. The application wishes to subdivide the property at 3131 Kensington Avenue and construct five, single-family attached dwellings. The application, as submitted, does not meet certain feature requirements of the underlying R-6 Single-Family Attached Residential District including lot area, front yards, side yards, and height. A Special Use Permit is therefore required.

Staff finds that the proposed single-family attached units would be infill development consistent with the recommendations of the Master Plan and the Design Overlay District.

Staff further finds that the inclusion of front porches and traditional building orientation of the new units to be important features that will increase the number of “eyes on the street” for this portion of the neighborhood. The new units are in close proximity to neighborhood commercial uses on Cleveland Street.

Staff finds that the proposed development will not pose an undue burden on the availability of on-street parking in the area due to the inclusion of 10 off-street parking spaces as well as existing on-street parking on Kensington Avenue and Cleveland Street.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved and would not create congestion in the streets in the area involved.

Therefore, staff recommends approval of the Special Use Permit request.

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## **FINDINGS OF FACT**

### **Site Description**

The subject property consists of an 11,979 SF, or .28 acre unimproved parcel of land, and is a part of the Museum District neighborhood in the Near West Planning District at the intersection of Kensington Avenue and Cleveland Street. The property is also located in the West of the Boulevard Overlay District.

### **Proposed Use of the Property**

The project calls for five, newly constructed, single-family attached dwellings with 10 off-street parking spaces.

### **Master Plan**

The City of Richmond's current Master Plan designates the subject property for Single-Family (Medium Density) Residential uses which 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, p. 133). The density of the proposed development is approximately 18 units per acre.

Specifically for the New West Planning District, the Master Plan states "infill development of like density, scale and use is appropriate" (p. 230).

### **Zoning and Ordinance Conditions**

The current zoning for the subject parcel is R-6 Single-Family Attached Residential. It is also located in the West of the Boulevard Overlay District. Planning & Preservation staff has reviewed the plans and confirmed they are consistent with the standards of the overlay district.

The City's Zoning Administration reviewed the application and provided the following comments:

The proposal is to subdivide the existing lot into 5 lots with 5 single-family attached dwellings. Parking will be provided via rear garages that are accessed by a cross-access easement provided to the rear of all parcels. Please be advised of the following zoning regulations that are not being met by the proposal, warranting special use permit approval:

#### **Zoning and Use:**

The subject property is located in the R-6 (Single-family attached) zoning district. It was split off from the parcel at 3001 Kensington Avenue through SUP Ord. No. 2015-250-244 and any future development of the parcel is now subject to the requirement of the underlying zoning district (R-6). Single-family attached dwellings are permitted by-right in the R-6 district.

#### **Lot Area and Width: (Sec. 30-412.4(2))**

The average density within a development site shall not exceed 10 units per acre. This density is being exceeding as a density of 18 units/acre is proposed.

The minimum lot area is 2,200 square feet and the minimum unit width is 16', provided that for a series of three or more attached units, the average width must be at least 20'. The minimum lot area is not met for Lots 2 and 3.

Yards: (Sec. 30-412.5)

*Front* (15') or as dictated by a nonconforming front yard of an adjacent building (Sec. 30-630.2(b)1: Requirement not met for the Cleveland Street frontage of Lot 3, which will have 2 front yards.

*Side* (Not less than 3' except where buildings are attached, 10' at end of series of 3 or more units): Requirement not met for Lot 1.

Lot Coverage: (Sec. 30-412.6):

The maximum lot coverage for each new parcel is 55% of the lot area.

Height: (Sec. 30-412.8):

The maximum height from the mean building grade of each new dwelling is 35': The height limit is exceeded for lots 1-3.

The special use permit would impose development conditions on the property, including:

3(a) The Special Use of the Property shall be as five single-family attached dwellings, substantially as shown on the Plans.

(b) Up to ten off-street parking spaces shall be provided for the use of the Property, substantially as shown on the Plans.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(d) The height of the Special Use shall not exceed the height on the Plans.

(e) All building materials and elevations shall be substantially as shown on the Plans.

(f) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of up to five residential lots, substantially as shown on the Plans, shall be accomplished by obtaining subdivision approval from the City and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

4(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 right-of-way, including installation of a street tree along Kensington Avenue and four street trees along Cleveland Street, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works.

**Surrounding Area**

Surrounding properties are located in the same R-6 district as the subject property. The existing land uses in the vicinity are comprised of single-, two- and multi-family residential and commercial land uses.

**Affordability**

The median household income for the Richmond region is currently \$67,703. The affordability threshold is 30% of household income which equates to \$20,311 or \$1,693 per month or less to avoid a housing cost burden.\*

The applicant has informed the City that the proposed units will be market rate.

**Neighborhood Participation**

Staff notified the Museum District Association and area property owners and residents of the proposal. Staff has received a letter of no opposition from the Museum District Association.

**Staff Contact:** Jonathan Brown, Senior Planner, PDR, Land Use Administration, 804-646-5734.