

# APPLICANT'S REPORT

*July 3rd, 2019*

***Special Use Permit***

***821 N 25th Street, Richmond VA***

***Map Reference Number: E000-0380040***

Submitted to: City of Richmond  
Department of Planning and Development Review  
Land Use Administration  
900 E Broad Street, STE 511  
Richmond, VA 23219

Submitted by: Deworth Restoration Associates, LLC  
2511 O Street  
Richmond, VA 23223

Prepared by: Architecture AF  
311 N 2nd Street  
Richmond, VA 23219



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: 821 N 25TH ST. Date: 07-03-19  
 Tax Map #: E000-0380040 Fee: \_\_\_\_\_  
 Total area of affected site in acres: 0.057

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

**Zoning**

Current Zoning: R-63 RESIDENTIAL (MULTI-FAMILY URBAN)  
 Existing Use: VACANT

**Proposed Use**

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

R-2 LIVE/WORK  
 Existing Use: VACANT

Is this property subject to any previous land use cases?

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

**Applicant/Contact Person: SARAH MILBERGER**

Company: ARCHITECTURE AF  
 Mailing Address: 311 N 2ND ST.  
 City: RICHMOND State: VA Zip Code: 23219  
 Telephone: (267) 481-4280 Fax: ( )  
 Email: SARAH@ARCHITECTURE.AF

**Property Owner: DEWORTH RESTORATION ASSOCIATES LLC**

If Business Entity, name and title of authorized signer: JOHN WHITWORTH - MEMBER

(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: 2511 O Street  
 City: Richmond State: VA Zip Code: 23223  
 Telephone: (804) 243-2382 Fax: ( )  
 Email: jwhitworth@comcast.net

Property Owner Signature: J.D. Whitworth (JOHN D. WHITWORTH)

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)

## **Introduction**

The property owner, Deworth Restoration Associates LLC, requests a special use permit for 821 N 25th Street “the Property.” The special use permit would authorize the construction of a live-work building, of which some features do not conform to the R-63 zoning requirements applicable to the Property.

## **Existing Conditions**

### **Site Description**

The Property is a corner lot occupying the southeast corner of the intersection of 25th Street and O Street. Currently, the site is void of any structures as the previous structure on the lot was demolished in March of 2019. Long vacant, the building was severely blighted beyond repair and was demolished by the owner due to safety concerns (one of the chimneys had collapsed in on itself). Surrounding the Property are a mix of commercial and residential uses including single family detached and attached homes, as well as commercial structures and surface parking lots.

### **Existing Zoning**

The Property is zoned R-63. Per the zoning ordinance, the intent of the district is to “encourage development of medium density neighborhoods” and “provide opportunities for residents to live and work within the neighborhood.” R-63 zoning expands commercial uses for corner lots and encourages a streetscape that is urban in character by requiring minimal setbacks.

### **Master Plan Designation**

The Property fronts 25th Street and therefore falls within the 25th Street Commercial Corridor. According to the Master Plan, the “25th Street commercial corridor in the heart of Church Hill provides a number of retail services for the immediate neighborhood and larger community.” The property also falls within the Church Hill North Redevelopment Conservation Area outlined in the 2000-2020 Richmond Master Plan. According to the Master Plan, “The redevelopment area designation is intended to revitalize targeted area through programs designed to eliminate existing blight and the long-term conditions that result in deteriorating neighborhoods” and the Master Plan acknowledges that improving these areas “frequently result in land use changes as well.”

# Proposal

## Purpose of Request

The purpose of this request is to permit the redevelopment of underutilized property with a two story live-work building. The project would comply with the recommendations of the Master Plan and would be consistent with the intent of the R-63 zoning classification. However, there are certain feature requirements which are not met by the proposal. Including lot coverage and setbacks, as well as number of off street parking spaces provided. Therefore a special use permit is required.

## Project Summary

The proposed building would consist of three live-work units consistent with the historic live-work buildings of the past, where the ground floor is designated as commercial and the owner of the commercial space lives above. The proposed building would include approximately 3,734 gross square feet of floor area divided between 1,844 square feet of ground floor “work” space and 1,890 square feet of second floor “live” space. Live-work units are a permitted principal use in R-63 zoning districts and are regulated by the 2015 Virginia Construction Code in Section 419.

## Lot Coverage and Setbacks

The proposed building occupies 76.5% of the building lot, which is greater than the 65% lot coverage restriction in R-63 zoning districts. Despite the increased lot coverage, the building is two stories in height, as opposed to the four stories allowed on corner lots in R-63 zoning districts. The applicant believes that despite the increased lot coverage, the proposed building does not significantly increase allowable density on the site and maintains the scale and feel of the neighborhood.

The width and depth of the Property is 19' and 130' respectively, comprising a 2,470 square foot lot. In a R-63 zoning district, multifamily dwellings are required to be located on lots of not less than 4,000 square feet. Despite the fact the lot is undersized for the proposed building, the proposed building still falls under the intent of the Master Plan, which recognizes that improving a redevelopment conservation area “frequently result in land use changes as well.” The historic lot may be undersized, but the live-work use conforms to the intent of the 25th Street Corridor as prescribed in the Master Plan as well as the increased allowable density and permitted uses of corner lots in the Richmond Zoning Ordinance.

The proposed building has a 1 ½ foot side yard setback, which exceeds the 5' side yard setback required by R-63 zoning. This setback matches the setback of the building demolished in March of 2019. The particularly narrow width of this corner lot presents a hardship when building any structure conforming to a 5' setback.

## Parking

The proposed building has two off street parking spaces which falls short of the three off street parking spaces prescribed by the Zoning Ordinance. The applicant believes that by providing one less space than required will not present a parking shortage. There is 130' of on street parking along O Street and 19' of on street parking along 25th street. This provides a minimum of 11 additional on street parking spaces. The only adjacent commercial building, 913 N 25th Street, has a large surface lot that exceeds parking requirements for the commercial tenant, Devita Dialysis. Along their O street lot line there is an additional 130' of on street parking available that could add an additional 10 spaces to be used by residents and visitors of 821 N 25th Street.

## Compatibility with R-63 Zoning Intent

**District Intent:** “encourage development of medium density neighborhoods comprised of a mix of residential uses and to promote a pedestrian oriented urban environment that is primarily residential in character, but that includes limited nonresidential uses that serve many of the day-to-day convenience needs of neighborhood residents and provide opportunities for residents to live and work within the neighborhood.”

*Proposal:*

- *Elimination of blight in missing tooth of the 25th Street Commercial Corridor*
- *Development of a structure whose principal use is live-work, providing “opportunities for residents to live and work within the neighborhood”*
- *Provision of a better pedestrian experience, greater convenience and greater economic viability.*
- *Increased walkability, appropriate scale and height of buildings ensure compatibility with surrounding uses and nearby medium density neighborhoods.*

**District Intent:** “The district regulations permit corner commercial uses that are limited in location, type and scale and are intended to provide for the convenience of neighborhood residents within walking distance, to respect the primary residential character of the neighborhood and to avoid traffic, parking, noise and other impacts that typically result from uses that draw patrons from outside a neighborhood.”

*Proposal:*

- *Provide a corner structure that contains some commercial uses that benefit the residents of the neighborhood.*
- *Improve the streetscape along a 130’ length of O Street that creates a better pedestrian experience and enhances the walkability of the neighborhood.*

**District Intent:** “The district regulations are also intended to promote a streetscape that is urban in character by requiring minimal building setbacks uninterrupted by parking areas along principal street frontages, and to enhance public safety and encourage an active pedestrian environment appropriate to the residential character of the district by providing for windows in building facades along street frontages.”

*Proposal:*

- *Provides a structure that fronts the corner of O Street and 25th Street with no building setbacks in a way that promotes an active pedestrian environment.*
- *The design respects and reinforces its location by replacing a vacant lot with a building fronting the street with storefronts, windows. And primary entrances in a manner that is both consistent with the traditional buildings in the area and reflective of a desirable urban form.*
- *Proposed design completely eliminates Interruptions / conflict with pedestrians due to driveways as all off site parking is accessed from the adjacent alley.*

## Findings of Fact

The following are factors indicated 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 special use permit will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed development would offer needed services to the community and a safe, convenient and economically viable pedestrian environment, thereby providing positive impacts in terms of safety, welfare, etc.

***-Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The proposal is consistent with the Master Plans designation of the Property as part of the 25th Street commercial corridor. The proposal is consistent with the R-63 zoning district that encourages pedestrian oriented neighborhoods, where residents can live and work.

***-Create hazards from fire, panic or other danger***

The proposed special use permit is to build live work units, which are a defined term in the Virginia Construction Code and as such have life safety design requirements outlined in the VCC Section 419. The proposal will follow all code requirements to minimize hazards from fire, panic or other danger.

***-Tend to cause overcrowding of land and an undue concentration of population***

The proposed special use permit will not cause undue crowding or concentration of population. The proposed two story building is consistent with the Property's location and conforms to the medium density neighborhood requirements outlined in Richmond's Master Plan and Zoning Ordinance.

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

The proposed special use permit would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

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

The light and air to adjacent properties will not be affected. The proposed building two story height is half the number of stories, and therefore half the height, permitted on a corner lot in R-63 Zoning. The adjacent neighbor at 819 N 25th Street only has one window facing the 821 N 25 Street lot line, and that window was previously obscured in the same manner by the structure that was demolished in March of 2019.