



## CITY OF RICHMOND

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

**Ord. No. 2021-320:** 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.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** December 6, 2021

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#### **PETITIONER**

Tracy Lipscombe

#### **LOCATION**

610 North 29th Street

#### **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.

#### **SUMMARY & RECOMMENDATION**

The applicant is requesting to legalize a fence that was recently constructed on the property. A portion of the fence and screening encroaches into the required 3' side yard (setback). Fences and walls may project into a required side or rear yard with a height of up to 6.5'. A portion of the fence and screening panels are 10' in height in order to provide screening from the adjacent property along an elevated deck which is attached to the house and approximately 6' above grade. Therefore, a special use permit is required.

Staff finds that the fence and screening panels are consistent with the Neighborhood Mixed-Use designation for the property. The only portion of the fence and screening panels that exceed 6.5' is along an elevated deck that is attached to the house. The remainder of the fence is in compliance with the zoning regulations. Letters of support have been received from three abutting property owners, including the two whose property the fence will abut.

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 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.

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

The application is to allow for an existing deck which was built outside the allowable, side-yard setbacks.

### **Master Plan**

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use which is defined as "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." These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced. Regardless of use, buildings should engage the street with features such as street oriented façades with windows and door openings along street frontages. Appropriate setbacks, open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses. Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible. Parking areas should be located to the rear of street-facing buildings.

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

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)

### **Zoning and Ordinance Conditions**

The proposal is to allow for an existing deck. The property is located in the R-63 (Multifamily Urban Residential District). Please be advised that the following conditions of the proposed deck do not comply with the current zoning regulations:

Sec. 30-419.6(2): Yards.

a. Single-family and two-family dwellings and buildings accessory thereto. There shall be side yards of not less than three feet in width except where buildings are attached.

This special use permit is conditioned on the following special terms and conditions:

3(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(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.

The property is also located within the Church Hill North City Old and Historic District. The application was approved by the City's Commission of Architectural Review provided that the following conditions are met:

- The wood deck and fencing should be painted or stained a neutral color that complements one or more colors found on the main structure;
- The applicant must abide by applicable zoning regulations.

### **Surrounding Area**

While R-6 Single-Family Attached and R-8 Urban Residential Districts make up a majority of the surrounding neighborhood, the property is located within a smaller pocket of an R-63 (Multifamily Urban Residential District) Zone. The majority of properties in the direct vicinity are single-family attached and detached dwellings.

### **Neighborhood Participation**

Staff notified area residents, property owners, and the Church Hill Association of the proposed Special Use Permit. As of this date, the Church Hill Association has not submitted any correspondence to staff regarding the application. However, staff has received three letters of support for this application from nearby residents.

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