



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/>

SUP-053736-2019

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: 1803 N 28th Street Date: April 17, 2019  
 Tax Map #: E0120427013 Fee: \$1,800  
 Total area of affected site in acres: 0.104 acres

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

**Zoning**

Current Zoning: R-5 Single-Family Residential

Existing Use: Vacant, former educational use

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
Nonresidential uses including the church, day nursery, office, adult day care, and educational uses as detailed in the applicant's report

Existing Use: Vacant, former educational use

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: SUP, Ordinance No. 89-168-221 (expired)

**Applicant/Contact Person:**

Company: Baker Development Resources  
 Mailing Address: 11 South 12th Street, suite 500  
 City: Richmond State: VA Zip Code: 23219  
 Telephone: (804) 874-6275 Fax: ( )  
 Email: markbaker@bakerdevelopmentresources.com

**Property Owner: PERNIK LLC**

If Business Entity, name and title of authorized signer: Aleksander Aleksanderov (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: 3006 Lincoln Avenue  
 City: Henrico State: VA Zip Code: 23228  
 Telephone: (804) 873-9135 Fax: ( )  
 Email: alex@fixandpaint.net

Property Owner Signature: BY: [Signature] MEMBER PERNIK, LLC

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

*April 26, 2019*

*Special Use Permit Request  
1803 North 28<sup>th</sup> Street, Richmond, Virginia  
Map Reference Number: E012-0427/013*

---

Submitted to:	<b>City of Richmond</b> Department of Planning and Development Review Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219
Submitted by:	<b>Baker Development Resources</b> 11 South 12 <sup>th</sup> Street, Suite 500 Richmond, Virginia 23219

## Introduction

The property owner is requesting a special use permit (“SUP”) for 1803 North 28<sup>th</sup> Street (“the Property”). The SUP would reauthorize the use of an existing commercial building for uses that do not conform to the underlying R-5 Single-Family Residential district zoning requirements applicable to the Property.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The Property is located at the northeast corner of North 28<sup>th</sup> Street and Y Street. The Property is referenced by the City Assessor as tax parcel E012-0427/013. Per the assessment, The Property is an irregularly shaped parcel that is roughly 35’ wide by 108’ in depth. The Property contains approximately 4,529.38 square feet of lot area, and is not afforded alley access due to an a triangular-shaped parcel which abuts both the Property and the alley to the rear.



The Property is improved with a single-story brick building, which includes approximately 1,966 square feet of floor area and was completed in 1992. The building was constructed pursuant to a Special Use Permit adopted in 1988 (Ord. 88-277-248), which authorized the use of the building as a non-profit learning center for children in kindergarten through fifth grade. The building is vacant and has not been legally occupied for a number of years. Because the property has been vacant for over 24 consecutive months, the

original SUP is now null and void. A new special use permit is now needed to authorize any reasonable reuse of the Property.



Properties in the immediate vicinity are either vacant or improved with single-family detached dwellings. Within the broader vicinity, there are also a mix of other uses present including two-family dwellings, multi-family dwellings, educational and institutional uses, and commercial uses.

### **EXISTING ZONING**

The Property is zoned R-5 Single-Family Residential. The Property was subject to a Special Use Permit (Ord. 88-277-248) which authorized the existing building on the Property but is no longer valid. The surrounding properties are also zoned R-5, while other more intense zoning districts, such as R-53 and B-2, can be found nearby to the south and to the east.

### **MASTER PLAN DESIGNATION**

The Master Plan recommends "Single-Family (Medium Density)" for the Property. The Master Plan describes this land use category as follows: "Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8-20 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," (*Master Plan*, p.133).

With regard to the re-use of this purpose-built building for non-residential uses the Master Plan generally indicates: "Existing Land Uses and land use patterns should generally continue as they currently exist," (*Master Plan*, p.123); "Most of what currently exists is correct and appropriate" (*Master Plan*, p.166); and "The few institutional uses located within the district are appropriately sited and serve as assets to the community." (*Master Plan*, p.170).

## **Proposal**

### **PROJECT SUMMARY**

The SUP would reauthorize the use of an existing commercial building for uses that do not conform to the underlying R-5 Single-Family Residential district zoning requirements applicable to the Property.

### **PURPOSE OF REQUEST**

The current R-5 zoning does not permit the original and proposed use of the Property. The SUP that authorized the construction and use of the existing building on the Property has expired as the building has been vacant for over two years. The owner is now proposing a range of neighborhood serving uses that would allow for flexibility while remaining consistent with the original use of the Property and compatible with the existing building configuration. A new special use permit is necessary in order to reauthorize the use of the building for these uses.

### **PROJECT DETAILS**

The existing one-story structure would be retained in its current configuration including approximately 1,966 square feet of floor area. The existing building's exterior would not be changed. The commercial tenant space would be marketed for occupancy by uses that are intended to serve the day-to-day needs of neighborhood residents. Consistent with the original approval and based on the building's modest size, the proposed potential commercial uses would be limited in type and scale and would be 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. To ensure compatibility and allow flexibility for continuous future occupancy of the building, the use of the tenant space would be limited to the following uses:

- (1) Churches and other places of worship;
- (2) Day nurseries licensed by and subject to the requirements of the State of Virginia Department of Social Services.
- (3) Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the graphic arts; provided that no retailing, wholesaling or servicing of merchandise shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere be permitted on the premises;
- (4) Professional, business and vocational schools;
- (5) Public and private nonprofit schools, learning centers and educational institutions
- (6) Adult day care facilities.

Understanding that there may be a need for any such use to operate on a not-for-profit basis and with no compensation or greatly reduced compensation being paid by persons receiving such service, this request also would allow the above uses to be provided on a social service delivery basis, where applicable. Consistent with normal zoning requirements where social service delivery uses are contemplated, any such use would be subject to the following:

- a) A management program, addressing not less than the following elements shall be submitted as part of the plan of development application. The director of planning and development review may include as conditions, elements of the management program as part of the approval of a plan of development. If a particular element listed below is not applicable to a specific type of use because of the characteristics of that use, the management program shall include a statement of why the element is not applicable:



- b) Detailed description of the managing entity, including the organizational structure, names of the board of directors, mission statement, and any by laws;
- c) Detailed description of programs offered on the premises, including operating procedures and characteristics, the intent of the programs and a description of how the programs support a long term strategy for meeting the clients' needs;
- d) Detailed description of off-site programs offered, and/or description of linkages to programs operated by others;
- e) Detailed description of the number and type of clients to be served, including an outline of program objectives, eligibility criteria, and requirements for referrals to other programs;
- f) Operational details for on-site programs including: hours of operation, number and type of staff, staff qualifications, and typical hours worked by staff; method of client supervision; operating procedures including procedures for orienting a new client to the facility's programs; expectations for clients; prerequisites for continued client enrollment such as a requirement that the client participate in programs; rules of behavior for clients; the location and nature of any security features and arrangements; and names and telephone numbers of persons to contact in emergencies and any emergency procedures;
- g) Annual operating budget, including sources of funding.

In exchange for the SUP, the intent of this request is to allow for the reasonable re-use of this building for which no use is currently authorized. The project would remain consistent with original SUP that previously authorized the use of the Property. The proposed range of uses would allow for an appropriate, small-scale, neighborhood-serving use while allowing flexibility for continued occupancy on a tenant-by-tenant basis. This would prevent the potential negative impacts of a vacant structure in the area and provide a reasonable stream of revenue for the Property's future upkeep and maintenance. The assurances conditioned through the SUP would guarantee an appropriate re-use of the building that is complementary to the surrounding residential neighborhood.

## Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 114-1050.1 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.

- ***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 traffic generation associated with the proposed uses is negligible and in keeping with the original use of the Property.

- ***Create hazards from fire, panic or other dangers.***

The property was developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

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

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population. No expansions to the existing building are proposed.

- ***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 could 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 available to the subject and adjacent properties will not be affected. No expansions to the existing building are proposed.

## Summary

In summary we are enthusiastically seeking approval for this SUP, which would allow for the reasonable re-use of this building for which no use is currently authorized. The proposal is consistent with the Master Plan in that it would be consistent with original use of the property as authorized by the previous SUP. The proposed uses offer compatibility with surrounding residential uses while allowing for flexibility in use, as needed, for continued future occupancy. This request would allow for the continued stewardship of the property based on its occupancy and eliminate any concerns that can be attributed to vacant structures. The assurances conditioned through the SUP would guarantee an appropriate re-use of the building that is complementary to the surrounding residential neighborhood.