



## CITY OF RICHMOND

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

**Ord. No. 2025-075** To authorize the special use of the property known as 1301 North 38th Street for the purpose of one two-family detached dwelling and one single-family detached dwelling, upon certain terms and conditions. (7<sup>th</sup> District)

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** May 6, 2025

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#### **PETITIONER**

William Gillette, Baker Development Resources

#### **LOCATION**

1301 North 38<sup>th</sup> Street

#### **PURPOSE**

The applicant is requesting a Special Use Permit to authorize the special use of the property known as 1301 North 38th Street for one two-family detached dwelling and one single-family detached dwelling. Two-family dwellings are not permitted in the R-5 Single-Family Residential District. As a result, a Special Use Permit is necessary to proceed with this request.

#### **RECOMMENDATION**

Staff finds that the requested use is consistent with the City's Master Plan future land use designation of Neighborhood Mixed-Use, where single-family and two-family dwellings are identified as primary uses.

Staff finds that by keeping the existing dwelling, the proposal provides an opportunity for infill development while preserving the existing neighborhood character.

Staff finds that the newly proposed two-family dwelling presents as a single-family detached dwelling on the outside, further preserving the existing neighborhood character. Additionally, the architecture compliments what is existing.

Staff concludes that the proposed ordinance conditions substantially satisfy the safeguards established in the City Charter concerning the granting of Special Use Permits. 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 Oakwood neighborhood at the corner of North 38th Street and Canepa Street. The property is currently a 7,200 square foot parcel of land improved with a single-family detached dwelling. The existing dwelling is to be maintained.

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

One two-family detached dwelling and one single-family detached dwelling

### **Master Plan**

The City's Richmond 300 Master Plan designates the subject area as Neighborhood Mixed-Use which is defined as an "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" (Richmond 300, p. 82).

**Development Style:** 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.

**Ground Floor:** 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.

**Mobility:** 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.

**Intensity:** Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). 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.

### **Zoning and Ordinance Conditions**

The current zoning for this property is R-5 Single-Family Residential District. The following features of the proposed development do not comply with the current zoning regulations:

Sec. 30-410.1 – Permitted principal uses

-Two-family dwellings are not permitted.

*The proposed use includes a two-family dwelling.*

This special use permit would impose development conditions, including:

- The Special Use of the Property shall be as one two-family detached dwelling and one single-family detached dwelling, substantially as shown on the Plans.
- No off-street parking shall be required for the Special Use.
- The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.
- All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.
- All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- Prior to the issuance of a building permit for the Special Use, the establishment of no more than two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond

### **Surrounding Area**

The surrounding land uses are residential and open space.

### **Neighborhood Participation**

Staff notified the Church Hill Central Civic Association, area residents and property owners. Staff has received no letters to date regarding the proposal.

**Staff Contact:** Shaianna Trump, Planner Associate, Land Use Administration, 804-646-7319