

INTRODUCED: January 11, 2021

AN ORDINANCE No. 2021-010

To amend and reordain Ord. No. 2018-192, adopted Jul. 23, 2018, which authorized the properties then known as 800, 802, and 806 North 32nd Street, and now known as 3112, 3116, 3120, and 3124 N Street, for the purpose of up to four single-family attached dwellings, upon certain terms and conditions, to modify certain feature requirements.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: FEB 8 2021 AT 6 P.M.

I. That Ordinance No. 2018-192, adopted July 23, 2018, is hereby amended and reordained as follows:

WHEREAS, the owner of the properties known as 800, 802, and 806 North 32<sup>nd</sup> Street, which are situated in a R-6 Single-Family Attached Residential District, desires to use such properties for the purpose of up to four single-family attached dwellings, which use, among other things, does not meet the density requirement of section 30-412.4(2)(a) of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:      FEB 8 2021      REJECTED: \_\_\_\_\_      STRICKEN: \_\_\_\_\_

set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies,

sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

**§ 2. Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the properties known as 800, 802, and 806 North 32nd Street and identified as Tax Parcel Nos. E000-0725/019, E000-0725/018, and E000-0725/017, respectively, in the 2018 records of the City Assessor, and now known as 3112, 3116, 3120, and 3124 N Street and identified as Tax Parcel Nos. E000-0725/040, E000-0725/039, E000-0725/038, and E000-0725/037, respectively, in the 2021 records of the City Assessor, being more particularly shown on ~~[a survey]~~ surveys entitled ~~["Plat Showing Improvements on No. 800, 802 and 806 N. 32nd Street in the City of Richmond, Virginia," prepared by McKnight & Associates, P.C., and dated April 26, 2017, a copy]~~ "Foundation Survey, 3112-3116 N Street, East Payne Square Subdivision, Richmond, Virginia," prepared by Parker Design Group, Inc., dated April 30, 2020, and last revised October 5, 2020, and "Foundation Survey, 3120-3124 N Street, Parcel A & B, East Payne Square Subdivision, Richmond, Virginia," prepared by Parker Design Group, Inc., and dated February 5, 2020, copies of which [is] are attached to and made a part of this amendatory ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of up to four single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Special Use Permit Plans, Residential Development, Northwest Corner 'N' St. & N. 32nd St.," prepared by William A. Voorhees Designs, Inc., and dated May 25, 2018, [hereinafter referred to as "the Plans,"] copies of which are attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2018-192, adopted July 23, 2018, as modified by the plans entitled "3112 & 3116 N St Townhouse," prepared by Joseph F. Yates Architecture, dated September 27 2019, and last revised November

2, 2020, and “3120 & 3124 N St Townhouse,” prepared by Joseph F. Yates Architecture, dated September 27 2019, and last revised November 2, 2020, hereinafter referred to, collectively, as “the Plans,” copies of which are attached to and made a part of this amendatory ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be up to four single-family attached dwellings, substantially as shown on the Plans. No more than two units shall be permitted within any group of connected dwelling units. Residential accessory structures customary to single-family dwellings as described in section 30-412.2 of the Code of the City of Richmond [~~(2015)~~ (2020)], as amended, may also be located on the Property.

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

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

(d) The height of the Special Use shall be substantially as shown on the Plans.

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

(f) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of four 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. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(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.

(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)~~] (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond [~~(2015)~~ (2020)], as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond [~~(2015)~~ (2020)], as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond [~~(2015)~~ (2020)], as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

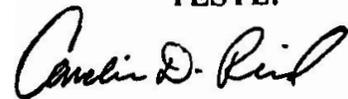
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a ~~[building permit in accordance with the Plans]~~ certificate of occupancy for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the ~~[building permit]~~ certificate of occupancy shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the ~~[building permit]~~ certificate of occupancy is not made within the time period stated in the previous sentence ~~[or the building permit terminates under any provision of the Virginia Statewide Building Code]~~, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

**A TRUE COPY:**

**TESTE:**



**City Clerk**

# City of Richmond

900 East Broad Street  
2nd Floor of City Hall  
Richmond, VA 23219  
www.richmondgov.com

2020-193

## Item Request File Number: PRE.2020.427

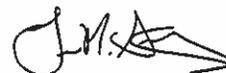
### O & R Request

**DATE:** December 14, 2020

**EDITION:** I

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor)



**THROUGH:** J.E. Lincoln Saunders, Acting Chief Administrative Officer *JELS*

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic  
Development and Planning



**FROM:** Mark A. Olinger, Director, Dept. of Planning and Development Review



**RE:** To amend and reordain Ord. No. 2018-192, adopted July 23, 2018, which authorized the property known as 815 North 33rd Street for the purpose of up to four single-family attached dwellings, upon certain terms and conditions, to modify certain feature requirements for the properties known as 3112, 3116, 3120, and 3124 N Street.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To amend and reordain Ord. No. 2018-192, adopted July 23, 2018, which authorized the property known as 815 North 33rd Street for the purpose of up to four single-family attached dwellings, upon certain terms and conditions, to modify certain feature requirements for the properties known as 3112, 3116, 3120, and 3124 N Street.

**REASON:** The applicant is requesting an amendment to an existing special use permit which allowed for four single-family attached dwellings within an R-6 Single-Family Attached Residential Zoning District without the minimum requirements for unit width. The applicant is requesting to change certain feature requirements within the approved ordinance. A special use permit is therefore required.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its February 1, 2021, meeting.

**BACKGROUND:** The subject properties consist of a combined 3,125 SF (.07 acre) of land improved with four single-family attached dwellings. The properties are located in the Church Hill North neighborhood of the East Planning District at the intersection of N Street and North 32<sup>nd</sup> Street.

The City's Master Plan designates a future land use category for the subject properties as Single-Family Residential at medium densities. Primary uses for this category "...are single-family and two family dwellings, both detached and attached, at densities of 8 to 20 units per acre."

The Richmond 300 Master Plan recommends a future land use of "Neighborhood Mixed-Use" 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. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. 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. New driveways are prohibited on Priority and Principal Street frontages. Parcels are generally between 1,500 and 5,000 sq. ft. Primary uses include Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. Secondary uses include large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

Adjacent and nearby properties are of the same R-6 District as the subject property. A mix of residential, institutional, vacant, and some office uses are present in the vicinity of the subject properties.

**FISCAL IMPACT / COST:** The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**FISCAL IMPLICATIONS:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** \$200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** January 11, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** February 8, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
February 1, 2021

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

**STAFF:** Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734



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.richmondva.gov>

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: 3112 to 3124 N Street Date: \_\_\_\_\_  
 Tax Map #: E0000725037, -38, -39, -40 Fee: \$200.00  
 Total area of affected site in acres: 0.1885

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

**Zoning**

Current Zoning: R-8

Existing Use: Single Family Attached Residence Buildings

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
Four (4) Single Family Residences

Existing Use: Four single family Residence Buildings

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: 2018-192

**Applicant/Contact Person:** Glenn R. Moore

Company: Meyer Baldwin Long & Moore LLP

Mailing Address: 5800 Grove Avenue

City: Richmond, VA 23228

Telephone: (804) 8,355,029

State: VA Zip Code: 23228

Fax: (804) 2,857,779

Email: gmoore@meyerbaldwin.com

**Property Owner:** wws VIII LLC

If Business Entity, name and title of authorized signer: Walid Daniel, Manager

(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: 3904 Longview Landing Court

City: Richmond

Telephone: (804) 5,130,071

State: VA Zip Code: 23233

Fax: ( )

Email: wdaniet69@verizon.net

Property Owner Signature: Walid M. Daniel, Manager

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)

**MEYER BALDWIN LONG & MOORE LLP**

**Attorneys at Law  
5600 Grove Avenue  
Richmond, Virginia 23226**

**Glenn R. Moore, Esquire  
gmoore@meyerbaldwin.com**

**Telephone: (804) 835-5029  
Telecopier: (804) 285-7779**

**November 4, 2020**

**The Honorable Council of the City of Richmond  
c/o Department of Planning and Development Review  
Land Use Administration Division, Room 511  
900 East Broad Street  
Richmond, VA 23219**

**RE: Special Use Permit Plan Amendment Application for WWS VIII LLC (the "Owner")  
Relating to Property at 3112 to 3124 N Street (the "Property")**

**Dear Ladies and Gentlemen:**

In compliance with the administrative policy of the Division of Land Use Administration, we submit herewith the following report in connection with the Special Use Permit Plan Amendment Application of the Owner to allow the completed residences constructed on the Property to have attractive precast concrete panels as the visible exterior finish of building foundation walls and to approve other minor cosmetic changes to the building exteriors. The Property is identified on the enclosed Foundation Surveys prepared by Parker Design Group, dated February 5, 2020 and April 30, 2020, revised October 5, 2020. Also submitted herewith are revised elevation drawings entitled "3112 and 3116 N St. Townhouse" and "3120 and 3124 N St Townhouse" prepared by Joseph F. Yates Architects, last revised on November 2, 2020, depicting the foundation walls constructed of custom-made precast concrete and reflecting other minor plan modifications (the "Modified Elevation Drawings"), and a photograph showing one of the foundation walls.

1. Special Use Permit Plan Amendment Request. The residences on the Property were constructed pursuant to the terms of Ordinance No. 2018-192 approved on July 23, 2018 (the "SUP"). The elevation drawings approved as a part of the SUP showed brick veneer as the exterior building material of residence foundation walls. In the process of preparing final construction plans, the Owner and its contractor concluded that precast concrete would be an architecturally attractive alternative material for the foundation walls. Neither the owner nor its contractor were aware that the change in the foundation wall material would have to be formally approved, unless a determination was made that the substituted material was substantially the same as the brick veneer shown on the SUP plans.

The Zoning Administrator's Office has determined that the custom precast concrete is not substantially the same material as the brick veneer finish shown on the SUP plans. The owner and

its contractor believe that the precast concrete wall material is attractive and would like to retain the material as the visible foundation wall finish. The residences with the alternative foundation wall material are deemed to be attractive to the buying public, as evidenced by the recent sale of one of the residences.

The owner now asks that precast concrete as shown on the Modified Elevation Drawings be approved as a substituted foundation wall material, as it is a quality exterior finish which is acceptable to potential buyers. The owner did not intentionally deviate from the approved plans without asking permission to make the change. The alternative material is deemed to be a structurally sound and fully acceptable and aesthetically pleasing finish material for the foundation walls. The walls are constructed of high-strength, steel and fiber reinforced 5,000+psi concrete panels.

2. Community Benefits. Approval of the Special Use Permit Plan amendment request will allow the owner to continue to market the attractive residences, which are a positive addition to the neighborhood.

3. Summary. The SUP Plan Amendment to authorize the precast concrete foundation walls instead of brick veneer will allow the residences to be marketed and occupied in a timely manner by residents seeking to live in newly constructed residences in the Church Hill area of the City. On the basis of the foregoing, we respectfully request that City Council approve the Special Use Permit Plan amendment request to allow the Owner to complete the sale and occupancy of the residences as currently constructed and as shown on the Modified Elevation Drawings, which will benefit the surrounding area and the entire City as set forth herein, at the earliest practicable time.

Respectfully Submitted,

WWS VIII LLC, a Virginia limited liability company

By: Bleum A. Moore  
Attorney

Cc: Mr. Walid Daniel

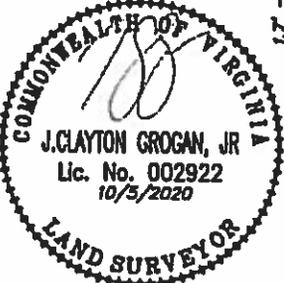
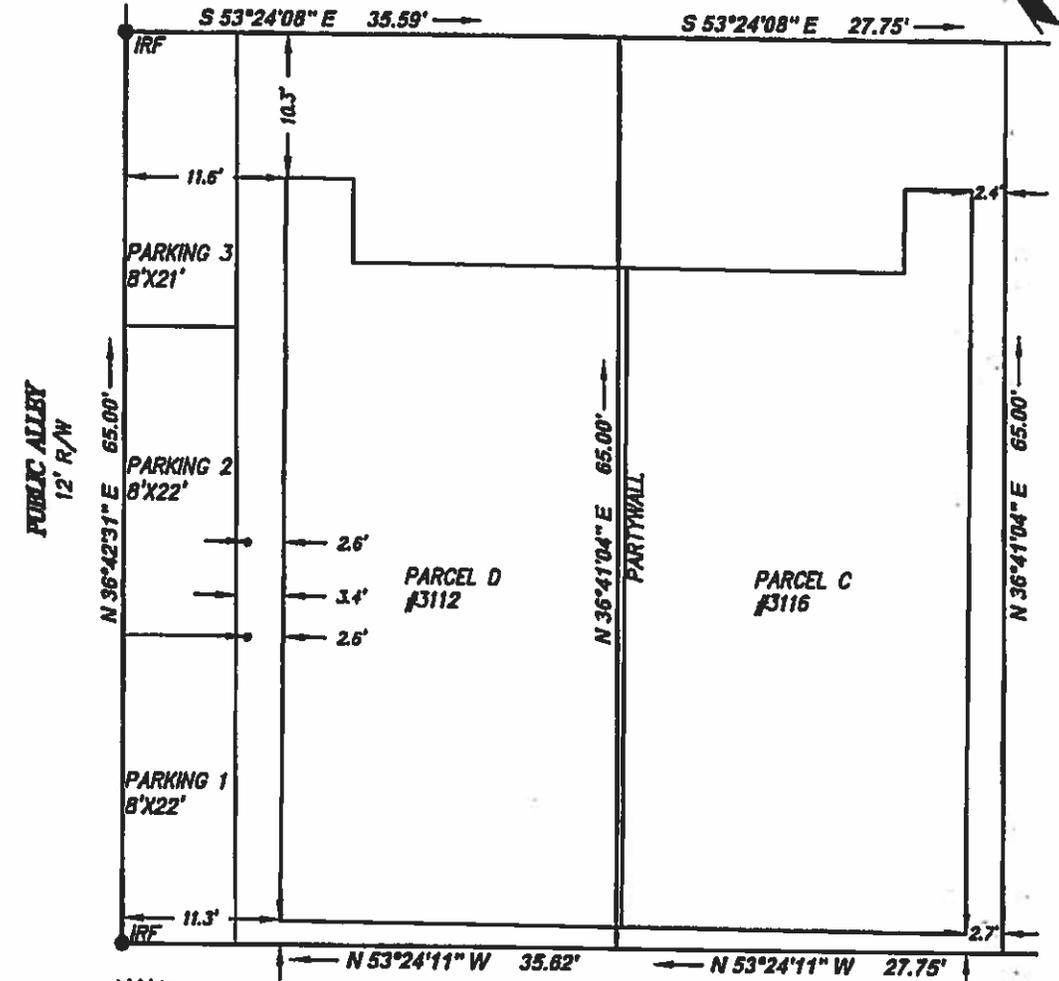
**GENERAL NOTES:**

1. OWNER OF RECORD: WWS VII LLC
2. LEGAL REFERENCES: INST. 190006673
3. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT THERETO. THEREFORE, THERE MAY EXIST ENCUMBRANCES WHICH AFFECT THE PROPERTY NOT SHOWN HEREON.
4. THE SUBJECT PROPERTY IS WITHIN THE LIMITS OF FLOOD ZONE "X" AS SHOWN ON THE FEMA F.I.R.M. #5101290041E WITH AN EFFECTIVE DATE OF JULY 16, 2014. THIS DETERMINATION IS BASED ON SAID MAP AND HAS NOT BEEN VERIFIED BY ACTUAL FIELD ELEVATIONS.

**LEGEND**

IRF = IRON ROD FOUND  
● = BOLLARD

E0000725016  
MNY ENTERPRISES LLC  
INST 1600006231

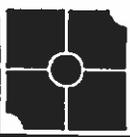


N STREET  
66' R/W

63' TO THE INTERSECTION OF N 32ND STREET

**FOUNDATION SURVEY**  
**3112-3116 N STREET**  
EAST PAYNE SQUARE SUBDIVISION  
RICHMOND, VIRGINIA  
SCALE: 1"=10'

TAX # E0000725040, 039  
DRAWN: MGM  
CALC. MGM CHK'D JCG  
CLOSED: MGM



1915-B W. Cary Street  
Richmond, Virginia 23220  
Phone: 804-358-2947  
Fax: 804-359-9645  
www.parkerdg.com  
ENGINEERS • SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS

DATE: 30 APRIL 2020  
REV: 5 OCTOBER 2020  
N.B.  
W.O.: 19-5145

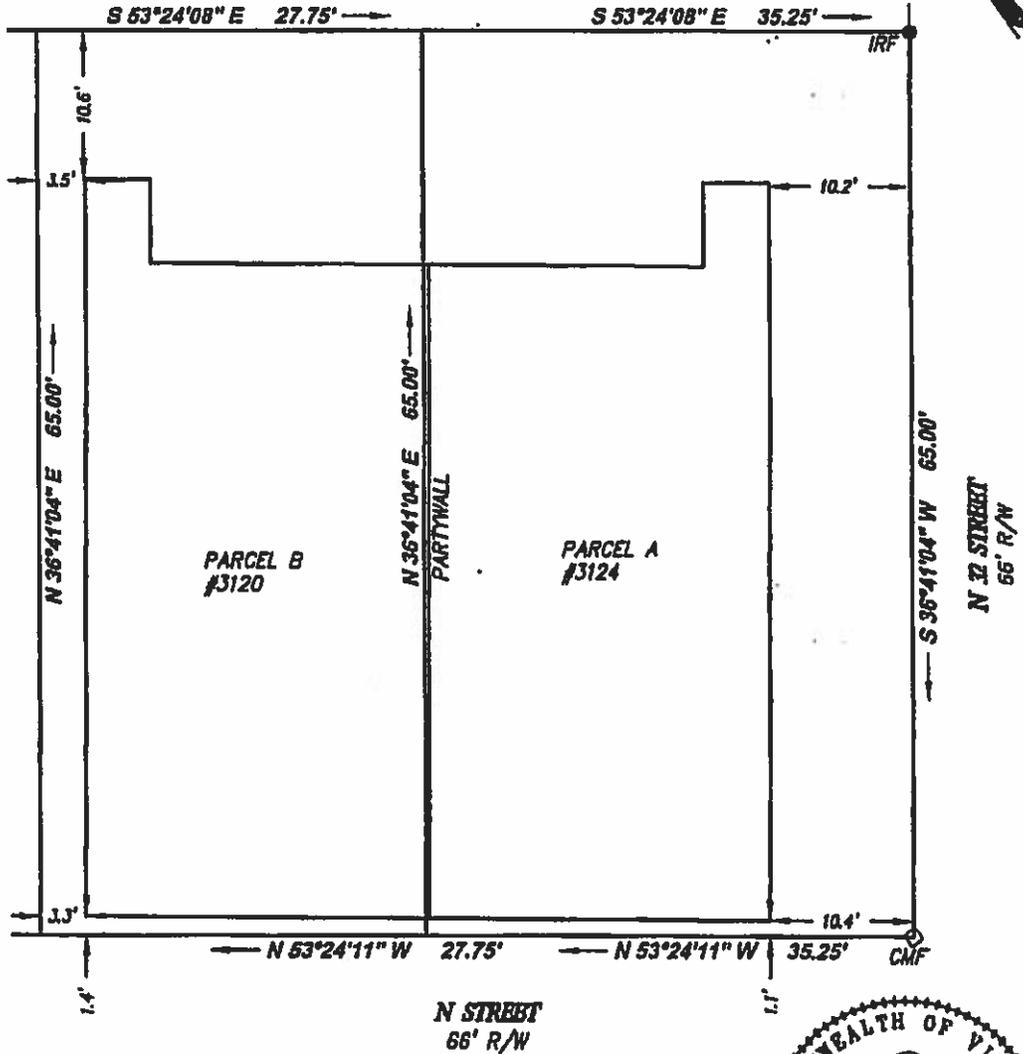
**GENERAL NOTES:**

1. OWNER OF RECORD: WWS VIII LLC
2. LEGAL REFERENCES: INST. 190006673
3. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT THERETO. THEREFORE, THERE MAY EXIST ENCUMBRANCES WHICH AFFECT THE PROPERTY NOT SHOWN HEREON.
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**LEGEND**

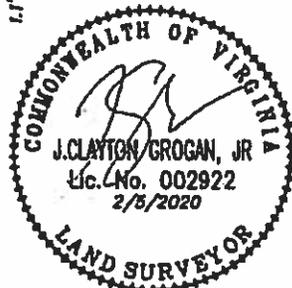
IRF = IRON ROD FOUND  
 CMF = CONCRETE MONUMENT FOUND

E0000725016  
 MNY ENTERPRISES LLC  
 INST 1600066231



**FOUNDATION SURVEY  
 3120-3124 N STREET**

PARCEL A & B  
 EAST PAYNE SQUARE SUBDIVISION  
 RICHMOND, VIRGINIA  
 SCALE: 1"=10'



TAX #. E0000725038, 037  
 DRAWN: MGM  
 CALC.: MGM CHK'D: JCG  
 CLOSED: MGM



**parker**  
 DESIGN GROUP, INC. www.parkerdg.com  
 ENGINEERS • SURVEYORS • PLANNERS • LANDSCAPE ARCHITECTS

1915-B W. Cary Street  
 Richmond, Virginia 23220  
 Phone: 804-358-2947

DATE: 05 FEBRUARY 2020  
 D-  
 N.B.  
 W.O.: 18-5145





