

INTRODUCED: April 26, 2021

AN ORDINANCE No. 2021-113

To authorize the special use of the property known as 2006 Carver Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by
the City Attorney

PUBLIC HEARING: MAY 24 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 2006 Carver Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two single-family attached dwellings, which use, among other things, is not currently allowed by section 30-410.1 of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the

AYES: 8 NOES: 0 ABSTAIN:

ADOPTED: MAY 24 2021 REJECTED: STRICKEN:

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 (2020), 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 property known as 2006 Carver Street and identified as Tax Parcel No. E000-1237/026 in the 2021 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing Improvements on #2006 Carver Street, City of Richmond, Virginia,” prepared by Hulcher & Associates, Inc., and dated September 15, 2020, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of two single-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Attached Four Square Homes, 2006 Carver Street, Richmond, VA 23223,” prepared by Penn & Co., dated October 13, 2020, and last revised March 19, 2021, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this 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 as two single-family attached dwellings, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed the height as shown on the Plans.

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

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

(e) No less than one off-street parking space shall be provided for each dwelling unit, substantially as shown on the Plans.

(f) Prior to the issuance of any certificate of occupancy for the second single-family attached dwelling, the establishment of 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 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 (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 (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.

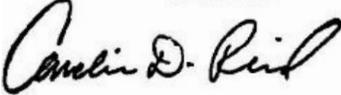
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions

of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (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 substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made with 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.

A TRUE COPY:
TESTE:

City Clerk



City of Richmond

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

Item Request File Number: PRE.2021.465

O & R Request

DATE: March 24, 2021

EDITION: 1

TO: The Honorable Members of City Council

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

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

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

FROM: Kevin J. Vonck, Acting Director, Department of Planning and Development Review *Kevin J. Vonck*

RE: To authorize the special use of the property known as 2006 Carver Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 2006 Carver Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

REASON: The applicant, the Maggie L. Walker Community Land Trust, is proposing to construct two single-family attached dwellings on lots created from a proposed lot split. Such a use is not permitted in the underlying R-5 Single-Family Residential District. 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 May 17, 2021 meeting.

BACKGROUND: The subject property consists of a vacant parcel 7,971 SF, or .18 acres in area, located on Carver Street between North 20th and 21st Streets. The property is a part of the Eastview neighborhood.

The City's Richmond 300 Master Plan designates the subject property for Neighborhood Mixed Use which is viewed as "...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 (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. (p. 56)

All surrounding properties are in the same R-5 District as 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: \$300

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 26, 2021

CITY COUNCIL PUBLIC HEARING DATE: May 24, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
May 17, 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.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: 2006 CARVER STREET RICHMOND VA, 23223 Date: 10-14-2020
 Tax Map #: E0001237026 Fee: 300
 Total area of affected site in acres: .176 ACRES

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

Zoning

Current Zoning: R-5 RESIDENTIAL Single Family

Existing Use: VACANT

Proposed Use

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

LOT SPLIT. CONSTRUCT SINGLE FAMILY ATTACHED ONE STORY HOMES FOR LOW INCOME HOUSING

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: JESSE R. PENN, III

Company: PENN & COMPANY, LLC

Mailing Address: 10921 PARKSHIRE LANE

City: HENRICO State: VA Zip Code: 23233

Telephone: (703) 728-5779 Fax: () NONE

Email: jpenn@pennandco.com

Property Owner: THE MAGGIE WALKER COMMUNITY LAND TRUST

If Business Entity, name and title of authorized signee: JESSE R. PENN, III

(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: 203 N ROBINSON ST

City: RICHMOND State: VA Zip Code: 23220

Telephone: (804) 915-9425 Fax: ()

Email: julia@hdadvisors.net

Property Owner Signature:

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)

3. Applicant's Report

The applicant, Maggie Walker Community Land Trust (MWCLT), intends to subdivide the property at 2006 Carver St and build an attached single family home that will provide affordable housing for low and moderate income households. MWCLT is a 501c3 with a staff of highly experienced real estate development professionals capable of completing projects on time and on budget. MWCLT has been creating affordable housing in the Richmond metro area, as well as in the surrounding counties, since its inception in 2016, both as a developer and a partner to non-profit developers of affordable housing. In 2017, MWCLT was designated as Richmond's land bank, and vested with the task of supporting and enabling the creation of affordable and permanently affordable housing throughout the city. The opportunity to increase density on this site while keeping in character with the neighborhood aligns with the goals of the Richmond Land Bank, as well as MWCLT's work plan to have 150 permanently affordable homes in our portfolio over the next three years, which our governing board has enthusiastically supported. We are on track to meet this goal, as we are slated to welcome our 50th homeowner by the end of this year!

Both homes on the newly subdivided lot will be built at a density and architectural style in character with the neighborhood. MWCLT generally works with WMBE certified Class A contractors during construction, and plans to utilize both our own network of contractors along with public databases to make this project no exception. The development and maintenance of high-quality affordable housing stock is beneficial to safety, health and general welfare of a given community. The Richmond 300 plan has designated this neighborhood for mixed use, meaning that the development of high quality tight-knit and denser environments aligns with the future land use and city goals for this area.

Two parking spaces will be provided onsite to avoid unnecessary congestion in streets, alleys, and public ways. The neighborhood has ample street parking and generally low amounts of vehicular traffic. The construction of the proposed attached homes will be fully code compliant and inspected by city officials throughout the process, thus avoiding hazards from fire, panic, and other dangers. The attached single family homes would have a footprint not exceeding 35% of the total lot size, and would each be occupied by one household, avoiding undue concentration of population or overcrowding of land. All setbacks will conform with code. None of the homes will have elevations exceeding that of the neighboring buildings, and therefore they will not interfere with adequate light and air in the neighborhood.

PRELIMINARY NOT FOR CONSTRUCTION - FOR SPECIAL USE PERMIT APPLICATION

PENNING CO.
 1111 W. 20th STREET
 RICHMOND, VA 23223
 804-251-1525

ANTHONY AND SIERRA
 JEFFERSON
 2008 CARVER STREET
 TM: E0001237025

A MANHOLE SHALL BE
 INSTALLED ON THE END OF
 THE EXISTING SEWER MAIN

NOTES:
 1. TC TRASH CAN
 2. RC RECYCLING CAN
 3. AC HVAC UNIT
 4. MULCH BEDS TO HAVE 2 BOX SHRUBS EACH
 5. WALKS TO PORCHES TO BE CONCRETE

DESIGNED LOT COVERAGE:
 1540 SF

ZONING:
 R-5
 SINGLE FAMILY-RESIDENTIAL

MINIMUM LOT REQUIREMENTS:
 6,000 SF

SETBACKS:
 FRONT YARD 25 FT.
 SIDE YARD 5 FT.
 REAR YARD 5 FT.

HEIGHT REQUIREMENTS:
 MAIN BUILDING 35 FT.
 ACCESSORY BUILDING 20 FT.
 FENCE OR WALL 6.5 FT. (SIDE & REAR YARD)
 FENCE OR WALL 4.0 FT. (FRONT YARD)

2008 CARVER STREET
 TM: E0001237026
 .176 ACRES
 7,873 SF
 VACANT

PROPOSED LOT 1
 3910 SF

PROPOSED LOT 2
 3756 SF



NO.	DATE	DESCRIPTION
1	12-13-2021	PRELIMINARY SITE PLAN
2	1-12-2022	REVISED
3	2-14-2021	REVISED
4	3-19-2021	REVISED

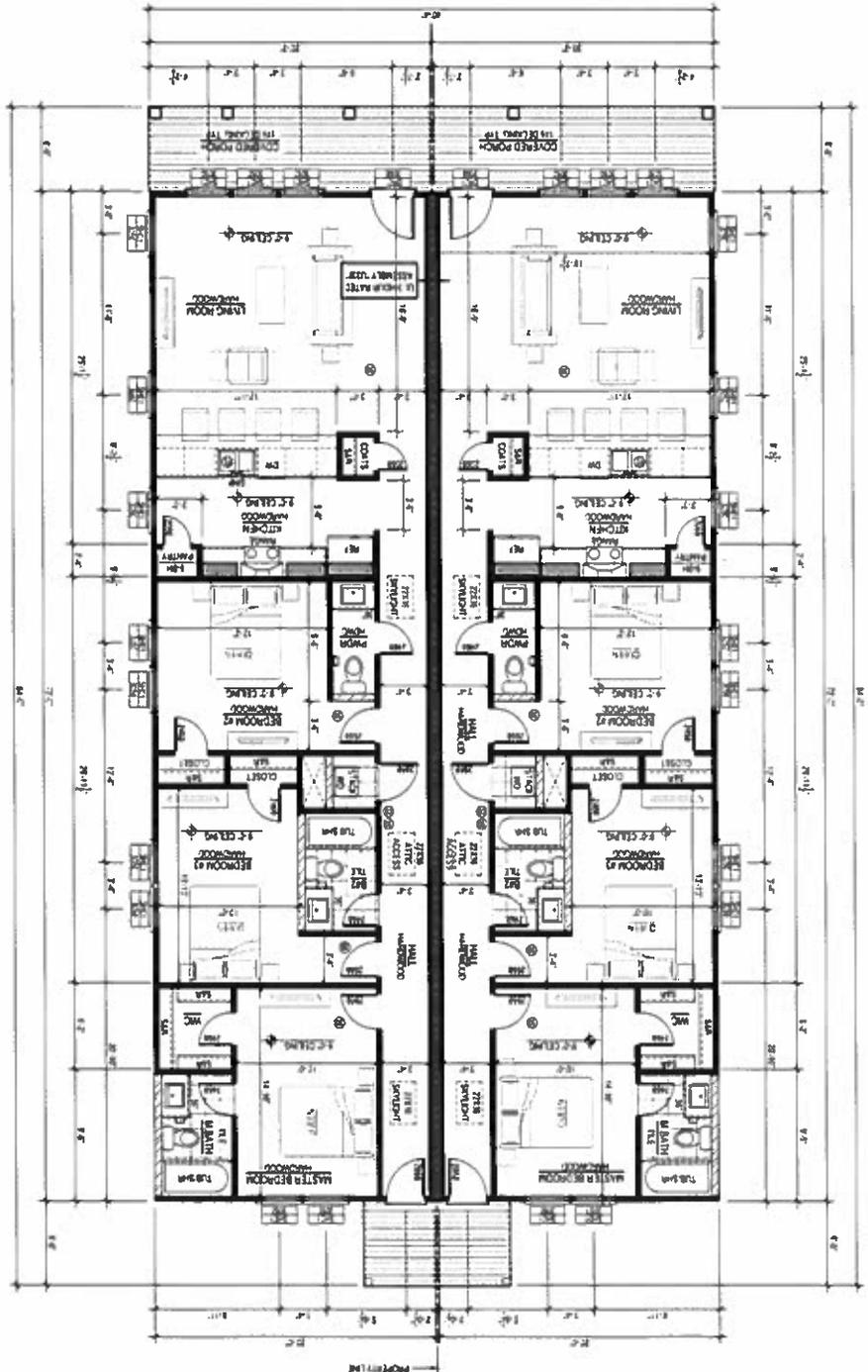
ATTACHED FOUR SQUARE HOMES
 2008 CARVER STREET
 RICHMOND, VA 23223
 PROPOSED SITE PLAN

A-100

2008 CARVER STREET
RICHMOND, VA 23223
ATTACHED FOUR SQUARE HOMES
PROPOSED FIRST FLOOR PLAN

PRELIMINARY NOT FOR CONSTRUCTION - FOR SPECIAL USE PERMIT APPLICATION

PROPOSED FIRST FLOOR PLAN



- WALL FINISHING LEGEND**
- 1/2" WALL FINISHING AT 0.0
 - 3/4" WALL FINISHING AT 0.0
- SYMBOLS & NOTATIONS**
- ① - THE STRUTTING TO BE LOCATED IN CHANGING STAIRS TO BE AT TYPE 4
 - ② - CROWN MOULDING DETAIL
 - ③ - SASH FINISH DETAIL
 - ④ - SHOE DETAIL
- GENERAL NOTES**
- 1. ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
 - 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK (IRC).
 - 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL BUILDING CODE (IBC).
 - 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL MECHANICAL AND PLUMBING CODE (IMC).
 - 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ELECTRICAL CODE (IEC).
 - 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
 - 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC).
 - 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL SMOKE AND ALARM CODE (ISAC).
 - 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
 - 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ELECTRICAL AND MECHANICAL CODE (IEMC).
 - 11. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
 - 12. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC).
 - 13. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL SMOKE AND ALARM CODE (ISAC).
 - 14. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
 - 15. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL ELECTRICAL AND MECHANICAL CODE (IEMC).



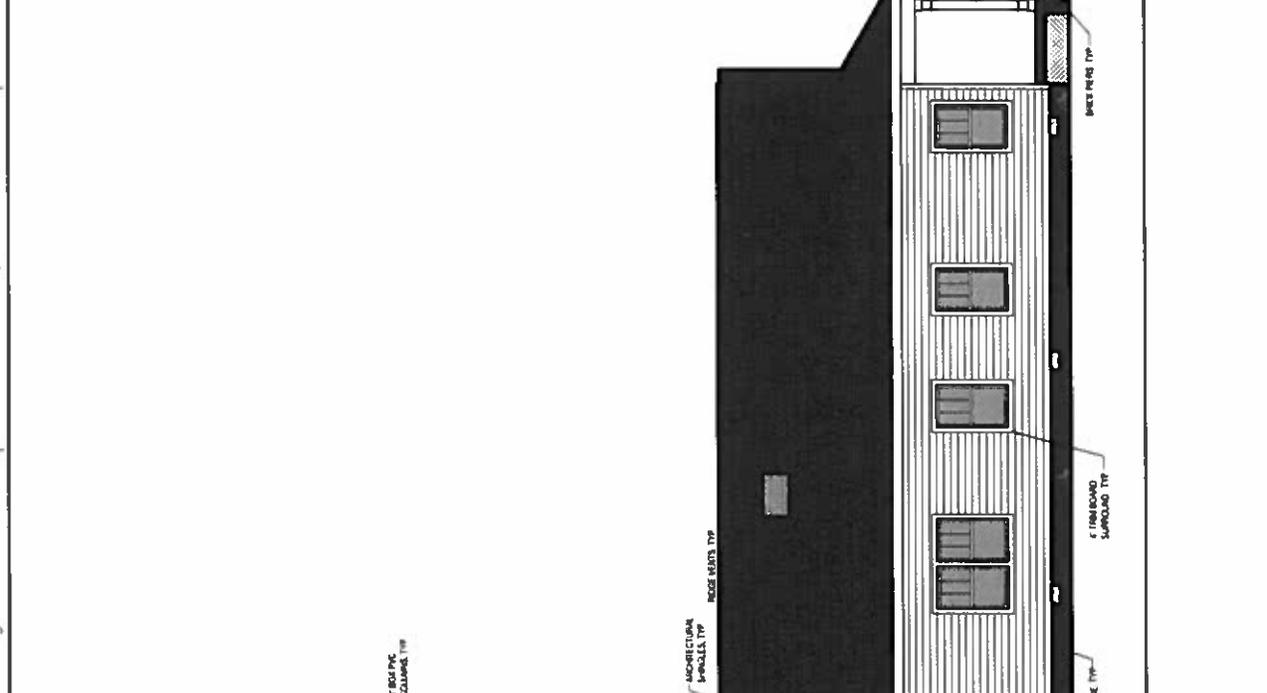
PENING CO.
 11111 25th STREET
 RICHMOND, VA 23233
 804-751-1125

1	CLIENT REVIEW	10-12-2020
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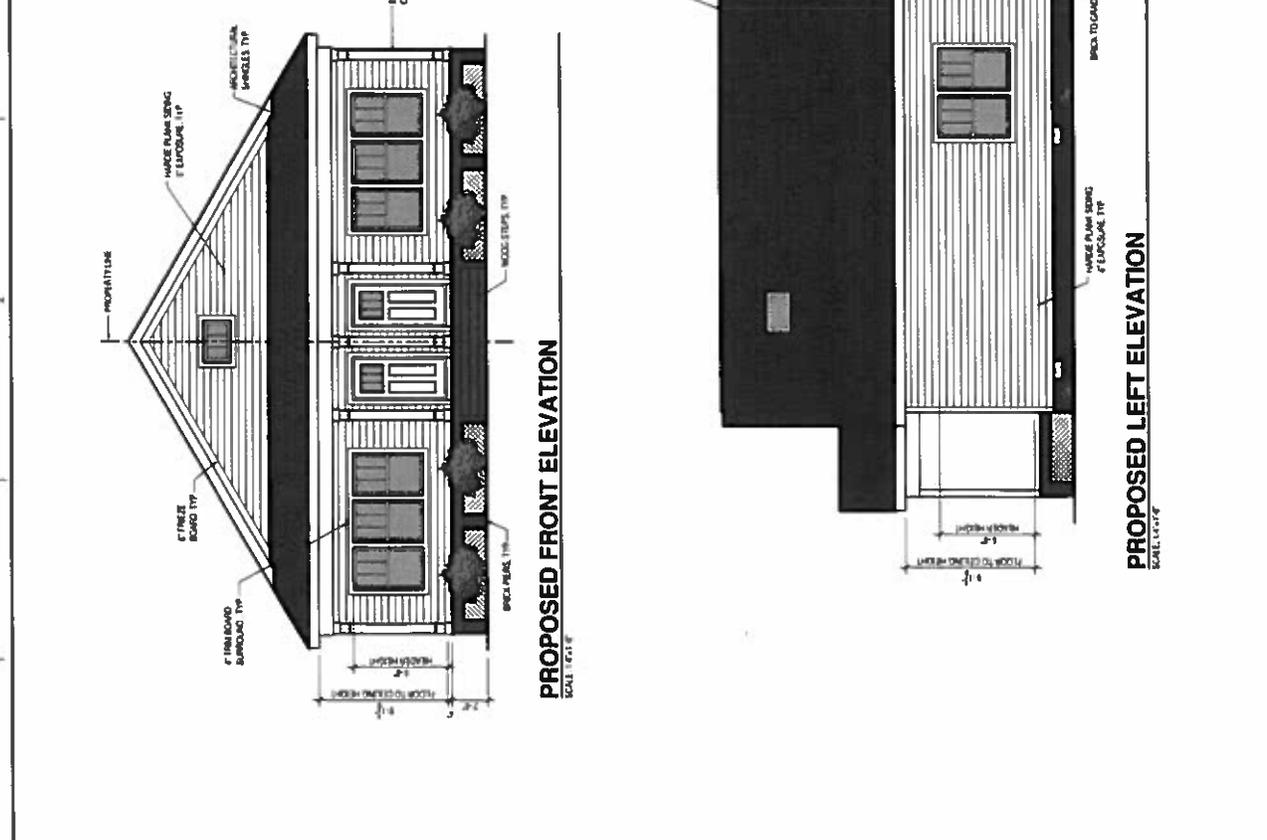
ATTACHED FOUR SQUARE HOMES 2006 CARYER STREET RICHMOND, VA 23223 PROPOSED FRONT AND LEFT ELEVATIONS	
PENNS & CO. 1001 PARKLURE LANE RICHMOND, VA 23221 804-621-1329	
CLIENT REVIEW 10-11-2020	

PRELIMINARY NOT FOR CONSTRUCTION - FOR SPECIAL USE PERMIT APPLICATION

PENNS & CO.
 CONSULTING ARCHITECTS
 1001 PARKLURE LANE
 RICHMOND, VA 23221
 804-621-1329

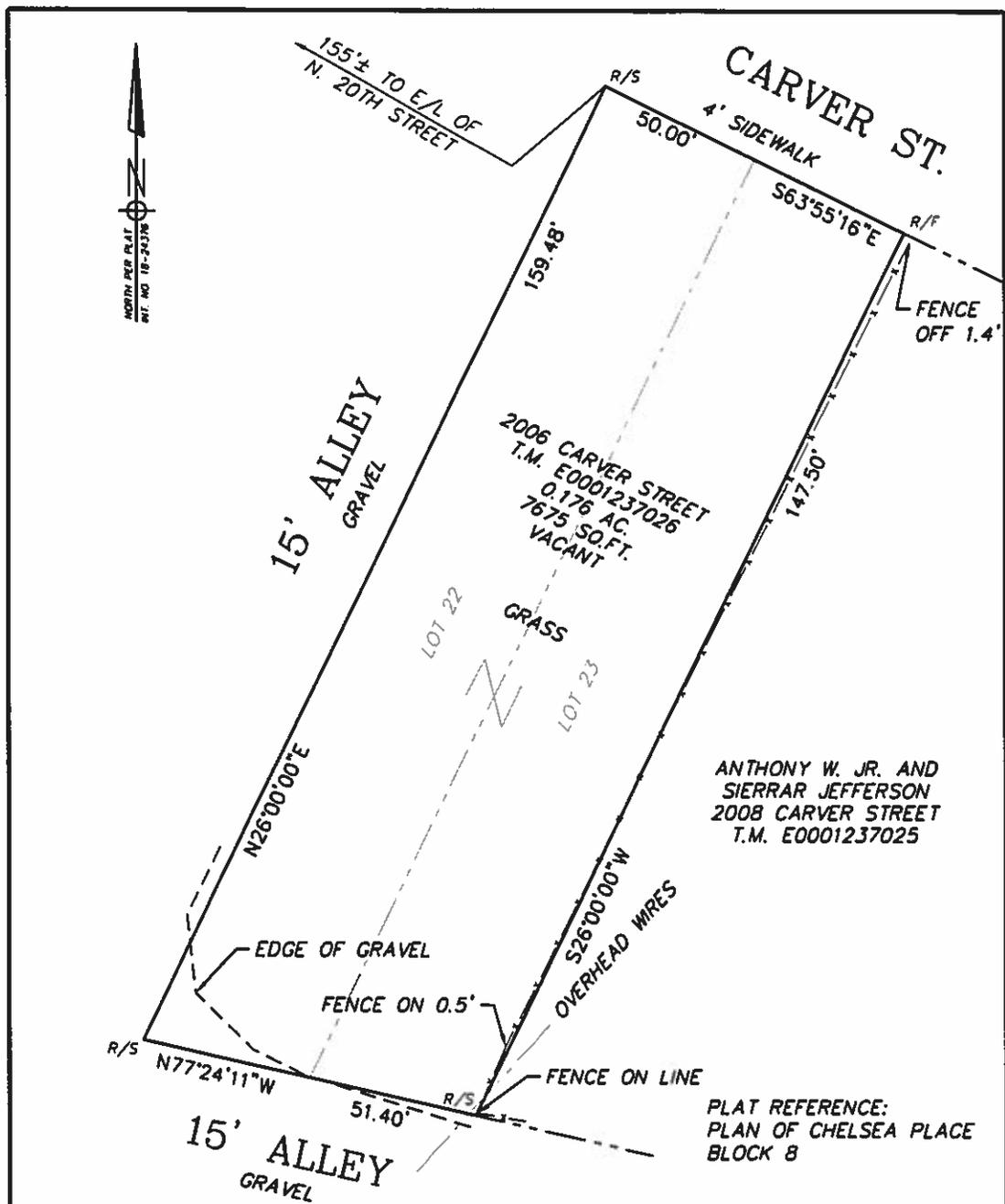


PROPOSED FRONT ELEVATION
 SCALE 1/4" = 1'-0"



PROPOSED LEFT ELEVATION
 SCALE 1/4" = 1'-0"

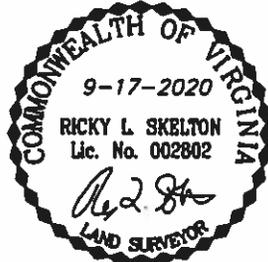
ATTACHED FOUR SQUARE HOMES 2006 CARYER STREET RICHMOND, VA 23223 PROPOSED FRONT AND LEFT ELEVATIONS	
PENNS & CO. 1001 PARKLURE LANE RICHMOND, VA 23221 804-621-1329	
CLIENT REVIEW 10-11-2020	



ANTHONY W. JR. AND
SIERRA JEFFERSON
2008 CARVER STREET
T.M. E0001237025

PLAT REFERENCE:
PLAN OF CHELSEA PLACE
BLOCK B

**PLAT SHOWING IMPROVEMENTS ON
#2006 CARVER STREET
CITY OF RICHMOND, VIRGINIA**



I HEREBY CERTIFY THAT THE POSITIONS OF EXISTING IMPROVEMENTS WERE CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.
TITLE REPORT NOT FURNISHED
PLAT SUBJECT TO RESTRICTION OF RECORD
THIS PROPERTY IS LOCATED IN H.U.D. FLOOD ZONE X

HULCHER & ASSOCIATES, INC.
CONSULTING ENGINEERS
5901 LAKESIDE AVENUE
RICHMOND, VIRGINIA 23228
(804)262-7622 * FAX: 262-8215

DATE: SEPT. 15, 2020
DRAWN BY: ESTILL SCALE: 1"=20'
CHECKED BY: RS
JOB NO: 20021MS

OWNER: THE MAGGIE WALKER COMMUNITY LAND TRUST