INTRODUCED: November 13, 2023

AN ORDINANCE No. 2023-343

To amend and reordain Ord. No. 2022-022, adopted Feb. 28, 2022, which authorized the special use of the property known as 1628 North 27th Street for the purpose of a single-family detached dwelling, upon certain terms and conditions, to provide for revised plans.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: DEC 11 2023 AT 6 P.M.

I. That Ordinance No. 2022-022, adopted February 28, 2022, is hereby amended and reordained as follows:

WHEREAS, the owner of the property known as 1628 North 27th Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a singlefamily detached dwelling, which use, among other things, is not currently allowed by section 30-410.4, concerning lot area and width, 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

AYES:	8	NOES:	0	ABSTAIN:	
ADOPTED:	DEC 11 2023	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 (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 1628 North 27th Street and identified as Tax Parcel No. E000-0948/031 in the [2022] 2023 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Physical Improvements of Lot 11-A, Peter Paul Tract Subdivision for Quality Life of Virginia, LLC, City of Richmond, Virginia," prepared by Townes Consulting Engineers, Planners, and Land Surveyors, and dated March 30, 2021, a copy of which is attached to and made a part of [this ordinance] Ordinance No. 2022-022, adopted February 28, 2022, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a single-family detached dwelling, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "New Construction," prepared by Pinnacle Design, with sheets [A-1.00,] A-2.00 and A-2.60[₃] dated January 17, 2023, [A-2.70, A-3.00, and A-3.10] sheet A-0.10] dated [April 26, 2021] May 10, 2022, [sheet A-4.01 dated August 25, 2021,] and [sheet A-0.10] sheets A-3.00 and A-3.10] dated [Oetober 15, 2021] April 13, 2022, hereinafter referred to 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 as a single-family detached dwelling, substantially as shown on the Plans.

(b) No less than one off-street parking space shall be provided for the Special Use, substantially as shown on the Plans.

(c) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.

(d) All building materials, elevations, and site improvements, including landscaping, 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.

§ 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.

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(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) The Owner shall make improvements within the right-of-way, including a new fivefoot sidewalk and one new street tree, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works <u>or the designee thereof</u> that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works <u>or the designee thereof</u>, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

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

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§ 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

(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

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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 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.

APPROVED AS TO FORM:

A TRUE COPY: TESTE: melin D. Ril

City Clerk

City Attorney's Office

City of Richmond



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

Effective Date:

Master

File Number: Admin-2023-0338

File ID:	Admin-2023-0338	Туре:	Request for Ordinance or Resolution	Status:	Regular Agenda
Version:	1	Reference:		In Control:	City Clerk Waiting Room
Department:	Richmond Dept of Planning & Development. Review	Cost:		File Created:	05/12/2023
Subject:				Final Action:	
Title:					
Internal Notes:					
Code Sections:				Agenda Date:	11/13/2023
Indexes:			Ag	enda Number:	
Patron(s):			Er	actment Date:	
Attachments:	Ordinance - Approved as O&R Transmittal Memo-A Documents-Admin-2023-0	dmin-2023-033		ment Number:	
Contact:			Intr	oduction Date:	

Drafter: jonathan.brown@richmondgov.com Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	10/24/2023	Matthew Ebinger	Approve	10/26/2023
1	2	10/24/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	10/24/2023	Kevin Vonck	Approve	10/31/2023
1	4	10/24/2023	Alecia Blackwell - FYI	Notified - FYI	
1	5	10/24/2023	Sharon Ebert - FYI	Notified - FYI	
1	6	10/24/2023	Caitlin Sedano - FYI	Notified - FYI	
1	7	10/26/2023	Jeff Gray	Approve	10/27/2023
1	8	10/27/2023	Lincoln Saunders	Approve	10/30/2023
1	9	11/9/2023	Mayor Stoney	Approve	10/31/2023

History of Legislative File

Text of Legislative File Admin-2023-0338



City of Richmond

O&R Transmittal

DATE: October 18, 2023

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request) (This is no way reflects a recommendation on behalf of the Mayor)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To amend and reordain Ord. No. 2022-022, adopted February 28, 2022, which authorized the special use of the property known as 1628 North 27th Street, for the purpose of a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting an amendment to an approved Special Use Permit which authorized a single family detached dwelling. The original ordinance was to allow for a smaller lot area than what the current requirements within the R-5 Single Family Residential District allow. The applicant wishes to amend the overall floor plan of the dwelling. A Special Use Permit amendment is therefore required.

BACKGROUND: The property is located in the Woodville neighborhood on North 27th Street between X and V Streets. The property is currently a 3,627 sq. ft. (.08 acre) parcel of land. 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." 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 dwell-

Page 2 of 2

ing 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)

The current zoning for this property is R-5 Single Family Residential District. All adjacent properties are located within the same R-5 Residential Zone. The area is primarily single family residential, with some multi-family residential and small, neighborhood commercial uses present in the vicinity.

COMMUNITY ENGAGEMENT: Unity Civic League Civic Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Will be considered by Planning Commission on December 4, 2023 (tentative)

FISCAL IMPACT: \$200 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 13, 2023

CITY COUNCIL PUBLIC HEARING DATE: December 11, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend and reordain Ord. No. 2022-022

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

STAFF:

Matthew Ebinger, Planning Supervisor, Land Use Administration (Room 511) 646-6308 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 <u>http://www.richmondgov.com/</u>

 $D_{2} + 2 + 12/14/2022$

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: 1628 N 27th Street

Property Address.		_Date.	12/14/2022
Tax Map #: E000094	8031 Fee: \$200		
Total area of affect	ted site in acres: 0.083 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 land

Proposed Use

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

Construction of a single-family detached dwelling

Existing Use: Vacant land

Is this property subject to any previous land use cases?

Yes	
~	

If Yes, please list the Ordinance Number: SUP-2022-022

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources	
Mailing Address: 1519 Summit Avenue, Suite 102	
City: Richmond	State: VA Zip Code: 23230
Telephone: _(804)874-6275	Fax: _()
Email: markbaker@bakerdevelopmentresources.com	

Property Owner: Obtain Real Estate Group LLc

If Business Entity, name and title of authorized signee: Leroy Chiles 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: 3416 Garland Avenue		
City: Richmond	State: VA	Zip Code: 23222
Telephone: _(<u>804</u>) <u>931-5822</u>	Fax: _())
Email: leroychiles@msn.com		

Property Owner Signature:

Leroy Chiles

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 NARRATIVE

December 15th, 2022

Special Use Permit Amendment Request SUP-093912-2021 (Adopted February 28th, 2022) 1628 N 27th Street, Richmond, Virginia Map Reference Number: E000-0948/031

Submitted to:	City of Richmond
	Department of Planning and Development Review
	Land Use Administration
	900 East Broad Street, Suite 511
	Richmond, Virginia 23219
Submitted by:	Mark Baker
	Baker Development Resources
	530 East Main Street, Suite 730
	Richmond, VA 23230

Introduction

The applicant is requesting a special use permit amendment (the "SUPA") for the property known as 1628 N 27th Street (the "Property"). The construction of a two story, single-family detached dwelling was authorized by SUP-093912-2021 (the "SUP") which was approved by City Council on February 28, 2022. The proposed SUPA would authorize the construction of a similarly designed single-family detached dwelling with approximately 270 additional square feet of living area which would be located at the rear of the proposed dwelling. All other aspects of the previous special use permit, including the provision for off-street parking would be retained.

Existing Conditions

The Property is located on the west side of N 27th Street at its intersection with X Street, is 50 feet in width and 72.5 feet in depth and contains approximately 3,627 square feet of lot area. The Richmond 300 Master Plan suggests "Neighborhood Mixed-Use" for the Property and singlefamily dwellings are one of the contemplated primary uses in the Neighborhood Mixed-Use future land use.



Proposal

The previously approved SUP permitted the construction of a new, single-family detached dwelling of approximately 1,680 square feet of finished floor area and consisting of four bedrooms and two-and-one-half bathrooms. The SUPA proposes a similar floor plan with the addition of a first-floor office and second floor rec room to be located at the rear of the dwelling. The proposed addition would increase the overall floor space of the dwelling to approximately 1,950 square feet. The general floor plan and layout of the dwelling would remain the same with four bedrooms, two-and-one-half bathrooms, and front and rear porches. Furthermore, the

previously approved materials, façade, siting, and provision for off street parking would remain the same.

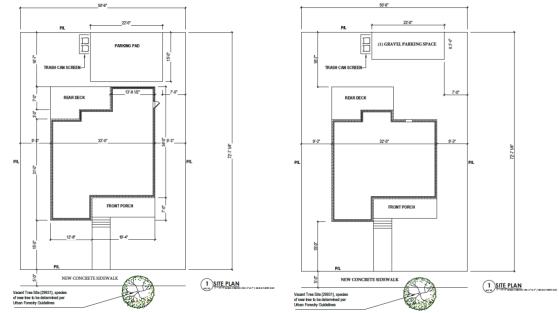


Figure 1: SUPA Proposed Site Plan

Figure 2: Previously Approved Site Plan

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 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 SUPA will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements and density are compatible with the existing development in the vicinity. This request would simply permit the efficient utilization of the Property by allowing for new development to occur. The improvement of the Property in conjunction with the high quality/benefits provided by the SUPA will provide positive impacts in terms of health, welfare, etc., and furthermore will add to the vibrancy of the neighborhood.

• Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed SUPA will not result in significant traffic impacts to nearby residential neighborhoods. The traffic generation for one additional dwelling unit will be negligible, especially within the context of a walkable neighborhood. As such, the SUPA will not create congestion on streets, roads, alleys or any other public right of way.

• Create hazards from fire, panic or other dangers.

The Property will be 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 SUPA will not tend to overcrowd the land or create an undue concentration of population.

• Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

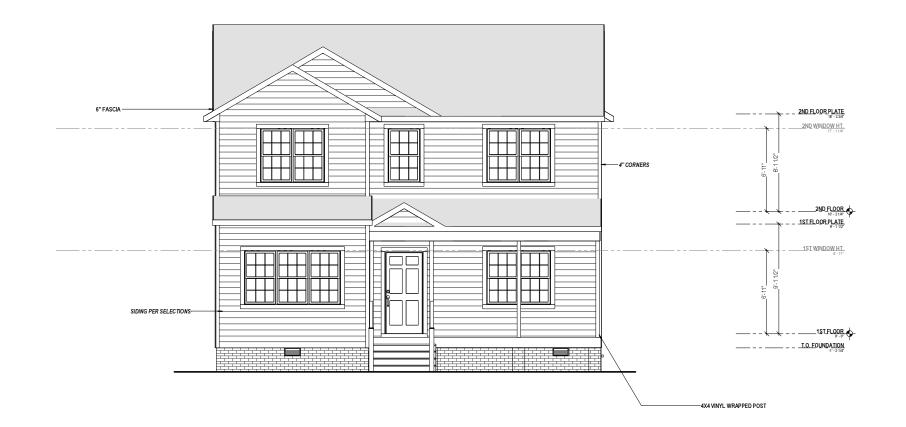
The SUPA would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

• Interfere with adequate light and air.

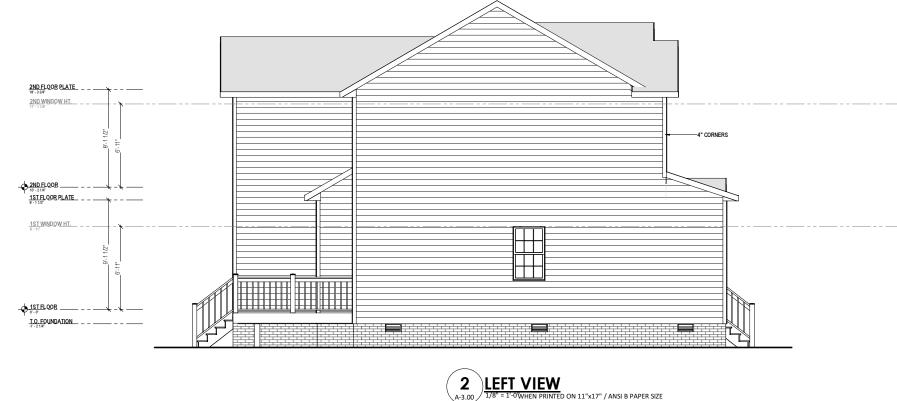
The light and air available to the subject and adjacent properties will not be affected. The massing of the proposed structures is similar to what the underlying zoning district and feature regulations applicable to single-family detached dwellings allow for by-right on legally nonconforming lots of substandard width.

Summary

In summary we are seeking approval for a SUPA which will allow additional living area within the previously approved dwelling. Only minor changes are proposed to the dwelling which was recently reviewed by the relevant City Agencies and approved by City Planning Staff, the Planning Commission, and Richmond City Council. Absent the described changes, all other aspects of the previously approved SUP will remain unchanged. The proposed SUPA represents an ideal, small-scale urban infill development for this location that is tailored to the needs of the modern home buyer while continuing to contribute to the overall vibrancy of the block though the provision of an appropriate urban form and use that is consistent with the development pattern and surrounding neighborhood.

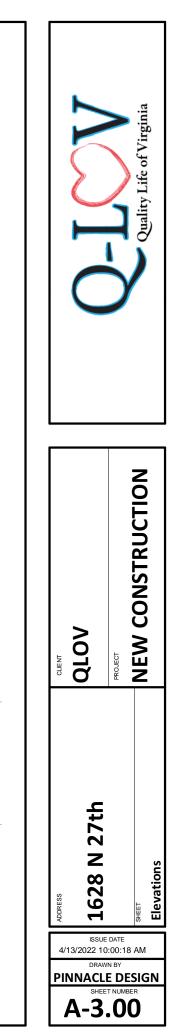


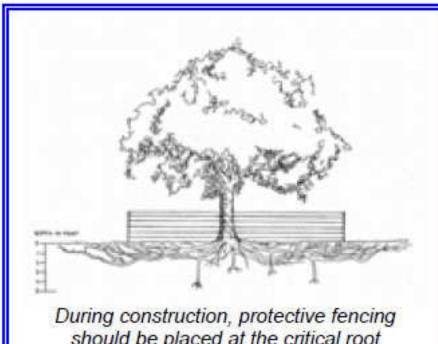




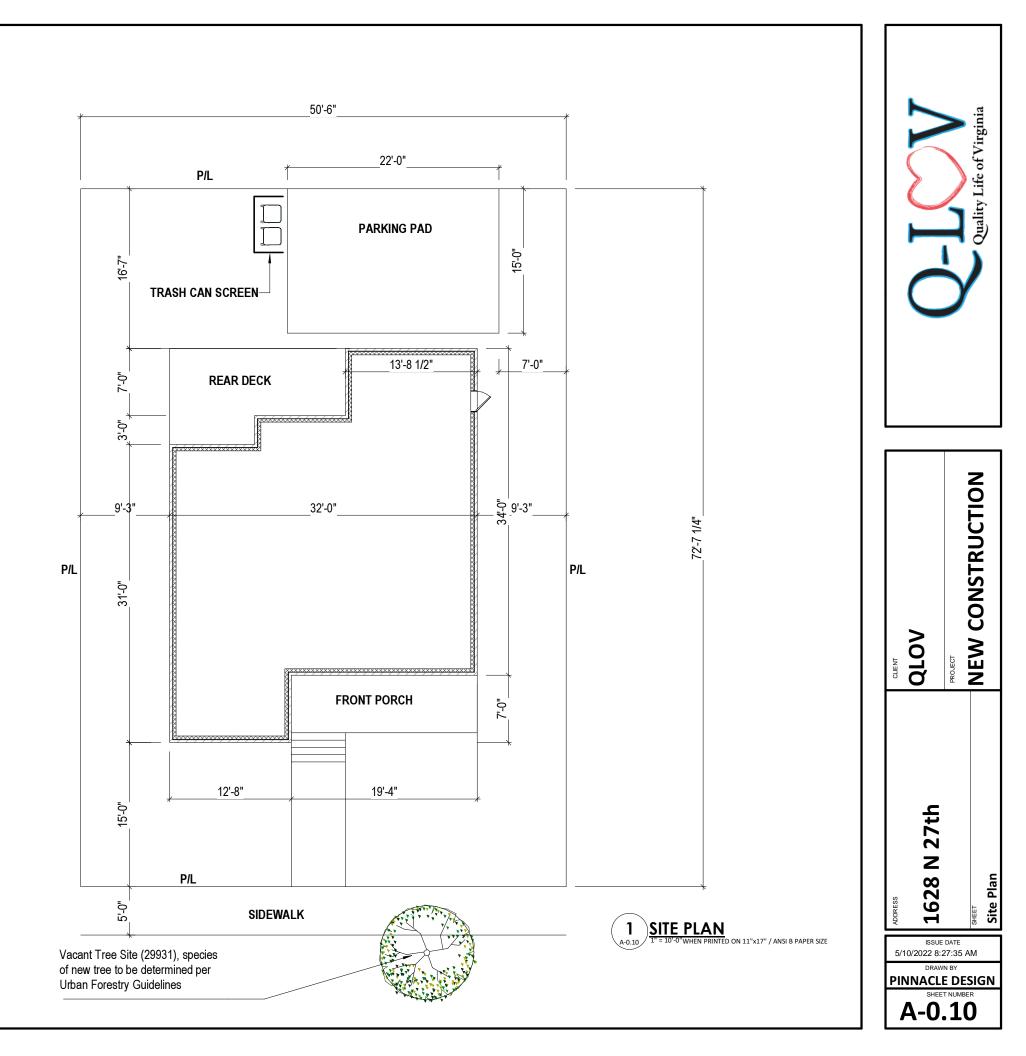
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should be placed at the critical root zone. A tree's critical root zone can be practically defined as the extent of the dripline despite the fact that a tree's roots often extend two to three times beyond the dripline.



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NOTE:

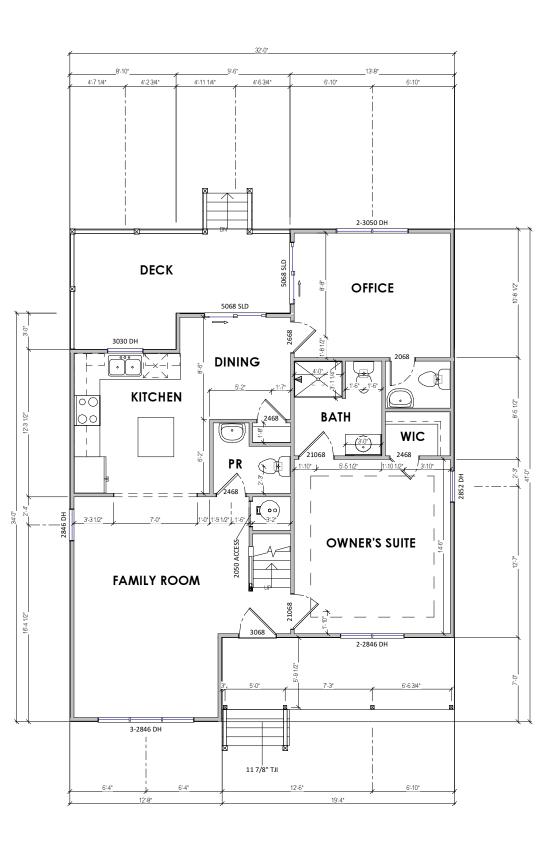
1. ALL DIMENSIONS ARE FROM OUTSIDE EDGE OF EXTERIOR WALL SHEATHING OR FACE OF STUD, U.N.O.

2. ALL DOOR & WINDOW HEADERS IN EXTERIOR WALLS TO BE (2) 2X8 U.N.O.

3. ALL INTERIOR DOOR HEADERS TO BE (2) 2X4, U.N.O.

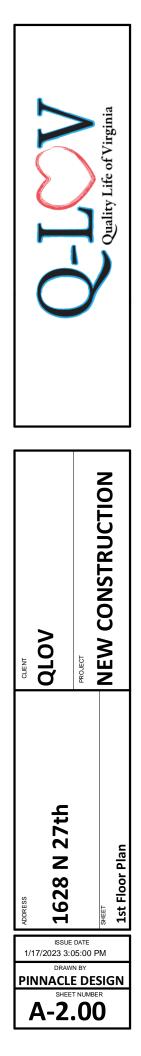
4. PROVIDE PRESSURE TREATED LUMBER @ HOUSE BAND WHERE ALL

DECK, PORCH & APPURTENANCES ARE CONNECTED.





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NOTE:

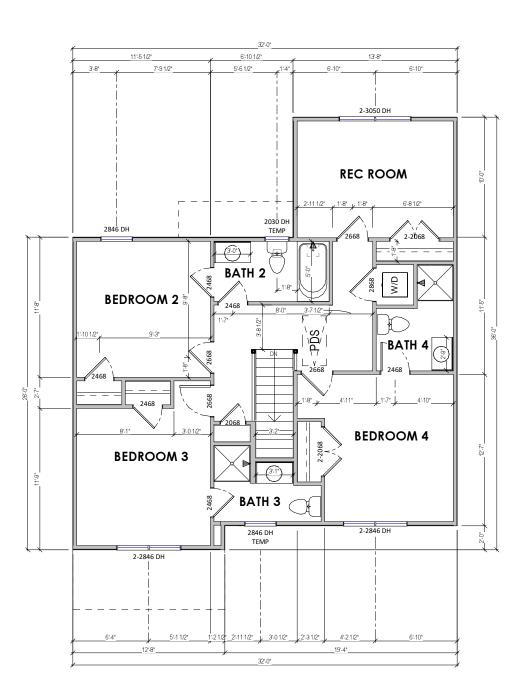
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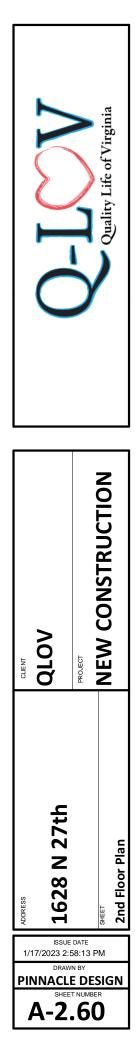
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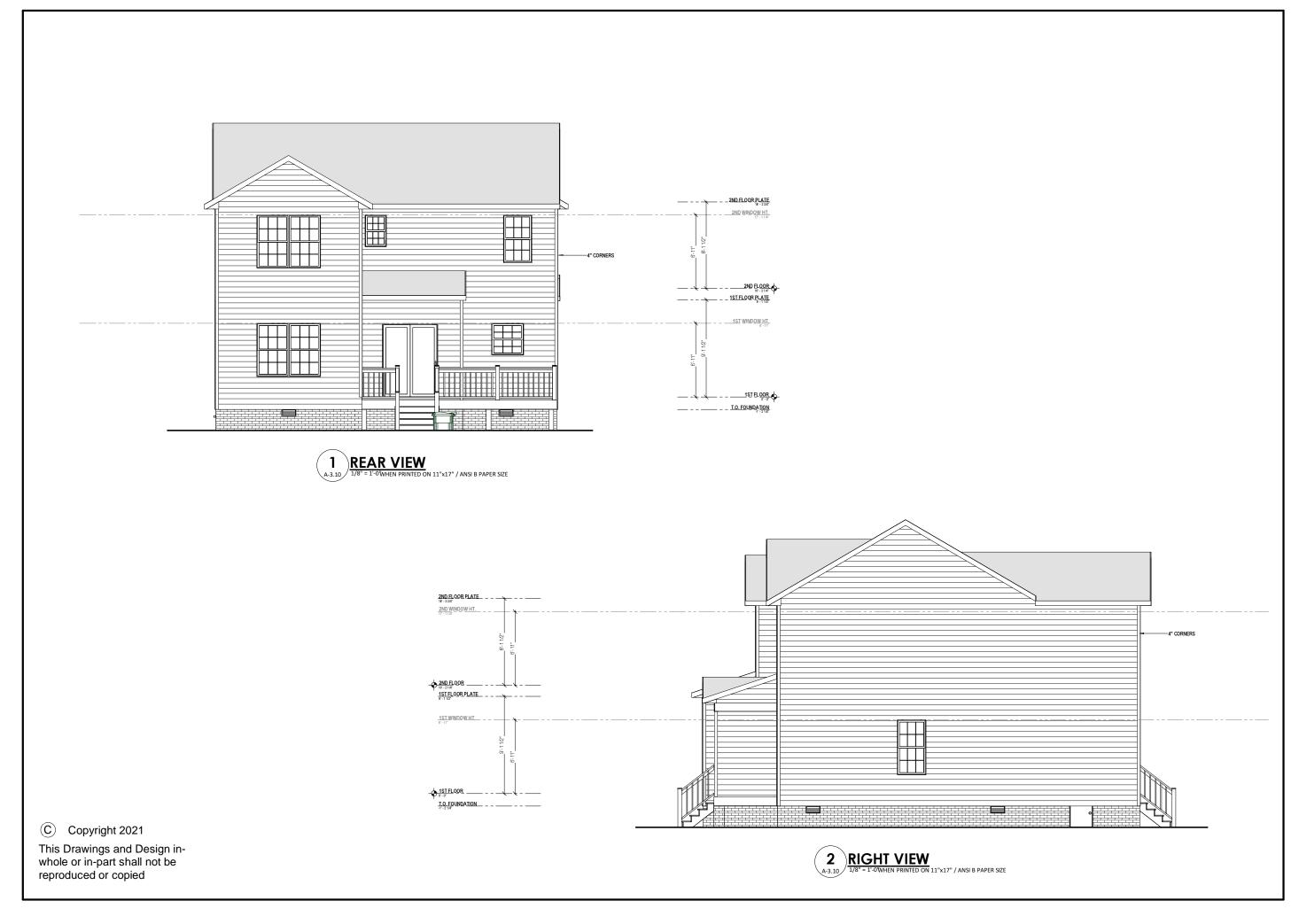
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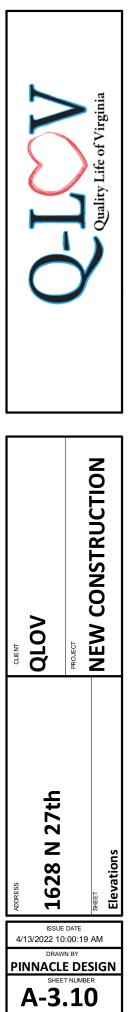


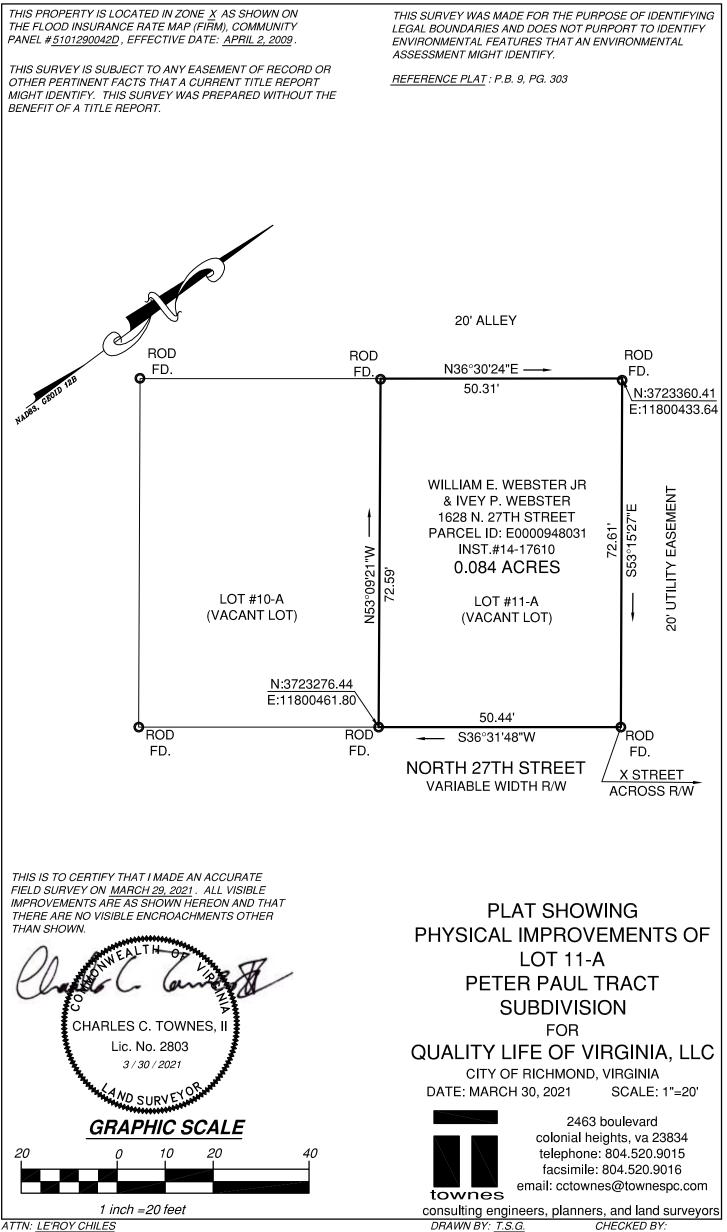


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