

INTRODUCED: November 12, 2019

AN ORDINANCE No. 2019-322

To authorize the special use of the property known as 1013 North 33rd Street for the purpose of two two-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: DEC 9 2019      AT 6 P.M.

WHEREAS, the owner of the property known as 1013 North 33rd, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of two two-family attached dwellings, which use, among other things, is not currently allowed by sections 30-412.1, concerning permitted principal uses, and 30-412.4, concerning lot area, width, density, and unit width, 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 (2019), 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 safety, health, morals and general welfare of the community involved, will not tend to create

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

ADOPTED:    DEC 09 2019    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

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 property known as 1013 North 33<sup>rd</sup> Street and identified as Tax Parcel No. E000-0878/027 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Survey of 1013 N. 33<sup>rd</sup>., City of Richmond, Virginia,” prepared by Long Surveying, LLC, and dated December 21, 2016, provided as an inset on sheet C1.1 of the plans entitled “Two New Attached Two-Story Two-Family Residences in Historic Church Hill, 1013 North 33<sup>rd</sup> Street, 1013 North 33rd Street, Richmond, Virginia 23223,” prepared by Chris Wolf Architecture, PLLC, and dated May 16, 2019, 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 two-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Two New Attached Two-Story Two-Family Residences in Historic Church Hill, 1013 North 33<sup>rd</sup> Street, 1013 North 33rd Street, Richmond, Virginia 23223,” prepared by Chris Wolf Architecture, PLLC, and dated May 16, 2019, 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 two-family attached dwellings, substantially as shown on the Plans.

(b) No fewer than 4 on-site parking spaces shall be provided on the Property for the Special Use, substantially as shown on the Plans.

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

(d) The height of the Special Use shall not exceed the height 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 final certificate of occupancy for the Special Use, the Property shall be subdivided into two new parcels, substantially as shown on the Plans, 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), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including the installation of one street tree along North 33<sup>rd</sup> Street, four street trees along Q Street, and new sidewalks and ramps along North 33<sup>rd</sup> Street and Q Street, 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 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, 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.

§ 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), 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), 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), as amended, and all future amendments to such law, or any other applicable laws or regulations.

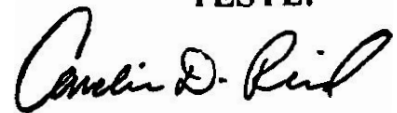
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property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

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink, appearing to read "Carlin D. Reed".

**City Clerk**

# City of Richmond

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

## Item Request

File Number: PRE.2019.241

Received

OCT 15 2019

Office of the  
Chief Administrative Officer

4-9290

OFFICE OF THE CITY ATTORNEY

### O & R Request

DATE: October 11, 2019

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer 10/11/2019

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

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

RE: To authorize the special use of the property known as 1013 N. 33rd Street for the purpose of two two-family attached dwelling on two lots less than 6,000 square feet in area and less than 50 feet in width within the R-6 Single-Family Attached Residential District upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of the property known as 1013 N. 33rd Street for the purpose of two two-family attached dwelling on two lots less than 6,000 square feet in area and less than 50 feet in width within the R-6 Single-Family Attached Residential District upon certain terms and conditions.

**REASON:** The Property is located in the R-6 Single-Family Attached District. In regard to this district, Section 30-412.1 (Permitted principal uses) of the zoning ordinance states that *Two-family attached dwellings are only permitted if legally existing prior to the effective date of the R-6 regulations.* Section 30-412.4 (3) (Lot area and width) states that *two-family dwellings must be on lots of not less than 6,000 square feet in area and not less than 50 feet wide.* The proposed request calls for the division of the property into two separate 25 foot wide parcels with an area of approximately 3,250 square feet. Each parcel will contain a two-family dwelling that would be attached via a party wall. 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 December 2, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.



**BACKGROUND:** The subject property referenced as 1013 N. 33rd Street is a vacant corner lot that is 6,500 SF (.149 acre) in area. The frontage along North 33rd Street is 50 feet and the frontage along Q Street is 130 feet. The property is located in the Church Hill North neighborhood of the East Planning District.

The City of Richmond's Master Plan designates the subject property for Single-Family (Medium Density) uses. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. The proposed development would create a net equivalent density of 27 units per acre.

The subject property, along with those properties located to the north, south and west, is located in the R-6 Single-Family Attached District. The properties located across an alleyway to the east are in the R-5 Single-Family Residential District. Residential land use (single-, two-, and multi-family) predominates the area, with some mixed-use, commercial, and institutional uses present as well.

**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 application fee.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** November 12, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** December 9, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
December 2, 2019

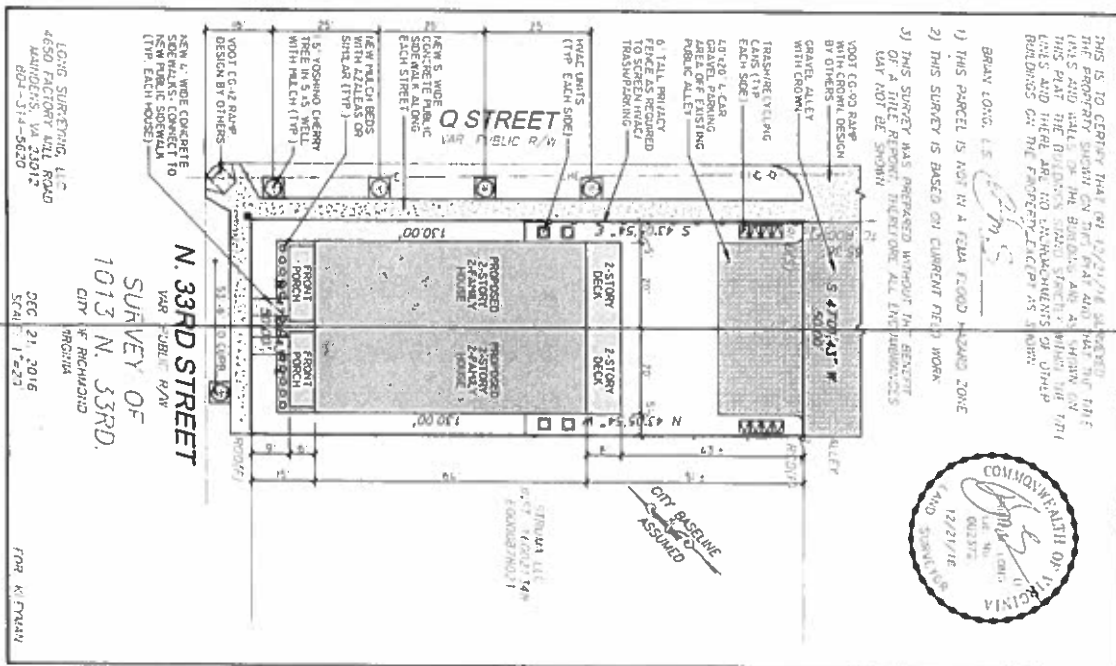
**AFFECTED AGENCIES:** Office of Chief Administration Office  
Law Department (for review of draft ordinance)  
City Assessor (for preparation of mailing labels for public notice)

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

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

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

**STAFF:** David F. Watson, Senior Planner, Land Use Administration 804-646-1036



## 01 | CIVIL SITE PLAN

PROPOSED SITE PLAN OVERLAYS  
ON ORIGINAL PLAT BY OTHER  
PROFESSIONAL STAMP DOES NOT  
APPLY TO MODIFICATIONS

**TWO NEW ATTACHED TWO-STORY TWO-FAMILY  
RESIDENCES IN HISTORIC CHURCH HILL**

1013 NORTH 33RD STREET

1013 NORTH 33RD STREET  
RICHMOND, VIRGINIA 23223

### PROJECT CONTACTS

**DEVELOPER:**  
DAVID KLEYMAN  
802.991.4111

**ARCHITECT:**  
CHRISTOPHER WOLF  
CHRIS WOLF ARCHITECTURE PLLC  
802.514.7644

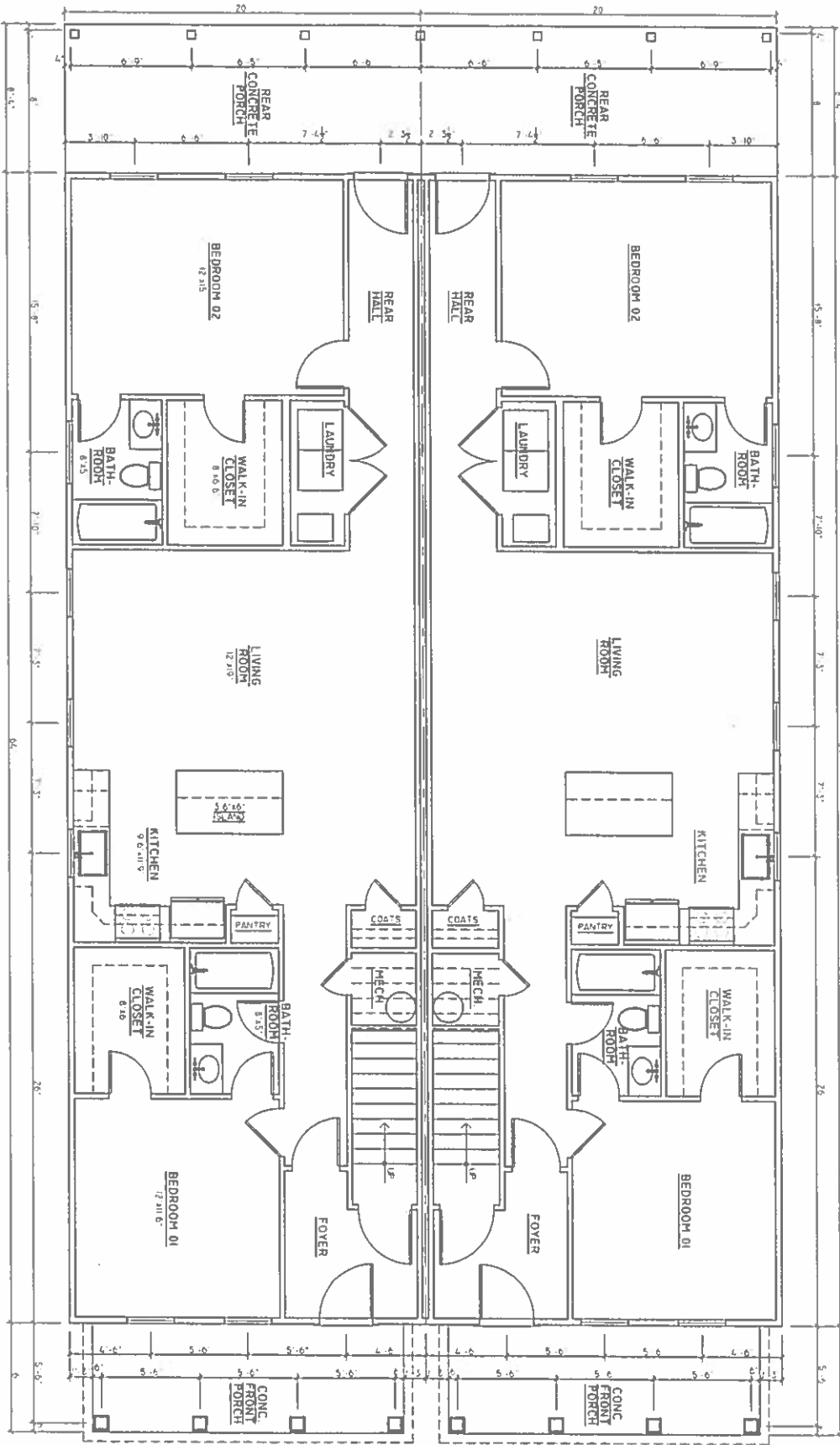
NOT FOR  
CONSTRUCTION

SET (AF) VISION  
SUPREVISION ON

DATE/TIME  
05/16/2019

CIVIL/SITE PLAN

Ω



01 FIRST FLOOR PLANS

TWO NEW ATTACHED TWO-STORY TWO-FAMILY  
RESIDENCES IN HISTORIC CHURCH HILL

1013 NORTH 33RD STREET

1013 NORTH 33RD STREET  
RICHMOND, VIRGINIA 23223

PROJECT CONTACTS

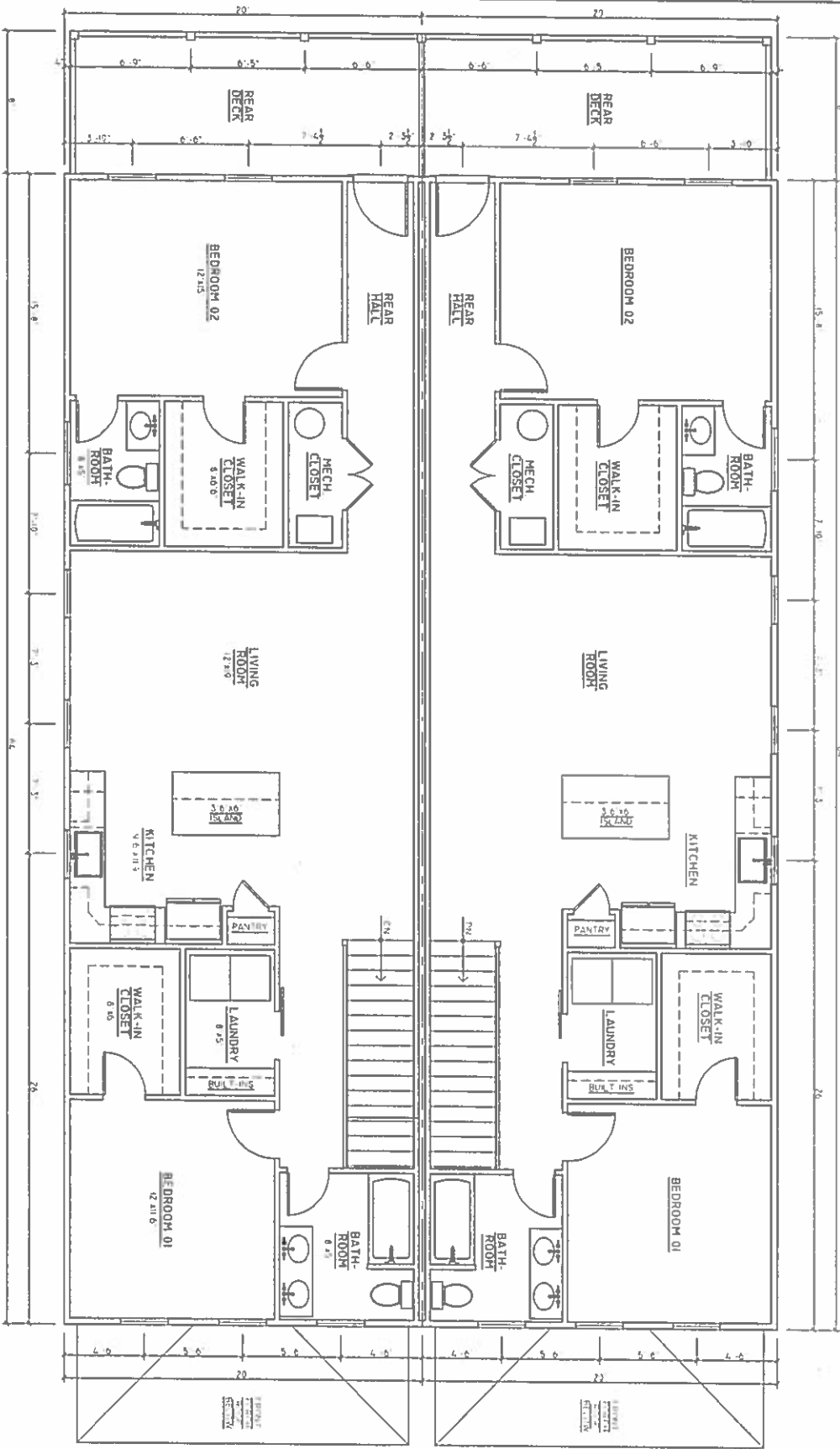
DEVELOPER:  
DANIEL KLEYWICH  
804.991.1111  
ARCHITECT:  
CHRISTOPHER WOLF  
CHRISTOPHER WOLF ARCHITECTURE PLLC  
804.314.0444

NOT FOR  
CONSTRUCTION

SEAL/REVISION  
S U P REVISION 01  
03/24/2019

FIRST FLOOR PLAN

A1.1



# PROJECT CONTACTS

DEVELOPER  
DAVID KLEYMAN  
804.991.4111  
ARCHITECT  
CHRISTOPHER WOLF  
804.514.7600

TWO NEW ATTACHED TWO-STORY TWO-FAMILY  
RESIDENCES IN HISTORIC CHURCH HILL

## 1013 NORTH 33RD STREET

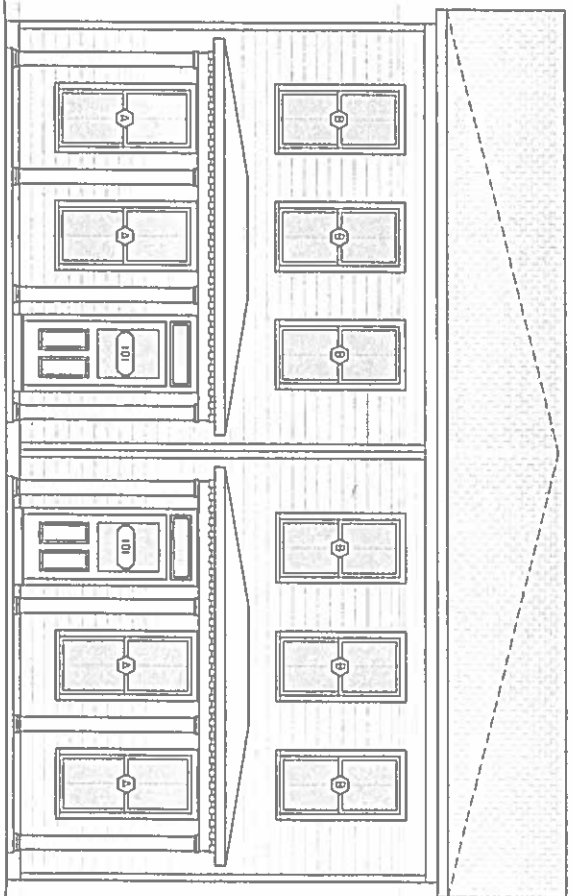
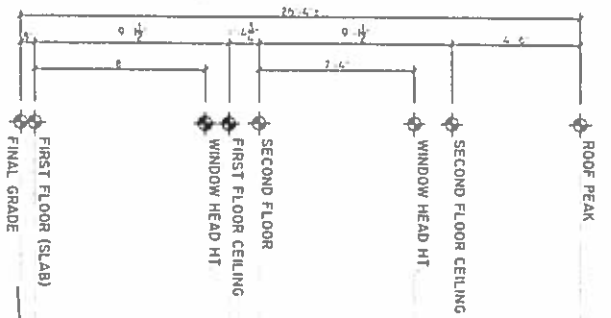
1013 NORTH 33RD STREET  
RICHMOND, VIRGINIA 23223

NOT FOR  
CONSTRUCTION

DATE: 05/16/2019  
5 UP REVISION 01

SECOND FLOOR PLAN  
A1.2

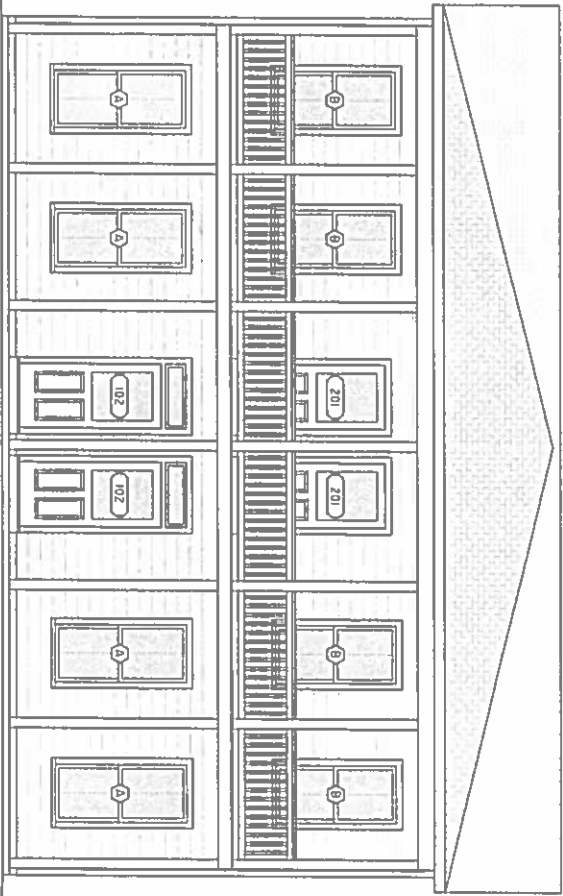
# 01 SECOND FLOOR PLANS



01 FRONT ELEVATION

EXTERIOR FINISH SCHEDULE			
NO	COMPONENT/MATERIAL	COLOR/FINISH	
01	CONCRETE FOUNDATION	NATURAL CONCRETE	
02	WOOD FLOOR 1ST FLOOR	W/100	
03	WOOD FLOOR 2ND FLOOR	W/100	
04	WOOD FLOOR 3RD FLOOR	W/100	
05	WOOD FLOOR 4TH FLOOR	W/100	
06	WOOD FLOOR 5TH FLOOR	W/100	
07	WOOD FLOOR 6TH FLOOR	W/100	
08	WOOD FLOOR 7TH FLOOR	W/100	
09	WOOD FLOOR 8TH FLOOR	W/100	
10	WOOD FLOOR 9TH FLOOR	W/100	
11	WOOD FLOOR 10TH FLOOR	W/100	
12	WOOD FLOOR 11TH FLOOR	W/100	
13	WOOD FLOOR 12TH FLOOR	W/100	
14	WOOD FLOOR 13TH FLOOR	W/100	
15	WOOD FLOOR 14TH FLOOR	W/100	
16	WOOD FLOOR 15TH FLOOR	W/100	
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43	WOOD FLOOR 42TH FLOOR	W/100	
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99	WOOD FLOOR 98TH FLOOR	W/100	
100	WOOD FLOOR 99TH FLOOR	W/100	
101	WOOD FLOOR 100TH FLOOR	W/100	

EXTERIOR DOOR/WINDOW SCHEDULE			
NO	QTY	SIZE (HxW)	REMARKS
01	1	12' x 8'	WOOD DOOR WITH TRANSOM
02	1	12' x 8'	WOOD DOOR WITH TRANSOM
03	1	12' x 8'	WOOD DOOR WITH TRANSOM
04	1	12' x 8'	WOOD DOOR WITH TRANSOM
05	1	12' x 8'	WOOD DOOR WITH TRANSOM
06	1	12' x 8'	WOOD DOOR WITH TRANSOM
07	1	12' x 8'	WOOD DOOR WITH TRANSOM
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59	1	12' x 8'	WOOD DOOR WITH TRANSOM
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61	1	12' x 8'	WOOD DOOR WITH TRANSOM
62	1	12' x 8'	WOOD DOOR WITH TRANSOM
63	1	12' x 8'	WOOD DOOR WITH TRANSOM
64	1	12' x 8'	WOOD DOOR WITH TRANSOM
65	1	12' x 8'	WOOD DOOR WITH TRANSOM
66	1	12' x 8'	WOOD DOOR WITH TRANSOM
67	1	12' x 8'	WOOD DOOR WITH TRANSOM
68	1	12' x 8'	WOOD DOOR WITH TRANSOM
69	1	12' x 8'	WOOD DOOR WITH TRANSOM
70	1	12' x 8'	WOOD DOOR WITH TRANSOM
71	1	12' x 8'	WOOD DOOR WITH TRANSOM
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74	1	12' x 8'	WOOD DOOR WITH TRANSOM
75	1	12' x 8'	WOOD DOOR WITH TRANSOM
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77	1	12' x 8'	WOOD DOOR WITH TRANSOM
78	1	12' x 8'	WOOD DOOR WITH TRANSOM
79	1	12' x 8'	WOOD DOOR WITH TRANSOM
80	1	12' x 8'	WOOD DOOR WITH TRANSOM
81	1	12' x 8'	WOOD DOOR WITH TRANSOM
82	1	12' x 8'	WOOD DOOR WITH TRANSOM
83	1	12' x 8'	WOOD DOOR WITH TRANSOM
84	1	12' x 8'	WOOD DOOR WITH TRANSOM
85	1	12' x 8'	WOOD DOOR WITH TRANSOM
86	1	12' x 8'	WOOD DOOR WITH TRANSOM
87	1	12' x 8'	WOOD DOOR WITH TRANSOM
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94	1	12' x 8'	WOOD DOOR WITH TRANSOM
95	1	12' x 8'	WOOD DOOR WITH TRANSOM
96	1	12' x 8'	WOOD DOOR WITH TRANSOM
97	1	12' x 8'	WOOD DOOR WITH TRANSOM
98	1	12' x 8'	WOOD DOOR WITH TRANSOM
99	1	12' x 8'	WOOD DOOR WITH TRANSOM
100	1	12' x 8'	WOOD DOOR WITH TRANSOM



02 REAR ELEVATION

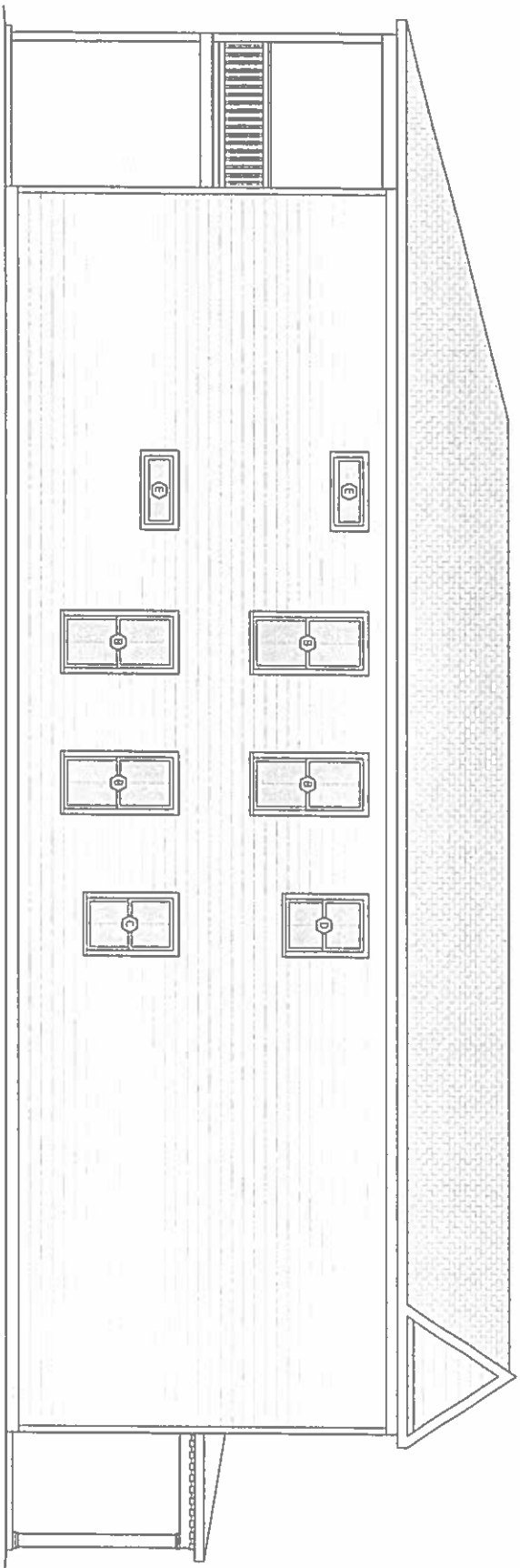
PROJECT CONTACTS  
DEVELOPER  
DARIN KLEYMAN  
801.991.4111  
ARCHITECT  
CHRIS TOPHER WOLF  
WOLF ARCHITECTURE, PLLC  
801.514.7644

TWO NEW ATTACHED TWO-STORY TWO-FAMILY  
RESIDENCES IN HISTORIC CHURCH HILL  
**1013 NORTH 33RD STREET**  
1013 NORTH 33RD STREET  
RICHMOND, VIRGINIA 23223

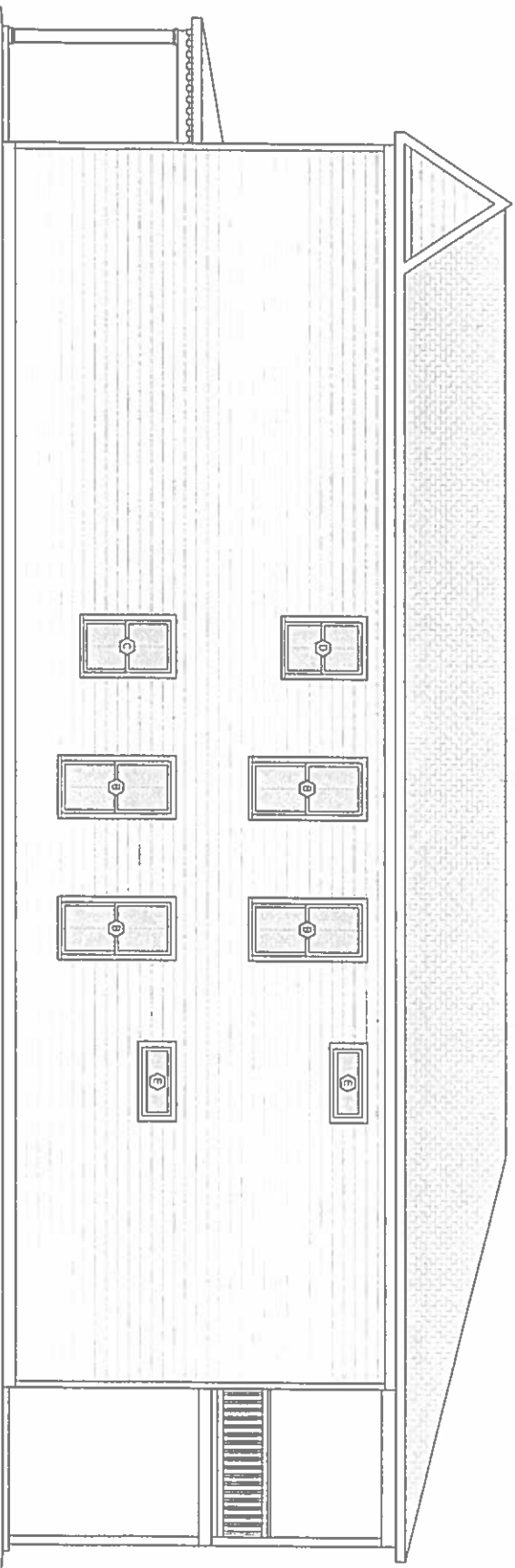
NOT FOR  
CONSTRUCTION

5/17/2019  
3 UP REVISION 01  
DATE/REVISION  
05/16/2019

FRONT & REAR  
EXTENSION ELEVATIONS  
**A2.1**



01 LEFT SIDE ELEVATION  
1/2" = 1'



02 RIGHT SIDE ELEVATION  
1/2" = 1'

**PROJECT CONTACTS**  
DEVELOPER  
DAVID KLEIN  
201.991.1111  
ARCHITECT  
CHRISTOPHER WOLF  
CHRIS WOLF ARCHITECTURE PLLC  
201.514.7611

TWO NEW ATTACHED TWO-STORY TWO-FAMILY  
RESIDENCES IN HISTORIC CHURCH HILL

**1013 NORTH 33RD STREET**

1013 NORTH 33RD STREET  
RICHMOND, VIRGINIA 23223

NOT FOR  
CONSTRUCTION

SEAL/REVISION:  
S U P REVISION 01

DATE: 11-14-19  
03.16.2019

LEFT & RIGHT SIDE  
EXTERIOR ELEVATIONS

**A2.2**

**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-049433-2019

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: 1013 N 33rd

Date: 2/12/19

Tax Map #: E-000-0878/027 Fee: 300

Total area of affected site in acres: .149

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

**Zoning**

Current Zoning: R-6

Existing Use: vacant land

**Proposed Use**

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

two (2) attached two-family dwellings, each on a separate lot

Existing Use: vacant land

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number:

**Applicant/Contact Person:** Mark Baker

Company: Baker Development Resources

Mailing Address: 11 S. 12th Street, Suite 500

City: Richmond

State: VA

Zip Code: 23219

Telephone: (804) 874-6275

Fax: ( )

Email: markbaker@bakerdevelopmentresources.com

**Property Owner:** EVOLVE HLD LLC

If Business Entity, name and title of authorized signee: Daniel Klayman, owner

(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: 3420 PLUMP RD #169

City: Richmond

State: VA

Zip Code: 23233

Telephone: (804) 991-4111

Fax: ( )

Email: dvk51@yahoo.com

**Property Owner Signature:**

Daniel V. Klayman

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**

*February 12, 2019*

*Special Use Permit Request  
1013 North 33<sup>rd</sup> Street, Richmond, Virginia  
Map Reference Number: E000-0878/027*

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 1013 North 33<sup>rd</sup> Street ("the Property"). The SUP would authorize the construction of two (2) two-family attached dwellings configured as one attached pair, some of the features of which do not conform to the underlying R-6 Single-Family Attached Residential district zoning requirements applicable to the Property.

## Existing Conditions

### SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the east side of North 33<sup>rd</sup> Street between Q and P Streets. The subject property is referenced by the City Assessor as tax parcel E-000-0878/027. The Property is a vacant lot that is roughly 50' wide by 130' in depth and contains approximately 6,500 square feet of lot area. The lot is relatively flat and is afforded access in the rear by means of a north-south alley.



Within one block of the property, there exists a variety of uses with varying degrees of intensity. Directly across Q street from the Property is a two-family dwelling. There are two more two-family dwellings along N 33<sup>rd</sup> Street to the north of the Property, as well as a multifamily dwelling at the intersection of O Street and N 33<sup>rd</sup> Street. There are also a number of mixed-use and commercial properties along Oakwood Avenue, as well as a number of single-family dwellings in general vicinity.

## **EXISTING ZONING**

The Property is zoned R-6 Single-Family Attached Residential, which permits the construction of two-family dwellings only if they are detached (whereas two-family attached dwellings existing prior to the effective date of the Ordinance are permitted). The surrounding properties are also zoned R-6, except the adjacent property to the east, which is R-5. Just to the south, many properties along the Oakwood Ave intersection with P Street and Chimborazo Ave. are zoned B-1.

## **MASTER PLAN DESIGNATION**

This request is consistent with The Master Plan designation of "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...Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7." There are also a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for the continued creation of market rate rental housing and a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse.

# **Proposal**

## **PROJECT SUMMARY**

The proposed development includes the construction of two (2) two-family attached dwellings on individual lots with accessory parking.

## **PURPOSE OF REQUEST**

The Property consists of a single lot that is exceptionally large for the vicinity. The Property has a lot width of roughly 50' and contains approximately 6,500 square feet of lot area. Consistent with that lot pattern, the owner would like to split the Property into a total of two lots and construct two (2) two-family attached dwellings. The R-6 district permits the two-family Attached dwellings that lawfully exist as of the effective date of the zoning ordinance. This request contemplates the new construction of two-family attached dwellings and several feature requirements applicable to two-family attached dwellings are not met. Therefore, an SUP is required in order to permit the development.

Division of the Property into two lots would result in lot widths of roughly 25' and lot areas of approximately 3,250 square feet. The R-6 district would require a lot width of 50' and lot area of 6,000 Square feet of lot area for the two-family dwelling use. The two (2) new two-family attached dwellings would meet all other applicable R-6 district requirements.

The proposed lot widths and areas are compatible with other lots in the vicinity and allow for the efficient use of the Property. Based on the historic lot pattern, the majority of lots in the vicinity are nonconforming

with regard to lot area and lot width, especially those in the adjacent R-5 district. The proposed side yards for the dwellings exceed setbacks commonly seen in the area, as well as the 3-foot minimum required. As proposed the dwellings would meet the requirements of the R-63 district and could be built by right under those classifications. The R-63 district is potentially more reflective of the general vicinity than the current R-6 designation, when looking at the multiplicity of uses and lot configurations in the area.

In exchange for the SUP, the intent of this request is to ensure a high-quality infill development. The overall project would be appropriately dense and efficient. It would be consistent with the use permitted by-right by the underlying zoning. At the same time, it would remain respectful to the historic lot pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

## PROJECT DETAILS

The two (2) two-family attached dwellings would be two stories in height. The proposed buildings are configured as one set of attached row homes and are intended to be consistent with other residential buildings in the vicinity in terms of scale and character. Each building would contain roughly 2,560 square feet of floor area. The four (4) individual dwelling units would be configured as first and second floor flats with 1,216 to 1,280 square feet of floor area, with two bedrooms and two bathrooms, and would share a 64 square foot common foyer. The dwelling floor plans are spacious and modern with open living areas.

The buildings would be clad in cementitious lap siding in order to ensure quality and consistency with many other dwellings in the vicinity. A full-width front porch and full width upper and lower rear porches are proposed and would provide ample usable outdoor area. Four parking spaces are proposed for the 4 dwellings. Parking spaces would be located to the rear of the dwellings and accessed by the north-south alley.

## Findings of Fact

The following are factors indicted 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 negligible traffic generation and four off street parking spaces for the 4 dwelling units will create no 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 proposed special use permit will not tend to over crowd the land or create an undue concentration of land.

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

The special use permit 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. This benefit can be attributed to the investment in the property.

- *Interfere with adequate light and air.*

The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity, which are in many cases attached, and will not interfere with the provision of adequate light and air to the adjacent buildings.

## Summary

In summary we are enthusiastically seeking approval for the construction of the proposed two-family attached dwellings. The buildings have been thoughtfully designed in order to provide appropriate, high quality market rate infill development. The request offers compatibility with the City's Master Plan in terms of use. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while maintaining a desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood.

The proposed development would respectfully replace missing teeth in the existing urban fabric and help encourage a pedestrian friendly urban streetscape in the block. This would contribute to the vibrancy of the block through the provision of a uniform street front and the addition street life in the form of additional pedestrian traffic and street-oriented full width front porches. An appropriate urban form coupled with the provision of accessory parking to the rear of the property would give the property the much-desired traditional neighborhood design. The provision of off-street parking spaces matching normal zoning standards would help mitigate any impact on parking related to the development. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.