



## CITY OF RICHMOND

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

**Ord. No. 2016-238:** To authorize the special use of the property known as 2925 West Leigh Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

---

**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** October 3, 2016

---

#### **PETITIONER**

Mr. H. L. Salomonsky

#### **LOCATION**

2925 West Leigh Street

#### **PURPOSE**

Special use permit to make an existing single-family attached dwelling a conforming use at 2925 West Leigh Street.

#### **SUMMARY & RECOMMENDATION**

The subject property is a 0.056 acre parcel improved with a single-family attached dwelling constructed in 1923. The property is located in the Scott's Addition neighborhood in the block bound by West Leigh Street, North Boulevard, West Clay Street and Altamont Avenue. The property is served by a public alley that provides access to a parking space at the rear of the property.

The subject property is zoned M-1 Light Industrial, which does not permit residential uses. The property retains nonconforming rights as a single-family dwelling as it was constructed in 1923 prior to zoning regulations. However, according to the Zoning Ordinance should a building devoted to a nonconforming use be damaged by fire, explosion, act of God or the public enemy to the extent of 60 percent or less of its replacement value it cannot be rebuilt and used for a nonconforming use. The applicant has requested a special use permit to memorialize the existing single-family use as a conforming use that would not be subject to this provision.

Staff finds that the continued use of the property as a single-family dwelling would meet the safeguards contained within the City Charter, relative to the granting of Special Use Permits. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved and would not create congestion in the streets in the area involved. Therefore, staff recommends approval of the special use permit request.

#### **FINDINGS OF FACT**

##### **Site Description**

The subject property is a 0.056 acre parcel improved with a single-family attached dwelling constructed in 1923. The property is located in the Scott's Addition neighborhood in the block bound by West Leigh Street, North Boulevard, West Clay Street and Altamont

Avenue. The property is served by a public alley that provides access to a parking space at the rear of the property.

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

The property would continue to be used as a single-family attached dwelling.

### **Master Plan**

The Master Plan designates the subject property and all of the Scott's Addition neighborhood for Industrial land uses. Primary uses for the Industrial designation include "a wide variety of manufacturing, processing, research and development, warehousing, distribution office-warehouse and service uses. Office, retail and other uses that complement industrial areas are often secondary support uses" (p. 135).

### **Zoning & Ordinance Conditions**

The property is currently located in the M-1 Light Industrial zoning district, which does not permit residential uses. There are two blocks of similar residential buildings in Scott's Addition that were constructed prior to the prohibition on residential uses by the adoption of the M-1 district. These properties retain nonconforming rights to continue to be used for residential purposes under the nonconforming regulations in the Zoning Ordinance. One of these regulations states that a building cannot be rebuilt and used for a nonconforming use if the building devoted to a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of 60 percent or less of its replacement value. The applicant would like to remove the nonconforming status of the existing single-family attached dwelling because it has prevented the property owner from being able to obtain a Fannie Mae mortgage.

The special use permit ordinance contains a condition that requires one off-street parking space be provided to serve the single-family dwelling. The parking space would be located off of the existing alley in the rear of the property.

### **Surrounding Area**

The subject property is surrounded by single-family attached dwellings to the east and west. Industrial and commercial uses are located to the north and south of the subject property. All of the surrounding property is also located in the M-1 Light Industrial zoning district.

### **Neighborhood Participation**

Staff notified the Scott's Addition Boulevard Association of the request and received a letter of support from them.

**Staff Contact:** Lory Markham, Planner III, 804-646-6309