INTRODUCED: September 8, 2025

AN ORDINANCE No. 2025-213

To authorize the special use of the property known as 1008 North 35th Street for the purpose of up to two single-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: OCT 14 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 1008 North 35th Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of up to two single-family detached dwellings, 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 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:	OCT 14 2025	REIECTED:		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 (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 1008 North 35th Street and identified as Tax Parcel No. E000-0964/020 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled "Map Showing the Improvements on 1008 N 35th Street in the City of Richmond, VA.," prepared by Virginia Surveys, and dated December 3, 2024, 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 up to two single-family detached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Map Showing the Division of and Proposed Improvements on No. 1006 and No. 1008 N 35th Street in the City of Richmond, VA.," prepared by Virginia Surveys, dated January 28, 2025, and last revised May 6, 2025, and "1006 N 35th St.," prepared by River Mill Development, and dated January 13, 2025, hereinafter referred to, collectively, 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 up to two single-family detached dwellings, substantially as shown on the Plans.
 - (b) All elevations and site improvements shall be substantially as shown on the Plans.

- (c) Vinyl siding shall not be permitted.
- (d) All mechanical equipment, including heating, ventilation, and air conditioning units, serving the Property shall be located or screened so as not to be visible from any public right-ofway.
- (e) Prior to the issuance of any building permit for the Special Use, the establishment of no more than 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 and deeds 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) The Owner shall make improvements within the right-of-way, including the installation of two street trees along North 35th 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 or the designee thereof 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 or the designee thereof, 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 (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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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 1,096 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:

City Clerk

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: August 14, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor (by request)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Odie Donald II, Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

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

RE: To authorize the special use of the property known as 1008 N 35th Street, for the

purpose of up to two single-family detached dwellings, upon certain terms and con-

ditions.

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PURPOSE: The applicant is requesting a Special Use Permit to authorize the subdivision of a parcel improved with a single-family dwelling to facilitate the construction of a new single-family dwelling on the newly created parcel. While single-family dwellings are permitted uses in the R-5 Single-Family Residential district where the property is located, the proposed subdivision creates two lots that to not conform to the lot feature requirements of the district.

BACKGROUND: The property is located on the north side of North 35th Street between Blakely and P Streets The property is 60 feet wide and contains 7,500 square feet. 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." (p. 56)

Intensity: Buildings heights are generally two to four stories. (p. 56)

The current zoning for this property is R-5 Single-Family Residential District. Adjacent and surrounding properties are also located within this district. The area is generally single-family detached residential. The density of the proposed is two units upon .1722 acres or 11 units per acre.

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

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 8, 2025

CITY COUNCIL PUBLIC HEARING DATE: October 14, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission October 7, 2025

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

David Watson, Senior Planner, Land Use Administration (Room 511) 646-1036

APPLICANT'S REPORT

January 30, 2025

Special Use Permit Request 1008 N 35th Street, Richmond, Virginia Map Reference Number: E000-0964/020

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: Baker Development Resources

530 E Main Street, Suite 730 Richmond, Virginia 23219

Introduction

The property owner is requesting a special use permit ("SUP") for 1008 N 35th Street (the "Property") in order to authorize the division of the Property and the construction of a single-family detached dwelling. While the single-family detached use is permitted by the underlying R-5 Residential Zoning District, certain feature requirements are not met and, therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the north side of N 35th Street between Blakey and P Streets. The Property consists of one parcel, which is referenced by the City Assessor as tax parcel E000-0964/020. The Property is currently occupied with a single-family detached dwelling on the eastern portion of the lot. The lot is 60 feet wide, contains approximately 7,500 square feet of lot area, is relatively flat and is afforded access in the rear by means of a north-south alley.



The majority of the lots surrounding the Property are generally developed with residential uses including single-family and two-family dwellings. There are also nearby properties developed for commercial use.

EXISTING ZONING

The Property is zoned R-5 Single-Family Residential, which permits the proposed single-family detached dwelling use by-right provided that the applicable lot width, lot area, and setback requirements are met. The surrounding properties are also zoned R-5. To the West, along Oakwood Avenue, there are a collection of properties zoned B-1 Neighborhood Business District

TRANSPORTATION

Located less than a quarter mile from the Property are bus stops served by Route 4 which provides connection to Church Hill, Montrose Heights, and Fulton Hill.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Neighborhood Mixed-Use" for the Property. The Master Plan describes this land use designation 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." Recommended development styles are described as featuring "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. Single-family, two-family, and small multi-family buildings are contemplated as the primary uses in these areas."

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
 - o b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
 - o d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.4 to "Increase the number of mixed-income communities along enhanced transit corridors."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance. "
- Page 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."
 - a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).

- Page 86 (High-Quality Places Chapter), Objective 1.4, to "maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards"
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City," as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

Proposal

PROJECT SUMMARY

The proposed development would authorize the division of the Property and the construction of a new single-family detached dwelling on the currently vacant western portion of the Property. The existing single-family detached dwelling on the eastern portion of the Property would be retained.

PURPOSE OF REQUEST

This request would permit the division of the Property into two lots in order to allow the construction of a single-family detached dwelling. The Property is large for the area and, while it is developed with a single-family dwelling, that dwelling is off set to the east, leaving the western half of the property vacant. The proposed division would permit the construction of a new, high-quality single-family detached dwelling on the western portion of the lot. While the R-5 district permits single-family dwellings, it requires a minimum of 6,000 square feet of lot area and a minimum lot width of 50 feet. While the proposed development is consistent with lots in the vicinity, these requirements would not be met. Therefore, a SUP is required.

In exchange for the SUP, the intent of this request is to ensure a high-quality infill development that is consistent with the objectives of the Master Plan. The overall project would be appropriately efficient and would be compatible with the existing development in the vicinity. The quality assurances conditioned through the SUP would guarantee a higher quality development than what might otherwise be developed by right.

PROJECT DETAILS

When complete, the new dwelling would be two stories in height, contain approximately 2,060 square feet of finished floor area, and would have design elements consistent with other dwellings found in the vicinity. The floor plans include an open kitchen and living area with modern and desirable features. The first-floor plans include an office that could be converted into a bedroom to support a growing family or to allow future residents to age in place. The second floor includes a primary bedroom with en-suite bath and walk-in closet as well as two bedrooms that share a jack-and-jill bathroom. The exterior has been designed to reflect the character of the neighborhood with quality materials and a full width covered front porch to address the street. Care was taken in the design and siting of the dwelling to ensure compatibility with other homes in the neighborhood and that all other zoning standards would be met. One off-street parking space per dwelling would be

provided at the rear of the Property. The parking spaces would be accessed from the north-south alley.

Findings of Fact

The following are factors included 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 for high-quality infill construction 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 one off-street parking spaces for each of the two 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 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 special use permit would not adversely affect the above referenced City services.

• Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. The proposed dwellings are of compatible massing and spacing to the existing dwellings throughout the neighborhood. As a result, this request 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 single-family detached dwelling. The building has been thoughtfully designed in order to provide appropriate, high quality 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, improving the Property while providing a desirable new housing option. The proposed development would respectfully encourage a pedestrian-friendly traditional urban streetscape in the block. The proposed design is historically appropriate and would contribute to the vibrancy of the block with a street-oriented full width front porch. 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 which is appropriate to this area of the City. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than what might otherwise be developed by right.

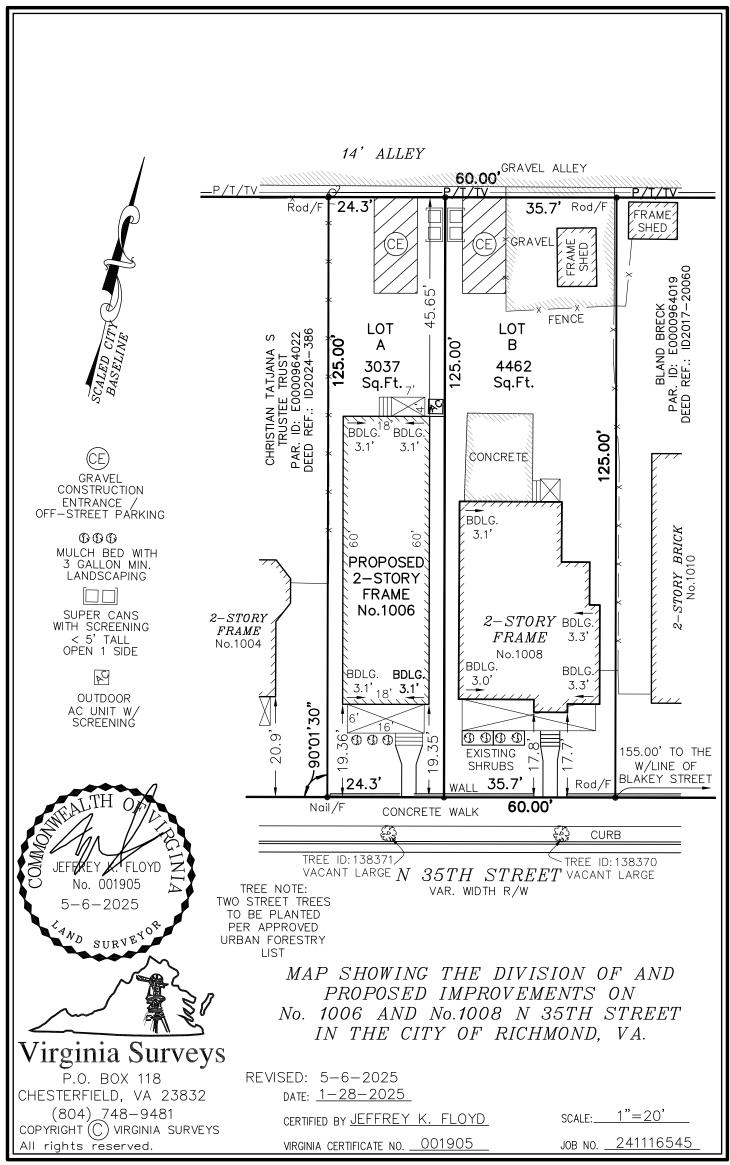


CITY OF RICHMOND, VA Department of Planning and Development Review Land Use Administration Division 900 East Broad Street, City Hall - Room 511, Richmond, Virginia 23219

AUTHORIZATION FROM PROPERTY OWNER

TO BE COMPLETED BY THE APPLICANT Applicant must complete ALL items
HOME/SITE ADDRESS: 530 E Main Street, Richmond VA 23219 APARTMENT NO/SUITE Suite 730
APPLICANT'S NAME: Will Gillette / Alessandro Ragazzi EMAIL ADDRESS:
BUSINESS NAME (IF APPLICABLE): Baker Development Resources
SUBJECT PROPERTY OR PROPERTIES: 1008 N 35th Street
APPLICATION REQUESTED Plan of Development (New or Amendment) Wireless Plan of Development (New or Amendment) Special Use Permit (New or Amendment) Rezoning or Conditional Rezoning Certificate of Appropriateness (Conceptual, Administrative Approval, Final) Community Unit Plan (Final, Preliminary, and/or Amendment) Subdivision (Preliminary or Final Plat Correction or Extension)

10 02 00 111 011	THE AUTHORIZED OWNER IMPlete ALL items
Signing this affidavit acknowledges that you, as the owner submit the above selected application/s on your behalf.	or lessee of the property, authorize the above applicant to
PROPERTY OWNER: MILLER KELLY R AND W	ARD CARTER H
PROPERTY OWNER ADDRESS: 1008 35th St, Richn	
PROPERTY OWNER EMAIL ADDRESS: kells322@gmail.	com, chward1@gmail.com
PROPERTY OWNER PHONE NUMBER	Authoritisms
Property Owner Signature: Kelly Miller	Carter Ward



1080 S.F.

MILL DEVELOPMENT

35TH

1006

REVISION NOTES

SCALE: 1/4'' = 1'-0''

DATE:

1-13-2025

SHEET: A1.1

(SD) SMOKE DETECTOR

CM) CO DETECTOR

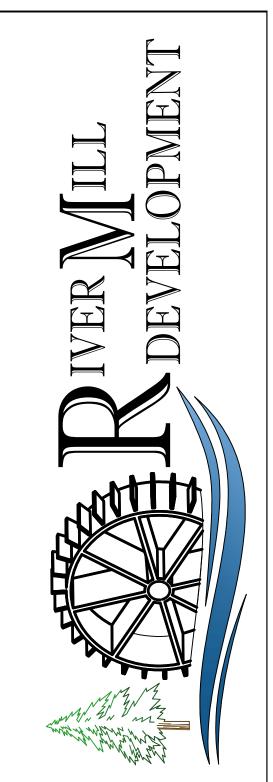


REVISION NOTES

SCALE: 1/4'' = 1'-0''

DATE: 1-13-2025

> SHEET: A2.1



This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID. 14' ALLEY GRAVEL ALLEY P/T/TV Rod/F FRAME **FENCE** 60.00° **GRAVEL** SHED BLAND BRECK R. ID: E0000964019 REF.: ID2017-20060 FÊNCE MILLER KELLY R AND WARD CARTER H PAR. ID: E0000964020 DEED REF.: ID2019-15127 125.00 125.00 CONCRETE CHRISTIAN TATJANA S TRUSTEE TRUST PAR. ID: E0000964022 DEED REF.: ID2024-386 27.5 2-STORY BRICK No.1010 **FENCE** 2-STORY 2-STORY BDLG. *FRAME*No.1004 FRAME3.2 No.1008 **BDLG** 3.2 27.4 χ̈ 155.00' TO THE W/LINE OF BLAKEY STREET 60.00' WALL Rod/F Nail/F CONCRETE WALK JEFFKEY **K.** FLOYD CURB No. 001905 NORTH 35TH STREET 12-3-2024 VAR. WIDTH R/W ND SURVEYO MAP SHOWING THE IMPROVEMENTS ON 1008 N 35TH STREET IN THE CITY OF RICHMOND, VA. Virginia Surveys P.O. BOX 118 CHESTERFIELD, VA 23832 DATE: 12-3-2024 (804) 748-9481
COPYRIGHT VIRGINIA SURVEYS <u>1"=20'</u>

CERTIFIED BY JEFFREY K. FLOYD

VIRGINIA CERTIFICATE NO. 001905

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SCALE:_

JOB NO.

<u>241116545</u>



City of Richmond Department of Planning & Development Review

Special Use Permit

LOCATION: 1008 N 35th Street

APPLICANT: Baker Development Resources

COUNCIL DISTRICT: 7

PROPOSAL: To authorize the special use of the property known as 1008 N 35th Street, for the purpose of up to two single-family detached dwellings, upon certain terms and conditions

For questions, please contact David Watson

at 804-646-1036 or David.Watson@rva.gov

