

INTRODUCED: July 22, 2019

AN ORDINANCE No. 2019-203

To authorize the special use of the property known as 3111 Q Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 9 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 3111 Q Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, does not meet the requirements of section 30-412.4, concerning lot area and 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 (2010), 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: SEP 9 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 3111 Q Street, and identified as Tax Parcel No. E000-0723/006 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Survey Showing Improvements on Property Located at 3111 Q Street, City of Richmond, Virginia,” prepared by Bruce Robertson Land Surveying, P.C., and dated January 15, 2019, 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 a two-family detached dwelling, hereafter referred to as “the Special Use,” substantially as shown on the plans entitled “Plot Plan for 3111 Q St.,” prepared by an unknown preparer, and dated May 8, 2019, on the untitled plans identified as “first floor plan, second floor plan,” “Front Elevation, Rear Elevation,” and “Left Elevation, Right Elevation,” prepared by an unknown preparer, and undated, and on the document entitled “Material Selection for 3111 Q St. Richmond Va.,” prepared by an unknown preparer, and undated, 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 one two-family detached dwelling, substantially as shown on the Plans.

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

(c) All building materials and elevations pertaining to the Special Use shall be substantially as shown on the Plans.

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

(e) Two off-street parking spaces shall be provided at the rear of the Property.

§ 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) 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.

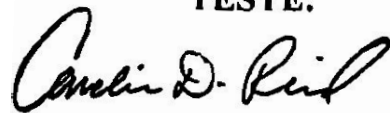
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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 that reads "Camelin D. Reed". The signature is written in a cursive style with a large initial 'C'.

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.2019.146

O & R REQUEST

RECEIVED

4-8939
JUN 26 2019

JUL 15 2019

Office of the
Chief Administrative Officer

OFFICE OF THE CITY ATTORNEY

O & R Request

DATE: June 24, 2019

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

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 3111 Q Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3111 Q Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

REASON: Two-family detached homes are allowed in the R-6 Single-Family Attached residential district provided that a minimum lot area of 6,000 square feet and a minimum of 50 feet of width is met. The subject property has a lot that is 38' wide and 100 feet deep, for a total area of 3,800 square feet. A special use permit is required in order to build the proposed structure on this nonconforming lot.

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 September 3, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 3,800 SF (.087 acre) parcel of land and is vacant. It is located in the Church Hill North Neighborhood within the City's East Planning District, on Q Street between North 31 and North 32 Streets.

The City of Richmond's Master Plan designates the subject property for Single-Family (Medium Density) uses. Primary uses in this category are "single-family detached dwellings at densities between 8 and 20 units per acre." (See page 133, Richmond Master Plan.) The density of the parcel if developed as proposed would be a ratio of approximately 23 units per acre. 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.

All properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential zoning district. Within the area of the subject property, those properties with improvements contain a mixture of single-family detached and single-family attached structures.

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: July 22, 2019

CITY COUNCIL PUBLIC HEARING DATE: September 9, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
September 3, 2019

AFFECTED AGENCIES: Office of Chief Administration Officer
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: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

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

0-866-



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address: 3111 Q STREET RICHMOND VA 23223 Date: 1-4-19
 Tax Map #: EM000723006 Fee: 300.00
 Total area of affected site in acres: 0.087

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

Zoning

Current Zoning: R-6
 Existing Use: VACANT LOT

Proposed Use

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

NEW CONSTRUCTION
 Existing Use: VACANT LOT

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person:

Company: ROYAL VENTURES LLC
 Mailing Address: 2307 VICTORIA CROSSING LA
 City: MIDDLETON VA - 23113 State: VA Zip Code: 23113
 Telephone: (804) 833-9002 Fax: ()
 Email: TECHTOWN CONSTRUCTION CO @ GMAIL .COM

Property Owner: SAEED DABIE (ROYAL VENTURES LLC)
 If Business Entity, name and title of authorized signee: Saeed Dabie

(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: 2307 VICTORIA CROSSING LA
 City: MIDDLETON VA - 23113 State: VA Zip Code: 23113
 Telephone: (804) 833-9002 Fax: ()
 Email: TECH TOWN CONSTRUCTION CO @ GMAIL .COM

Property Owner Signature: Saeed Dabie

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' Narrative

FOR

3111Q ST. Richmond Va.

Map Ref. Number E0000723006

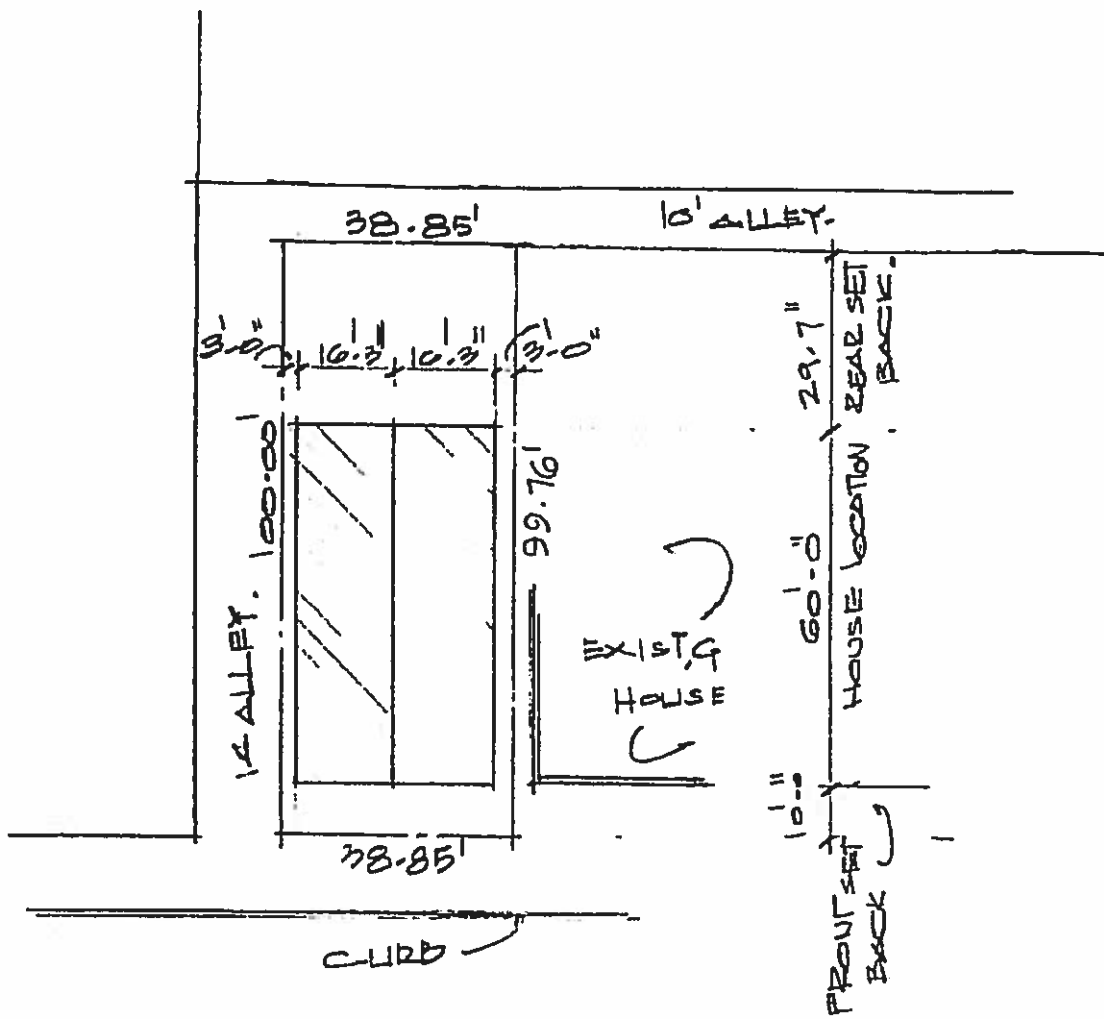
Existing Conditions:

Subject property located at 3111 Q St. Richmond Virginia. Property is vacant lot. That is roughly 38'widex100'long and contain 3800 SQ ft of lot area. Lot has two sets of existing steps. And based on DB 645C,PG.403 had improvements here on known as 3111 And 3113 Q St.

Proposed Use:

The property owner requesting a special use permit for 3111 Q St.

The SUP authorizes the construction of one two family detached dwelling configured as one attached pair, some of the features of which do not conform to the under-laying R-6 family attached residential district.

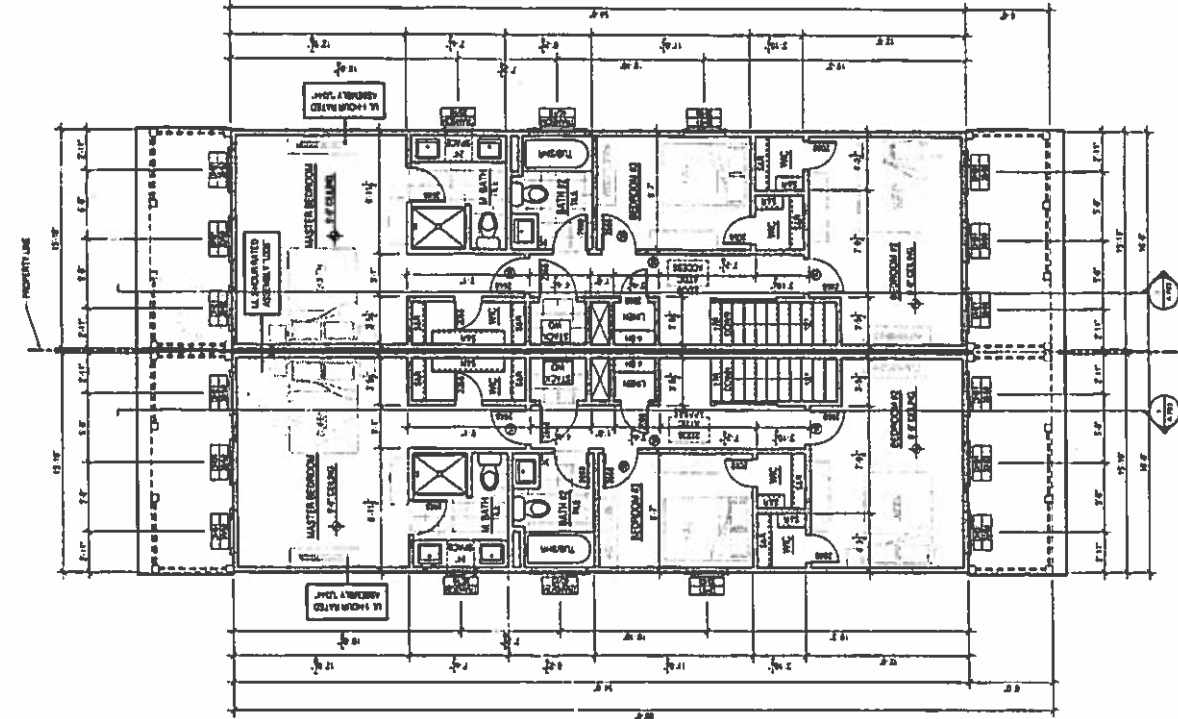


Q ST.

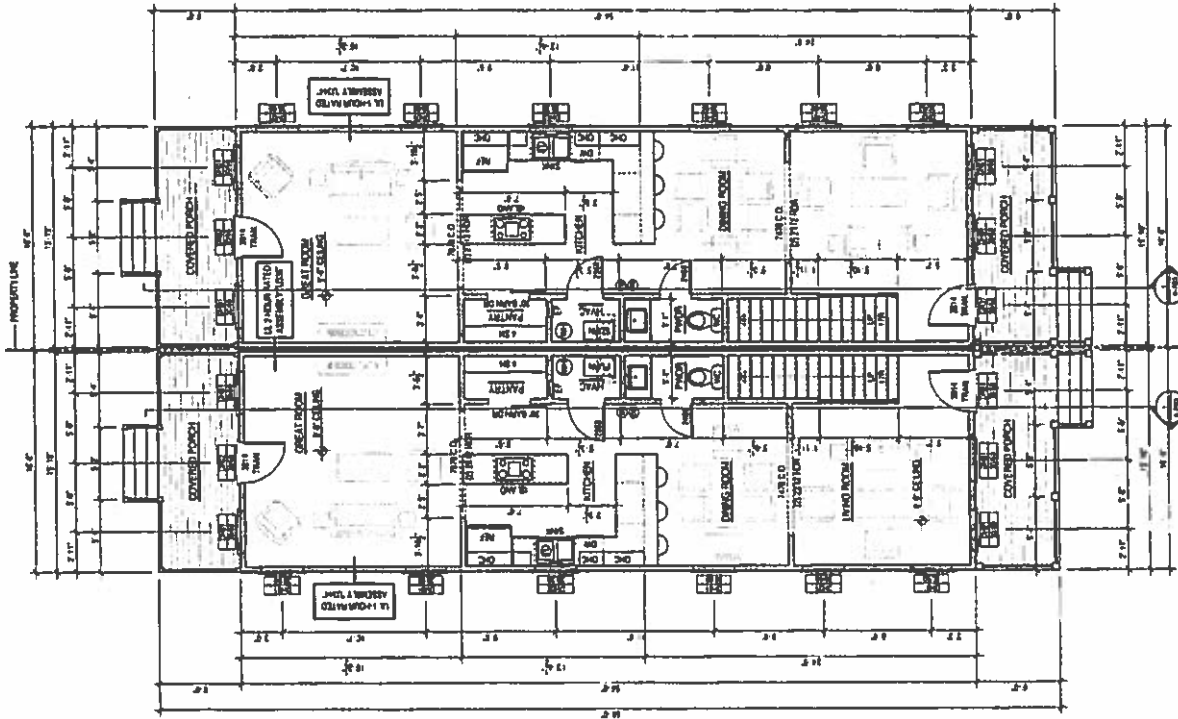
Plot Plan for 3111 Q St.

1" = 30'-0"

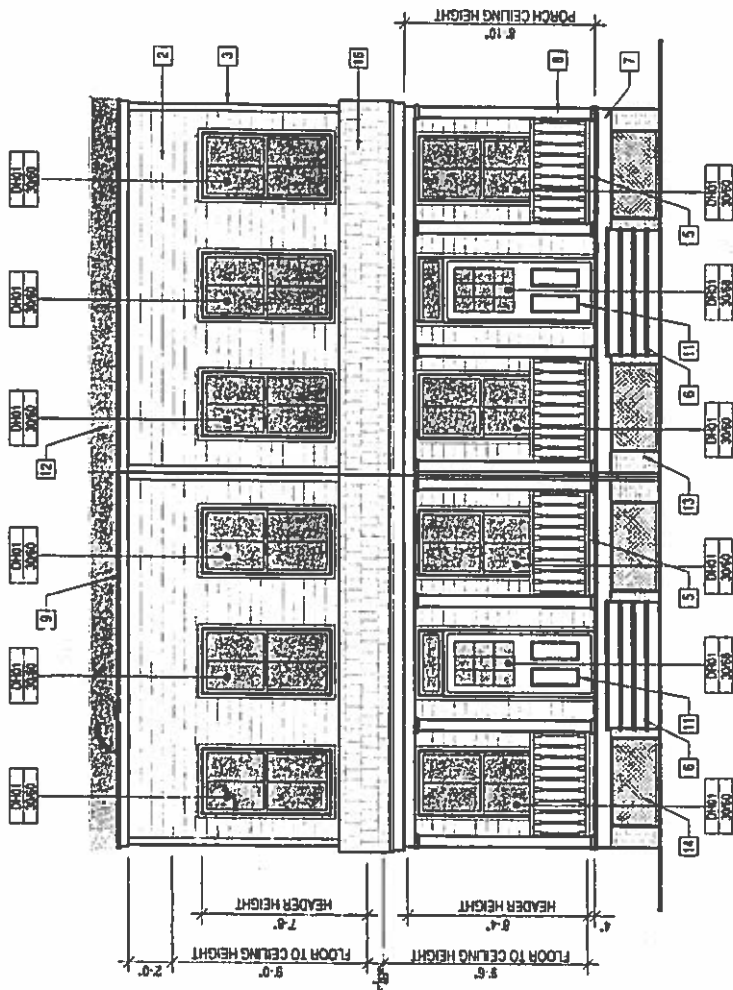
May 8, 2019



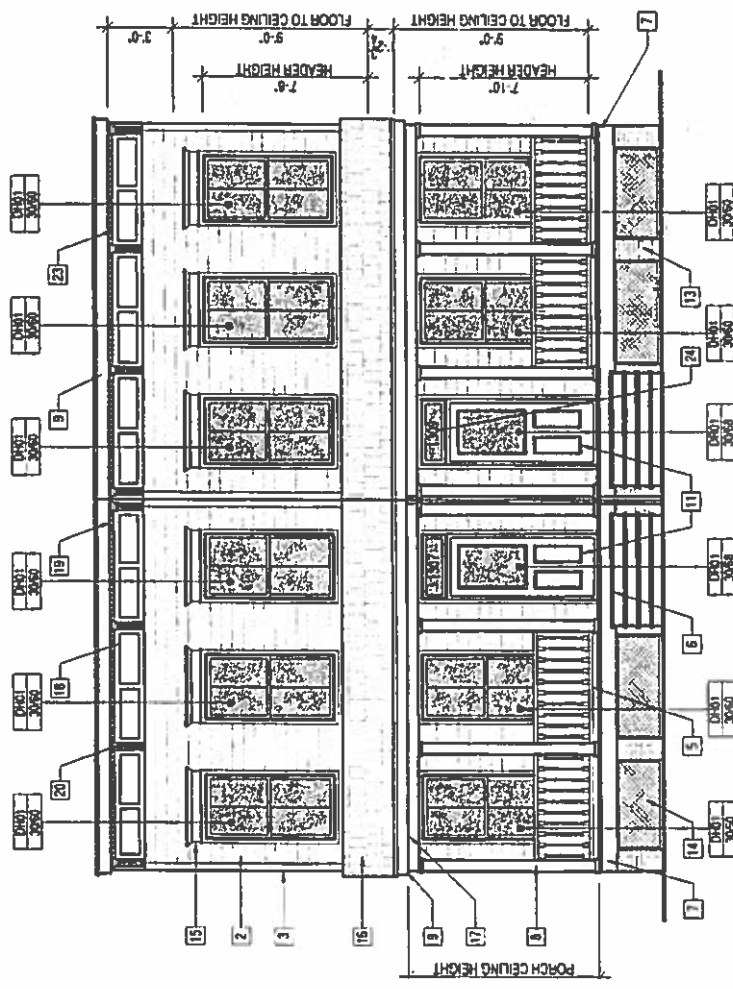
SECOND FLOOR PLAN



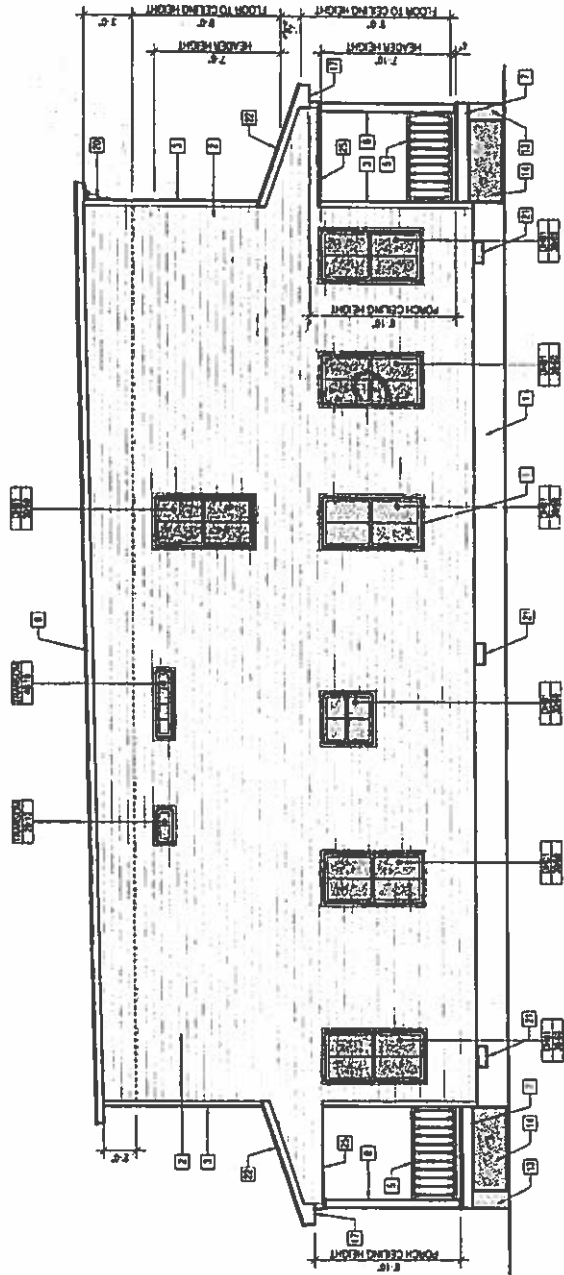
FIRST FLOOR PLAN



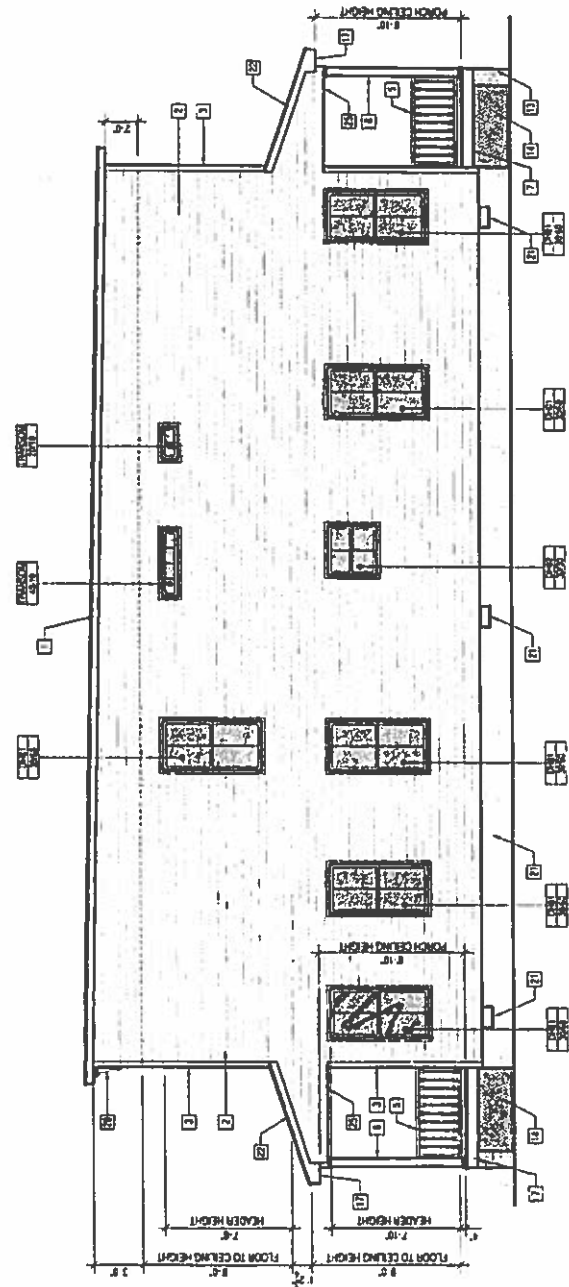
REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

Material Selection

For

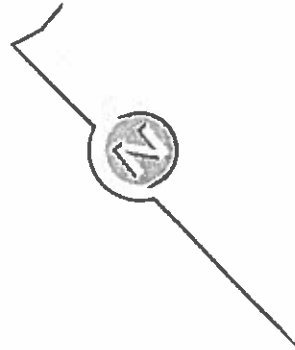
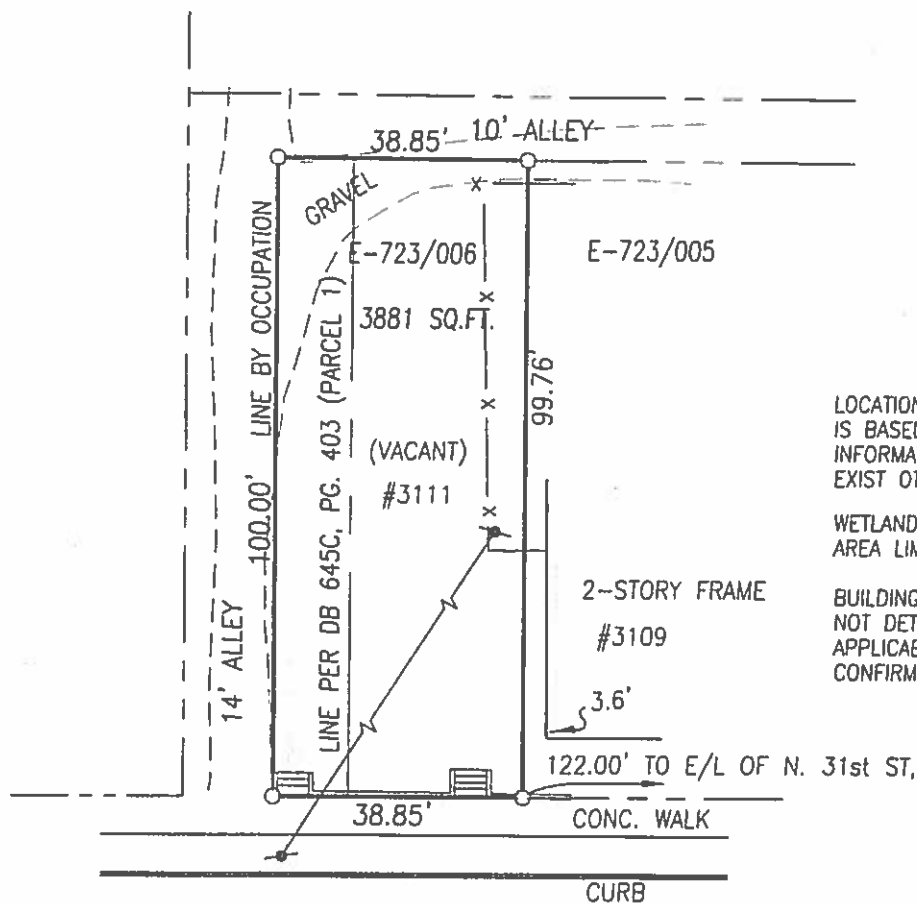
3111 Q St. Richmond Va.

Exterior walls: Hardie Plank

Windows: Vinyl Windows

Exterior porch: Truex Composite Decking for floors and steps.

Roof: Architectural Shingle



LOCATION OF U/G UTILITIES SHOWN ON THIS MAP IS BASED ON FIELD OBSERVATION AND RECORD INFORMATION. ADDITIONAL U/G UTILITIES MAY EXIST OTHER THAN THOSE SHOWN.

WETLANDS (IF ANY) AND RESOURCE PROTECTION AREA LIMITS ARE NOT SHOWN ON THIS SURVEY.

BUILDING SETBACKS OR OTHER ZONING CONDITIONS NOT DETERMINED FOR THIS MAP. COMPLIANCE WITH APPLICABLE ZONING ORDINANCES SHOULD BE CONFIRMED PRIOR TO CONSTRUCTION.

This plat was prepared without the benefit of a title report and may not, therefore, indicate all easements or conditions affecting subject property.

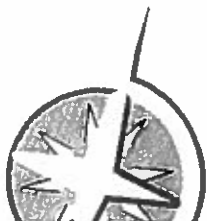
Q STREET



**SURVEY SHOWING IMPROVEMENTS
ON PROPERTY LOCATED AT
3111 Q STREET**

CITY OF RICHMOND, VIRGINIA

This is to certify that on 1/11/19
I made an accurate field survey of the premises shown
hereon, that all improvements and easements known or
visible are shown hereon, that there are no encroach-
ments by improvements either from adjoining premises
or from subject premises upon adjoining premises other
than as shown hereon.



Bruce Robertson Land Surveying, P.C.

P.O. Box 35311 Richmond, Virginia Phone/Fax (804)330-2801

Date: 1/15/19
Scale: 1"=30'

JN 19005