#### AN ORDINANCE No. 2021-326

To authorize the special use of the property known as 1807 Harwood Street for the purpose of up to three two-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

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PUBLIC HEARING: DEC 13 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 1807 Harwood Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of up to three two-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.1 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 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	DEC 13 2021	<b>REJECTED:</b>		STRICKEN:	

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 1807 Harwood Street and identified as Tax Parcel No. S007-1082/019 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Survey Plat Showing Existing Improvements to #1805 & 1807 Harwood Street, City of Richmond, Virginia," prepared by Shadrach & Associates LLC, and dated August 14, 2020, 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 three two-family detached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Duplex at 1805 & 1807 Harwood Street, Richmond, Virginia," prepared by Z.S. Becker Design, and dated January 26, 2021, and "Plat of Division of Tax Parcel S007-1082/019, Being #1805/1807 Harwood Street, City of Richmond, Virginia," prepared by Shadrach & Associates LLC, and dated March 9, 2021, and 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 three two-family detached dwellings, substantially as shown on the Plans.

- (b) No less than two off-street parking spaces per dwelling unit shall be provided, substantially as shown on the Plans.
- (c) All elevations and site improvements shall be substantially as shown on the Plans. Building siding shall consist of cementitious siding or similar material.
- (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) Prior to the issuance of a certificate of occupancy for the Special Use, the subdivision of up to three 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) 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, 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:

melin D. Riel

City Clerk



2021-465



# City of Richmond

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

### **Item Request**

File Number: PRE.2021.766

#### O & R Request

**DATE:** October 8, 2021 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: J.E. Lincoln Saunders, Acting Chief Administrative Officer THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning Kevin J. Vonck, Director, Department of Planning and Development Review FROM: RE: To authorize the special use of the property known as 1807 Harwood Street for the purpose of allowing three two-family detached dwellings, upon certain terms and conditions. ORD. OR RES. No. **PURPOSE:** To authorize the special use of the property known as 1807 Harwood Street for the purpose of

allowing three two-family detached dwellings, upon certain terms and conditions.

**REASON:** The subject property is located in the R-5 Single-Family Residential zoning district. detached dwellings are not permitted uses in this zoning district. In addition, the proposed new parcels do not meet all lot feature requirements of the zoning district. Therefore a special use permit amendment is 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 6, 2021 meeting.

**BACKGROUND:** The 18,960 square foot subject property is located near the corner of Harwood Street and East 18th Street. It is improved with a 2,082 square foot two-family home. It is located in the Oak Grove neighborhood and is within the boundary of the Oak Grove Civic Association.

The applicant proposed to subdivide the property into three parcels that are each 40 feet wide and contain 6,319

File Number: PRE.2021.766

square feet. The existing two-family structure shall remain and two new two-family dwelling shall be built on the newly created parcels located to the east and west. As proposed, the new structures shall be built in compliance with the Americans with Disabilities Act (ADA) standards.

The Richmond 300 Master Plan recommends Residential Uses for the Property. The development style in this designation calls for houses on medium-sized and large-sized lots in a largely auto-dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings.

**Intensity:** Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

**Primary Uses:** Single-family houses, accessory dwelling units, and open space.

**Secondary Uses:** Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural.

The existing two-story structure will be renovated retaining its current design. The new structures are complementary to the surrounding dwellings on the block and in the neighborhood. Several homes on the street have retrofitted accessibility ramps providing front door access. The proposed new structures shall be built at grade and will not require access ramps. The net density of the two-family attached structure is approximately 7 units per acre.

All properties surrounding the subject property are located within the same R-5 Single-Family Residential zoning district. Within the area of the subject property, properties are improved with single-family and two-family attached dwellings. There are also five structures built as duplexes and still retain this use.

**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 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: December 13, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

File Number: PRE.2021.766

# **CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission

December 6, 2021

**AFFECTED AGENCIES:** Office of Chief Administration Officer

Law Department (for review of draft ordinance

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

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

**ATTACHMENTS:** Draft Ordinance, Application and Narrative, Plans, Survey, Map

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



### 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	2/20/2021
Property Address: 1805 & 1807 Harwood Street	Date <u>:</u> 3/29/2021
Tax Map #: S007-1082/019 Fee: \$300 Total area of affected site in acres: 0.435	
Total alea of affected site in acres.	
(See <i>page 6</i> for fee schedule, please make check payable to the "City of	Richmond")
Zoning	
Current Zoning: R-5	
Existing Use: Two-family	
Dranged Use	
Proposed Use (Please include a detailed description of the proposed use in the required To construct two (2) handicap accesible duplexes	applicant's report)
Existing Use: One duplex	
Is this property subject to any previous land use cases?	
Yes No	
x If <b>Yes</b> , please list the Ordinance Number:	
Applicant/Contact Person: Zeb Becker	
Company: Semper Ubique LLC	
Mailing Address: 1836 Thomas Street	
City: Richmond	State: VA Zip Code: 23220
Telephone: _(	Fax: _()
Email: zebbecker@outlook.com	
Property Owner: Semper Ubique LLC	
If Business Entity, name and title of authorized signee: Zeb.	Recker Owner
The business Entity, name and title of dathorized signee. <u>260</u> .	beeker, Owner
(The person or persons executing or attesting the execution of this Applic she has or have been duly authorized and empowered to so execute or at	
Mailing Address: _1836 Thomas Street	
City: Richmond	State: VA Zip Code: 23220
Telephone: _(703 ) 853-0956	Fax: _()
Email: zebbecker@outlook.com	
Property Owner Signature:	

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

2/1/2021

Special Use Permit Request 1805 & 1807 Harwood Street, Richmond, Virginia Map Reference Number: S007-1082/019

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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: Zeb Becker

1805 Harwood Street

Richmond, Virginia 23224

# Introduction

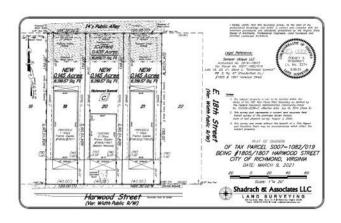
#### **Project Summary**

The property owner requests a special use permit ("SUP") for 1805 & 1807 Harwood Street (the "Property"). This SUP would authorize the construction of two handicap accessible detached duplexes (two-family dwellings) and accessory parking spaces.

### **Purpose of Request**

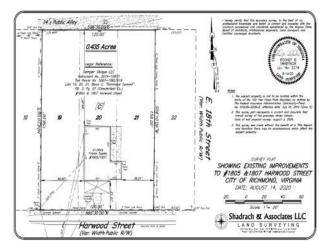
R-5 Single-Family Residential Districts stipulate the construction of single-family homes, with a lot width

of 50'+. An SUP is required to permit the proposed nonconforming dwelling type, as well as their 40' lot widths.



# **Project Details**

### Existing Conditions - Site Description, Land Use, and Zoning



The Property is located on the northern side of Harwood Street, one house removed from the intersection of Harwood and East 18<sup>th</sup> Street. The 18,960 square foot (0.435 acre) parcel is comprised of three lots of record, and is thus noticeably larger than abutting parcels. Each lot has 40' of street frontage, giving the parcel a total width of 120', and 158' of

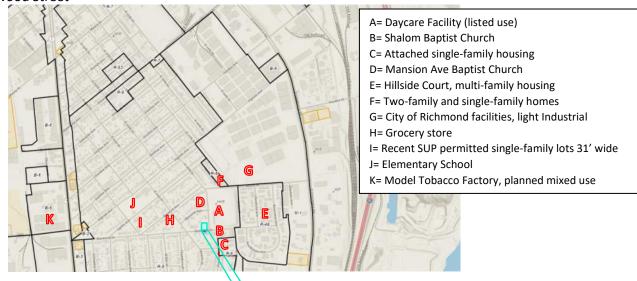
depth. A public alley creates the Property's rear border.

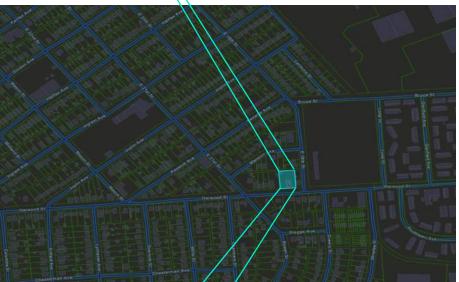
The subdivision platt indicates the neighborhood was originally divided into 40' lots (and was a part of Chesterfield County before it was annexed by the City of Richmond). Currently, most existing neighboring structures sit on these 40' lots.

An existing two-family dwelling stands primarily on the middle lot, with an addition which spills over onto the east lot of record.



Applicant's Report 1805 & 1807 Harwood Street





1808 & 1810 Mansion, existing duplex









1815 & 1813 Harwood, an existing duplex next door

1805 & 1807 Harwood, Property's existing duplex

As pictured above, two-family houses already stand adjacent and behind the Property's existing duplex, these are in addition to the duplex that stands at 2301 Harwood Street. Multifamily housing, single-family attached housing, and mixed use properties lay in close proximity to the Property.

### **Proposal**

To construct two handicap accessible duplexes - one on the west lot and the other on the east - as well as accessory parking spaces. The current duplex's addition would be demolished, as it crosses into the east lot.

The proposed duplexes would read as a one-story, single-family, bungalows from the street, as to complement the neighborhood's existing architectural style. Blending with nearby houses, each duplex would have two dwelling units, with the first unit facing the street, and its second facing the alley. Each unit would have three bedrooms, one bathroom, and open concept-living space for a total of 936 square feet of enclosed space per dwelling unit, or 1,872 square feet per duplex.

This would be in conformance with the R-5's 35% lot coverage limit, as the lots exceed R-5's required minimum 6,000 square feet. While the lots would be narrower than R-5 zoning stipulates, they would match the width of surrounding lots, creating a more uniform in-fill. The new duplexes would have side yards of 7', and the existing duplex would have side yards of roughly 6'.

Each duplex would have a covered front and back porch, one for each of the dwelling units. The front porches would be aligned and sized to match the existing duplex's front porch. Both structures would be clad in fiber cement siding (HardiePlank). Up to four alley accessible parking spaces would be placed behind each structure; ensuring that street parking does not become scarce. Fencing around the property line will help promote privacy, and will serve as a convenience for those with service animals.

The new duplexes would be handicap accessible for residents who use a wheelchair. This will require ramps leading up to the porches, wide doors with low handles, low countertops, low cabinets/storage spaces, open space under sinks, rails and handholds around the toilet, and special shower considerations.

Three Tree wells will be planted according to Department of Public Works specifications. The roots of an existing street tree on the Property's fourth tree well will have its roots protected via the installation of root protective fencing.

### Master Plan Designation

The Master Plan recommends "Residential" for the Property. This SUP may support a few of the five "topic areas" under which the Master Plan groups its goals.

- Inclusive Housing: The flexibility of the constructed duplexes to house wheelchair-users provides an opportunity to diversify the neighborhood by potentially allowing the differently-abled to live a more independent lifestyle, and/or by accommodating the elderly who wish to age in place. The new dwellings could also add to the neighborhood's income mix, as newer construction may attract those with a higher income.
- High-Quality Places: Building on lots of record to put structures at even intervals gives the community a more "complete" feeling, and recognizes that the majority of opportunities for

new development are located in the context of existing neighborhoods. Additionally, new construction techniques and materials make for safe, efficient, and high-quality structures.

• Equitable Transportation: The Property is one block from a bus stop, and conveniently located within a quarter mile of an elementary school, a grocery store, a convenience store, and a few churches. This positioning could significantly reduce the residents' dependence on car travel.

# **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 SUP 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 SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation and addition of off-street parking spaces for each of the 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 SUP 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 SUP would not adversely affect the above referenced City services.

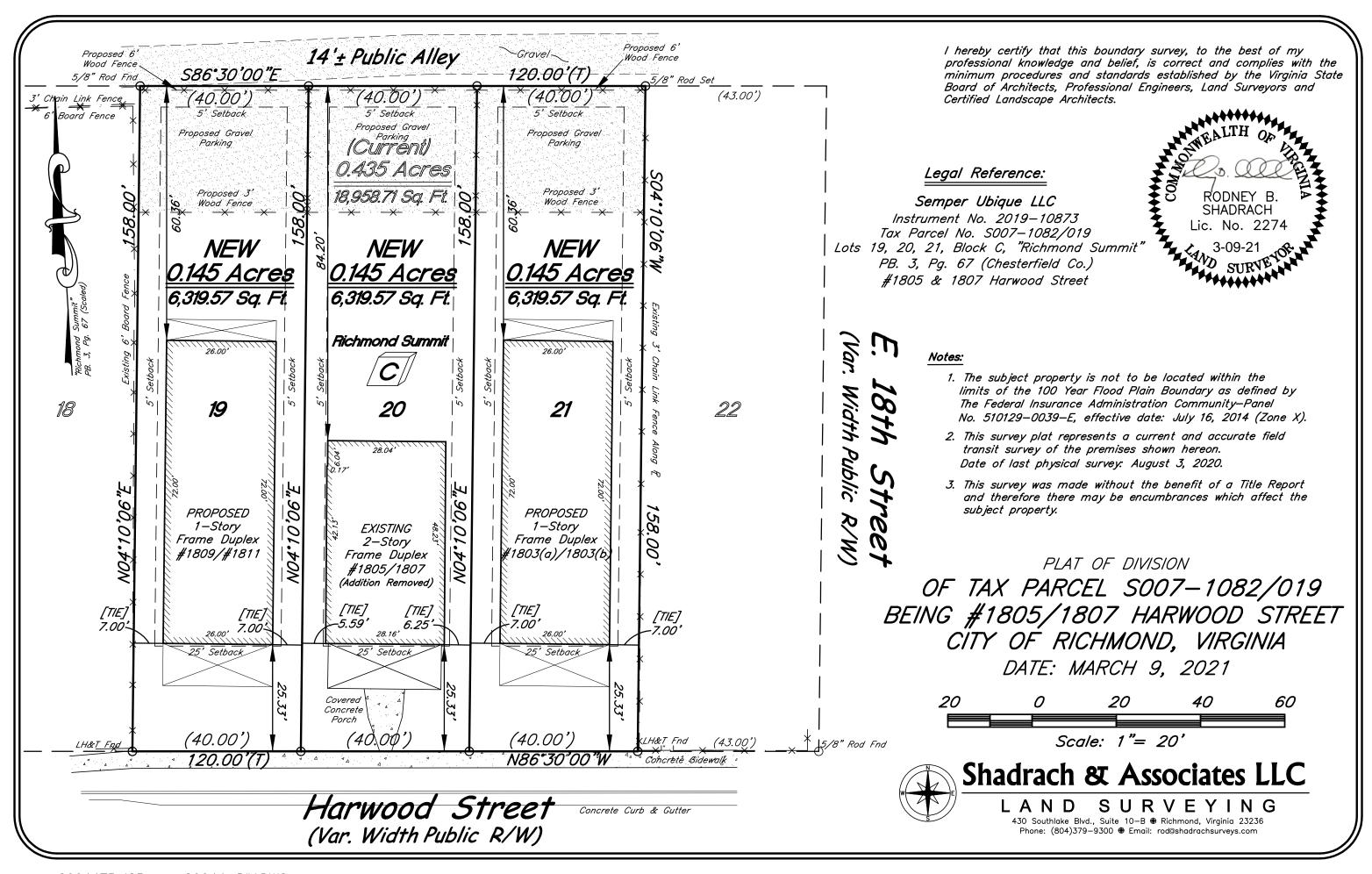
#### Interfere with adequate light and air.

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

We are enthusiastically seeking approval for the construction of the proposed two duplexes. The buildings were thoughtfully designed in order to provide appropriate, high-quality, infill development. The request offers compatibility with the spirit of the Master Plan in terms of use. The Master Plan projects Richmond will need between 4,788-27,086 multi-family units by the end of 2037. This range creates a need for the construction of between 0.8-4.4 new multi-family units each day for the roughly 6,100 days we have until then. Approving this SUP would contribute to the ongoing revitalization of the neighborhood, improve the Property, and provide desirable new housing options. We hope to soon join our neighbors in building and beautifying!



## **DUPLEX AT**

# **1805 & 1807 Harwood Street**

Richmond, Virginia

#### SCOPE OF WORK

Construction of two new duplexes flanking an existing duplex.

#### PROJECT INFO

Owner: Zeb Becker

Zoning District: R-5 - Residential (Single Family) Existing

Use: Two-family Residence

Proposed Use: Addition of two new duplexes

Site Area: 18,960 Square Feet

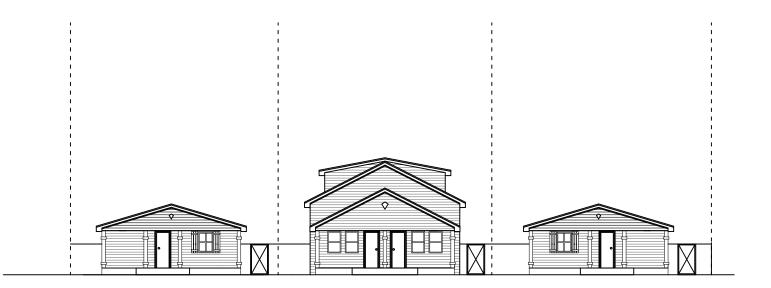
#### **CONTENT LIST**

SUP **COVER SHEET** 

SITE PLAN SUP1

SUP2 FLOOR PLANS

SUP3 **ELEVATIONS** 







**VICINITY MAP** NTS

REVISIONS

RICHMOND, VA23230

1807 Hardwwod Street DUPLEX ∞ 805

SHEETTITLE

DESIGN

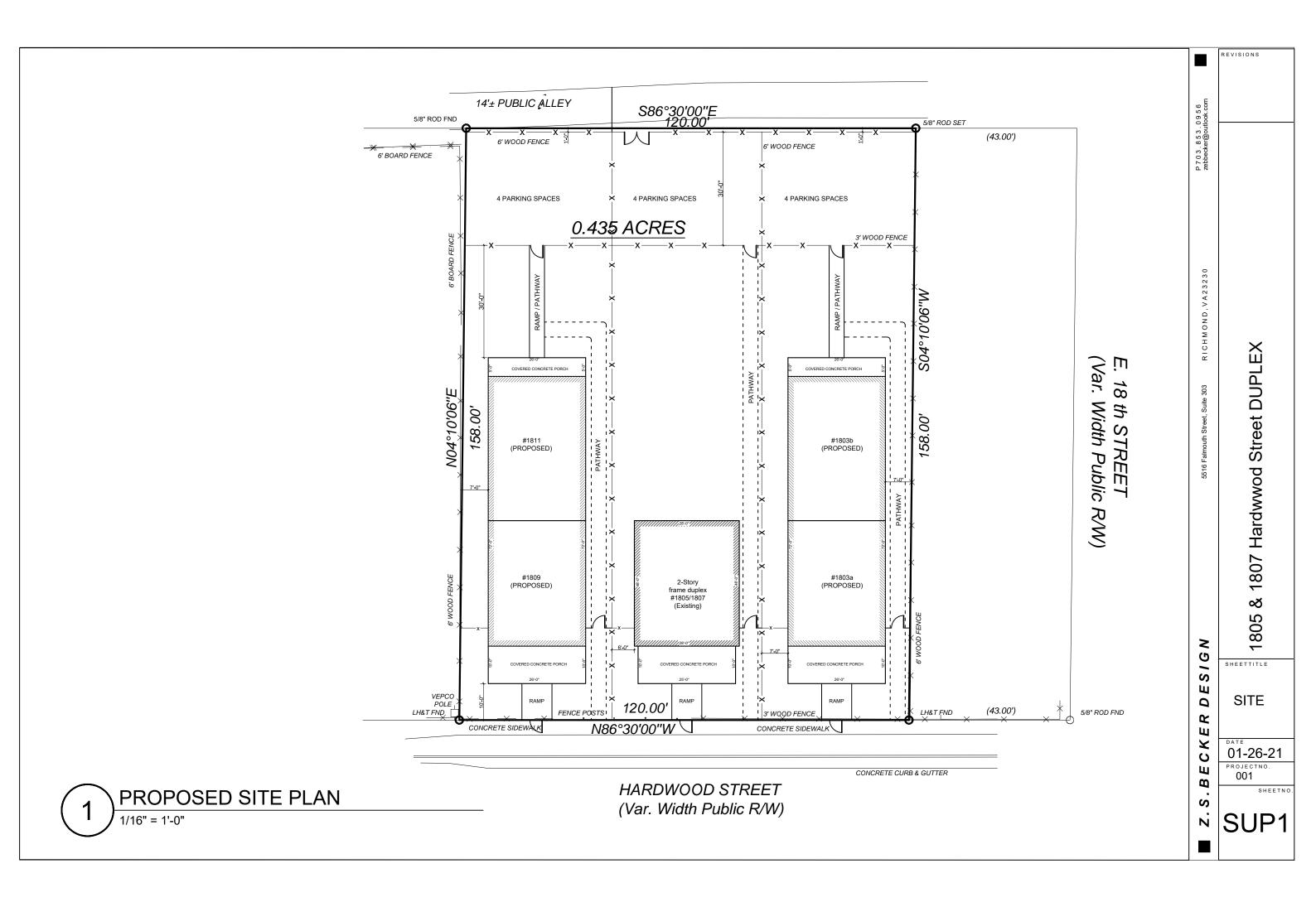
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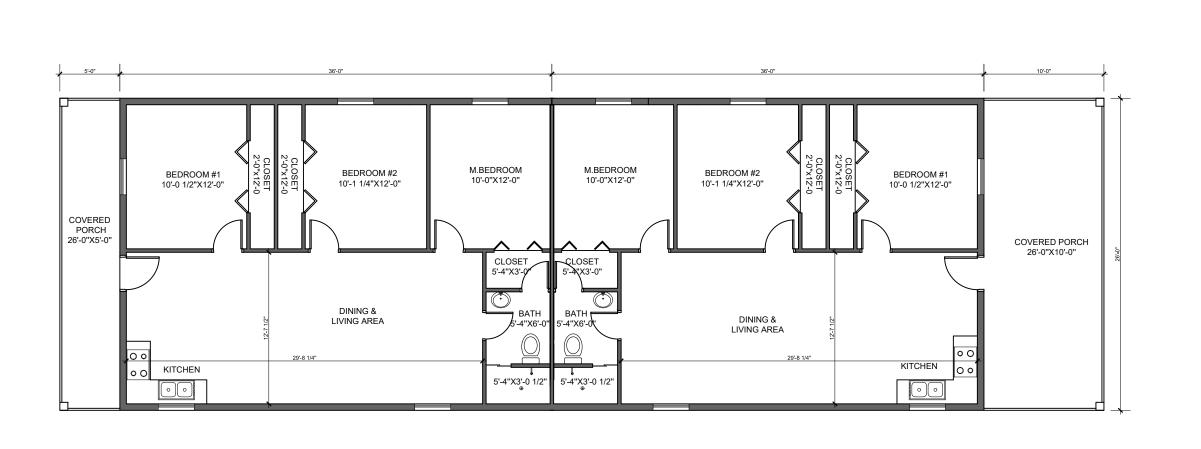
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ECKER 01-26-21 PROJECTNO

SHEETNO







FLOOR LAYOUT PLAN

1805 & 1807 Hardwwod Street DUPLEX

REVISIONS

RICHMOND, VA23230

5516 Falmouth Street, Suite 303

ECKER DESIGN

Z.S

FLOOR PLAN

DATE 01-26-21

PROJECTNO. 001

SUP2

SHEETNO.



