### INTRODUCED: March 14, 2022

### AN ORDINANCE No. 2022-096

To authorize the special use of the property known as 1403 1/2 Spotsylvania Street for the purpose of two single-family attached dwellings with off-street parking, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: APR 11 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 1403 1/2 Spotsylvania Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of two single-family attached dwellings with off-street parking, which use, among other things, is not currently allowed by section 30-412.4(2)(c), concerning unit 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	APR 11 2022	<b>REJECTED</b> :		STRICKEN:	
-				-	

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 1403 1/2 Spotsylvania Street and identified as Tax Parcel No. E000-0608/015 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled "Survey and Plat of The Property Known as #1403 1/2 Spotsylvania Street in the City of Richmond, VA," prepared by Davison Land Surveying and Mapping, and dated May 25, 2021, 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 single-family attached dwellings with off-street parking, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Building Permit Plat for The Property Known as #1403 1/2 Spotsylvania Street in the City of Richmond, VA," prepared by Davison Land Surveying and Mapping, and dated August 27, 2021, and "1405 Spotsylvania Street, Two Single-Family Attached Dwellings," prepared by Unlimited Renovations LLC, dated August 2018, and last revised January 21, 2022, 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 a two single-family attached dwellings with off-street parking, substantially as shown on the Plans.

(b) No less than two off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements 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) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.

(f) Prior to the issuance of a certificate of occupancy for the Special Use, the establishment of 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 a new sidewalk, 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 (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: Andin D. Ril

**City Clerk** 

RECEIVED By City Attorney's Office at 8:22 am, Feb 23, 2022 RECEIVED By CAO Office at 11:15 am, Feb 01, 2022

2022-029

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

**EDITION:**1

STOF RICHAROS

# **City of Richmond**

Item Request File Number: PRE.2022.0006

## O & R Request

**DATE:** January 31, 2022

- **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, Chief Administrative Officer

- **THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and lanning
- FROM: Kevin J. Vonck, Director, Department of Planning and Development Review King Vonck
- **RE:** To authorize the special use of the property known as 1403<sup>1</sup>/<sub>2</sub> Spotsylvania Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

**PURPOSE:** To authorize the special use of the property known as 1403<sup>1</sup>/<sub>2</sub> Spotsylvania Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

**REASON:** The subject property is located in the R-6 Single-family Attached Residential zoning district. Single-family attached dwellings are permitted uses in this zoning district. However not all lot features of the zoning district can be met as proposed. Therefore a special use permit has been requested.

**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 March 21, 2022 meeting.

**BACKGROUND:** The vacant subject property is located on the eastern side of Spotsylvania Street between Littlepage and Redd Streets, and an alley runs along the rear. It has 37 linear feet of street frontage, a depth of 134 feet for a total of 4,757 square feet.

The lot pattern in the vicinity varies but is generally composed of characteristically narrow urban lots. The block contains 21 lots of which nine are vacant. The improved properties contain a mix of single and two-family attached and detached dwellings.

Properties to the north and east generally contain single-family dwellings. To the west lie two large, multifamily dwellings, Oliver Crossing and Mosby Court. To the south, across Littlepage Street is Mosby Middle School.

The Richmond 300 Master Plan recommends Neighborhood Mixed Uses for the Property. Primary uses include Single-family houses accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

**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:** February 28, 2022

CITY COUNCIL PUBLIC HEARING DATE: March 21, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

#### **CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission March 14, 2022

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 Form, Applicant's Report, Survey, Plans, Map

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

RICHMOND	Application for SPECIAL USE PERMIT Department of Planning and Development Review Land Use Administration Divisio 900 E. Broad Street, Room S Richmond, Virginia 2321 (804) 646-630 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: 1403 1/2 Spotsylvania Street	Date: 08/30/2021
ax Map #: E0000608015 Fee: \$300	
otal area of affected site in acres: 0.109	
See page 6 for fee schedule, please make check payable to the "City	of Richmond")
Ioning	
Current Zoning: R-6	
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Proposed Use Please include a detailed description of the proposed use in the require	ed applicant's report)
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SUP Application | Last Revised September 7, 2018 | CITY OF RICHMOND 1

# **APPLICANT'S REPORT**

August 30, 2021

Special Use Permit Request 1403.5 Spotsylvania Street, Richmond, Virginia Map Reference Number: E000-0608/015

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:	Mark Baker		
	Baker Development Resources		
	530 East Main Street, Suite 730		
	Richmond, VA 23219		

# Introduction

The applicant is requesting a special use permit (the "SUP") for the property known as 1403.5 Spotsylvania Street (the "Property"). The SUP would authorize the construction of two (2) single-family attached dwellings. While the single-family attached use is permitted by the underlying R-6 Single Family Attached Residential zoning district, some of the applicable feature requirements cannot be met, and therefore, the SUP is required.

# **Existing Conditions**

## SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the east side of Spotsylvania Street between Littlepage and Redd Streets. It is referenced by the City Assessor with a tax parcel number of E000-0608/015 and is approximately 37 feet in width and 134 feet in depth. The Property is currently vacant though a front retaining wall with two sets of stairs remains from a previous pair of attached dwellings on the Property. Access is provided at the rear by means of a north-south alley.



The lot pattern in the vicinity varies but is generally composed of characteristically narrow urban lots. At 37 feet in width, the Property is wider than all other lots in the block with the exception of the Property at 1400 Spotsylvania Street which is occupied by the Faith Covenant Christian Fellowship Church. Of the 21 lots located in the block, 9 are currently vacant. The other properties are occupied with single-family attached and detached dwellings, a two-family detached dwelling, and the previously mentioned church. Properties to the north and east generally contain single-family dwellings. To the west lie two large, multifamily dwellings, Oliver Crossing and Mosby Court. To the south, across Littlepage Street is Mosby Middle School. Transit access is provided to the area by GRTC bus lines number 5 and 39.

### EXISTING ZONING

The Property and properties to the north are zoned R-6 Single-Family Attached Residential, which permits single-family attached dwellings. A considerable number of properties in the immediate vicinity do not conform to the R-6 feature requirements such as lot area, lot width, and setbacks. To the rear of the Property lies a B-2 zoning district at the intersection of Mechanicsville Turnpike and Fairmount Avenue. To the south and west lies an R-53 Multifamily Residential district.

### MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Neighborhood Mixed-Use" for the Property. This land use category is described as "existing or new highly-walkable urban neighborhoods that are predominantly residential." The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. Single-family dwellings are a primary use in the Neighborhood Mixed-Use designations which also encourages that developments reinforce a gridded street pattern to increase connectivity. Single-family dwellings are the contemplated primary use in the Residential future land use designation (p. 54).

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. In the High-Quality Places chapter, there are number of supporting objectives, such as (generally):

- Ensure that building materials are durable, sustainable, and create a lasting addition to the built environment, and provide maximum adaptability for environmental change, change of use, and efficiency.
- Allow and encourage a variety of architectural styles.
- Implement urban design and architecture strategies that maintain and enhance the unique character of Richmond's residential districts.

# Proposal

## PURPOSE OF REQUEST

The SUP would permit the division of the Property into two lots known as 1403.5 and 1405 Spotsylvania Street and the construction of two single-family attached dwellings. The two new dwellings would be located on lots that would each be 18.03 feet in width and contain approximately 2,338 and 2,395 square feet of lot area. While this configuration is consistent with historic development of the Property and the existing parcels within the neighborhood, the proposed lot widths do not permit the proposed dwellings to meet the R-6 District attached dwelling width requirements, and therefore, a SUP is required. All other aspects of the underlying zoning requirements will be met including the provision for off-street parking.

### PROJECT DETAILS/DESIGN

The proposed dwellings would each be approximately 15 feet in width, 54 feet in depth, and two stories in height. They would include approximately 1,620 square feet of finished floor area and consist of three bedrooms and three bathrooms. The dwellings would be of a traditional urban design with Italianate features that are consistent with the architectural character found in the older homes within the neighborhood. The proposed floor plans are modern and efficient, and designed to be meet the needs of the market. The new dwellings include bedrooms with en-suite bathrooms and large closets. Full-width front porches are also proposed for each dwelling along with two off-street parking spaces for each dwelling accessible from the rear alley.

# **Findings of Fact**

The following are factors indicated in Section 17.11 of the Charter and Section 30-1050.1 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 off-street parking space for the dwellings 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 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.

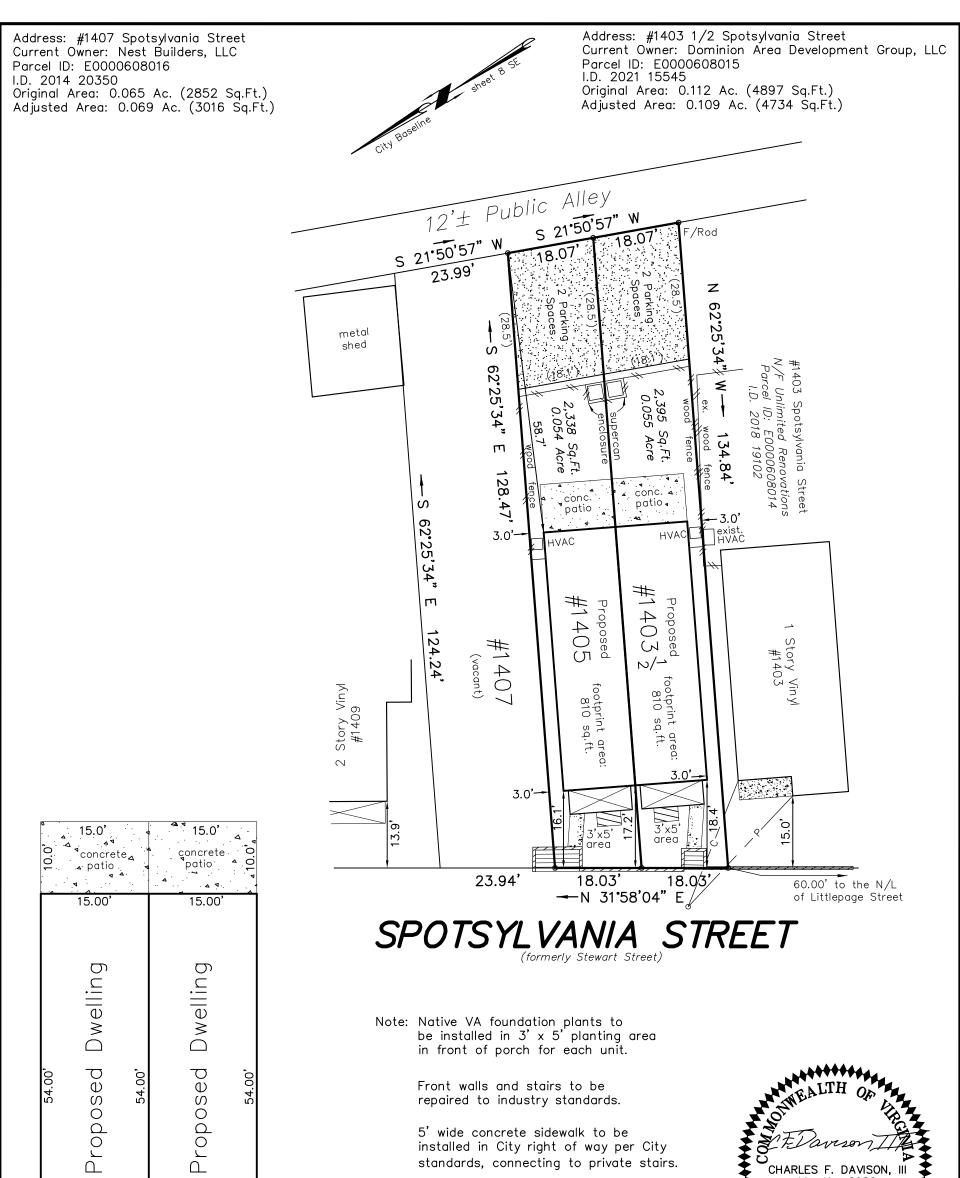
The proposed SUP would not adversely affect the above referenced City services.

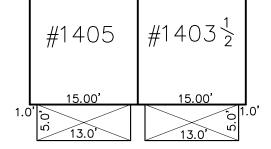
• Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity and normal side yard setbacks would be met. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

## **Summary**

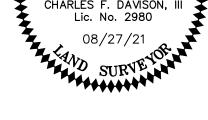
In summary we are enthusiastically seeking approval for the construction of two single-family attached dwellings on the Property. The SUP represents an ideal, small-scale urban infill development for this location that is mindful of its surroundings. These dwellings provide new housing opportunities for the neighborhood which are consistent with the goals of the new Richmond 300 Master Plan. In exchange for the SUP, the quality assurances conditioned therein would guarantee the construction of two quality residences consistent with Master Plan guidance.





House Detail (not to scale)

3'x 8' supercan area near parking to have wooden screening matching fences.



## Building Permit Plat for The Property Known as #1403 1/2 Spotsylvania Street in the City of Richmond, VA

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE <u>X</u> of the Flood Insurance Rate Map, Community Panel No. <u>510129 0041E</u> effective date of <u>07/16/14</u> Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property SNOT in a Special Flood Argon <u>IS NOT</u> in a Special Flood Hazard Area.



DAVISON LAND SURVEYING AND MAPPING

8306 Longlands Pl.

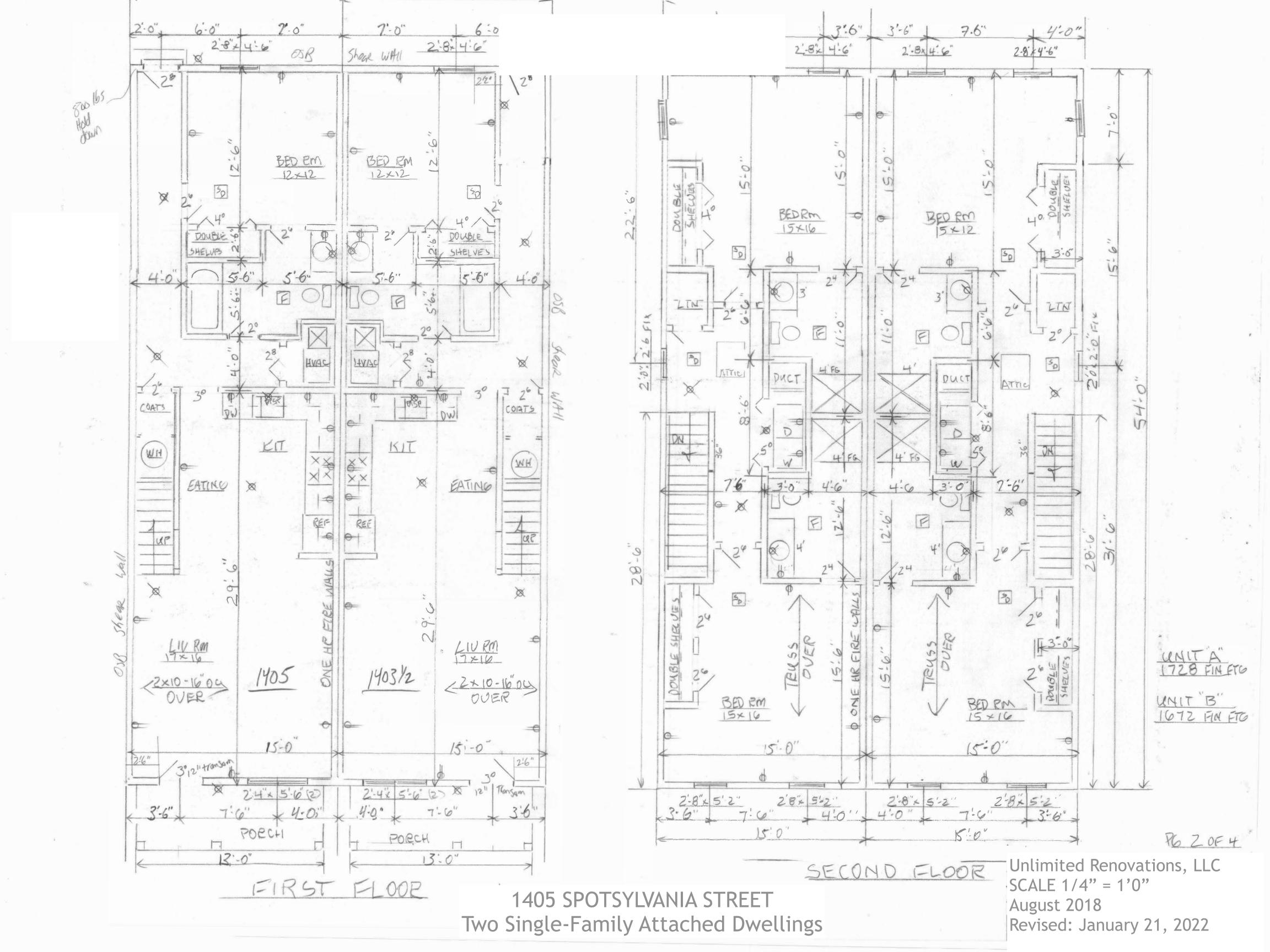
Chesterfield, Virginia 23832

(804)314-7441 davisonlandsurveying@gmail.com SCALE: 1"=20'

DATE: 08/27/21

JN: 21-133

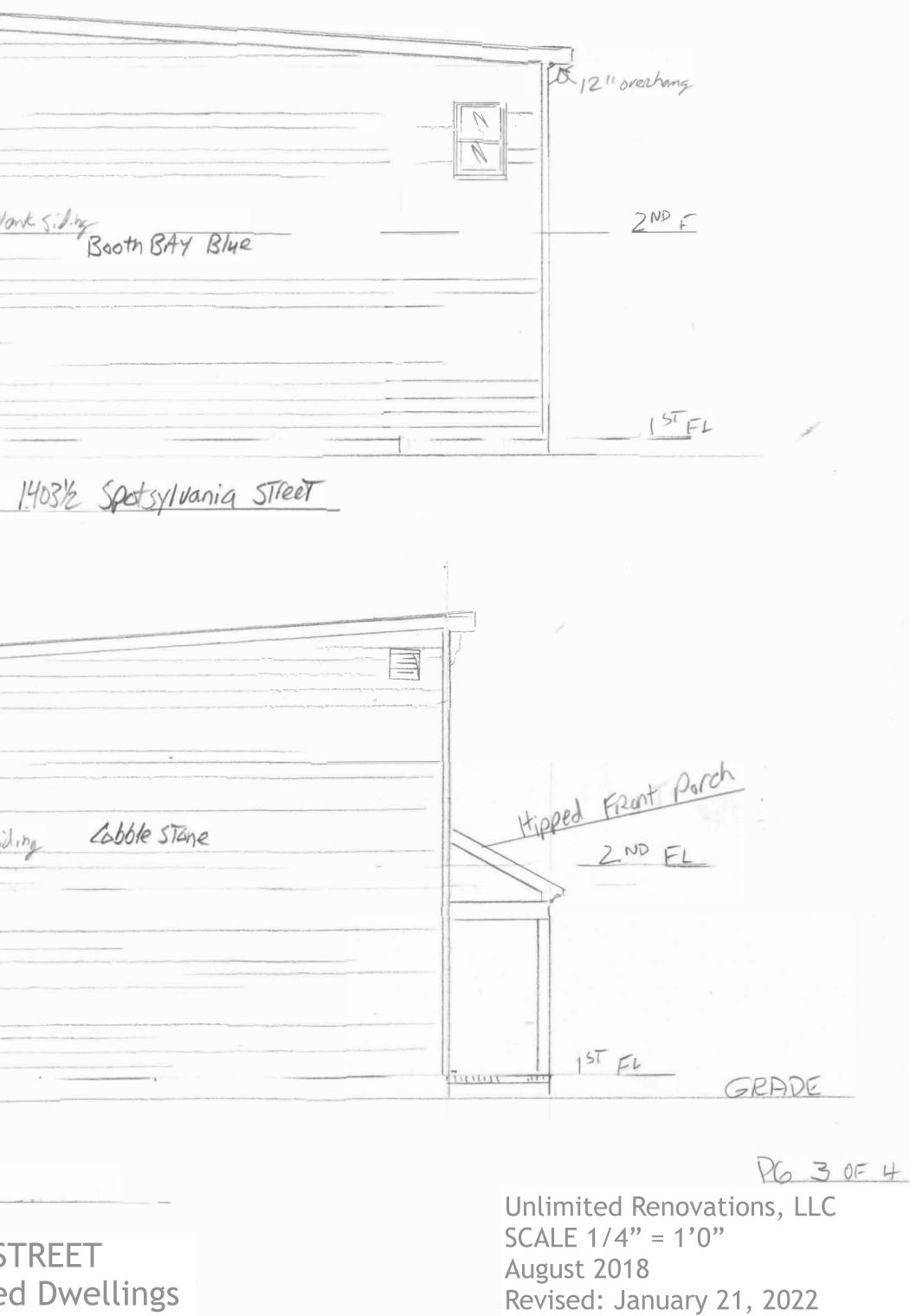


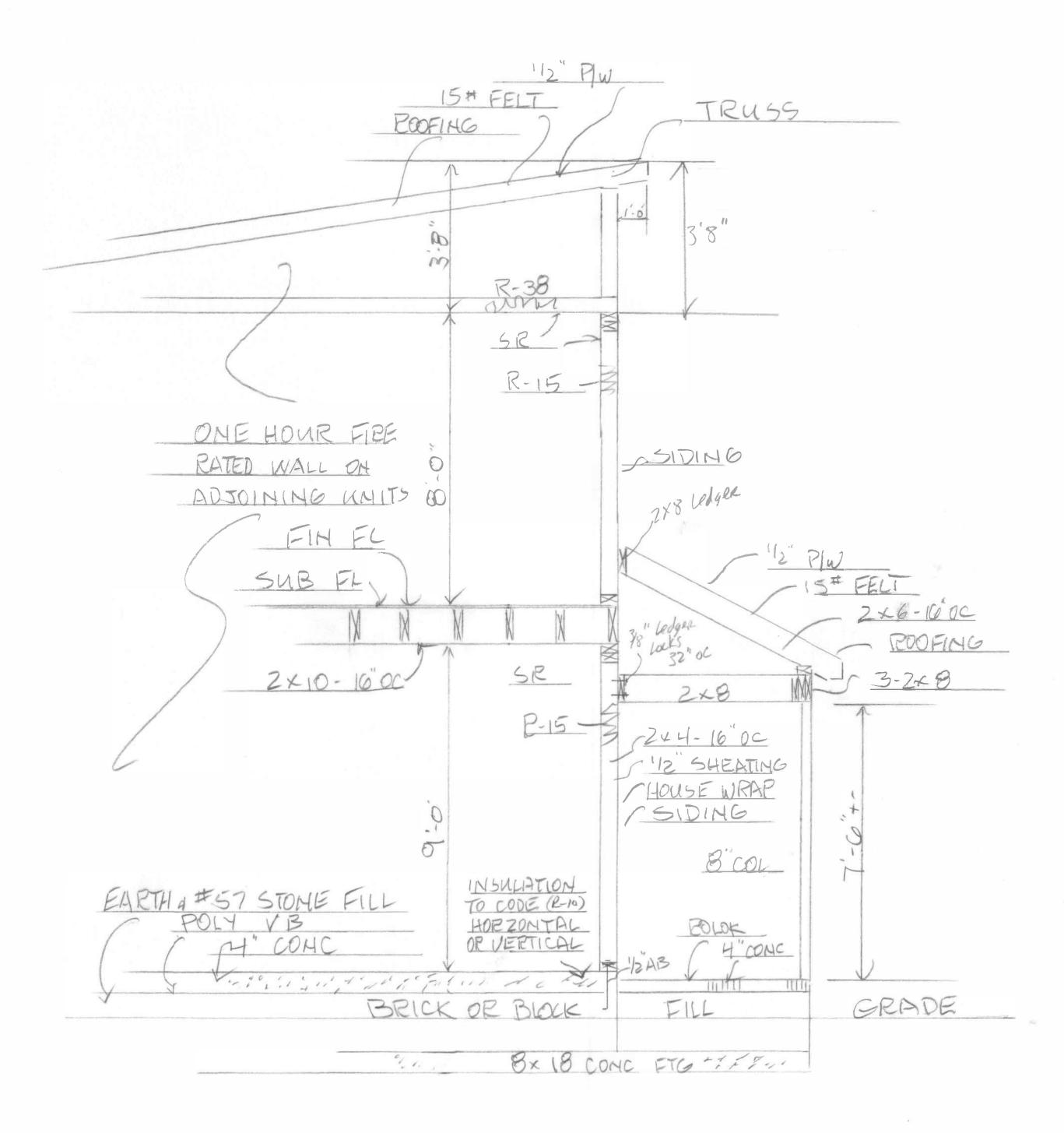


	Y/I	
		Hard: plan
		RIGHT SIDE
	8	TPO
		Hardiplank sid
1.1		
		a yana kanan tang mangan yang mangan kanan ka

LEFT SIDE

1405 SPOTSYLVANIA STREET Two Single-Family Attached Dwellings





WALL SECTION (SLAB)

1405 SPOTSYLVANIA STREET Two Single-Family Attached Dwellings

PG-40F4

Unlimited Renovations, LLC SCALE 1/4" = 1'0" August 2018 Revised: January 21, 2022

