#### INTRODUCED: April 11, 2022

#### AN ORDINANCE No. 2022-120

To amend Ord. No. 2020-042, adopted Mar. 9, 2020, which authorized the special use of the property known as 1111 North 32<sup>nd</sup> 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: MAY 9 2022 AT 6 P.M.

I. That Ordinance No. 2020-042, adopted March 9, 2020, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the property known as 1111 North 32<sup>nd</sup> 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, is not currently allowed by section 30-412.4, concerning lot area and width, density, and unit width, of the Code of the City of Richmond [(2015)] (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond [(2019)] (2020), as amended, it has been made to appear that, if granted subject to the terms and

	-	NOES:	0	ABSTAIN:
ADOPTED: M	AY 9 2022	REJECTED:		STRICKEN:

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 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)] (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 1111 North 32<sup>nd</sup> Street and identified as Tax Parcel No. E000-0803/026 in the [2020] 2022 records of the City Assessor, being more particularly shown on a survey entitled "Survey Showing Improvements on Property Located at 1111 North 32<sup>nd</sup> Street, City of Richmond, Virginia," prepared by Bruce Robertson Land Surveying, P.C., and dated January 31, 2019, 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 a two-family detached dwelling, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1111 N 32<sup>nd</sup> Street Duplex, Richmond, Virginia 23223," prepared by Penn & Co., dated August 4, 2019, and last revised August 10, 2019, on a sheet entitled "Material Selection for 1111 N. 32th street [sic]," prepared by an unknown preparer, and undated, and on [a survey] surveys entitled "Survey Showing Improvements on Property Located at 1111 North 32<sup>nd</sup> Street, City of Richmond, Virginia," prepared by Bruce Robertson Land Surveying, P.C., and dated January 31, 2019, and entitled "Survey Showing Improvements on Property Located at 1111 North 32<sup>nd</sup> Street, City of Richmond, Virginia," prepared by Bruce Robertson Land Surveying, P.C., and dated November 24, 2021, hereinafter referred to collectively as "the Plans," copies of which are attached to and made a part of this amendatory 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

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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-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) Two off-street parking spaces shall be provided on the Property to the rear of the proposed dwelling.

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

(d) All building materials, elevations, and setbacks shall be substantially as shown on the Plans.

§ 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.

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(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)] (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 street tree along North 32<sup>nd</sup> 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 that such improvements and work are in accordance with such requirements, (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 are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

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§ 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)] (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 [(2015)] (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 [(2015)] (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.
- II. This amendatory ordinance shall be in force and effect upon adoption.

**A TRUE COPY:** TESTE: Janlin D. Ril

**City Clerk** 





# **City of Richmond**

Item Request File Number: PRE.2022.0092

#### **RECEIVED** By CAO Office at 1:46 pm, Mar 15, 2022 2022-059

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

### O & R Request

**DATE:** March 14, 2022

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, Chief Administrative Officer /
- THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning
- **FROM:** Kevin J. Vonck, Director, Department of Planning and Development Review (1)
- **RE:** To amend Ord. No. 2020-042 authorizing the special use of the property known as 1111 North 32nd Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.
- ORD. OR RES. No.

**PURPOSE:** To amend Ord. No. 2020-042 authorizing the special use of the property known as 1111 North 32nd Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

**REASON:** On March 9, 2020 City Council adopted Ord.2020-042 authorizing the special use of the property known as 1111 32nd Street for the purpose of a two-family detached dwelling. The structure was placed and constructed closer to the front property line than authorized by the approved plan. In order to receive a certificate of use and occupancy, the applicant requests a modification of the ordinance to include a site plan reflective of the completed project.

**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 May 2, 2022 meeting.

**BACKGROUND:** The subject property consists of a 4,030 SF parcel of land and is vacant. It is located in the Church Hill North Neighborhood within the City's East Planning District, midblock of North 32 Street between Q and R Streets.

The Richmond 300 Master Plan designates the subject property for Neighborhood Mixed-Uses. Primary uses in this category are single-family houses, accessory dwelling units, duplexes, small multi-family buildings and open space.

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:** The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

#### BUDGET AMENDMENT NECESSARY: No

**REVENUE TO CITY:** \$200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** April 11, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** May 9, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

### **CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission May 2, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amend Ord. No. 2020-042

**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

RICHMOND	Application for SPECIAL USE PERMIT Department of Planning and Development Review Land Use Administration Divisio 900 E. Broad Street, Room 5 Richmond, Virginia 2321 (804) 646-630 http://www.richmondgov.com
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Application is hereby submitted for: (check one) <b>Special use permit, new</b>	
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special use permit, text only amendment	
	12273
Project Name/Location Property Address: 111 N. 32 ND ST. RK Tax Map #: Ecoco \$03026 Fee:	CHMOND VA . Date: 1-12-22
Total area of affected site in acres: 4030 50	O EL.
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See <b>page 6</b> for fee schedule, please make check payable to the " <b>Ci</b>	ity of Richmond")
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NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

SUP Application | Last Revised September 7, 2018 | CITY OF RICHMOND 1

# **APPLICANT'S NARRATIVE**

# FOR

1111 N 32 Nd St, Richmond Va.

Map Reference No: E0000803026

## Submitted to City of Richmond

Department of planning and development review

Land use administration

900 east broad St. Suite 511

Richmond Va. 23219

## Submitted by: Royal Ventures LLC.

2307 Victoria crossing la.

Midlothian va. 23113

#### **EXISTING CONDITIONS**

#### SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the east side of north 32 Nd street between Q and R street.

The subject property is referenced by the city assessor as tax recorded E0000803026  $\,$ . The property is a vacant that is roughly 32.5 wide by 124.06 depth and contain approximately 4,040 square ft. Of lot area. The lot is relatively flat and is afforded access in the rear by means of north south alley running parallel between  $32^{nd}$  and  $33^{rd}$  streets.

#### **EXISTING ZONING**

The property zoned R-6 single family attached. Which permits the proposed two-family attached dwelling use. The surrounding properties are also zoned R-6.

#### PROPOSAL

#### **PROJECT SUMMERY**

The proposed development includes the construction of one (1) two family detached dwelling on the property with (2) accessory parking spaces.

#### **PURPOSE OF REQUEST**

The property consisted of a single lot of record that is of typical size and configuration for the vicinity. The property has a lot width of 30.5' and contains approximately 4,040 square feet of area and 30-0" building Hight. The owner would like to construct a two-family dwelling on the property the R-6 district permits the two-family detached dwellings, however, several feather requirements applicable to two family detached dwellings are not met. Therefore. A SUP required in order to permit the proposed development.

The R-6 district require a lot width of 50' and a lot area of 6,000' square feet of lot area for the twofamily dwelling use. This special use permit grant relief from these feature requirements. The new twofamily detached dwelling would meet all other applicable R-6 district requirements.

The property's lot width and area are compatible with other lot in the vicinity, which vary in size but are all characteristically smaller urban lots. On the subject block face, a majority of the lots are vacant. Developed lots in the vicinity include a mix of residential uses. In addition to single family dwelling in the immediate vicinity. There are two family dwellings and a three-family multi-family dwelling across 32<sup>nd</sup> street to the west (1110 through 1116 N32nd Street. And two-family dwelling lies to the rear across the alley 1108 and 1122 N33nd Street. Overall, based on the historic lot pattern, the majority of lots in the vicinity are non-conforming with regard to lot area and lot width. In addition, there have been a number

of lots authorized by SUP or variance granted by the Board of Zoning Appeals. The proposed 4' side yards for the dwellings exceed the minimum requirements and existing set backs commonly seen in the area.

### **PROJECT DETAILS**

The two-family attached dwelling would be two stories in Hight from the street. The proposed building read a single-story dwelling. And is thereby consistent with other residential building in the vicinity in the area in terms of scale and character. The building contains of approximately 2700 square feet of floor area. The ground floor unit would have approximately 1200 square feet, while the upper floor would have approximately 1,350 square feet. Each unit would contain two bedrooms and two full baths. The dwelling floor plans are spacious and modern with open living area.

The building would be clad in cementitious lap siding in order to ensure quality and consistency with many other dwellings in the vicinity. A full width front porch and full width upper and lower rear porches are proposed and would provide ample usable out door area. Two parking space are proposed for the two dwellings. Parking spaces would be located to the rear of the dwellings and accessed from the alley.

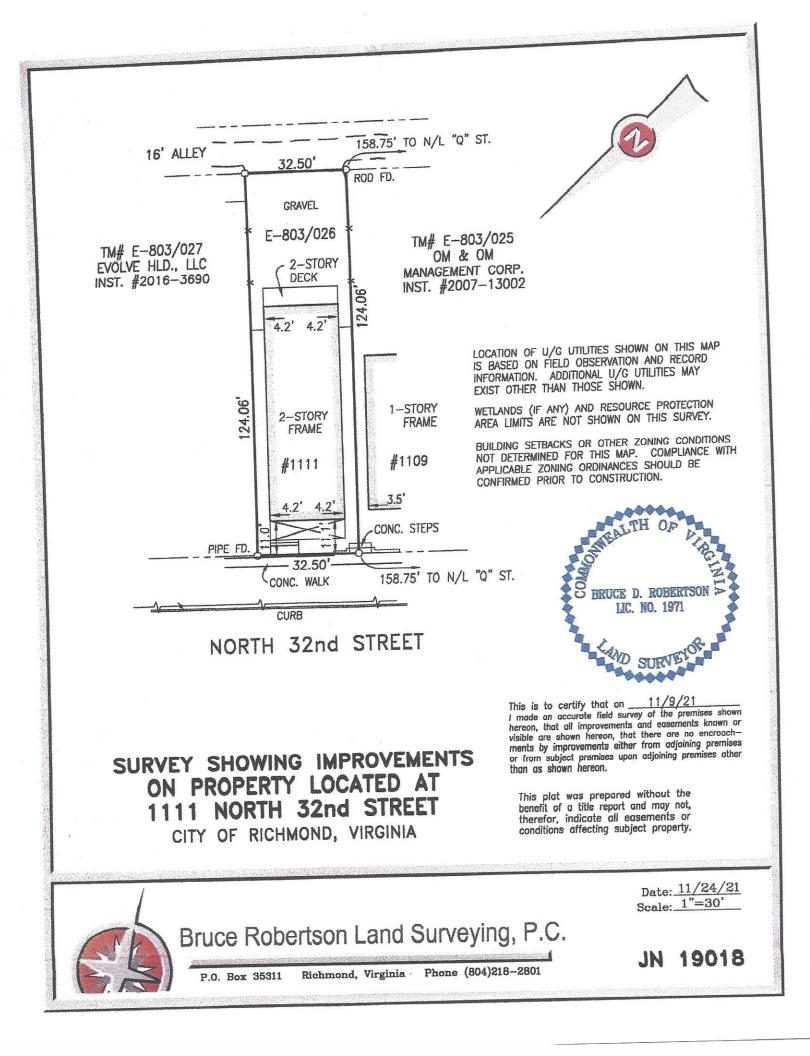
The propriety will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of fire and emergency services. The city's codes applicable to this development are designed to eliminate such hazards.

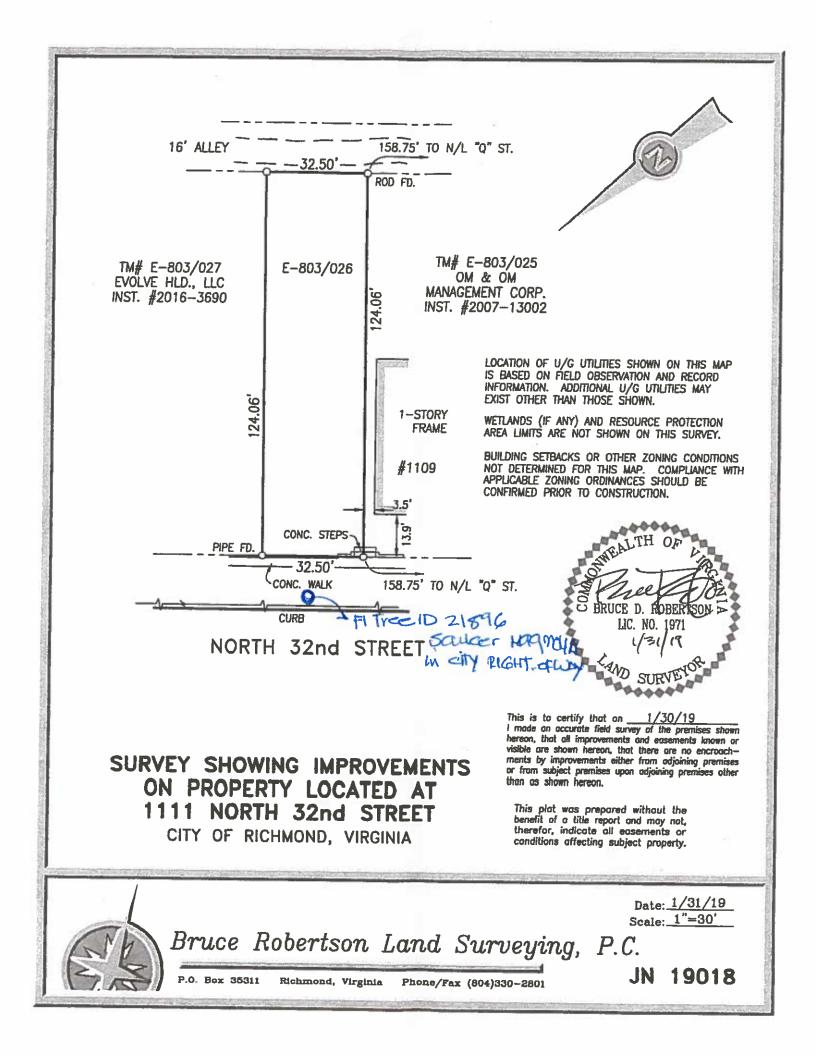
### SUMMARY

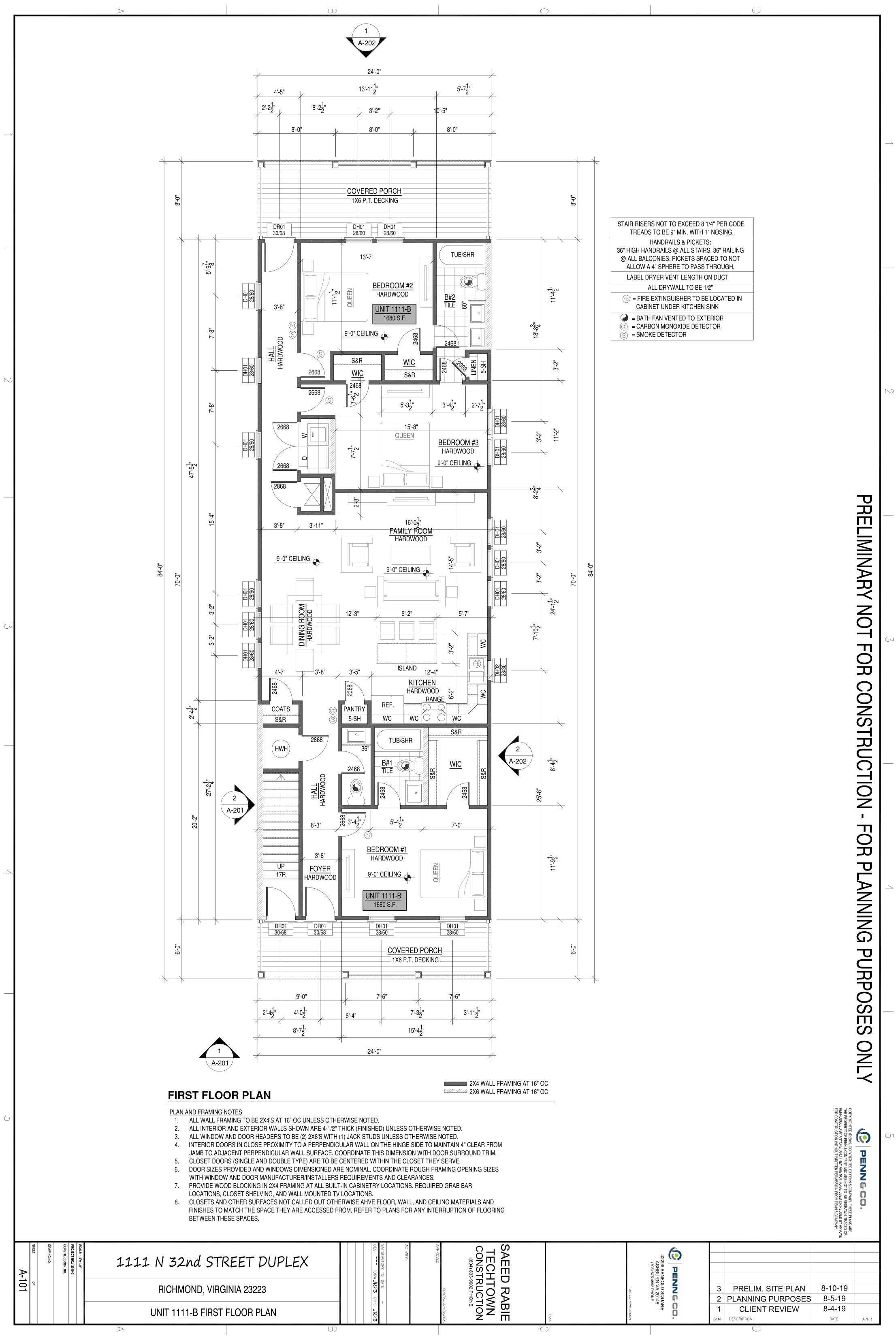
In summery we are enthusiastically seeking approval for a construction of the proposed two family attached dwelling. The building has been thoughtfully designed in order to provide appropriate, high quality market rate in fill development. The request offer compatibility with the City's Master plan in term of use. The request will contribute to ongoing revitalization of neighborhood.

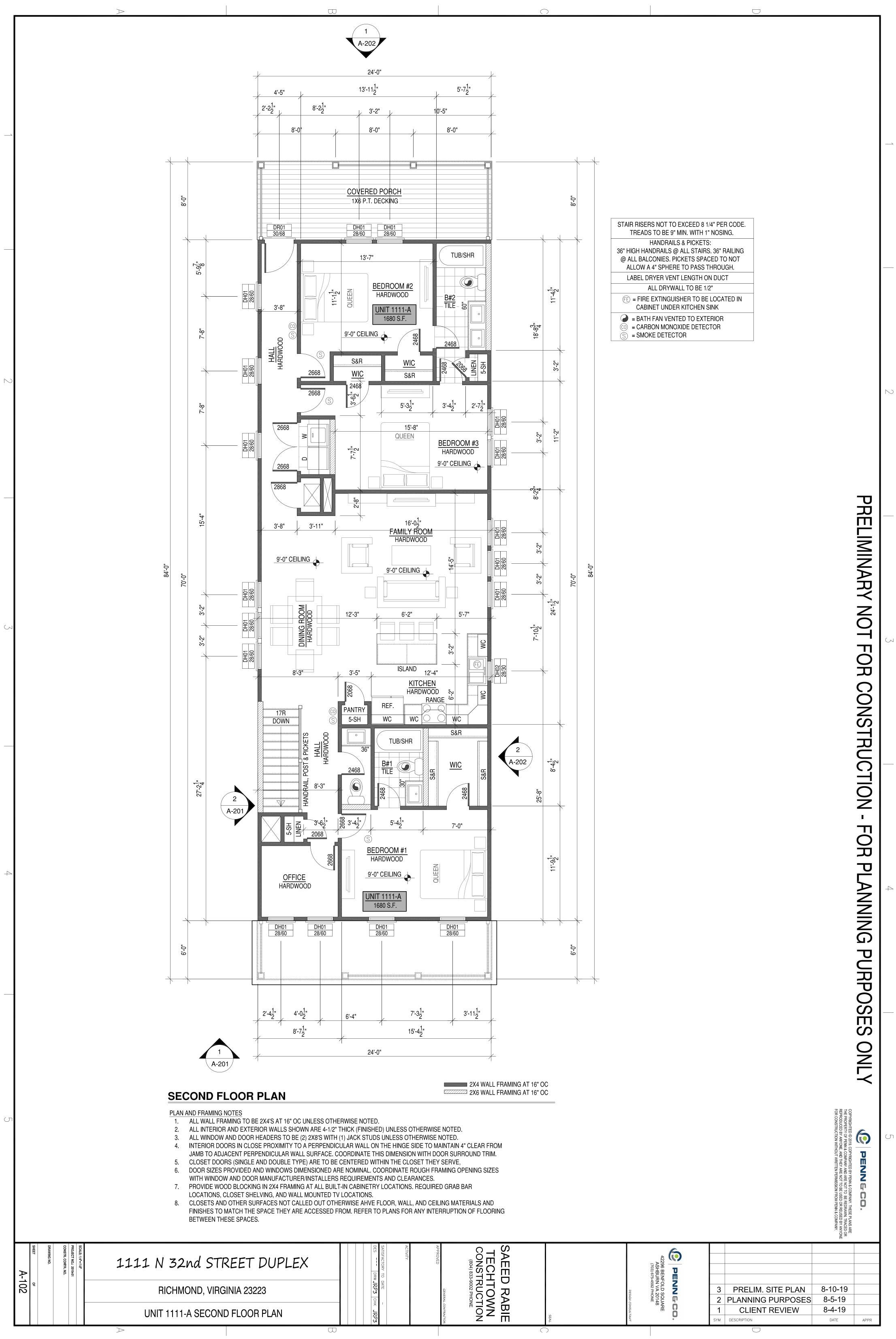
The proposed development would respectfully help restore an appropriate urban fabric in a block face in which majority of lots are vacant.

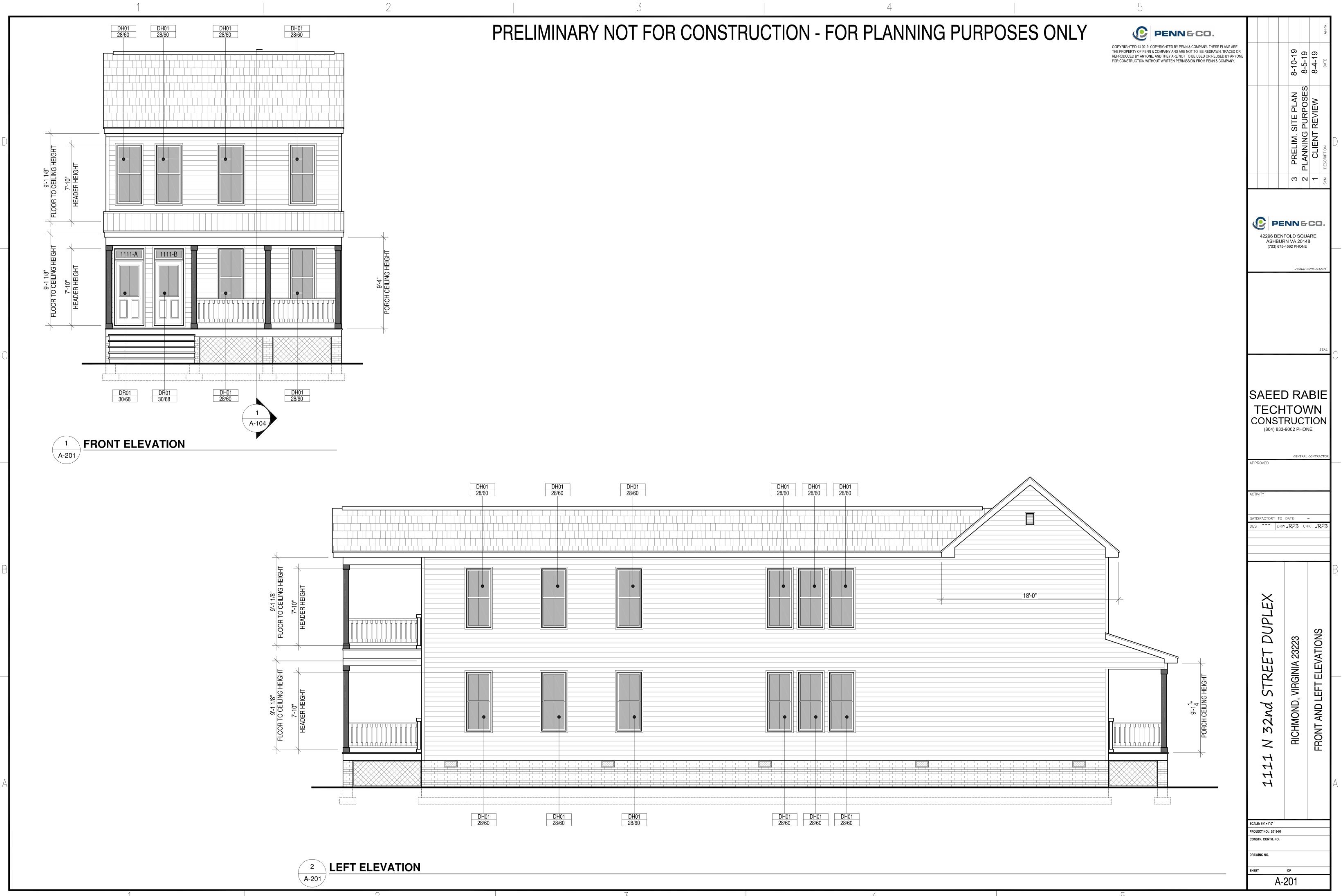
The development includes two parking in the rear of the property.

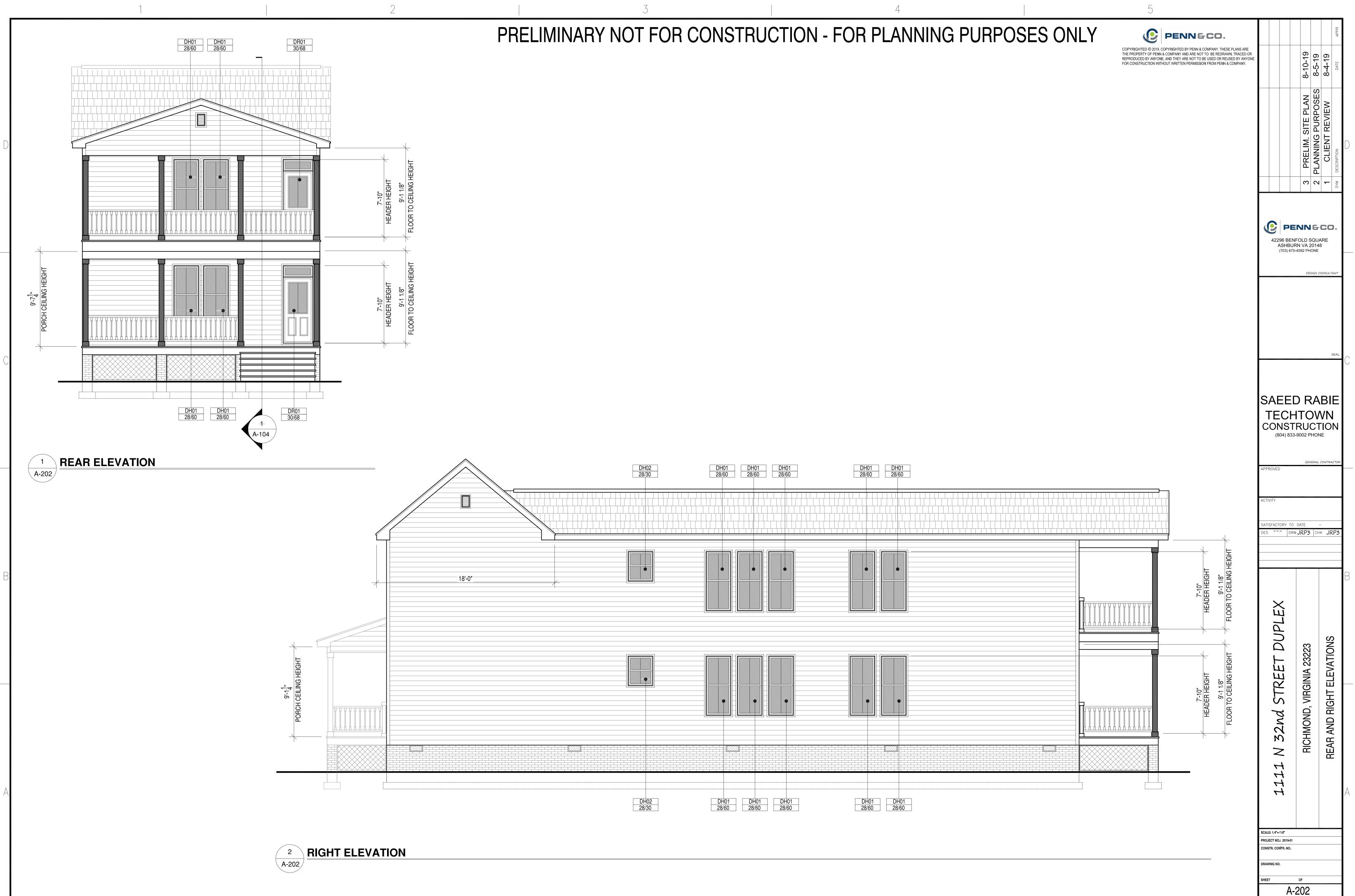












## **Material Selection**

## For

# 1111 N.32th street

**Exterior wall: Hardie Plank** 

Windows: Vinyl Windows

Exterior Porch: Truex Composite Decking for floor and steps.

**Roof: Architectural Shigle.**