

INTRODUCED: June 13, 2022

AN ORDINANCE No. 2022-193

To authorize the special use of the property known as 1117 West Leigh 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: JUL 25 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 1117 West Leigh Street, which is situated in a R-8 Urban 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 30-413.14(3), concerning lot area and width, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:           8                    NOES:           0                    ABSTAIN: \_\_\_\_\_

ADOPTED:   JUL 25 2022   REJECTED: \_\_\_\_\_   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 1117 West Leigh Street and identified as Tax Parcel No. N000-0468/001 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 1117 West Leigh Street, in the City of Richmond, Virginia.,” prepared by Potts and Minter, and dated September 14, 1987, 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 “1117 W Leigh St, Richmond, VA 23220,” prepared by EDE, and dated April 25, 2022, and hereinafter referred to 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-family detached dwelling, substantially as shown on the Plans.

(b) No off-street parking shall be required for the Special Use.

(c) The height of the Special Use shall not exceed two stories, 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.

§ 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.

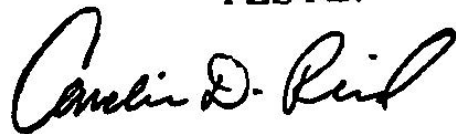
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

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:**

A handwritten signature in black ink, appearing to read "Camille D. Reed". The signature is fluid and cursive, written over the printed name "Camille D. Reed".

**City Clerk**



# City of Richmond

## Item Request File Number: PRE.2022.0175

RECEIVED  
By City Attorney's Office at 1:47 pm, Jun 09, 2022

RECEIVED  
By CAO Office at 9:51 am, May 17, 2022

2022-124

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

### O & R Request

**DATE:** May 16, 2022

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Mayor, by Request)  
(This is 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

**RE:** To authorize the special use of the property known as 1117 West Leigh 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 1117 West Leigh Street, for the purpose  
of a two-family detached dwelling, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit to authorize a residential use on the street  
level of a mixed-use building within an R-8 Urban Residential District. While the use is permitted the  
property does not meet the current lot area and width requirements for a two-family dwelling. A Special Use  
Permit is therefore 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 July 5, 2022, meeting.

**BACKGROUND:** The property is located in the Carver neighborhood on West Leigh Street at the corner  
of West Leigh and North Harrison Streets. The property is currently a 1,116 sq. ft. (.03 acre) parcel of land.  
The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood  
Mixed Use, which is defined as "Existing or new highly walkable urban neighborhoods that are  
predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal  
service, and institutional uses."

**Intensity:** Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft. **Primary Uses:** Single family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space. **Secondary Uses:** Large multifamily buildings (10+ units), retail/office/personal service, institutional, cultural, and government. (p. 56)

The current zoning for this property is R-8 Urban Residential District. All adjacent properties are located primarily within the same R-8 Urban Residential Zone with R-7 Single- and Two-Family Urban Residential zones to the north of the property. The area is generally single-family residential, with some multi-family residential and small, neighborhood commercial uses present in the vicinity.

**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:** June 13, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** July 25, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission  
July 5, 2022

**AFFECTED AGENCIES:** Office of Chief Administrative 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, Plans, Survey, Map

**STAFF:** Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734





## 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: 1117 W Leigh St. Date: 2/15/2022

Tax Map #: N000-0468/001 Fee: 300

Total area of affected site in acres: 0.026

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

### Zoning

Current Zoning: R-8

Existing Use: Residential

### Proposed Use

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

2 family dwelling

Existing Use: 1 family dwelling upstairs with principal use downstairs

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Edward Echeverry

Company: N/A

Mailing Address: 1117 W Leigh St Apt A

City: Richmond State: VA Zip Code: 23220

Telephone: (973) 349-7602 Fax: ( )

Email: Edwardnjit@gmail.com

**Property Owner:** Edward Echeverry

If Business Entity, name and title of authorized signee: N/A

(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: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: ( ) Fax: ( )

Email: \_\_\_\_\_

**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)

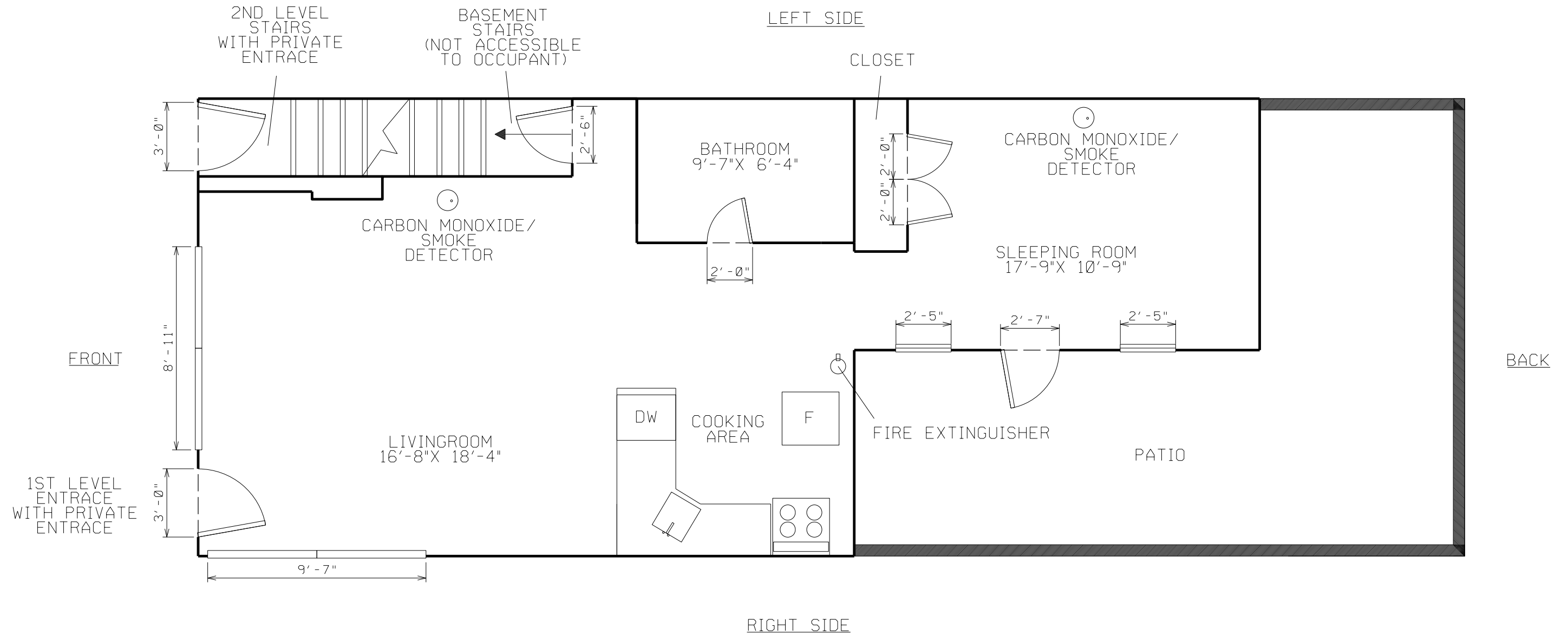
## Applicant's Report

Prior to 1982 the property on 1117 W. Leigh St was used as a commercial venture on the first floor and a dwelling unit on the second floor. The use for commercial was discontinued and the commercial section of the home was converted into a dwelling unit with its own bathroom, bedroom, and kitchen. Both sections of the home have their own private entrances.

Since the building's change of use in 1982. The first floor was a permitted for principle use and the second level remained a single dwelling unit. The proposal is to change the home permit to a 2-family dwelling home. The property changes will be in compliance with Richmond's 300 Master Plan. The changes will ensure the proposal is compatible with the surrounding area and that it is an appropriate use for the site.

The conditions below will be met:

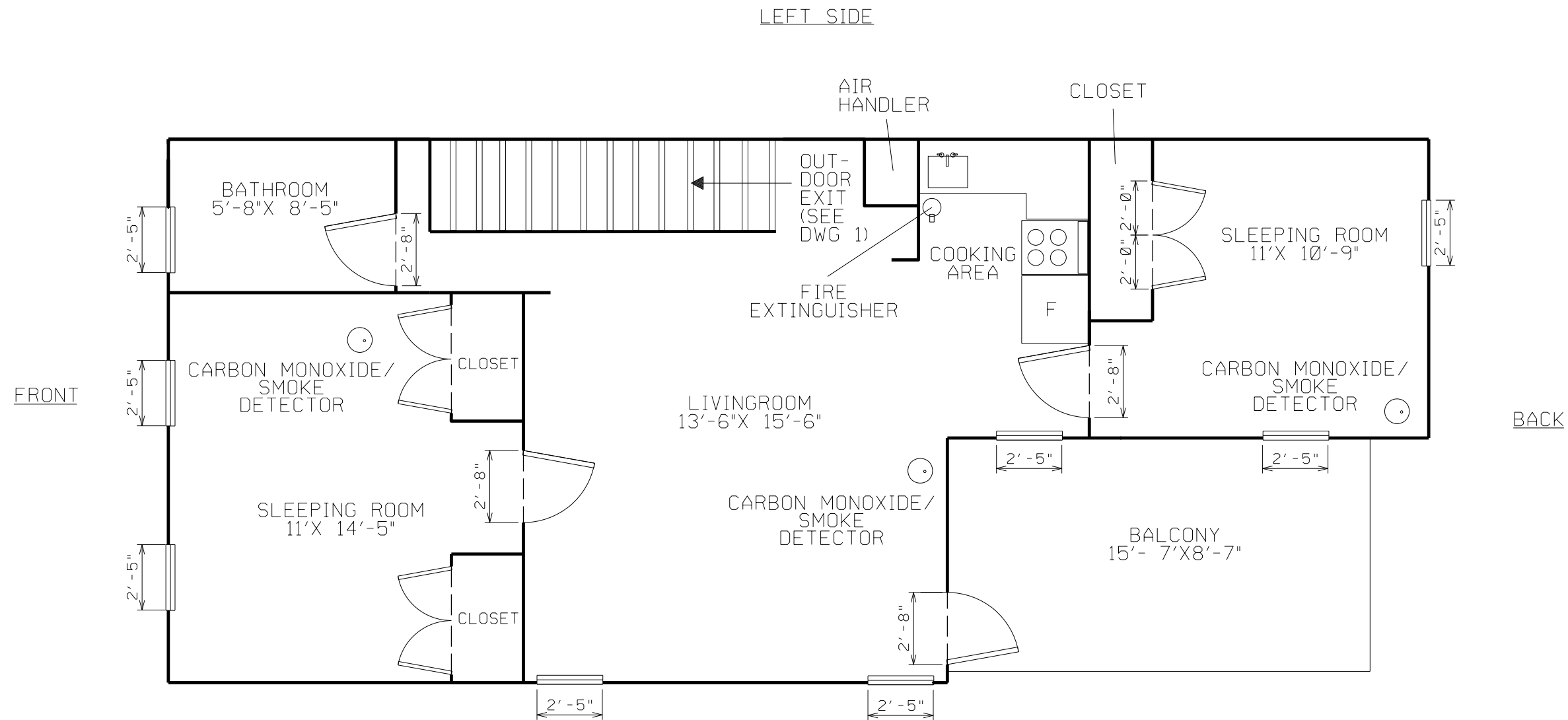
1. The property will not be detrimental to the safety, health, morals and general welfare of the community involved. The property has not created any of the mentioned issues. There are no planned changes to the property that will cause any of these issues.
2. The property will not create congestion in streets, roads, alleys and other public ways and places in the area involved.
  - a) There are no planned exterior changes to the home that will cause any of the mentioned issues under these circumstances.
  - b) There is a back alley in the block of W. Leigh that provide parking to two of the total four homes facing W. Leigh.
  - c) There is a 5<sup>th</sup> home that takes up a third of the block on Leigh that faces the adjacent street (N Hancock St.) with its own assigned Street Parking.
  - d) Currently there are no parking restrictions on the block the property is facing.
3. The property will not create hazards from fire, panic or other dangers. It does not have a history to do so. In, addition there are fire and carbon monoxide detectors installed throughout the home along with a fire extinguisher in each unit.
4. The property will not cause overcrowding of land and an undue concentration of population. Each unit in the home will have 800 sqft. of space which is plenty of room in comparison to a conventional unit in an apartment complex. Nor has undue concentration of population been an issue at the property.
5. The property 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.
6. The property will not interfere with adequate light and air. The property has helped provide a small amount of street lighting for the sidewalk which is helpful for pedestrians who cross the street or walk over to the convenient store located behind the property line. There are no other light or air pollution created by the property.



FIRST LEVEL DWELLING UNIT A  
EXISTING (NO CHANGES)

NOTE: THERE IS NO PROPOSED  
CONSTRUCTION INSIDE OR  
OUTSIDE OF THE PROPERTY

DRAWN TO SCALE: 1"=1'				FIRST FLOOR DWELLING UNIT A 1117 W LEIGH ST RICHMOND, VA 23220 EXISTING OCCUPANCY FIRST LEVEL	
NAME	DESIGNED	DRAWN TO SCALE: 1"=1'		DRAWING NUMBER	
DATE	EDE			1	
VERSION	4/25/2022				
	2				



RIGHT SIDE

SECOND LEVEL  
DWELLING UNIT B

EXISTING

NOTE: THERE IS NO PROPOSED  
CONSTRUCTION INSIDE OR  
OUTSIDE OF THE PROPERTY

DRAWN TO SCALE: 1"=1'

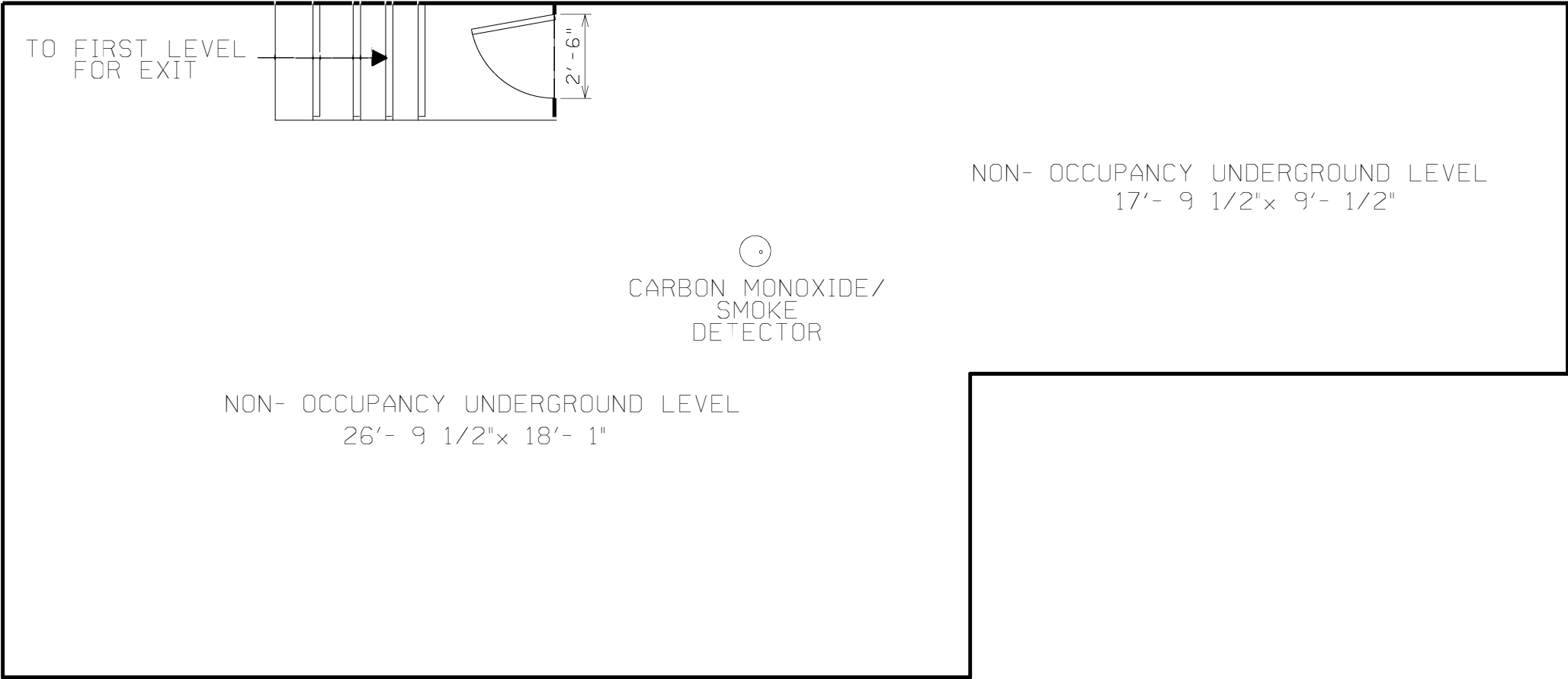
SECOND FLOOR  
DWELLING UNIT B  
1117 W LEIGH ST  
RICHMOND, VA 23220  
EXISTING OCCUPANCY SECOND LEVEL

	DESIGNED		DRAWN TO SCALE: 1"=1'	DRAWING NUMBER
NAME	EDE			2
DATE	4/25/2022			
VERSION	2			

FRONT

LEFT SIDE

BACK


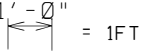


RIGHT SIDE

CRAWL SPACE UNDERGROUND LEVEL

EXISTING (NO CHANGES)

NOTE: THERE IS NO PROPOSED  
CONSTRUCTION INSIDE OR  
OUTSIDE OF THE PROPERTY

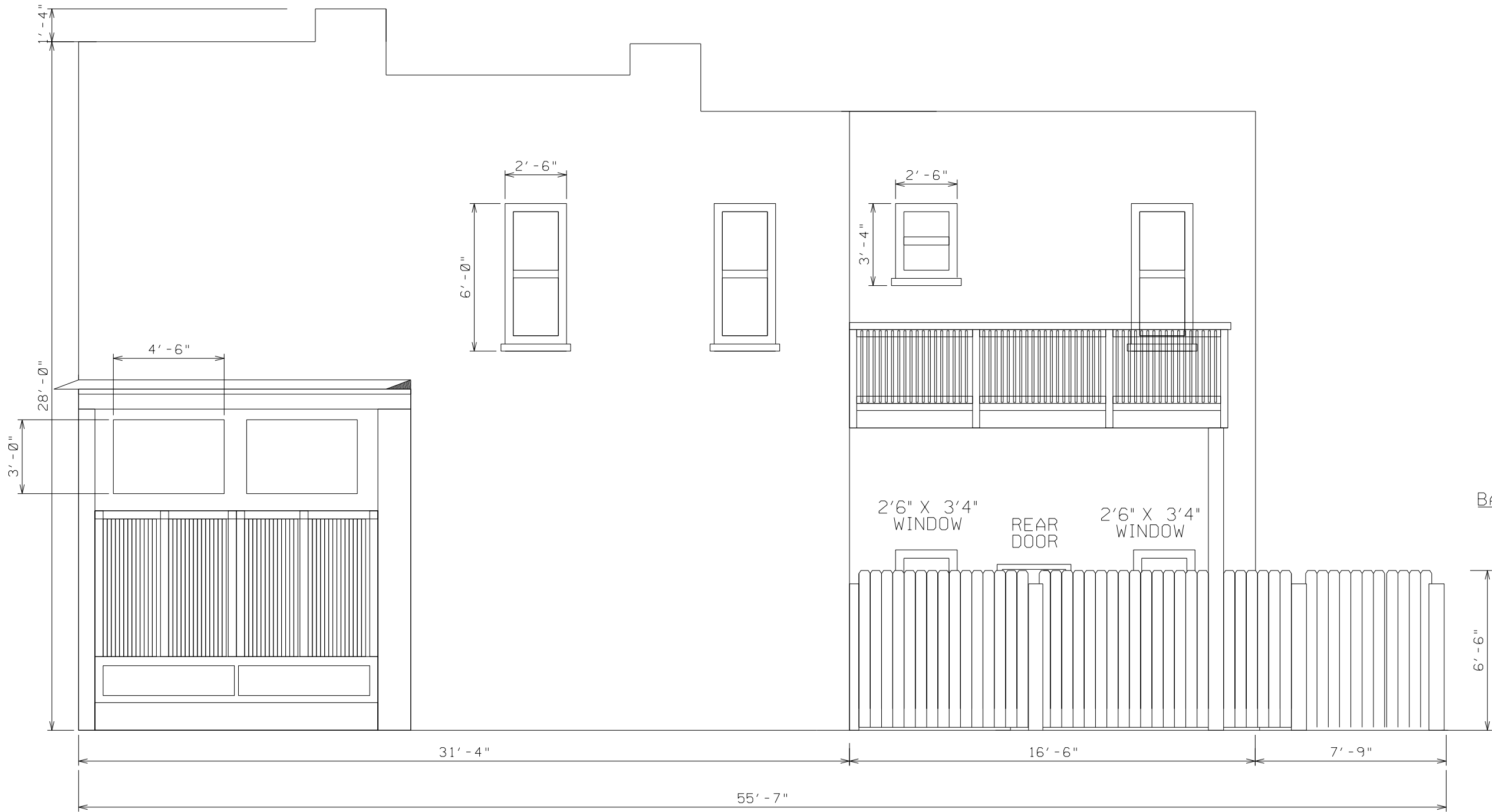
DRAWN TO SCALE: 1"=1'				CRAWL SPACE EXISTING UNDERGROUND LEVEL	
		1117 W LEIGH ST RICHMOND, VA 23220		EXISTING CRAWL SPACE UNDERGROUND LEVEL	
DESIGNED		DRAWN TO SCALE: 1"=1'		DRAWING NUMBER	
NAME		EJE			
DATE		4/25/2021			
VERSION		2			


$$1' - \varnothing'' = 1\text{FT}$$


EXISTING FRONT SIDE  
ELEVATION VIEW  
1117 W LEIGH ST  
RICHMOND, VA 23220

	DESIGNED		DRAWN TO SCALE: 1:1		DRAWING NUMBER
NAME	EDE				4
DATE	4/25/2022				
VERSION	2				

FRONT



BACK

RIGHT SIDE  
HARRISON ST  
EXISTING (NO CHANGES)

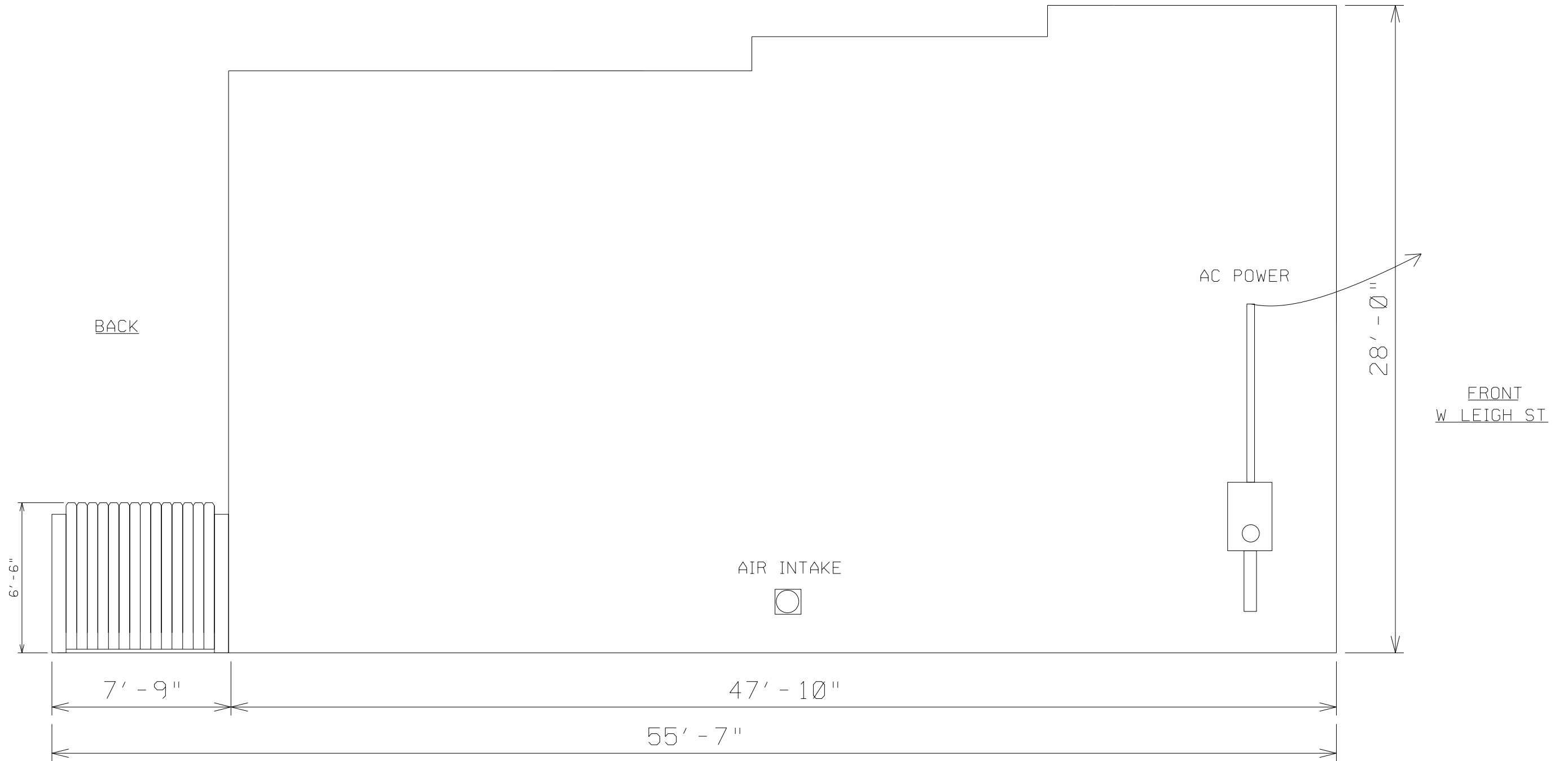
NOTE: THERE IS NO PROPOSED  
CONSTRUCTION INSIDE OR  
OUTSIDE OF THE PROPERTY

DRAWN TO SCALE: 1"=1'

1'-0" = 1FT

EXISTING RIGHT SIDE  
ELEVATION VIEW  
1117 W LEIGH ST  
RICHMOND, VA 23220

NAME	DESIGNED	DRAWN TO SCALE: 1"=1'		DRAWING NUMBER
EDE				5
DATE	2/25/2022			
VERSION	2			



EXISTING (NO CHANGES)

NOTE: THERE IS NO PROPOSED  
CONSTRUCTION INSIDE OR  
OUTSIDE OF THE PROPERTY

DRAWN TO SCALE: 1"=1'

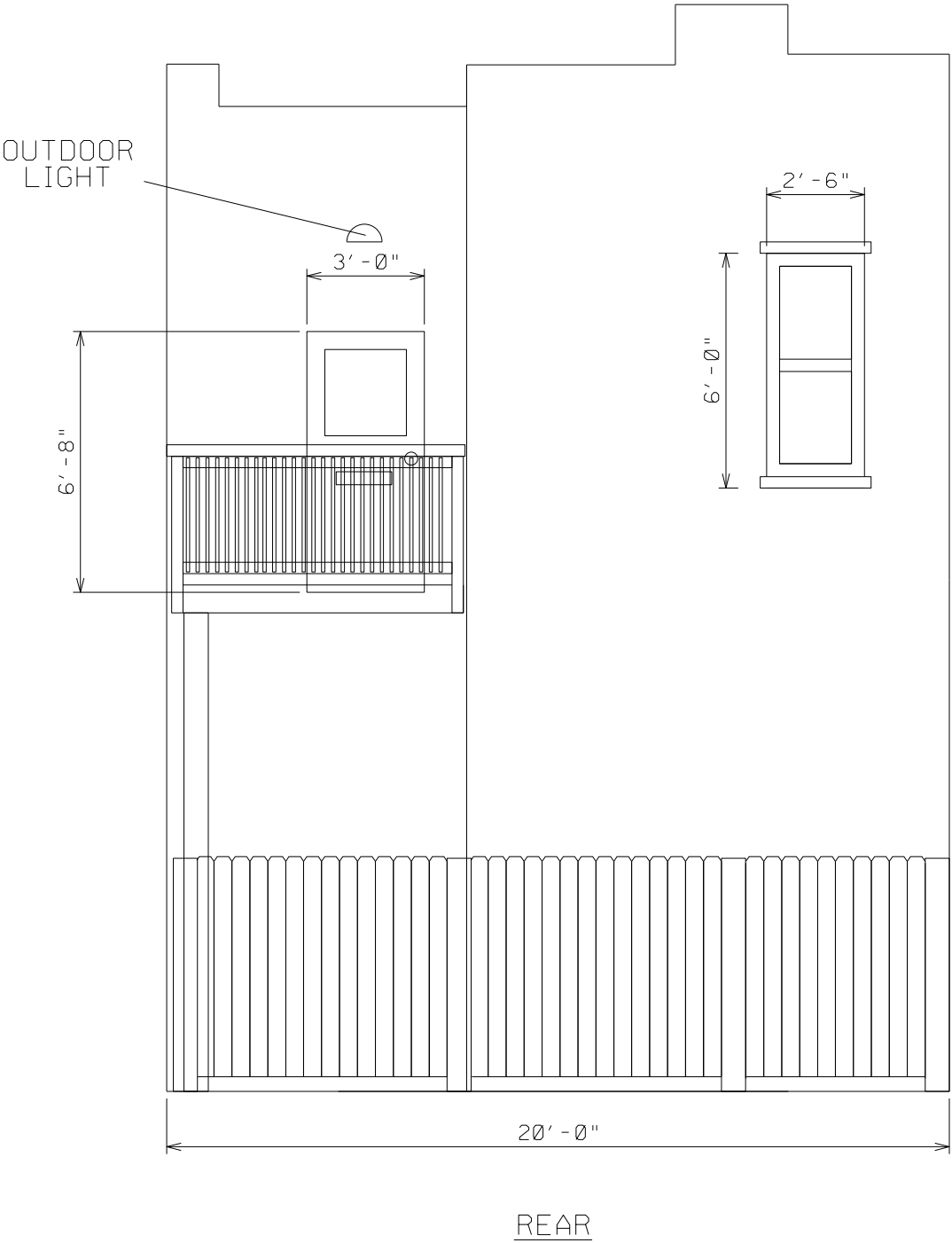
1' - 0" = 1FT

EXISTING LEFT SIDE  
ELEVATION VIEW  
1117 W LEIGH ST  
RICHMOND, VA 23220

DESIGNED		DRAWN TO SCALE: 1"=1'	DRAWING NUMBER
NAME	EDE		6
DATE	4/25/2022		
VERSION	2		



LEFT SIDE  
W LEIGH ST.



RIGHT SIDE

NOTE: THERE IS NO PROPOSED  
CONSTRUCTION INSIDE OR  
OUTSIDE OF THE PROPERTY

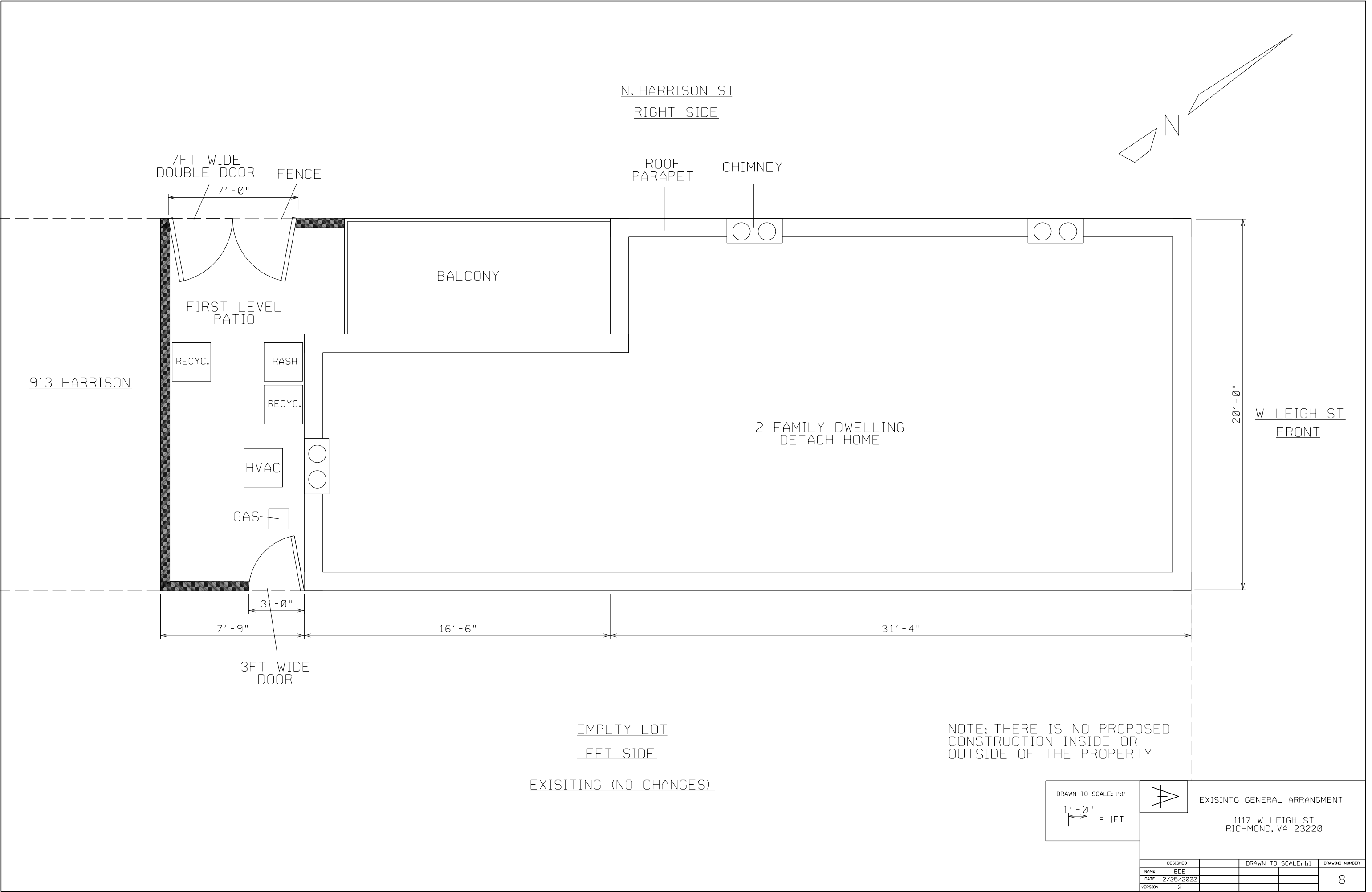
DRAWN TO SCALE: 1"=1'

1'-0" = 1FT



REAR SIDE  
ELEVATION VIEW  
1117 W LEIGH ST  
RICHMOND, VA 23220  
EXISTING OUTDOOR  
REAR OF PROPERTY

NAME	DESIGNED	DATE	VERSION	DRAWN TO SCALE: 1"=1'	DRAWING NUMBER
EDE		4/25/2022	2		7



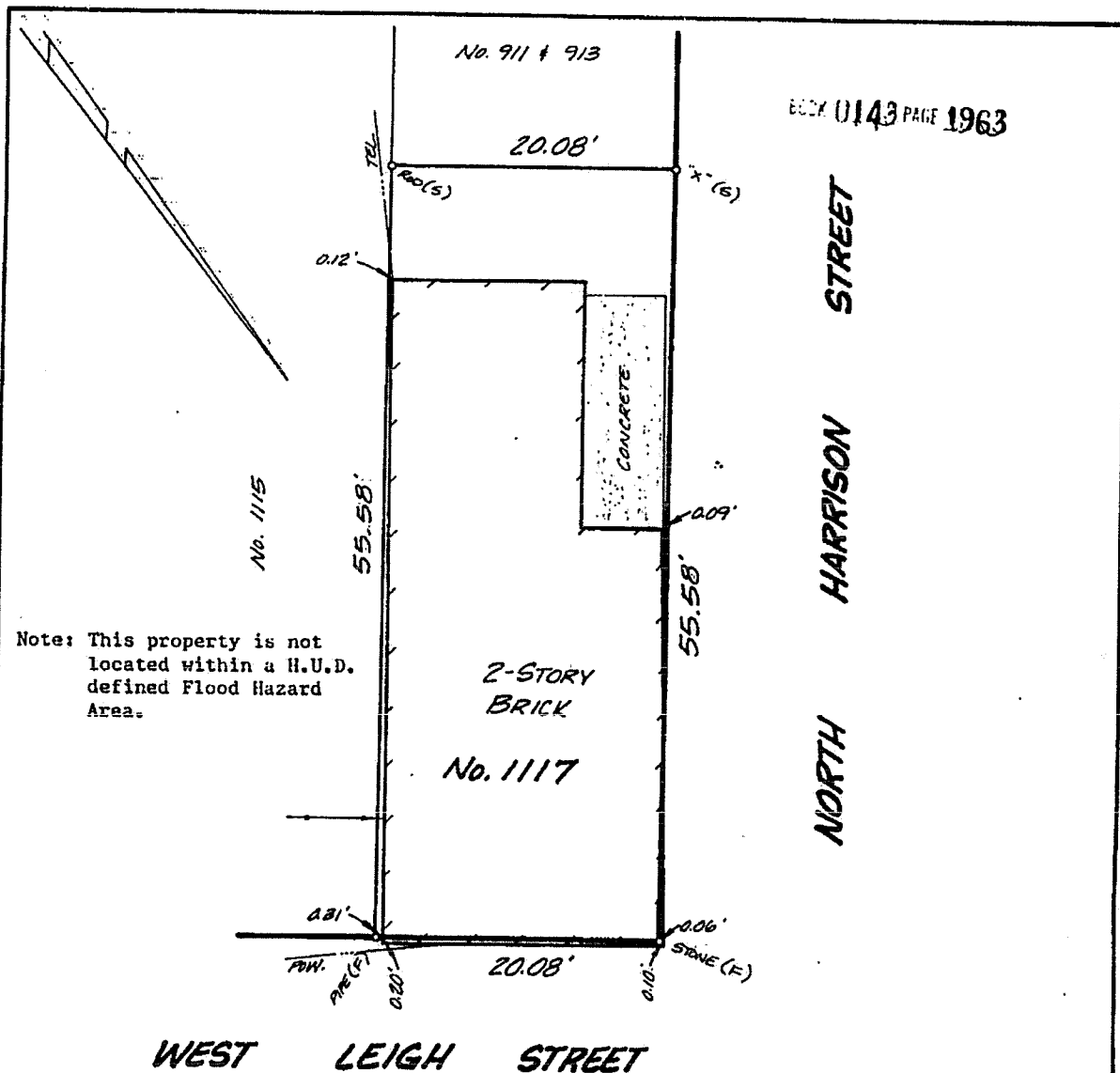
DRAWN TO SCALE: 1"=10'  
1'-0" = 10'

EXISTING GENERAL ARRANGMENT

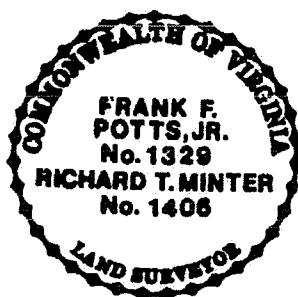
1117 W LEIGH ST  
RICHMOND, VA 23220

	DESIGNED	DRAWN TO SCALE: 1"=		DRAWING NUMBER
NAME	EDE			8
DATE	2/25/2022			
VERSION	2			





PLAT SHOWING IMPROVEMETS ON NO. 1117 WEST LEIGH STREET,  
 IN THE CITY OF RICHMOND, VIRGINIA.



This is to certify that on September 14, 1987, 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 encroachments by improvements either from adjoining premises or from subject premises upon adjoining premises, other than as shown hereon.

*Richard J. Minter*

Potts and Minter,  
 Professional Land Surveyors  
 10138B HULL STREET ROAD, M.D., VA. 23113, 745-2878

Date: Sept. 14, 1987  
 Scale: 1" = 10'  
 J.N. 8709-16

BOOK 0148 PAGE 1964

**VIRGINIA:**

**IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF RICHMOND**

This deed was presented, and, with the Certificate annexed, admitted to record

on OCT. 8 1887 at 2:04 o'clock P.M.

The Tax imposed by Sec. 58.1-802 Code of Va. has been paid.

CS 139047

301 Clerk's Fee	\$ <u>10.00</u>
212 Transfer Fee	\$ <u>1.00</u>
039 State Tax	\$ <u>25.50</u>
214 City Tax	\$ <u>4.50</u>
220 City Grantors Tax	\$ <u>8.50</u>
038 State Grantors Tax	\$ <u>8.50</u>
TOTAL	\$ <u>62.00</u>

TESTE:

Iva R. Purdy, Clerk

Mail: Midlothian  
Edison

Iva R. Purdy