

INTRODUCED: November 14, 2022

AN ORDINANCE No. 2022-335

To authorize the special use of the property known as 1223 West Leigh Street for the purpose of a multifamily dwelling containing up to three dwelling units, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: DEC 12 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 1223 West Leigh Street, which is situated in a R-8 Urban Residential District, desires to use such property for the purpose of a multifamily dwelling containing up to three dwelling units, which use, among other things, is not currently allowed by section 30-413.11 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 12 2022    REJECTED: \_\_\_\_\_    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 1223 West Leigh Street and identified as Tax Parcel No. N000-0518/001 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Survey & Plat of Property Located at 1223 W. Leigh Street in the City of Richmond, Virginia,” prepared by Frederick A. Gibson & Associates, P.C., and dated March 4, 2022, 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 multifamily dwelling containing up to three dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “1223 W. Leigh St., Richmond, VA, First Floor Plan,” prepared by Dynamic Drafting, and dated February 23, 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 multifamily dwelling containing up to three dwelling units, 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.

(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) The Owner shall make improvements within the right-of-way, including two new street trees on Norton Street and West Leigh Street, substantially as shown on the survey entitled “Survey & Plat of Property Located at 1223 W. Leigh Street in the City of Richmond, Virginia,” prepared by Frederick A. Gibson & Associates, P.C., and dated March 4, 2022, 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.

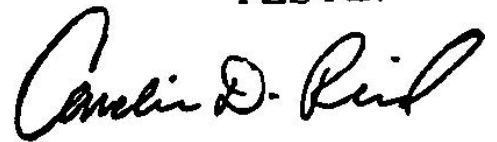
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days 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:**

A handwritten signature in black ink, appearing to read "Carolin D. Rind". The signature is written in a cursive, flowing style.

**City Clerk**

# City of Richmond

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

## Item Request File Number: PRE.2022.0297

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### O & R Request

**DATE:** September 12, 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 J.E. Lincoln Saunders / RCS Digitally signed by J.E. Lincoln Saunders / RCS  
Date: 2022.09.22 13:14:17 -04'00'

**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 1223 West Leigh Street, for the  
purpose of a multi-family building, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 1223 West Leigh Street, for the purpose  
of a multi-family building, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit to authorize a multi-family building.  
Multi-family buildings are not a permitted principal use within the R-8 Urban Residential District. 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 November 7, 2022,  
meeting.

**BACKGROUND:** The property is located in the Carver neighborhood on Leigh Street between Norton  
and North Harrison Streets. The property is currently a 2,550 sq. ft. (.06 acre) parcel of land. The building  
is currently a two-story mixed-use building with two apartment units above street level commercial. The  
Special Use Permit would allow for a total of three units.



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 within the same R 8 Residential Zone. The area is primarily single family residential, with some multi-family residential and small, neighborhood commercial uses present in the vicinity. The proposed density is 50 units per acre.

**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:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** October 10, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** November 14, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** Planning Commission  
November 7, 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: 1223 W. Leigh Street Date: March 17, 2022

Tax Map #: N0000518001 Fee: \$1,800

Total area of affected site in acres: .059

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

**Zoning**

Current Zoning: R-8

Existing Use: mixed use

**Proposed Use**

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

multi-family residential use

Existing Use: Mixed-use commercial retail and residential

Is this property subject to any previous land use cases?

Yes

No

☐☒

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

**Applicant/Contact Person:** Douglas Dunlap

Company: Black Pearl Optimum

Mailing Address: P.O. Box 1410

City: Hopewell State: VA Zip Code: 23860

Telephone: (804) 305-4032 Fax: (804) 688-2712

Email: ddunlap@BPORVA.com

**Property Owner:** Omiyah Investment Corp

If Business Entity, name and title of authorized signer: Ayman Alhoms

(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: 801 W. Broad Street

City: Richmond State: Virginia Zip Code: 23220

Telephone: (804) 614-7005 Fax: ( )

Email: Northatl@ic@gmail.com

**Property Owner Signature:** Ayman Alhoms

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 REPORT**

March 17, 2022

Kevin Vonck, Director  
Department of Planning and Development Review  
900 East Broad Street. Suite 511  
Richmond, Virginia 23219

**RE:** Applicant Report for Special Use Permit submission for the property located at 1223 West Leigh Street (Parcel Number N0000518001)

Dear Mr. Vonck,

On behalf of Omiyah Investment Corp. ("the Applicant") I am submitting a formal application for a Special Use Permit for a property located at 1223 West Leigh Street. The applicant requests the Special Use Permit, because it has been determined that the proposed reuse of the commercial space does not meet the underlying zoning requirements. As such the applicant is seeking approval from City Council to provide relief which facilitates the conversion of the commercial space on the first floor into to a residential unit.

**Site appropriateness**

The existing structure is 2909 s.f. and situated on a corner lot and previously housed two residential units and retail/commercial space on the first level with primary street frontage. The owner proposes to convert the commercial space which is approximately 795 s.f. into a residential unit, bringing the total number of residential units to three. The owner's SUP proposal is explicitly for interior improvements to the commercial space and does not include any modification to the front facade, nor the side or rear elevations of the structure.

**Community Support**

The owner has taken time to share the scope of the project with the community and given careful consideration to density concerns. The client has provided project information to representatives of the Carver Neighborhood Association (Carver Area Civil Improvement League - CACIL) concerning the intent of the SUP. Client has also informed the City Council Representative – Councilwoman Katherine Jordan, of the planned SUP submission.

**City Charter Conditions**

The Special Use Permit being submitted for 1223 W. Leigh Street does not meet off-street parking or land coverage requirements as required by the City Charter. All other City Charter conditions are met and the owner assures administration and council that the proposed special use will not:

**Create detriment to the safety, health, morals and general welfare of the community involved.**

The Special Use Permit will allow the addition of one residential unit that should not generate or increase crime, create safety hazards, or jeopardize the health of the community.

**Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.**

The conversion of the first floor commercial into a single residential unit will reduce congestion in the public right of way. We anticipate that the new residential unit will generate no more than two vehicles that will park on the street in contrast to the previous use which generated vehicular and pedestrian traffic throughout the day and into the evening by individuals patronizing the business.

**Create hazards from fire, panic, or other dangers.**

The redevelopment of the first-floor space into a single residential unit will not require the installation or storage of any equipment that increases the risk of fire within the building.

**Tend to cause overcrowding of land and undue concentration of population.**

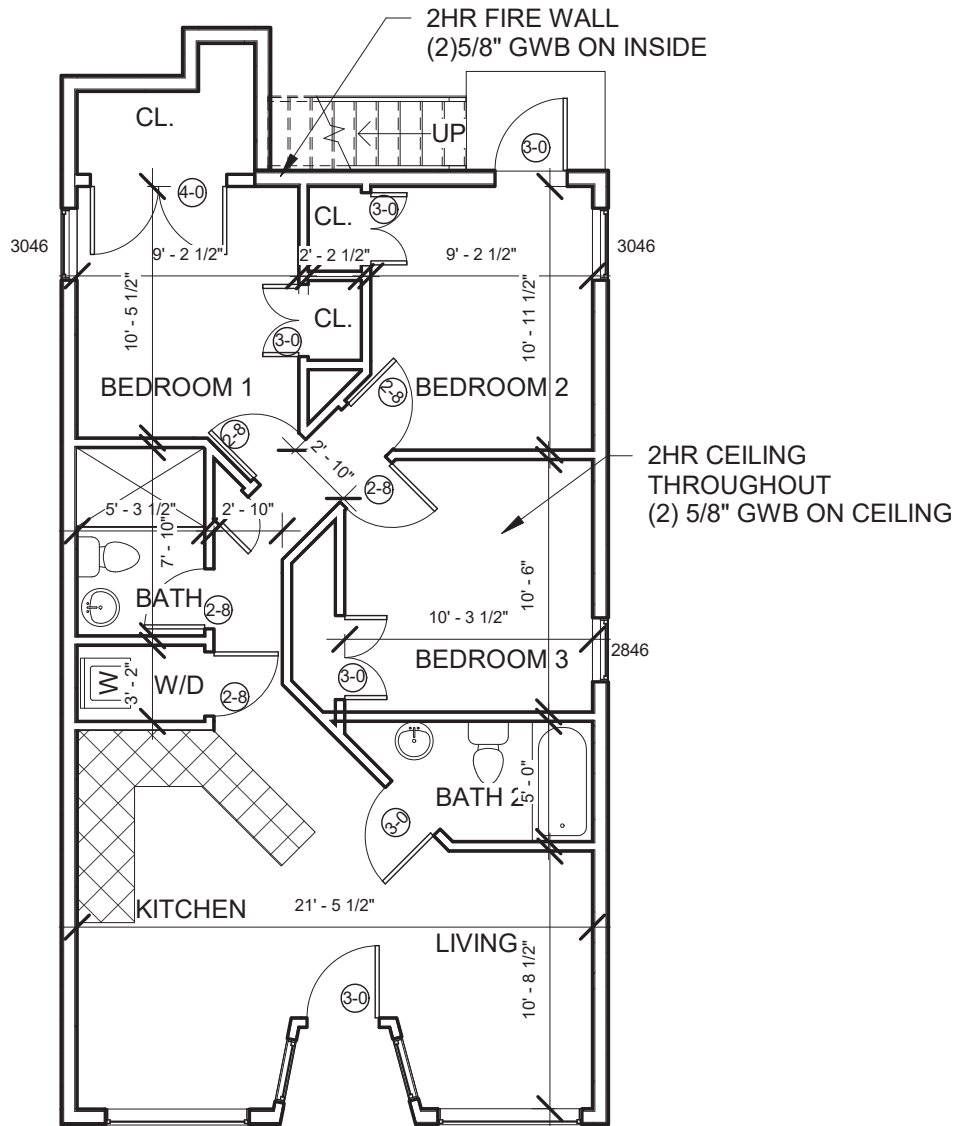
The Special Use Permit will allow the addition of one residential unit and thus will not cause any overcrowding of the property nor a noticeable/significant increase in population.

**Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.**

The Special Use Permit will allow the addition of one residential unit and thus will not result in any adverse effects to public facilities and services nor conveniences or improvements.

**Interfere with adequate light and air**

There will be no changes to the exterior or the footprint of the building that would result in changes in adequate light. The residential use will not produce any substances that would impact the air outside of the building.



1 First Floor  
1/8" = 1'-0"



**DYNAMIC  
DRAFTING**

1223 W. Leigh  
St.  
Richmond, VA

## First Floor Plan

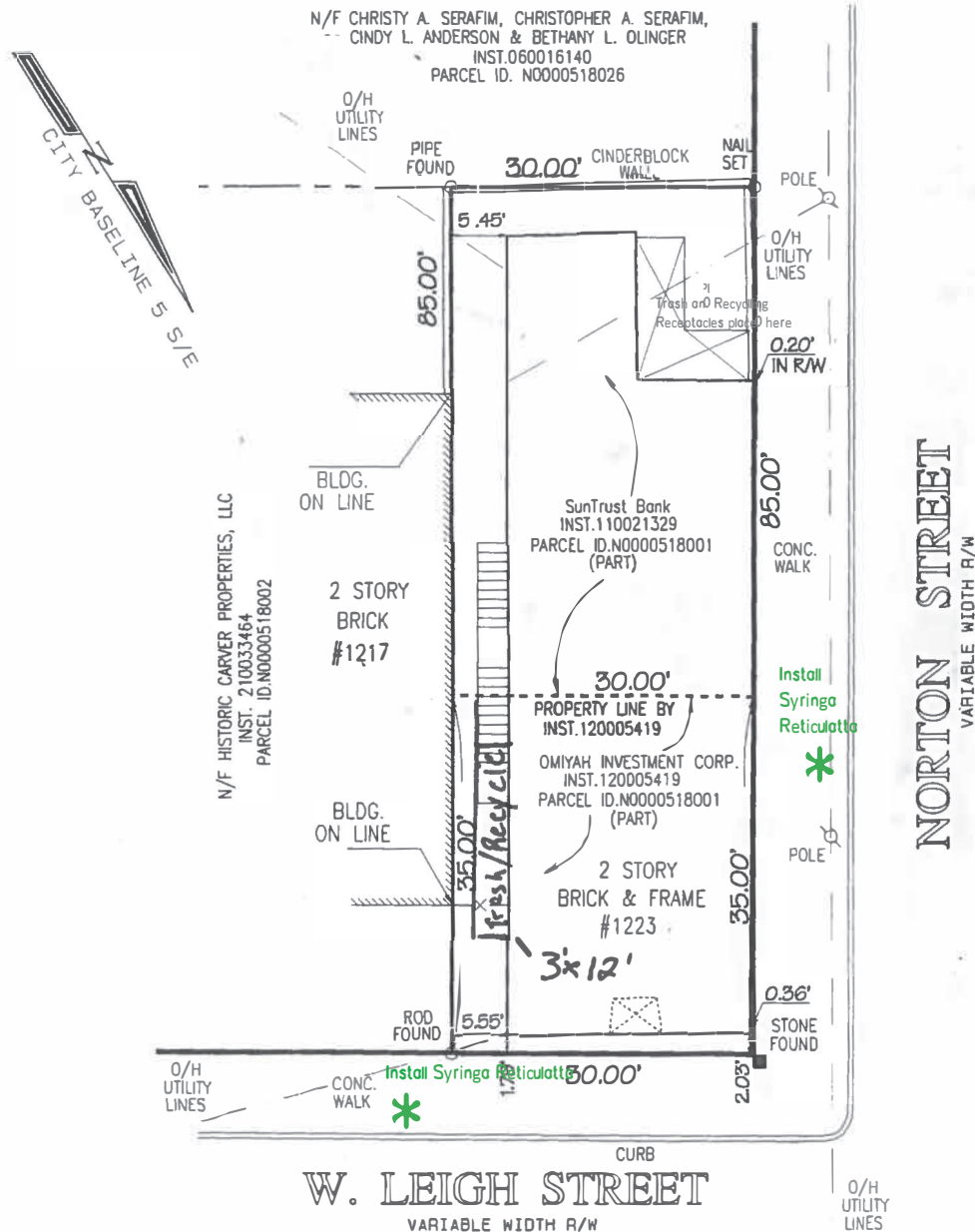
Project number	Project Number
Date	Issue Date
Drawn by	Author
Checked by	Checker

**A1**

Scale 1/8" = 1'-0"



FREDERICK A. GIBSON & ASSOCIATES, P.C. ASSUMES NO LIABILITY REGARDING SUB-SURFACE FEATURES SUCH AS TOXIC WASTE, GARBAGE OR WASTE DISPOSAL AREAS, LANDFILLS, UNDERGROUND STORAGE TANKS, CEMETERIES OR BURIAL SITES, SHRINK/SWELL SOILS, UNDERGROUND WATERWAYS OR UTILITIES.



(PHYSICAL SURVEY)

**SURVEY & PLAT OF PROPERTY LOCATED AT 1223 W. LEIGH STREET  
IN THE CITY OF RICHMOND, VIRGINIA**

SCALE: 1" = 15'

THIS IS TO CERTIFY THAT ON MARCH 4, 2022, I MADE A FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO VISIBLE ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS PLAT IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.



**FREDERICK A. GIBSON  
& ASSOCIATES, P.C.**  
LAND SURVEYORS  
11521-G MIDLOTHIAN TURNPIKE  
NORTH CHESTERFIELD, VIRGINIA 23235  
PHONE 804 378-4485 FAX 804 378-4487

LEGEND	
⊙ =	IRON ROD FOUND
● =	IRON ROD SET
UNLESS OTHERWISE NOTED.	
PROJECT # 0601-12 PL	