AN ORDINANCE No. 2023-062

To authorize the special use of the properties known as 1005 North 27th Street and 1007 North 27th Street, for the purpose of one single-family detached dwelling and one single-family attached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAR 27 2023 AT 6 P.M.

WHEREAS, the owner of the properties known as 1005 North 27th Street and 1007 North 27th Street, which are situated in a R-6 Single-Family Attached Residential District, desires to use such properties for the purpose of one single-family detached dwelling and one single-family attached dwelling, which use, among other things, is not currently allowed by sections 30-412.4, concerning lot area and width, density, and unit width, 30-412.5, concerning yards, and 30-412.6, concerning lot coverage, 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	MAR 27 2023	REJECTED:		STRICKEN:	
-					

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 (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 properties known as 1005 North 27th Street and 1007 North 27th Street and identified as Tax Parcel Nos. E000-0476/035 and E000-0476/036, respectively, in the 2023 records of the City Assessor, being more particularly shown on a survey entitled "Map Showing the Proposed Improvements on No. 1005 N 27th Street in the City of Richmond, VA.," prepared by Virginia Surveys, dated April 4, 2023, and last revised June 23, 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 one single-family detached dwelling and one single-family attached dwelling, hereinafter referred to as "the Special Use," substantially as shown on a survey entitled "Map Showing the Proposed Improvements on No. 1005 N 27th Street in the City of Richmond, VA.," prepared by Virginia Surveys, dated April 4, 2023, and last revised June 23, 2022, and the plans entitled "1005 N 27th St.," prepared by River Mill Development, dated February 7, 2022, and last revised November 17, 2022, 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 one single-family detached dwelling and one single-family attached dwelling, substantially as shown on the Plans.
- (b) All building materials, elevations, and site improvements shall be substantially as shown on the Plans. Vinyl siding shall not be permitted.
 - (c) One off-street parking space per dwelling shall be provided for the Special Use.
- (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.
- The Owner shall make improvements within the right-of-way, including the (e) installation of a street tree and a brick 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 The final certificate of occupancy shall not be issued for the Property until this subsection. 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:

City Clerk



2022-298



City of Richmond

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

Item Request File Number: PRE.2022.0317

O & R Request

DATE: November 14, 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 1005 and 1007 North 27th Street for the purpose of a single-family detached dwelling and a single-family attached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1005 and 1007 North 27th Street for the purpose of a single-family detached dwelling and a single-family attached dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for the retroactive approval of a previously constructed dwelling and construction of a new single-family dwelling, within the R-6 - Residential (Single Family Attached) zone, which do not meet the required minimum setbacks and lot size. A Special Use Permit is therefore 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.

BACKGROUND: The property is located in the Church Hill North neighborhood at 1005 and 1007 North 27th Street, between "Q" and "P" Streets. The property for the new house would be 2523 sq. ft. (0.057 acre) and the existing property would be 3206 sq.ft. (0.073 acres) in size.

File Number: PRE.2022.0317

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use. This designation is defined as a "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."

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.

The property is located in the R-6 - Residential (Single Family Attached) zone. Adjacent properties to the north and east are zoned the same R-4 zone, properties to the south are zoned R-63.Multi-Family Residential. Immediate surrounding land uses include single family detached dwellings and some commercial in the larger neighborhood.

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: December 12, 2022

CITY COUNCIL PUBLIC HEARING DATE: January 9, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

January 3, 2023

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: Ray Roakes, Planner, Land Use Administration (Room 511) 804-646 5467



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, new special use permit, plan amendment		
\square special use permit, text only amendment		
Project Name/Location		
Property Address:Fee:		Date <u>:</u>
Tax Map #:Fee:		
(See <i>page 6</i> for fee schedule, please make check payable to the "City of		
(see page 6 for ree scriedule, please make check payable to the City	n Ricilliona)	
Zoning		
Current Zoning:		
Existing Use:		
Proposed Use		
(Please include a detailed description of the proposed use in the require		
Existing Use:		
Is this property subject to any previous land use cases?		
Yes No		
If Yes , please list the Ordinance Number:		
Applicant/Contact Posson		
Applicant/Contact Person: Company:		
Mailing Address:		
City:	_ State: _ Fax: ()	Zip Code:
Email:		
Property Owner:		
If Business Entity, name and title of authorized signee:		
(The person or persons executing or attesting the execution of this Appl		Company certifies that he or
she has or have been duly authorized and empowered to so execute or a	ittest.)	
Mailing Address:		
City:	State: Z	Zip Code:
Email:	_ rdx: _()_	
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

April 12th, 2022

Special Use Permit Request 1005 and 1007 N 27th Street, Richmond, Virginia Map Reference Number: E000-0476/035 and 036

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 1005 and 1007 N 27th Street (the "Property"). The SUP would authorize the construction of a single-family detached dwelling. While single-family 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 N 27th Street mid-block, between P and Q Streets. It is referenced by the City Assessor as tax parcel number of E000-0476/035 and 036. The Property is configured as two lots – 1005 and 1007 N 27th Street. 1005 is approximately 20 feet in width and contains 2,523 square feet of lot area, and is currently unimproved. 1007 is approximately 23' in width and contains 3069.64 square feet of lot area, and is developed with a single-family attached dwelling that is attached to the abutting property at 1009 N 27th Street. Access is provided in the rear by a north-south alley.



The properties in the vicinity are primarily developed with single-family attached and detached dwellings though two-family dwellings and multi-family uses can also be found

nearby. In the nearby vicinity are also a range of institutional and religious uses as well including the Good Shephard Baptist Church and George Mason Elementary School.

EXISTING ZONING

The Property and the surrounding properties are zoned R-6 Single-Family Attached Residential, which permits the proposed single-family detached dwelling use. Parcels in the area differ in size and frontage with many parcels in the vicinity unable to conform to the underlying R-6 feature requirements of 50 feet of lot width and 5,000 feet of lot area. Immediately adjacent to the south and west of the subject Property lies a R-63 Multifamily Urban Residential zoning district which would require a lot width of 25 feet and area of 3,000 feet for a single-family attached dwelling.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Neighborhood Mixed-Use" for the Property. The Master Plan describes this land use designation 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." Recommended development styles are described as featuring "a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Single-family, two-family, and small multi-family buildings are contemplated as the primary uses in these areas."

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:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
 - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
 - o d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along

- enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance."
- Page 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."
 - a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).
- Page 86 (High-Quality Places Chapter), Objective 1.4, to "maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards."
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City," as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

Proposal

PURPOSE OF REQUEST

The lot configuration as it exists today was created by a lot split in 2004. At that time the lot area and width requirements were not met for the vacant lot, 1005 N 27th Street. In addition, the side yard setback was not met for the existing dwelling at 1007 N 27th Street. As a result, the special use permit is needed in order to authorize the construction of a new single-family dwelling at 1005 N 27th Street and to address the noncompliant side yard setback for 1007 N 27th Street.

The request includes a lot line adjustment in order to address the internal side yard for 1007 N 27th Street. A slight jog in the lot line between 1005 and 1007 is proposed such that both the existing and proposed dwellings would meet the 3' side yard setback requirement, with the exception of the rear portion on 1007, which projects toward 1005 and would be configured with a zero lot line. As a result, 1005 and 1007 would have lot widths and areas of 20 feet and 2,523 square feet and 23.08 feet and 3,206 square feet, respectively.

A new single-family detached dwelling would be constructed on the reconfigured 1005 N 27th Street. While the single-family use is commonly found in the area and the proposed lot is consistent with the overall development pattern in the vicinity, the R-6 District lot area and width requirements would not be met for the new dwelling. The proposed lot width and area are compatible with other lots in the vicinity, which are all characteristically smaller urban lots. In addition, instead of the required 3' side yard along the abutting unimproved alley to the south, the new dwelling would utilize a zero lot line. This conforms with the development pattern in the area as a majority of the lots are developed with dwellings that do not comply with the current R-6 requirements. All other aspects of the underlying zoning requirements, including the requirement that a minimum of one off-street parking space be provided, will be met.

In exchange for the SUP, the intent of this request is to ensure a high-quality infill development that is consistent with the objectives of the Master Plan. The overall project would be appropriately efficient and would be compatible with the existing development in the vicinity. The quality assurances conditioned through the SUP would guarantee a higher quality development than what might otherwise be developed by right in the vicinity.

PROJECT DETAILS/DESIGN

The proposed dwelling would be 16'8" in width, 58 feet in depth, and two stories in height. It would be of a traditional design, similar to what is found throughout the neighborhood, including a full-width front porch and false mansard roof. The proposed floor plans are modern and efficient, and designed to be meet the needs of today's market. Three bedrooms and two-and-one-half bathrooms are provided along with central, first floor kitchen, which is open to both the living and dining rooms. The floor plans include a second-floor primary bedroom with en-suite bathroom and walk-in closet.

The new dwelling would be clad in cementitious lap siding in order to ensure quality and consistency in appearance with many other dwellings in the vicinity. A full-width front porch addresses the street and allows for additional outdoor living space for future owners. The provision for off-street parking will be met at the rear of the dwelling, with parking accessible from the north-south alley.

Findings of Fact

The following are factors included 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 will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements and density are compatible with the existing development in the vicinity. This request would simply permit the efficient utilization of the Property by allowing for new development to occur. The improvement of the Property in conjunction with the high quality/benefits provided by the SUP will provide positive impacts in terms of health, welfare, etc., and furthermore will add to the vibrancy of the neighborhood.

• 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 traffic generation for one additional dwelling unit

will be negligible, especially within the context of a walkable neighborhood. As such, the SUP will not create 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 SUP will not tend to overcrowd the land or create an undue concentration of population.

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

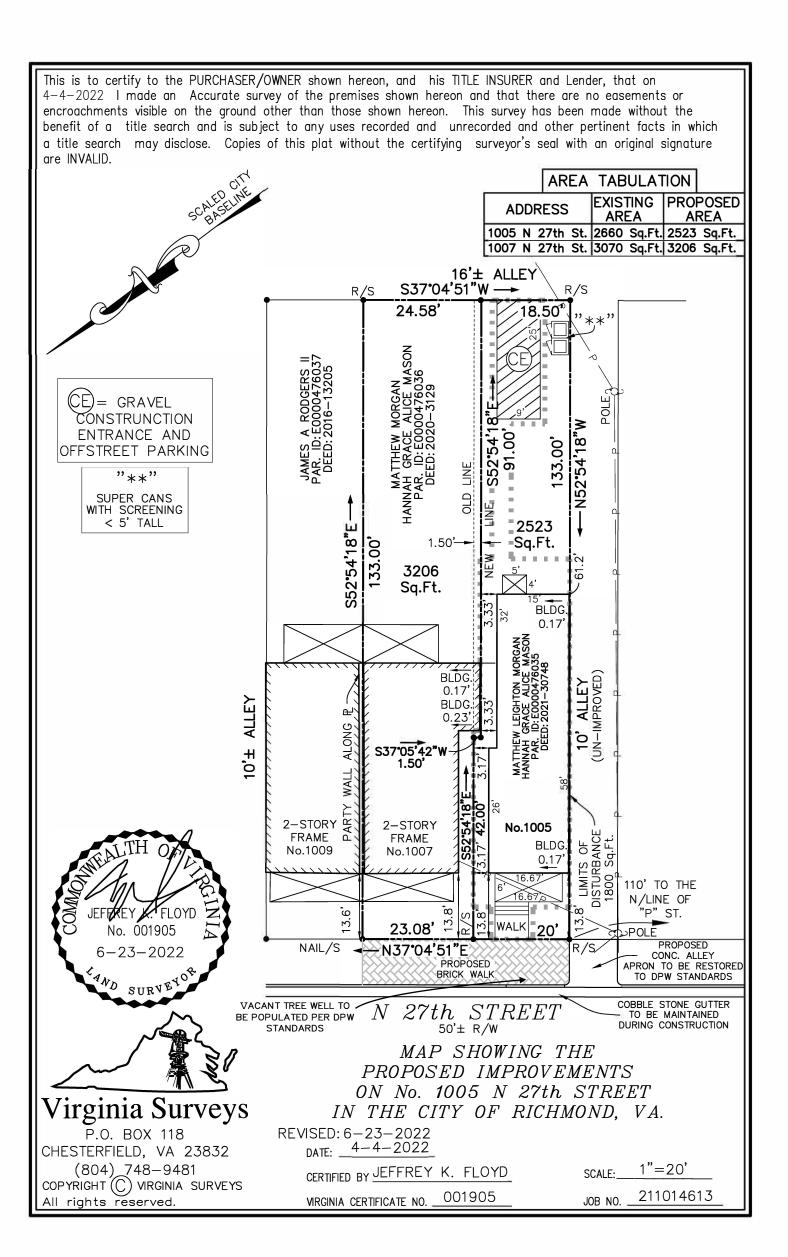
The SUP would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

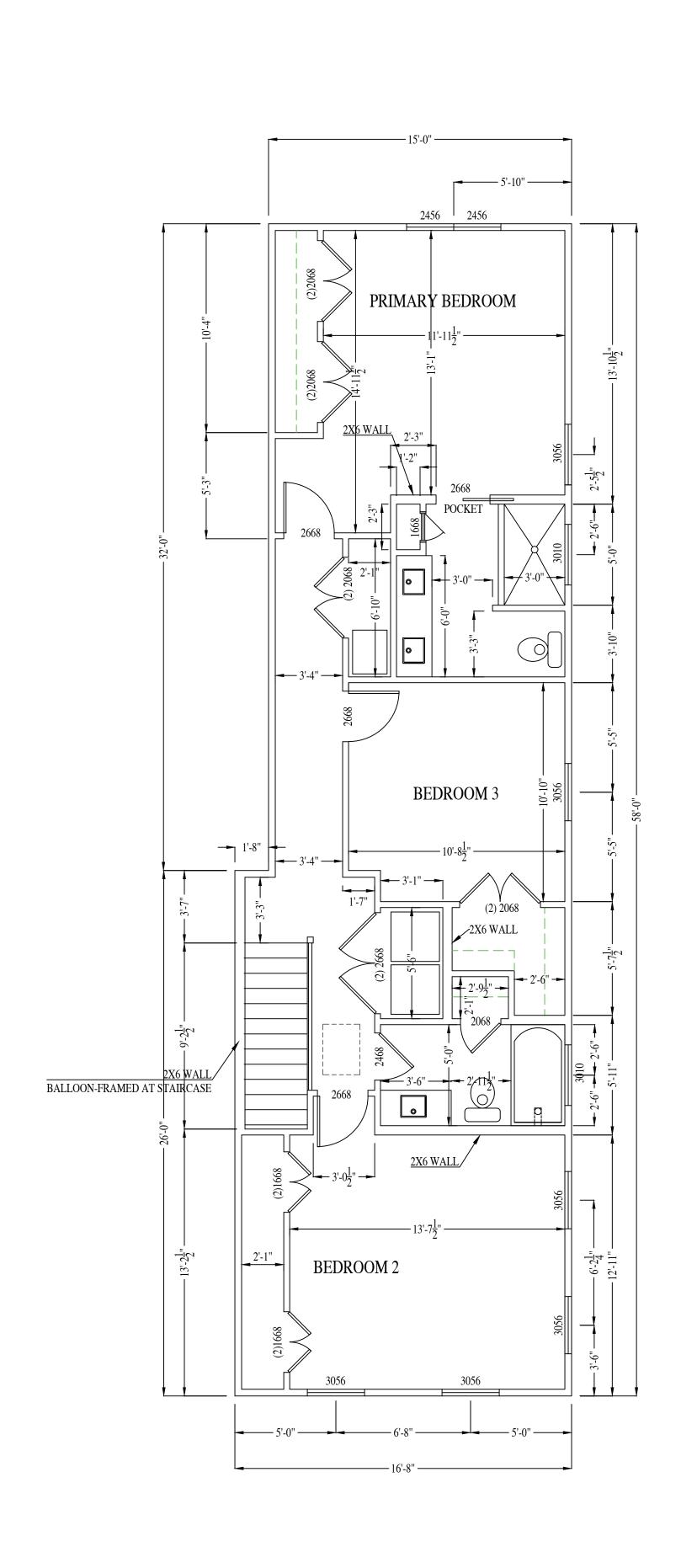
• Interfere with adequate light and air.

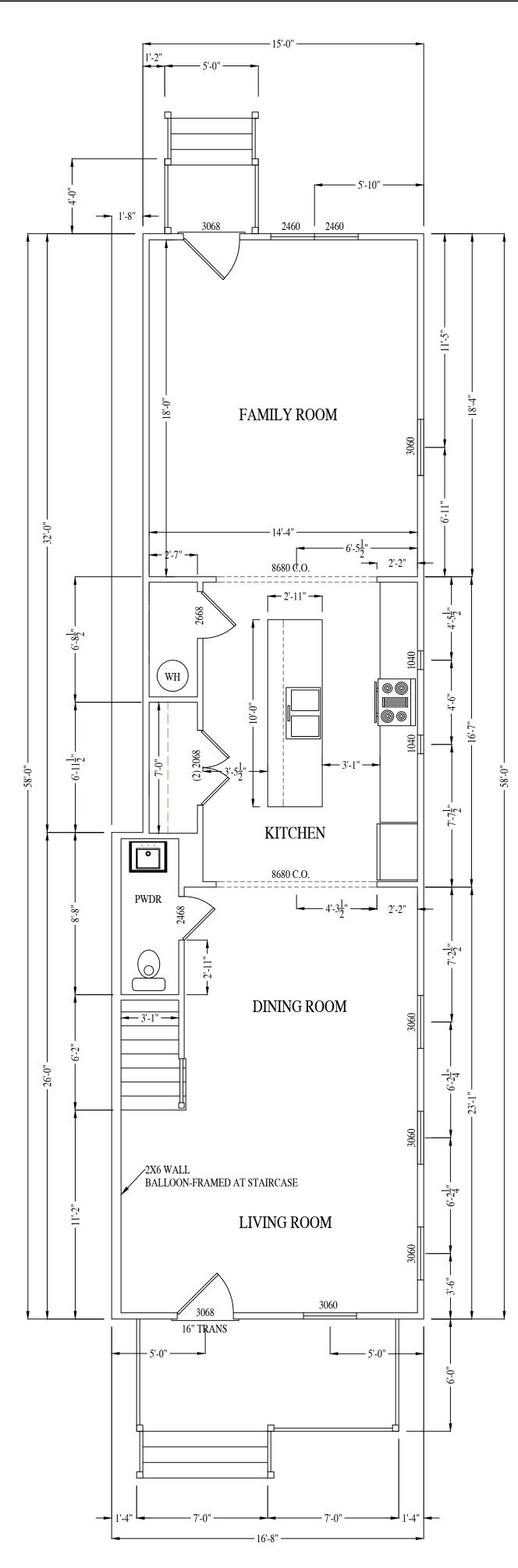
The light and air available to the subject and adjacent properties will not be affected. The massing of the proposed structures is similar to what the underlying zoning district and feature regulations applicable to single-family detached dwellings allow for by-right on legally nonconforming lots of substandard width.

Summary

In summary we are enthusiastically seeking approval for the construction of a new, single-family detached dwelling on the Property. The SUP represents an ideal, small-scale urban infill development for this location. In exchange for the SUP, the quality assurances conditioned therein would guarantee the construction of a quality home ownership opportunity consistent with Master Plan guidance. This would contribute to the overall vibrancy of the block though the provision of an appropriate urban form and use that is consistent with the development pattern and surrounding neighborhood.







SECOND FLOOR PLAN

FIRST FLOOR PLAN

913 S.F.

1005 N 27TH ST

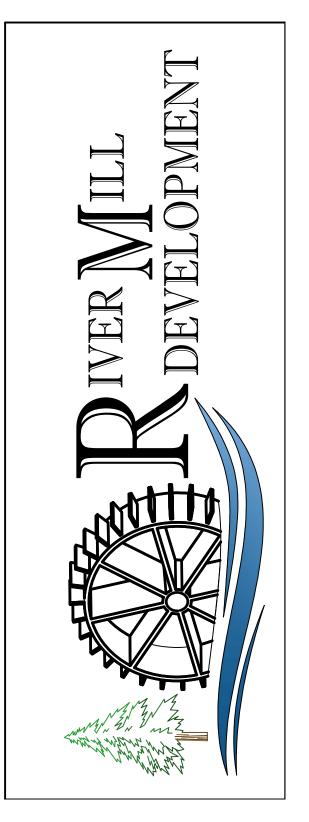
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REVISION NOTES				
DATE	START			
	11/17/2022			

SCALE: 1/4" = 1'-0"

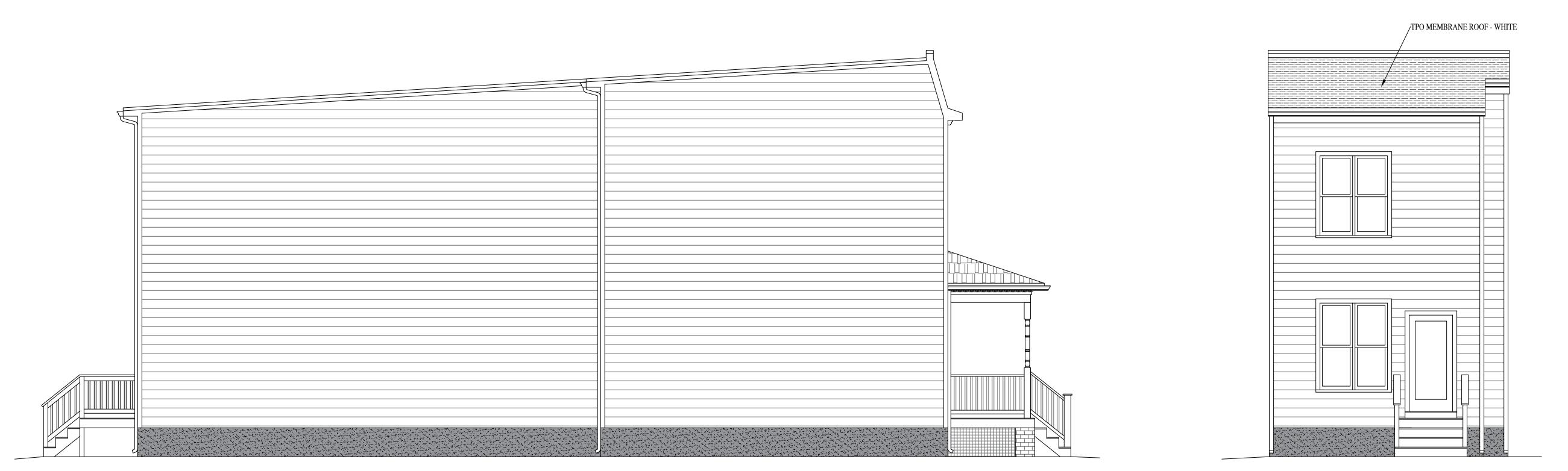
DATE: 2-07-2022

SHEET: A1.1





FRONT ELEVATION



LEFT ELEVATION



VER MILL DEVELOPM
RIVERMILLDEVELOPMENT@GMAIL.COM

REVISION NOTES				
DATE	START			
	11/17/2022			

SCALE: 1/4" = 1'-0"

DATE: 2-07-2022

SHEET: A2.1

