

INTRODUCED: June 12, 2023

AN ORDINANCE No. 2023-189

To authorize the special use of the property known as 1203 North 19th Street for the purpose of a single-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 24 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 1203 North 19th Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a single-family detached dwelling, which use, among other things, is not currently allowed by sections 30-412.4, concerning lot area and width; density; unit width, and 30-412.5, concerning yards, 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: 7 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 24 2023 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 1203 North 19th Street and identified as Tax Parcel No. E000-0554/017 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on 1203 N. 19th Street in the City of Richmond, Virginia,” prepared by Frederick A. Gibson & Associates, P.C., and dated April 6, 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 single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the survey entitled “Plat Showing Improvements on 1203 N. 19th Street in the City of Richmond, Virginia,” prepared by Frederick A. Gibson & Associates, P.C., and dated April 6, 2022, 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 single-family detached dwelling, substantially as shown on the Plans.

(b) 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.

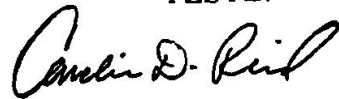
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 365 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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".

City Clerk



City of Richmond

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

Master

File Number: Admin-2023-0243

File ID: Admin-2023-0243

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 05/02/2023

Subject:

Final Action:

Title: To authorize the special use of the property known as 1203 North 19th Street for the purpose of a single-family dwelling, upon certain terms and conditions.

Internal Notes:

Code Sections:

Agenda Date: 06/12/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-0243_Documents, Admin-2023-0243 - Map, Admin-2023-0243 - Draft Ordinance

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	5/16/2023	Matthew Ebinger	Approve	5/18/2023
2	2	5/16/2023	Kevin Vonck	Approve	5/23/2023
2	3	5/16/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	4	5/17/2023	Sharon Ebert	Approve	5/23/2023
2	5	5/17/2023	Alecia Blackwell - FYI	Notified - FYI	
2	6	5/19/2023	Allison Beatty	Approve	5/19/2023
Notes: should have been a FYI hagensj					
2	7	5/19/2023	Jeff Gray - FYI	Notified - FYI	
2	8	5/19/2023	Lincoln Saunders	Approve	5/23/2023
2	9	5/24/2023	Mayor Stoney (By Request)	Approve	5/23/2023
Notes: bypassed to correct account Levar Stoney - Kit Hagen					
2	10	6/7/2023	Mayor Stoney	Approve	5/26/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-0243

Title

To authorize the special use of the property known as 1203 North 19th Street for the purpose of a single-family dwelling, upon certain terms and conditions.

Body

O & R Request

DATE: May 16, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, 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 1203 North 19th Street for the purpose of a single-family dwelling, upon certain terms and conditions

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1203 North 19th Street for the purpose of a single-family dwelling, upon certain terms and conditions

REASON: The property is located in the R-6 Single-Family Attached Residential District. The new single-family dwelling constructed on the property is a permitted use. However, due to a surveyor error the dwelling encroaches into the required side yard on the southern side. Therefore a special use permit is requested in order to authorize this use.

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 2,950 square foot subject property located on the eastern side of 1203 North 19th Street, near its intersection with Q Street. The R-6 Zoning District requires a minimum lot area of 5,000 square feet and a minimum o lot width of 50 feet for a single-family detached home. The subject property is 23.5 feet wide with a total area of 2,953 square feet. The lot has been a deeded independent lot since at least 1942 and is legally nonconforming for a single-family dwelling use provided that the lot feature requirements of the zoning district are met. In this instance, the recently constructed single-family dwelling encroached up to 1/2 a foot into the southern side yard setback.

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 12, 2023

CITY COUNCIL PUBLIC HEARING DATE: July 24, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 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: Application Form, Applicant's Report, Plans, Map, Draft Ordinance

STAFF: David Watson, Senior Planner, Land Use Administration (Room 511) 804-646-1036

..Recommended Action

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike Withdrawn ---- Continue to:



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: 1203 N. 19th Street

Date: 2/24/2023

Tax Map #: E0000554017 Fee: 300

Total area of affected site in acres: 0.068

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

Zoning

Current Zoning: R-6 - Residential (Single Family Attached)

Existing Use: SFD awaiting Certificate of use and occupancy

Proposed Use

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

authorize a single-family dwelling that does not meet lot feature requirements of the zoning district

Existing Use: _____

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Ihab Aramin

Company: _____

Mailing Address: 2840 BRAIDWOOD RD

City: Richmond

State: VA

Zip Code: 23225

Telephone: (804) 666-1615

Fax: ()

Email: _____

Property Owner: Ihab Aramin

If Business Entity, name and title of authorized signee: _____

(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: 840 BRAIDWOOD RD

City: Richmond

State: VA

Zip Code: 23223

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.**

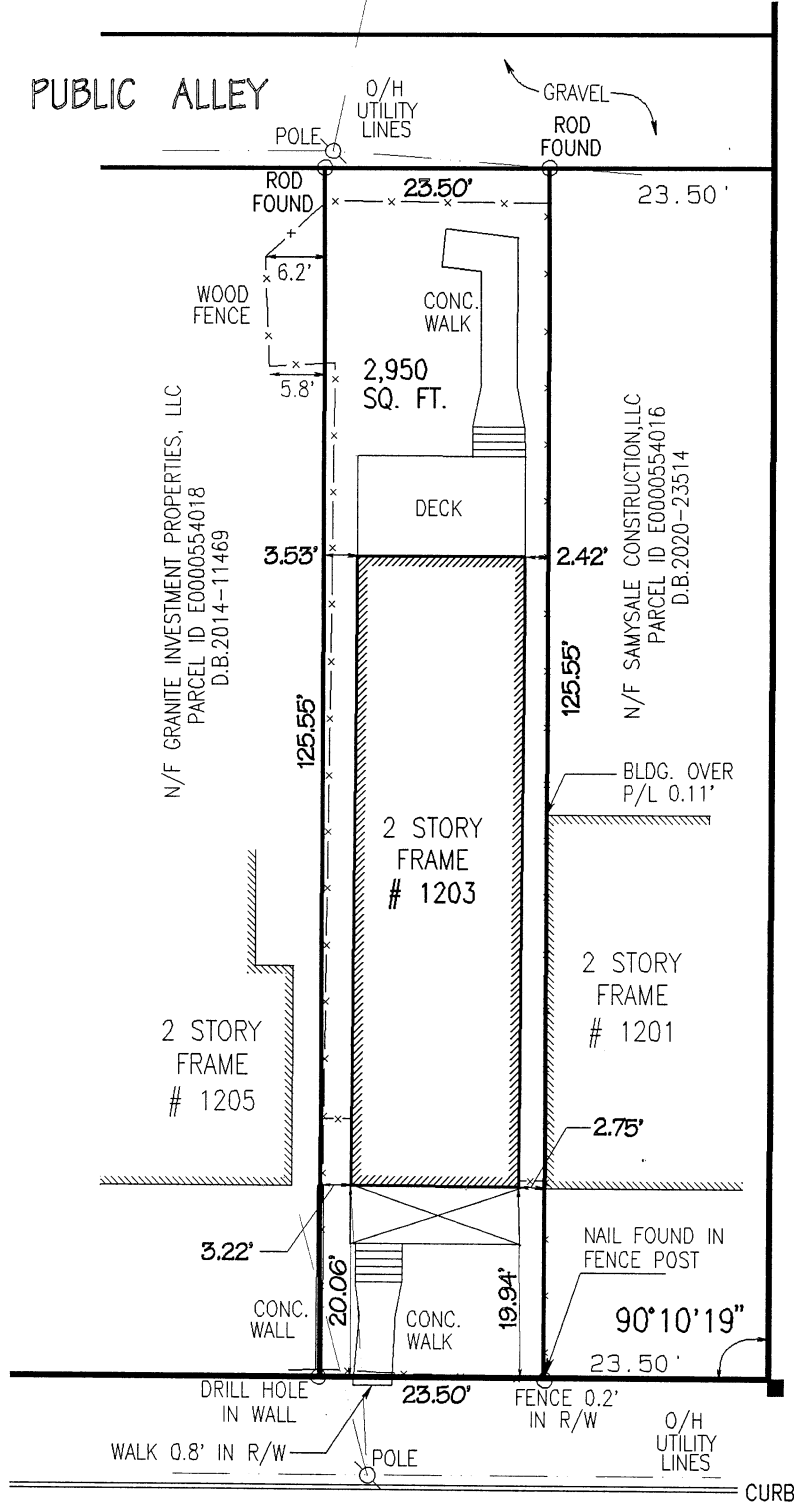
NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

This SUP is requested in order to correct a footing placement error for a single-family dwelling constructed at 1203 N 19th Street. The submitted site plan called for a three foot setback from each side property line. However, the as built survey showed that the eastern wall of the structure encroached into this setback, thus not meeting the lot feature requirement of the district. This encroachment necessitated the installation of fire rated windows in order to meet building code requirements. This work has been completed and I request a special use in order to satisfy zoning requirement.

This request meets all conditions for approval listed in the City Charter for the approval of special uses.

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. CURRENT OWNER(S): IHAB ARAMIN INST.#200012555 PARCEL ID E0000554017

14' PUBLIC ALLEY



N 19TH STREET

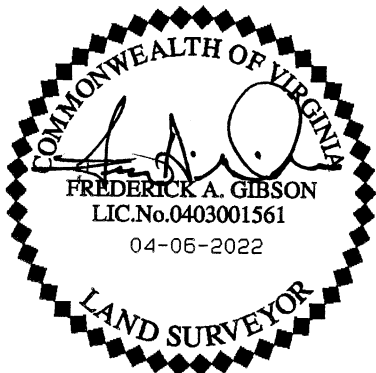
66' R/W

(PHYSICAL SURVEY)

PLAT SHOWING IMPROVEMENTS ON 1203 N. 19TH STREET
IN THE CITY OF RICHMOND, VIRGINIA

SCALE: 1" = 20'

THIS IS TO CERTIFY THAT ON APRIL 6, 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 # 1809-04 M