

INTRODUCED: June 26, 2023

AN ORDINANCE No. 2023-201

To authorize the special use of the property known as 907 West 32nd Street for the purpose of a dwelling unit within an accessory building to 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 907 West 32nd Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a dwelling unit within an accessory building to a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-410.2, concerning permitted accessory uses and structures, 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

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: Jul 24 2023 REJECTED: _____ STRICKEN: _____

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 property known as 907 West 32nd Street and identified as Tax Parcel No. S000-1363/016 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Sketch Showing the Proposed Improvements on Lot 12 and Part of Lots 10 and 14, Block 67, ‘Woodland Heights,’ in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated November 9, 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 dwelling unit within an accessory building to a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “907 W 32nd St. ADU,” prepared by River Mill Development, and dated September 15, 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 dwelling unit within an accessory building to a single-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 accessory dwelling unit shall not exceed one story.

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

(e) All mechanical equipment, including heating, ventilation, and air conditioning units, 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.

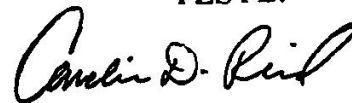
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property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

City Clerk



City of Richmond

RECEIVED
By CAO Office at 11:00 am, Apr 14, 2023


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


Item Request File Number: PRE.2022.0765


O & R Request


DATE: April 11, 2023 **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  for KJV

RE: To authorize the special use of the property known as 907 W 32nd Street, for the purpose of a dwelling unit within an accessory building to a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 907 W 32nd Street, for the purpose of a dwelling unit within an accessory building to a single-family detached dwelling, upon certain terms and conditions.

REASON: The applicant intends to construct an accessory dwelling unit, which is not a permitted use in the R-5 Single-Family 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.

BACKGROUND: The property is in the Woodland Heights neighborhood on W 32nd Street between Chesterfield Street and Ferncliff Road. The property is currently a 7,074 sq. ft. (.16 acre) parcel of land with a two-story single-family home. The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as a "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature."

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre. Primary Uses: Single-family houses, accessory dwelling units, and open space. Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets.

The current zoning for this property is R-5 Single-Family Residential District. All adjacent and nearby properties are located primarily within the same R-5 zone. The area is generally single-family residential. The proposed density of the parcel is 2 units upon .16 acres, or 12.5 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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 8, 2023

CITY COUNCIL PUBLIC HEARING DATE: June 12, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
June 5, 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: Shaianna Trump, Associate Planner, Land Use Administration (Room 511) 646-7319



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: _____ Date: _____

Tax Map #: _____ Fee: _____

Total area of affected site in acres: _____

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

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Use

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

Existing Use: _____

Is this property subject to any previous land use cases?

Yes

No

☐☐

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner: _____

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: _____

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

November 18th, 2022

*Special Use Permit Request
907 W 32nd Street Richmond, Virginia
Map Reference Number: S000-1363/016*

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:	Baker Development Resources 530 East Main Street, Suite 730 Richmond, Virginia 23219

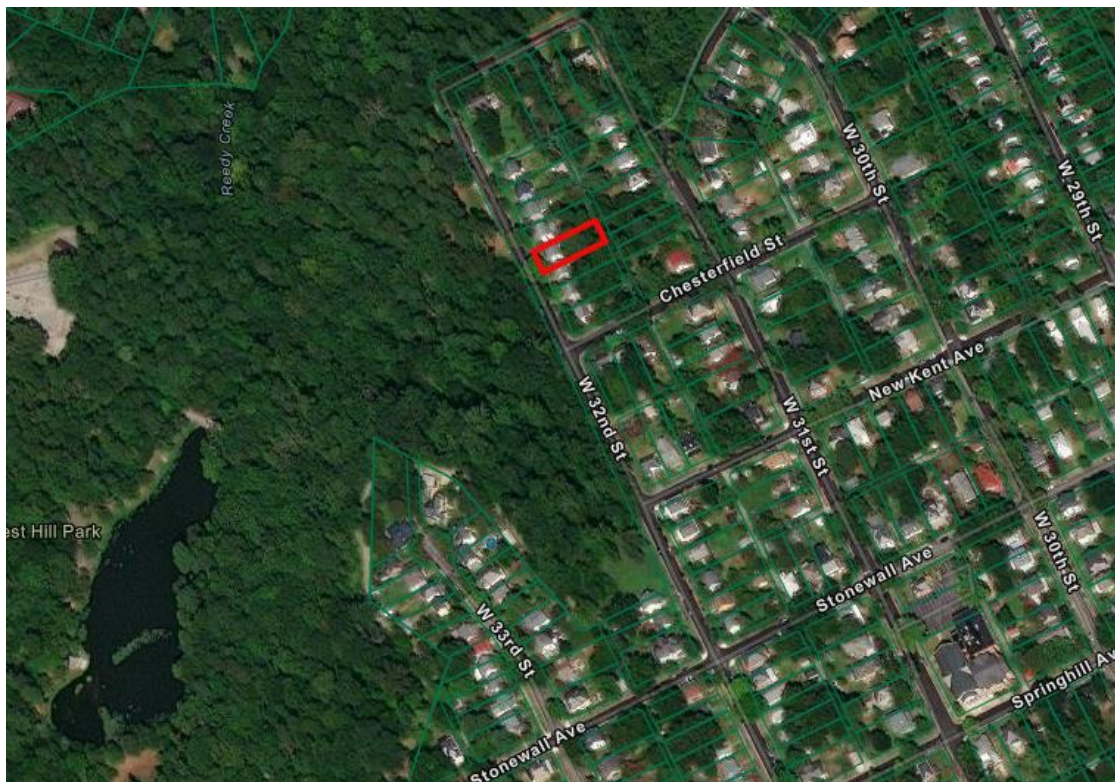
Introduction

The property owner is requesting a special use permit (the “SUP”) for 907 W 32nd Street (the “Property”). The SUP would authorize an accessory dwelling unit (the “ADU”) within anew, detached accessory structure at the rear of the Property. While the accessory structure is permitted by the underlying R-5 Single-Family Residential District, the dwelling unit is not, and therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located along the eastern line of W 32nd Street across from Forest Hill Park. The Property is referenced by the City Assessor as tax parcel S000-1363/016 and is currently improved by a two story single-family detached dwelling and one-story garage accessory structure. The Property is approximately 47 feet in width, contains roughly 7,074 square feet of lot area, and is accessible by a rear alley.



The properties in the immediate vicinity are developed primarily with residential uses. Single-family detached dwellings are the most prevalent residential uses, though there are two-family uses in the vicinity as well. Further south, along Semmes Avenue are commercial and institutional uses.

EXISTING ZONING

The Property and those immediately surrounding it are located within the R-5 Single Family Residential District. To the south/southeast are properties located in the R-6 Single-Family Attached Residential District. To the south/southwest are parcels zoned B-1 and RO-2.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the “Master Plan”) suggests “Residential” for the Property. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. This designation also encourages that developments reinforce a gridded street pattern to increase connectivity. Single-family dwellings, accessory dwelling units, and open space are the contemplated primary use in the Residential future land use designation (p. 54). Furthermore, the Richmond 300 plans specifically recommends that Accessory Dwelling Units be permitted by-right in residential zoning 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 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.”
 - 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.

TRANSPORTATION

The Property is located an 8-minute walk (.4 miles) to the bus stop at Semmes + 31st, which is serviced by the 2A and 2B routes which are considered “high-frequency” bus lines.

Proposal

PROJECT SUMMARY

The SUP would authorize the removal of the existing accessory structure and the construction of a new, single story accessory building containing an ADU to be located at the rear of the Property. The proposed ADU use does not conform to the underlying R-5 Single-Family Attached District zoning requirements applicable to the Property. Furthermore, the applicant is requesting a parking waiver to allow for the new accessory structure to be located at the rear of the parcel.

PURPOSE OF REQUEST

The Property consists of lot 12 and part of lot 10 of Block 67 of the original Woodland Heights Subdivision and is of a typical size and configuration for the area. The owner now proposes to remove the existing detached garage and to create a new accessory structure to be occupied with an accessory dwelling unit and a home office for the use of the Property owner. The use of accessory structures for small-scale dwelling units is consistent with the goals of the Richmond 300 Master Plan. As the proposed use is not permitted by the underlying R-5 zoning regulations, a SUP is required in order to permit the proposed development. Also, by locating the new accessory structure in the same location as the current structure, a waiver of the parking requirement will be required.

In exchange for the SUP, the intent of this request is to provide an additional housing unit within the City. The quality assurances conditioned through the SUP would guarantee a high-quality development and ensure an appropriately scaled use that is compatible with and complementary to the surrounding residential neighborhood.

PROJECT DETAILS

The proposed one-story accessory structure containing the ADU and personal office would be located at the rear of the parcel. The footprint of the structure is approximately 20 feet by 25 feet. The ADU would be accessed by a door located along the northern elevations. A door on the southern elevation would allow access to a home office within the accessory structure which would be for the personal use of the Property owner.

When complete, the ADU would be approximately 500 square feet in floor area and would be configured as a studio-style dwelling. Care was taken in designing it so as to include generous living space as well as a small, yet functional, kitchen. The exterior will utilize quality cementitious siding and will include ample windows to allow light into the unit. In exchange for the SUP, the intent of this request is to more efficiently utilize the Property to create an additional housing opportunity in the neighborhood for a future resident with a high-quality product that is in-line with future land use guidance.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 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 special use permit for an additional dwelling unit will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

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

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation will create no congestion on streets, roads, alleys or any other public right of way.

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

The accessory structure 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 proposed special use permit will not tend to over crowd 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 special use permit 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.***

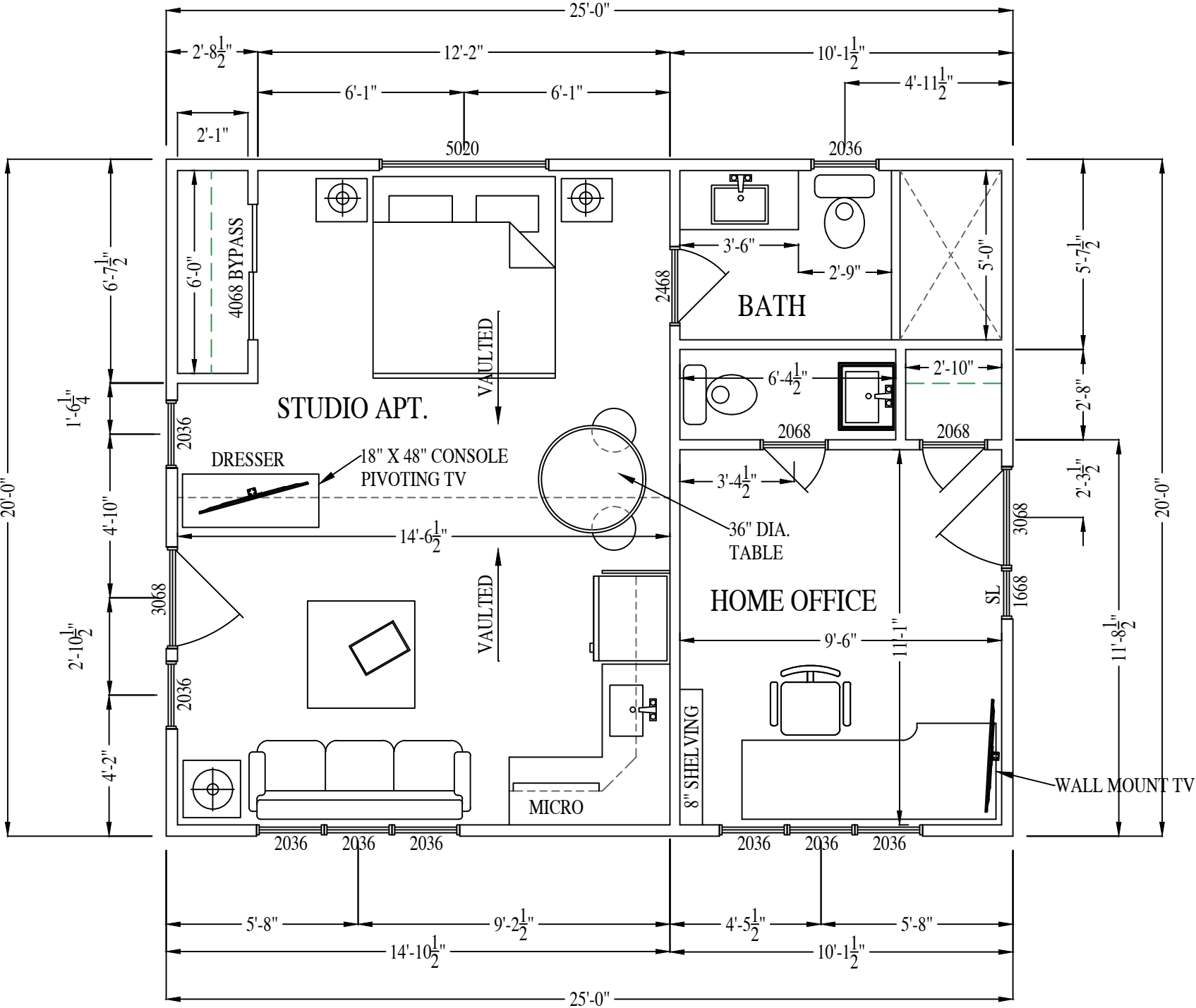
The light and air available to the subject and adjacent properties will not be affected. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

In summary we are enthusiastically seeking approval for the construction of a new accessory structure on the Property which will contain an Accessory Dwelling Unit along with a separate office space for the Property owner's personal use. This SUP proposal represents an ideal, small-scale urban development for this location that is mindful of its surroundings. In exchange for the SUP, the quality assurances and conditions related to the renovation of the structure would guarantee the construction of a new housing type that furthers the realization of recent planning guidance.

FLOOR PLAN

HEATED S.F.: 500



907 W 32ND ST. ADU

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

REVISION NOTES

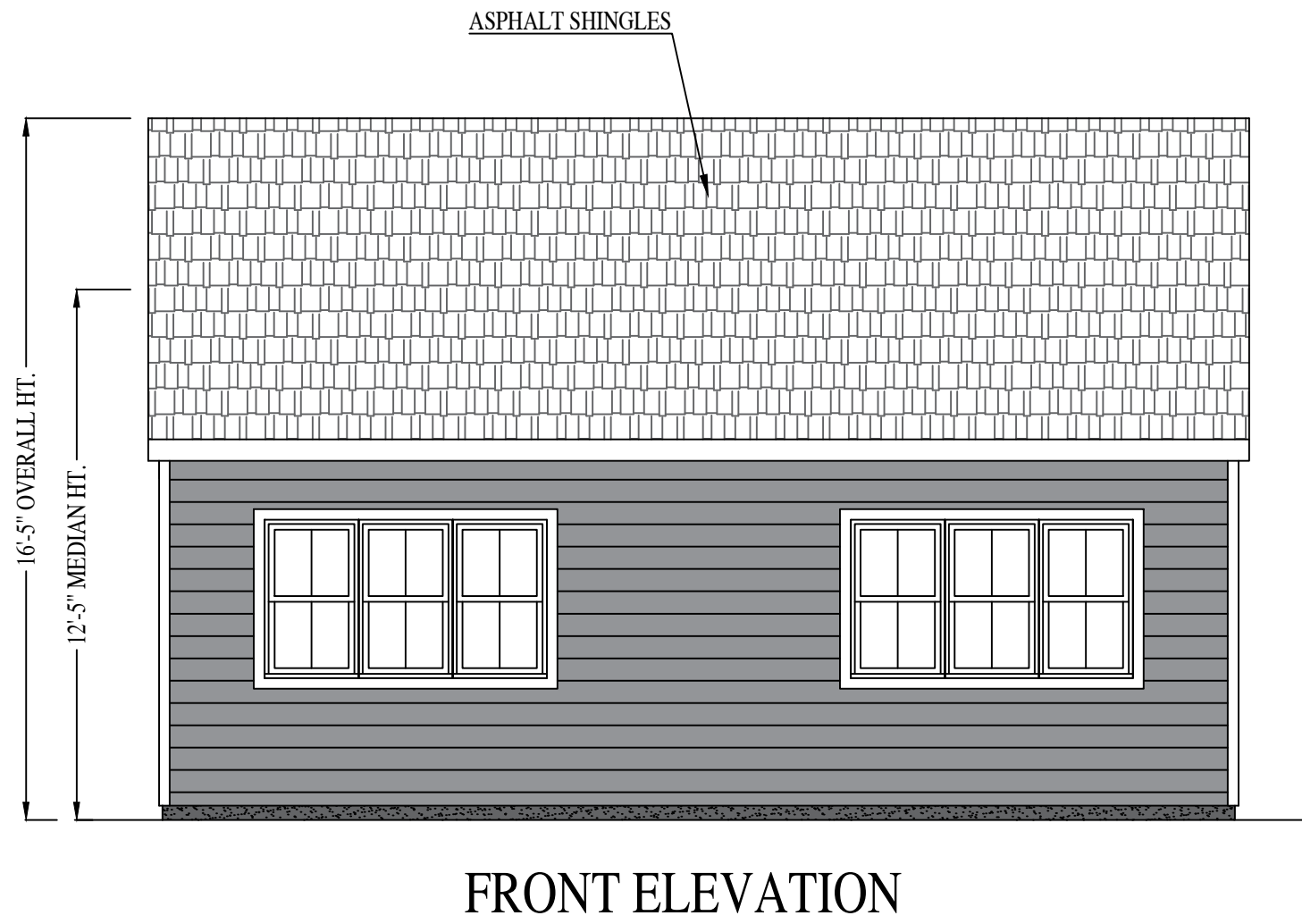
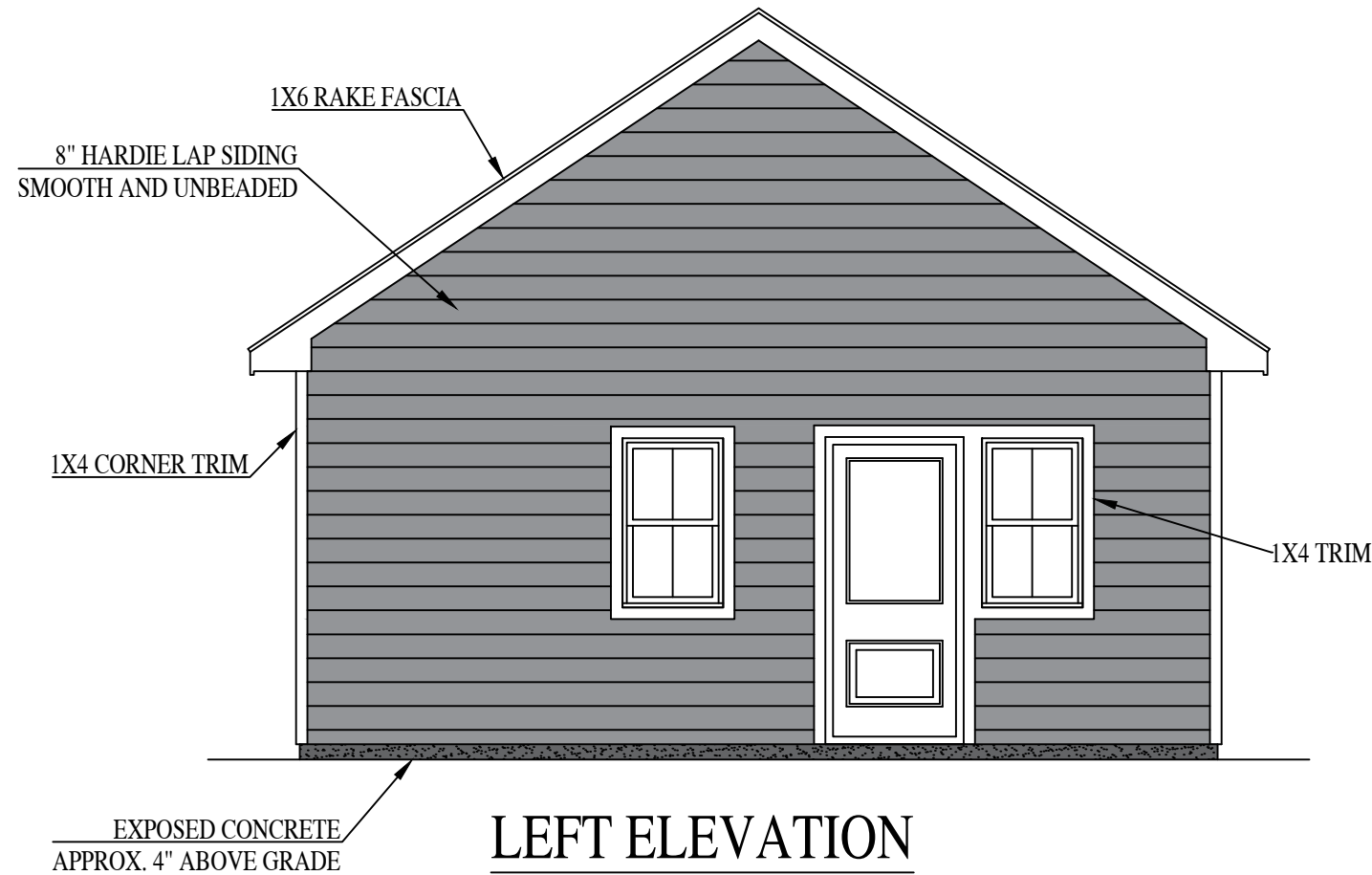
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DATE:
9-15-2022

SHEET:
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907 W 32ND ST. ADU

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

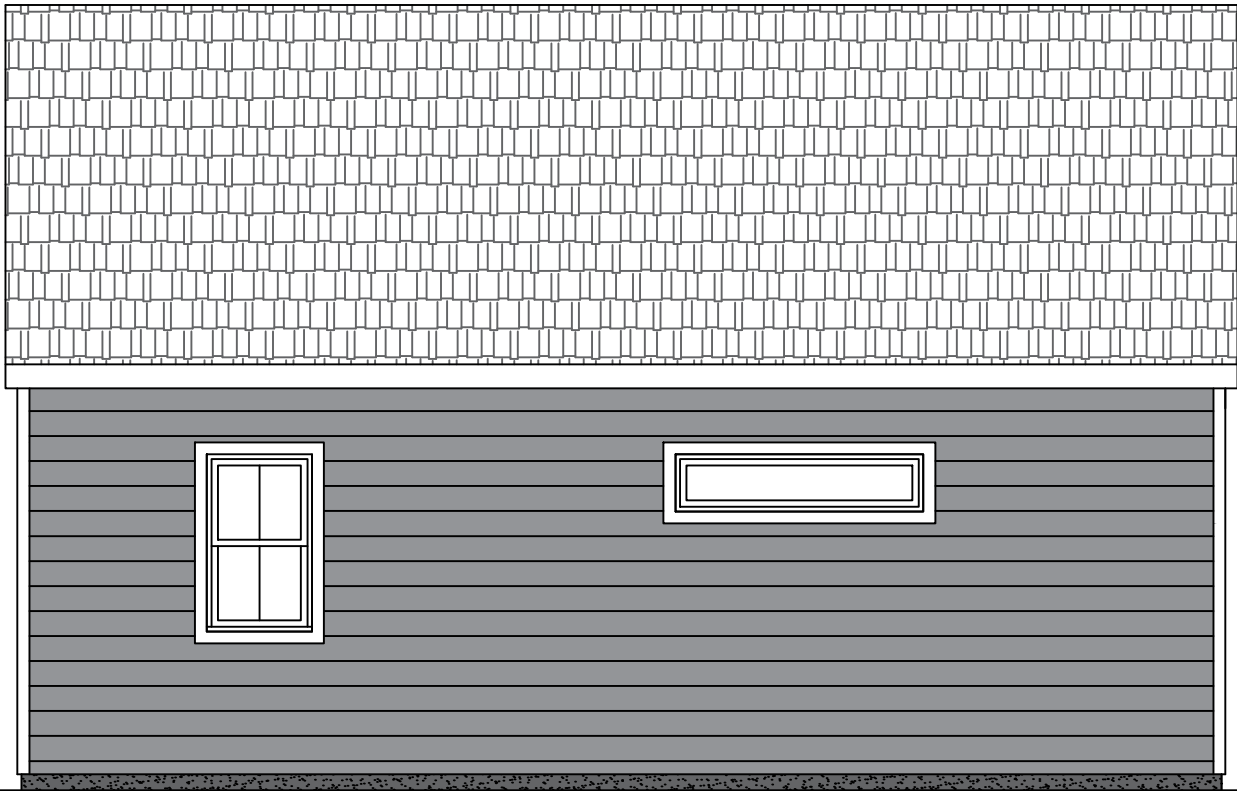
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DATE:
9-15-2022

SHEET:
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REAR ELEVATION



RIGHT ELEVATION

907 W 32ND ST. ADU

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

REVISION NOTES

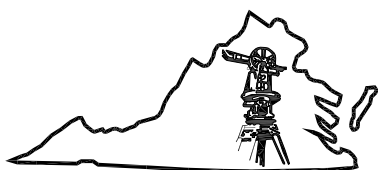
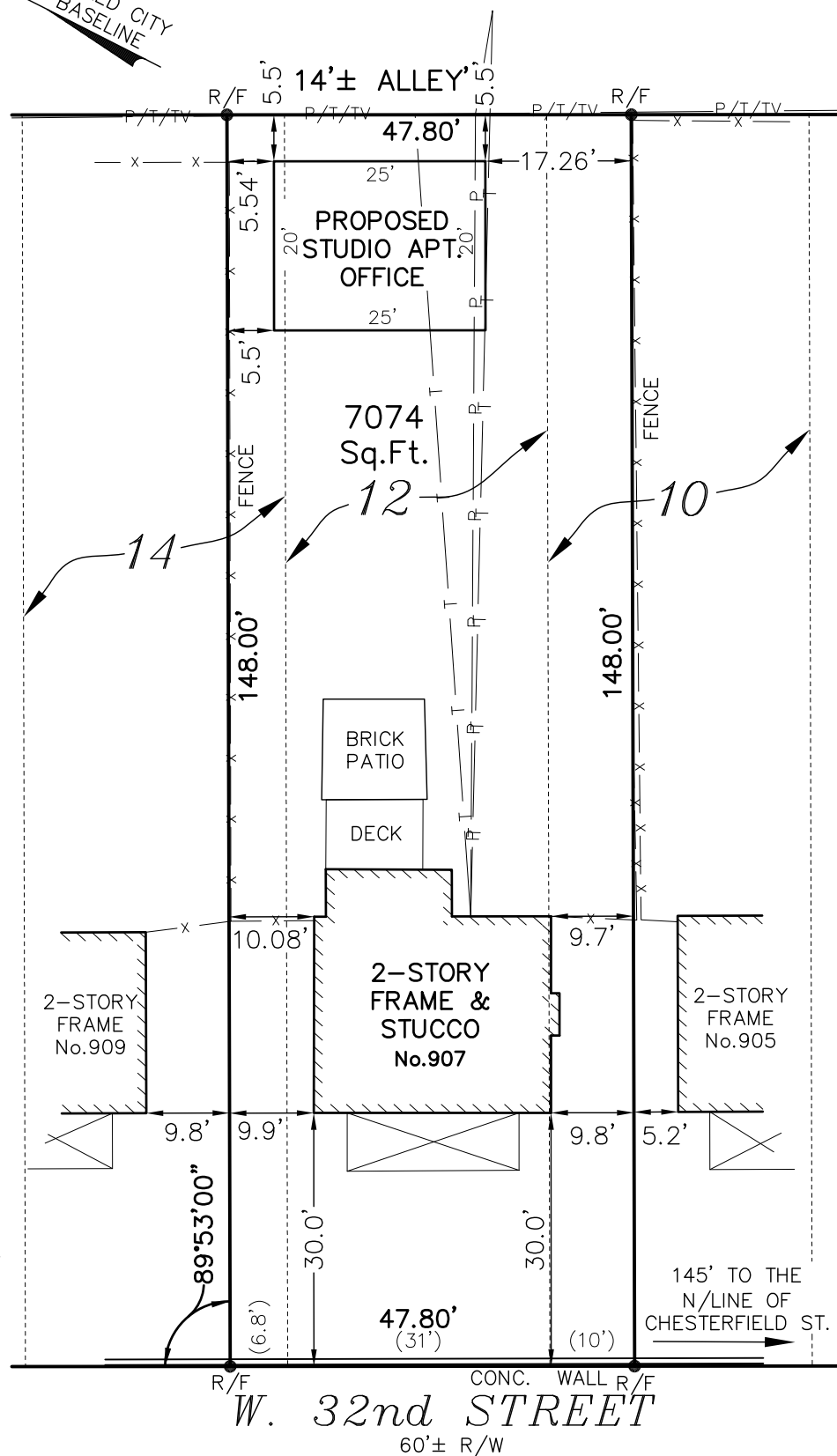
DATE	START

SCALE:
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DATE:
9-15-2022

SHEET:
A2.2





(804) 748-9481
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SKETCH SHOWING THE
PROPOSED IMPROVEMENTS
ON LOT 12 AND PART OF
LOTS 10 AND 14, BLOCK 67,
"WOODLAND HEIGHTS"
IN THE CITY OF RICHMOND, VA.

VIRGINIA CERTIFICATE NO. 001905

JOB NO. 220414955