INTRODUCED: February 25, 2019

AN ORDINANCE No. 2019-038

To authorize the special use of the property known as 1113 North 32^{nd} Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality

by the City Attorney

PUBLIC HEARING: MAR 25 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 1113 North 32nd Street which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, is not currently allowed by section 30-412.4, concerning lot area and lot width, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2018), 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:	9	NOES:	0	ABSTAIN:	
_		-		•	
ADOPTED:	MAR 25 2019	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 (2015), 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 1113 North 32nd Street and identified as Tax Parcel No. E000-0803/027 in the 2019 records of the City Assessor, being more particularly described on the survey entitled "Survey and Plat of The Property Known as #1113 North 32nd Street in the City of Richmond, VA," prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated February 1, 2016, a copy of which is provided as an inset on the plans entitled "New 2-Story, Two-Family House in Historic Church Hill, 1113 North 32nd Street, 1113 North 32nd Street, Richmond, Virginia 23223," prepared by Chris Wolf Architecture, PLLC, and dated September 26, 2018, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a two-family detached dwelling, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "New 2-Story, Two-Family House in Historic Church Hill, 1113 North 32nd Street, 1113 North 32nd Street, Richmond, Virginia 23223," prepared by Chris Wolf Architecture, PLLC, and dated September 26, 2018, 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 one two-family detached dwelling, substantially as shown on the Plans.
 - (b) The height of the Special Use shall not exceed the height shown on the Plans.
- (c) All building materials, elevations, setbacks, and site improvements pertaining to the Special Use shall be substantially as shown on the Plans.
- (d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:
- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.
- (c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.
- (d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), 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 (2015), 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 (2015), 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 (2015), 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.

City of Richmond

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

Item Request

File Number: PRE.2019.008

O & R REQUEST

4-8543 JAN 302019

Office of the Chief Administrative Officer

O & R Request

DATE:

January 30, 2019

EDITION:1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)

(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

THROUGH: Douglas C. Dunlap, Interim Deputy Chief Administrative Officer for Economic

Development and Planning

FROM:

Mark A. Olinger, Director, Department of Planning and Development Review

RE:

To authorize the special use of the property known as 1113 North 32nd Street for the purpose

of a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1113 North 32nd Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

REASON: Two-family dwellings are allowed in the R-6 Single-Family Attached Residential District, however, the subject property does not meet the lot area and width requirements of the underlying zoning. 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 March 18, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 3,720 SF (.085 acre) parcel of land and is vacant. It is located in the Church Hill North Neighborhood within the City's East Planning District.

The City of Richmond's Master Plan designates the subject property for Single-Family (Medium Density) uses. Primary uses in this category are "single-family detached dwellings at densities between 8 and 20 units per acre." (See page 133, Richmond Master Plan.) The density of the parcel if developed as proposed would be a ratio of approximately 22 units per acre.

The City of Richmond's Master Plan designates the subject property for single-family (medium density). Primary uses are single-family and two-family dwellings, both detached and attached. There are also a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for the continued creation of market rate rental housing and a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse.

All properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential zoning district. Within the area of the subject property, many properties are vacant. Those properties with improvements contain a mixture of single-family and multi-family structures

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: February 25, 2019

CITY COUNCIL PUBLIC HEARING DATE: March 25, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, March 18, 2019

AFFECTED AGENCIES: Office of Chief Administration Officer

Law Department (for review of draft ordinance)

City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application, Applicant's Report, Plans, Survey, Map

STAFF: David Watson, Planner

Land Use Administration, 804-646-1036

RICHMOND

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/

541-042901-2018

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		Date: 10/4/18
Property Adress: 1113 N 32nd Street, Richmond, VA 23223		Date: 0 7 1
Tax Map #: E0000803027 Fee: 300		•
Total area of affected site in acres: 0.085		,
(See page 6 for fee schedule, please make check payable to the "City	of Richmond")	
Zoning		
Current Zoning: A-6		
Existing Use: Vacant Lot		
Proposed Use		
(Please include a detailed description of the proposed use in the require New construction two-family dwelling	ed applicant's report)	
Existing Use: Vacant Lot		
Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number:		
Applicant/Contact Person: Mark Baker / Charlle Wilson		
Company; Baker Development Resources		
Mailing Address: 11 S 12th Street, Suite 500		
City: Alchmond	State: VA	Zip Code: 23219
Telephone: _(_804)_874-6275	Fax: _()
Email: markbaker@bakerdevelopmentresources.com		· · · · · · · · · · · · · · · · · · ·
Property Owner: EVOLVEHLD LLC		
If Business Entity, name and title of authorized signee: De	ınili Kleyman, owner	
(The person or persons executing or attesting the execution of this App she has or have been duly authorized and empowered to so execute or	olication on behalf of the attest.)	ne Company certifies that he or
Mailing Address: 3420 Pump Road #169		
City: Richmond	State: VA	Zip Code: 23233
Telephone (804) 991-4111	Fax: _(_ z.p cooe. <u>====</u>
Email: dvk5f@yahoo.com	\	/
Property Owner Signature: Diil V.	Wayner	
The names, addresses, telephone numbers and signatures of all owners	of the property are re-	quired 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 Fing Procedures for special use permits).

APPLICANT'S REPORT

October 1, 2018

Special Use Permit Request 1113 N 32nd Street, Richmond, Virginia Map Reference Number: E000-0803/027

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

11 South 12th Street, Suite 500 Richmond, Virginia 23219

Introduction

The property owner is requesting a special use permit (SUP) for 1113 North 32nd Street ("the Property"). The SUP would authorize the construction of one (1) two-family detached dwelling configured as one attached pair, some of the features of which do not conform to the underlying R-6 Single-Family Attached Residential district zoning requirements applicable to the Property.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The subject property is located on the east side of North 32nd Street between Q and R Streets. The subject property is referenced by the City Assessor as tax parcel E000-0803/027. The Property is a vacant lot that is roughly 30' wide by 124' in depth and contains approximately 3,720 square feet of lot area. The lot is relatively flat and is afforded access in the rear by means of a north-south alley running parallel between 32nd and33rd Streets.



The properties to the north, west and south are generally either developed with single family detached dwellings, two- to three-family dwellings, or are undeveloped vacant lots. Many of the homes directly across 32nd Street from the Property are two-family dwellings. In the general vicinity, there have been administrative and Board of Zoning Appeals variances issued for relief from side-yard regulations, lot area regulations, and lot coverage regulations, both along 31st and 32nd Street.

EXISTING ZONING

The Property is zoned R-6 Single-Family Attached, which permits the proposed two-family Attached dwelling use. The surrounding properties are also zoned R-6..

MASTER PLAN DESIGNATION

The Master Plan recommends "Single-Family (Medium Density)" for the Property. The Master Plan describes this land use category as follows: "Primary uses are single-family and two-family dwellings, both detached and attached... Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7." There are also a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for the continued creation of market rate rental housing and a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse.

Proposal

PROJECT SUMMARY

The proposed development includes the construction of one (1) two-family detached dwelling on the Property with two (2) accessory parking spaces.

PURPOSE OF REQUEST

The Property consists of a single lot of record that is of typical size and configuration for the vicinity. The Property has a lot width of roughly 30' and contains approximately 3,720 square feet of lot area. The owner would like to construct a two-family dwelling on the Property. The R-6 district permits the two-family detached dwellings, however, several feature requirements applicable to two-family detached dwellings are not met. Therefore, a SUP is required in order to permit the proposed development.

The R-6 district would require a lot width of 50' and a lot area of 6,000 square feet of lot area for the two-family dwelling use; this special use permit would grant relief from these feature requirements. The new two-family detached dwelling would meet all other applicable R-6 district requirements.

The Property's lot width and area are compatible with other lots in the vicinity, which vary in size but are all characteristically smaller urban lots. On the subject block face, a majority of the lots are vacant. Developed lots in the vicinity include a mix of residential uses. In addition to single-

family dwellings in the immediate vicinity, there are two two-family dwellings and a three-family multi-family dwelling across 32nd Street to the west (1110 through 1116 N 32nd Street) and two two-family dwelling lies to the rear across the alley (1108 and 1122 N 33rd Street). Two of those two-family dwellings are located on lots that are smaller in area than the Property. Overall, based on the historic lot pattern, the majority of lots in the vicinity are nonconforming with regard to lot area and lot width. In addition, there have been a number of lots authorized by SUP or variance granted by the Board of Zoning Appeals. The proposed 5-foot side yards for the dwellings exceed the minimum requirements and existing setbacks commonly seen in the area.

In exchange for the SUP, the intent of this request is to ensure a high-quality market rate infill development. The overall project would be appropriately dense and efficient. It would be consistent with the use permitted by-right by the underlying zoning. At the same time, it would remain respectful to the historic lot pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

PROJECT DETAILS

The two-family attached dwelling would be two stories in height. From the street, the proposed building reads as a single-family dwelling, and is thereby consistent with other residential buildings in the vicinity in terms of scale and character. The building would contain approximately 2,560 square feet of floor area. When the common foyer and stairwell is excluded, the ground floor unit would have approximately 1,176 square feet, while the upper floor unit would have approximately 1,216 square feet. Each unit would contain two bedrooms and two bathrooms. The dwelling floor plans are spacious and modern with open living areas

The buildings would be clad in cementitious lap siding in order to ensure quality and consistency with many other dwellings in the vicinity. A full-width front porch and full width upper and lower rear porches are proposed and would provide ample usable outdoor area. Two parking spaces are proposed for the two dwellings. Parking spaces would be located to the rear of the dwellings and accessed by the rear alley.

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 high-quality infill construction 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 and two off street parking

spaces for the two dwelling units will create no 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 proposed special use permit will not tend to over crowd the land or create an undue concentration of land.

 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. This benefit can be attributed to the investment in the property coupled with the anticipated absence of school-age children residing within the dwelling, who require substantial City spending in schools and playground facilities.

• Interfere with adequate light and air.

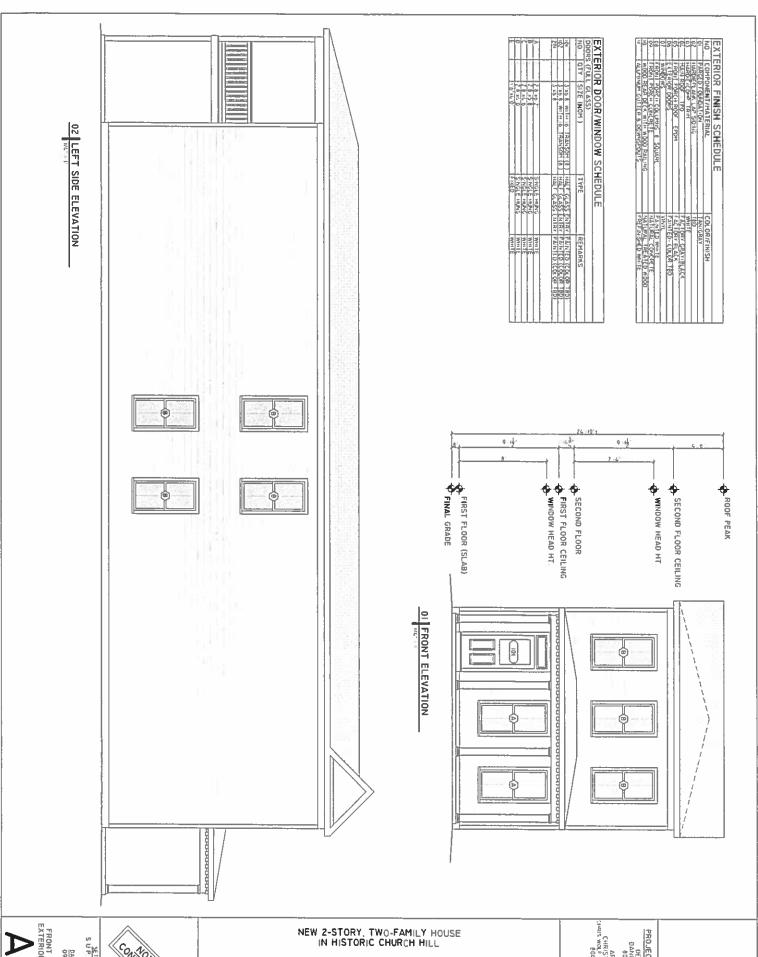
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity, which are in many cases attached dwellings. The normal required side yard setbacks are exceeded by this request. As a 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 the proposed two-family attached dwelling. The building has been thoughtfully designed in order to provide appropriate, high quality market rate infill development. The request offers compatibility with the City's Master Plan in terms of use. The request would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while maintaining a desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood.

The proposed development would respectfully help restore an appropriate urban fabric in a block face in which a majority of lots are vacant. It would help encourage a pedestrian friendly urban streetscape in the block and contribute to the vibrancy of the block though the addition street life in the form of a street-oriented full width front porch. An appropriate urban form coupled with the provision of accessory parking to the rear of the property would give the property the much-

desired traditional neighborhood design which is appropriate to this area of the City. The provision of off-street parking spaces per zoning standards would help mitigate any impact on parking related to the development. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.



S U P SUBMITTAL

S U P SUBMITTAL

DATE MARK
09 26-2018

FRONT 6 LEFT SIDE

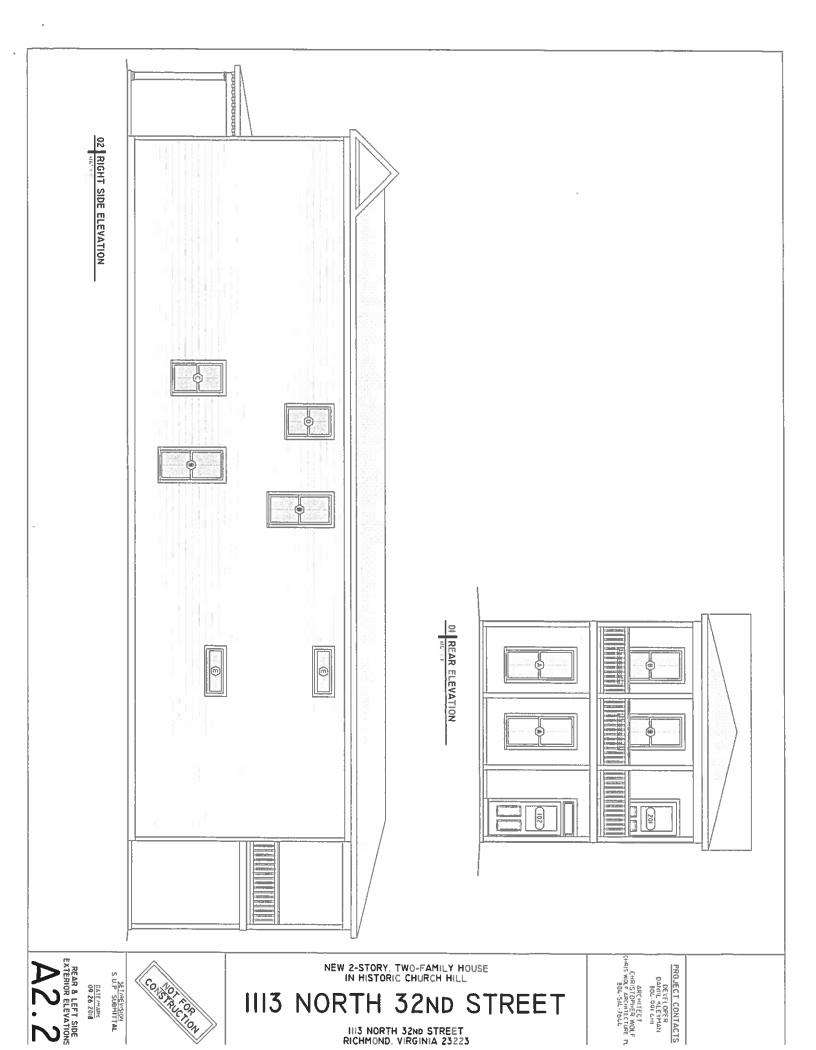
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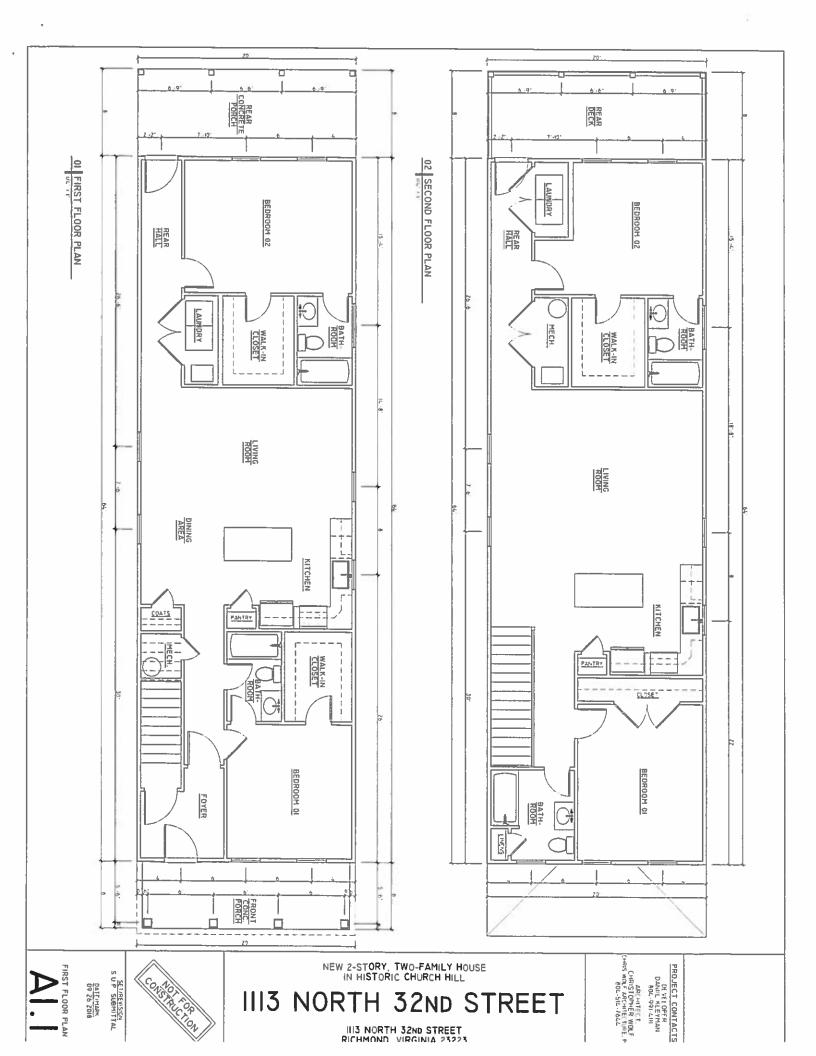
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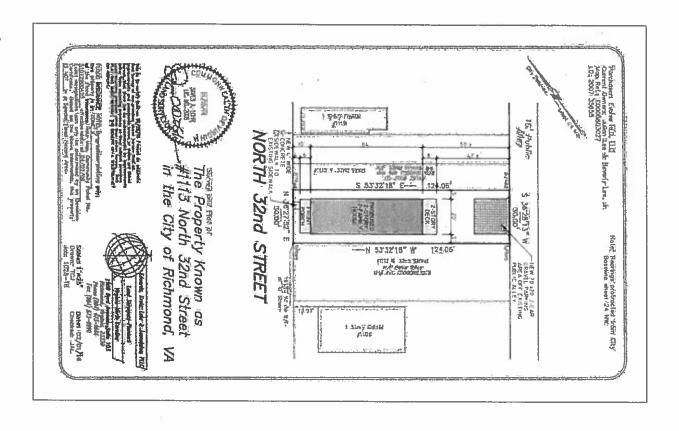


III3 NORTH 32ND STREET

III3 NORTH 32ND STREET RICHMOND VIRGINIA 23223 PROJECT CONTACTS
DEVELOPER
DANIL KLEYMAN
804 991-4111
804 991-4111
CHRISTOPHER WOLF
CHRISTOPHER WOLF
GRANG FAIGHTECTURE. P
804-514-7644







CIVIL/SITE PLAN

S.U.P. SUBMITTAL

DATE MARK
09 26.2018



NEW 2-STORY, TWO-FAMILY HOUSE IN HISTORIC CHURCH HILL

III3 NORTH 32ND STREET

HI3 NORTH 32ND STREET RICHMOND VIRGINIA 23223