INTRODUCED: July 22, 2019

AN ORDINANCE No. 2019-201

To authorize the special use of the property known as 1119 North 31st Street for the purpose of the expansion of an existing 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: SEP 9 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 1119 North 31st Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of the expansion of an existing single-family attached dwelling, which use, among other things, is not currently allowed by section 30-412.5(2)(b), concerning requirements for side yards, 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 (2019), 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

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ADOPTED:	SEP 9 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 1119 North 31st Street and identified as Tax Parcel No. E000-0722/031 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled "Plat Showing Improvements on 1119 N. 31st Street, City of Richmond, Virginia," prepared by Harvey L. Parks, Inc., and dated May 24, 2019, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted for the purpose of the expansion of an existing single-family attached dwelling that encroaches into the side yard, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Espinosa Development, 1119 N. 31st Street, Richmond VA. 23223," prepared by Quality Homes and Design, dated May 15, 2018 and last revised August 8, 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 a single-family attached dwelling with an addition that encroaches into the side yard, 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.

- (c) The height of the Special Use shall not exceed the height shown on the Plans.
- (d) All building materials and elevations shall be substantially as shown on the Plans.
- (e) Parking for one vehicle shall be provided on the Property.
- § 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.

A TRUE COPY:

TESTE:

City Clerk

City of Richmond

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

Item Request

File Number: PRE.2019.308

RECEIVED

JUL 15 2019

OFFICE OF THE CITY ATTORNEY

0 & R REQUEST 4-8937

T- 8937 JUN 26 2019

Office of the Chief Administrative Officer

O & R Request

DATE:

June 25, 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: Sharon L. Ebert, 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 1119 North 31st Street for the purpose

of 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 1119 North 31st Street for the purpose of a single-family attached dwelling, upon certain terms and conditions.

REASON: The applicant has proposed to rehabilitate and expand the existing structure, for use as a single-family attached dwelling unit. The special use will enable an encroachment into the required 3' side yard setback.

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 September 3, 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 2,376 SF (.055 acre) parcel of land containing a two-story structure. It is located in the Church Hill North Neighborhood within the City's East Planning District on 31st Street, between Q and R Streets.. This property is being rehabilitated in tandem with the attached property located at 1117 N. 31st Street and a special use request has also been made for this property.

File Number: PRE.2019.308

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." The density of the property would remain at 18 units per acre.

All properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential zoning district. A mix of single-family detached residential, single-family attached residential, and vacant land uses predominate the vicinity of the subject property.

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: July 22, 2019

CITY COUNCIL PUBLIC HEARING DATE: September 9, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

September 3, 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 Form, Applicant's Report, Plans, Survey, Draft Ordinance, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036

special use permit, new

SUP-055405-2019

Application is hereby submitted for: (check one)

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.eichmondgiav.com/

MAY 3 1 2019

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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)



ADDITIONAL DETAILS MAY BE REQUIRED PER INSPECTORS DISCRETION

THIS APPROVAL DOES NOT RELEIVE THE BULLOER FROM COMPLYING WITH MANUFACTURER SPECS, VA UNIFORM STATEWIDE BULLDING CODE AND CITY OF RICHMOND REGULATIONS WHETHER NOTED, IMPLIED OR OMITTED.

Espinosa Development 1119 N. 31st Street

Plans Drawn By Alan Kimey 108 mest 14th Street Frederick, Md 21101

Richmond YA. 23223

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Espinosa Development

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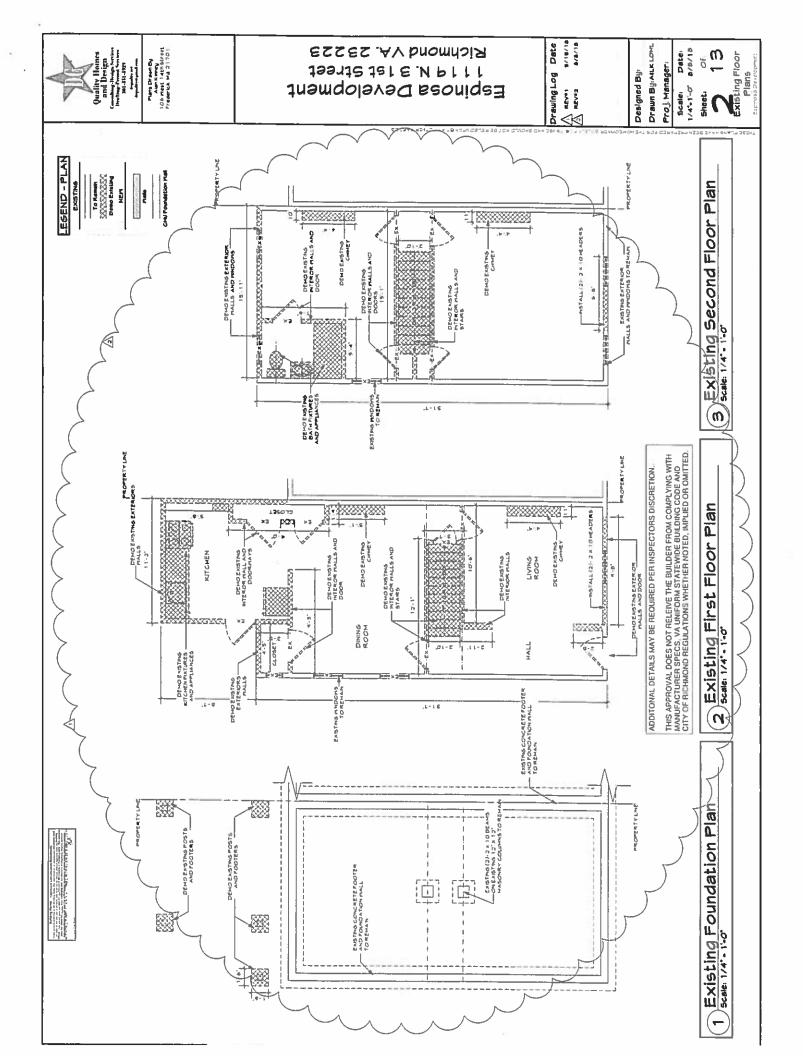
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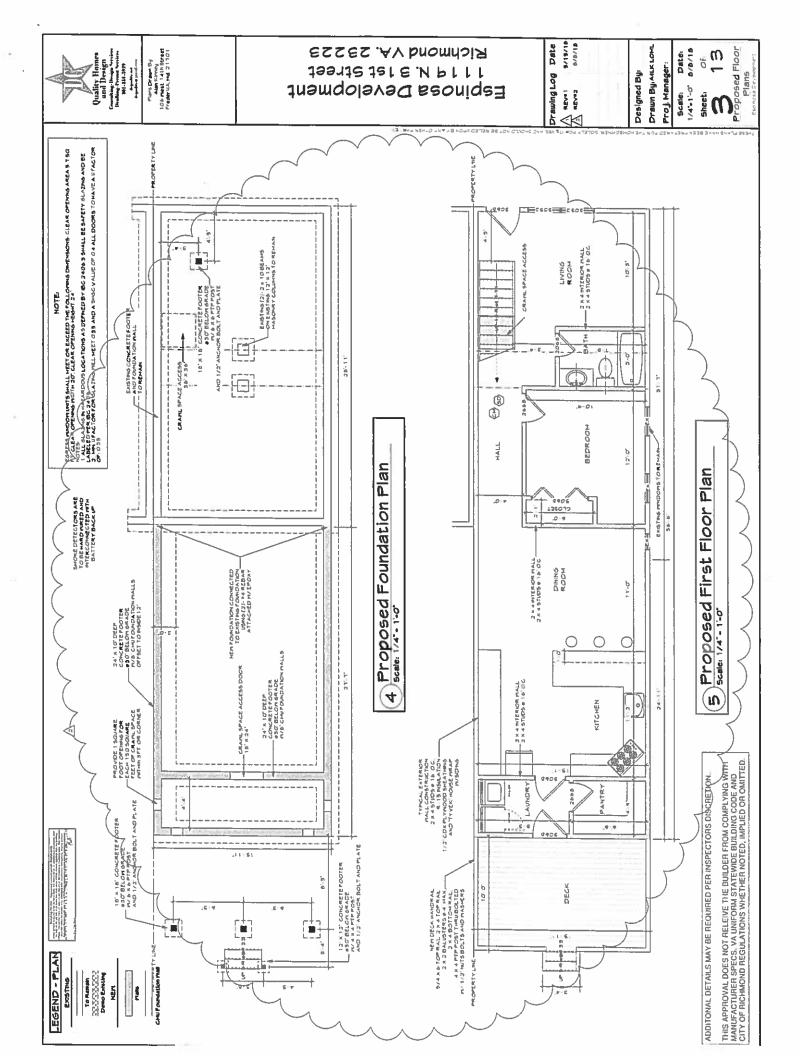
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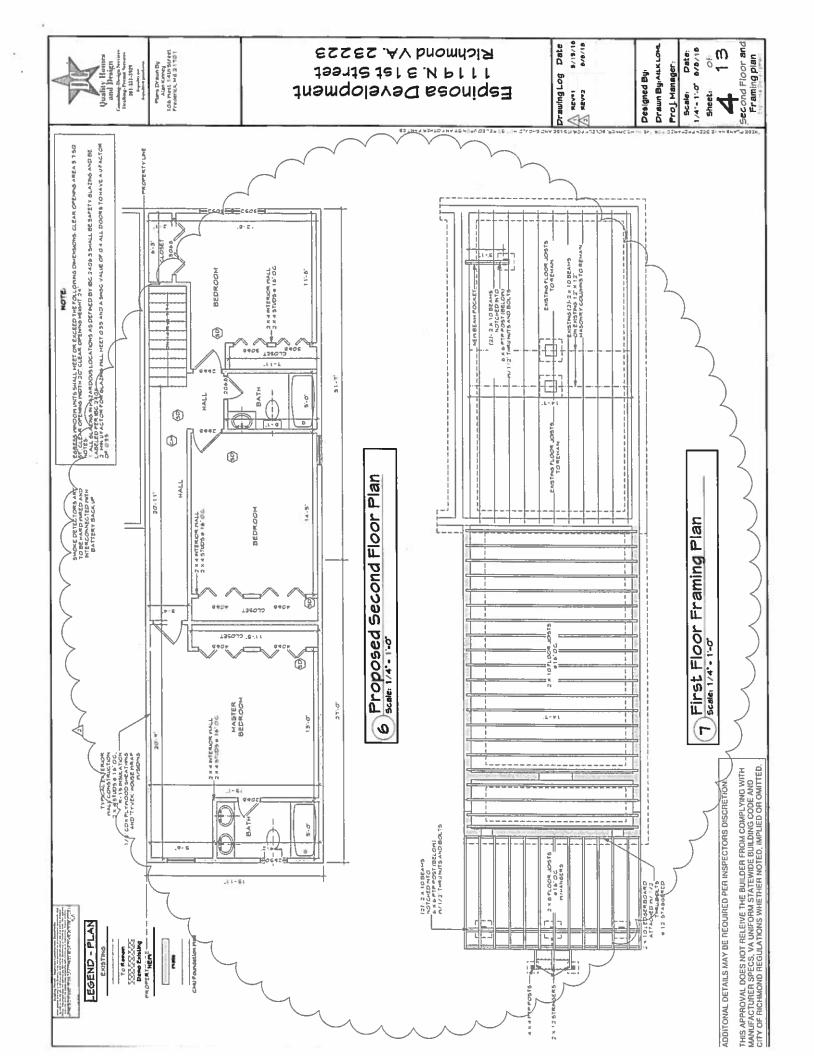
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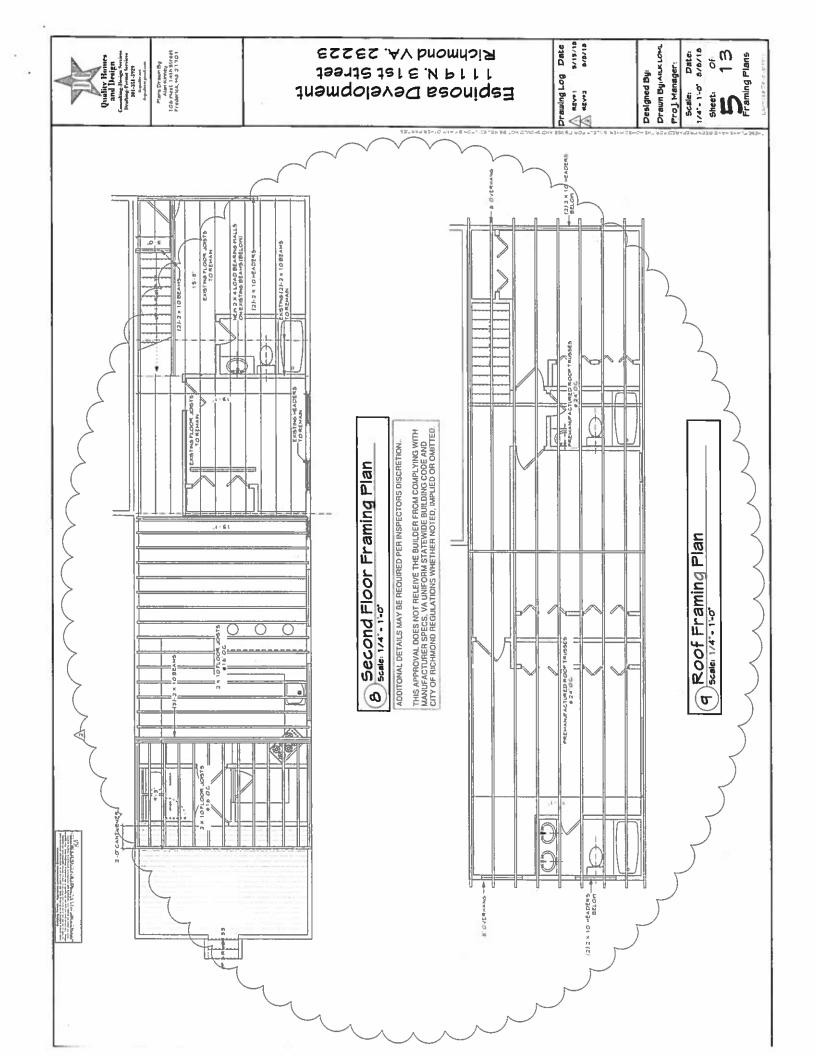
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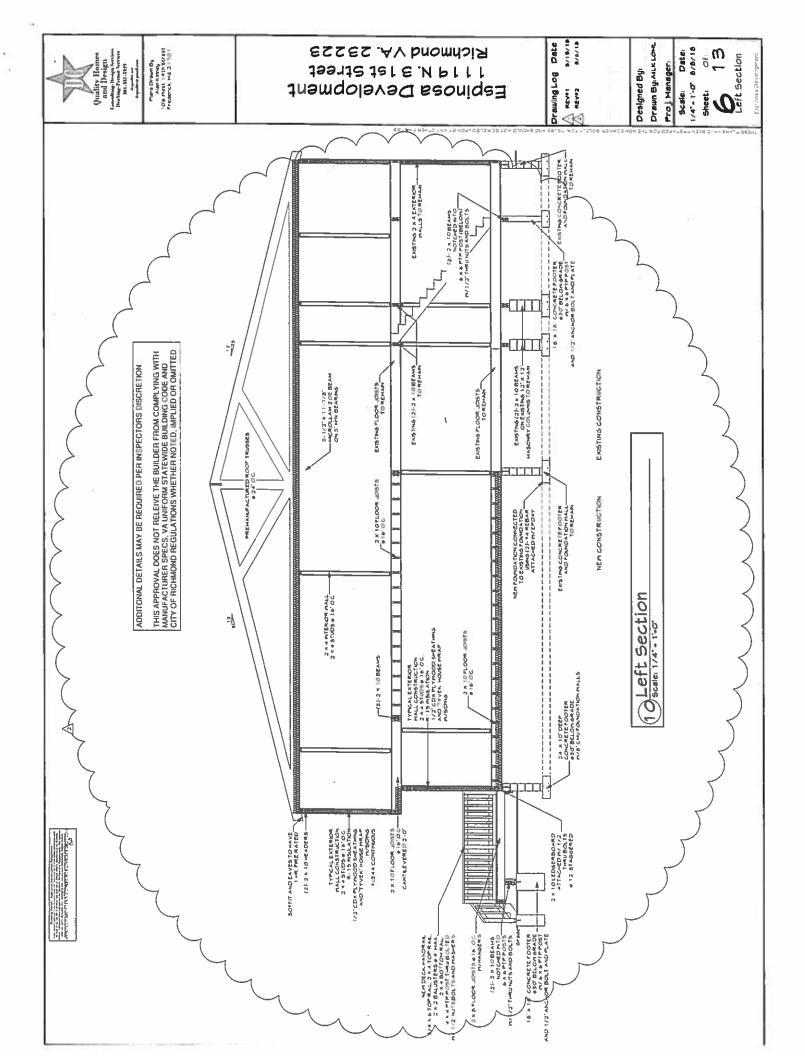
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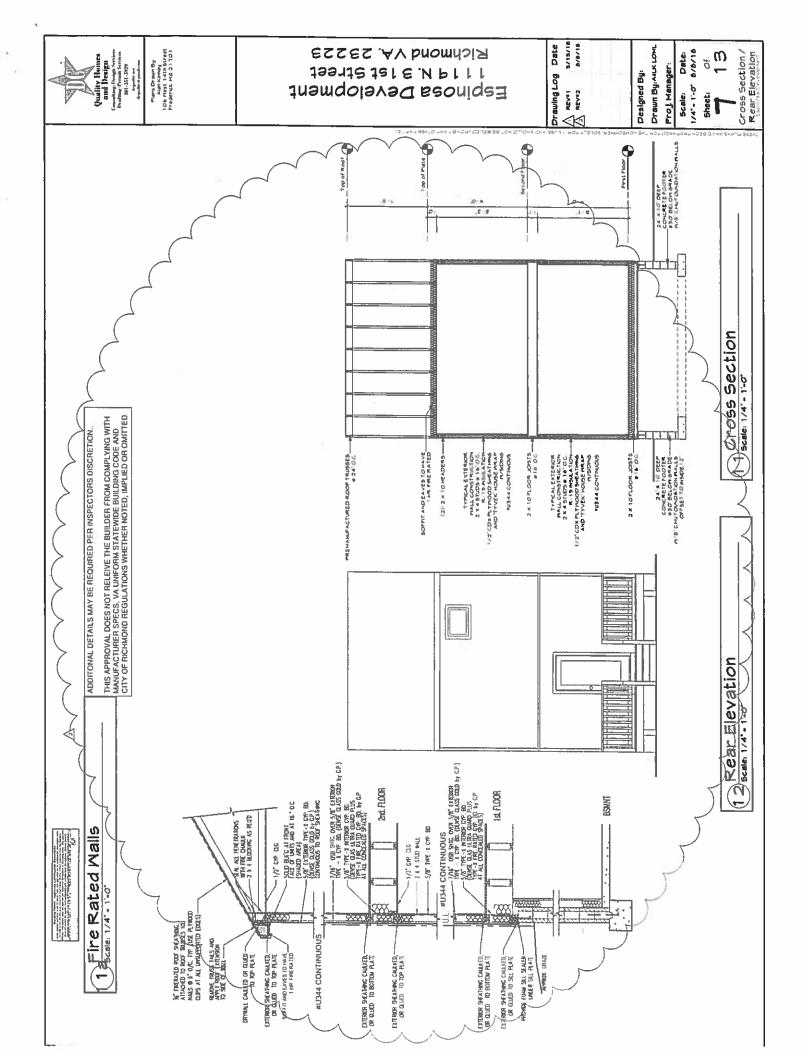


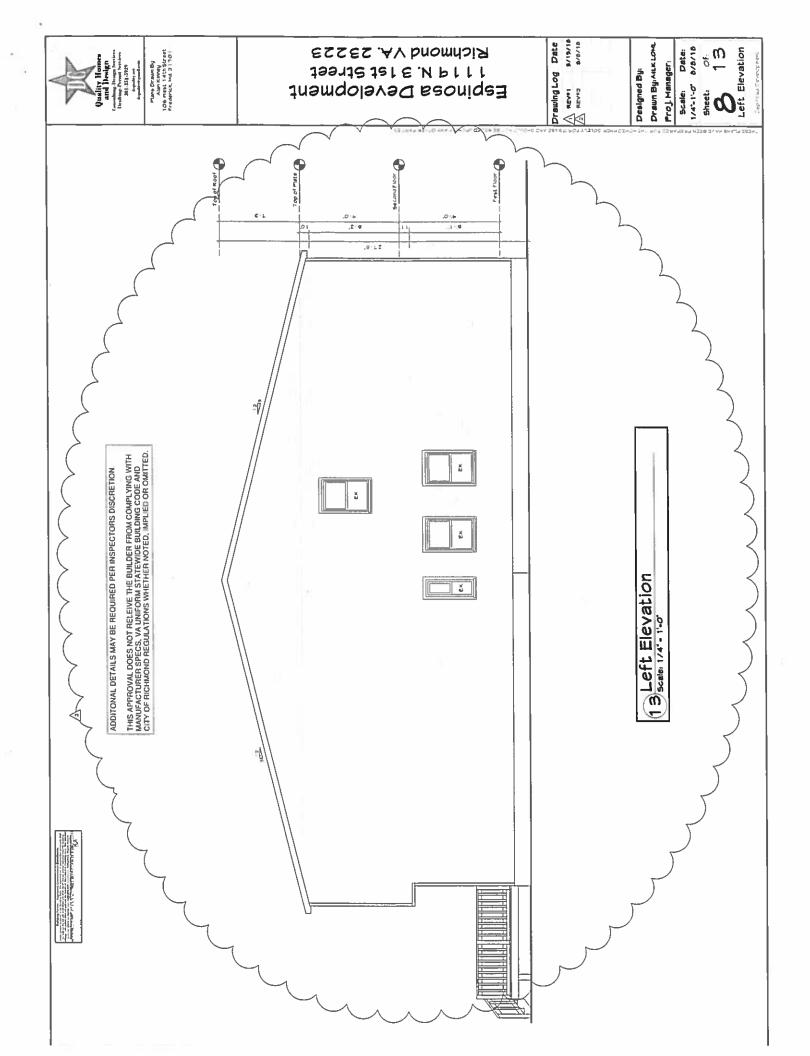


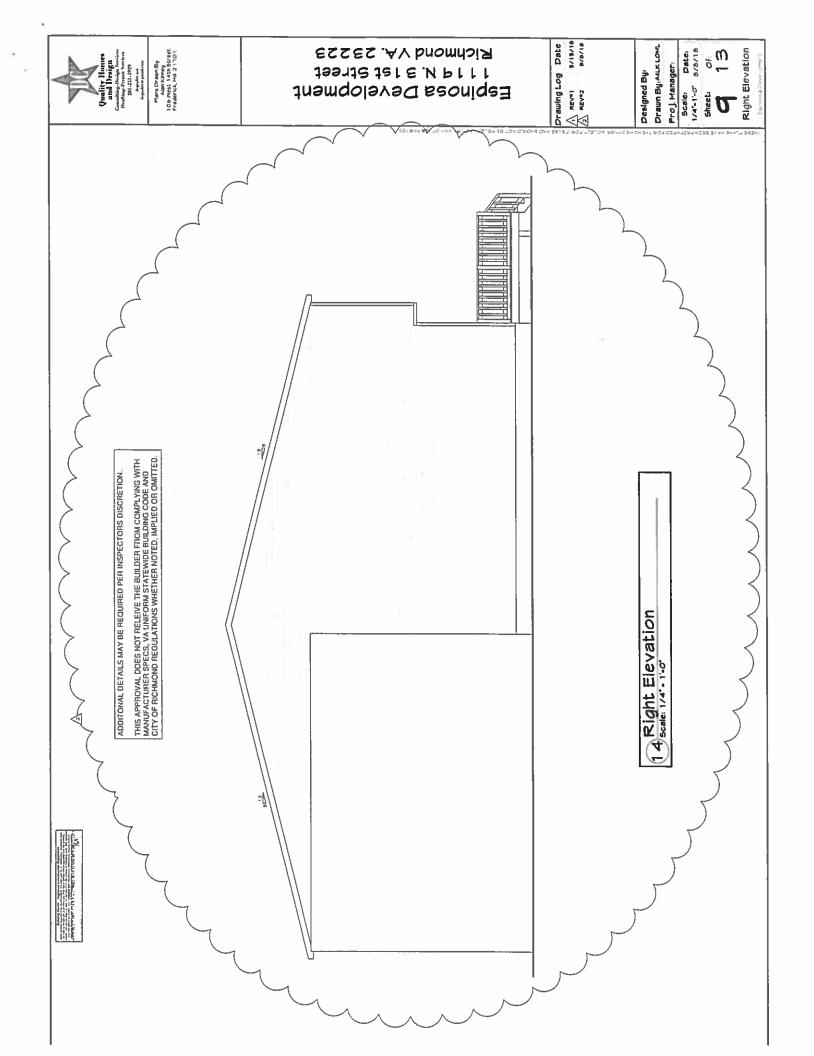


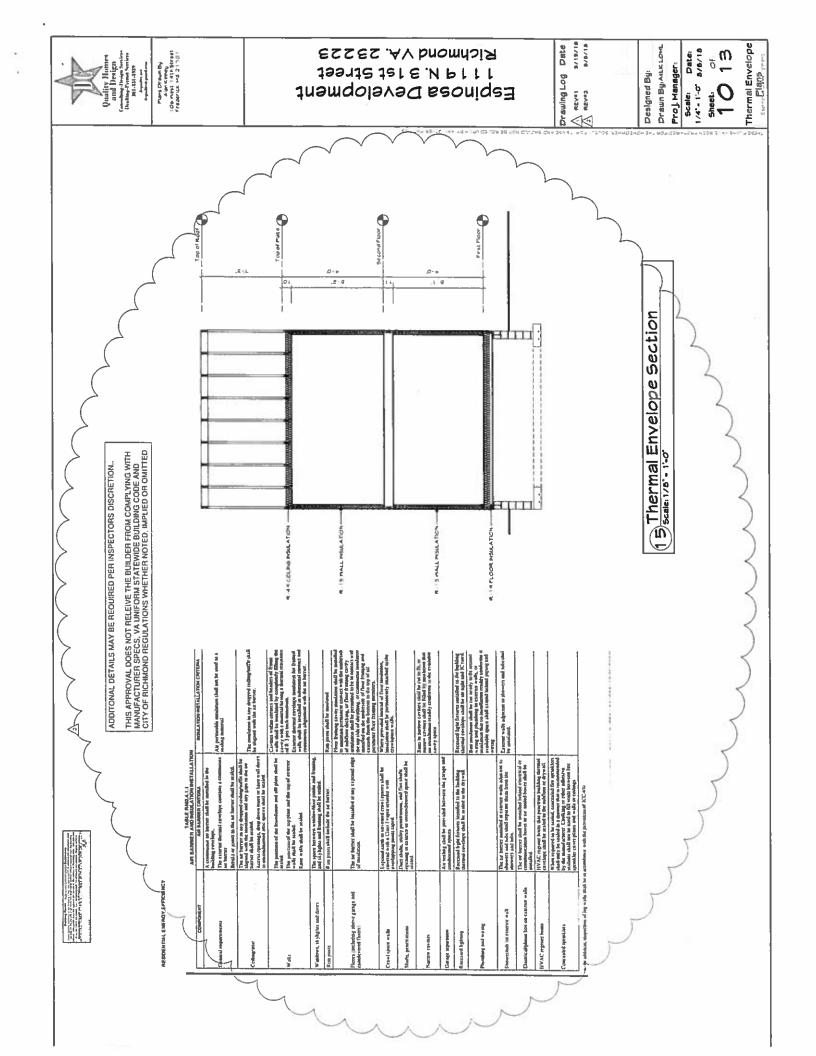












. 19 WALL INSULATION

Richmond VA. 23223 Espinosa Development

THIS APPROVAL DOES NOT RELEIVE THE BUILDER FROM COMPLYING WITH MANUFACTURER SPECS. VA UNIFORM STATEWIDE BUILDING CODE AND CITY OF RICHMOND REGULATIONS WHETHER NOTED, IMPLIED OR OMITTED.

R-44 GELMS HTMATTON

ADDITONAL DETAILS MAY BE REQUIRED PER INSPECTORS DISCRETION. 16 First Floor Thermal Envelope



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Drawing Log Date

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1 Second Floor Thermal Envelope

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Thermal Envelopment Plans ω

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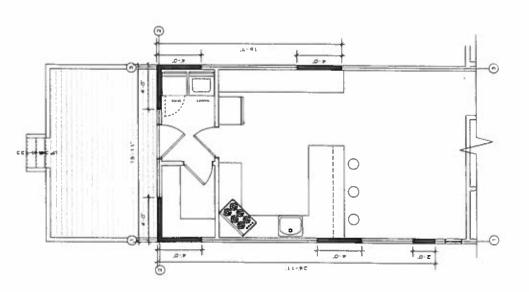
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ADDITONAL DETAILS MAY BE REQUIRED PER INSPECTORS DISCRETION

THIS APPROVAL DOES NOT RELEIVE THE BUILDER FROM COMPLYING WITH MANUFACTURER SPECS, VA UNIFORM STATEWIDE BUILDING CODE AND CITY OF RICHMOND REGULATIONS WHETHER NOTED, IMPLIED OR OMITTED.

Flans Drawn By
Alan Kerrey
106 West 14th Street
Frederick, Md 21101

Quality Humes and Benign feedbay front Series 20, 23, 5229 (combine front 20, 23, 5229 (combine front)



18 First Floor Mind Bracing Plan

Richmond VA. 23223 Espinosa Development

Drawing Log Date

8/8/18 9/15/18 Mever

Drawn By: Astk LOM Designed By:

1/4"-1"-0" 8/8/16 Date Proj. Manager:

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Mind Bracing Plans

ADDITONAL DETAILS MAY BE REQUIRED PER INSPECTORS DISCRETION.

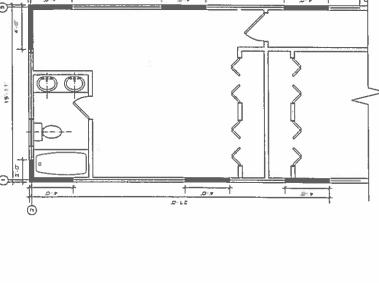
THIS APPROVAL DOES NOT RELEIVE THE BUILDER FROM COMPLYING WITH MANUFACTURER SPECS, VA UNIFORM STATEWIDE BUILDING CODE AND CITY OF RICHMOND REGULATIONS WHETHER NOTED, IMPLIED OR OMITTED.

GYPSON MALL BOARD INSTALLED IN ACCORDANCE MTH RC CHAPTER 1 INTERIOR J

CORNER STUD HAT 16dhACAT 12 OF

12'DE ON ALL FRANKS MEMBERS NOT AT FANEL EDGES DANALAT 6' OC ALL FRAMING MEMBERS AT FANÉL EDGES

Example Of Inside Corner Detail



GYPSUM MALL BOARD MSTALLED IN ACCORD MIN AC CHAPTER T (INTERIOR)

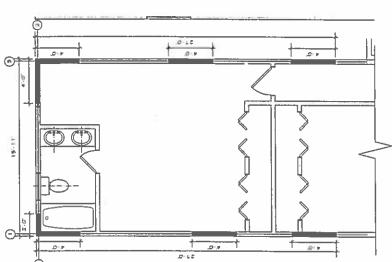
So Example Of Outside Corner Detail

DGNAL AT & OC ALL FRAMMS
MEMBERS AT PANDL EDGES AND
12 OC ON ALL FRAMMS
MEMBERS NOT AT PANEL EDGES

CRENTATION OF CORNER. STUD MAY VARY

IBBNALAT 12'DE

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	1634	8	ğ	g			
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	BRACED PANEL	10 10	90	0.6			I
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2) Second Floor Wind Bracing Plan

Richmond VA. 23223 Espinosa Development

8/19/10 8/8/18

REVIEW

Drawing Log Date

Drawn By: ALK LOW Proj Manager Designed By:

1/4-- 1-0- 8/8/18 Date ö # _ Scale:

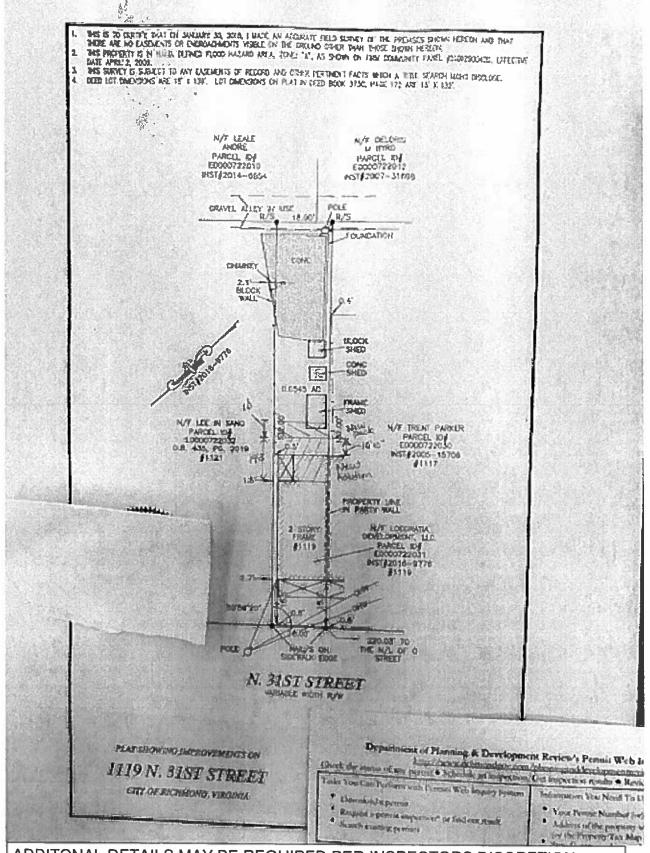
Wind Bracing Plans

Quality Homes and Design Combing Unite Series Brafag Com Series 20.521.5877 April of the Series April of the Series

Plans Drasm By Alan Kawey 108 Prest 14th Street Prederick Md 2 101

Building Permit - Approvad Construction Documents
Under general authority of the Building Code, this approvad set at construction discussed a shall be leaded in the Dock set at all stores and shall need be absented without approval from the Building
Official. This permit does not approve any Electrical, Mechanical or Plumbing work. This approval does not relieve the builder from complying with menulculative tenderactions, registed buildings. APPROVED PLANS 1915 1915 3151 STREET BLD NOST036-2018-0827-2018

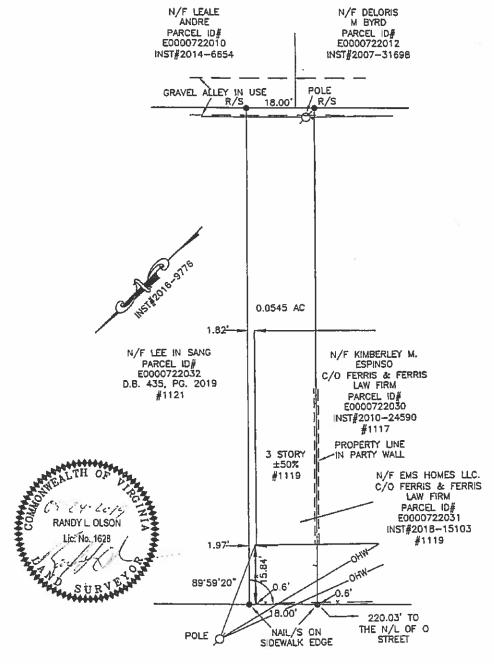
DOCUMENT AND APPROVED PLANS.



ADDITONAL DETAILS MAY BE REQUIRED PER INSPECTORS DISCRETION ..

THIS APPROVAL DOES NOT RELEIVE THE BUILDER FROM COMPLYING WITH MANUFACTURER SPECS, VA UNIFORM STATEWIDE BUILDING CODE AND

- THIS IS TO CERTIFY THAT ON MAY 24, 2019, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.
 THIS PROPERTY IS IN H.U.D. DEFINED FLOOD HAZARD AREA. ZONE: "X", AS SHOWN ON FIRM COMMUNITY PANEL #5101290042D, EFFECTIVE
- THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.
- DEED LOT DIMENSIONS ARE 18' X 139'. LOT DIMENSIONS ON PLAT IN DEED BOOK 373C, PAGE 172 ARE 18' X 132'.



N. 31ST STREET VARIABLE WIDTH R/W

PUR .: MMK CAPITAL, LLC.

PLAT SHOWING IMPROVEMENTS ON

1119 N. 31ST STREET

CITY OF RICHMOND, VIRGINIA

HARVEY L. PARKS, INC. 4508 W. HUNDRED ROAD CHESTER, VA. 748-8641 748-0515 EMAIL: SURVEYS CHARVEYLPARKS.COM FAX: 796-5742 DATE: REV. 05-24-2019 SCALE: 1"=20" DRAWN BY: J.M.D. CHECKED BY: R.L.O. 611511119TJ.dwg