



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)



September 24th, 2019

Mr, Matthew Ebinger
City of Richmond
Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 East Broad Street
Richmond, Virginia 23219

Re: Special Use Permit: 1201 and 1201 ½ North 31st Street

Dear Matthew:

I am representing CC Richmond II, LP in an application for a special use permit for the properties known as 1201 and 1201 ½ North 31st Street, identified as Tax Parcels E-000-0721/018 and 019 (the “Property”). The Property is located on the eastern side of North 31st Street between Q Street and S Street. The special use permit would permit the construction of two single-family attached dwellings on two existing legal lots of record.

The Property consists of two legal lots of record which are both 18’ wide by 124’ deep, and include 2,232 square feet of area. The Property is currently vacant. The applicant wishes to construct two single-family attached dwellings; one on each of the existing lots. The Property is zoned R-6 Single-Family Attached residential, which permits single-family attached dwellings and requires a minimum unit width of 16’ and a side yard of 3’ for a total lot width of 19’. In meeting the required 3’ side yard on an 18’ wide lot, only 15’ of unit width can be accommodated. A unit width of 14.67’ is proposed in order to allow for a reasonable margin of error in construction and ensure the 3’ side yard requirement is met. As the minimum unit width would not be met, a special use permit is required. All other zoning requirements would be met.

The surrounding properties are zoned R-6 Single-Family Attached Residential, which generally permits single-family detached, single-family attached, and two-family detached residences subject to certain feature requirements. 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, at densities of 8 to 20 units per acre... Typical zoning classifications that may accommodate this land use category: R-5A, R-6 and R-7.” The two proposed single-family attached dwellings are consistent with the Master Plan recommendation in terms of use and, at 19.5 units per acre, fall within the recommended density range.

The proposed single-family attached dwellings would be two stories in height and of an urban row house design. Each dwelling would contain approximately 1,416 square feet of finished floor area

and would include two bedrooms and 2 ½ baths. The floor plan is modern with open living areas, a second-floor study, and a master bedroom suite complete with en suite master bath and walk-in closet. The proposed elevations are traditional in design and include full-width covered front porches. Cementitious siding is proposed as the primary cladding material. One parking space per dwelling is proposed at the rear of the property, which would be served by an existing north-south alley.

This request would not permit the Property to be developed to a greater extent than it could be developed by right. The Property could technically be developed with two single-family detached dwellings based on the nonconforming (grandfathered) rights associated with the two legal lots of record. Instead, this request would permit the property to be developed at the same density with attached dwellings in order to allow for better compatibility with the intent of the R-6 district regulations and the existing development pattern in the block.

| | Typical R-6 Single-Family Detached | Typical R-6 Single-Family Attached | Proposed (Per Lot) |
|-------------------|------------------------------------|------------------------------------|--------------------|
| Lot Area | Minimum 5,000 S.F. | Minimum 2,200 S.F. | 2,232 S.F. |
| Lot Width | Minimum 50' | Minimum 19'* | 18' |
| Dwelling Width | No Minimum | Minimum 16' | 14.67' |
| Side Yard Setback | Minimum 5' | Minimum 3' | 3.3' |

*Based on required dwelling width and side yard setback combined)

Exhibit A: Typical R-6 Development Requirements vs. Proposed

The proposed single-family attached dwellings offer greater consistency with the R-6 district regulations in terms of lot area and width than the single-family detached dwellings that could be built by right. The R-6 regulations require a single-family detached dwelling to be located on a lot with 5,000 square feet of lot area and 50' of lot width (See Exhibit A above). The R-6 regulations require a single-family attached dwelling to be located on a lot with 19' of lot width (16' unit width and 3' side yard) and 2,200 square feet of lot area. At 18' wide and 2,231 square feet of lot area the two existing lots are nearly prototypical R-6 single-family attached dwelling lots, deficient only 1' in width (See Exhibit B below). In contrast, where single-family detached dwellings are concerned, the two lots are a significant departure, representing only 44% of the required lot area and 36% of the required lot width – a far greater departure from the intended R-6 development pattern/form. As such, this proposal is more compatible with the development pattern suggested by the R-6 zoning than would otherwise be permitted by right by virtue of nonconforming rights. Exhibit B clearly demonstrates the compatibility of the proposed single-family attached dwellings with the typical R-6 single-family attached lot configuration in contrast to the much larger typical R-6 single-family detached lot configuration.

The proposed single-family attached dwellings are also more consistent with the R-6 district regulations in terms of dwelling width than the single-family detached dwellings that could be built by right. With a lot width requirement of 50' and side yard setback requirements of 5' the R-6 intent is clearly to establish single-family detached dwellings that are substantially wider than single-family attached units (See Exhibit B, R-6 Typical Single-Family Detached). Despite this fact, the nonconforming rights associated with the Property would allow the two lots to be developed with 12' wide single-family detached dwellings. This is based on a lot width of 18' and two side yard setbacks of 3'. A detached dwelling that is 12' in width represents a much greater inconsistency with the intended form than the proposed single-family attached dwellings at 14.67' in width.

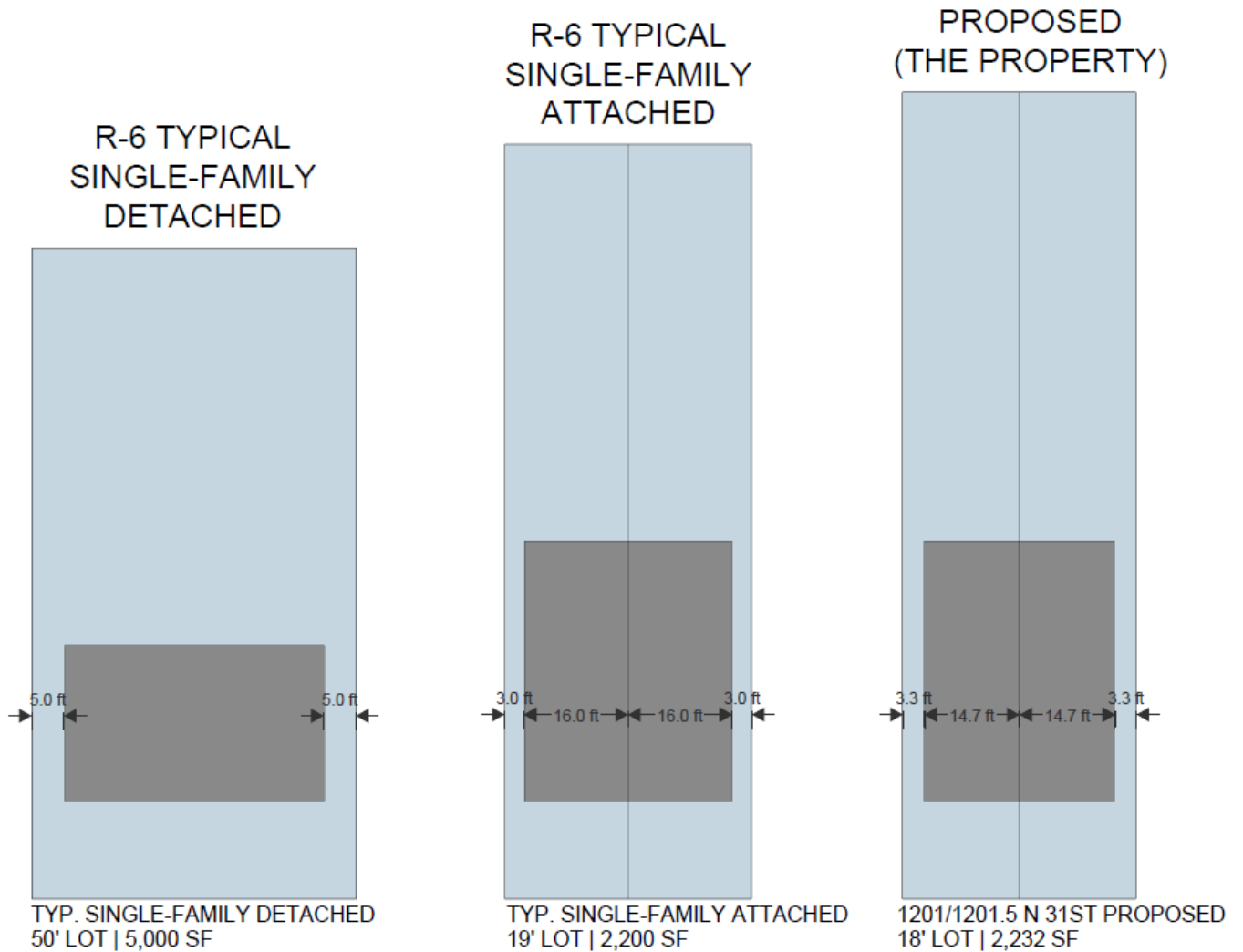
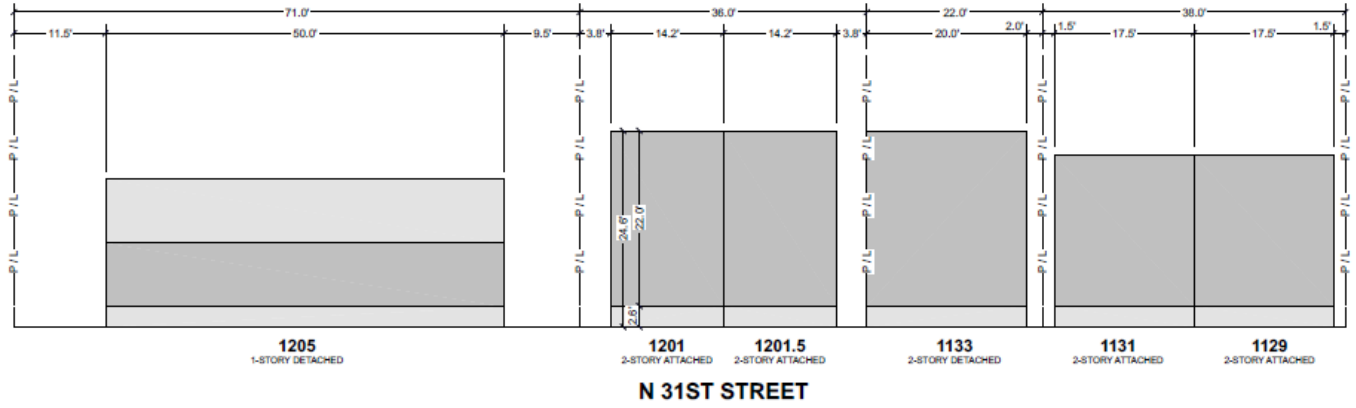


Exhibit B: Typical R-6 Development Requirements vs. Proposed

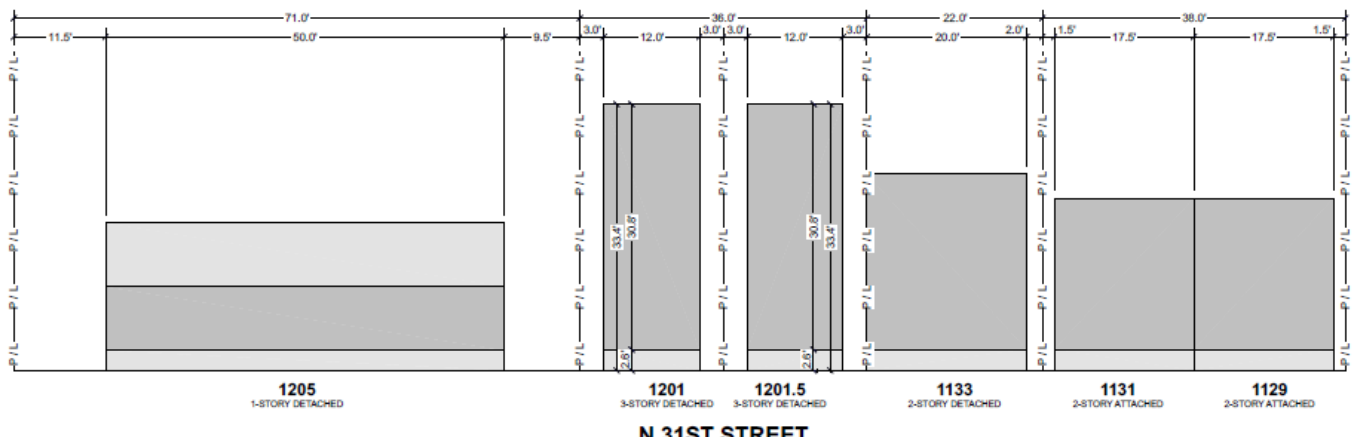
The proposed single-family attached dwellings are more consistent with the existing development pattern than the single-family detached dwellings that could be built by right. Both single-family attached and detached dwellings are present on the subject block between “Q” and “S” Streets with nearly half (48%) of the existing dwellings being attached. The average width of single-family attached dwellings in the subject block is 16.3’. The proposed width of 14.67’ is a 1.6’ departure from the existing attached dwelling development pattern. The average width of single-family detached dwellings in the block is 22.4’ or 17.5’ when adjusted for two outliers. In either case, a 12-foot wide single-family detached dwelling is a greater departure (10.4’ to 5.5’) from the existing detached dwelling development pattern in the block.

The massing represented by the proposed single-family attached dwellings is more consistent with the existing development pattern than that of the detached dwellings that could be developed by right (See Exhibit C below). The attached dwellings are more consistent with the adjacent 1133, 1131

and 1129 in terms of massing, in particular, due to dwelling width. In contrast the detached dwellings permitted by right, whether two stories or three stories, as shown on Exhibit C, look out of place in comparison to other existing dwellings in the vicinity based on their narrow width.



① MASSING STREET ELEVATION - PROPOSED
 SCALE: 1 IN = 20 FT



② MASSING STREET ELEVATION - BY-RIGHT
 SCALE: 1 IN = 20 FT

Exhibit C: R-6 By-Right vs. Proposed Massing Concepts

Finally, the proposed single-family attached dwellings offer the greater protections to the adjacent dwellings than would be provided under the by-right single-family detached development scenario. A side yard setback of 3.3' is proposed where a setback of 3' would be required by normal zoning. In addition, the proposal is limited to two stories in height. With a height limit of 35', the R-6 district would permit a three-story dwelling – something that might be desirable in the by-right case where setbacks limit building width to 12' (See Exhibit C above).

This request would meet all zoning requirements but the required unit width, which is only deficient 1.33'. In all other regards, the proposal meets the zoning requirements applicable to the Property including the provision of on-site parking. In exchange for the limited relief sought through the SUP, the intent of this request is to ensure the construction of two dwellings that exceed those which could be built by right in terms of quality and compatibility with the neighborhood context, while

providing greater protection to adjacent properties. The proposal is consistent with the recommendations of the Master Plan Land Use Plan in terms of both use and density. By permitting the proposed development, the SUP would allow for the sale of the proposed high-quality single-family attached dwellings as home ownership opportunities, while addressing additional objectives of the Master Plan, including:

- The desire for new and better-quality housing that is targeted to homeowners
- The desire for increased opportunities for residential development
- The recognition that the vast majority of opportunities for new development are located in the context of existing neighborhoods
- The recognition of the difficulty that an older/aging housing stock represents in the market where new convenience/easy maintenance is desired.

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed SUP will not impact the safety, health, morals and general welfare of the community involved. The proposed site improvements and density are consistent with what can be built by-right while being more compatible with the lot pattern existing in the vicinity and providing better protection to adjacent properties. The development of this underutilized property as proposed, in conjunction with the high quality/benefits provided by the SUP, will provide positive impacts in terms of health, welfare, etc.

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

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation will easily be handled by the existing road network and will be the same as that which would be generated by the by-right development of the Property. Off-street parking is proposed on site according to normal zoning requirements and will alleviate any potential impacts due to additional parking demand. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

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

The property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The proposed SUP will not tend to overcrowd the land or create an undue concentration of population. The request represents the same density that can be developed by right and is consistent and compatible with the existing lot pattern in the vicinity. The proposed density falls within the range recommended by the Master Plan.

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

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

- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties will not be affected. The proposed new single-family attached dwellings would meet applicable setback requirements thereby preventing any interference with the provision of light and air. Further, this request would limit the height of the proposed dwellings to two stories while normal zoning would permit three stories under a by-right development scenario.

In summary, the applicant is enthusiastically seeking approval for the construction of two single-family attached dwellings on the Property. This proposal represents an ideal, small-scale urban infill development for this location. The SUP would not authorize any additional density over that which would be permitted by-right, that which is contemplated by the Master Plan, or that which is permitted by the R-6 zoning classification vis-à-vis the lot area requirements. In exchange, the quality assurances conditioned through the SUP would guarantee the construction of a higher quality new single-family dwelling than might otherwise be developed by right. This would contribute to the vibrancy of the block through the provision of traditional neighborhood design that is consistent with the historic development pattern of the surrounding neighborhood.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,



Mark R. Baker

Enclosures

cc: The Honorable Cynthia I. Newbille, Council President