

INTRODUCED: May 26, 2020

AN ORDINANCE No. 2020-128

To authorize the special use of the property known as 2109 East Marshall Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney  
\_\_\_\_\_

Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JUNE 22 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 2109 East Marshall Street, which is situated in a R-8 Urban 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 sections 30-413.14, concerning lot area and width, 30-413.15, concerning yards, and 30-413.16, concerning lot coverage, 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:                 8             NOES:                 0             ABSTAIN:                         

ADOPTED:     JUN 22 2020     REJECTED:                        STRICKEN:

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (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 2109 East Marshall Street and identified as Tax Parcel No. E000-0223/005 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Boundary Survey of Property Situated at 2109 East Marshall Street, Richmond, VA 23223,” prepared by Landmark-fleet Surveyors, P.C., and dated August 21, 2019, 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 untitled plans, prepared by Michael Duncan, dated September 24, 2019, and last revised September 30, 2019, 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 two-family detached dwelling, substantially as shown on the Plans.

(b) All building materials and elevation improvements shall be approved by the Commission of Architectural Review pursuant to applicable law prior to the issuance of a building permit for the Property.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(d) Two off-street parking spaces shall be provided at the rear of 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.

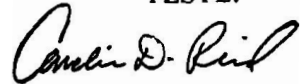
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

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:



Carolin D. Reed  
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.2020.035

### O & R Request

**DATE:** April 24, 2020 **EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) *JMS* 5/21/2020  
(This in no way reflects a recommendation on behalf of the Mayor.)

**THROUGH:** Lenora G. Reid, Acting Chief Administrative Officer *lgr* 5/1/2020

**THROUGH:** Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning *SLE*

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review *MAO*

**RE:** To authorize the special use of the property known as 2109 East Marshall Street for the purpose of allowing a two-family detached dwelling.

ORD. OR RES. No. \_\_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 2109 East Marshall Street for the purpose of allowing a two-family detached dwelling.

**REASON:** The subject property is zoned R-8 Urban Residential district. This proposal is to renovate an existing dwelling and authorize its use as a two-family dwelling. A two-family dwelling is a permitted principal use in the R-8 District however the lot width and area requirements are not met and therefore a Special Use Permit is 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 June 15, 2020, meeting.

**BACKGROUND:** The subject property consists of a 28 foot wide parcel that is 2,520 square feet in area. It contains a two-story 1,875 square foot dwelling located in the Church Hill Neighborhood within the City's East Planning District. It is located on East Marshall Street midblock between North 21st Street and North 22nd Street. Alley access to the rear of the property is provided via access from North 21st Street.

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 34 units per acre. 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.

A two-family dwelling is permitted in the R-8 Urban Residential District provided that it is located on a lot no less than 3,400 square feet and width of 28 feet. It is the applicant's desire to fully renovate the structure and use as a two-family detached dwelling. The project consists of interior renovations and will not change the existing yard setbacks, building height nor lot coverage. However, as the existing lot does not meet the feature requirements of the zoning district where it is located, a special use permit is required.

The adjacent properties surrounding the subject property are located within the same R-8 Urban Residential district as the subject properties. The area surrounding the subject property contains a mixture of single-family, two-family, multi-family residential land uses, as commercial, open space, vacant, mixed-use, and institutional land uses.

**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 26, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** June 22, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
June 15, 2020

**AFFECTED AGENCIES:** Office of Chief Administration Officer  
Law Department (for review of draft ordinance)

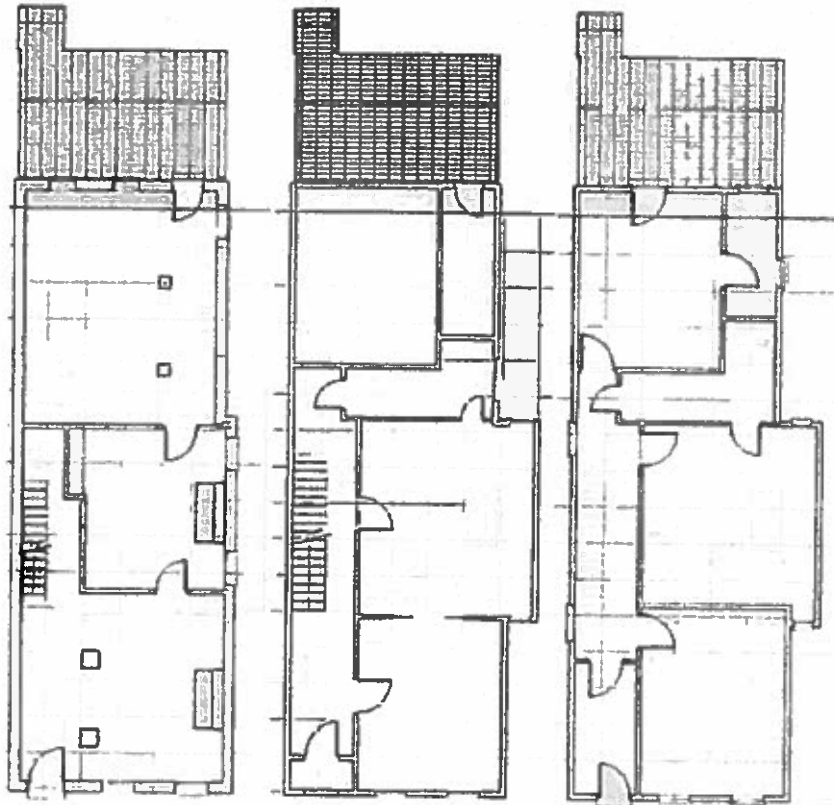
**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

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





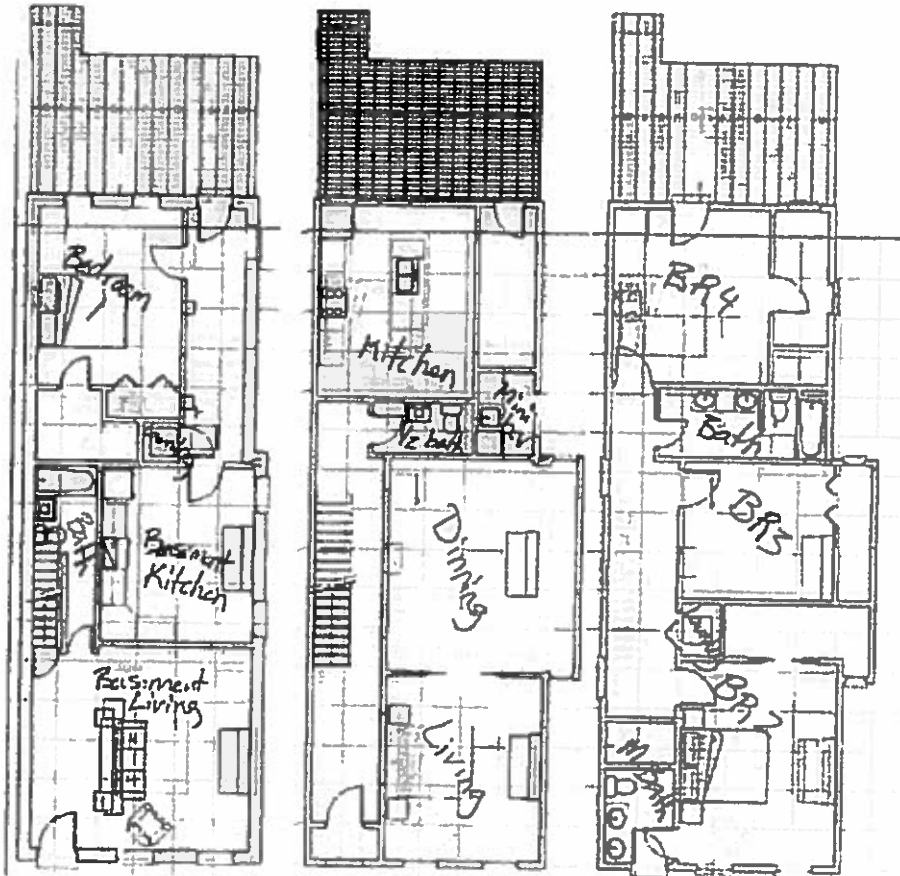
Ground  
Floor

1st Floor

2nd Floor

**Existing 9/30/19**

*Drawn by  
Michael Duncan  
No Scale*



1st Floor

2nd Floor

3rd Floor

**Proposed 9/30/19**

Drawn by  
Michael Duncan  
No Scale

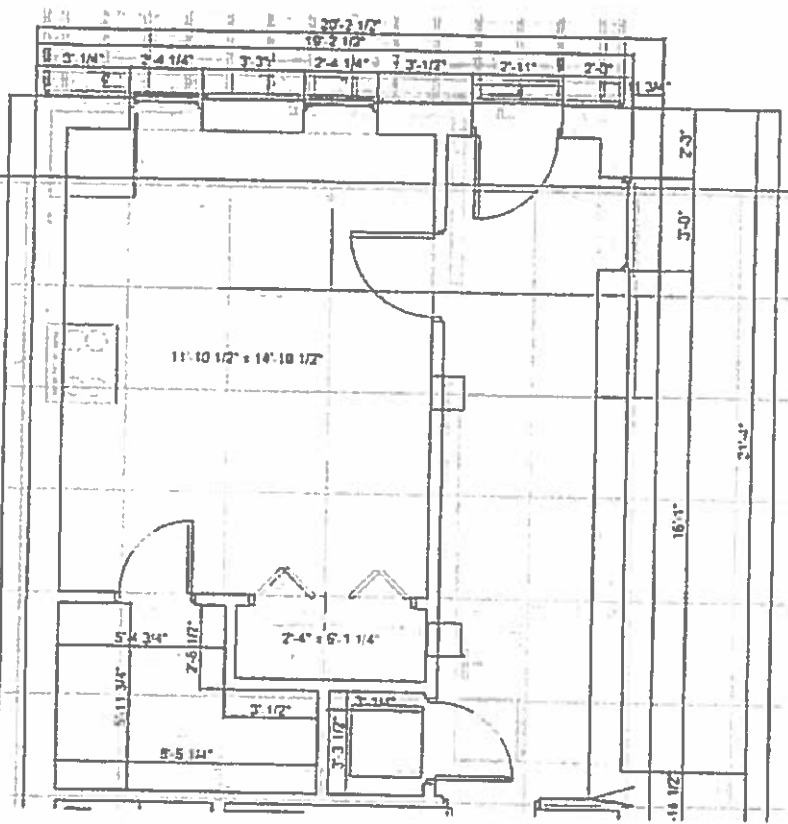


Ground Floor  
Rear Half

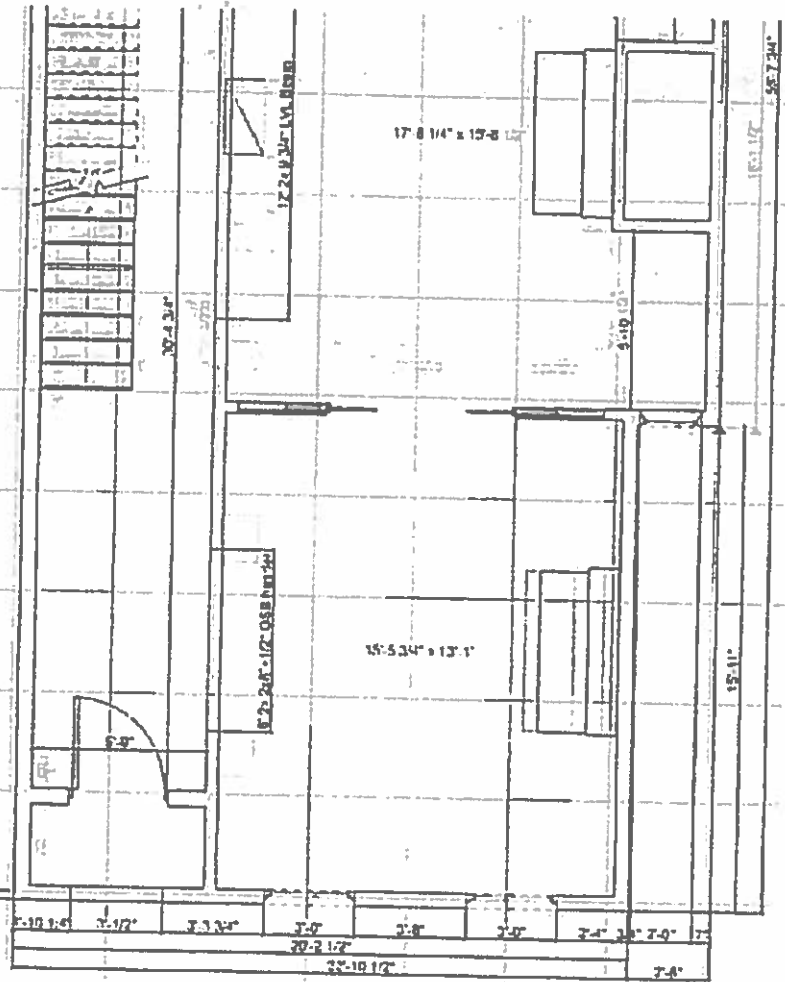
Proposed  
9/24/19

Drawn by Michael Duncan

Scale as Shown



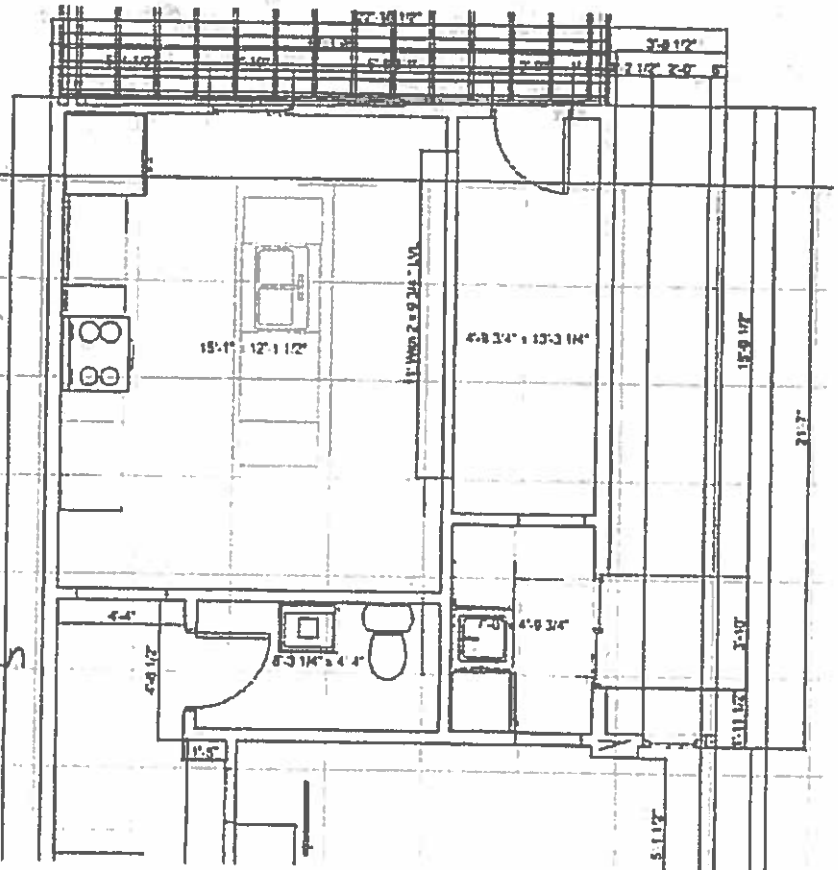
2nd Floor  
Front Half  
Proposed  
9/25/19



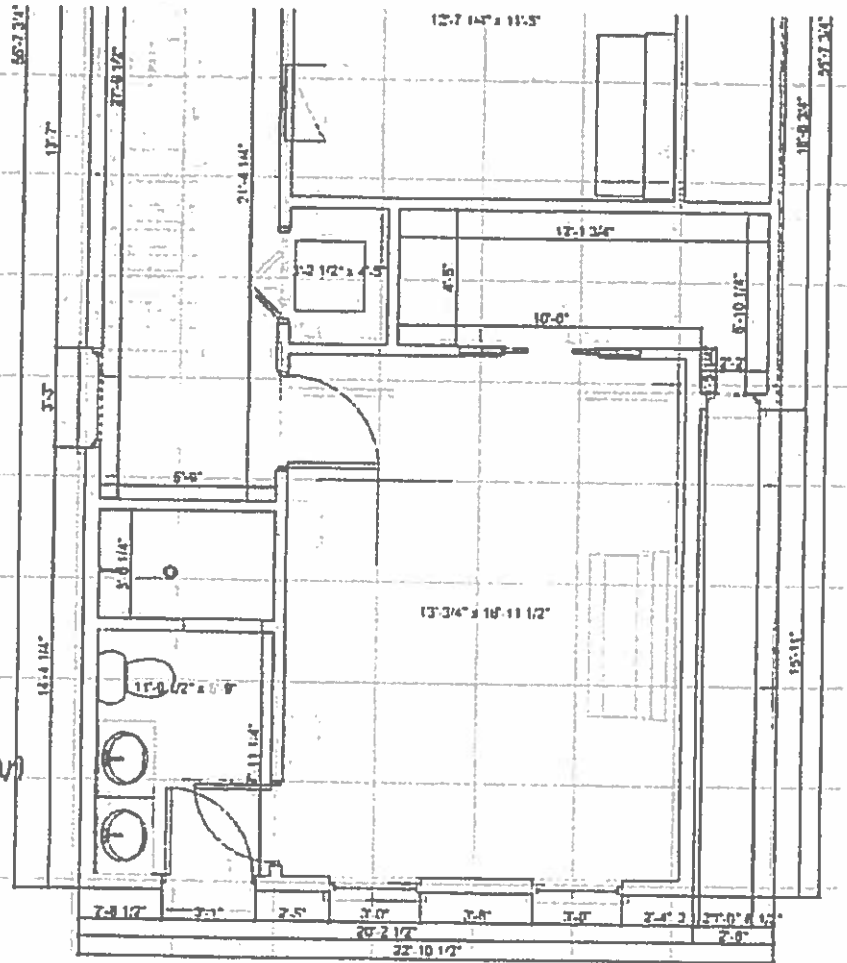
Drawn by Michael Duncan  
Scale as Shown

2nd Floor  
Rear Half  
Proposed  
9/25/19

Drawn by: Michael Duncan  
Scale as Shown



# 3rd Floor Front Half Proposed 9/25/19

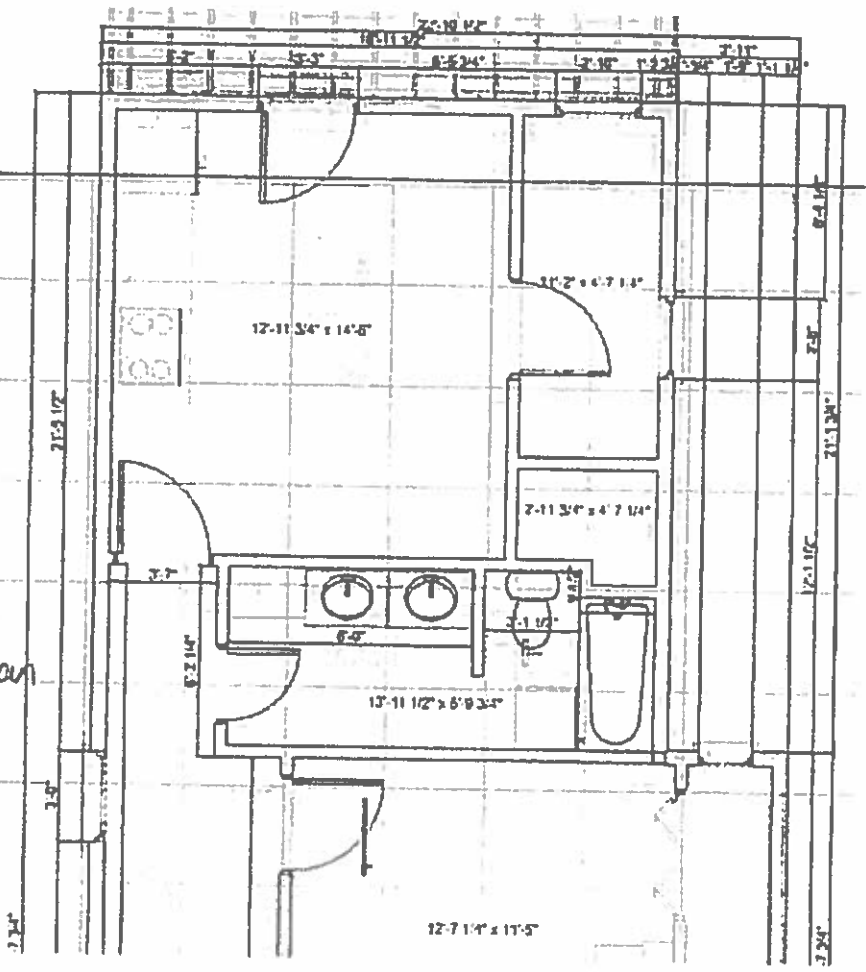


Drawn by: Michael Duncan

Scale as Shown

3rd Floor Rear  
Half Proposed  
9/25/19

Drawn by: Michael Duncan  
Scale as Shown

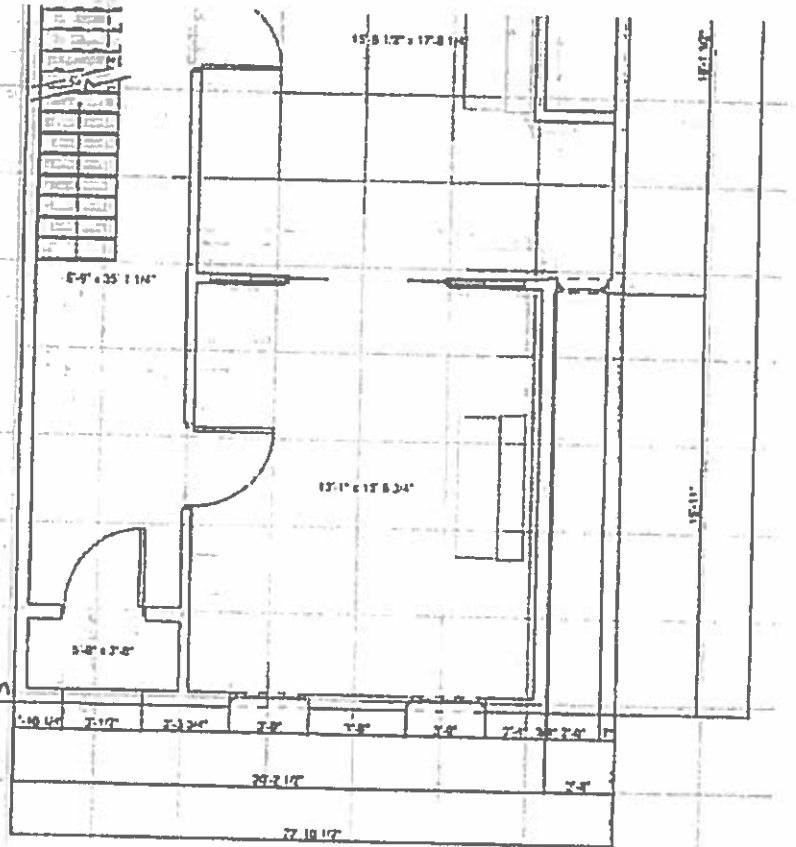








2nd Floor Existing  
Front Half  
9/24/19



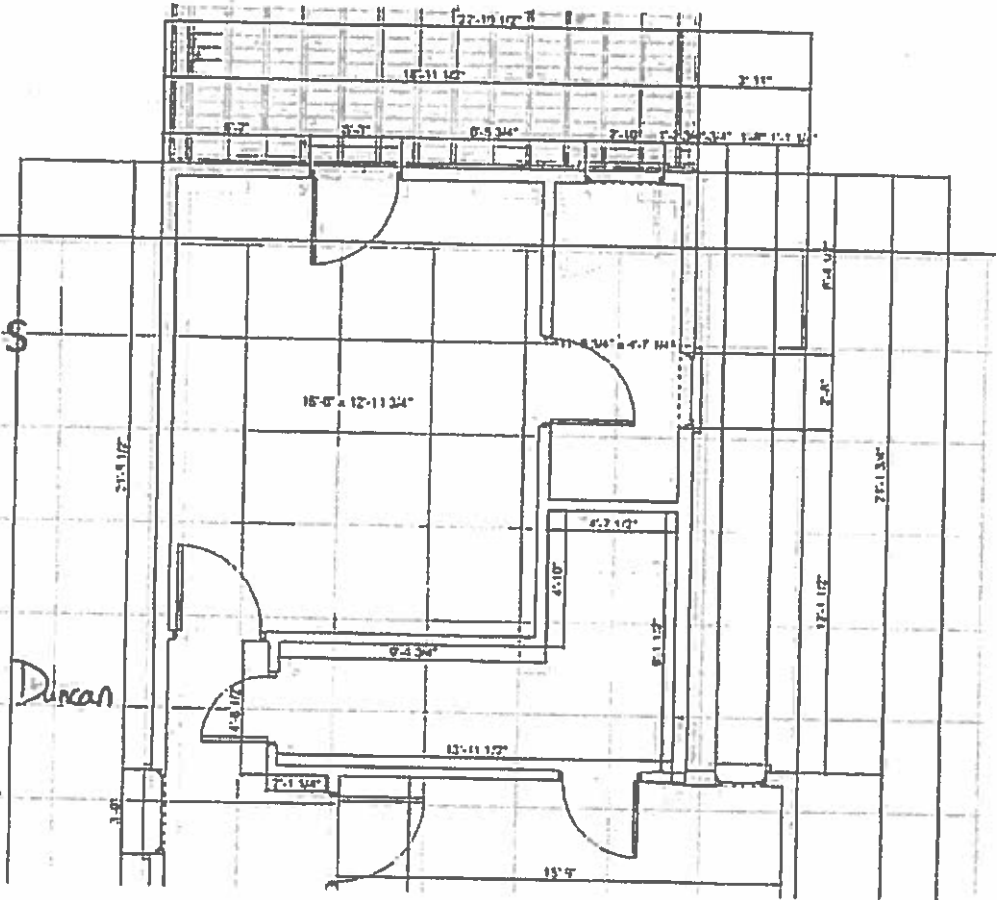
Drawn by Michael Duncan  
Scale as Drawn





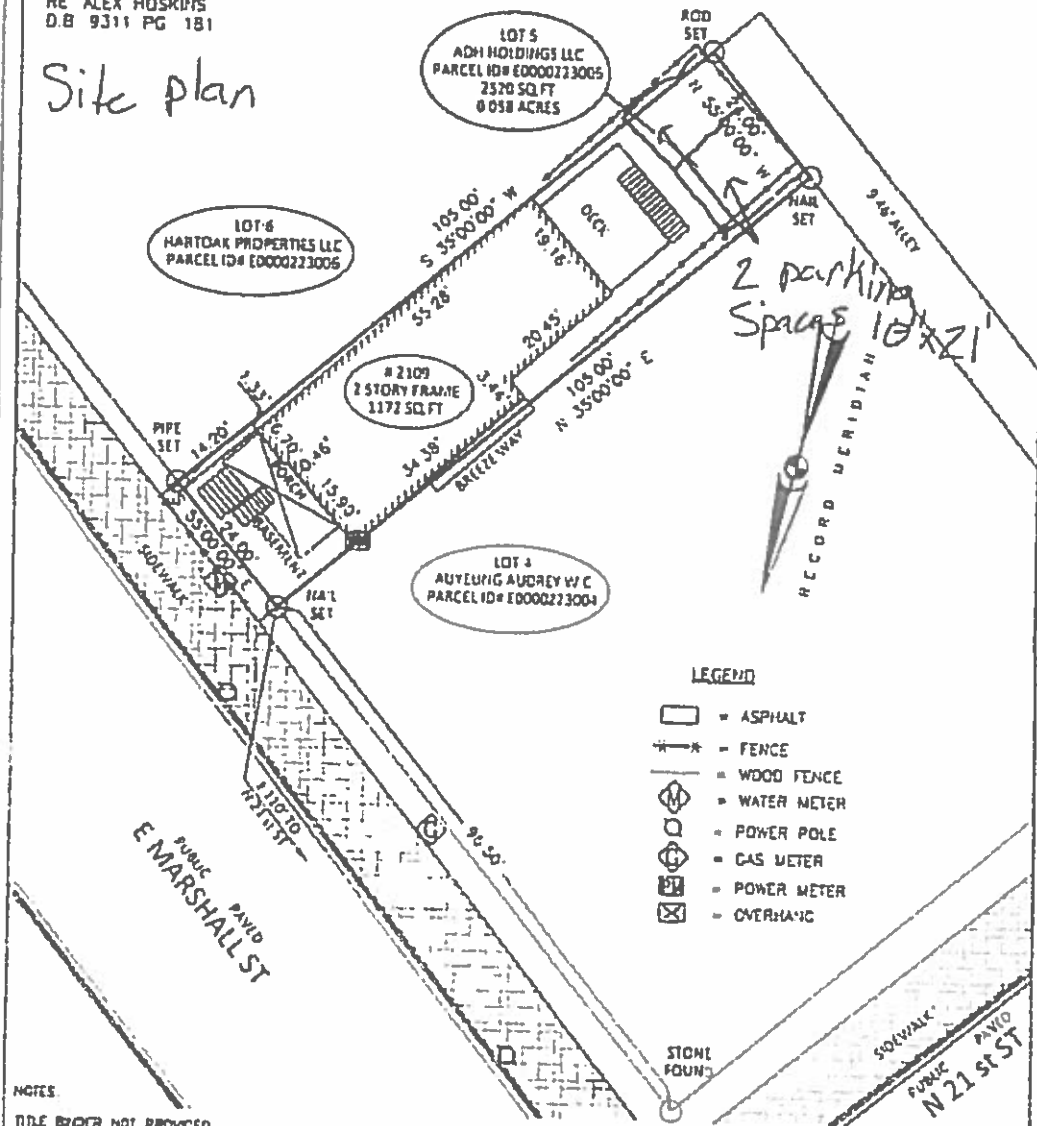
3rd Floor  
Existing Rear  
Half  
w/dimensions  
9/24/19

Drawn by Michael Duncan  
Scale as Drawn



RE ALEX HOSKINS  
D.B. 9311 PG 181

# Site plan



### LEGEND

- = ASPHALT
- = FENCE
- = WOOD FENCE
- = WATER METER
- = POWER POLE
- = GAS METER
- = POWER METER
- = OVERHANCE

### NOTES

TITLE BLOCK NOT PROVIDED

WATERS OF THE UNITED STATES ARE NOT DESIGNATED BY THIS SURVEY.

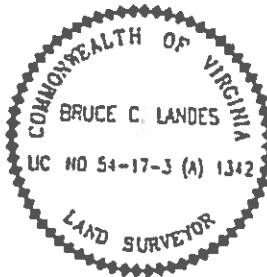
WETLANDS AND SUBSEQUENT AREA OF WETLANDS MAY BE SUBJECT TO THE FEE RIGHTS OF THE COMMONWEALTH OF VIRGINIA. THESE AREAS HAVE NO SPECIFIC JUDICIAL DETERMINATION OF TITLE AND NO OPINION OF TITLE IS AVAILABLE AS OF DATE OF SURVEY SUBJECT TO SECTION 28.2-1200 OF THE CODE OF VIRGINIA.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY THE SECRETARY OF HOUSING & URBAN DEVELOPMENT (PROCESSES LOCATED IN ZONE X, MAP NO. 5101280041E, EFFECTIVE DATE 07/18/2014)

REFERENCE IS HEREBY MADE TO ALL EASEMENTS, RESTRICTIONS, AND CONDITIONS OF RECORD WHICH MAY LAWFULLY APPLY TO SAID PROPERTY.

THE INFORMATION CONVEYED HEREON IS THE WORK PRODUCT OF LANDMARK-FLEET SURVEYORS P.C. AND IS SOLELY FOR THE EXCLUSIVE USE OF OUR CLIENTS AND THEIR AGENTS.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED ARCHITECTS



BOUNDARY SURVEY OF PROPERTY  
SITUATED AT  
2109 EAST MARSHALL STREET  
RICHMOND, VA 23223

CITY OF RICHMOND, VA  
AUGUST 21, 2019 SCALE 1" = 20'

Landmark-fleet Surveyors, P.C.

8014 MIDLOTHIAN TURNPIKE, SUITE 103  
RICHMOND, VA. 23235 PH. 804-327-0333  
LANDEBRUCE@GMAIL.COM

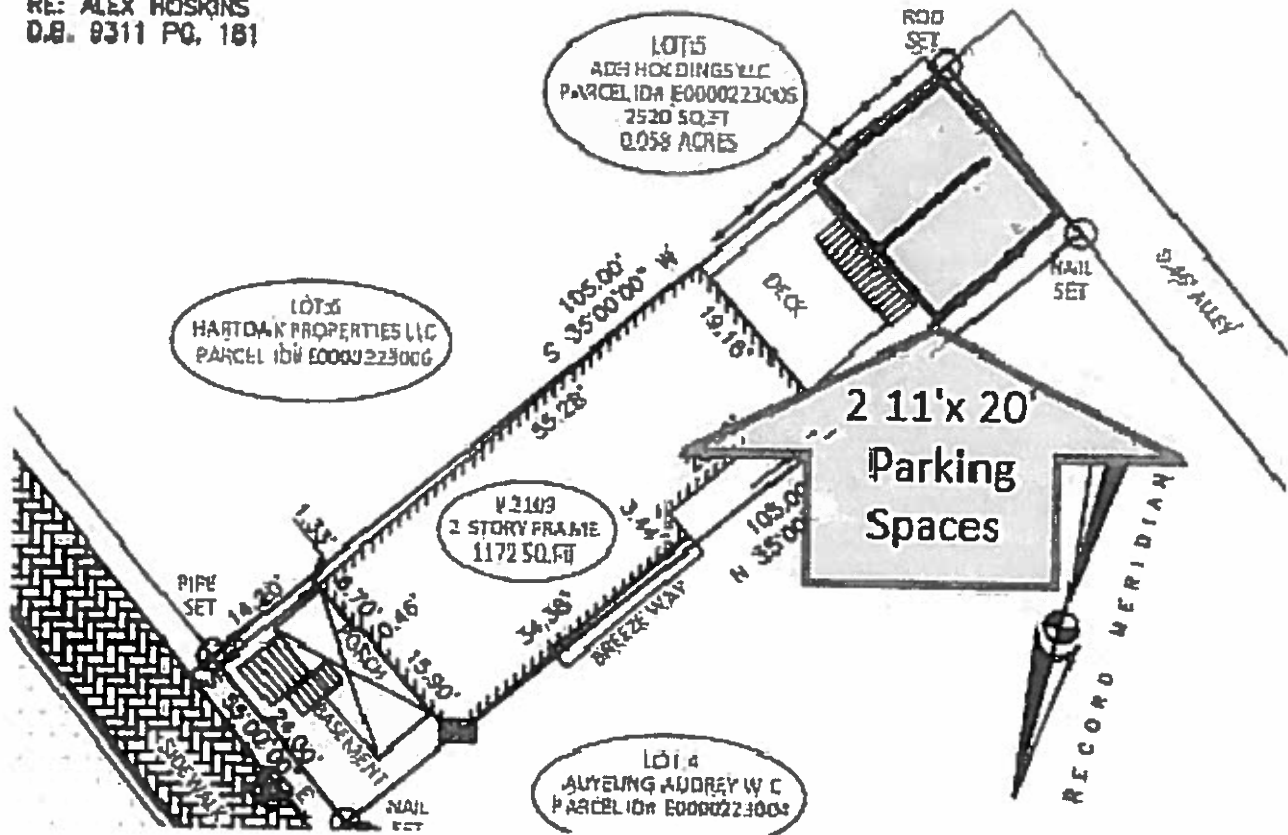
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PLAT CHECKED BY: BCL

DIAMETER, FN

JOB NO: 24824

RE: ALEX HOSKINS  
D.B. 9311 PG. 181







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.richmond.gov/

Application is hereby submitted for (check one)

- [x] special use permit, new
[] special use permit, plan amendment
[] special use permit, text only amendment

Project Name/Location: 2109 E Marshall St Date: 8/26/19
Property Address:
Tax Map #:
Total area of affected site in acres:

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

Zoning: Residential
Current Zoning:
Existing Use: Single Family

Proposed Use

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

Duplex
Existing Use:

Is this property subject to any previous land use cases?

No [x] Yes, please list the Ordinance Number:

Applicant/Contact Person: Alex Hopkins
Company: ADH Holdings LLC
Mailing Address: 11109 Glade Dr
City: Reston State: VA Zip Code: 20191
Telephone: (703) 505-2103 Fax:
Email: hoskosmash52@gmail.com

Property Owner: ADH Holdings LLC
If Business Entity, name and title of authorized signee: Alex Hopkins & Michael Duncan

(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: 1508 Sunset Lane
City: Richmond State: VA Zip Code: 23221
Telephone: (571) 332-1261 Fax:
Email: hoskosmash52@gmail.com

Property Owner Signature: [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)

# Applicants Report

2109 E Marshall SUP Report

By Alex Hoskins

8/30/19

The reason ADH Holdings LLC is filing for an SUP is so that we can change the zoning of our home from a single family home to a duplex. The reason we purchased the home in the first place was because it was listed as a duplex but once we attempted to get permits the city zoning office alerted us that this was not true and we had to apply for an SUP.

Once we received our plat and a survey was completed we noticed an ally way behind the home that is incomplete. If this is completed and cleaned up this will add a way to increase parking for not only our property but the neighbors properties (potentially). This issue can be resolved easily and quickly as there is already a curb lip where the alley way should be on North 21st St allowing us to gain access to the rear of the home.

The amount of workers that will be utilized does not pose a threat to the livability to any residents. We will have anywhere between 1-3 employees on site at a time. This property is in need of a major rehab which we intend to do in order to make the home next door to it safe and usable. It is currently leaning against the neighbor's home.

## Proposed Exterior Changes to 2109 E Marshall St, Richmond VA

- Exterior Paint: Will be using a color chosen from the historical palate Body SW 6244 and Trim 0050
- Exterior windows will remain the same
- Upstairs master bedroom exit door to roof/patio above porch will be changed
  - This door has been broken by squatters or someone that had kicked the bottom quarter of it open.
  - Will use a like kind door to keep the same style
- Add railing to roof/patio above porch
  - Historic photo shows the design of the railing and we will adhere to that design
  - We will be using Richmond rail design and materials
  - It will be painted white
- Remove metal railing and add Richmond rail
- Front columns will have crown added to them (on the front porch)
- Replace roof membrane of house not porch
- Front porch to remain the same style and intact but could have slight upgrades to supports and structure in order to update to new building code standards as well as safety standards.
  - Removing current wood support underneath front porch
    - Adding brick support similar to other supports on the porch
- Fixing/adding any bricks on the front walkway/fence of the home
- Rear Deck to be repaired
  - A large tree has grown through the deck and made it unstable
  - It has destroyed a portion of the deck
  - The tree will be removed and the portion of the deck that has been damaged will be repaired
    - A new railing and several boards will be changed out
    - Power washing remaining deck to clean it up
- If staring at 2109 E Marshall St home the right portion of the homes siding will be replaced
  - Smooth hardy plank
  - Choose Italianate color from same color palate as home paint choice
- Fix fence in back yard
  - Remove broken slats ~ replace
  - Clean
  - Update gate

**From:** Reid, Lenora G. - DCAO Of Finance And Administration  
**To:** D'Arcy, Beth H. - CAO  
**Cc:** Gray, Jeff L. - CAO  
**Subject:** Re: Signature Items for week of 4/27 1 of 2  
**Date:** Friday, May 1, 2020 9:05:04 AM

**RECEIVED**

By Elyse Steele at 10:02 am, May 01, 2020

Good morning,

I approve for the use of my electronic signature on the documents attached to this email.

Please continue to be safe!

Lenora

Sent from my iPhone

On May 1, 2020, at 8:20 AM, D'Arcy, Beth H. - CAO <[Beth.Darcy@richmondgov.com](mailto:Beth.Darcy@richmondgov.com)> wrote:

Good morning,

Attached are O&R Requests for introduction on 5/26/2020 that require the CAO's signature. Please let me know if you approve the use of your e-signature on these documents.

Thank you,

**Beth D'Arcy, MPA**  
Chief Administrative Office  
City of Richmond, Virginia  
M: (804) 221-6198  
O: (804) 646-2043

<2020-061 O&R - 1201 North 31st Street.pdf>

<2020-060 O&R - 110 North 35th Street.pdf>

<2020-059 O&R - Westover Hills Blvd.pdf>

<2020-065 O&R Request - Agreement and Deed Lease w\_ Scripps Media (WTVR).pdf>

<2020-064 O&R - Request Dominion Energy Virginia Right of Way Agreement.pdf>

<2020-063 O&R - 420 N 26th Street.pdf>

<2020-062 O&R - 2109 E Marshall Street.pdf>