INTRODUCED: June 8, 2020

AN ORDINANCE No. 2020-141

To authorize the special use of the property known as 1110 North 35th Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUL 27 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 1110 North 35th Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two single-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.6, 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:	9	NOES:	0	ABSTAIN:	
		_			
ADOPTED:	JUL 27 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 1110 North 35th Street and identified as Tax Parcel No. E000-1106/015 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "Improvements on PID: E000-1106/015, #1110 North 35th Street, City of Richmond, Virginia," prepared by Balzer & Associates, and dated November 15, 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 two single-family detached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "1108 N 35th St.," prepared by River Mill Development, and dated February 7, 2020; and "421 N 32nd St.," prepared by River Mill Development, and dated February 12, 2019, hereinafter referred to together 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 two single-family detached dwellings, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed the height as shown on the Plans.

(c) All building materials and elevations shall be substantially as shown on the Plans.Siding materials shall consist of cementitious siding or similar materials.

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

(e) A minimum of one off-street parking space shall be provided for each dwelling at the rear of each dwelling.

(f) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining approval from the City of the division of the existing lot into two lots and by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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: melin D. Ril

City Clerk

City of Richmond

Item Request File Number: PRE.2020.049

O & R Request

DATE: April 27, 2020

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: Lenora G. Reid, Acting Chief Administrative Officer lan 5/1/2020

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 1110 North 35th Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1110 North 35th Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

REASON: The subject property is located in the R-5 Single-Family Residential District. Single-family dwellings are allowed on properties that provide at least 50 feet of lot width and 6,000 square feet of lot area. The subject property contains a single-family dwelling that is under renovation. The proposal is to subdivide the property in order to allow the construction of a new single-family dwelling. Once subdivided, neither parcel will meet the minimum lot width or area required in the R-5 Single-Family Residential District. 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 7,500 SF parcel of land and is improved with a single-family dwelling. It is located in the Oakwood Neighborhood within the City's East Planning District, and is located on North 35th Street midblock between Blakey and R Streets.

City of Richmond

EDITION:1

File Number: PRE 2020.049

The lot is 60 feet wide and 125 feet deep. The existing dwelling is 20.4 feet wide and set 3.7 feet off the east side yard property line. The subdivision will result in the creation of two parcels, each 30 feet wide by 125 feet deep. The lot area of each lot will be 3,750 square feet. An alley provides rear yard access and off-street parking will be provided for both properties.

The City of Richmond's Master Plan designates the subject property for Single-Family (Low Density) uses. Primary use is single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. The density of the parcel if developed as proposed would be a ratio of approximately 12 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, desire for neighborhoods to provide a variety of housing choices.

All properties surrounding the subject property are located within the same R-5 Single-Family Residential zoning district. Within the area of the subject property, those properties with improvements contain a mixture of single-family detached and single-family attached 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: May 11, 2020

CITY COUNCIL PUBLIC HEARING DATE: June 8, 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)

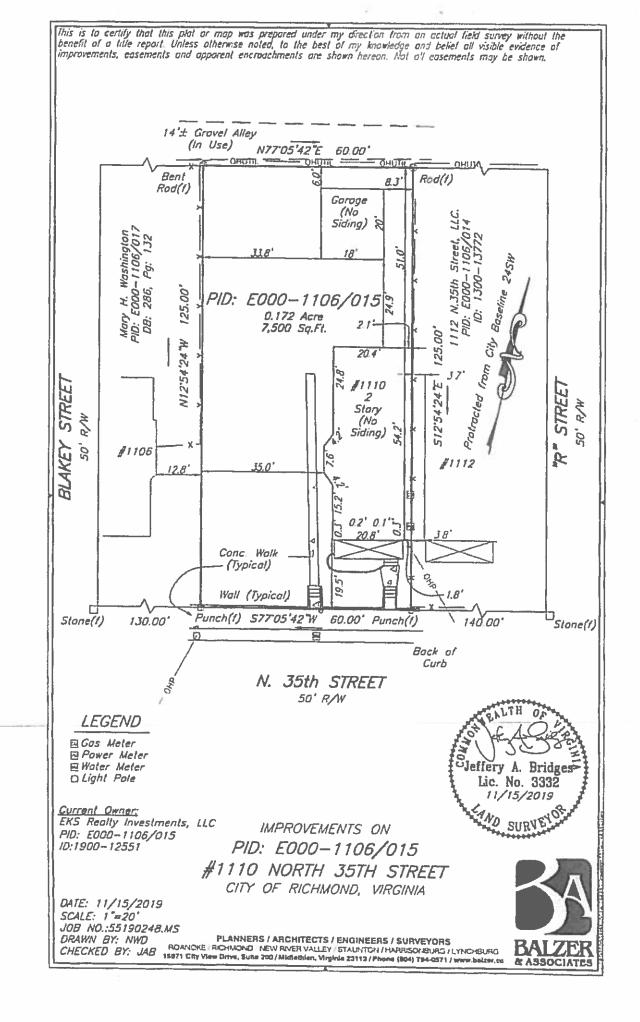
RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

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

City of Richmond



RICHMOND	Application for SPECIAL USE PERMI Department of Planning and Development Review Land Use Administration Divisio 9D0 E Broad Street Room 5 Richmond, Virginia 2321 (804) 645-630 http://www.nchmend.ov.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 ////O N8545/ Tax Map # 6000/166615 Fee Total area of affected site in acres -177. AC	2KHMINI VA 28223 Date 12/10/19
(See page 6 for fee schedule please make check payable to	e the "City of Richmond")
Zoning Current Zoning R-5 SINGLE FAMILY	1 FESIDENTIAL
Existing Use R.5	
	n the required applicants reports RIMAC RESIDENTIAL PROPERTY
Is this property subject to any previous land use Yes No If Yes please list the Ordinance N	
Yes No If Yes please list the Ordinance N	Autor
Yes No If Yes please list the Ordinance N	Autor MEMT, UC
Yes No If Yes please list the Ordinance Main Applicant/Contact Person: TRAVIL S Company LKS ZEALTY INVEST Maing Address 940 NATURE Main City 1111 OTA AN Main Telephone 600 245 0673	Au ITT MENT, U.C. MENT, U.C. AyStateZip Code Fax_()
Yes No If Yes please list the Ordinance here Applicant/Contact Person: TRAVIS Company Les PEAtry INVEST Maling Address 940 NATURE Maling City 111 LOTAN Telephone Obj 245-0673 Email TSSOLO Came Property Owner: EICs EEALTY INV If Business Entity, name and title of authorized Difference Output Difference Difference	Aumber MITT/ MEMT, UC. M/ State YA YA YA YA YA YA YA YA YA YA
Yes No If Yes please list the Ordinance No Applicant/Contact Person: TRAVIS S Company LAS BEALTY INVEST Mailing Address 940 NATCHE WA City 1116 LOTAAN Telephone (OOU) 245-0673 Email TDSPAUCO CMARK. COM Property Owner: EICS EEALTY INV If Business Entity, name and title of authorized (The person or persons executing or attesting the executions she has on have been duly authorized and empowered to is Mailing Address 740 AtALLOR WATH	Aumber MITT/ MEMT, UC. M/ State VA Type Fax () VESTMENT LLC Signee TRAVIS Signee TRAVIS Of this Application on behall of the Company certifies that he or bekeute or attest 3
Yes No If Yes please list the Ordinance No Applicant/Contact Person: TRAVIS S Company LAS BEALTY INVEST Maling Address 940 NATCHE WA City 1916 LOTAAN Telephone (OOU) 245-0673 Email TDSPAUC CAMAIC. COM Property Owner: EICS EEALTY INV If Business Entity, name and title of authorized (The person or persons executing or attesting the executions she has or have been duly authorized and empowered to is	Aumber MITT/ MEMT, UC. M/ State YA YA YA YA YA YA YA YA YA YA
Yes No If Yes please list the Ordinance Mailing Address Applicant/Contact Person: TRAVIS Company Les PEAtry INVEST Mailing Address 940 NATURE Mail City Mailing Address 940 NATURE Mailing Property Owner: Elcs EEALTY INVEST If Business Entity, name and title of authorized The person or persons executing or attesting the execut or she has or have been duly authorized and empowered to is Mailing Address 740 NAT Mailing Address 740 NAT NAT City Mailing Address 740 NAT City Milling Address 740 NAT NAT City Mailing Address 740 NAT	P cases? Sumber MEMT, U.C. MY State VA Zip Code 23/14
Yes No If Yes please list the Ordinance Mailing Address Applicant/Contact Person: TRAVIS Company I-KS PEALTY Mailing Address 940 NATURE Mailing Address 940 NATURE City IM IS LOTA AN If Elephone Telephone 604 245-0673 Email TDSPAYED CHAMIC Cam Property Owner: Elcs EEALTY If Business Entity, name and title of authorized (The person or persons executing or attesting the execut or she has or have been duly authorized and empowered to is Mailing Address IHC NAT City MIBLUTTIAN Telephone Telephone GOU 245-0672 Email TDS 80400 AMAIL - Com Property Owner Signature: The names addresses telephone numbers and sortations The names addresses telephone numbers and sortations	P cases? Sumber MEMT, U.C. MY State VA Zip Code 23/14

٠

÷

Applicant's Report for 1110 N 35* St Richmond VA, 23223

To whom it may concern:

My name is Travis Smith. I am a Real Estate Investor that currently owns the property at 1110 N 35^m St. I purchased this property to rehab it as I love the old houses in Richmond VA. As a native or Richmond, born and raised, I have always loved the city and everything it has to offer.

I fell in love with real estate and am looking to add value to the city by rehabbing properties as well developing new properties for single family and multi family housing. The property at 1110 N 35th St, has the potential to have an additional house built on the oversized lot that is available. With the subdivision of the lot and the special use permit, I would plan on building a house that matches the aesthetics of the rehabilitation efforts ongoing in the city. The house will have the same plans as the current renovation of N 35th St property with off street parking in the rear. This will eliminate additional parking needs on the street.

My construction company I use has a lot of experience in Church Hill and has renovated several properties within a mile or two of the property. They are a solid construction team and take the utmost precautions when working in the community and around other family's homes to ensure no damage is done to their property and that their safety is never in question.

Having the ability to build off-street parking will allow the team to use that portion of the land to place dumpsters, debris, etc. that may otherwise take up space in the street, thus not deterring traffic.

Lastly, building additional housing allows for more families to experience the city that I love as well as bring in additional income to the city.

I appreciate you taking the time to consider the Special Use Permit and look forward to working with you.

Best,

Travis Smith

EKS Realty Investments, LLC

804-245-0673

STEL: TAL STRUCTURAL STEEL TO COMPLY WITH ASTM STANDARDS AND SPECIFICATIONS. TAL STRUCTURAL STEEL TO COMPLY WITH ASTM STANDARDS AND SPECIFICATIONS. SAFETY GLAZING IS REQURED PER CODE INCLURING BIT NOT LIAITED TO THE FOLLOWING: GLAZING IN SPECIFICATIONS. DOORS, GLAZING IN SECTEM AND SHOP SECTEMENT IN AND SHORE STORM DOORS, GLAZING IN AND SHORES CLAZING IN ALL UN-FRAMED DOORS, GLAZING IN DOORS, GLAZING IN DOORS, GLAZING IN DOORS, GLAZING IN ALL UN-FRAMED DOORS, GLAZING IN ADD SECLOSTINGS TO WITHSTAND 200 LSG FORCE, AND NET OBLE STEAM OF AND SPECIFIC DOORS, GLAZING IN DOORS, GLAZING IN AND SECLOSTING STAND, SECTEM AND THE SOLOGI IN AND SPECIFIC DOORS, GLAZING IN ALL UN-FRAMED DOORS, GLAZING IN LIAINES, GLAZING IN AND SPECIFIC DOORS, GLAZING IN ALL NOSS, GLAZING IN IN AND SPECIFIC DOORS, GLAZING IN ALL NOSS, ALL NOSS, GLAZING IN ALL NOSS, GLAZING IN ALL NOSS, ALL ZONG IN THE NASS AND SECONDERS, GLAZING IN ALL NOSS, ALL NOSS, ALL NOSS, ALL ZONG IN THE NASS AND SECONDERES AND THE CONSTANT ALL N	CONPLAN	FRAMING MEMBERS: UNLESS OTHERWISE NOTED, ALL FRAMING LUMBER TO BE #2 OR BETTER. IST FL UNLESS OTHERWISE NOTED, ALL FRAMING LUMBER TO BE #2 OR BETTER. IST FL CONTRACTOR TO CONFERN THE SIZE SPACENC, AND SPECIES OF ALL FRAMENC AND STRUCTURAL MEMBERS. IST FL ALL EXTERIOR WALLS AND CELLINGROOF ARE TO BE INSULATED BY CODE. IST FL ENGINEERED WOOD PRODUCTS TO BE ENGINEERED BY MANUFACTURER/SUPPLIER. IST FL FOLLOW BRACING GUIDELINES SUBMITED BY TRUSS MANUFACTURER/SUPPLIER. DESIGNER: NICK MEDLIN FOLLOW BRACING GUIDELINES SUBMITED BY TRUSS MANUFACTURERS. DESIGNER: NICK MEDLIN CONCRETE AND FOUNDATIONS: DESIGNER: NICK MEDLIN ALL SLASS ON GRADE SHALL BE 300 PSI MIN. THI WITH ACK MIN WEI DED WIRE MESH (WWM).	SOIL BEARING ASSUMED CAPACITY: ASSUMED 1500 PSF LIVE LOADS, DEAD LOADS, WIND LOADS, SNOW LOADS, LATERAL LOADS, SEISMIC ZONING, AND ANY OTHER SPECIALTY LOADING WILL NEED TO BE CONFIRMED BEFORE CONSTRUCTION AND DEALT WITH ACCORDINGLY.	GENERAL NOTES AND DESIGN CRITERIA D FOLLOW LATEST BUILDING CODE: IRC 2015 1108 N 35TH ST. DESIGN LOADS (MIN.): IIIOS IIIC 2015 PLOOR: 40 PSF LIVE LOAD IIIOS III SI IIII SI III SI
TRAVEL. TRAVEL. COMPLIANCE IS REQUIRED FOR HANDRAILS (TYPE I) AND GUARDRAILS. ALL INT. AND ESCT. RAILINGS ARE TO BE A CONTINUOUS AND MIN. 36' IN HEIGHT, BE ABLE TO WITHSTAND 200 LBS OF FORCE, AND NOT ALLOW A SPHERE GREATER THAN & IN DIAMETER TO PASS THROUGH GUARDRAILS ARE TO BE 36' HIGH WITH MAX SPACING BETWEEN PICKETS OF LESS THAN 4'. HANDRAILS ARE TO BE BETWEEN 34'-36' HIGH WITH MAX SPACING BETWEEN PICKETS NOT LESS THAN 4'. DRAFT-STOPPING IS REQUIRED PER CODE. WHEN THERE IS USABLE SPACE BOTH ABOVE AND BELOW THE CONCEALED SPACE OF A FLOORACELING ASSEMBLY, DRAFT-STOPS SHALL BE INSTALLED SO THAT THE CONCEALED SPACE DOES NOT EXCEED 1000 SF. DRAFT-STOPPING IS REQUIRED IN SUSPENDED CELINGS UNDER THE FLOOR SYSTEM AND WHEN THE FLOOR RAMING IS CONSTRUCTED OF TRUSS TYPE OPEN WEB OR PERFORATED MEMBERS. FIRE-BLOCKING IS REQUIRED. FIRE BLOCKING SHALL BE PROVIDED TO CUT OFF ALL CONCEALED DRAFT OPENINGS (VERTICAL & HORIZONTAL) AND FORM AN EFFECTIVE FIRE BARRIER BETWEEN STORIES.	COMPLANCE IS REQUIRED FOR EXIT DOOR STARS, RAMPS, AND LANDINGS, THERE SHALL BE A FLOOR OR LANDING ON EACH SIDE OF EACH EXT, DOOR EXCEPT WHERE A STAIRWAY OF TWO OR FEWER RISERS IS LOCATED. THE WIDTH OF EACH LANDING SHALL NOT BE LESS THAN THE WIDTH OF THE DOOR SERVED, EVERY LANDING SHALL HAVE A MIN. OF 36° IN DIRECTION OF	BUILDING INFORMATION IST FL. HEATED S.F. 900 2ND FL. HEATED S.F. 862		DRAWING INDEXCOVER PAGEC1.0SITE PLANA1.0FLOOR PLANSA1.1ELEVATIONSA2.1ELEVATIONSA2.1FRAMING PLANSA3.1WALL BRACINGA3.2SECTIONS / DETAILSD1.0
RIVER MILL DEVELOPMENT	5-06-2020 SHEET: C1.0	DALLE:	REVISION NOTES	1108 N 35TH ST. RIVER MILL DEVELOPMEN EMBRI 19 M LOPEL PLOPMEN HURL 19 TO THE

.

