INTRODUCED: July 27, 2020

### AN ORDINANCE No. 2020-179

To authorize the special use of the property known as 2000 Selden 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: SEP 14 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 2000 Selden 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 sections 30-410.4, concerning lot area and width, and 30-410.5, concerning front and 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:	8	NOES:	0	ABSTAIN:	
ADOPTED:	SEP 14 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 2000 Selden Street and identified as Tax Parcel No. E012-0257/021 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled "Survey of Lot 30 and a Portion of Lot 29, Block 25, Woodville, Richmond, Virginia," prepared by A.G. Harocopos & Associates, 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 two single-family detached dwellings, substantially as shown on the plans entitled "2000 & 2000 ½ Selden St.," prepared by Unlimited Renovations, and dated February, 2020, and on the survey entitled "Survey of a Division of Tax Parcel E0120257021 and Proposed Improvements Thereon, Richmond, Virginia," prepared by A.G. Harocopos & Associates, P.C., and dated February 13, 2020, 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 mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
- (d) No fewer than one off-street parking space shall be provided for each dwelling, substantially as shown on the Plans.
  - (e) All building materials and elevations shall be substantially as shown on the Plans.
- (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 subdivision approval from the City 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:

City Clerk

RECEIVED ra Fore at 11:23 am, Jul 20, 2020

# City of Richmond

900 East Broad Street 2nd Floor of City Hall Richmond, VA 232 19 www.nchmondgov.com

## Item Request

File Number: PRE.2020.159

### O & R Request

DATE:

June 29, 2020

EDITION:1

TO:

The Honorable Members of City Council

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

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

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer lgr

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 2000 Selden 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 2000 Selden Street for the purpose of two single-family detached dwellings, upon certain terms and conditions

REASON: The applicant is proposing to construct two single-family detached dwellings with off street parking. The proposed lots would not meet lot dimension or setback requirements. A Special Use Permit is required 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 September 8, 2020 meeting.

#### BACKGROUND:

The subject property consists of a 6,649 SF parcel of unimproved of land. The property is located in the Eastview neighborhood in the City of Richmond's East Planning District, on Selden Street between North 20th and North 21st Streets.

The property is a part of an R-5 Single-Family Residential District. The proposal is to split the subject lot to create two lots, each with a lot area of approximately 1,090 square feet, and lot width of 32' feet for 2000 Selden Street and with a lot width of 25' feet for 2000 ½ Selden Street. The R-5 District requires a minimum lot size of 6,000 SF and a minimum lot width of 50'. Each lot will have approximate three foot side-yards which will not meet the required 5' side yard requirement. The R-5 district also requires a minimum front yard depth of at least 25'. The application calls for a depth of approximately fourteen 14'.

The City's Master Plan designates a land use category for the subject property as Single-Family Low Density. Primary uses are "...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. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5." (City of Richmond Master Plan). The density of the parcel if developed as proposed would be approximately 13 units per acre.

Surrounding properties are located within the same R-5 District as the subject property. A mix of single-family residential and vacant land uses are present in the vicinity, with some 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: July 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: September 14, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

September 8, 2020

AFFECTED AGENCIES: Office of Chief Administrative Officer

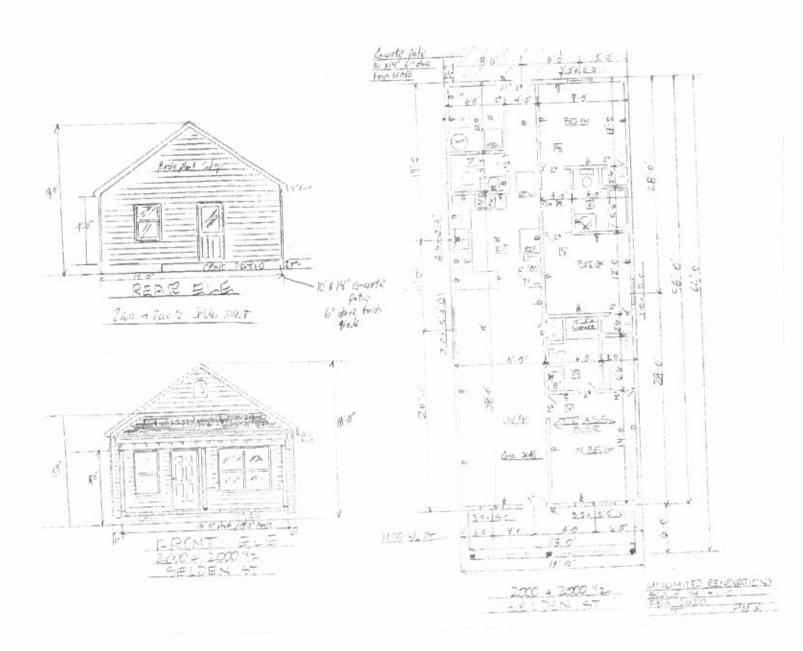
Law Department (for review of draft ordinance)

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: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 804-646-5734







MEASURE RELIGIOUS SALE #2

2/13/20 This is to certify that on I made an accurate field survey of the known premises shown hereon; that all improvements known or visible are shown hereon; that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises, other than

LTH OF

GEORGE A. HAROCOPOS

2/13/20 SURVEYO NOTE: THIS LOT APPEARS
TO BE IN FEMA FLOOD ZONE

X AS SHOWN ON HUD
COMMUNITY PANEL NUMBERS
5101290041E

NOTE:
This survey has been prepared without the benefit of a title report and does not therefore necessarily indicate all encumberances on the property.

Subject Property Information

E0120257021 6605.20 Sq. Feet 0.152 Acres

LOT 30 AND A PORTION OF LOT 29 BLOCK 25

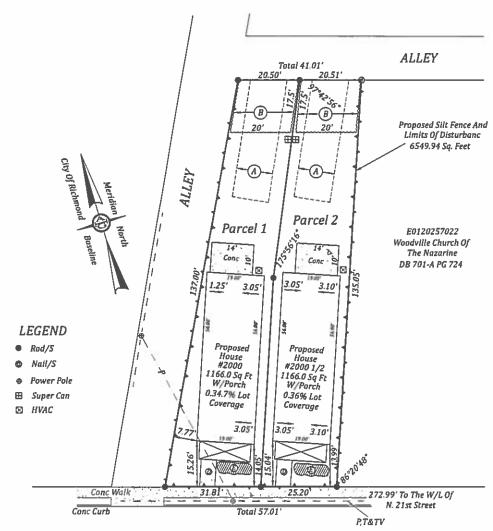
### WOODVILLE

Devision Breakdown

Parcel 1 3362.38 Sq. Feet 0.077 Acres

Parcel 2 3242.82 Sq. Feet 0,074 Acres

- (A)= 12' X 40' Construction Entrance
- (B) (2) 10.0 X 17.5 Stone Parking Spaces
- (D) Proposed Walk
- (E) Native Va. Foundation Plants Or Similar



# SELDEN STREET

SURVEY OF A DIVISION OF TAX PARCEL E0120257021 AND PROPOSED IMPROVEMENTS THEREON RICHMOND, VIRGINIA

NOTE: PLAT PREPARED FOR THE EXCLUSIVE USE OF THE CONVEYANCE TO UNLIMITED RENOVATIONS

A. G. HAROCOPOS & ASSOCIATES, P.C.

CERTIFIED LAND SURVEYOR AND CONSULTANT 4920 E MILLRIDGE PKWY SUITE 200 MIDLOTHIAN VA 23112

Office 804 744 2630 FAX 804 744 2632 E-MAIL AGHAROCOPOS72/2GMAIL COM Scale 1"=20' Date 2/13/20 Drawn by GAH

IN 48791

8/21/19 This is to certify that on NOTE: THIS LOT APPEARS
TO BE IN FEMA FLOOD ZONE

X
AS SHOWN ON HUD
COMMUNITY PANEL NUMBERS I made an accurate field survey of the known premises This survey has been prepared without shown hereon; that all improvements known or visible the benefit of a title report and does are shown hereon; that there are no encroachments by not therefore necessarily indicate all improvements either from adjoining premises, or from 5101290041E encumberances on the property. subject premises upon adjoining premises, other than **ALLEY** GEORGE A. HAROCOPOS 41.01' 30 29 28 E0120257021 6605.20 Sq. Feet E0120257022 0.152 Acres Woodville Church Of The Nazarine DB 701-A PG 724 Asphalt **LEGEND** Rod/S Nail/S Power Pole 57.01 272.99' To The W/L Of N. 21st Street P,T&TV SELDEN STREET SURVEY OF LOT 30 AND A PORTION OF LOT 29 BLOCK 25 JN 48791 WOODVILLE A. G. HAROCOPOS & ASSOCIATES, P.C. RICHMOND, VIRGINIA CERTIFIED LAND SURVEYOR AND CONSULTANT 4920 E.MILLRIDGE PKWY SUITE 200 MIDLOTHIAN VA. 23112 NOTE: PLAT PREPARED FOR THE EXCLUSIVE USE OF THE CONVEYANCE TO UNLIMITED RENOVATIONS

Office 804 744 2630 FAX 804 744 2632 E-MAIL AGHAROCOPOS72@GMAIL.COM Scale 1"=20' Date 8/21/19 Drawn by GAH



#### Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room SII
Richmond, Virginia 23219
(804) 646-6304
http://www.richmondary.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 Adress: 2000 Selden Street Tax Map #: E0120257021 Total area of affected site in acres: 0.081 (See page 6 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning: R-6 Existing Use: vacant lot Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) Two (2) single-family detached dwellings Existing Use: vacant lot Is this property subject to any previous land use cases? Yes If Yes, please list the Ordinance Number: Applicant/Contact Person: Mark Baker / Charlie Wilson Company: Baker Development Resources Mailing Address: 1519 Summit Avenue, Suite 102 City: Richmond Zip Code: 23230 State: VA Telephone: \_(\_804 ) 822-5428 Fax:\_( Email; markbaker@bakerdevelopmentresources.com. charlie@bakerdevelopmentresources.com **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: 615 Albemarle Street City: Richmond State: VA Zip Code: 23220 Telephone: ( 804 ) 780-2628 Fax: \_(\_ Email: bryantraylor@gmail.com **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)

# APPLICANT'S REPORT

February 27th, 2020

Special Use Permit Request 2000 Selden Street, Richmond, Virginia Map Reference Number: E012-0257/021

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

1519 Summit Ave, Suite 102 Richmond, Virginia 23230

## Introduction

The property owner is requesting a special use pennit ("SUP") for 2000 Selden Street (the "Property"). The SUP would authorize the construction of two single-family detached dwellings.

# **Existing Conditions**

## SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the north side of Selden Street between North 20th Street and North 21street. The Property consists of one parcel, which is referenced by the City Assessor as tax parcels E012-0257/021. The Property is currently a vacant lot that is irregularly shaped and contains approximately 6,649 square feet of lot area. For a more detailed description of the property, please refer to the survey completed by A.G. Flarocopos & Associates, P.C. on 8 21/19, titled "Survey of Lot 30 and a Portion of Lot 29 Block 25, Woodville, Richmond, Virginia," hereinafter attached as "Exhibit A." The lot is relatively flat and is afforded access in the rear by means of an alley network that connects Phaup Street, Selden Street, and North 21street.



The properties to the west and south are generally developed with single family detached dwellings. The property to the east is developed with a church. The properties to the north are all vacant, undeveloped lots

#### **EXISTING ZONING**

The Property is zoned R-5 Single-Family Residential, which does permit the proposed single-family detached dwelling use by-right provided that the applicable lot width, lot area, and setback requirements are met. The surrounding properties are also zoned R-5.

#### MASTER PLAN DESIGNATION

The Master Plan recommends "Single-Family (Low Density)" for the Property. There are also a variety of general housing goals contained in the Master Plan Land Use chapter that are applicable to the request 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.

# **Proposal**

#### PROJECT SUMMARY

The proposed development includes the construction of two single-family detached dwellings on the Property with one off-street parking space per dwelling.

### **PURPOSE OF REQUEST**

The owner would like to construct two single-family detached dwellings on the Property. While the R-5 district permits single-family dwellings, it requires that unless the parcel is a legal lot of record, the minimum lot area of 6,000 square feet, the minimum lot width of 50 feet, and the minimum side-yard setback of five feet be met. Because these requirements cannot be met, a SUP is required in order to permit the proposed development.

In exchange for the SUP, the intent of this request is to ensure a high-quality infill development that is consistent with the objectives of the Master Plan. The overall project would be appropriately efficient and would be compatible with the existing development in the vicinity. The quality assurances conditioned through the SUP would guarantee a higher quality development than what might otherwise be developed by right.

#### PROJECT DETAILS

The two single-family detached dwellings would each be one story in height, and are consistent with historic development pattern found though out much of the nearby older portions of the neighborhood. The individual dwellings would contain approximately 988 square feet of floor area. Each unit would contain three bedrooms and two and one-half bathrooms. The dwellings' floor plans are spacious and modern with open living areas and an *en suite* master bathroom.

The buildings would be clad in cementitious siding in order to ensure quality and consistency with many other dwellings in the vicinity. A full-width front purch and a is proposed and would add to ample usable outdoor area. One off-street parking space is proposed for each individual dwelling. Parking spaces would be located to the rear of the dwellings and accessed by the rear aftey.

The proposed lot configuration would be compatible with other lots in the vicinity and allows for the efficient use of the otherwise vacant property. Based on the historic lot pattern, many lots in the vicinity are nonconforming with regard to lot area, lot width, side yard setbacks and front yard setbacks. The proposed lots would be consistent with the character of the area in this regard. The proposed dwellings would be 19 feet in width allowing for the provision of 3-foot side yard setbacks, except where, due to the irregular shape of the lot, the left rear corner of the westernmost house would be setback just over 2 feet. These setbacks are consistent with and in many cases exceed the side yard setbacks provided by other dwellings in the vicinity. Similarly, the proposed front yard setbacks would be less than the required R-5 front yard setback of 25 feet in keeping with the more traditional neighborhood development pattern existing in the immediate vicinity.

# **Findings of Fact**

The following are factors included 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 one off-street parking spaces for each of 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 population.

 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.

Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. The proposed dwellings are of compatible massing and spacing to the existing dwellings throughout the Woodville, which are in many cases one-story single family detached dwellings. 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 single-family detached dwellings. The buildings have been thoughtfully designed in order to provide appropriate, high quality infill development. The request offers compatibility with the City's Master Plan in terms of its response to market conditions and sensitivity to neighborhood character and quality materials. The request would contribute to the ongoing revitalization of the neighborhood, improving 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 provide for respectful infill development that is consistent with the objectives of the Master Plan. It would respectfully encourage a pedestrian friendly traditional urban streetscape in the block. The proposed design is historically appropriate and would contribute to the vibrancy of the block with street-oriented full width front porches. 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 consistent with that required by zoning 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 what might otherwise be developed by right.