

INTRODUCED: July 27, 2020

AN ORDINANCE No. 2020-181

To authorize the special use of the property known as 3131 Kensington Avenue for the purpose of five single-family attached 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 3131 Kensington Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of five single-family attached dwellings, which use, among other things, is not currently allowed by sections 30-412.4(2)(b), concerning lot area, 30-412.5(1), concerning yards, and 30-412.8, concerning height, 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 3131 Kensington Avenue and identified as Tax Parcel No. W000-1411/024 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Condominium Plat of Lee School Lofts, Situated at #1301 Kensington Avenue, City of Richmond, Virginia,” prepared by Shadrach & Neal, inc., and dated February 22, 2008, 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 five single-family attached dwellings, substantially as shown on the plans entitled “Kensington Cleveland Townhouses, 3131 Kensington Ave, Richmond, Virginia,” prepared by Johannas Design Group, and dated May 20, 2020, 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 five single-family attached dwellings, substantially as shown on the Plans.

(b) Up to ten off-street parking spaces shall be provided for the use of the Property, substantially 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) The height of the Special Use shall not exceed the height 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 up to five 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) The Owner shall make improvements within the right-of-way, including installation of a street tree along Kensington Avenue and four street trees along Cleveland Street,

substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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.

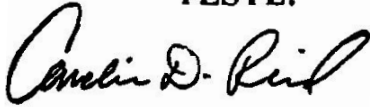
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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  
By Barbara Fore at 9:41 am, Jul 07, 2020

# City of Richmond

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

RECEIVED  
By Barbara Fore at 9:20 am, Jul 20, 2020

## Item Request File Number: PRE.2020.181

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### O & R Request


DATE: June 29, 2020

EDITION: 1

TO: The Honorable Members of City Council

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

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

 7/17/2020

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 3131 Kensington Avenue for the purposes of five single-family attached dwellings, upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of the property known as 3131 Kensington Avenue for the purposes of five single-family attached dwellings, upon certain terms and conditions.

**REASON:** The application wishes to subdivide the property at 3131 Kensington Avenue and construct five, single-family attached dwellings. The application, as submitted, does not meet certain feature requirements of the underlying R-6 Single-Family Attached Residential District including lot area, front yards, side yards, and height. A Special Use Permit is 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 an 11,979 SF, or .28 acre unimproved parcel of land, and is a part of the Museum District neighborhood in the Near West Planning District at the intersection of Kensington Avenue and Cleveland Street. The property is also located in the West of the Boulevard Overlay District.



The City of Richmond's Master Plan designates the subject property for Single-Family Medium Density land use. Primary uses are single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 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-5A, R-6 and R-7. (City of Richmond, Master Plan, p. 133).

The current zoning for this property is R-6 Single-Family Attached Residential. Surrounding properties are located in the same district. The existing land uses in the vicinity are comprised of single-, two- and multi-family residential and commercial 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

**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) 646-5734

**KENSINGTON CLEVELAND TOWNHOUSES**  
**3131 KENSINGTON AVE**  
 Richmond, Virginia

**SCOPE OF WORK**

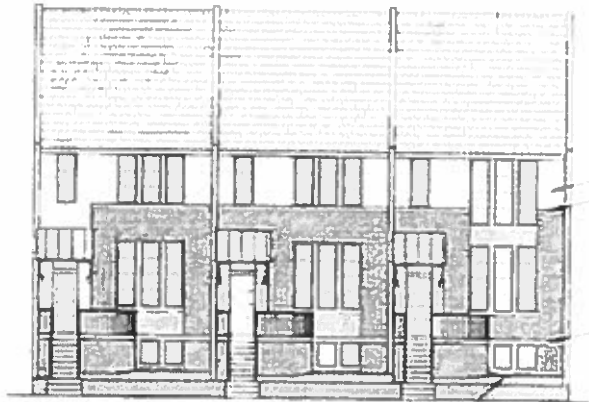
Subdivide 3131 Kensington Ave into 3 lots and build 3 townhouses

**PROJECT INFO**

Owner: BM LLC / Robin Miller  
 Zoning District: R 6 - Residential (Single Family Attached)  
 Existing Use: Empty Lot  
 Proposed Use: Single Family Attached Residential  
 Site Area: 11973 Square Feet

**CONTENT LIST**

SUP	COVER SHEET
001	SITE PLAN
001	SUBDIVISION PLAN
100	SAMPLE FLOOR PLAN KENSINGTON
101	SAMPLE FLOOR PLAN CLEVELAND
200	ELEVATION KENSINGTON AVENUE
201	ELEVATION CLEVELAND STREET
202	REAR ELEVATION
203	SIDE ELEVATION (CLEVELAND)
C-1	DRIVE AISLE AND PARKING PLAN
C-2	TRAIL PROTECTION PLAN
SURVEY	



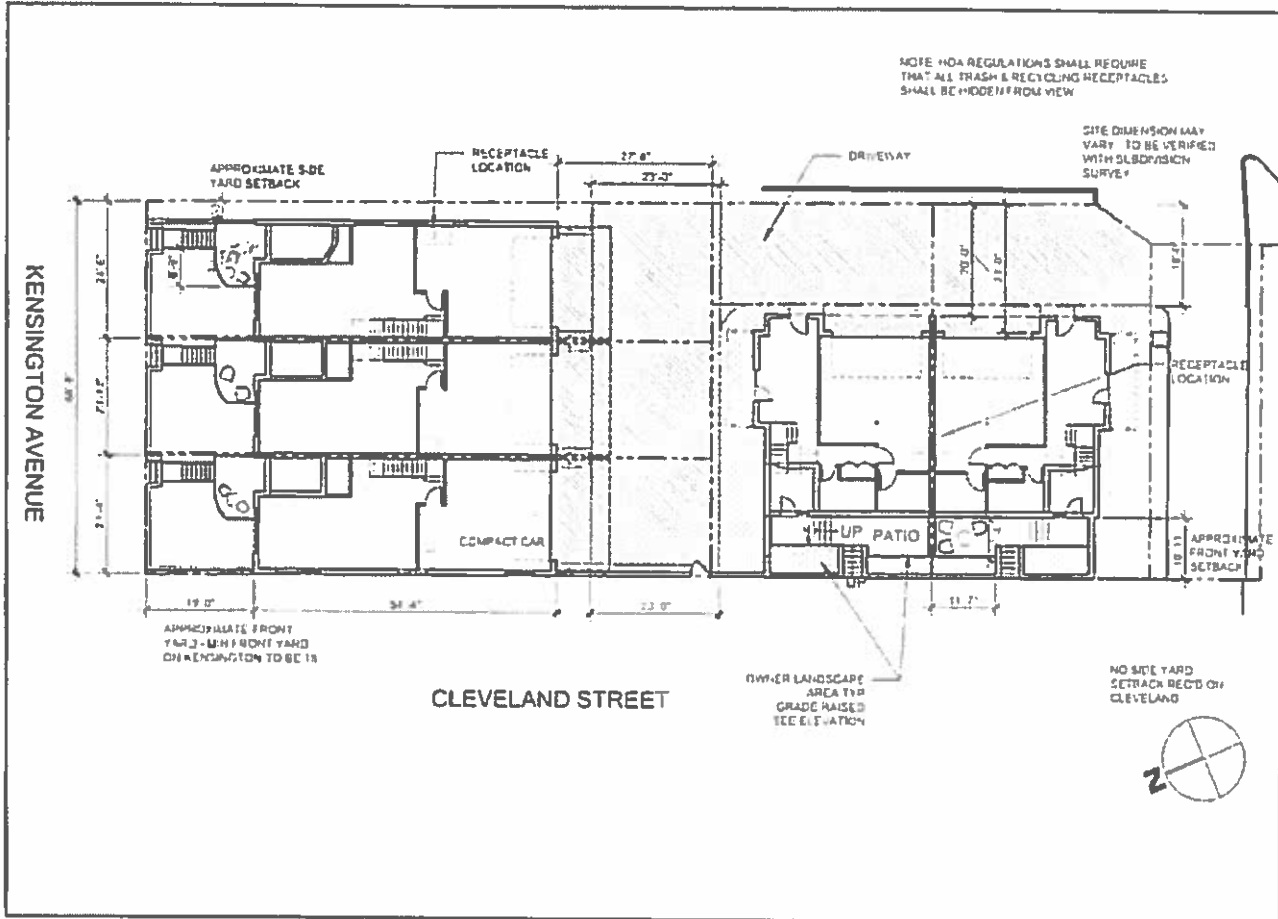
ELEVATION



VICINITY MAP



JOHANNAS DESIGN GROUP  
 KENSINGTON CLEVELAND TOWNHOUSES  
 COVER  
 5.20.2020  
 1996 20  
 SUP



JOHANNAS DESIGN GROUP

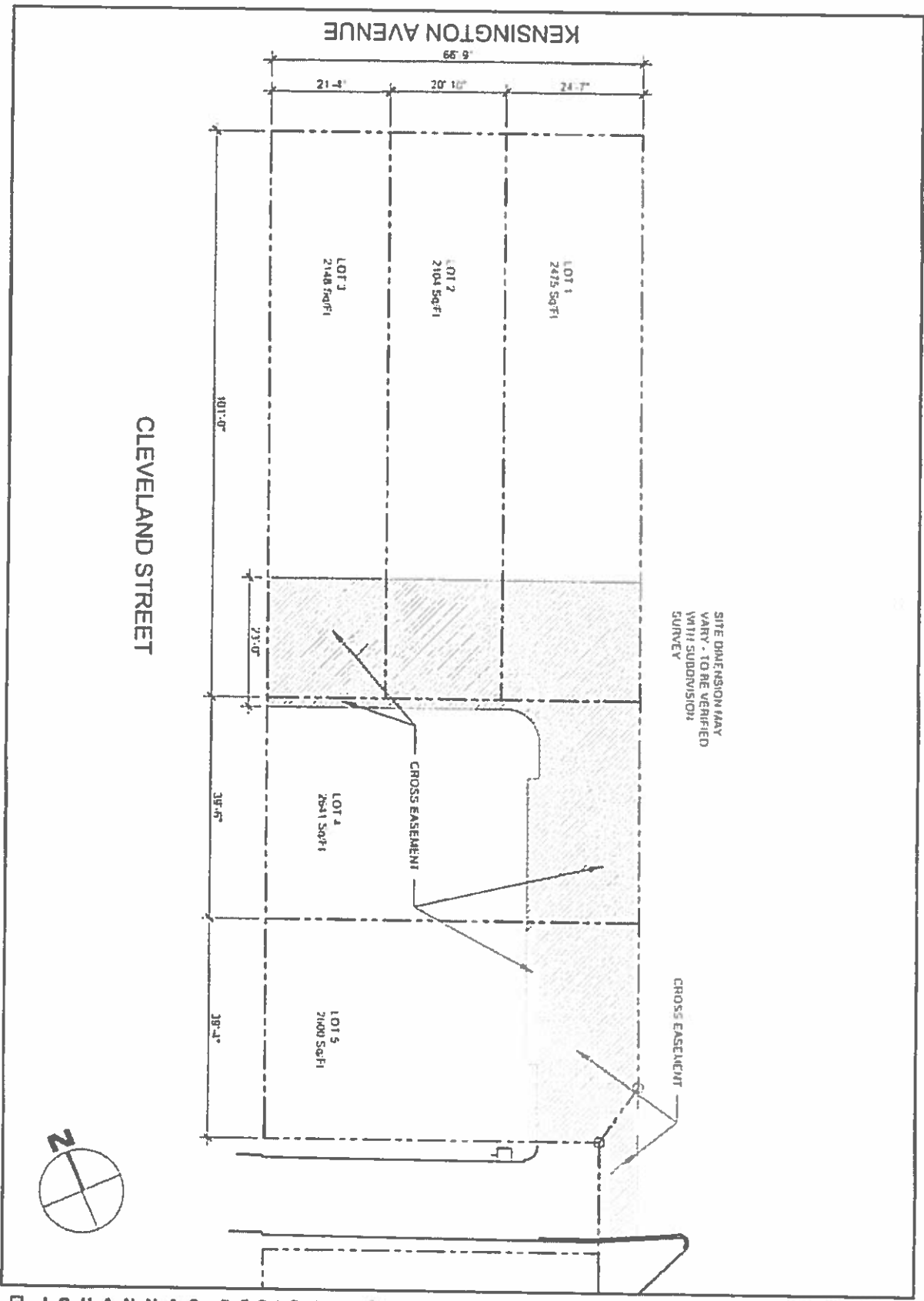
KENSINGTON CLEVELAND TOWNHOUSES

SITE PLAN

5.20.2020

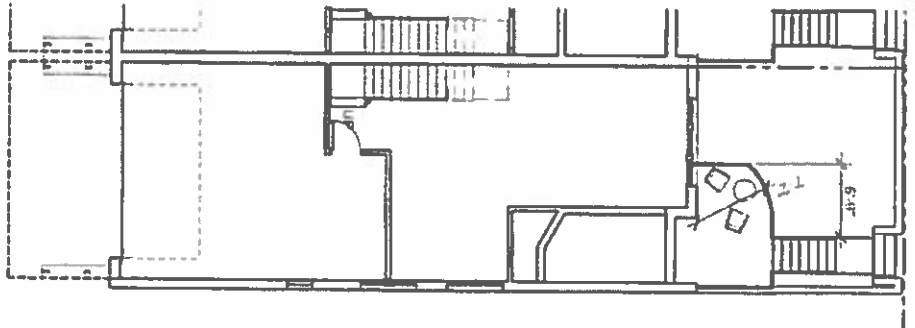
1999 21

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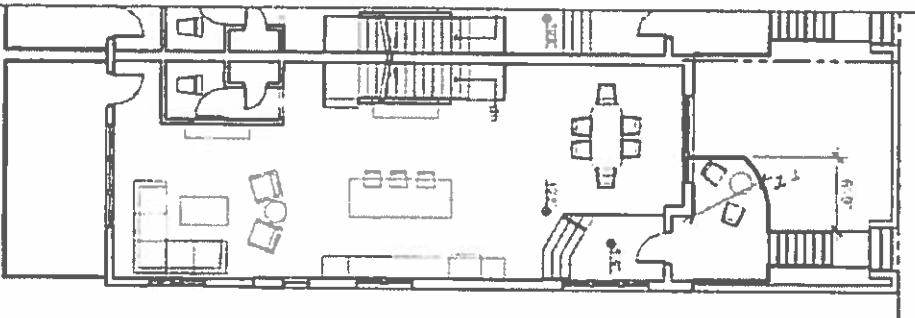


SITE DIMENSIONS MAY VARY - TO BE VERIFIED WITH SUBDIVISION SURVEY

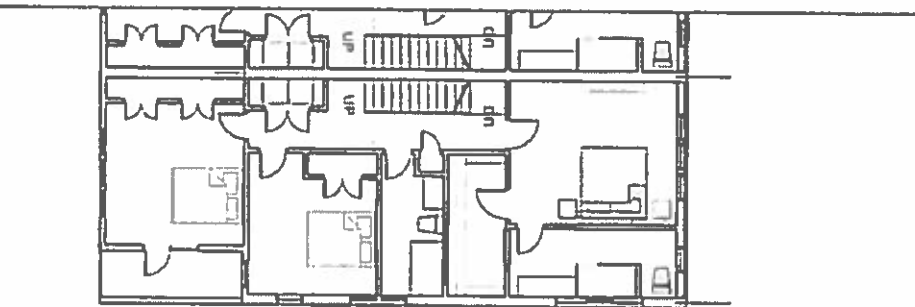
GROUND FLOOR



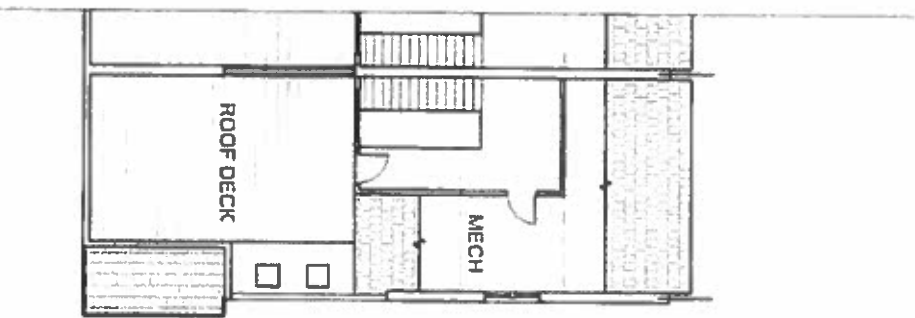
FIRST FLOOR



SECOND FLOOR



ROOF



TYPICAL KENSINGTON PLANS  
CLIENT RESERVES RIGHT TO REDESIGN INTERIOR



JOHANNAS DESIGN GROUP

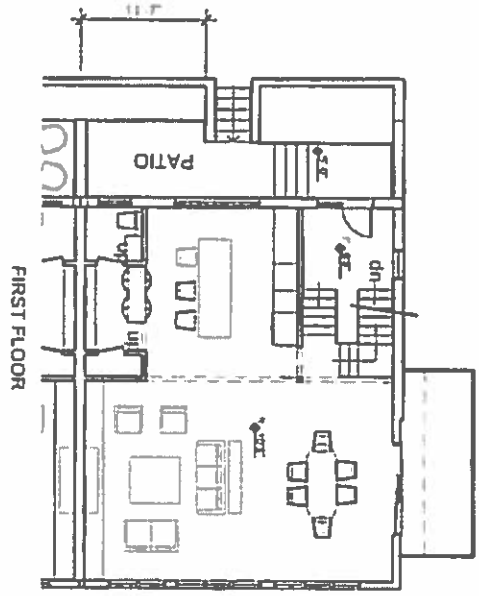
KENSINGTON CLEVELAND TOWNHOUSES

TYPICAL  
KENSINGTON  
PLANS

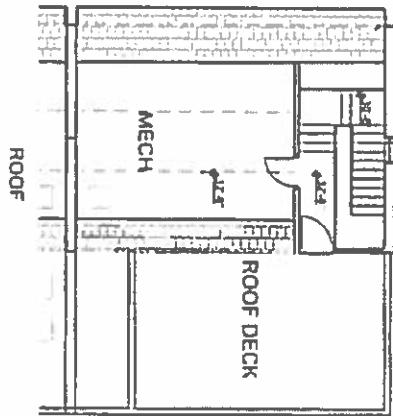
5.20.2020

1999-26

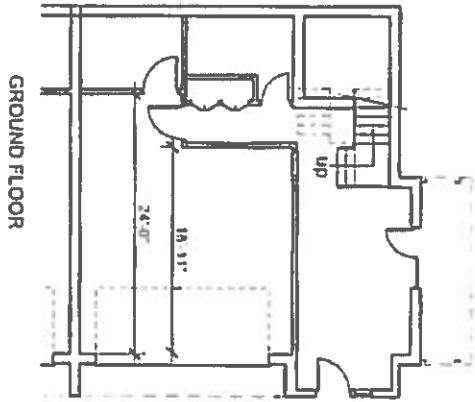
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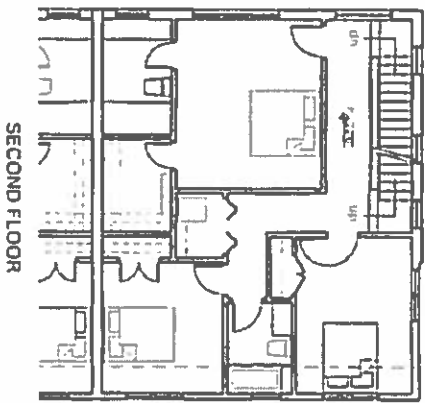
FIRST FLOOR



ROOF



GROUND FLOOR



SECOND FLOOR



TYPICAL CLEVELAND PLANS

CLIENT RESERVES RIGHT TO REDESIGN INTERIOR

JOHANNAS DESIGN GROUP

KENSINGTON CLEVELAND TOWNHOUSES

TYPICAL CLEVELAND PLANS

5 20 2020

1/19/20 2/6

101



**KEN'S NOTCH ELEVATION**

STUCCO  
CONTRASTING  
BELT LINE

CONTRASTING BELT  
LINE TO AUGMENT  
FRONT PORCH

**MATERIALS**

- STANDARD BRICK
- SYNTHETIC STUCCO
- HORIZONTAL CEMENTITIOUS SMYLAPE Siding
- HORIZONTAL CEMENTITIOUS LAP Siding
- METAL ROOF
- COMPOSITE SLATE ROOF OR SLATE ON DIMENSIONAL SHINGLES
- STEEL OR ALUMINUM WOOD

RAISED GRADE

APPROXIMATE  
MIDPOINT OF  
ROOF SLINE

15'-4"

APPROXIMATE RAISED  
GRADE AT THE FRONT YARD



**PARTIAL CLEVELAND ELEVATION**

OPTIONAL GREEN  
SOLAR TYPICAL

JOHANNAS DESIGN GROUP

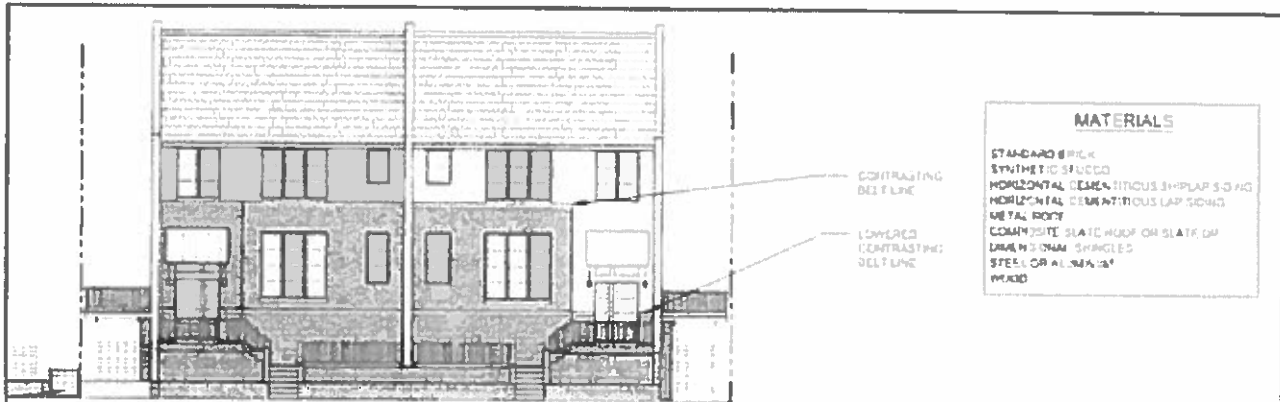
KENSINGTON CLEVELAND TOWNHOUSES

ELEVATION  
PRODUCT A  
PARTIAL  
ELEVATION

5.20.2020

979.76

200



**MATERIALS**

- STANDARD BRICK
- SYNTHETIC STUCCO
- HORIZONTAL CERAMATIC TILE PLAYS
- HORIZONTAL CERAMATIC LAP SIDING
- METAL ROOF
- COMPOSITE SLATE ROOF OR SLATE ON DIMENSION SHINGLED STEEL OR ALUMINUM FRAMING

CONTRASTING BELT LINE  
 LOWERED CONTRASTING BELT LINE

**PARTIAL CLEVELAND ELEVATION**



APPROXIMATE HEIGHT OF ROOF SLOPE  
 APPROXIMATE RAISED GRADE AT THE FRONT YARD

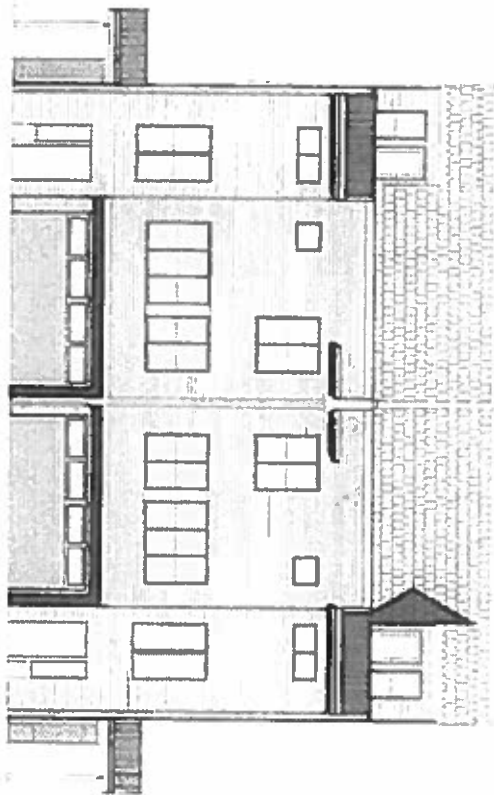
**OVERALL CLEVELAND ELEVATION**

JOHANNAS DESIGN GROUP  
 330 WEST 114TH STREET - CLEVELAND, OH 44104  
 216.441.1141  
 WWW.JOHNANASDESIGN.COM

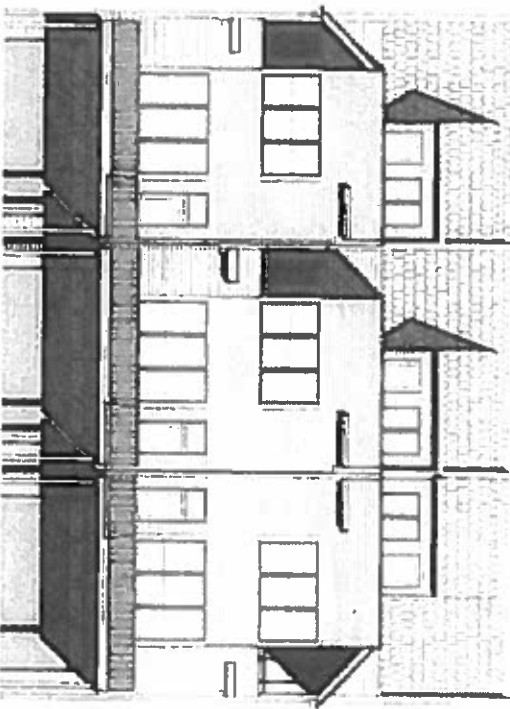
**KENSINGTON CLEVELAND TOWNHOUSES**

FRONT ELEVATION  
 CLEVELAND  
 SHEET  
 5/20/2020  
 999.25  
**201**

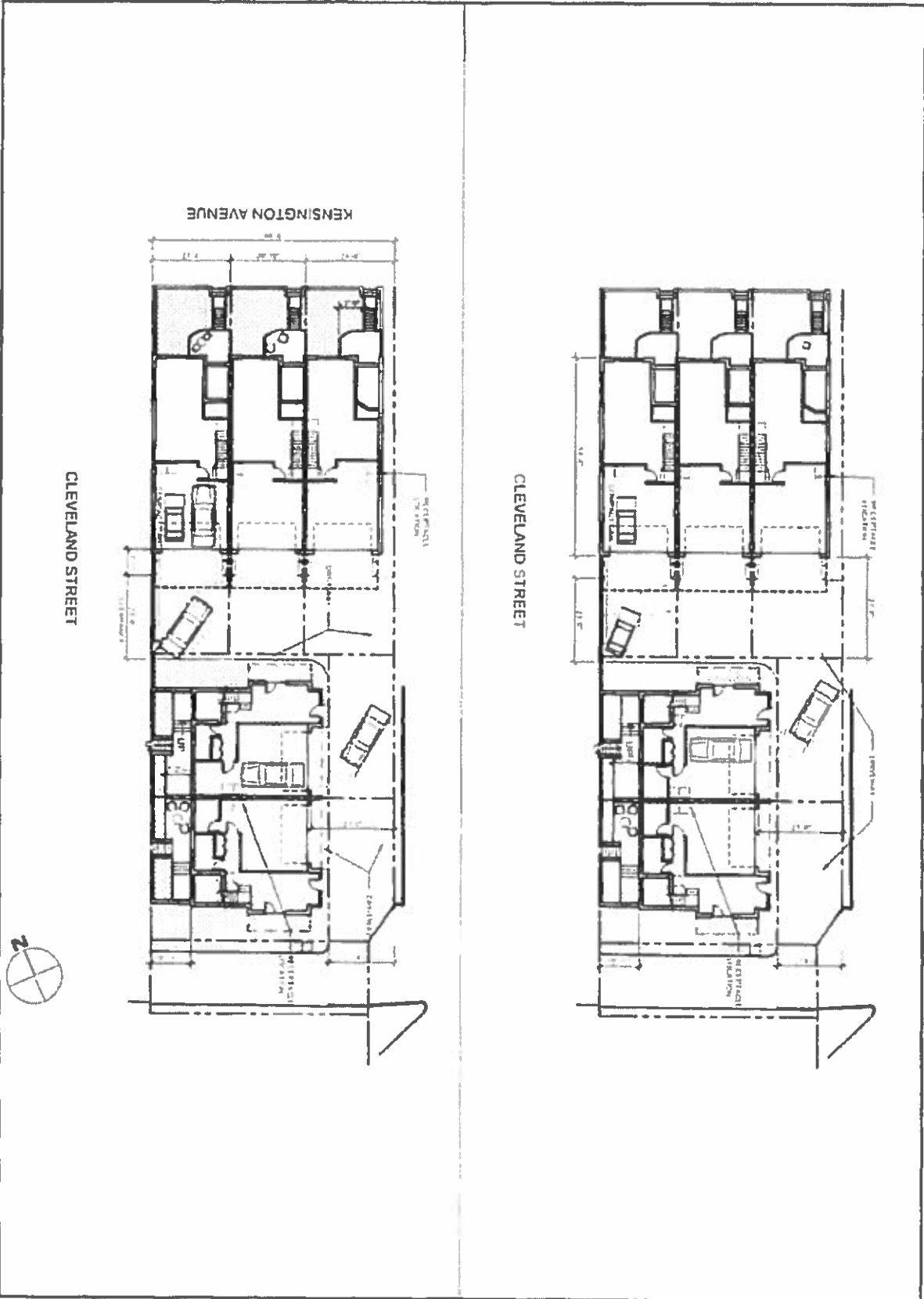


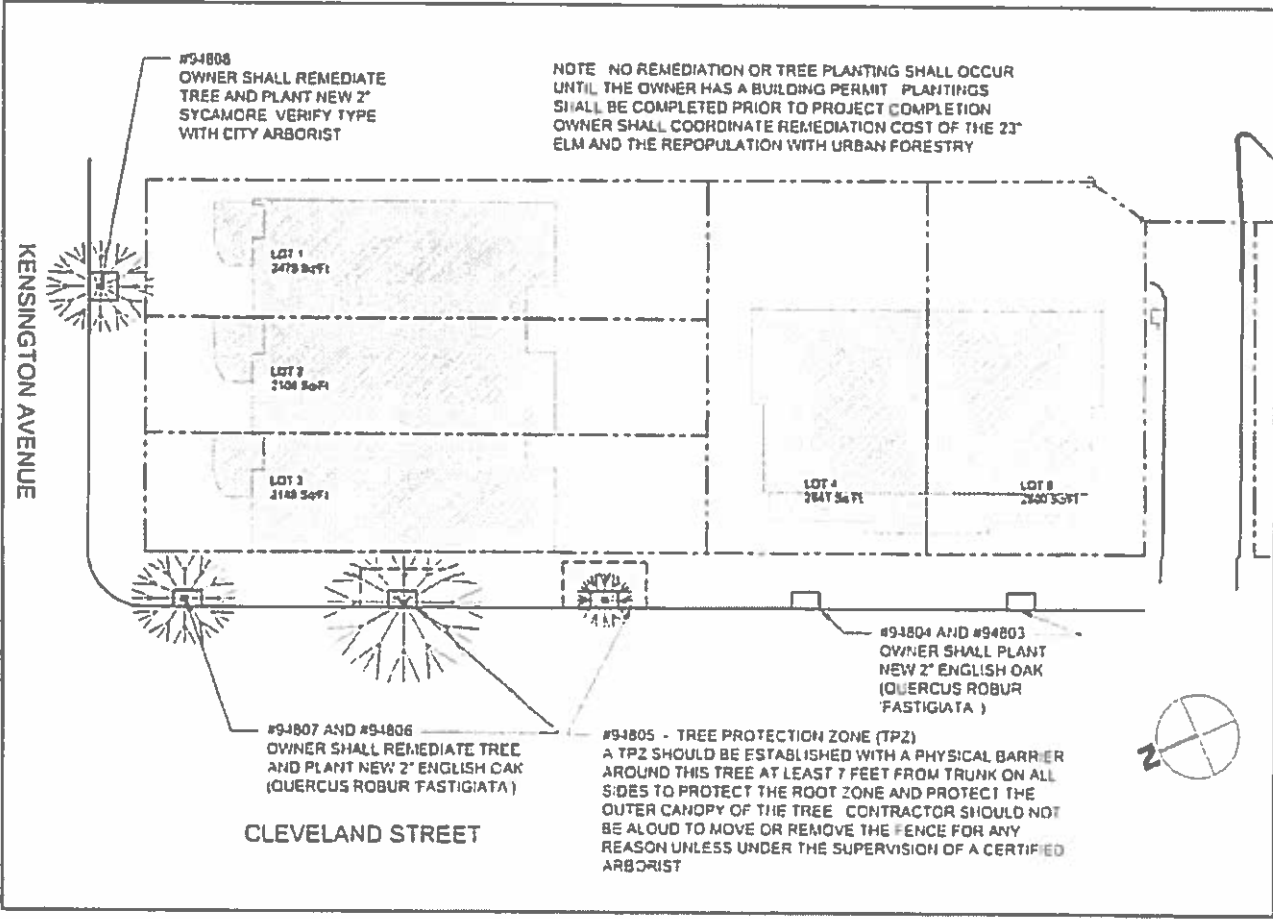


CLEVELAND ELEVATION  
3/17/18



KENSINGTON ELEVATION  
12/17/17





#94808  
OWNER SHALL REMEDIATE  
TREE AND PLANT NEW 2"  
SYCAMORE VERIFY TYPE  
WITH CITY ARBORIST

NOTE NO REMEDIATION OR TREE PLANTING SHALL OCCUR  
UNTIL THE OWNER HAS A BUILDING PERMIT PLANTINGS  
SHALL BE COMPLETED PRIOR TO PROJECT COMPLETION  
OWNER SHALL COORDINATE REMEDIATION COST OF THE 23"  
ELM AND THE REPOPULATION WITH URBAN FORESTRY

#94807 AND #94806  
OWNER SHALL REMEDIATE TREE  
AND PLANT NEW 2" ENGLISH OAK  
(QUERCUS ROBUR FASTIGIATA)

#94805 - TREE PROTECTION ZONE (TPZ)  
A TPZ SHOULD BE ESTABLISHED WITH A PHYSICAL BARRIER  
AROUND THIS TREE AT LEAST 7 FEET FROM TRUNK ON ALL  
SIDES TO PROTECT THE ROOT ZONE AND PROTECT THE  
OUTER CANOPY OF THE TREE CONTRACTOR SHOULD NOT  
BE ALLOWED TO MOVE OR REMOVE THE FENCE FOR ANY  
REASON UNLESS UNDER THE SUPERVISION OF A CERTIFIED  
ARBORIST

#94804 AND #94803  
OWNER SHALL PLANT  
NEW 2" ENGLISH OAK  
(QUERCUS ROBUR  
FASTIGIATA)

CLEVELAND STREET

KENSINGTON AVENUE

JOHANNAS DESIGN GROUP

KENSINGTON CLEVELAND TOWNHOUSES

TREE PROTECTION PLAN

5.20.2020

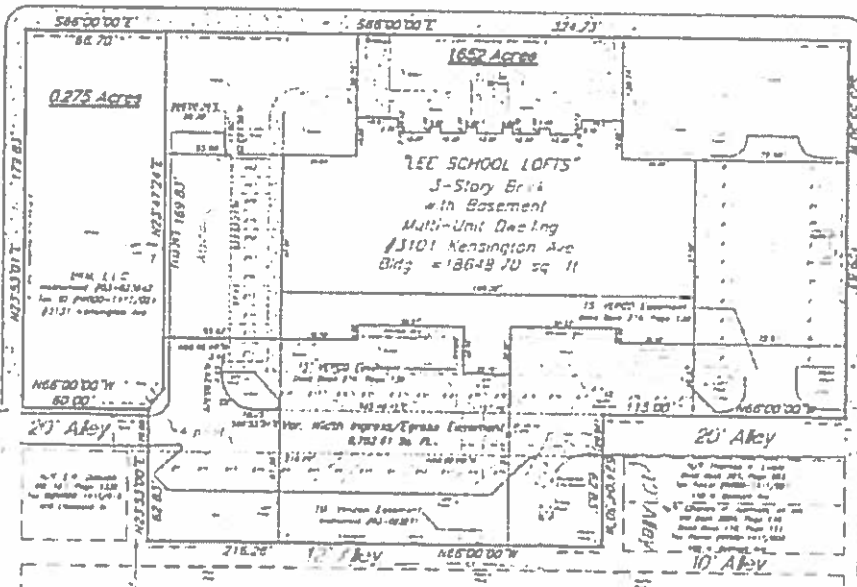
1899 26

C-2

Kensington Avenue  
(55' R/W)

Cleveland Street  
(15' R/W)

North Belmont Avenue



- Legend
- 1. Fee Area
  - 2. Fee Area
  - 3. Fee Area
  - 4. Fee Area
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  - 100. Fee Area

- Notes
1. The subject property is shown as being within the limits of the 100 Year Flood Plain Boundary as defined by the Federal Emergency Management Agency, Form #11-24-207-C, effective date July 20, 1990 (Zone 1).
  2. The survey was prepared in accordance with the Virginia Surveying Act, Chapter 11, 2008.
  3. The survey was made with the benefit of a Low Point Survey by Shadrach & Neal, Inc. dated January 14, 2008 (Elevation to datum 2011).
  4. Easements shown were filed in Richmond 1999 volume 1, page 1000.
  5. Any area not defined by a unit or other boundary element is a preliminary boundary.

CONDITIONS OF PART OF  
**LEE SCHOOL LOFTS**  
SITUATED AT 13101 KENSINGTON AVENUE  
CITY OF RICHMOND, VIRGINIA  
DATE: FEBRUARY 2, 2008



Scale 1" = 30'  
**Shadrach & Neal, Inc.**  
LAND SURVEYING



I, the undersigned, being a duly licensed Professional Surveyor in the State of Virginia, do hereby certify that the foregoing is a true and correct copy of the original plat as the same was recorded in the office of the Clerk of the Circuit Court of the City of Richmond, Virginia, on this 2nd day of February, 2008.

Shadrach & Neal, Inc.  
1111 North 1st Street  
Richmond, VA 23219

Lot	Area	Volume
1	1.275	1.275
2	1.275	1.275
3	1.275	1.275

Lot	Area	Volume
1	1.275	1.275
2	1.275	1.275
3	1.275	1.275



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.richmondva.gov>

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 3131 KENSINGTON AVE Date 1/28/2020  
 Tax Map # W0001411024 Fee \$200  
 Total area of affected site in acres 0.275

(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.)

SUBDIVIDE 3131 KENSINGTON INTO 5 LOTS AND BUILD 5 TOWNHOUSES  
 Existing Use VACANT LOT

Is this property subject to any previous land use cases?

Yes  No  If Yes please list the Ordinance Number 2015-250-244

**Applicant/Contact Person:** NATHAN MARSH

Company JOHANNAS DESIGN GROUP

Mailing Address 1901 WCARY ST

City RICHMOND State VA Zip Code 23220

Telephone (804) 358-4993 Fax ( )

Email NATHAN@JOHANNASDESIGN.COM

**Property Owner:** BKM LLC

If Business Entity, name and title of authorized signer ROBERT W MILLER

(The person or persons executing or attesting the signature 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 116 E FRANKLIN ST SUITE 100

City RICHMOND State VA Zip Code 23219

Telephone (804) 321-2471 Fax ( )

Email ROBIN.MILLER@ROBINMILLERASSOCIATES.COM

**Property Owner Signature:** Robert W Miller

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 (check 3) and a check for the application fee (see procedures for special use permits)

Applicants report for the Special Use Permit Application for 3131 Kensington Avenue

Located in the Museum District, 3131 Kensington Avenue was originally part of the Lee School property at 3101 Kensington Avenue. The 0.275 acre property (11,979sf) was recently subdivided from 3101 through an amended SUP. The owner proposes to subdivide and develop five single-family homes. Each home will be three stories with a minimum of 1900sf of living area, will have a two-car garage with alley access, a front yard, and a roof deck as noted on the plans.

The subject property is located in R-6 zoning district. The current master plan call for single-family medium density, although the immediate area has a mix of three-story multi-family, single-family, and small neighborhood commercial use. The Richmond 300 Master Plan Future Land Use Map designates this area as Neighborhood Mixed Use.

The SUP will permit the lot depth, lot area, side yard setbacks and building height. In each case, PLOT the pattern of the development, the height of the houses, and the setbacks are consistent with the pattern of existing development throughout the district and in the immediate vicinity. The minimum proposed lot area is approximately 2000 square feet, while lot areas under 1500 square feet are common in this quadrant of the Museum District. The proposed side yard setbacks match the adjacent housing, and proposed front yard setbacks are also consistent with the immediate patterns on Kensington and Cleveland.

The West of the Boulevard Design Overlay District Design Guidelines limit the use of materials, window styles, roof patterns, and front door locations. The front yards are elevated from the street, which is a unique characteristic of single family homes in the Museum District. The applicant has worked with staff to ensure the compatibility design concepts with the Guidelines.

This proposal seeks waivers for height, side yard setbacks, depth of the lots, and lot areas. In each case, the request meets the historical patterns of the district. This is an opportunity for high quality, new housing that will positively add to the variety of housing stock in the neighborhood.

The project will not: (a) be detrimental to the safety, health, morals and general welfare of the community involved; (b) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved; (c) create hazards from fire, panic or other dangers; (d) tend to cause overcrowding of land and an undue concentration of population; (e) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or (f) interfere with adequate light and air.