

INTRODUCED: October 12, 2020

AN ORDINANCE No. 2020-230

To authorize the special use of the property known as 3411 Kensington Avenue for the purpose of an existing multifamily dwelling and a new two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 9 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 3411 Kensington Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of an existing multifamily dwelling and a new two-family detached dwelling, which use, among other things, is not currently allowed by section 30-412.2 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 (2020), 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

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 9 2020 REJECTED: _____ STRICKEN: _____

congestion in streets, roads, alleys and other public ways and places in the area involved, will not 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 3411 Kensington Avenue and identified as Tax Parcel No. W000-1611/041 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 3411 and 3413 Kensington Avenue, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated October 29, 2003, 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 an existing multifamily dwelling and a new two-family detached dwelling, substantially as shown on the plans entitled “Alley Duplex at 3411 & 3413 Kensington Ave, Richmond, Virginia,” prepared by Johannas Design Group, and dated August 13, 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 an existing multifamily dwelling and a new two-family detached dwelling, substantially as shown on the Plans, subject to any applicable requirements of Chapter 30, Article IX, Division 5 of the Code of the City of Richmond (2015), as amended, pertaining to the West of the Boulevard Design Overlay District.

(b) The height of the Special Use shall be no greater than the existing structure, substantially as shown on the Plans.

(c) All building materials and elevations shall be substantially as shown on the Plans.

(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) Four off-street parking spaces shall be provided on the Property.

(f) Prior to the issuance of any final certificate of occupancy for the Special Use, the primary alley access to the Property shall be named in accordance with sections 8-7 through 8-10 of the Code of the City of Richmond (2015), as amended.

(g) No permit implementing the Special Use shall be issued until written evidence that the Director of Public Works, the Chief of Police, and the Chief of Fire and Emergency Services have confirmed that the alley access to the Property for all-weather travel by public and emergency vehicles is appropriate in accordance with all applicable laws and regulations has been submitted to the Zoning Administrator.

§ 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.

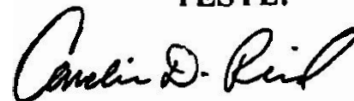
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property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

A handwritten signature in black ink, appearing to read "Camille 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.2020.318

O & R Request

DATE: September 9, 2020

EDITION: 1

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 *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 3411 Kensington Avenue for the purpose of authorizing a two-family detached dwelling.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3411 Kensington Avenue for the purpose of authorizing a two-family detached dwelling.

REASON: The property currently contains a four unit multi-family residence. The applicant wishes to construct a duplex containing a pair of 2,200 two-story units that will be accessed via the rear alley. The current four unit multi-family residence is a legally nonconforming use. The expansion of a nonconforming use requires the approval of a special use permit.

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 October 5, 2020, meeting.

BACKGROUND: The subject property is zoned R-6 Single-Family Attached Residential and consists of a 9,708 SF parcel of land and contains a 3,520 square foot structure that contains four dwelling units. It is located in the Museum District within the City's Near West Planning District. The structure is located midblock between North Nansemond Street and Rosenheath Road. The property is accessible by means of an alley that extends between these two streets.

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. The density of the parcel if developed as proposed would be approximately 26 units per acre.

There are 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 neighborhoods to provide a variety of housing choices.

The properties surrounding the subject property are also located within the R-6 Single-Family Attached Residential zoning district. These properties generally contain two-family and multi-family dwellings.

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: September 14, 2020

CITY COUNCIL PUBLIC HEARING DATE: October 12, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 5, 2020

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

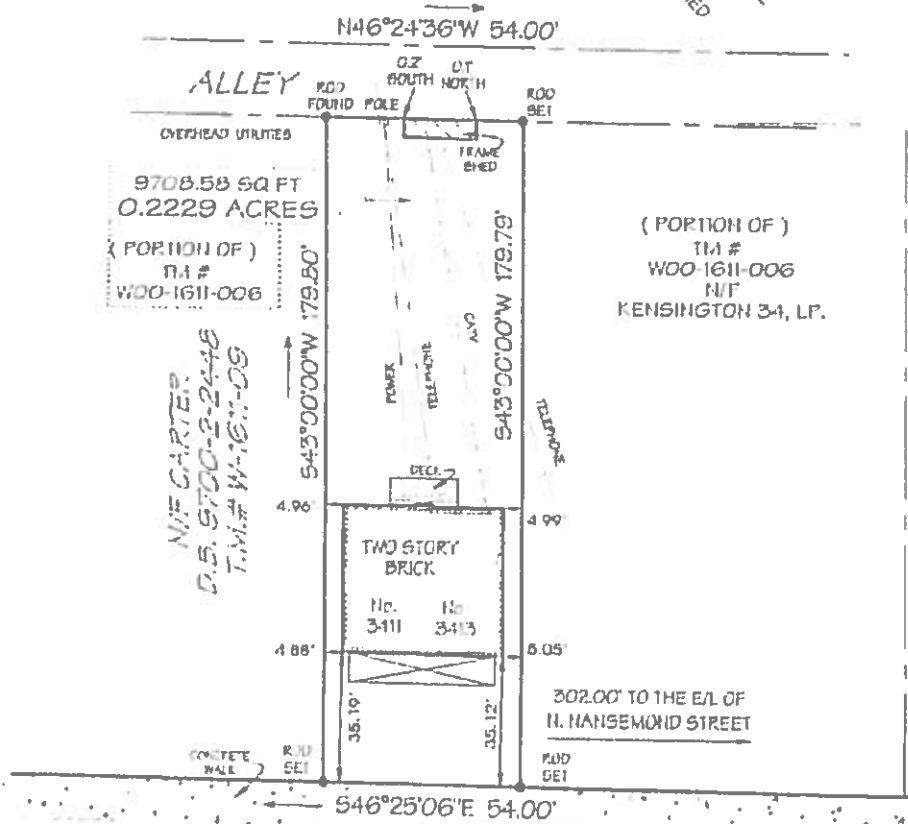
REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application and Narrative, Property and Plans, Map

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

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "C".
CURRENT OWNER: KENSINGTON 34, L.P.

CITY OF RICHMOND
BASELINE SHEET 175W & 16NW
BEARINGS ASSUMED

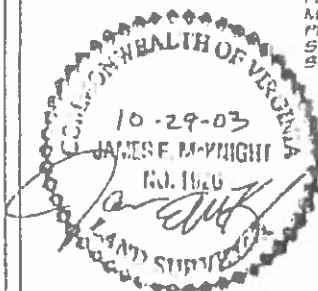


KENSINGTON AVENUE

PLAT SHOWING IMPROVEMENTS ON No. 3411 AND 3413
KENSINGTON AVENUE, IN THE
CITY OF RICHMOND, VIRGINIA.

PURCHASER:
WRIGHT PROPERTIES, LLC.

THIS IS TO CERTIFY THAT ON OCTOBER 29, 2003, I MADE AN ACCURATE
FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACH-
MENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT
PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS
SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES
SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE.



**McKNIGHT
& ASSOCIATES, P.C.**

LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE
RICHMOND, VIRGINIA 23235
TELEPHONE (804) 320-2646

SCALE: 1" = 40'

JOB NUMBER: 88045311

ALLEY DUPLEX AT 3411 & 3413 KENSINGTON AVE Richmond, Virginia

SCOPE OF WORK

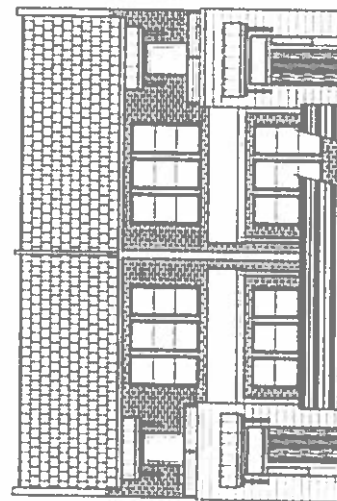
Construction of alley duplex
Requires naming of alley prior to issuance of
Certificate of Occupancy

PROJECT INFO

Owner: James Wright
Zoning District: R-6 - Residential (Single Family Attached)
Existing Use: Multi-family Residence
Proposed Use: Addition of two-family attached dwelling unit
Site Area: 4711 Square Feet

CONTENT LIST

SUP COVER SHEET
SUP1 SITE PLAN
SUP2 FLOOR PLANS
SUP3 ELEVATIONS



SCHEMATIC ELEVATION
N.T.S.



VICINITY MAP
N.T.S.

3411 KENSINGTON AVE DUPLEX

COVER

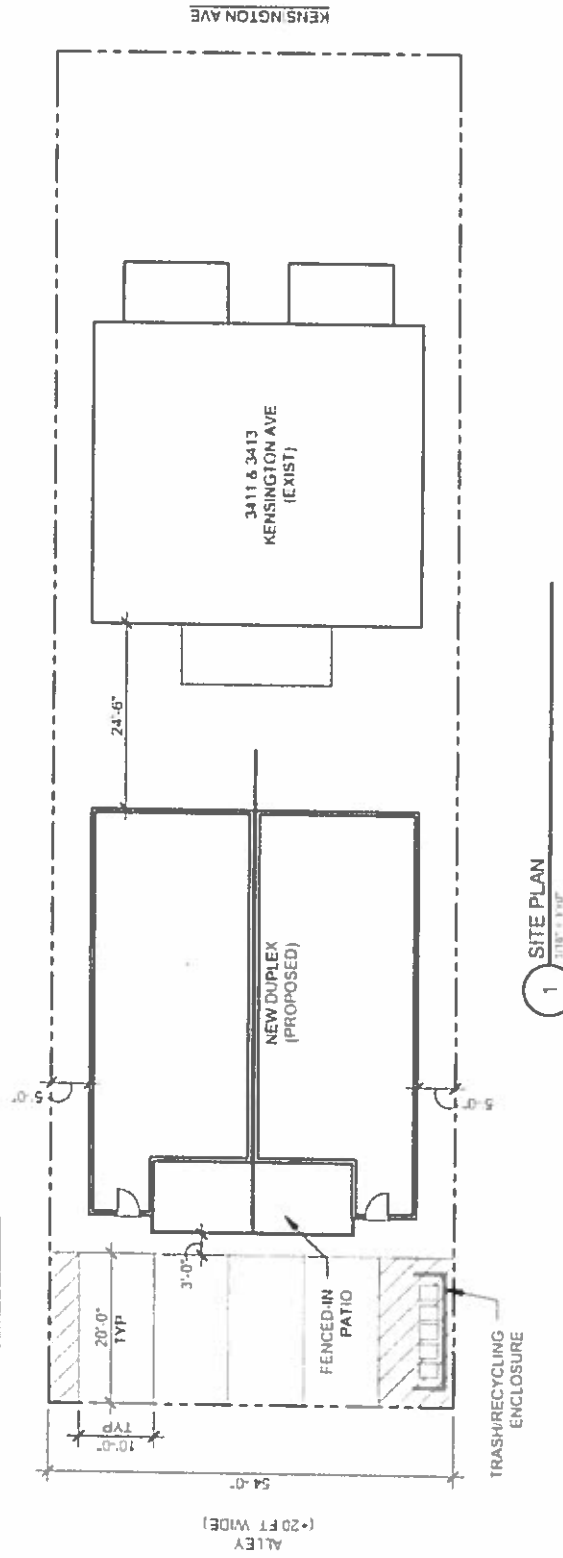
08-13-20

1999-82

SUP

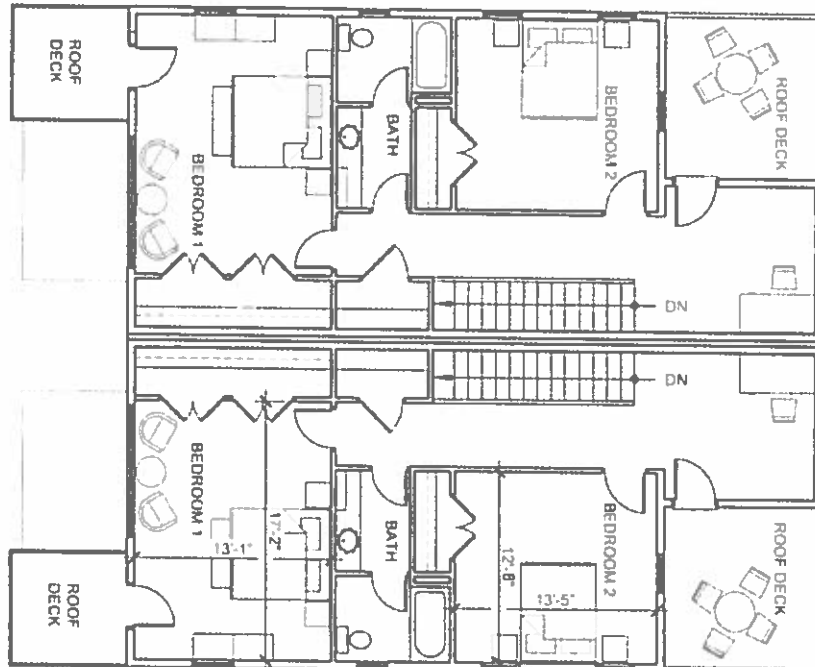
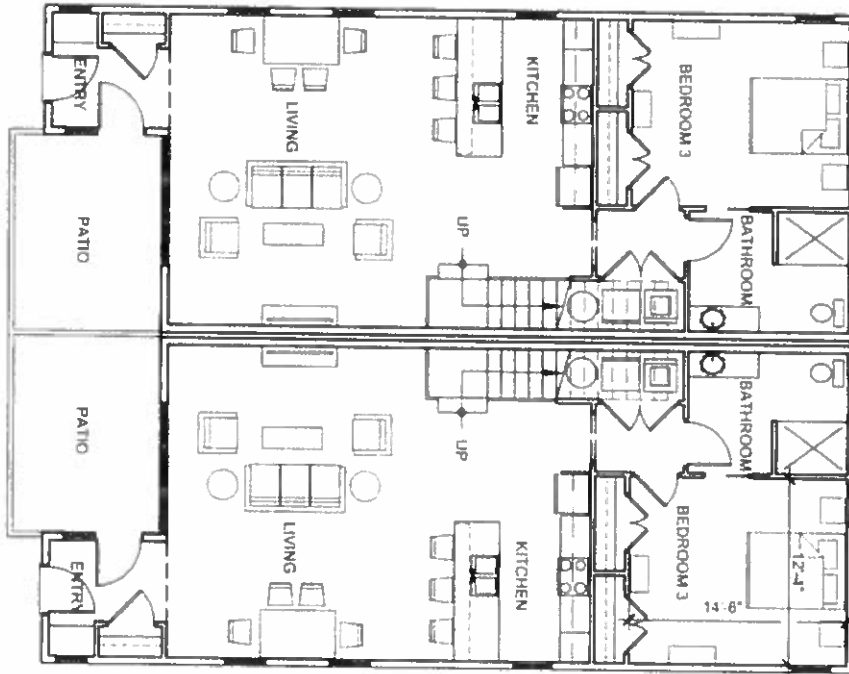
1001 WEST CARY STREET, RICHMOND, VA 23220

JOHANNAS DESIGN GROUP



NOTE REQUIRES NAMING OF ALLEY PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

1 SITE PLAN



JOHANNAS DESIGN GROUP 1801 WEST CARY STREET RICHMOND VA 23229 TEL 358 4885 FAX 358 4241

3411 KENSINGTON AVE DUPLEX

PLANS

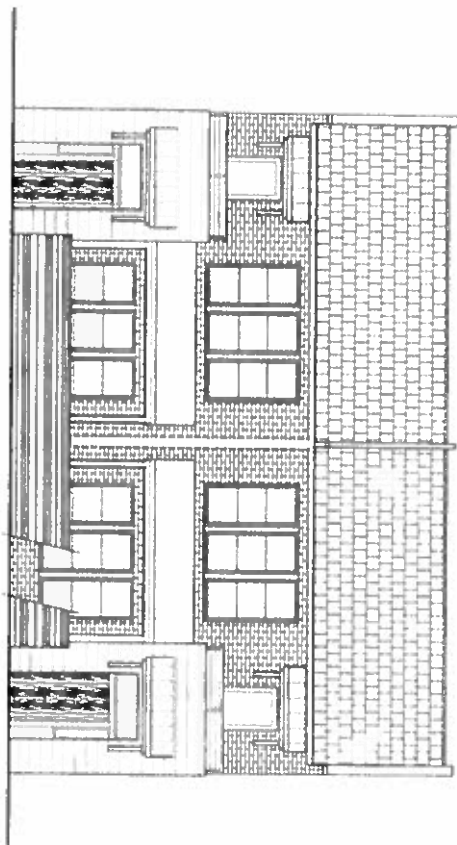
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1999-62

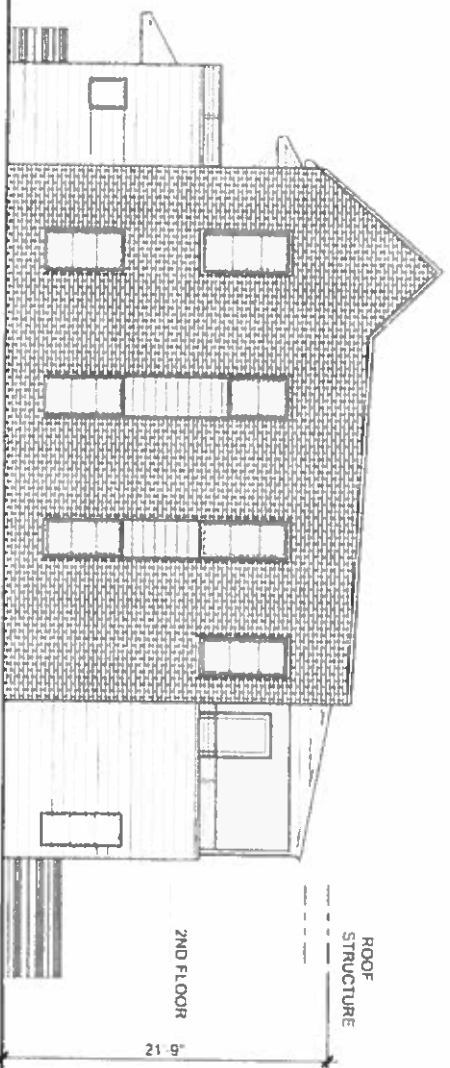
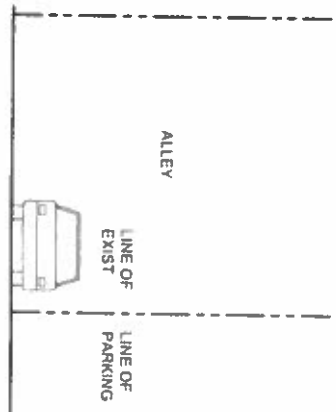
SUP2

MATERIALS

-STANDARD BRICK
-HORIZONTAL CEMENTITIOUS LAP SIDING OR
SHIP LAP SIDING OR HARDI BOARD PANELS



1 FRONT/ALLEY ELEVATION



2 SIDE ELEVATION

JOHANNAS DESIGN GROUP 1001 WEST CARR STREET, RICHMOND, VA 23220 P 804 359 4593 F 804 359 4217

KENSINGTON AVE DUPLEX

ELEVS

08-13-20

1999-62

SUP3

Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
 and 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 3411 & 3413 Kensington Avenue

Date 4-27-2020

Tax Map #: W0001611041

Fee

Total area of affected site in acres 1/10 acre (4711 sf)

See page 6 for fee schedule please make check payable to the **City of Richmond**

Zoning

Current Zoning R-6 - Residential

Existing Use 4 unit attached multi-family Residence

Proposed Use

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

Addition of Two family attached dwelling unit to rear yard

Existing Use 4 unit attached multi-family Residence

Is this property subject to any previous land use cases?

Yes

No

☐
☒

If Yes please list the Ordinance Number

Applicant/Contact Person: Daniel Wassum

Company Johannas Design Group

Mailing Address 9601 West Cary Street

City Richmond

State VA

Zip Code 23220

Telephone (804) 358-4993

Fax

Email daniel@johannasdesign.com

Property Owner: Wright Investments 3 LLC

If Business Entity name and title of authorized signee James Wright

I, the person or persons executing or attesting the execution of this Application on behalf of the Company, certify that he or she has or have been duly authorized and empowered to so execute or attest.

Mailing Address 200 West Franklin Street

City Richmond

State VA

Zip Code 23220

Telephone (804) 225-8655

Fax 804

225-8658

Email jim@metropropertiesrichmond.com

WRIGHT Investments 3, LLC.

Property Owner Signature: by: James A. Wright Managing member

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 online check-link and a check for the application fee (see Filing Procedures for special use permits)

4.22.2020

Special Use Permit Applicant's Report

3411-3413 Kensington Avenue Alley Duplex

3411 & 3413 Kensington Avenue is an existing .223 acre property with a 1937, four unit, multi-family residence in the Museum District. The site is across the street from a park facing Albert Hill Middle School. The owner seeks to add a detached duplex to the rear yard. The duplex will contain two 2,200 sf, two-story units with direct alley access. Four on-site parking spaces will be provided directly off of the alley.

The subject property is located in the R-6 zoning district which allows one and two-family residences. The Richmond 300 Master Plan Future Land Use Map designates this area as "Neighborhood Mixed Use (Medium Density)". The majority of properties in the immediate vicinity are two-family and multi-family. The apartment building on the corner of Kensington and Nansemond has a density of 51 units per acre. The condominiums on the corner of Stuart and Roseneath have a density of 33 units per acre. The density of several of the single family lots is 12 units per acre. With the additional two units the density of 3411 Kensington will be 26 units per acre.

This proposal seeks to permit the two-family duplex. The duplex will be in keeping with current setbacks, height restrictions, and lot density per the zoning ordinance. R-6 zoning currently allows maximum lot coverage of 55% of the lot. The addition of the duplex will bring the total lot coverage to approximately 43%. This proposal also seeks to waive two additional on-site parking spaces. While there are four existing parking spaces on site, due to the park located across the street there is ample street parking. The owner has noted that only one of the current tenants uses the rear yard parking on rare occasions. The additional duplex will not impact the availability of on-street parking. (Please see attached parking study).

This project is a great opportunity to add to the diversity of high-quality housing in this area of the Museum District.

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.