

INTRODUCED: October 12, 2020

AN ORDINANCE No. 2020-229

To authorize the special use of the property known as 3406 East Broad Street for the purpose of a 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 3406 East Broad Street, which is situated in a R-8 Urban Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, is not currently allowed by sections 30-413.14(3), concerning lot area and width, and 30-710.1(3), concerning off-street parking, 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 9 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 3406 East Broad Street and identified as Tax Parcel No. E000-0974/021 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Survey and Plat of The Property Known as #3406 E. Broad Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated February 9, 2018, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a two-family detached dwelling, substantially as shown on the plans entitled “Site Plan,” prepared by Tayne Renmark, and dated July 13, 2020; “19-Ujwala Warek, Apartment Elevation,” prepared by Dinah Crute Design, and dated November 12, 2019; and “19-Ujwala Warek, Apartment Floor Plan,” prepared by Dinah Crute Design, dated August 18, 2019, and last revised August 24, 2019, hereinafter referred to, collectively, as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a two-family detached dwelling, substantially as shown on the Plans.

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

(c) No off-street parking shall be required for the Special Use.

(d) Secure bicycle storage for no less than two bicycles shall be provided on the Property.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

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

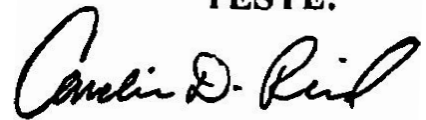
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made 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. Reil". The signature is written in a cursive style with a large initial 'C'.

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.2020.297

O & R Request

DATE: September 14, 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, Dept. of Planning and Development Review

RE: To authorize the special use of the property known as 3406 East Broad Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 3406 East Broad Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is proposing to convert an existing basement into a second dwelling unit for the purpose of home occupancy or for a separate rental unit. The property is currently located in the R-8 Urban Residential District, which permits two-family attached dwellings. However, the proposed plan does not meet the requirements for lot area and width, as well as the minimum off-street parking requirement. 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 July 6, 2020, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a single family attached dwelling. The total size of the parcel is 3,209 SF, or .07 acres of improved land. The existing 2-story, building is 3,472 SF and was constructed, per tax assessment records, in 1930. The property is a part of the Church Hill neighborhood in the East Planning District.

The City of Richmond's Master Plan designates a future land use category for the subject property as Single-Family Medium Density. Primary uses for this category include "...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). The density of the parcel if developed would be approximately 28 units per acre. Two-family attached dwellings containing two or more stories are permitted in the R-8 District, however, the proposal does not meet the lot area and width within the R-8, or parking requirements for two-family dwellings. The minimum lot area requirement for a two-family attached dwelling is 3,400 square feet. The lot area of the property is 3,209 square feet. The minimum lot width requirement for a two-family attached dwelling is 28 feet. The lot width of the property is approximately 25 feet. The off-street parking requirement for two-family dwellings within the R-8 District is a minimum of two spaces. No off-street parking is planned as a part of this application. Residential land uses dominate the area, with some commercial and institutional land uses present as well. All surrounding properties are within the same R-8 Urban Residential District as the subject property.

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: October 12, 2020

CITY COUNCIL PUBLIC HEARING DATE: November 9, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
November 2, 2020

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK.: None

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



Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street Room 511
Richmond, Virginia 23219
(804) 646-6304
http://www.richmond.gov/

Application is hereby submitted for: (check one)

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

Project Name/Location

Property Address: 3406 E. BROAD ST. Date: NOV 26, 2019
Tax Map #: E0001974021 Fee: \$ 300.-
Total area of affected site in acres: 0.7

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

Zoning

Current Zoning: R8
Existing Use: RESIDENTIAL LOT C

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
CONVERT BASEMENT TO 2 BEDROOM APARTMENT SEE ATTACHED DESCRIPTION
Existing Use: SINGLE FAMILY HOUSE

Is this property subject to any previous land use cases?

Yes [] No [X] If Yes, please list the Ordinance Number

Applicant/Contact Person:

UJWALA WAREK
Company: 3406 EAST BROAD ST.
Mailing Address:
City: RICHMOND State: VA Zip Code: 23223
Telephone: (804) 381 8111 Fax:
Email: UJWAREK@GMAIL.COM

Property Owner:

UJWALA WAREK
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: 3406 E. BROAD ST.
City: RICHMOND State: VA Zip Code: 23223
Telephone: (804) 381 8111 Fax:
Email: UJWAREK@GMAIL.COM

Property Owner Signature:

Ujwala Warek

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)

To:

Richmond City

Dept. Of Planning and Development Review

Land Use Administration Division

9000 E. Broad St. room 511

Richmond, VA 23219

November 26, 2019

Attn: Mr. Jonathan Brown

Senior Planner

Ref.: Application for Special Use Permit – Proposed Use

Ujwala Warek; 3406 E. Broad street, Richmond VA 23223

I am applying for a "Special Use Permit" to convert the basement of my house at 3406 E. Broad St., Richmond, VA 23223 into a 2-bedroom apartment for renting out to my children (or to others) as an income source and for future for use for myself if/when climbing staircases become a challenge as age progresses.

The apartment renovations will be inside the house and no changes will be made to the exterior of the house. The house is historic and beautiful. I have already spent a fortune restoring the house and I plan to invest in the house further to enhance the charm and value of the house and that of Churchill. Entrance to the apartment will be from the back garden and alley. A couple of the houses near my house have such a similar set-up.

I believe this will add to the ambience of the house and locality and I am looking forward to getting started on this project. If you have any further questions, please let me know via email uwarek@gmail.com or call me on my cell phone at (804) 381 8111.

Thank you,


Ujwala Warek

To:
Richmond City
Dept. Of Planning and Development Review
Land Use Administration Division
9000 E. Broad St. room 511
Richmond, VA 23219

November 26, 2019

Attn: Mr. Jonathan Brown
Senior Planner

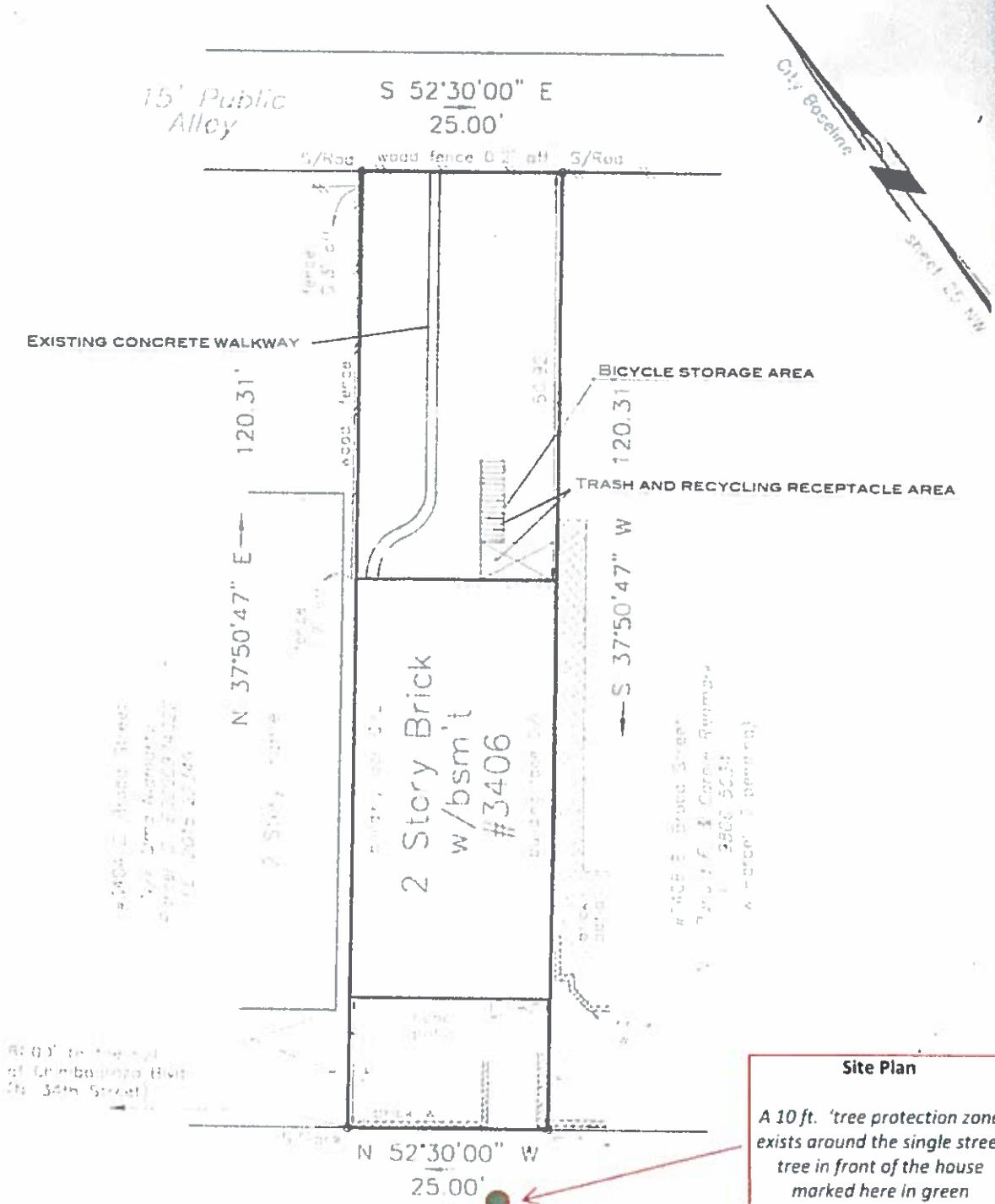
Ref.: Applicant's Report for Special Use Permit – Applicant's Report
Ujwala Warek; 3406 E. Broad street, Richmond VA 23223

This letter is to state that the "Special Use Permit" to convert the basement of my house at 3406 E. Broad St., Richmond, VA 23223 into a 2-bedroom apartment for renting out to my children (or to others) as an income source and/or for future for use for myself if/when climbing staircases become a challenge as age progresses **WILL NOT:**

- a. Be detrimental to the safety, health, morals and general welfare of the community involved
The use of the apartment is meant responsible adults like myself, my children and families
- b. Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved
There is ample street parking in this area on Broad street near the park as well as the side streets
- c. Create hazards from fire, panic, or other dangers
All construction will be to code to meet the requirements
- d. Tend to cause overcrowding of land and an undue concentration of population
The 2-bedroom apartment if rented out will comfortably house four people and I do not believe will cause an overflow of population in the area. In most cases there will be my two children living there who currently otherwise reside with me in the house
- e. Adversely affect or interfere with public or private school, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements
All construction will be to code to meet the requirements about water supplies and sewage disposal, conveniences and improvements. Transportation will be with private vehicles and will not affect the public services
- f. Interfere with adequate light and air
All construction will be to code to meet the requirements. There will be no negative effect on the public

The apartment will be designed to have the capacity to run of a separate meter in the future. At present it will run off the same meter as the house. I sincerely believe this will add to the ambience of the house and locality and I am looking forward to getting started on this project.

Thank you,
Ujwala Warek

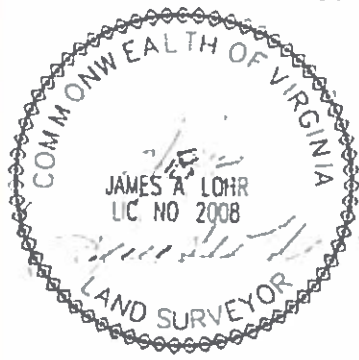


Site Plan

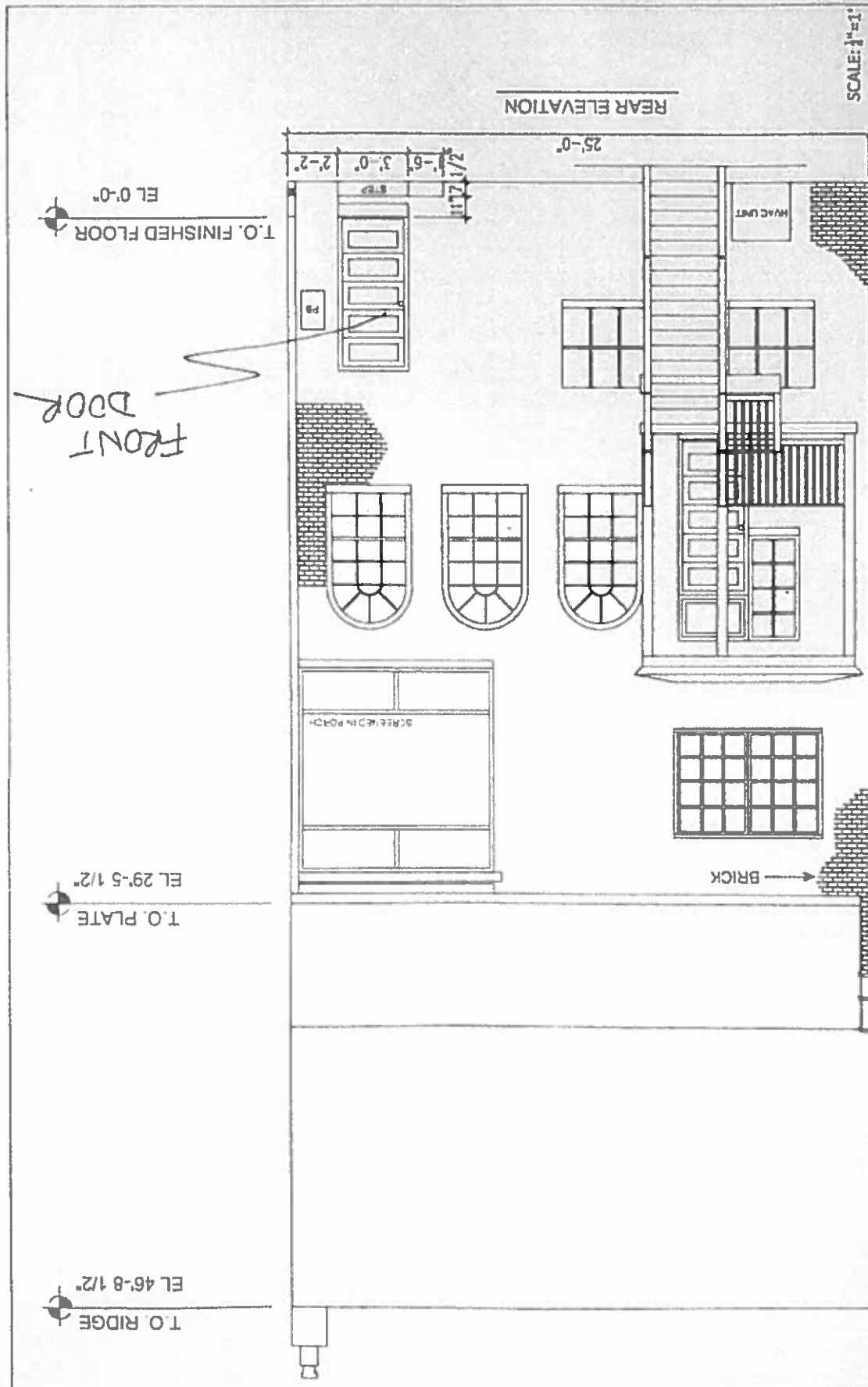
A 10 ft. 'tree protection zone' exists around the single street tree in front of the house marked here in green

Drawn by: Tayne Renmark
Date: 07/13/20
Signed:

Tayne Renmark



Survey and Plat of
The Property Known as
#3406 E. Broad Street in
the City of Richmond, VA



REVISIONS

19-Ujwala Warek
Apartment Elevation
11-12-19

CLIENT APPROVAL:
SIGNATURE: _____
DATE: _____

THIS DRAWING IS UNLESS OTHERWISE NOTED, NOT BE APPROVED BY A PROFESSIONAL ENGINEER OR ARCHITECT. IT IS THE RESPONSIBILITY OF THE CUSTOMER TO GET NECESSARY APPROVALS. ALL DIMENSIONS SHOWN ARE APPROXIMATE.

FRONT DOOR

T.O. FINISHED FLOOR
EL 0'-0"

T.O. PLATE
EL 29'-5 1/2"

T.O. RIDGE
EL 46'-8 1/2"

REAR ELEVATION

SCALE: 1/4"=1'-0"

BRICK

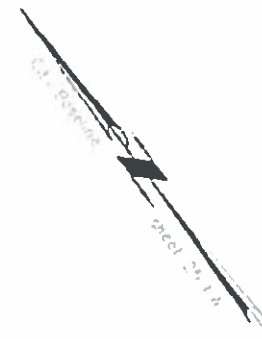
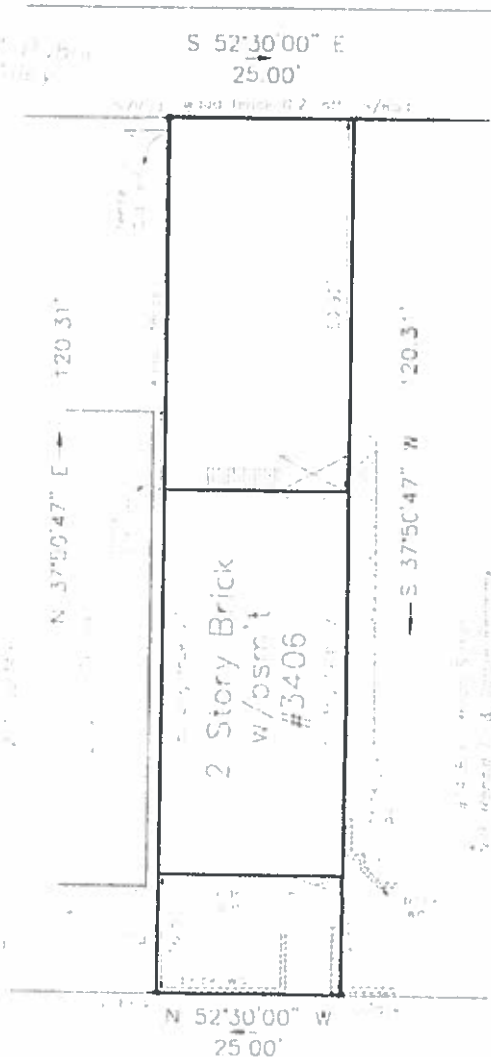
SCREENED IN PORCH

HVAC UNIT

25'-0"
2'-2"
3'-0"
1'-6"
1'-7 1/2"

Purchaser Ujwala Warek
 Current Owners Ronald E & Carole Renmark
 Parcel ID E0000974021
 ID 2018 641

Note Bearings protracted from City
 Baseline sheet 25 NW



E. BROAD STREET



Survey and Plat of
**The Property Known as
 #3406 E. Broad Street in
 the City of Richmond, VA**

This is to certify that on 02/08/18 I made an accurate field survey of the premises shown herein and all improvements and easements known or visible and shown herein that there are no encroachments by improvements other than adjoining premises or from subject premises upon adjoining premises other than shown herein. THIS PLAT WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY OR REPORT.



Edwards, Kretz, Loehr & Associates, PLLC

Land Surveyors-Planners

Virginia-North Carolina

1900 Byrd Avenue, Suite 103
 Richmond, Virginia, 23230
 Phone (804) 673-9666
 Fax (804) 673-9990

FLOOD INSURANCE NOTE By graphics plotting only.
 This property is in ZONE X
 of the Flood Insurance Rate Map, Community Panel No.
 510129004JL effective date of 07/16/14.
 Exact designations can only be determined by an Elevation
 Certificate. Based on the above information, the

Scale 1" = 20'

Date 02/09/18



February 25, 2020

Jonathan W. Brown, Senior Planner / ADU Program Manager
City of Richmond
Land Use Administration Division
900 East Broad Street, Room 511
Richmond, VA 23219

RE: Special Use Permit -- File No. 065121-2019
3406 E. Broad Street, Parcel E0000974021, R-8 (Urban Residential)

Dear Mr. Brown:

At the February 18, 2020 meeting of the Church Hill Association (CHA), the membership reviewed and discussed the Special Use Permit (SUP) Application submitted by Ujwala Warek that will allow the existing English basement of this single-family home to function independently as a separate residence from the upper two levels of the main house located in an R-8 Urban Residential Zoning District. We further understand there is no off-street parking but ample on-street public parking on both sides in this block of E. Broad Street.

This letter is to inform you that our membership did review and discuss the particulars related to the application and **voted to support this request**, which would allow the English Basement apartment to function independently as a separate residence.

We did not review or approve the Second Civic Notice as it was not published by our 2/18/2020 meeting date. Once the draft ordinance for that SUP has been published, the CHA of RVA retains the right to modify or withdraw support for the SUP. We want to confirm that the final contents are consistent with the initial material provided to City Staff and distributed with the First Civic Notice.

Thank you in advance for including our letter of support for Ms. Warek's SUP application.

Sincerely yours,

Alli Alligood
President

Attachments: City of Richmond Proposal Response Form

THE CHURCH HILL ASSOCIATION OF RVA, P. O. Box 8031, RICHMOND, VIRGINIA 23223



City of Richmond
Department of Planning & Development Review

DEVELOPMENT PROPOSAL RESPONSE FORM

Development Proposal / Address: 3406 East Broad St

Special Use Permit - Parcel No. E0000974021 N - File No. SUP-065121-2019

Association Name: Church Hill Association of RVA

Please Check Appropriate Boxes:

The Association's (check one) Membership or Board met on 2/18/2020
and voted to Oppose Support Take no position on this proposal.

This Association does not intend to consider this issue because: _____

Was a representative for the proposal present? YES NO

Other comments: The owner had intended to attend the meeting but ended up having to be out of town and could not be there. PLEASE NOTE we did not review or approve the Second Civic Notice as it was not published by our 2/18/2020 meeting date. Once the draft ordinance for that SUP has been published, the CHA of RVA retains the right to modify or withdraw support for the SUP. We want to confirm that the final contents are consistent with the initial material provided to City Staff and distributed with the First Civic Notice.

Alli Alligood,
Print Name

Alli Alligood
Signature

President, CHA of RVA
Title

25 FEB 2020
Date

Please send to:

Matthew Ebinger, AICP – Principal Planner

Mail: Matthew Ebinger, AICP – Principal Planner
City of Richmond
Land Use Administration Division
900 East Broad Street, Room 511
Richmond, VA 23219
Email: Matthew.Ebinger@richmondgov.com
Fax: (804) 646-5789