



MUSEUM
DISTRICT
ASSOCIATION

MDA zoning@museumdistrict.org
P.O. Box 7186, Richmond VA 23221
www.museumdistrict.org

April 21, 2021

VIA EMAIL

Jonathan Brown
Senior Planner
Land Use Administration
ADU Program Manager
Department of Planning and Development Review

Re: SUP Application and Ordinance for 3135 W. Franklin St

This letter is in regard to the SUP application and ordinance to allow for the following scope of work to be completed at 3135 W. Franklin St.

Scope: The project scope of work includes the authorization of a lot split and the construction of one single-family, two-story detached dwelling on the undeveloped portion of the Property, with at least two parking spaces behind the development. The current lot is 50 feet in width with one two-family detached building that will remain unchanged. As we understand it, the undeveloped portion of the lot does not meet the minimum lot size, width and side yard requirements, therefore requiring a special use permit.

The MDA Zoning and Land Use Committee has met with the applicant, reviewed the plans, and provided a recommendation to the MDA Board of Directors. After review and consideration, the MDA Board of Directors voted to advise you that we:

A. X Do not oppose this request, as presented in the attached ordinance

B. Oppose this request (see comments below)

Sincerely,

Caley W. Crawford
President, Museum District Association

Cc: Matthew Ebinger, Secretary to the Planning Commission

INTRODUCED:

AN ORDINANCE No. 2021-

To authorize the special use of the property known as 3135 West Franklin Street for the purpose of a single-family detached dwelling and a two-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by

PUBLIC HEARING:

AT 6 P.M.

WHEREAS, the owner of the property known as 3135 West Franklin Street, which is situated in a R-6 Single-Family Attached Residential Zoning District, desires to use such property for the purpose of a single-family detached dwelling and a two-family detached dwelling, which use, among other things, does not meet the minimum lot area, lot width, and side yard requirements of sections 30-412.4(1), 30-412.4(3) and 30-412.5(1)(b), respectively, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

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 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 (2004), 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 3135 West Franklin Street and identified as Tax Parcel W0001414/001 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on Lots 17 & 18, Block 7, Plan of “Lee Annex”, in the City of Richmond, Virginia.” prepared by Frederick A. Gibson & Associates, P.C., dated June 27, 2020, a copy of which is made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a single-family detached dwelling and a two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on plans entitled “3131 W Franklin St.”, prepared by River Mill Development and dated January 20, 2021, 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 use of the property shall be a single-family detached dwelling and a two-family detached dwelling, substantially as shown on the Plans attached to this ordinance. (sheets A1.0 – A2.2)

(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) The height of the Special Use shall not exceed the height shown on the Plans attached to this ordinance. (sheet A2.1)

(d) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans attached to this ordinance, unless otherwise required by the Commission of Architectural Review in accordance with applicable laws and regulations.. (sheets A1.1 & A2.1)

(f) At least two off-street parking spaces shall be provided on the Property, substantially as shown on the Plans. (sheet A1.1)

(g) Prior to the issuance of any certificate of occupancy for the single-family detached dwelling, the establishment of two residential lots, substantially as shown on sheet A1.0 of the attached Plans, shall be accomplished by obtaining the necessary approvals from the City and 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.

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.richmondgov.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/LocationProperty Address: 3135 West Franklin Street Date: 8/17/2020Tax Map #: W0001414001 Fee: \$300Total area of affected site in acres: 0.1666(See **page 6** for fee schedule, please make check payable to the "City of Richmond")**Zoning**Current Zoning: R-6Existing Use: Two-Family Residential**Proposed Use**

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

Retain the current two-family dwelling and create a new, single-family detached dwelling.Existing Use: Two-family residential

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Mark BakerCompany: Baker Development ResourcesMailing Address: 1519 Summit Ave., Suite 102City: Richmond State: VA Zip Code: 23230Telephone: (804) 874-6275 Fax: ()Email: markbaker@bakerdevelopmentresources.com**Property Owner:** Jess Bradford Cadwallender

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: 3135 W Franklin StreetCity: Richmond State: VA Zip Code: 23221Telephone: () Fax: ()

Email: _____

Property Owner Signature: Jess Cadwallender 08/25/2020

Authentisign

8/25/2020 3:49:53 PM EDT

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

August 31, 2020

*Special Use Permit Request
3135 W Franklin Street, Richmond, Virginia
Map Reference Number: W000-1414/001*

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

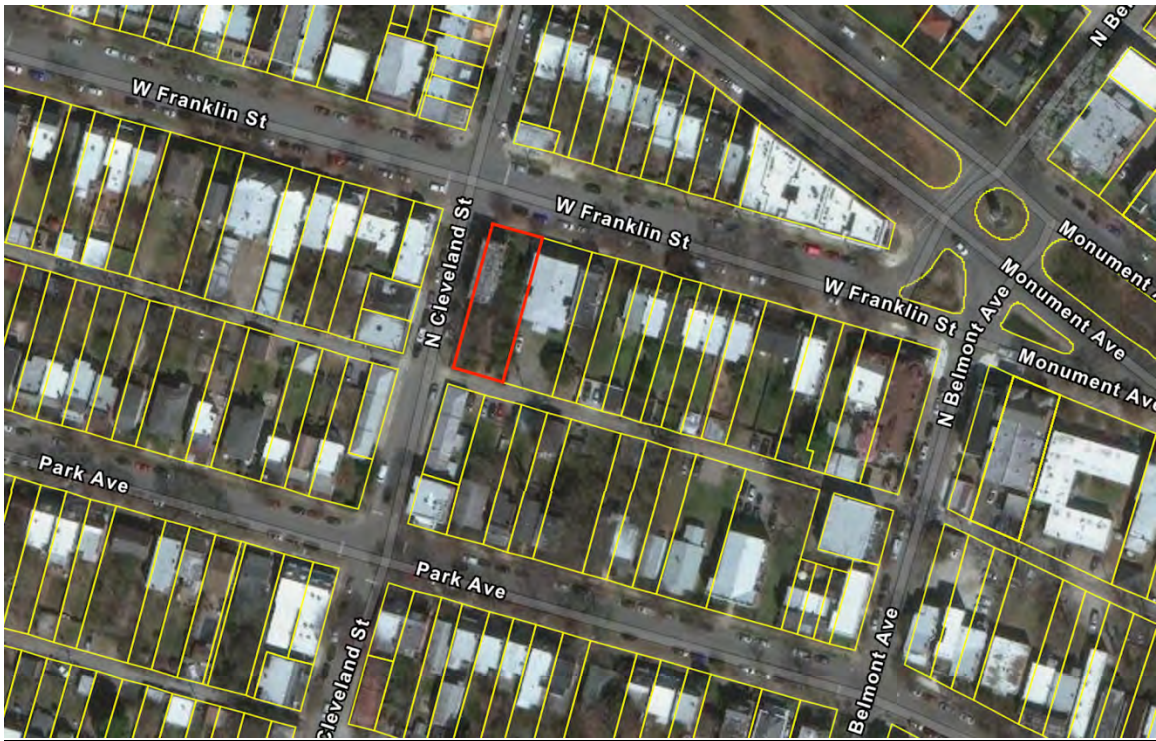
Introduction

The property owner is requesting a special use permit (“the SUP”) for 3135 W Franklin Street (“the Property”). The SUP would authorize a lot split and the construction of one single-family detached dwelling on the undeveloped portion of the Property. As proposed, some of the features do not conform to the underlying zoning feature requirements applicable to the Property.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the south side of W Franklin Street between Cleveland Street and N Belmont Avenue. The Property is referenced by the City Assessor as tax parcel W000-1414/001. The Property is roughly 50 feet wide by 145.1 feet in depth and contains approximately 7,255 square feet of lot area. The lot is improved by a two-story building that was constructed circa 1906 and subsequently converted into a two-family dwelling. The lot is exceptionally large for the vicinity. The existing building generally occupies the western half of the Property. The eastern portion of the lot is unimproved, giving the appearance of a “missing tooth” in the block. Access is provided by an east-west alley at the rear of the Property. Please see the attached survey.



A variety of uses and residential densities are present in the vicinity. The properties in the block, including those across West Franklin to the north, are developed with a mix of single-family, two-family and multi-family dwellings. Directly across N Cleveland Street to the west are properties developed with commercial, single-family, two-family and multi-family dwelling uses. Properties to the south, across the alley are also occupied with a mix of single-family, two-family and multi-family dwellings.

EXISTING ZONING

The Property is zoned R-6 Single-Family Attached Residential, which permits the proposed single-family and two-family detached dwelling uses. The surrounding properties to the north, south, east, and west are also zoned R-6. The R-6 district requires (1) a lot area of not less than 5,000 square feet and width of not less than 50 feet for single-family dwellings and (2) a lot area of not less than 6,000 square feet and width of not less than 50 feet for two-family dwellings.

Due to the historic lot pattern in the area, existing single-family and two-family dwellings are typically nonconforming with regard to some combination of lot area, lot width and yard requirements. Splitting the lot as proposed would be consistent with this development pattern. However, as the proposed development does not meet R-6 lot area and lot width requirements, a special use permit is required.

The Property is also located in the Monument Avenue City Old and Historic District. A request for a Certificate of Appropriateness from the Commission of Architectural Review has been filed in addition to this request.

MASTER PLAN DESIGNATION

The Master Plan recommends "Single-Family (Medium-density)" for the Property. The Master Plan describes this land use category as follows: "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." There are also a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for the continued creation of market rate housing and a desire for neighborhoods to provide a variety of housing choices while remaining culturally and economically diverse.

Proposal

PROJECT SUMMARY

The request would permit the division of the Property, which is large for the area, in order to permit the construction of one single-family detached dwelling on the unimproved eastern half of the Property

PURPOSE OF REQUEST

The Property consists of a single lot of record that is uncharacteristically large for the vicinity. The Property has a lot width of 50 feet compared to the 25 foot or less lot width of seven of the eight lots occupied with single-family dwellings along the block. The western portion of the lot is developed with a two-family dwelling adjacent to Cleveland Street. The applicant would like to construct a single-family detached dwelling on the unimproved eastern side of the Property. The R-6 district does permit two-family and single-family dwellings; however, the required lot width and lot area for the existing and proposed dwellings cannot be met. Therefore, a SUP is required in order to permit the proposed development.

The proposed single-family detached dwelling would be two stories in height with a full-width front porch. It would be consistent with other residential buildings in the vicinity in terms of both scale and character. The dwelling would contain 2,292 square feet of floor area and consist of three bedrooms and 2 ½ baths in a spacious and modern floor plan with open living areas and a master suite with en suite bath. To ensure quality, the building would be clad in cementitious siding. Two parking spaces are proposed for the dwelling. Parking spaces would be located to the rear of the dwellings and accessed by the rear alley.

The project's exterior was designed with careful consideration of the historic district guidelines and application has been made for a certificate of appropriateness from the Commission of Architecture Review (CAR). CAR review and the quality assurances conditioned through the SUP would guarantee a higher quality development than would otherwise be afforded for the Property by normal zoning.

In exchange for the SUP, the intent of this request is to ensure a high-quality, market rate infill development. The proposed design is intended to be compatible with the historic fabric of the block by maintaining the siting, scale, form and massing of the contributing structures on the block. The dwelling design is intended to convey a modernized version of the typical traditional urban single-family residential form.

Findings of Fact

The following are factors indicated 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 SUP 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 SUP will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation and the provision of off street parking spaces will prevent 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 SUP will not tend to over crowd the land or create an undue concentration of population. The proposed development is consistent with the historic lot pattern and existing densities in the vicinity.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The proposed SUP 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 building is of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

The applicant is enthusiastically seeking approval for the construction of a high quality, single-family dwelling on the Property. This proposal represents an ideal, small-scale urban infill development for this location. In exchange for the approval, the quality assurances conditioned through the SUP would guarantee the construction of a higher quality dwelling than might otherwise be developed by right in the vicinity. This would contribute to the overall vibrancy of the block through the provision of an appropriate urban form and use that is consistent with the historic development pattern of surrounding neighborhood.



September 15, 2020

RE: 3135 W Franklin Street Special Use Permit Request

Dear neighbor:

I'm working with the owner of 3135 W Franklin Street ("the Property"), on an application for a special use permit ("SUP"). The Property is located on the southeastern corner of the intersection of W Franklin and Cleveland Streets. The Property is currently improved with a converted two-family dwelling on the western edge of a lot that is 50' wide by 145.1' in depth and contains 7,255 square feet of lot area. The lot width of 50 feet is exceptionally large for the area with a lot width of 25 feet or less being found on seven of the eight lots occupied with single-family dwellings along the block. The owner would like to divide the property and construct a detached, single-family dwelling on the currently unimproved eastern side of the Property. The R-6 district permits single-family detached dwellings, provided (1) a lot area of not less than 5,000 square feet and width of not less than 50 feet for single-family dwellings and (2) a lot area of not less than 6,000 square feet and width of not less than 50 feet for two-family dwellings. Splitting the lot as proposed would create a western lot identified as 3135 W Franklin Street that would be generally 28' in width containing approximately 4,072 square feet of lot area. The new lot would be identified as 3131 W Franklin Street and would be generally 22' in width and contain approximately 3,182 square feet in lot area.

The proposed single-family detached dwelling at 3131 W Franklin Street would be two stories in height with a full-width front porch. It would be consistent with other residential buildings in the vicinity in terms of both scale and character. The dwelling would contain 2,292 square feet of floor area and consist of three bedrooms and 2 ½ baths in a spacious and modern floor plan with open living areas and a master suite with en suite bath. To ensure quality, the building would be clad in cementitious siding. Two parking spaces are proposed for the dwelling. Parking spaces would be located to the rear of the dwellings and accessed by the rear alley.

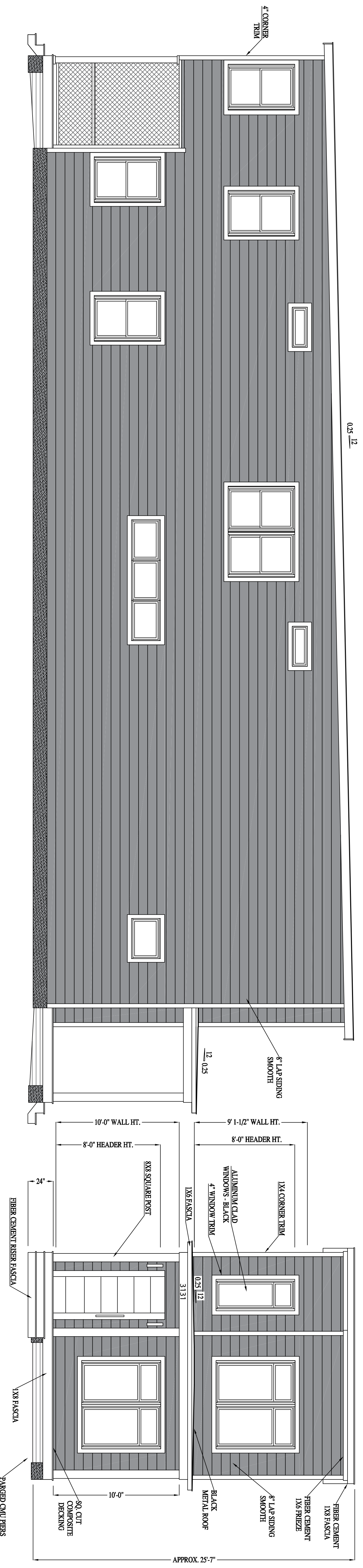
The project's exterior was designed with careful consideration of the historic district guidelines and application has been made for a certificate of appropriateness from the Commission of Architecture Review (CAR). CAR review and the quality assurances conditioned through the SUP would guarantee a higher quality development than would otherwise be afforded for the Property by normal zoning.

In exchange for the SUP, the intent of this request is to create a new high-quality home ownership opportunity thereby addressing the objectives of the Master Plan. These include the desire for new and better-quality housing that is targeted to homeowners and increased opportunities for residential development.

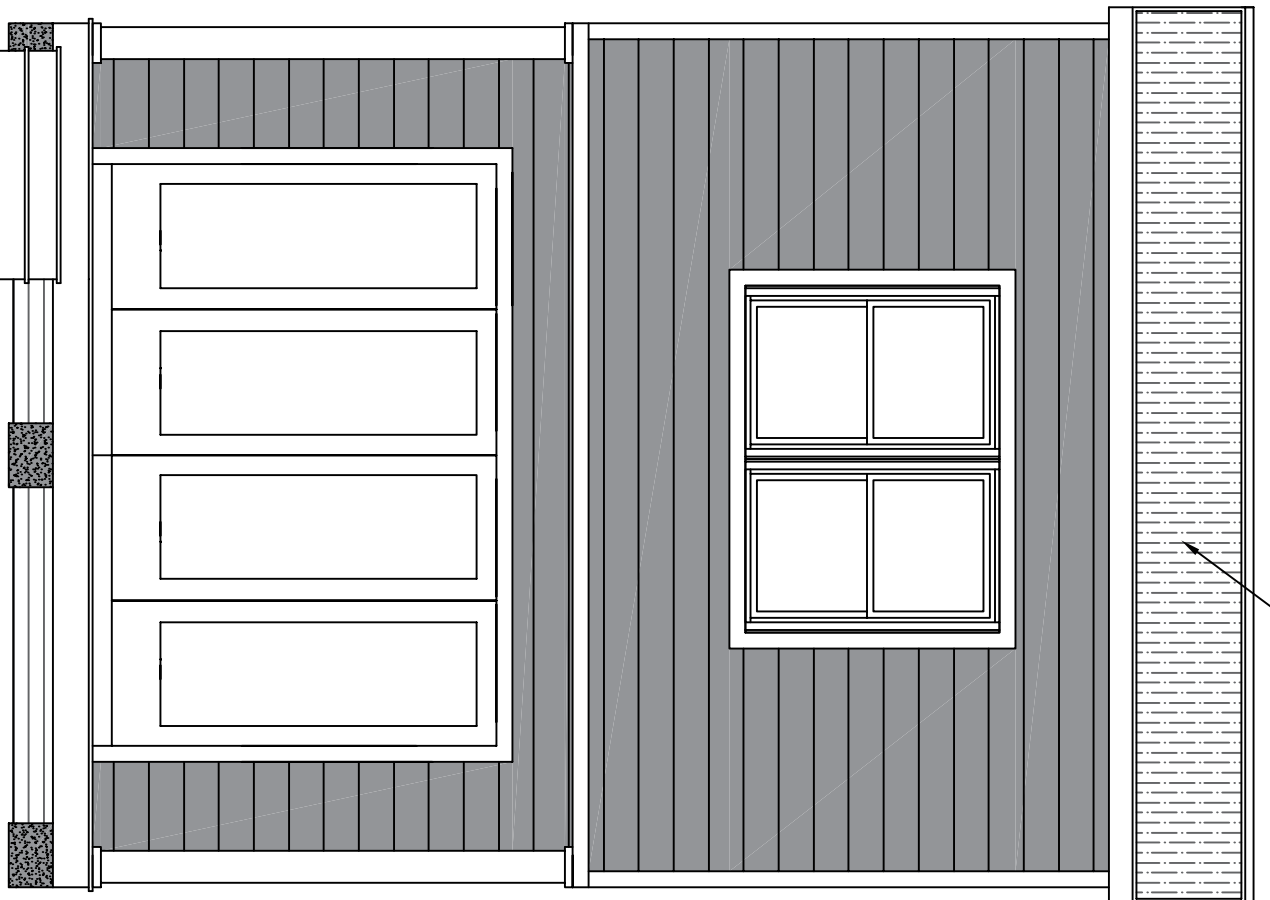
We have made application for a special use permit with the City and the request is under review. If you have any questions or comments, please feel free to call me directly at 874-6275 or email me at markbaker@bakerdevelopmentresources.com. I look forward to discussing this request with you.

Sincerely,

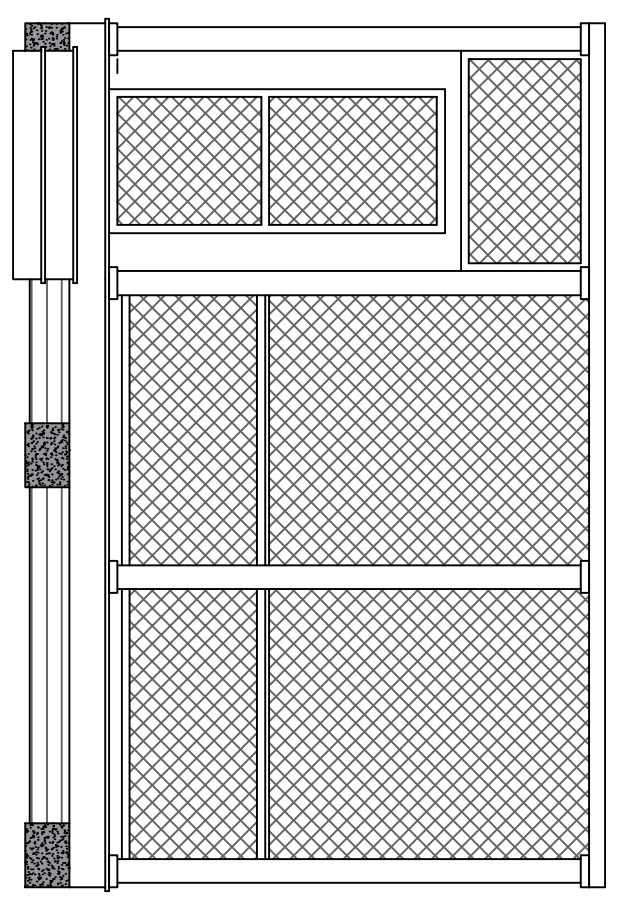
Mark R. Baker



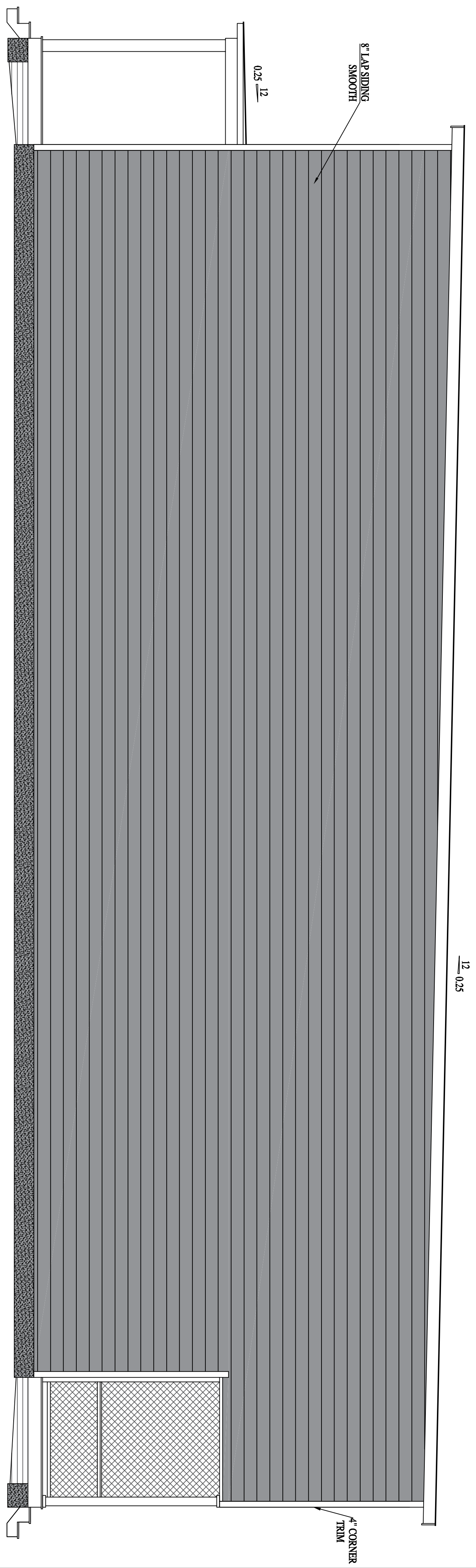
LEFT ELEVATION



REAR ELEVATION

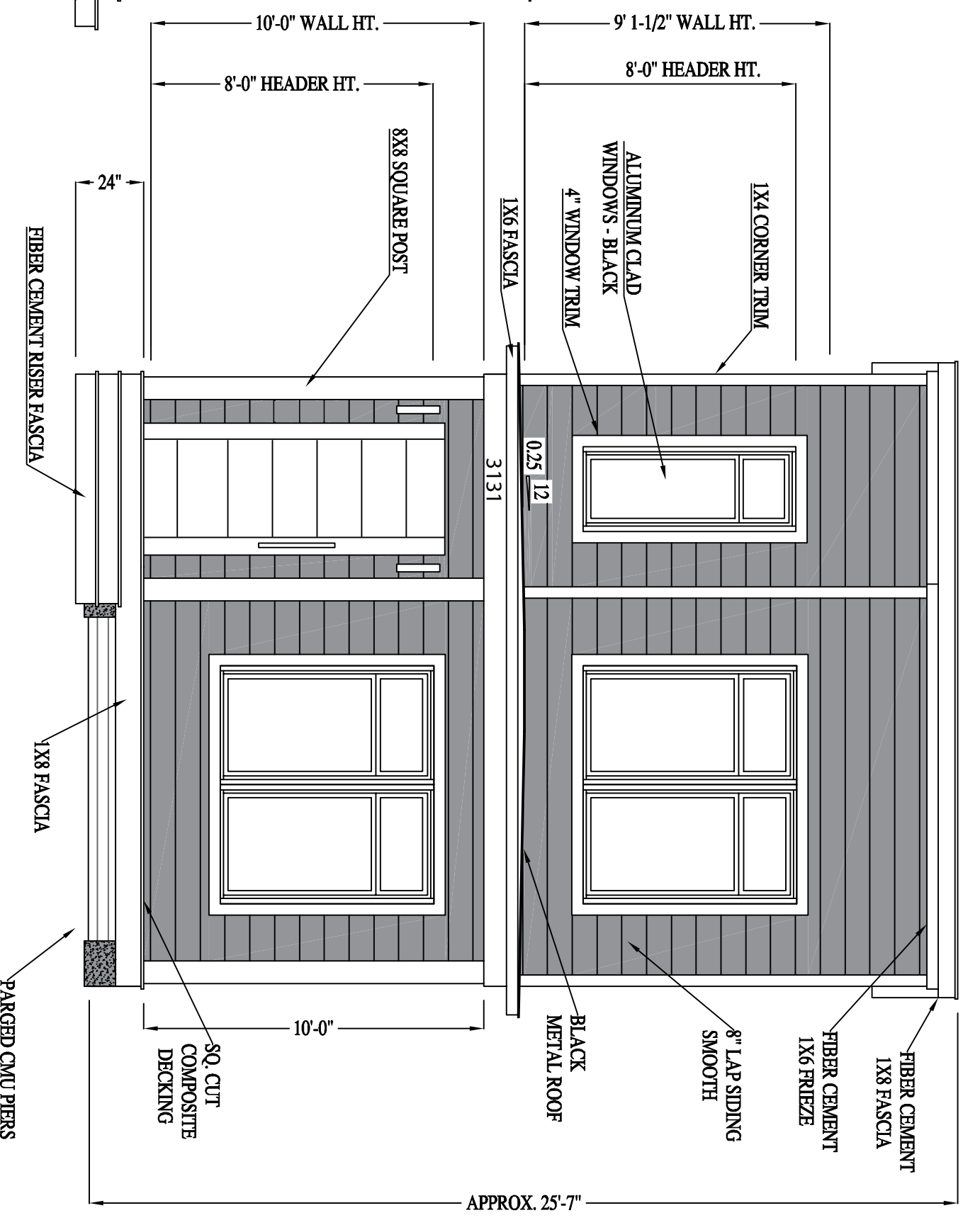


REAR SCREENED PORCH OPTION



LEFT ELEVATION

FRONT ELEVATION



3131 W FRANKLIN ST.

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM

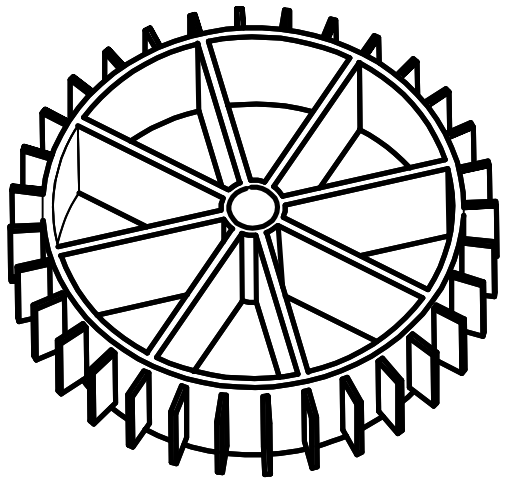
REVISION NOTES

8-10-2020	START DATE

SCALE:
3/16" = 1'-0"

DATE:
08.01.2020

SHEET:
A2.1



RIVER MILL
DEVELOPMENT