# INTRODUCED: September 27, 2021

# AN ORDINANCE No. 2021-274

To authorize the special use of the property known as 1108 North 28<sup>th</sup> Street for the purpose of up to three 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: NOV 8 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 1108 North 28th Street, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of up to three single-family attached dwellings, which use, among other things, is not currently allowed by section 30-412.4, concerning lot area and width, density, and unit width, 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 (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:	NOES:	ABSTAIN:	
ADOPTED:	REJECTED:	STRICKEN:	
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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 (2020), 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 1108 North 28<sup>th</sup> Street and identified as Tax Parcel No. E000-0521/010 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Map Showing the Improvements on No. 1108 N 28<sup>th</sup> Street in the City of Richmond, VA.," prepared by Virginia Surveys, and dated July 13, 2020, 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 up to three single-family attached dwellings, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Three New Attached 2-Story Single-Family Houses in Richmond's Church Hill North Neighborhood, 1108 N 28<sup>th</sup> St. House, 1108 North 28<sup>th</sup> Street, Richmond, Virginia," prepared by Chris Wolf Architecture, PLLC, and dated December 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 up to three single-family attached dwellings, substantially as shown on the Plans.

(b) Three off-street parking spaces shall be provided to the rear of the Property.

(c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.

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(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) Prior to the issuance of any certificate of occupancy for the Special Use, the subdivision of the Property into three lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds 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 (2020), 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.

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§ 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 (2020), 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 (2020), 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 (2020), 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.

2021-421



**DATE:** 

# **City of Richmond**

Item Request File Number: PRE.2021.715 900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

# O & R Request

EDITION:1

**TO:** The Honorable Members of City Council

August 26, 2021

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request) (This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM: Kevin J. Vonck, Acting Director, Department of Planning and Development Review Kun J. Vork

**RE:** To authorize the special use of the property known as 1108 North 28th Street for the purpose of allowing up to three single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

**PURPOSE:** To authorize the special use of the property known as 1108 North 28th Street for the purpose of allowing up to three single-family attached dwellings, upon certain terms and conditions.

**REASON:** The subject property is located in the R-6 Single-Family Attached Residential Zoning District. The series of three attached single-family dwellings is a permitted use in this zoning district. However, as proposed the lots cannot meet the average unit width requirement and the side yard setback for end units. Therefore a special use permit amendment is 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 October 18, 2021 meeting.

**BACKGROUND:** The .181 acre subject property is located on the western side of North 28th Street between Q and R Streets. Alleys run along the rear property line and the southern property line. It is currently improved with a 1,056 square foot home and is located in the Church Hill North neighborhood.

The subject property is slightly greater than three-times the width of adjacent properties on the block and contains a single-family dwelling. The proposed redevelopment calls for the demolition of this dwelling, subdividing the property into three parcels, and the subsequent construction of three single-family attached dwellings. The lot width requirement for the R-6 Single-Family Attached district is 20 feet. Fourteen existing lots on the block do not meet this width are legally nonconforming properties. The proposed lots will be approximately 19 feet in width but will otherwise meet the lot feature requirements for the zoning district. The yield of the proposed subdivision is consistent with the lot makeup on the block where the subject property is located.

The Richmond 300 Master Plan recommends Neighborhood Mixed-Uses for the Property. These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Future development should generally complement existing context.

**Intensity:** Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.

**Primary Uses:** Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The net density of the two-family attached structure is approximately 16 units per acre.

All properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential Zoning District. Within the area of the subject property, properties are improved with single-family and two-family attached 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 27, 2021

CITY COUNCIL PUBLIC HEARING DATE: November 8, 2021

**REQUESTED AGENDA:** Consent

# **RECOMMENDED COUNCIL COMMITTEE:** None

# CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

City Planning Commission October 18, 2021

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

### 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 <u>http://www.richmondgov.com/</u>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- □ special use permit, text only amendment

# **Project Name/Location**

Property Adress:		Date:	
Тах Мар #:	Fee:		
Total area of affected s	ite in acres:		

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

# Zoning

Current Zoning:	

<u> </u>			
Existing	Use:		

# **Proposed Use**

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

Existing Use:			

Is this property subject to any previous land use cases?

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If **Yes**, please list the Ordinance Number:

### Applicant/Contact Person: \_\_\_\_\_

No

Company:	
Mailing Address:	
City:	State: Zip Code:
Telephone: _()	Fax: _()
Email:	

### Property Owner:

If Business Entity, name and title of authorize	ed signee:
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(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.)

Property Owner Signature:	19	
Email:	$ \wedge$	
Telephone: ( )	Fax: (	)
City:	State:	Zip Code:
Mailing Address:		

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**

October 7, 2020

Special Use Permit Request 1108 North 28<sup>th</sup> Street, Richmond, Virginia Map Reference Numbers: E-000-0521/010

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:	Mark Baker
Sublitted by:	Baker Development Resources
	1519 Summit Ave., Suite 102
	Richmond, VA 23230

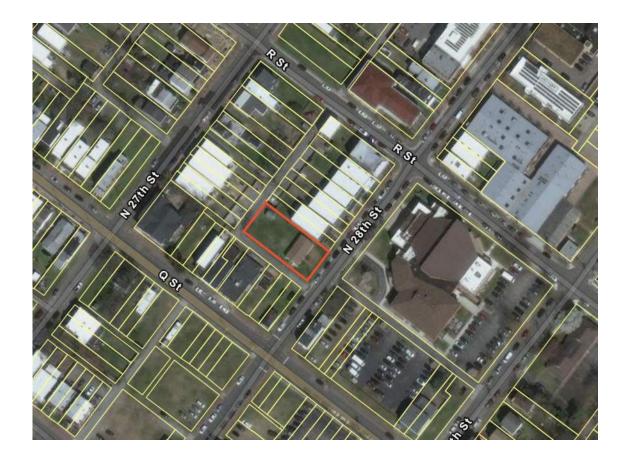
# Introduction

We represent the owners of 1108 North 28<sup>th</sup> Street (the "Property"), who are requesting a special use permit (the "SUP") for the Property. The SUP would authorize the construction of three (3) single-family attached dwellings on the Property. The SUP is required to waive the side-yard setback requirements for the Property in order to permit the construction of the three (3) single-family attached dwellings

# **Existing Conditions**

# SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the west side of North 28<sup>th</sup> Street between Q and R Streets. The Property is referenced by the City Assessor as tax parcel E-000-0521/010. The Property is 59.56 feet wide by 132.36 feet deep, contains approximately 7,883.36 square feet of lot area, and is currently occupied by one (1) single-family detached dwelling that is one story in height.



The other properties along the east side of North 28<sup>th</sup> Street in this block are occupied by a mix of two-story attached and detached dwellings. Along the east line of North 28<sup>th</sup> Street in this block lies the Good Shepherd Baptist Church. Further to the north along North 28<sup>th</sup> Street exists two multifamily uses. To the South along Q Street exists a variety of commercial, office, two-family, and institutional uses. Lastly, at 1200 North 28<sup>th</sup> Street a special use permit was recently approved to authorize the rehabilitation and conversion of an existing vacant church to a multifamily dwelling.

# EXISTING ZONING

The Property and the surrounding properties are zoned R-6 Single-Family Attached Residential, which generally permits single-family attached dwellings subject to certain feature requirements. The Property also lies within a block of M-1 Light Industrial, R-63 Multifamily Urban Residential, and B-2 Community Business zoning district boundaries.

# MASTER PLAN DESIGNATION

The Master Plan recommends Single-Family (Medium Density) for the Property for which the "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."

The Master Plan includes other written policy guidance that is applicable to the proposal, including:

- The desire for new and better-quality housing that is targeted to home owners
- The desire for increased opportunities for residential development
- The recognition that the vast majority of opportunities for new development are located in the context of existing neighborhoods
- The recognition of the difficulty that an older/aging housing stock represents in the market where new convenience/easy maintenance is desired.

The draft Richmond 300 plan, recommends "Neighborhood Mixed-Use" for the Property. The proposed use, single-family dwellings, is a primary use within that designation. That said, this designation also supports two-family and multifamily uses as well as retail, office, personal service, cultural, institutional, and civic uses on a case-by-case basis. Furthermore, within the Inclusive Housing chapter, Objective 14.5 is met by this proposal, which is to encourage more housing types throughout the City and to add density within <sup>1</sup>/<sub>4</sub> mile of public transportation routes.

# Proposal

# PURPOSE OF REQUEST

The SUP would permit the removal of the current structure and construction of three (3) singlefamily attached dwellings. The proposed development is consistent in character with other development in the vicinity. Based on the historic lot pattern, many lots in the vicinity are nonconforming with regard to lot area, lot width or unit width for attached dwellings. This request would meet all zoning requirements but the average unit width (20') and side-yard setback requirement (10') for attached dwellings at the end of a series (three or more attached dwellings). In all other regards, the proposal meets the zoning requirements applicable to the Property including the provision of off-street parking, which will be provided to the rear via access from the public alley.

In exchange for the SUP, the intent of this request is to ensure the construction of three (3) highquality for-sale dwellings. The proposal would be consistent with the historic development pattern in the greater area. The proposal is also consistent with the recommendations of the Master Plan and the draft Richmond 300 plan in terms of both use and density. By permitting the proposed development, the SUP would allow for the sale of the proposed high-quality singlefamily attached dwellings as home ownership opportunities, while addressing additional objectives found in current planning guidance.

# **PROJECT DETAILS**

The proposed single-family attached dwellings at 1108 North 28<sup>th</sup> Street would be two stories in height and of an urban row house design. The two dwellings on the outside would each be 16' 8" in width and contain approximately 1,864 square feet of finished floor area while the central dwelling would be 19' 8" in width and contain 1,992 square feet of floor area. Each unit would include three bedrooms and 2 ½ bathrooms. The proposed floor plans include modern and open living spaces. The dwellings' floor plans are modern with open living areas, and include master bedrooms complete with en-suite master bathrooms and walk-in closets. Full length front porches are proposed for each dwelling.

# **Findings of Fact**

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 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 will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements and density are consistent with other development in the vicinity. This request would simply permit the reconfiguration of the Property in order to allow for new development to occur in a manner that is both of quality as well as consistent with the neighborhood. The redevelopment of this underutilized Property in conjunction with the high quality/benefits provided by the SUP will provide positive impacts in terms of health, welfare, etc.

• 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 traffic generation for three additional dwelling units will be negligible, especially within the context of a walkable neighborhood. In addition,

proposed parking meets that required by zoning. As such, the SUP will not create 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 request is reflective of the historic lot pattern and uses found in the neighborhood, and is no more intense than the density found in the immediate 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 SUP would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

# • Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. New construction would be consistent with the preexisting buildings and provide setbacks that are consistent with character of the immediate neighbors and the surrounding area.

# **Summary**

In summary, the applicant is enthusiastically seeking approval for the construction of three (3) single-family attached dwellings on the Property. This proposal represents an ideal, small-scale urban infill development for this location. The SUP is consistent with current planning guidance applicable to the neighborhood and the City at large. In exchange, the quality assurances conditioned through the SUP would guarantee the construction of higher quality new single-family attached dwellings than might otherwise be developed by right. This would contribute to the vibrancy of the block though the provision of traditional neighborhood design that is consistent with the historic development pattern of the surrounding neighborhood.

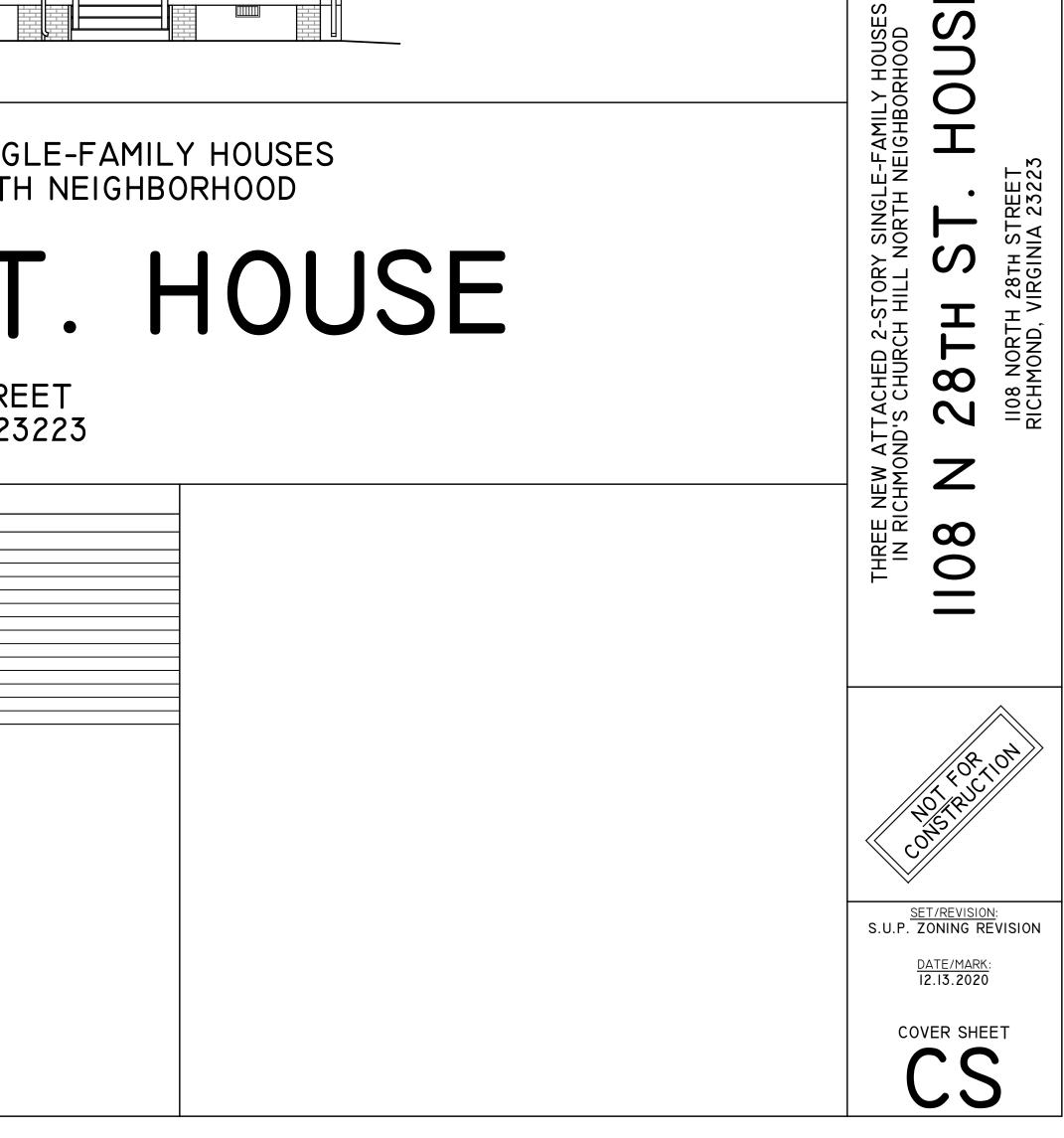


# THREE NEW ATTACHED 2-STORY SINGLE-FAMILY HOUSES IN RICHMOND'S CHURCH HILL NORTH NEIGHBORHOOD

# 1108 N 28TH ST. HOUSE

**II08 NORTH 28TH STREET** RICHMOND, VIRGINIA 23223

	/INGS	
NO.	SHEET TITLE	
<u> </u>		
CS	COVER SHEET	
CI.I	ARCHITECTURAL SITE PLAN	
A I I		
Al.I Al.2	FIRST FLOOR PLANS SECOND FLOOR PLANS	
A2.1	FRONT & REAR ELEVATIONS LEFT & RIGHT SIDE ELEVATIONS	
A2.2	LEFT & RIGHT SIDE ELEVATIONS	



**PROJECT CONTACTS:** 

DEVELOPER: MATT JARREAU 804-306-9019

CONTRACTOR: KIWI DEVELOPMENT 804-869-8600

ARCHITECT: CHRISTOPHER WOLF CHRIS WOLF ARCHITECTURE, PLLC 804-514-7644

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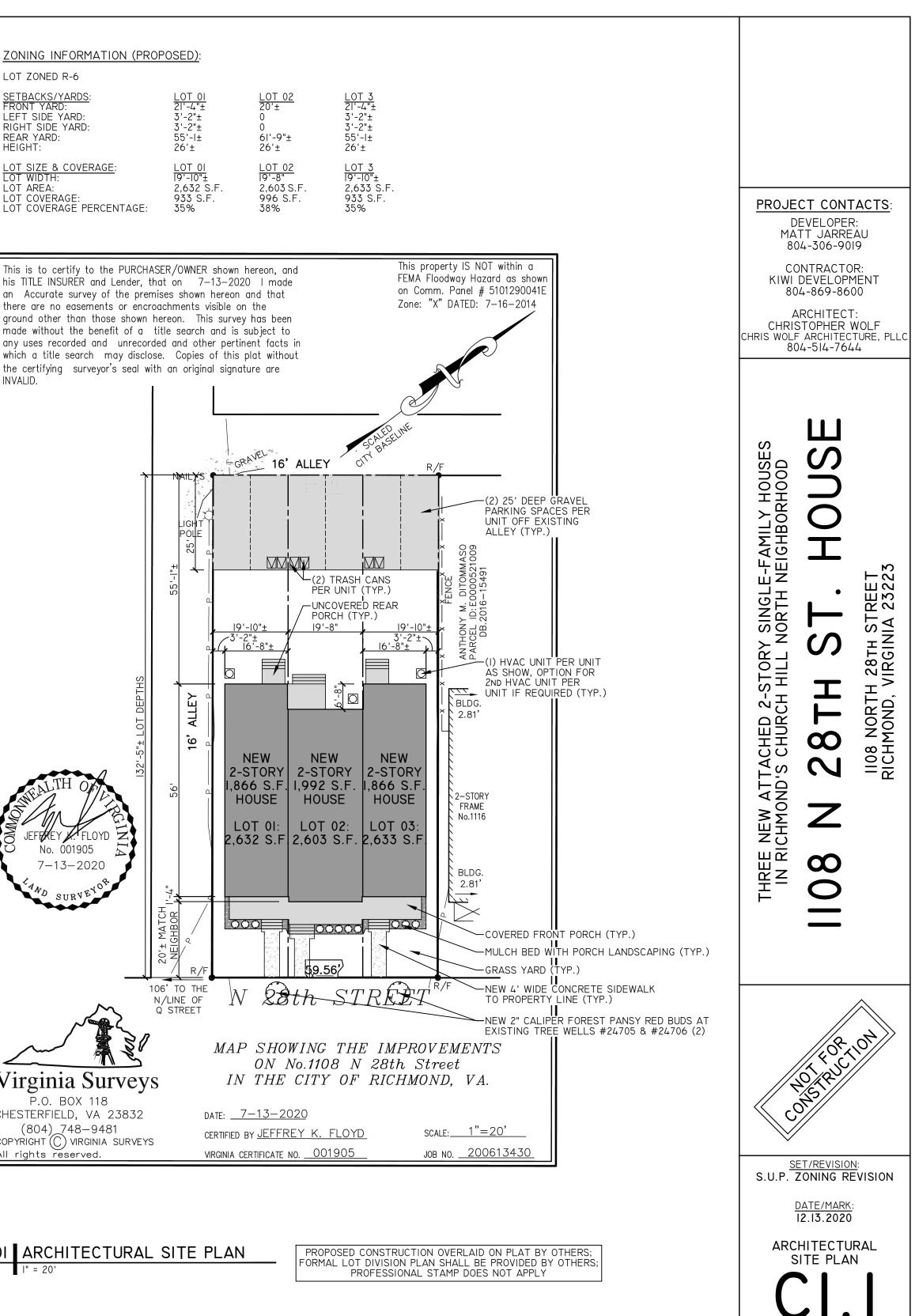
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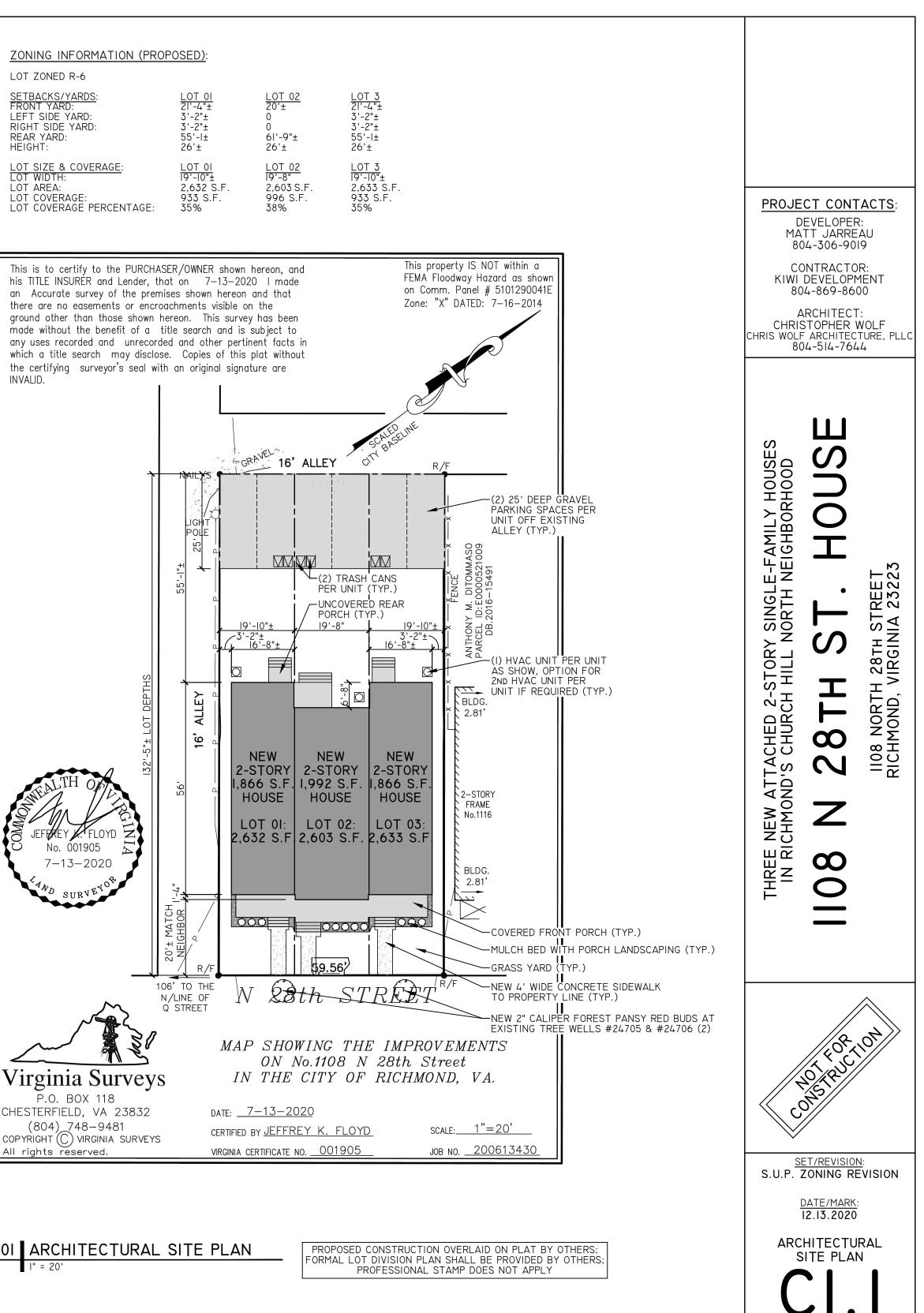
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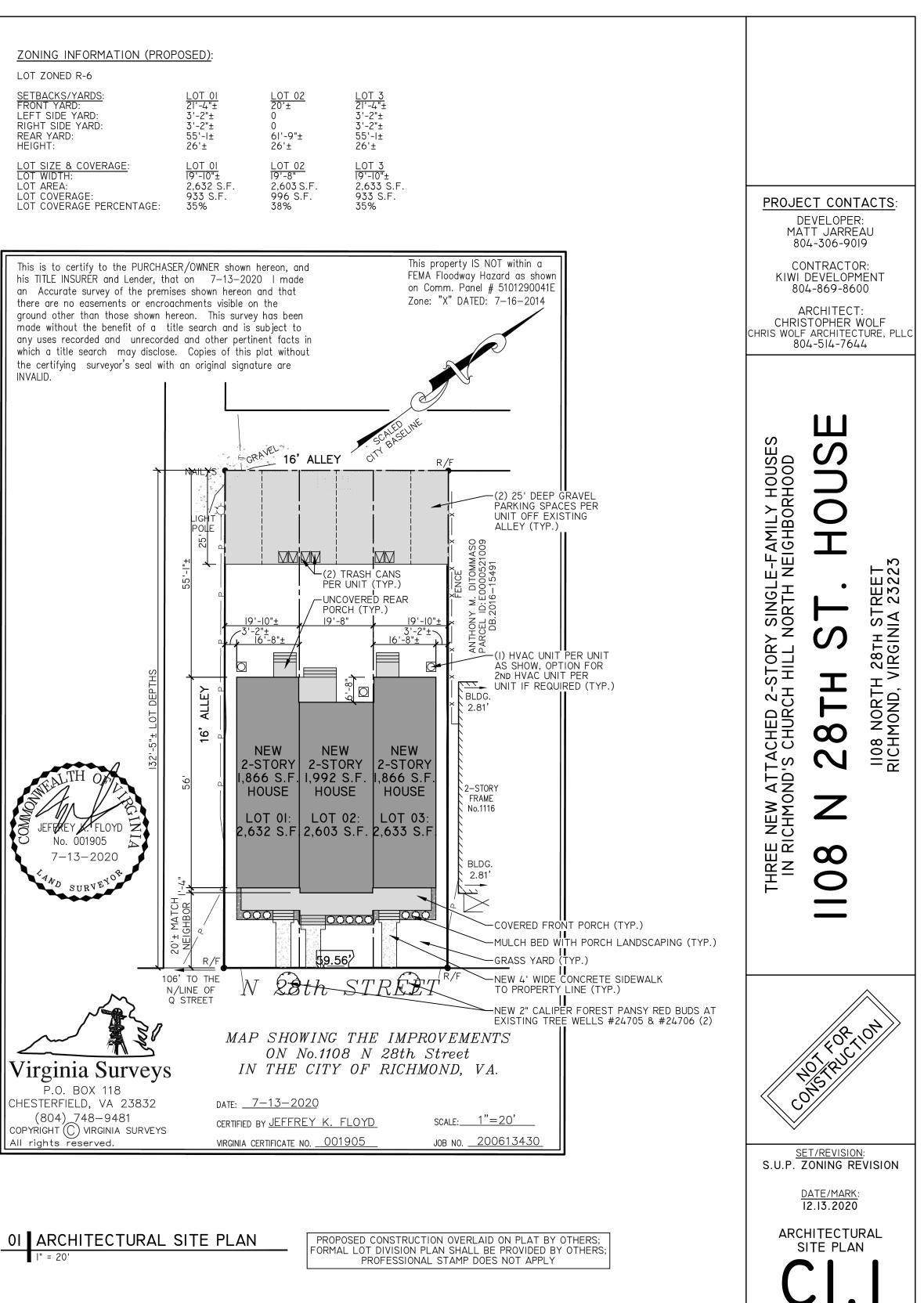
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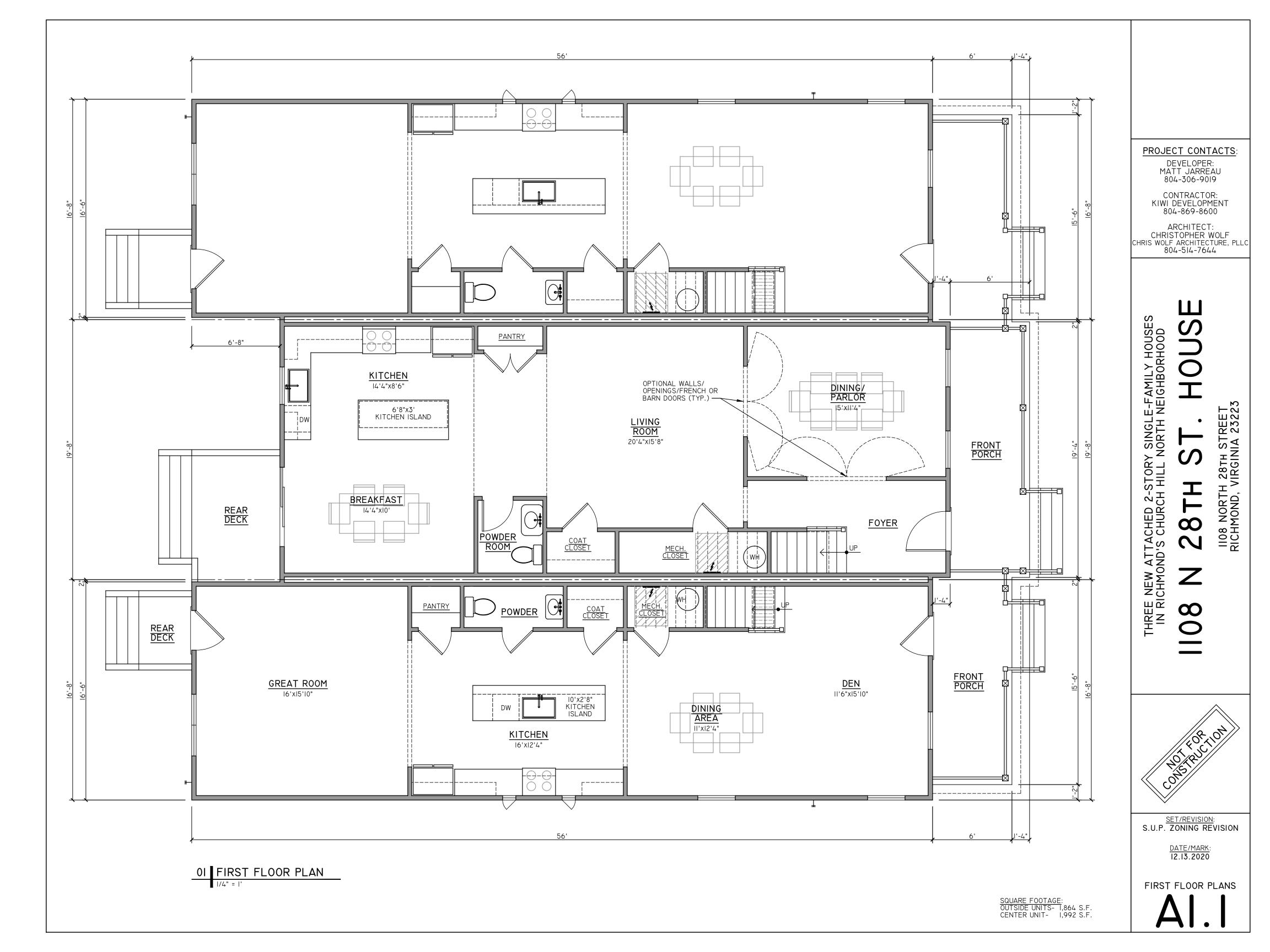
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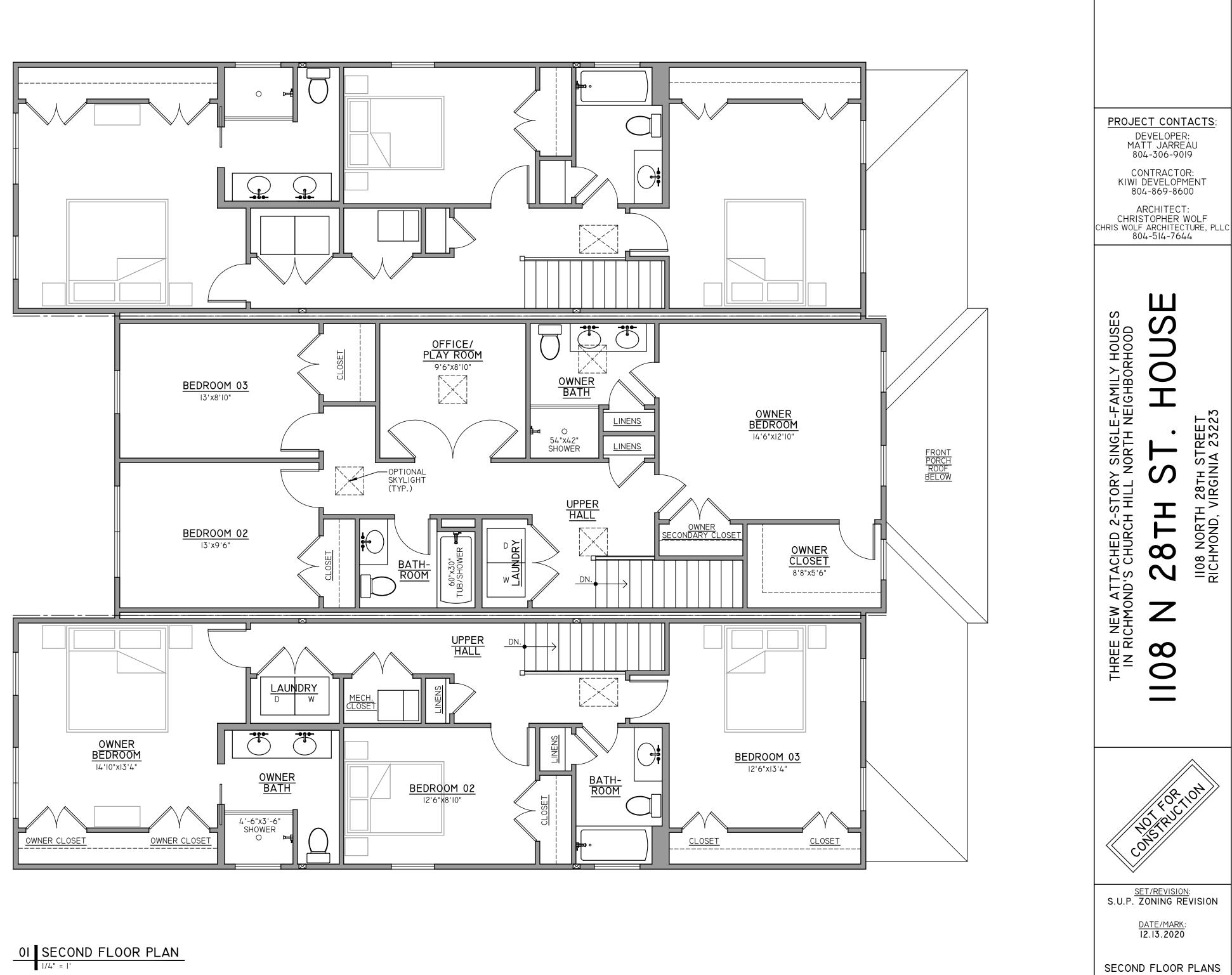
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EX.	TERIOR FINISH SCHEDULE	
N0.	COMPONENT/MATERIAL	COLOR/FINI
01	FOUNDATION & PORCH PIERS - PARGED BLOCK	GRAY OR TAN
02	BRICK PORCH PIER	RED BRICK
03	HARDIEPLANK LAP SIDING	DIFFERENT C
04	SYNTHETIC TRIM	PAINTED WHI
05	SYNTHETIC-WRAPPED DROPPED BEAMS	PAINTED WHI
06	VINYL OR COMPOSITE SOFFIT	FACTORY WHI
07	PARTIAL GLASS ENTRY DOORS	DIFFERENT C
08	VINYL WINDOWS	WHITE
09	TURNED WOOD PORCH POSTS	PAINTED WHI
10	FRONT PORCH- SYNTH. WRAP STAIRS, COMP. DECKING	PAINTED- WH
11	PORCH RAILINGS - WOOD "RICHMOND" RAIL	PAINTED WHI
12	ALUMINUM GUTTER & DOWNSPOUTS	PREFINISHED
13	MAIN ROOF- TPO	FACTORY WHI
14	THREE-TAB ASPHALT SHINGLE MANSARD/PORCH ROOFS	DARK GRAY O

