



Legislation Details (With Text)

File #: ORD. 2020-015 **Version:** 2 **Name:**

Type: Ordinance **Status:** Adopted

File created: 10/1/2019 **In control:** City Council

On agenda: 2/3/2020 **Final action:** 2/10/2020

Title: To authorize the special use of the property known as 1018 North 32nd Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2020-015, 2. Staff Report, 3. Application Form and Applicant's Report, 4. Plans, 5. Survey, 6. Map

Date	Ver.	Action By	Action	Result
2/10/2020	2	City Council	adopted	Pass
2/3/2020	2	Planning Commission	recommended for approval	
1/13/2020	2	City Council	introduced and referred	

To authorize the special use of the property known as 1018 North 32nd Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

WHEREAS, the owner of the property known as 1018 North 32nd Street, which is situated in a R-6 Single-Family Attached 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 section 30-412.4, concerning lot area and width, density, and unit width, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not 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 1018 North 32nd Street and identified as Tax Parcel No. E000-0723/035 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Survey and Plat of the Property Known as #1018 N. 32nd Street in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC., and dated March 28, 2019, 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, hereinafter referred to as “the

Special Use,” substantially as shown on the plans entitled “New 2-Story Two-Family House in Historic Church Hill, 1018 North 32nd Street,” prepared by Chris Wolf Architecture, PLLC, and dated June 3, 2019, 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 a two-family detached dwelling, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed the height as shown on the Plans.

(c) Two off-street parking spaces shall be provided on the Property to the rear of the proposed dwelling.

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

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

§ 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.

O & R Request

DATE: December 13, 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 Reid, Interim Chief Administrative Officer

THROUGH: Sharon 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 1018 North 32nd Street for the purpose of a two-family detached dwelling on a lot less than 6,000 square feet in area and less than 50 feet in width within the R-6 Single-Family Attached Residential District upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1018 North 32nd Street for the purpose of a two-family detached dwelling on a lot less than 6,000 square feet in area and less than 50 feet in width within the R-6 Single-Family Attached Residential District upon certain terms and conditions.

REASON: Two-family detached homes are allowed in the R-6 Single-Family Attached residential district provided that a minimum lot area of 6,000 square feet is provided and a minimum of 50 feet of lot width is met. As proposed the lot area is 2,887 square feet and has a width of 32 feet. A special use permit is required in order to build the proposed structure on this nonconforming lot.

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 February 3, 2020, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is vacant and located on North 32nd Street between P and Q Streets with alley access in the rear. It is 32 feet wide and approximately 90 feet in depth, for a total of 2,886 square feet of area. The subject property is typical of the size and configuration of properties within the neighborhood, however it does not meet the lot size and area requirements of the R-6 Single-Family Attached Residential District. The proposed development would meet all other requirements of this 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 are single-family and two-family dwellings, both detached and attached. The Master Plan's Neighborhoods and Housing chapter notes general goals for the creation of market rate rental housing and the provision of a variety of housing choices in neighborhoods.

The proposed two-family attached dwelling is two stories in height. From the street, the structure reads as a single-family dwelling, and is thereby consistent with other residential buildings in the vicinity in terms of scale and character. The building would contain approximately 2,200 square feet of floor area, with each unit having approximately 1,100 square feet, respectively. Each unit would contain two bedrooms and two bathrooms.

The plans call for the structure to be clad in cementitious lap siding in order to ensure quality and consistency with other dwellings in the vicinity. A full-width front porch and full width upper and lower rear porches are provided. Two parking spaces located to the rear of the dwellings are accessed by the rear alley.

The subject property, as well as all the properties contained in the adjacent blocks to the north, south, east and west are located in the R-6 Single-Family Attached Residential District. The surrounding blocks contain a mix of vacant properties and residential uses.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City’s budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: January 13, 2020

CITY COUNCIL PUBLIC HEARING DATE: February 10, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission February 3, 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 PROGRAM(S): None

ATTACHMENTS: Application and Narrative; Map; The Plan; The Property; Draft Ordinance

STAFF: David Watson, Senior Planner, Land Use Administration (Room 511) 646-6304

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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