



Legislation Details (With Text)

File #: ORD. 2021-074 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 1/11/2021 **In control:** City Council

On agenda: 4/5/2021 **Final action:** 4/12/2021

Title: To amend Ord. No. 2020-248, adopted Dec. 14, 2020, which authorized the special use of the property known as 3310 East Broad Street for the purpose of a dwelling unit within an existing accessory building, to authorize a two-family dwelling with an accessory building containing one dwelling unit, upon certain terms and conditions. (7th District)

Sponsors: Mayor Stoney (By Request)

Indexes:

Code sections:

Attachments: 1. Ord. No. 2021-074, 2. Staff Report, 3. Application Form and Applicant's Report, 4. Map

Date	Ver.	Action By	Action	Result
4/12/2021	2	City Council	adopted	Pass
4/5/2021	2	Planning Commission	recommended for approval	
3/8/2021	2	City Council	introduced and referred	

To amend Ord. No. 2020-248, adopted Dec. 14, 2020, which authorized the special use of the property known as 3310 East Broad Street for the purpose of a dwelling unit within an existing accessory building, to authorize a two-family dwelling with an accessory building containing one dwelling unit, upon certain terms and conditions. (7th District)

I. That Ordinance No. 2020-248, adopted December 14, 2020, be and is hereby amended and reordained as follows:

WHEREAS, the owner of the property known as 3310 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 dwelling ~~[unit within]~~ with an ~~[existing]~~ accessory building containing one dwelling unit, which use, among other things, is not currently allowed by section 30-413.13 of the Code of the City of Richmond ~~[(2015)]~~ (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 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 3310 East Broad Street and identified as Tax Parcel No. E000-0885/020 in the [2020] 2021 records of the City Assessor,

being more particularly shown on a site plan entitled “Chimborazo Carriage House, Existing Site Plan - 1/16” = 1’ - 0”,” prepared by Evan MacKenzie, dated May 29, 2020, and last revised September 9, 2020, a copy of which is attached to and made a part of [~~this ordinance~~] Ordinance No. 2020-248, adopted December 14, 2020, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a two-family dwelling [~~unit within~~] with an [~~existing~~] accessory building containing one dwelling unit, substantially as shown on the plans entitled “3310 E Broad St, Submission for CAR Certificate of Appropriateness,” prepared by Evan MacKenzie, dated May 29, 2020, and last revised September 9, 2020, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of [~~this ordinance~~] Ordinance No. 2020-248, adopted December 14, 2020.

(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 dwelling [~~unit within~~] with an [~~existing~~] accessory building containing one dwelling unit [~~to a single-family dwelling~~], substantially as shown on the Plans attached to and made a part of Ordinance No. 2020-248, adopted December 14, 2020.

(b) The height of the Special Use shall not exceed the height as shown on the Plans attached to and made a part of Ordinance No. 2020-248, adopted December 14, 2020.

(c) All building materials and elevations shall be substantially as shown on the Plans attached to and made a part of Ordinance No. 2020-248, adopted December 14, 2020, unless otherwise required by the Commission of Architectural Review in accordance with applicable laws and regulations.

(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) One off-street parking space shall be required for the Special Use.

§ 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.

II. This amendatory ordinance shall be in force and effect upon adoption.

O & R Request

DATE: February 8, 2021

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: 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

RE: To amend Ord. No. 2020-248 adopted December 14, 2020, which authorized the special use of the property known as 3310 East Broad Street for the purpose of a dwelling unit within an existing accessory building, upon certain terms and conditions, to now authorize a two-family dwelling with an accessory dwelling unit within an accessory building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend Ord. No. 2020-248 adopted December 14, 2020, which authorized the special use of the property known as 3310 East Broad Street for the purpose of a dwelling unit within an existing accessory building, upon certain terms and conditions, to now authorize a two-family dwelling with an accessory dwelling unit within an accessory building, upon certain terms and conditions.

REASON: The existing two-family home is a permitted use in the R-8 Urban Residential District. However, accessory dwelling units are only permitted if the principal use is a single-family dwelling and that the accessory structure existed prior to the establishment of the zoning district. The proposal calls for the conversion of an existing two-story carriage house into an accessory dwelling. Although the accessory structure existed prior to the establishment of the R-8 Urban Residential District on June 28, 2010, the principal use is a two-family dwelling and therefore a special use permit 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 April 5, 2021 meeting.

BACKGROUND: The subject property consists of a 4,800 SF parcel of land and contains a 2,964 SF two-family dwelling that was built in 1908. A two-story carriage house of approximately 700 square feet is located adjacent to the alley in the rear of the property. The property is located in the Chimborazo Neighborhood within the City's East Planning District, midblock between North 33rd Street and Chimborazo Boulevard. The property is also located in the Chimborazo Park City Old & Historic District.

The Richmond 300 Master Plan designates the subject property for Neighborhood Mixed-Use. Among the primary uses listed for this category are accessory dwelling units, duplexes, and small multi-family buildings.

The adjacent properties surrounding the subject property to the west and east are located within the same R-8 Urban Residential District as the subject property. Properties to the north are located within the R-63 Multi-Family Urban Residential District. Within the area of the subject property, those properties with improvements contain a mixture of single-family detached and single-family attached dwellings. Chimborazo Park and the Chimborazo Medical Museum are located across East Broad Street to the south.

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: None

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 8, 2021

CITY COUNCIL PUBLIC HEARING DATE: April 12, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission April 5, 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 Form and Applicant's Report, Map

STAFF: David Watson, Senior Planner, Land Use Administration, David.Watson@Richmondgov.com
[<mailto:David.Watson@Richmondgov.com>](mailto:David.Watson@Richmondgov.com)

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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