



## Legislation Text

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**File #:** ORD. 2019-122, **Version:** 1

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To authorize the special use of the property known as 804 North 22<sup>nd</sup> Street for the purpose of a multifamily dwelling containing up to four dwelling units and a single-family detached dwelling, upon certain terms and conditions.

WHEREAS, the owner of the property known as 804 North 22<sup>nd</sup> Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a multifamily dwelling containing up to four dwelling units and a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-419.5, concerning lot area and 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 (2018), 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 804 North 22<sup>nd</sup> Street and identified as Tax Parcel No. E000-0329/005 in the 2019 records of the City Assessor, being more particularly shown on a survey entitled “Map Showing the Division of No. 804 N. 22<sup>nd</sup> Street, in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated March 5, 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 multifamily dwelling containing up to four dwelling units and a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “New 2-Story, Single-Family Detached House in Historic Church Hill, 802 North 22<sup>nd</sup> Street,” prepared by Chris Wolf Architecture, PLLC, and dated March 7, 2019, and the plan entitled “Sketch Showing the Proposed Improvements on No. 802 N. 22<sup>nd</sup> Street, in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated March 5, 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 multifamily dwelling containing up to four dwelling units, indicated as “No. 804” on the Plans, and a single-family detached dwelling indicated as “No. 802” on the Plans, all substantially as shown on the Plans.

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

(c) All building materials and elevations shall be substantially as shown on the Plans, unless otherwise required by the Commission of Architectural Review pursuant to applicable law.

(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) Off-street parking shall not be required for the Special Use.

(f) Prior to the issuance of any certificate of occupancy for the Special Use, the establishment of two residential lots, substantially as shown on the survey referred to in section 2(a) of this ordinance and the Plans, shall be accomplished by obtaining subdivision 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.

### **O & R Request**

**DATE:** March 26, 2019

**EDITION:** 1

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

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

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

**THROUGH:** Sharon Ebert, Deputy Chief Administrative Officer for Economic and Community Development

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**RE:** To authorize the special use of the property known as 804 North 22nd Street for the purpose of a single-family detached dwelling and a multi-family dwelling, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 804 North 22nd Street for the purpose of a single-family detached dwelling and a multi-family dwelling, upon certain terms and conditions.

**REASON:** The Property is zoned R-63 Multifamily Urban Residential. The R-63 district permits single-family detached dwellings, provided that the dwellings are located on lots containing at least 3,000 square feet of lot area. A four-unit multifamily dwelling would require 4,000 square feet of lot area in the R-63 district. Splitting the lot as proposed would create one lot of 2,955 square feet at 804 N 22nd Street, and a vacant lot containing 2,110 square feet that will be known as 802 N. 22<sup>nd</sup> Street and improved with a single-family detached dwelling. The R-63 district requires a side yard setback of three feet for single-family dwellings and a side yard setback of five feet for multi-family dwellings. The proposed lots will not meet these required setbacks. As the proposed development does not meet R-63 lot area requirements and side yard setbacks, 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 May 20, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property referenced as 815 N. 22nd Street consists of a 2,040 SF (.047 acre) parcel of land with 33 linear feet of street frontage. The property contains a two-story 2,234 square foot structure containing four dwelling units. The property is located in the Union Hill neighborhood of the East Planning District, and is also located within the Union Hill City Old & Historic District.

The City of Richmond's Master Plan designates the subject property for Mixed Use Residential uses. Primary uses in this category include "office, personal service, general commercial and service uses and, in some cases, multi-family residential and dwelling units above ground floor commercial. Generally, such areas consist of a mix of several types of uses, designed and arranged to be compatible with one another." (See page 134, Richmond Master Plan.)

The current zoning for this property is R-63 Multi-Family Urban Residential District. All properties in the vicinity are also within the R-63 Multi-Family Urban Residential District. The intent of the R-63 district is to

encourage development of medium-density neighborhoods comprised of a mix of residential uses and to promote a pedestrian-oriented urban environment that is primarily residential in character. The proposed request conforms to the intent of the R-63 Multi-Family Urban Residential District.

Single-family structures, undeveloped properties, and parking lots are the predominant land uses in the area and all are within the R-63 Multi-Family Urban Residential District.

**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:** April 22, 2019

**CITY COUNCIL PUBLIC HEARING DATE:** May 28, 2019

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, May 20, 2019

**AFFECTED AGENCIES:** Office of Chief Administration Office  
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 Form, Applicant’s Report, Draft Ordinance, Plans, Survey, Map

**STAFF:** David F. Watson, Senior Planner, Land Use Administration 804-646-1036

Key Issues:  
Retain on Consent Agenda  
Move to Regular Agenda  
Refer Back to Committee  
Remove from Council Agenda  
Strike      Withdrawn      Continue to:

