



## Legislation Text

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**File #:** ORD. 2024-015, **Version:** 1

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To authorize the special use of the properties known as 1200, 1202, 1204, 1206, 1208, 1210, 1212, and 1220 North 26<sup>th</sup> Street for the purpose of ten single-family attached dwellings and [~~ten~~] six garages [~~as an accessory use~~] which may be used as accessory dwelling units, upon certain terms and conditions. (As Amended) (7<sup>th</sup> District)

WHEREAS, the owner of the properties known as 1200, 1202, 1204, 1206, 1208, 1210, 1212, and 1220 North 26<sup>th</sup> Street, which are situated in a R-6 Single-Family Attached Residential District, desires to use such properties for the purpose of ten single-family attached dwellings and [~~ten~~] six garages [~~as an accessory use~~] which may be used as accessory dwelling units, which use, among other things, is not currently allowed by sections 30-412.4, concerning lot area and width, density, and unit width, and 30-412.5, concerning yards, 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 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 properties known as 1200, 1202, 1204, 1206, 1208, 1210, 1212, and 1220 North 26<sup>th</sup> Street and identified as Tax Parcel Nos. E000-0561/015, E000-0561/014, E000-0561/013, E000-0561/012, E000-0561/011, E000-0561/010, E000-0561/008, and E000-0561/006, respectively, in the 2024 records of the City Assessor, being more particularly as shown on a survey entitled “Olivet Gardens Developmental Plan of 10 Single Family Attached Dwellings for Religious Congregation of Mt. Olivet Baptist Church Trust, City of Richmond, Virginia,” prepared by Parrish-Point, LLC, on the sheet labeled “Existing Conditions,” dated October 9, 2022, 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 ten single-family attached dwellings and ~~ten~~ six garages ~~[as an accessory use]~~ which may be used as accessory dwelling units, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Olivet Gardens Developmental Plan of 10 Single Family Attached Dwellings for Religious

Congregation of Mt. Olivet Baptist Church Trust, City of Richmond, Virginia,” prepared by Parrish-Point, LLC, with the sheet labeled “Existing Conditions,” dated October 9, 2022, and the sheet labeled “Site Plan,” dated October 9, 2022, and last revised September 18, 2023, “New Home Construction,” prepared by Trinity HDC, and dated March 12, 2023, with sheets A0-0 and A2-0, dated March 4, 2024, and “Olivet Gardens Project,” prepared by Capital Sheds, Inc., and dated February 17, 2023, 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 ten single-family attached dwellings and ~~[ten]~~ six garages ~~[as an accessory use]~~ which may be used as accessory dwelling units, substantially as shown on the Plans.

(b) ~~[Each separated garage structure and lot shall only be transferred with its respective single-family attached dwelling lot, substantially as shown on the Plans.~~

~~(c)~~ The height of the ~~[Special Use]~~ single-family dwellings shall not exceed three stories, substantially as shown on the Plans. The height of the accessory dwelling units shall not exceed two stories.

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

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

[~~(f)~~] (e) Prior to the issuance of any building permit for the Special Use, the establishment of ten residential lots [~~with accompanying garage 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.

§ 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.

**DATE:** December 11, 2022

**EDITION:** 1

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

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

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

**FROM:** Kevin J. Vonck, Director, Department of Planning and Development Review

**RE:** To authorize the special use of the properties known as 1200, 1202, 1204, 1206, 1208, 1210, 1212, and 1220 North 26th Street for the purpose of 10 single family attached dwellings, as well as, 10 garages as a principal use, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** The applicant is requesting a Special Use Permit to authorize 10, newly constructed, single-family attached dwellings along with 10, two-car detached garages separated from each parcel within an internal courtyard. The new detached garages as well as the new dwellings will also be accessed by a newly constructed public alleyway. The current zoning is R-6 Single-Family Attached Res-idential District. While the use is permitted the property does not meet the current density or lot area requirements within the R-6 zone. A Special Use Permit is therefore required.

**BACKGROUND:** The property is located in the Church Hill North neighborhood on North 26th Street between R and Q Streets. The properties are a combined 24,170 sq. ft. (.55 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which is defined as the "Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses."

**Intensity:** Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. 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 multi-family buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for this property is R-6 Single-Family Attached Residential District. All adjacent properties to the north, south and east are located primarily within the same R-6 Zone as the property in question. Properties directly to the east are zoned B-2 Community Business and UB Urban Business along North 25th Street. The area is primarily residential uses, with some multi-family and small commercial uses nearby along North 25th Street. The proposed density is 18 units per acre.

**COMMUNITY ENGAGEMENT:** Church Hill Central Civic Association contacted; additional community notification will take place after introduction.

**STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL:** None

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

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** January 8, 2024

**CITY COUNCIL PUBLIC HEARING DATE:** February 12, 2024

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**AFFECTED AGENCIES:** Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant’s Report, Plans, Survey, Map

**STAFF:** Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734

**Key Issues:**

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

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