

INTRODUCED: November 14, 2022

AN ORDINANCE No. 2022-337

To authorize the special use of the property known as 3015 Midlothian Turnpike for the purpose of a single-family dwelling, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: DEC 12 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 3015 Midlothian Turnpike, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a single-family dwelling, which use, among other things, is not currently allowed by sections 30-410.4, concerning lot area and width, and 30-410.5, 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

AYES:            9                      NOES:            0                      ABSTAIN:        \_\_\_\_\_

ADOPTED:    DEC 12 2022      REJECTED:        \_\_\_\_\_      STRICKEN:        \_\_\_\_\_

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 3015 Midlothian Turnpike and identified as Tax Parcel No. S000-1347/025 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Map Showing the Improvements on Lot 13, Block 7, ‘Hockadays’ in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated December 10, 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 a single-family dwelling, hereinafter referred to as “the Special Use,” substantially as shown on a survey entitled “Map Showing the Improvements on Lot 13, Block 7, ‘Hockadays’ in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated June 2, 2022, and the untitled plans, prepared by an unknown preparer, and undated, 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 single-family dwelling, substantially as shown on the Plans.

(b) No less than one off-street parking space shall be provided on the Property.

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

§ 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.

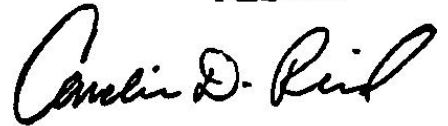
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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 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.

**A TRUE COPY:  
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive style with a large initial 'C'.

**City Clerk**

# City of Richmond

900 East Broad Street  
2nd Floor of City Hall  
Richmond, VA 23219  
www.rva.gov

## Item Request File Number: PRE.2022.0304

### O & R Request

**DATE:** September 12, 2022

**EDITION:** 1

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

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



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

J.E. Lincoln Saunders / RCS  
Digitally signed by J.E. Lincoln Saunders / RCS  
Date: 2022.09.22 13:25:32 -04'00'

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



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



**RE:** To authorize the special use of the property known as 3015 Midlothian Turnpike for the purpose of a single-family dwelling, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 3015 Midlothian Turnpike for the purpose of a single-family dwelling, upon certain terms and conditions.

**REASON:** The property is located in the R-5 Single-Family Residential District. The new single-family dwelling constructed on the property is a permitted use. However, due to a surveyor error the dwelling encroaches into the required side yard on the east side. Therefore a special use permit is requested in order to authorize this use.

**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 November 7, 2022, meeting.

**BACKGROUND:** The .092 acre subject property located on the northeastern corner of Midlothian Turnpike and West Broad Rock Road. The property was previously improved with a two-story single-family dwelling which was demolished in 2006. The parcel does not meet the lot area and width requirements of the R-5 Single-Family District.

However, the parcel has been deeded as a single-lot of record prior to 1948 and the lot area and width are legally nonconforming making the newly constructed single-family dwelling a permitted use.

The development plan called for the house to be centered on the property between five foot side yards. However, due to a field error by the contracted surveyor the southeast corner of the dwelling is located 4.42' from the eastern property line and the southwest corner located 6.29' from the western property line.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential Uses. This designation is defined as a "neighborhood consisting primarily of single-family houses on large or medium-sized lots more homogenous in nature.

**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:** October 10, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** November 14, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
November 7, 2022

**AFFECTED AGENCIES:** Office of Chief Administrative 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, the Property, the Plans, Map

**STAFF:** David Watson, Senior Planner, Land Use Administration (Room 511) 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  
<http://www.richmondgov.com/>

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 Address: 3015 Midlothian Tpke., Richmond, VA 23224 Date: 06/22/2022

Tax Map #: S0001347025 Fee: \$300.00

Total area of affected site in acres: 0.092

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

**Zoning**

Current Zoning: R-5

Existing Use: Single Family Detached House

**Proposed Use**

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

Single Family Detached House

Existing Use: Single Family Detached House

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Milad Hanna

Company: Hanna Homes LLC

Mailing Address: 18100 Golden Bear Tce. Apt. 405

City: Moseley State: VA Zip Code: 23120

Telephone: (804) 930-2169 Fax: ( )

Email: HannaHomes21@yahoo.com

**Property Owner:** Hanna Homes LLC

If Business Entity, name and title of authorized signee: Milad Hanna

(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.)

Mailing Address: 18100 Golden Bear Trce. Apt. 405

City: Moseley State: VA Zip Code: 23120

Telephone: (804) 930-2169 Fax: ( )

Email: HannaHomes21@yahoo.com

**Property Owner Signature:** Milad Hanna

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)

**Special Permit Application  
Applicant's Report  
3015 Midlothian Tpke  
BLD-086325-2021**

Dear Sir,

Attached with this letter my application for a Special Use Permit for the new construction single family detached house located at 3015 Midlothian Tpke., Richmond, VA 23224 under Building permit # BLDR-086325-2021.

The purpose of this application is to get zoning approval to the As Built Survey (attached also with the application) that shows that the constructed house is in violation with the required setbacks and approved site plan (attached with the application).

Marking of foundation was done by a professional surveyor licensed in the Commonwealth of Virginia.

All approved plans was provided to the surveyor: Mass plan showing all setbacks, and foundation plan. Emails are also attached with this application to prove that a professional surveyor was hired to mark the foundation and was provided with all approved drawings.

The Surveyor ignored all provided drawings and ignored clear request to be very accurate with placing the marks as the lot is very tight and any mistake will lead to rejection of final zoning!

Trusting that they did their job as required, the house foundation and all following construction phases was done according to their markings.

The building passed all required final inspections: Building Final, Works Final, Land Disturbance Final but of course failed the Zoning Final which prevents from obtaining the Certificate of Occupancy.

I hereby apply for the Special Use Permit to remedy this situation and be able to obtain the Certificate of Occupancy.

The current setbacks will Not by any means cause any of the following:

- Will not cause any harm to safety, health, morals and general welfare of the community involved.
- Will not tend to create any congestion in the streets, roads, alleys or other public ways and places in the area involved.
- Will not create any hazards from fire, panic or other dangers.
- Will not tend to cause overcrowding of land or any 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.
- Will not interfere with adequate light and air.

Attached with this application the following documents:

- 1- Building Permit for the new construction.
- 2- Approved Survey.
- 3- Approved Architectural drawings.

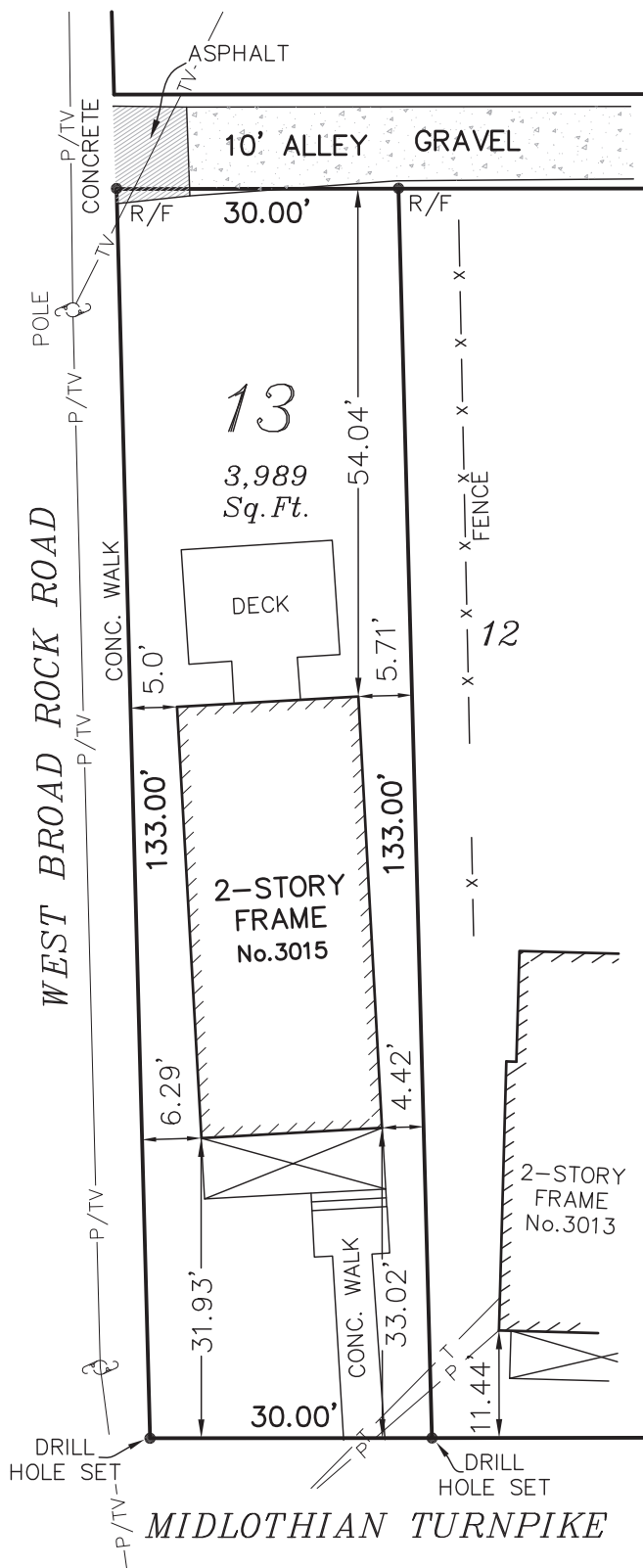
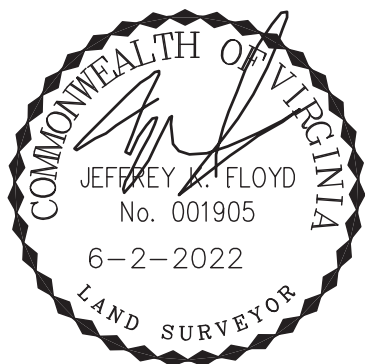
- 4- Approved mass plan.
- 5- As built survey.
- 6- Email correspondences between my Realtor and assistant Amira Bishara and Virginia Surveys requesting the foundation markings.
- 7- Final Inspection Reports: Passed Works Final, Passed Land Disturbance Final and Passed Building Final.

I sincerely appreciate the time and effort put in processing my application.

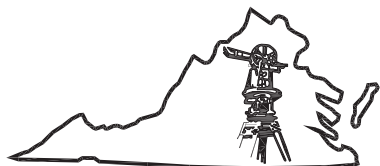
Respectfully,  
Milad Hanna  
Hanna Homes LLC  
[HannaHomes21@yahoo.com](mailto:HannaHomes21@yahoo.com)  
804-930-2169

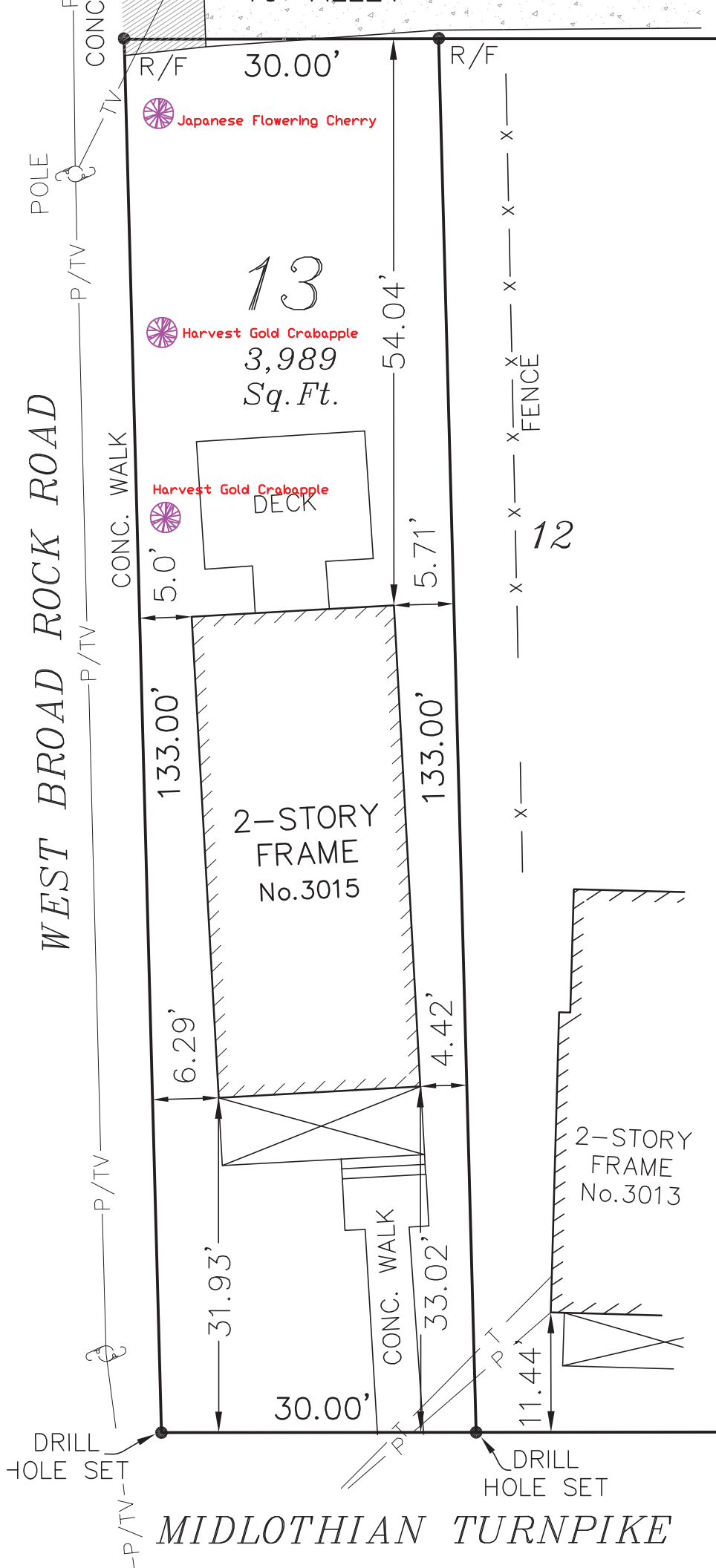
This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on 6-2-2022 I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID.

NOTE:  
BUILDING OFFSETS ARE  
MEASURED TO THE  
MASONRY CORNERS



MAP SHOWING THE IMPROVEMENTS  
ON LOT 13, BLOCK 7,  
"HOCKADAYS"  
IN THE CITY OF RICHMOND, VA.

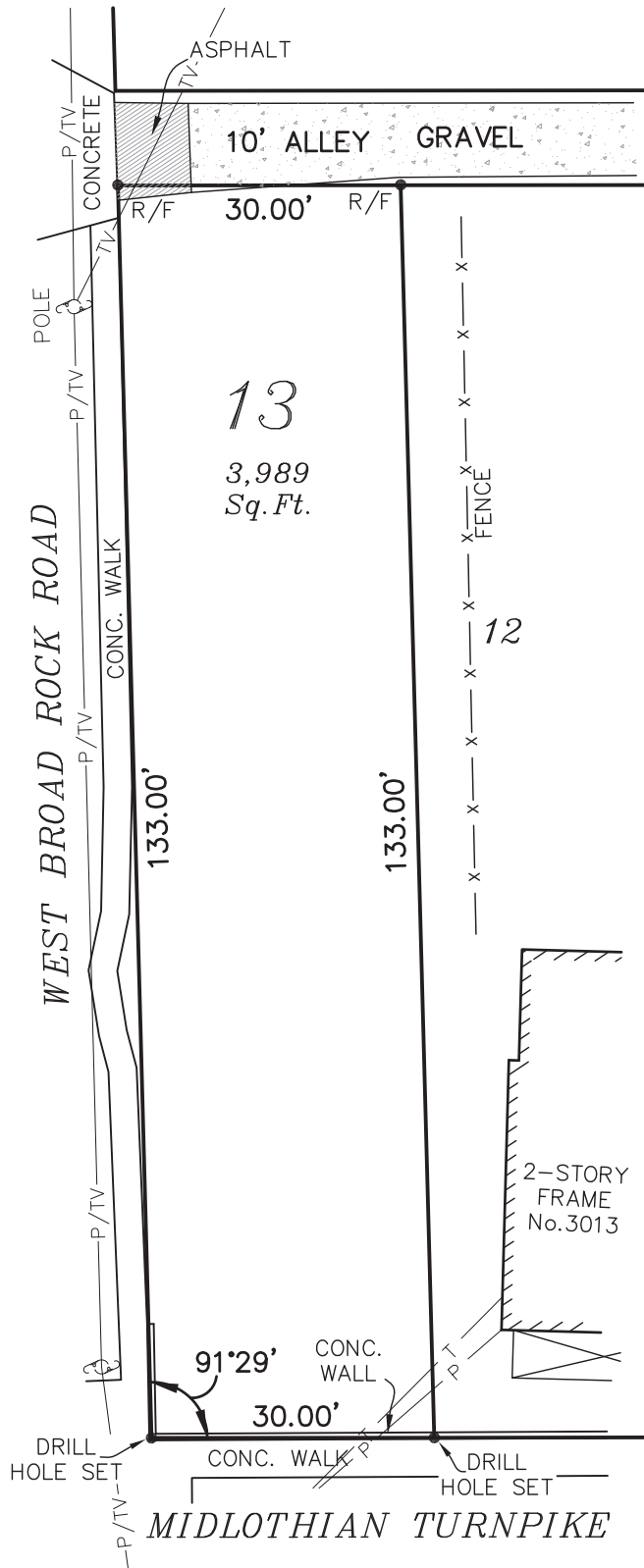
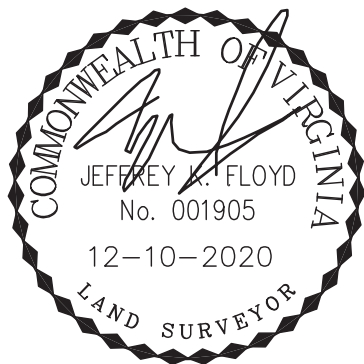




MIDLOTHIAN TURNPIKE

This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on 12-10-2020 I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID.

This property IS NOT within a FEMA Floodway Hazard as shown on Comm. Panel # 5101290039E Zone: "X" DATED: 7-16-2014

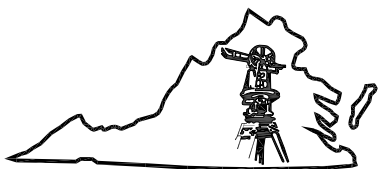
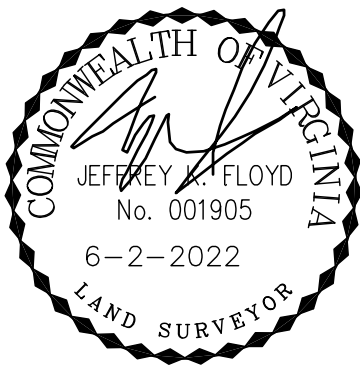
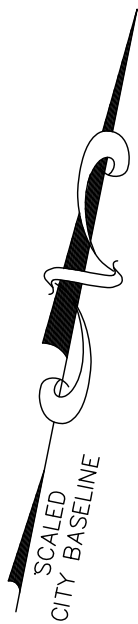


MAP SHOWING THE IMPROVEMENTS ON LOT 13, BLOCK 7, "HOCKADAYS"

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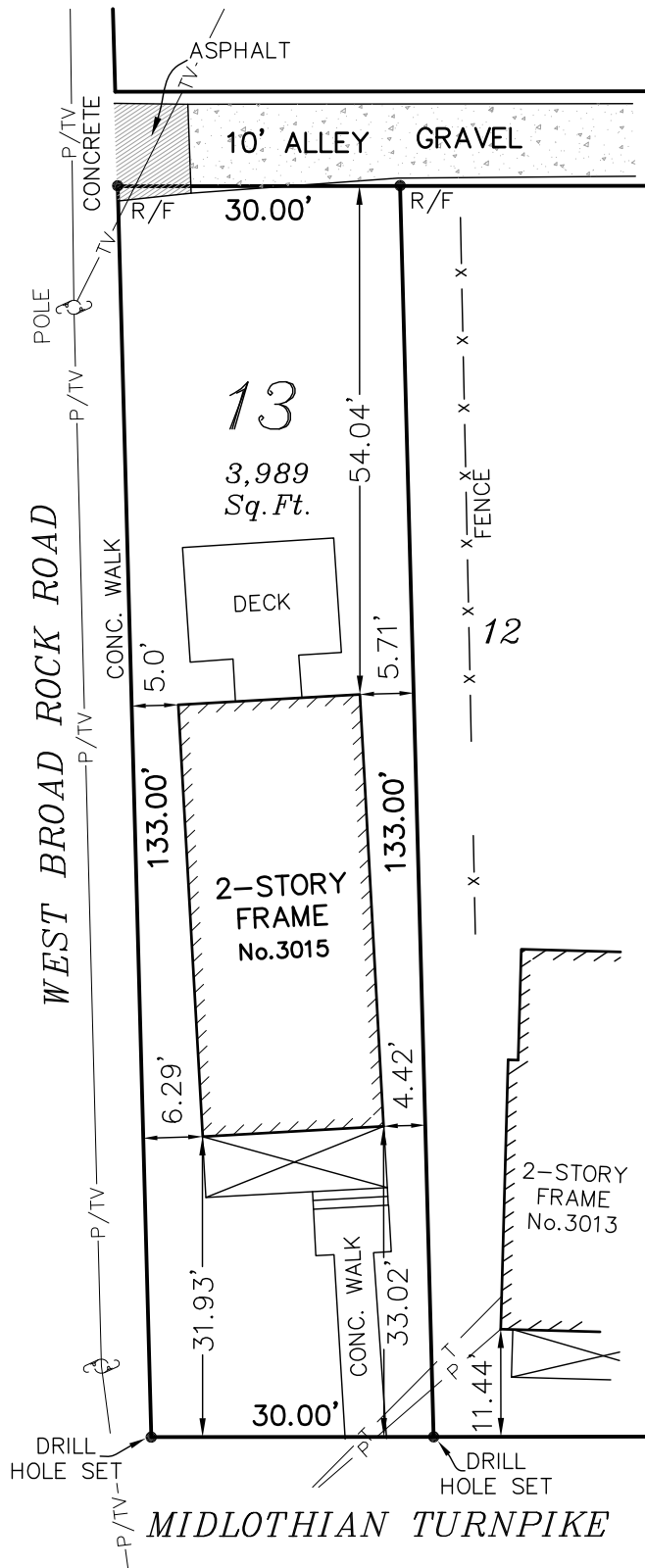
**NOTE:**

BUILDING OFFSETS ARE MEASURED TO THE MASONRY CORNERS



**Virginia Surveys**

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 CHESTERFIELD, VA 23832  
 (804) 748-9481  
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MAP SHOWING THE IMPROVEMENTS  
 ON LOT 13, BLOCK 7,  
 "HOCKADAYS"  
 IN THE CITY OF RICHMOND, VA.

DATE: 6-2-2022

CERTIFIED BY JEFFREY K. FLOYD

VIRGINIA CERTIFICATE NO. 001905

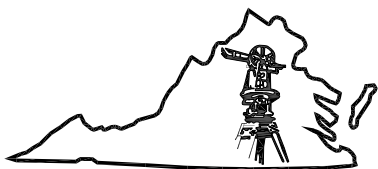
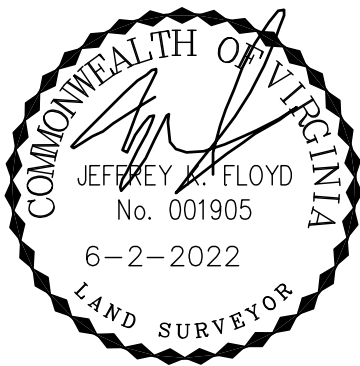
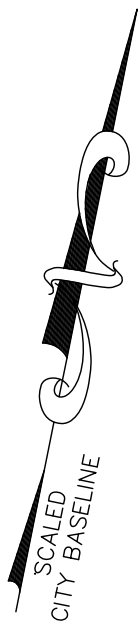
SCALE: 1"=20'

JOB NO. 201113788

This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on 6-2-2022 I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID.

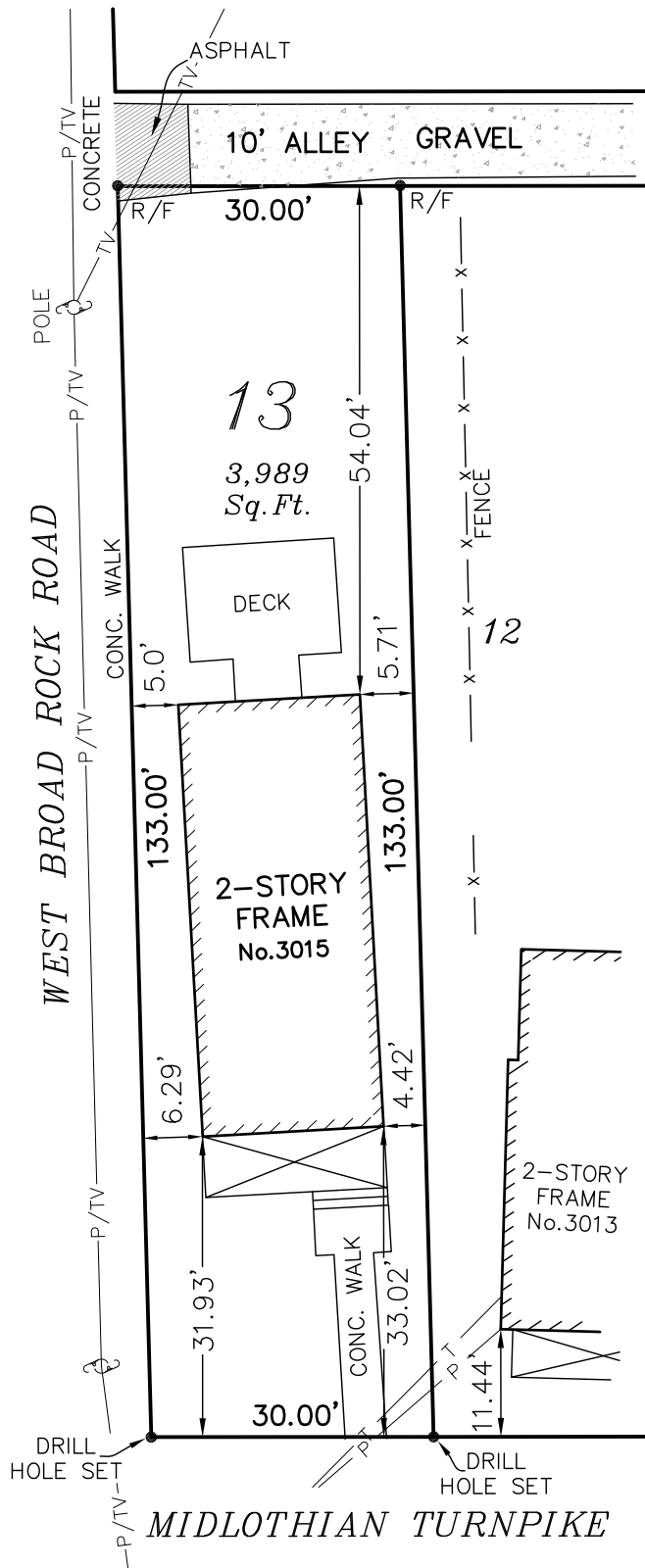
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 IN THE CITY OF RICHMOND, VA.

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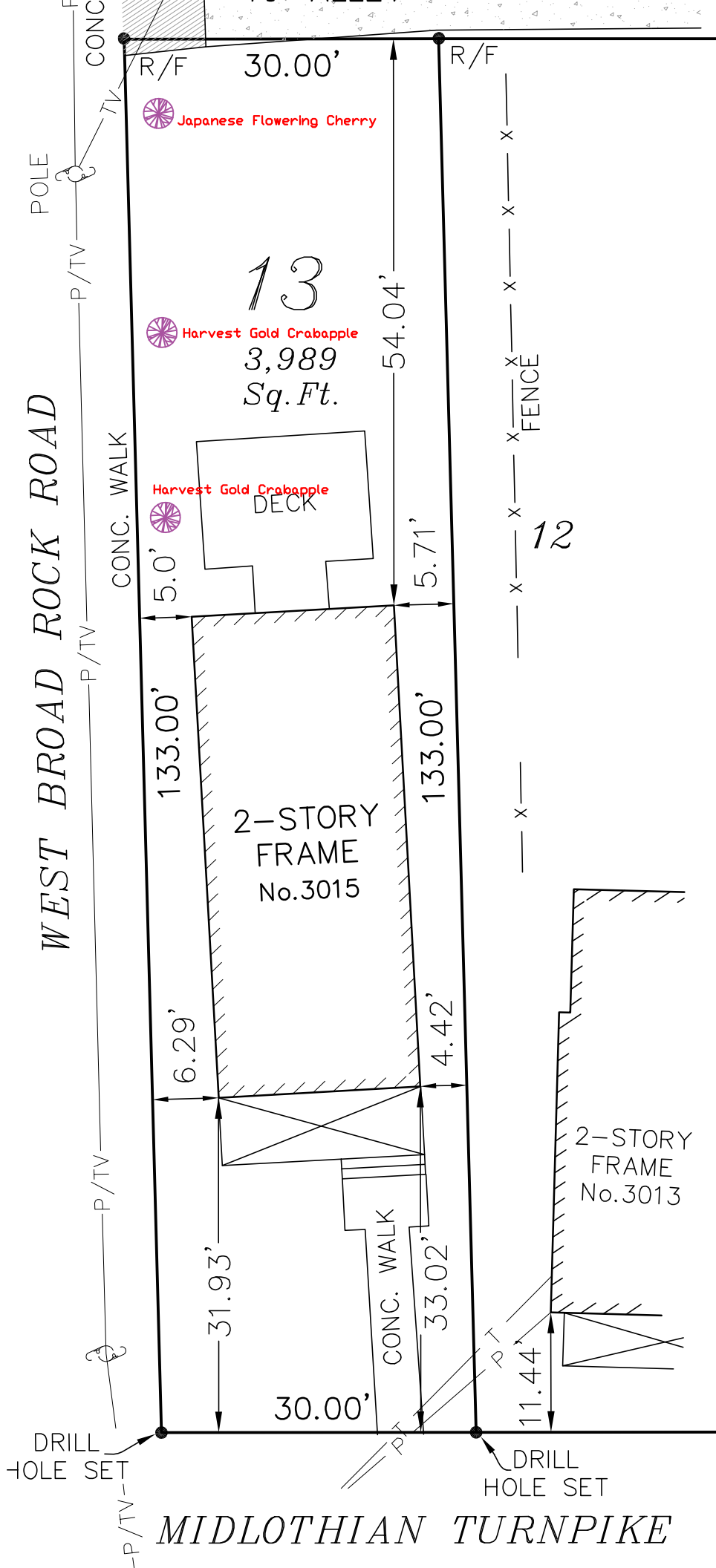
CERTIFIED BY JEFFREY K. FLOYD

VIRGINIA CERTIFICATE NO. 001905

SCALE: 1"=20'

JOB NO. 201113788





MIDLOTHIAN TURNPIKE

**Building Permit - Approved Construction Documents**

Under general authority of the Building Code, this approved set of construction documents shall be kept on the job site at all times and shall not be altered without approval from the Building Official. This permit does not approve any Electrical, Mechanical or Plumbing work. This approval does not relieve the builder from complying with manufacturer instructions, Virginia Uniform Statewide Building Code and City of Richmond regulations whether noted, implied or omitted.

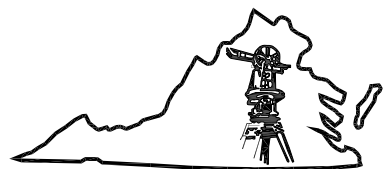
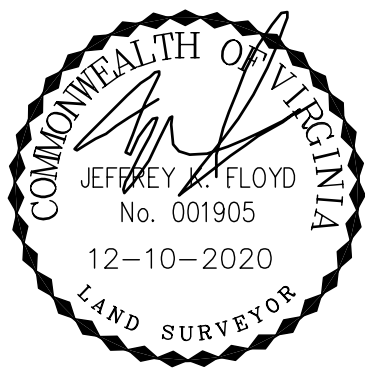
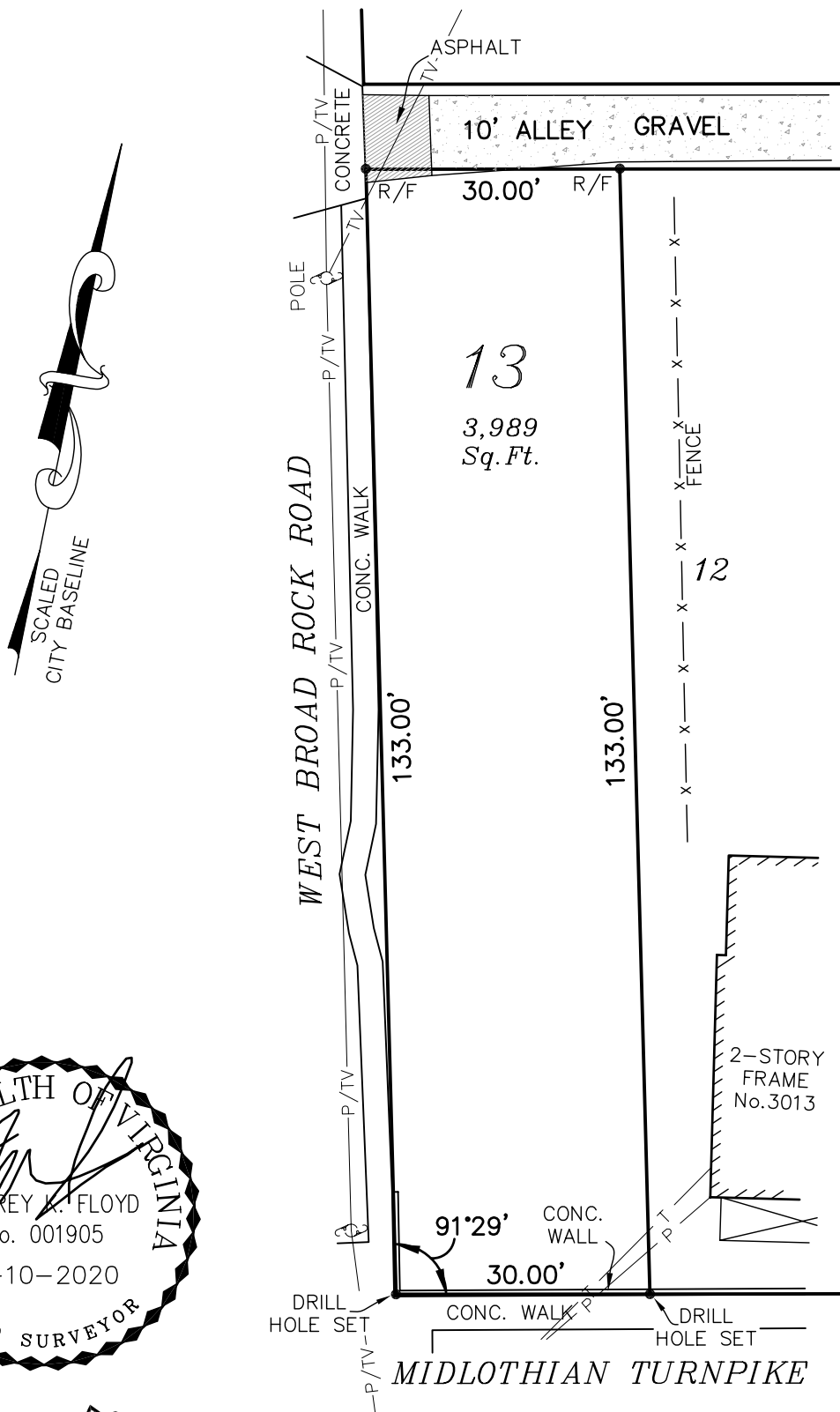
06/08/2021



*DKM*

This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on 12-10-2020 I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID.

This property IS NOT within a FEMA Floodway Hazard as shown on Comm. Panel # 5101290039E Zone: "X" DATED: 7-16-2014



**Virginia Surveys**

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CHESTERFIELD, VA 23832

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**MAP SHOWING THE IMPROVEMENTS  
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IN THE CITY OF RICHMOND, VA.**

DATE: 12-10-2020

CERTIFIED BY JEFFREY K. FLOYD

VIRGINIA CERTIFICATE NO. 001905

SCALE: 1"=20'

JOB NO. 201113788