

INTRODUCED: September 23, 2024

AN ORDINANCE No. 2024-261

To authorize the special use of the properties known as 4236 Shirley Road and 4240 Shirley Road for the purpose of two single-family detached dwellings, with driveway access to the street exceeding nine feet in width, upon certain terms and conditions. (4th District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 12 2024 AT 6 P.M.

WHEREAS, the owner of the properties known as 4236 Shirley Road and 4240 Shirley Road, which are situated in a R-2 Single-Family Residential District, desires to use such properties for the purpose of two single-family detached dwellings, with driveway access to the street exceeding nine feet in width, which use, among other things, is not currently allowed by section 30-404.8, concerning driveways from streets, 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

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 12 2024 REJECTED: _____ STRICKEN: _____

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 4236 Shirley Road and 4240 Shirley Road and identified as Tax Parcel Nos. C004-0246/039 and C004-0246/005, respectively, in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Shirley Road Site Plan, Single Family House Site Plan for Two Lots, Existing Conditions,” prepared by Balzer & Associates, and dated December 30, 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 two single-family detached dwellings, with driveway access to the street exceeding nine feet in width, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Shirley Road Site Plan, Single Family House Site Plan for Two Lots, Layout Plan,” prepared by Balzer & Associates, and dated December 30, 2022, and hereinafter referred to as “the Plans,” a copy of which is 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 two single-family detached dwellings, with driveway access to the street exceeding nine feet in width, substantially as shown on the Plans.

(b) 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this

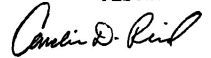
ordinance. An application for the certificate of zoning compliance shall be made within 1,096 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this 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.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

A TRUE COPY:
TESTE:



City Clerk



City of Richmond

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

Master

File Number: Admin-2024-0572

File ID: Admin-2024-0572 **Type:** Request for Ordinance or Resolution **Status:** Regular Agenda

Version: 2 **Reference:** **In Control:** City Clerk Waiting Room

Department: **Cost:** **File Created:** 06/03/2024

Subject: **Final Action:**

Title:

Internal Notes:

Code Sections:

Agenda Date: 09/23/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-0572_4240 Shirley Road_Supporting Documents.pdf, Admin-2024-0572 - AATF Ordinance

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	9/4/2024	Matthew Ebinger	Approve	9/6/2024
2	2	9/4/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	9/4/2024	Kevin Vonck	Approve	9/11/2024
2	4	9/4/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	9/5/2024	Sharon Ebert	Approve	9/7/2024
2	6	9/5/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	9/9/2024	Jeff Gray	Approve	9/9/2024
2	8	9/11/2024	Lincoln Saunders	Approve	9/11/2024
2	9	9/12/2024	Mayor Stoney	Approve	9/13/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2024-0572

City of Richmond
Intracity Correspondence

O&R Transmittal

DATE: September 4, 2024

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

THROUGH: Sharon L. Ebert, DCAO for Planning & Economic Development

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the properties known as 4236 Shirley Road and 4240 Shirley Road for the purpose of two single-family detached dwellings, with driveway access to the street exceeding nine feet in width, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The subject properties are in the R-2 Single-Family Residential District and the zoning ordinance permits front yard driveways no wider than nine feet for properties not served by alleys. The properties are not served by an alley; however the proposed driveways will be 14 feet in width. Therefore, a Special Use Permit is requested.

BACKGROUND: The combined 1.8779-acre subject properties are located on the northern side of Shirley Road near its intersection with Custis Road to the west. The property is not serviced by an alley.

The City's Richmond 300 Master Plan designated a future land use for the subject property as Residential. This designation is defined as a "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature" (Richmond 300, p. 54). Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre. Primary Uses: Single-family houses, accessory dwelling units, and open space. Secondary Uses: Duplexes and small multi-family buildings (typically

3-10 units), institutional, and cultural. Secondary uses may be found along major streets.

COMMUNITY ENGAGEMENT: The Westhampton Citizens Association and the Stonewall Civic Association were notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan.

FISCAL IMPACT: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 23, 2024

CITY COUNCIL PUBLIC HEARING DATE: November 12, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, November 4, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer,
Law Department

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Supporting documents

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

David Watson, Senior Planner, Land Use Administration, 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: 4236 Shirley Rd Richmond Va 23225 Date: 03-05-24

Parcel I.D. #: C0040246005 Fee: _____

Total area of affected site in acres: 1150 sq ft

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

Zoning

Current Zoning: R-2 Residential

Richmond 300 Land Use Designation: R

Proposed Use

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

Existing Use: Adding a Driveway larger than 9'-0" connecting to Shirley Rd.

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Joe Mullins

Company: Cornerstone Homes

Mailing Address: 6912 Three Chopt Rd

City: Richmond State: Va Zip Code: 23226

Telephone: (804) 484-3242 Fax: ()

Email: JMullins@Cornerstonehomes.net

Property Owner: 3 Chopt Homes LLC

If Business Entity, name and title of authorized signee: Frank X. Lackman

(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: 6912 Three Chopt Rd Sutie C

City: Richmond State: Va Zip Code: 23226

Telephone: (804) 484-3242 Fax: ()

Email: FLackman@Cornerstonehomes.net

Property Owner Signature: _____

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 Use Permit Application - 4236 Shirley Road

Applicant: Cornerstone Homes

Contact: Joe Mullins

Email: JMullins@Cornerstonehomes.net

Phone: 804-484-3242 x211

Project Description:

Cornerstone Homes is currently constructing a residential home at 4236 Shirley Road. The initial design included a 12-foot-wide driveway for access from Shirley Road. However, the standard permit requirements stipulate a minimum driveway width of 9 feet.

Request for Variance:

Cornerstone Homes respectfully requests a special use permit to allow the construction of a 12-foot-wide driveway. This request is based on the following considerations:

- **Limited Space:** Due to the layout of the front yard, a 9-foot-wide driveway would pose significant challenges for safely entering and exiting the garage, particularly for larger vehicles.
- **Enhanced Functionality:** A 12-foot-wide driveway would provide additional space for new homeowners to maneuver their vehicles, improving overall convenience and safety.
- **Guest Parking:** The wider driveway would also offer additional parking space for guests, further enhancing the functionality of the property.

Environmental Considerations:

Cornerstone Homes is committed to minimizing the environmental impact of the project. As such, we have incorporated the following measures:

- **Drainage System:** The design includes the installation of drains that will channel water runoff into a Micro-Bioretention Basin located in the backyard. This system will effectively manage stormwater and protect local water quality.

Supporting Documents:

- Survey of the property
- Site plan

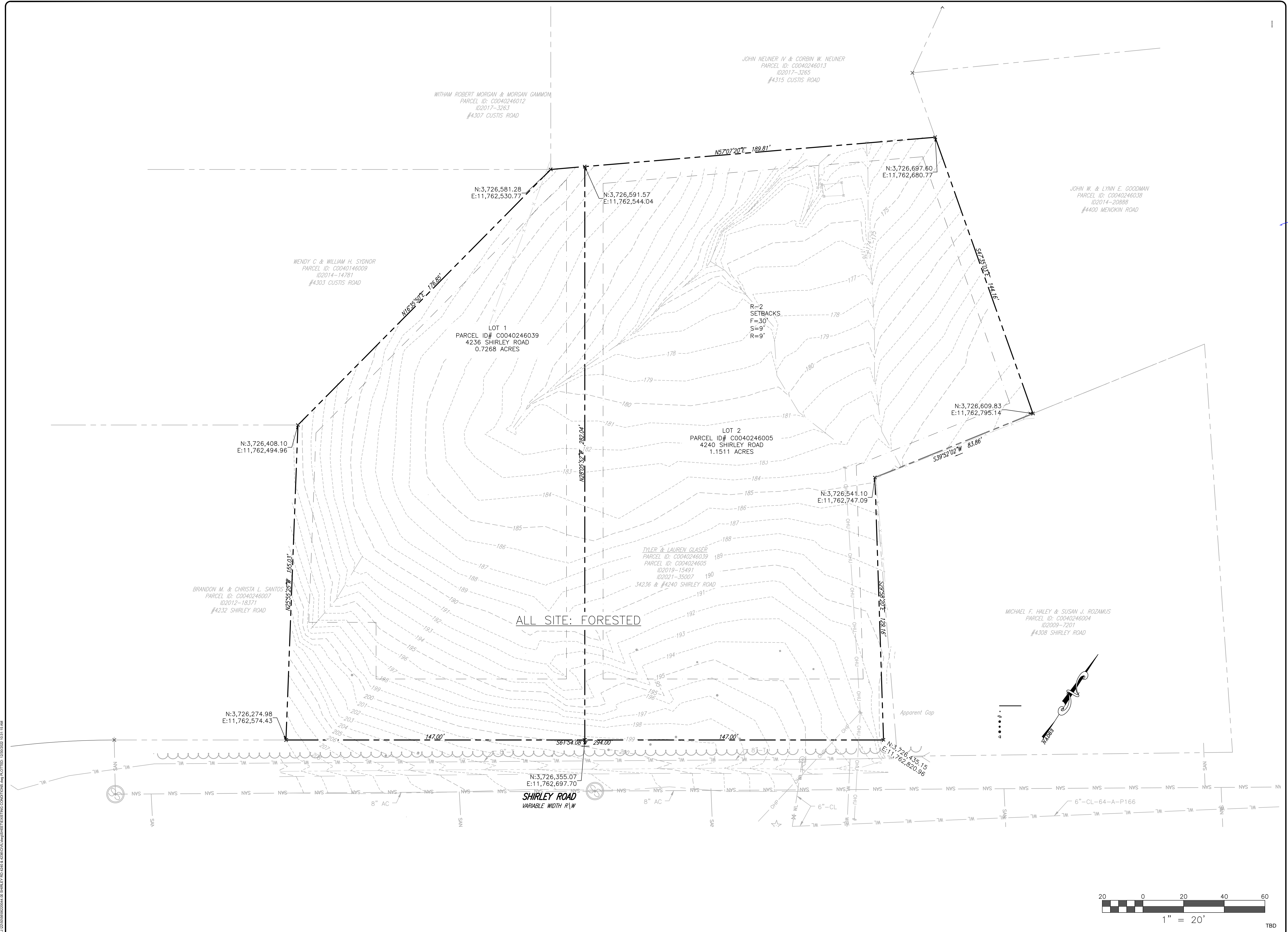
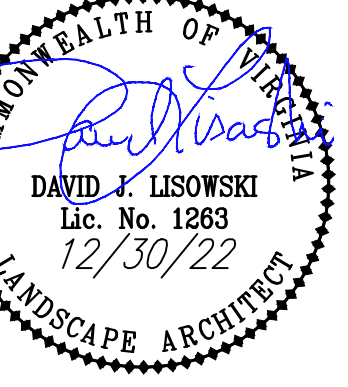
Conclusion:

Cornerstone Homes believes that the proposed 12-foot-wide driveway is essential for ensuring the safe and functional use of the property. We are confident that this design can be implemented while adhering to all environmental regulations. We appreciate your time and consideration and welcome the opportunity to discuss this request further.



BALZER & ASSOCIATES
 PLANNERS / ARCHITECTS
 ENGINEERS / SURVEYORS

Roanoke / Richmond
 New River Valley / Staunton
 Harrisonburg / Lynchburg
www.balzer.cc
 15871 City View Drive
 Suite 200
 Midlothian, VA 23113
 804.794.0571



SHIRLEY ROAD SITE PLAN
 SINGLE FAMILY HOUSE SITE PLAN FOR TWO LOTS
 EXISTING CONDITIONS

DRAWN BY: JLW
 DESIGNED BY: DJL
 CHECKED BY: DJL
 DATE: 12/30/22
 SCALE: 1" = 20'
 REVISIONS:

J:\2020\66662044.00 SHIRLEY RD 4240 & 4236 SHIRLEY ROAD EXISTING CONDITIONS.dwg PLOTTED: 12/30/2022 10:31:10 AM



**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

LOCATION: 4240 Shirley Road

APPLICANT: 3 Chopt Homes, LLC

COUNCIL DISTRICT: 4

PROPOSAL: To authorize the special use of the property known as 4240 Shirley Avenue for the purpose of a single family detached dwelling, upon certain terms and conditions.

For questions, please contact David Watson at 804-646-1036 or David.Watson@RVA.gov

