

INTRODUCED: February 12, 2024

AN ORDINANCE No. 2024-051

To authorize the special use of the property known as 2904 Noble Avenue for the purpose of a single-family detached dwelling with a driveway within the front yard, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAR 11 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 2904 Noble Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a single-family detached dwelling with a driveway within the front yard, which use, among other things, is not currently allowed by section 30-410.8, 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 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

AYES: 7 NOES: 0 ABSTAIN:

ADOPTED: MAR 11 2024 REJECTED: STRICKEN:

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 property known as 2904 Noble Avenue and identified as Tax Parcel No. N000-0870/010 in the 2024 records of the City Assessor, being more particularly shown on as a survey entitled “Building Permit Plat For Lot 23, Block C, Roland Park in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, PLLC, and dated February 24, 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 detached dwelling with a driveway within the front yard, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Site Plan Drawn by Cameron Vanzura,” prepared by Cameron Vanzura, and dated May 23, 2023, hereinafter referred to 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 detached dwelling with a driveway within the front yard, substantially as shown on the Plans.

(b) All site improvements shall be substantially as shown on the Plans.

(c) The street tree planted in accordance with section 4(e) of this ordinance shall be planted between the street and public sidewalk, substantially as shown on the Plans. The species

of such tree shall be selected from the City-approved street tree list and approved by the City Arborist and shall only be planted after all construction work related to the Special Use is completed.

§ 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) The Owner shall make improvements within the right-of-way, including the planting of a street tree along Noble Avenue, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed

only upon written confirmation by the Director of Public Works, or the designee thereof, that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, or the designee thereof, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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.

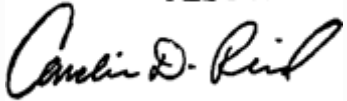
APPROVED AS TO FORM:



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-2023-1653

File ID: Admin-2023-1653

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department: Planning and Development.Review

Cost:

File Created: 09/20/2023

Subject:

Final Action:

Title: To authorize the special use of the property known as 2904 Noble Street for the purpose of a single-family detached dwelling with a driveway in the front yard, upon certain terms and conditions.

Internal Notes:

Code Sections:

Agenda Date: 02/12/2024

Indexes:

Agenda Number:

Patron(s): Urban Design Committee

Enactment Date:

Attachments: Application Packet, OR Map, Scanned SUP - 2904 Noble.pdf

Enactment Number:

Contact:

Introduction Date:

Drafter: Raymond.Roakes@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	1/4/2024	Jonathan Brown	Approve	1/8/2024
2	2	1/4/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	1/10/2024	Kevin Vonck	Approve	1/11/2024
2	4	1/10/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	1/10/2024	Sharon Ebert - FYI	Notified - FYI	
2	6	1/10/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	1/29/2024	Jeff Gray	Approve	1/12/2024

Notes: From: Sedano, Caitlin R. - CAO <Caitlin.Sedano@rva.gov>
Sent: Monday, January 29, 2024 12:44 PM
To: Hagen, Kit - DIT <Kit.Hagen@rva.gov>
Subject: RE: IR11152924 - O&R Assistance

My apologies – I have another in Jeff's queue to move to the CAO's queue:

Admin-2023-1653

2	8	1/29/2024	Lincoln Saunders	Approve	1/31/2024
2	9	2/6/2024	Mayor Stoney	Approve	1/31/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-1653

Title

To authorize the special use of the property known as 2904 Noble Street for the purpose of a single-family detached dwelling with a driveway in the front yard, upon certain terms and conditions.

Body

City of Richmond
Intracity Correspondence

O&R Transmittal

DATE: September 24, 2023

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

RE: To authorize the special use of the property known as 2904 Noble Street for the purpose of a single-family detached dwelling with a driveway in the front yard, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit which would allow for driveway accessing the street when access to an alley is provided, which is not permitted by City Code. A Special Use Permit is therefore required.

BACKGROUND: The property is located in the Northern Barton Heights neighborhood at 2904 Noble Avenue, between Dupont Circle and West Brookland Park Boulevard. The property is currently a 6771 sq. ft. (0.155 acre) parcel of land that is currently occupied by an existing single-family dwelling. The application requests to construct a driveway within the front yard when access to an alley is provided, which is not permitted in City Code.

The City's Richmond 300 Master Plan designates 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."

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.

The current zoning for this property is R-5 - Residential (Single Family). Adjacent properties are generally zoned the same R-5 zone. The surrounding land uses primarily include residential with Chamberlayne Avenue two blocks to the west.

COMMUNITY ENGAGEMENT: The Battery Park Civic Association was notified at the beginning of the project and after introduction. After introduction, surrounding property owners within 300 feet of the project were notified via mail, the project was posted in the newspaper, and signs will be posted on the property itself.

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: December 11, 2023

CITY COUNCIL PUBLIC HEARING DATE: January 8, 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: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

Ray Roakes, Planner, Land Use Administration 804-646-5467

Recommended Action

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike Withdrawn ---- Continue to:



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: 2904 Noble Ave Date: 12/12/2022
 Parcel I.D. #: N00870010 Fee: 300
 Total area of affected site in acres: 0.155

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

Zoning

Current Zoning: R-5 Residential (single family)

Richmond 300 Land Use Designation: R

Proposed Use

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

DRIVEWAY

Existing Use: residential single family detached

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Cameron and Victoria Vanzura

Company: _____

Mailing Address: 2904 Noble Ave

City: Richmond State: VA Zip Code: 23222

Telephone: (832) 779-7908 Fax: ()

Email: cxaszim@gmail.com

Property Owner: Cameron and Victoria Vanzura

If Business Entity, name and title of authorized signee: _____

(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: 2904 Noble Ave

City: Richmond State: VA Zip Code: 23222

Telephone: (832) 779-7908 Fax: ()

Email: Cxaszim@gmail.com

Property Owner Signature:

Cameron Vanzura Victoria Vanzura

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)

Applicant's Report

We are seeking a special use permit to make an improvement to our home by putting in an apron that will connect an existing driveway to the street. There are currently four houses immediately within our vicinity with driveways on our street. Therefore, adding the apron will be compatible with the surrounding area and is an appropriate use for the site consistent with current use at neighboring houses. We have spoken with our neighbors and have their support for putting in the apron. We have also spoken with the Battery Park Civic Association and have the Association's support for putting in the apron.

When we purchased this home in 2020 there was a preexisting driveway, but it was not connected to the street. This is inconsistent with the appearance of the other driveways on the street. By connecting the driveway to the street we will create continuity with the appearance of the other homes in the neighborhood. This is also an improvement that will increase the property value of our home.

The proposed special use will not conflict with any of the requirements outlined in the application, as specifically outlined here:

- Connecting our driveway to the street will in no way be detrimental to the safety, health, morals and general welfare of the community involved. There are already driveways on the street and these are having no detrimental effects to the above-mentioned factors.
- Connecting our driveway to the street will not create congestion in streets, roads, alleys and other public ways and places in the area involved. Connecting our driveway to the street will decrease congestion on the street.
- Connecting our driveway to the street does not involve any hazards from fire, panic or other dangers.
- Connecting our driveway to the street only affects our single family home and as a result does not involve any risk of overcrowding of land and an undue concentration of population.
- The area we are proposing to add an apron is the immediate area between the current driveway and the street. There are no public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences or improvements that it would adversely affect or interfere with.
- Connecting our driveway to the street will involve laying down concrete on the ground and as a result it will not block any light or have any impact on the air.

Please do not hesitate to contact us if you have any questions or concerns.

Cameron and Victoria Vanzura

Attachments

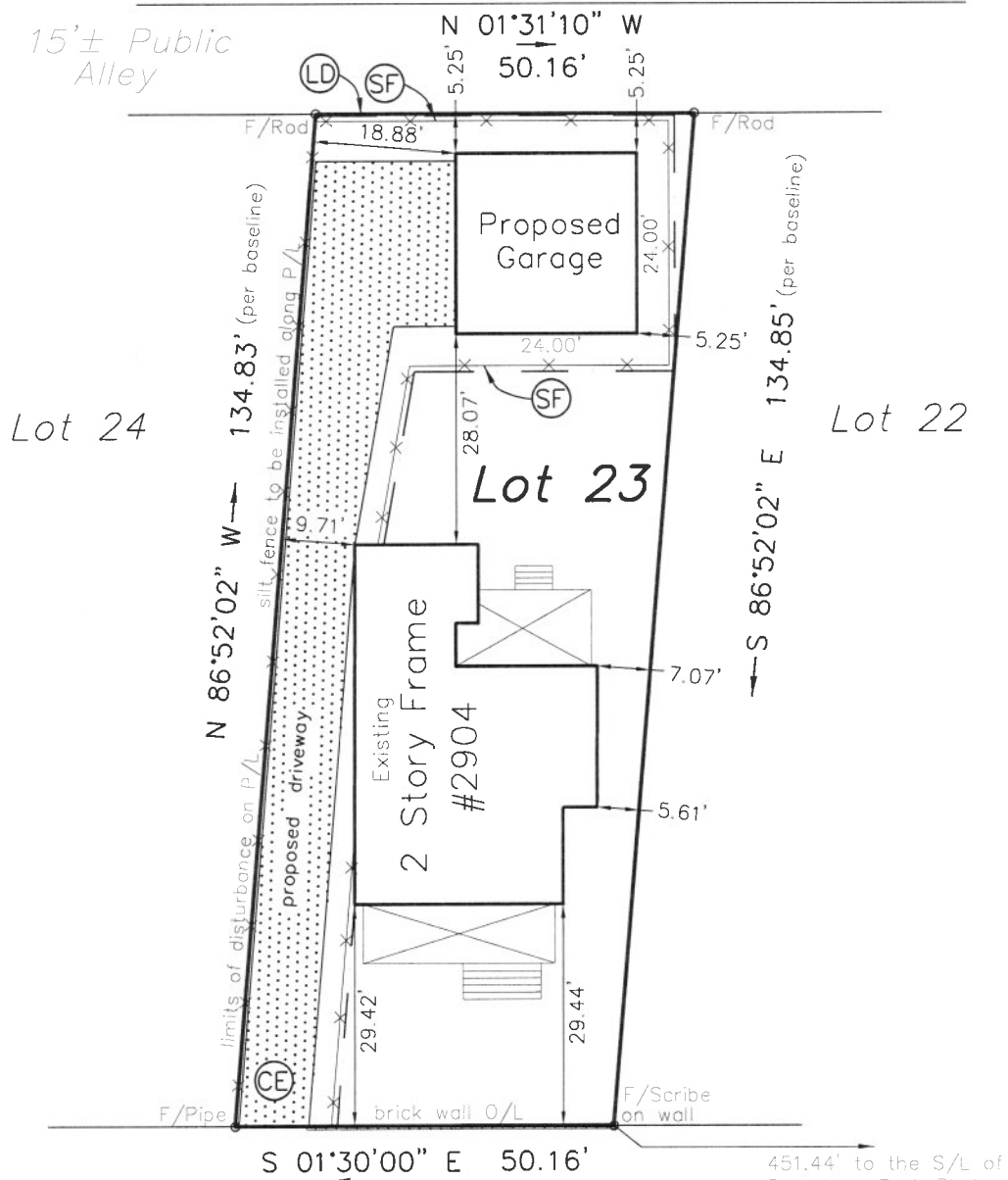
1. Plans and Survey Plat: We have attached the survey from when we bought the home. The place where we will connect the driveway to the street is indicated in red.
2. Letters of support from neighbors
3. Aerial view of neighboring home showing that adding a driveway would be consistent with other homes in the vicinity.

Address: #2904 Noble Avenue
 Current Owner: Tuckahoe Funding, LLC
 Parcel ID: N0000870010
 I.D. 2018 4955

Note: Bearings protracted from City Baseline sheet 19 NW.

Utilities attach underground.

Area of Disturbance is 0.068 ac. (2951.40 sq.ft.)



NOBLE AVENUE

- Ⓢ Construction Entrance
- Ⓢ Silt Fence
- Ⓢ Limits of Disturbance

Building Permit Plat for
 Lot 23, Block C,
 Roland Park in the
 City of Richmond, VA



Edwards, Kretz, Lohr & Associates, PLLC

Land Surveyors-Planners

Virginia-North Carolina

4914 Radford Avenue, Suite 206
 Richmond, Virginia, 23230
 Phone (804) 673-9666
 Fax (804) 673-9990

FLOOD INSURANCE NOTE: By graphics plotting only, this property is in ZONE X of the Flood Insurance Rate Map, Community Panel No. 510129 0029D effective date of 04/02/09. Exact designations can only be determined by an Elevation Certificate. Based on the above information, this property IS NOT in a Special Flood Hazard Area.

Scale: 1"=25'
 Drawn: TCJ
 Job: 1049-20

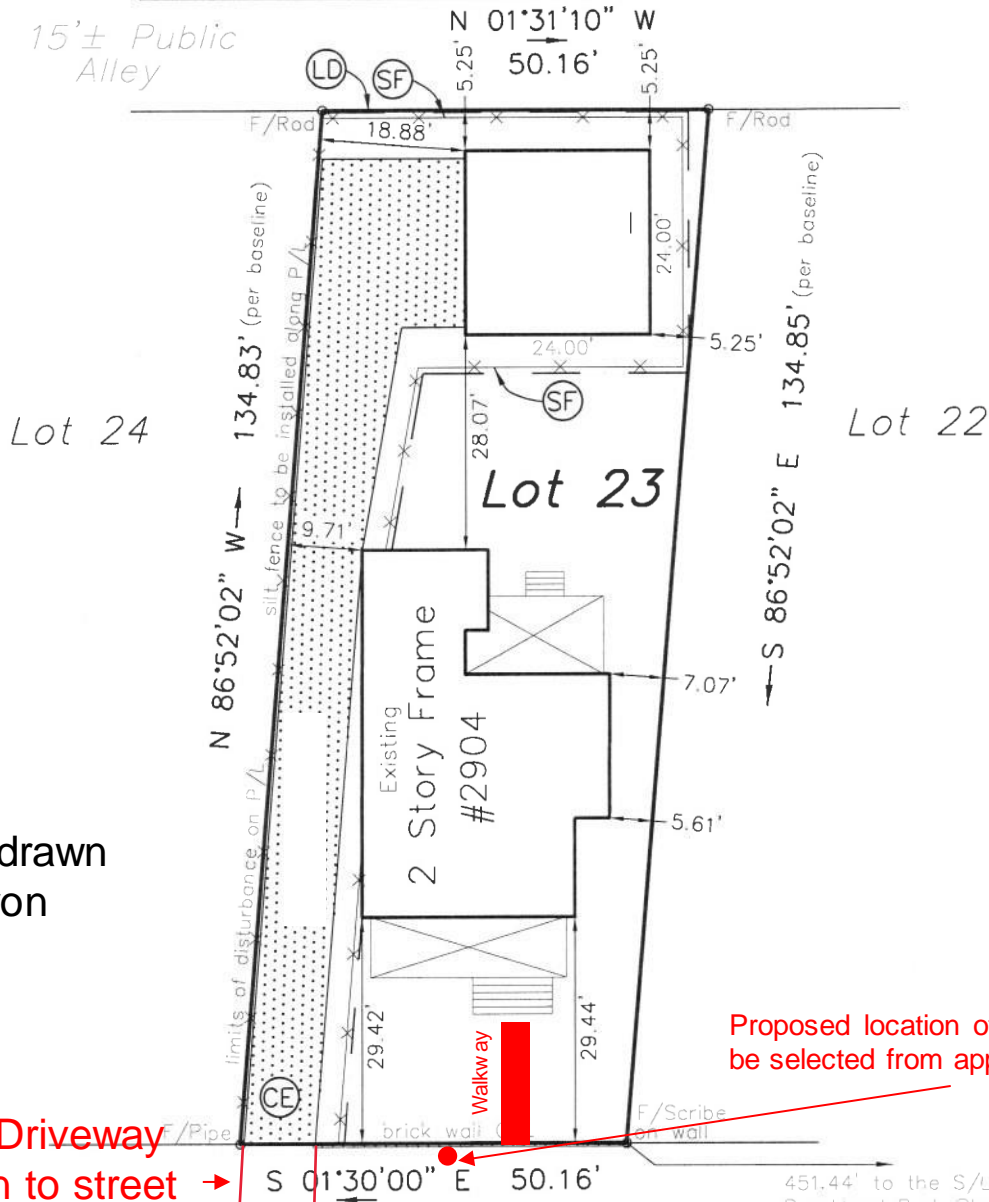
Date: 02/24/20
 Checked: CEM

Address: #2904 Noble Avenue
 Current Owner: Tuckahoe Funding, LLC
 Parcel ID: N0000870010
 I.D. 2018 4955

Note: Bearings protracted from City
 Baseline sheet 19 NW.

Utilities attach underground.

Area of Disturbance is
 0.068 ac. (2951.40 sq.ft.)



Site plan drawn
 by Cameron
 Vanzura
 5/23/23

Proposed Driveway
 Connection to street →

Proposed location of tree (will
 be selected from approved list).

NOBLE AVENUE

- ⊙ Construction Entrance
- ⊙ Silt Fence
- ⊙ Limits of Disturbance

Building Permit Plat for
 Lot 23, Block C,
 Roland Park in the
 City of Richmond, VA



Edwards, Kretz, Lohr & Associates, PLLC
 Land Surveyors-Planners
 Virginia-North Carolina

4914 Radford Avenue, Suite 206
 Richmond, Virginia, 23230
 Phone (804) 673-9666
 Fax (804) 673-9990

FLOOD INSURANCE NOTE: By graphics plotting only,
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 of the Flood Insurance Rate Map, Community Panel No.
 510129 0029D effective date of 04/02/09
 Exact designations can only be determined by an Elevation
 Certificate. Based on the above information, this property
 IS NOT in a Special Flood Hazard Area.

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