

INTRODUCED: September 11, 2023

AN ORDINANCE No. 2023-264

To authorize the special use of the property known as 1100 Hollister Avenue for the purpose of a single-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 10 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 1100 Hollister Avenue which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-408.8, 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 10 2023 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 1100 Hollister Avenue and identified as Tax Parcel No. C009-0093/026 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Improvements on Lot 104, McGuire Homes, City of Richmond, Virginia,” prepared by Balzer & Associates, and dated February 27, 2023, 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, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Improvements on Lot 104, McGuire Homes, City of Richmond, Virginia,” prepared by Balzer & Associates, and dated February 27, 2023, and 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, substantially as shown on the Plans.

(b) No less than one off-street parking space shall be provided for the Special Use, accessed by a driveway from Hollister Avenue, substantially as shown on the Plans.

§ 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.

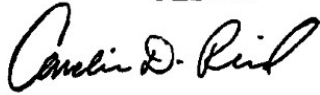
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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 730 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.

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-2023-1274

File ID: Admin-2023-1274 **Type:** Request for Ordinance or Resolution **Status:** Regular Agenda

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

Department: **Cost:** **File Created:** 08/15/2023

Subject: **Final Action:**

Title: To authorize the special use of the property known as 1100 Hollister Avenue for the purpose of a single-family detached dwelling, upon certain terms and conditions.

Internal Notes:

Code Sections:

Agenda Date: 09/11/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-1274_Supporting documents, Admin-2023-1274 - Draft 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	8/15/2023	Matthew Ebinger	Approve	8/17/2023
2	2	8/15/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	8/16/2023	Kevin Vonck	Approve	8/22/2023
2	4	8/16/2023	Alecia Blackwell - FYI	Notified - FYI	
2	5	8/17/2023	Sharon Ebert	Approve	8/23/2023
2	6	8/17/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	8/17/2023	Jeff Gray - FYI	Notified - FYI	
2	8	8/25/2023	Lincoln Saunders	Approve	8/21/2023
2	9	9/7/2023	Mayor Stoney	Approve	8/29/2023

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-2023-1274

Title

To authorize the special use of the property known as 1100 Hollister Avenue for the purpose of a single-family detached dwelling, upon certain terms and conditions.

Body

O & R Request

DATE: August 15, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

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

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

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 1100 Hollister Avenue for the purpose of a single-family detached dwelling, upon certain terms and conditions

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1100 Hollister Avenue for the purpose of a single-family detached dwelling, upon certain terms and conditions

REASON: The subject property is located in the R-4 Single-Family Residential zoning district and single-family detached dwellings are permitted uses in this district. Permitted driveways in this district are limited to nine feet in width. The proposed driveway is fourteen feet wide in order to accommodate ADA considerations. Therefore a special use permit is requested.

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.

BACKGROUND: The subject property is located on the western side of Hollister Avenue near the intersection with Chapel Drive. The lot has road frontage of 81.35 feet and depth of 144 feet, for a lot area of 9,477 square feet, meeting all lot feature requirements for the zoning district. Unimproved alley right-of-ways run along the northern and western boundaries of the property. An ADA compliant single-family dwelling has been constructed on the property and has been granted a temporary certificate of use and occupancy while this request for special use is considered.

The Richmond 300 Master Plan recommends Residential Uses for the Property. Primary uses include single-family dwellings.

Properties in the area generally contain single-family detached homes.

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: September 11, 2023

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, October 2, 2023

AFFECTED AGENCIES: Office of Chief Administration Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Application Form, Applicants Report, Plans, Ordinance Draft

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

..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: 1100 Hollister Ave. Date: 04/18/23
 Parcel I.D. #: C0090093026 Fee: _____
 Total area of affected site in acres: less than 1

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

Zoning

Current Zoning: R4 Residential Single Family

Richmond 300 Land Use Designation: _____

Proposed Use

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

Existing Use: R4 Residential Single Family - this SUP application refers to the driveway of the home

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Ann Coble

Company: Richmond Metropolitan Habitat for Humanity
 Mailing Address: 2281-A Dabney Rd
 City: Richmond State: VA Zip Code: 23230
 Telephone: (8042327001) Fax: (8042327025)
 Email: acoble@richmondhabitat.org

Property Owner: Richmond Metropolitan Habitat for Humanity, Inc.

If Business Entity, name and title of authorized signee: Madelyn Peay, CEO

(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: 2281-A Dabney Rd.
 City: Richmond State: VA Zip Code: 23230
 Telephone: (8042327001) Fax: (8042327025)
 Email: mpeay@richmondhabitat.org

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)

1100 Hollister Avenue
Applicant's Report
Special Use Permit

Richmond Metropolitan Habitat for Humanity (RMHFH) recently completed construction of a single family, affordable, ADA-accessible home located at 1100 Hollister Ave. A concrete driveway was created at the front of the home that is approximately 14' wide, allowing direct access to a wheelchair lift located on the left side of the front porch facing the home.

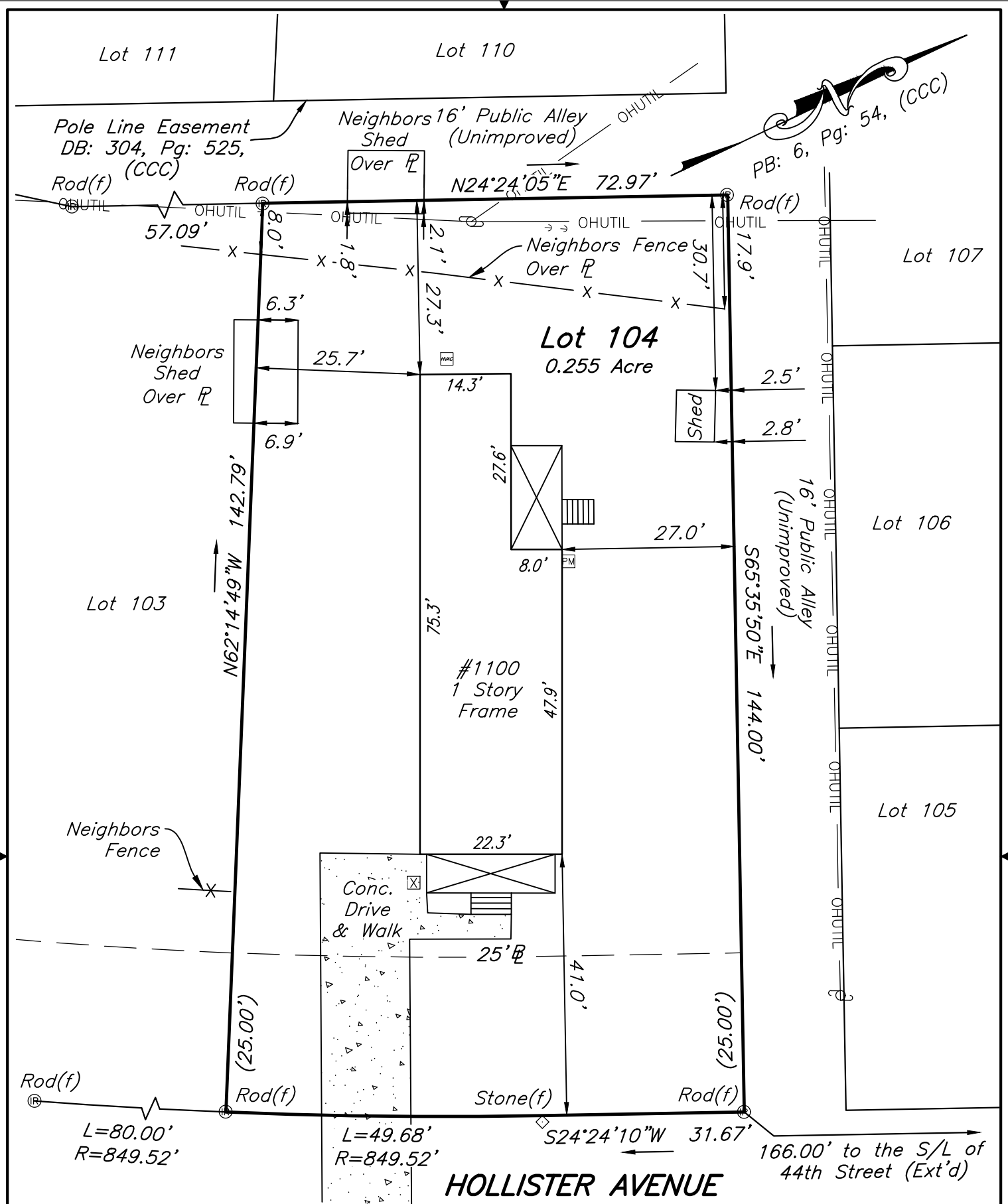
RMHFH proposes to maintain the driveway at its current size, to benefit the future homeowner who requires a wheelchair for mobility. The current zoning ordinance denotes driveways to be no wider than 9', so an SUP is required to maintain this width. The driveway at 14' allows the homeowner to enter and exit their vehicle with enough space to wheel alongside it (an access aisle), making this an appropriate use for the site.¹ Without this space it would be prohibitive for one to maneuver between the wheelchair lift that provides entrance to the home and the vehicle.

Staff members from RMHFH met onsite with Richmond City zoning administrators David Duckhardt and Colleen Dang on 3/29/23 to discuss the driveway and its accessibility requirements. Per their recommendation, we received a temporary Certificate of Occupancy for the home and are following up with an SUP Application.

The proposed use will not contribute towards congestion or overcrowding in the neighborhood, as the driveway will remove the need for street parking. We foresee no detriment to the welfare of the community nor interference with services. Because there is no curb cut along the street, the driveway runs right to the grade of the street without interruption. Public vehicles such as trash and recycling trucks can navigate freely near the driveway. If granted the SUP, no additional construction activity will be necessary to alter the width, eliminating further disruption to neighbors. We anticipate no hazards from fire, panic, or other dangers.

This project aligns with our vision of a world where everyone has a decent place to live, including individuals who require accessible dwellings.

¹ Section 502.3.1 of the ADA Accessibility Standards states, "Access aisles serving car and van parking spaces shall be 60 inches (1525 mm) wide minimum." https://www.access-board.gov/ada/#ada-502_3



Current Owner(s):
 Richmond Metropolitan
 Habitat for Humanity, Inc.
 Parcel ID: C0090093026
 INST # 2021-10955

LEGEND

- HVAC
- Power Meter
- Handicap Elevator
- Utility Pole
- Guy Anchor

RE: Richmond Metro
 Habitat for Humanity
 DATE: 02/27/2023
 SCALE: 1"=20'
 JOB NO.: 55220443.HS
 DRAWN BY: FJE
 CHECKED BY: JAB

This is to certify that this plat or map was prepared under my direction from an actual field survey without the benefit of a title report. Unless otherwise noted, to the best of my knowledge and belief all visible evidence of improvements, easements and apparent encroachments are shown hereon. Not all easements may be shown. Dwelling is within F.E.M.A. defined flood zone "X" per flood insurance rate map no. 5101290039E, dated July 16, 2014.



IMPROVEMENTS ON
LOT 104
MCGUIRE HOMES
 CITY OF RICHMOND, VIRGINIA

PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
 ROANOKE / RICHMOND / NEW RIVER VALLEY / SHENANDOAH VALLEY
 15871 City View Drive, Suite 200 / Midlothian, Virginia 23113 / Phone (804) 794-0571 / www.balzer.cc



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1100

Virginia
VRQ-912

Habitat for Humanity

Habitat for Humanity