

INTRODUCED: March 11, 2024

AN ORDINANCE No. 2024-087

To authorize the special use of the property known as 5224 Bryce Lane for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 8 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 5224 Bryce Lane, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of a day nursery for up to 12 children, which use, among other things, does not meet the requirements of section 30-408.2, concerning permitted accessory uses and structures, 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: APRIL 8 2024 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 5224 Bryce Lane and identified as Tax Parcel No. C008-0301/044 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 5224 Bryce Lane, in the City of Richmond, Virginia,” prepared by the McKnight & Associates, P.C., and dated July 19, 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 day nursery for up to 12 children, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Plat Showing Improvements on No. 5224 Bryce Lane, in the City of Richmond, Virginia,” prepared by the McKnight & Associates, P.C., and dated July 19, 2023, 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 a day nursery for up to 12 children, not including children living on the Property.

(b) Two off-street parking spaces shall be required for the Special Use.

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

(d) The hours of operation for the day nursery shall be from 7:00 a.m. to 6:00 p.m., Monday through Friday.

(e) The day nursery shall be licensed by and operated under the requirements of the Virginia Department of Education or its successor agency.

(f) The day nursery shall be operated by the owner or occupant residing on the Property.

(g) The outdoor play area, substantially as shown in the area labeled "Swing Set" on the Plans, shall be enclosed within a continuous fence or wall not less than four feet in height, which may be (i) located within a required front yard or a required side yard; (ii) opaque or nonopaque, or (iii) a chain-link fence.

§ 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 (2015), 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.

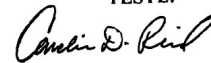
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days 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.

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-2024-0141

File ID: Admin-2024-0141

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 02/13/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 03/11/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-0141 Application Documents, Admin-2024-0141 AATF Ordinance

Enactment Number:

Contact:

Introduction Date:

Drafter: Alyson.Oliver@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	2/13/2024	Matthew Ebinger	Approve	2/15/2024
1	2	2/13/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	2/15/2024	Kevin Vonck	Approve	2/20/2024
1	4	2/15/2024	Alecia Blackwell - FYI	Notified - FYI	
1	5	2/15/2024	Sharon Ebert - FYI	Notified - FYI	
1	6	2/15/2024	Caitlin Sedano - FYI	Notified - FYI	
1	7	2/22/2024	Jeff Gray	Approve	2/19/2024
1	8	2/23/2024	Lincoln Saunders	Approve	2/26/2024
1	9	2/28/2024	Mayor Stoney	Approve	2/27/2024

History of Legislative File

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

Text of Legislative File Admin-2024-0141

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: February 13, 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

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

RE: To authorize the special use of the property known as 5224 Bryce Lane for the purpose of a day nursery for up to 12 children, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to allow for the operation of a day nursery for up to 12 children, within an existing dwelling.

BACKGROUND: The applicant is requesting a special use permit to authorize a day nursery for up to 12 children in the R-4 Single-Family Residential District. Day nurseries are not allowed in the R-4 District, per Section 30-408.3 of the City’s Zoning Ordinance.

The subject property contains a lot area of approximately 26,136 square feet and is currently occupied by a single-family dwelling.

The City’s Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as “Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature.” The property is located within the South Garden neighborhood.

COMMUNITY ENGAGEMENT: There is no civic association associated with this area or the surrounding nearby areas; 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: March 11, 2024

CITY COUNCIL PUBLIC HEARING DATE: April 8, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission on April 2, 2024

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, Survey, Map

STAFF:

Matthew J. Ebinger, Planning Supervisor, Land Use Administration (Room 511), 646-6308

Alyson Oliver, Planner, Land Use Administration (Room 511), 646-3709



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.richmond.gov/>

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: 5224 Bryce Lane
Parcel I.D. #: C0080301044 Fee: \$ 300.00
Total area of affected site in acres: 1700 sq ft

Date: 9/11/23

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

Zoning

Current Zoning: B-4

Richmond 300 Land Use Designation: _____

Proposed Use

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

Family Day Home
Existing Use: My Home - Residential

Is this property subject to any previous land use cases?

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

Applicant/Contact Person:

Brenda Redding
Company: Camp Redding Preschool LLC.
Mailing Address: 5224 Bryce Lane
City: Richmond State: VA Zip Code: 23224
Telephone: (804) 399-3241 Fax: ()
Email: bredding51@gmail.com

Property Owner:

Arcillious ; Brenda Redding
If Business Entity, name and title of authorized signee: Brenda Redding

(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: 5224 Bryce Lane
City: Richmond State: VA Zip Code: 23224
Telephone: (804) 399-3241 Fax: ()
Email: bredding51@gmail.com

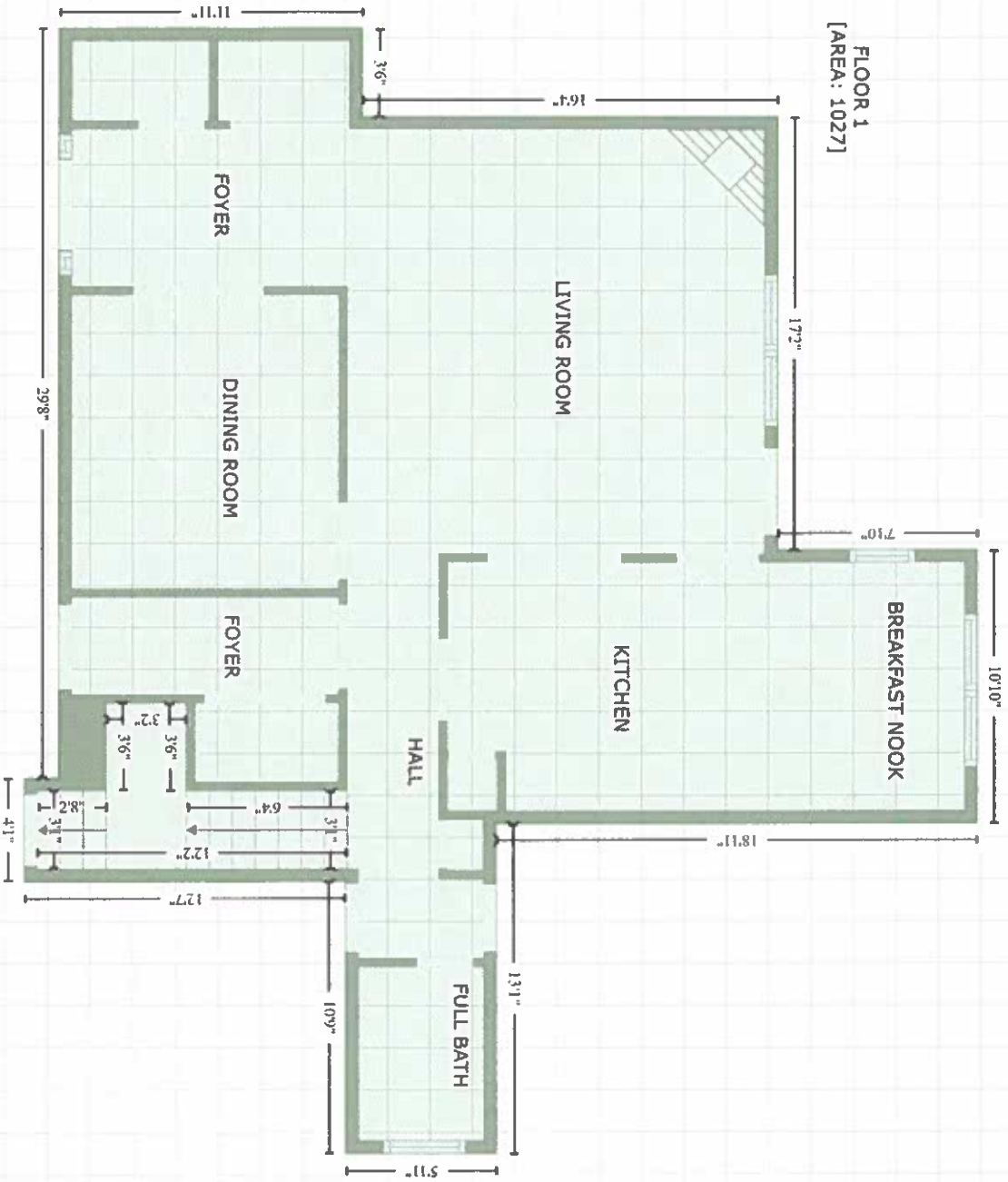
Property Owner Signature:

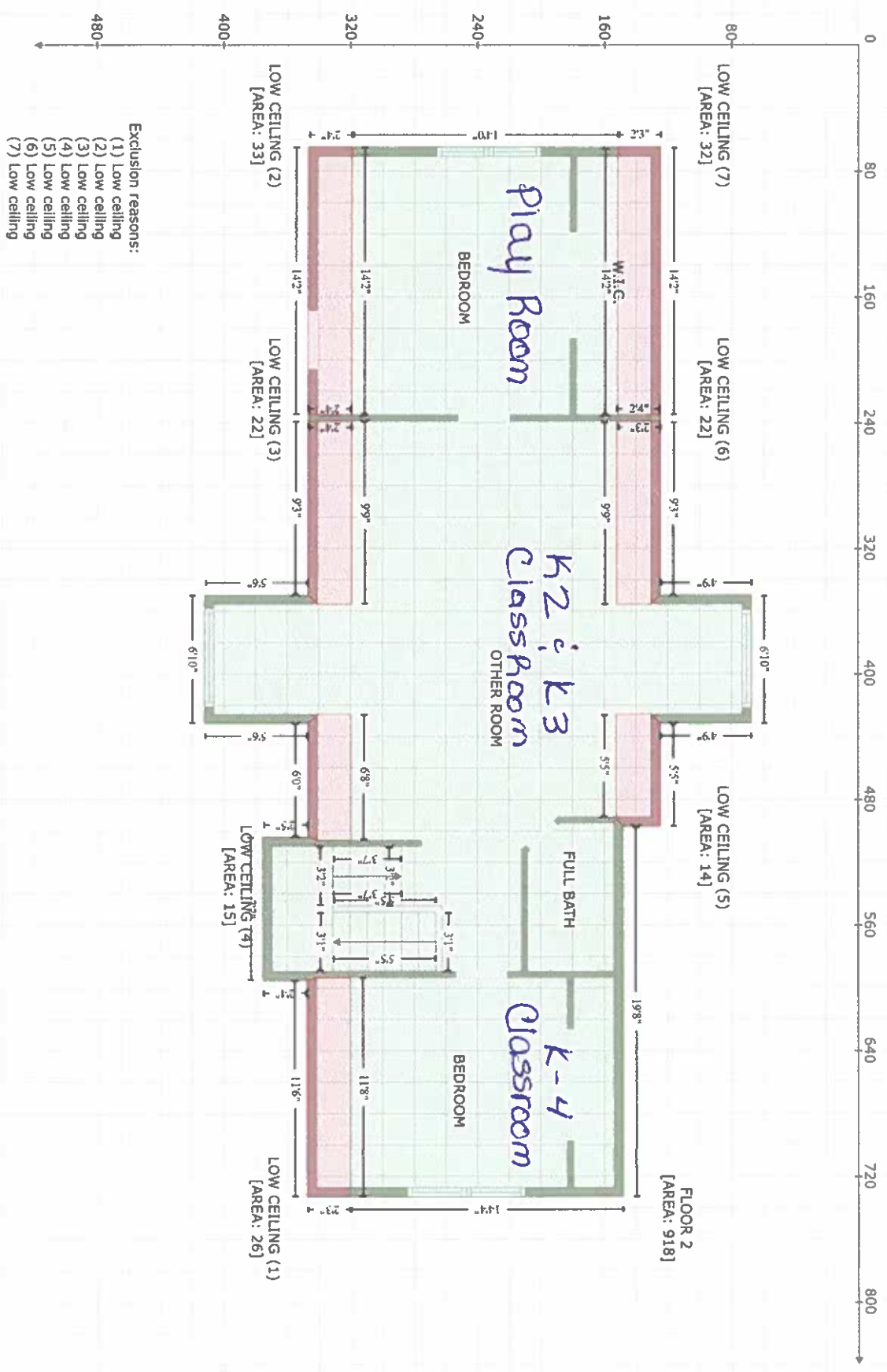
 Brenda Redding

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)

FLOOR 1
[AREA: 1027]



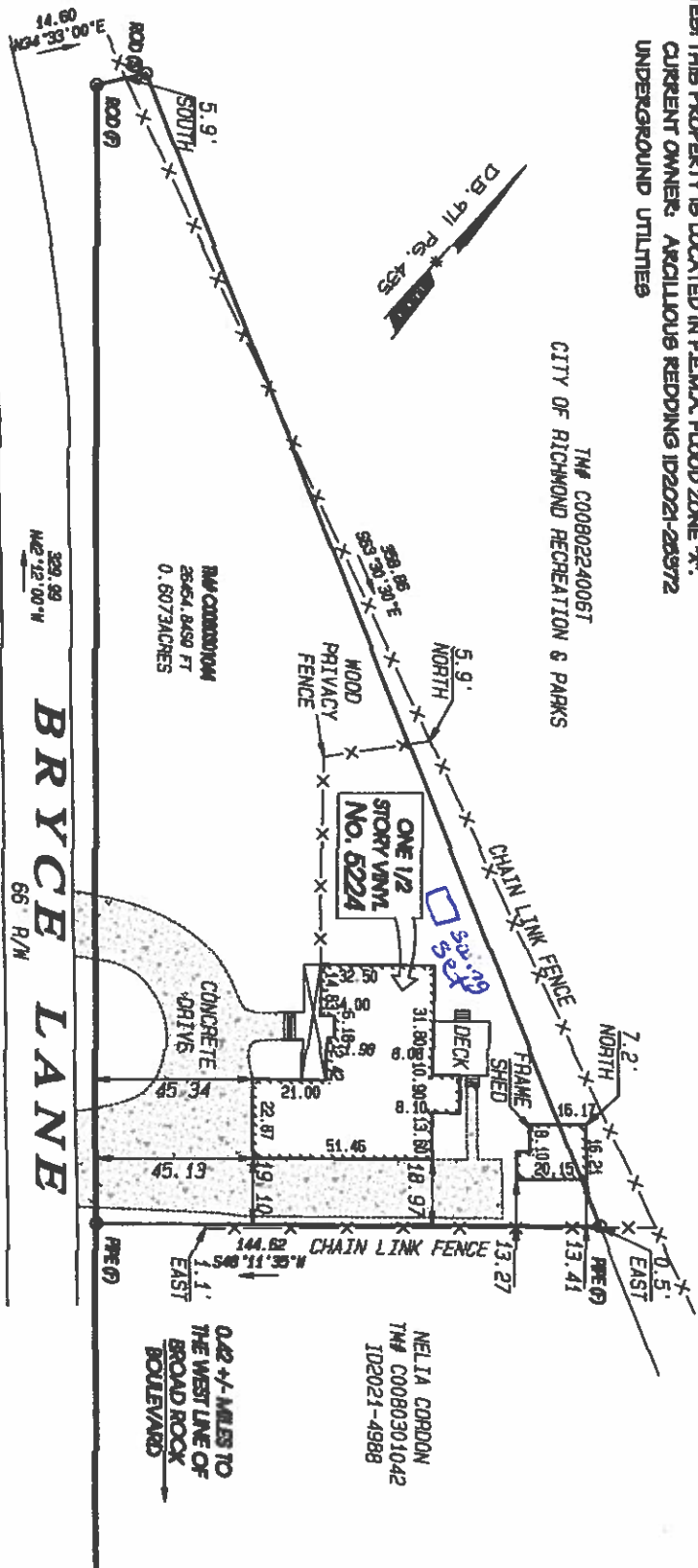


Exclusion reasons:

- (1) Low ceiling
- (2) Low ceiling
- (3) Low ceiling
- (4) Low ceiling
- (5) Low ceiling
- (6) Low ceiling
- (7) Low ceiling

NOTES: THIS PROPERTY IS LOCATED IN FEMA FLOOD ZONE "X".
 CURRENT OWNER: ARCILLIOUS REDDING ID2021-28972
 UNDERGROUND UTILITIES

TM# C00802240061
 CITY OF RICHMOND RECREATION & PARKS



RM CORDON
 26,64, 8492 FT
 0.6073 ACRES

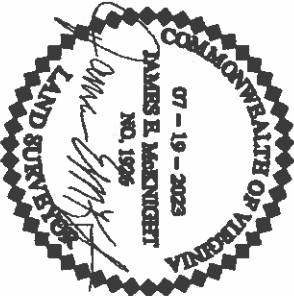
NELIA CORDON
 TM# C0080301042
 ID2021-4988

0.42 +/- MILES TO
 THE WEST LINE OF
 BROAD ROCK
 BOULEVARD

329.89
 N42°12'00"W

BRYCE LANE
 66' R/W

THIS IS TO CERTIFY THAT ON JULY 29, 2025 I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON THAT THERE ARE NO ENCROACHMENTS BY ENCROACHMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON AND FROM THE PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING RUN AND RECORDED WITHOUT BENEFIT OF A TITLE REPORT. THE SURVEY SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE KNOWN TO WHAT IS SHOWN AND BELIEVED TO BE IN COMPLIANCE WITH THE APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS AND THE ARCHITECTURAL, PROFESSIONAL ENGINEERING, AND LAND SURVEYORS.



PLAT SHOWING IMPROVEMENTS ON
 No. 5224 BRYCE LANE, IN THE CITY
 OF RICHMOND, VIRGINIA

SCALE: 1" = 40'

MCKNIGHT & ASSOCIATES, P.C.
 LAND SURVEYORS PLANNERS
 201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23236
 TELEPHONE (804) 320-2646
 JOB NUMBER: 91067724

To the City of Richmond

I'm writing on behalf of Camp Redding Preschool LLC at 5224 Bryce Lane Richmond,VA 23224 in order to obtain a special use permit to start my family day home school. My home is around 3000 sq ft and I have 12 children waiting to start school. Our staff consists of myself and my daughter. The hours of operation are 7:30 am - 5:30 pm Monday - Friday. Our property will allow our parents to park in our driveway and not on the streets for the safety of our children. Our backyard is fenced in to keep our children safe from animals and other people as well as security cameras around the yard. If you need more information please feel free to reach out to me.

Thank You,
Brenda Redding