

INTRODUCED: January 24, 2022

AN ORDINANCE No. 2022-027

To authorize the special use of the property known as 3411 Hawthorne Avenue for the purpose of a single-family detached dwelling with an accessory dwelling unit, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 28 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 3411 Hawthorne Avenue, which is situated in a R-1 Single-Family Residential District, desires to use such property for the purpose of a single-family detached dwelling with an accessory dwelling unit, which use, among other things, is not currently allowed by section 30-402.1 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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 28 2022 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 3411 Hawthorne Avenue and identified as Tax Parcel No. N000-1345/028 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Survey Plat Showing Existing Improvements To #3411 Hawthorne Avenue, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated August 2, 2021, 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 an accessory dwelling unit, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Waidelich Rec Room, 3411 Hawthorne Avenue, Richmond, Virginia 23222,” prepared by Ratio, and dated October 26, 2021, 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 with an accessory dwelling unit, substantially as shown on the Plans.

(b) No less than two off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.

(d) 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

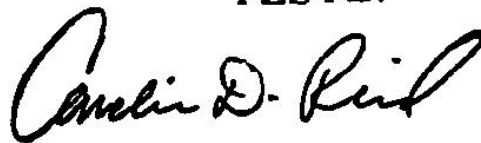
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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 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.

A TRUE COPY:

TESTE:

A handwritten signature in black ink, appearing to read "Amelia D. Reid". The signature is written in a cursive, flowing style.

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.2021.932

O & R Request

DATE: December 13, 2021

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (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, 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 3411 Hawthorne Avenue for the purpose of a single-family detached dwelling with an accessory dwelling unit, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 3411 Hawthorne Avenue for the purpose of a single-family detached dwelling with an accessory dwelling unit, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize a dwelling unit that is accessory to an existing single-family detached residential building. The proposed is not a permitted use within the R-1 Single-Family Residential District. A Special Use Permit is therefore required.

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 February 7, 2022, meeting.

BACKGROUND: The property is located in the Ginter Park neighborhood on Hawthorne Street between Noble and Chamberlayne Avenues. The property is currently a 19,988 sq. ft. (.46 acre) parcel of land.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as neighborhoods "...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 (p. 54)

The current zoning for this property is R-1 Single-Family Residential District. All adjacent properties are located within the same R-1 Residential Zone, with some R-2 Single-Family Residential to the east and south of the property. The area is primarily single family residential, with some multi-family residential and small, neighborhood commercial uses present in the vicinity.

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: January 10, 2022

CITY COUNCIL PUBLIC HEARING DATE: February 14, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
February 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 Form, Applicant's Report, Plans, Survey, Map

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734



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: 3411 HAWTHORNE AVE, RICHMOND, VA 23222 Date: 08/11/2021
Tax Map #: N0001345028 Fee: \$300
Total area of affected site in acres: 0.02755 of 0.459 total acres site

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

Zoning

Current Zoning: R-1 - Residential (Single Family)

Existing Use: R-1 - Residential (Single Family)

Proposed Use

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

See Attached

Existing Use: R-1 - Residential (Single Family)

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: David Waidelich

Company: _____

Mailing Address: 3411 HAWTHORNE AVE.

City: RICHMOND State: VA Zip Code: 23222

Telephone: (757) 642-5243 Fax: ()

Email: david.waidelich1@gmail.com

Property Owner: < SAME > David Waidelich

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: 3411 HAWTHORNE AVE.

City: RICHMOND State: VA Zip Code: 23222

Telephone: (757) 642-5243 Fax: ()

Email: david.waidelich1@gmail.com

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)

3411 Hawthorne Avenue

August 10, 2021

Special Use Permit – Applicant’s Report

The attached application is for a Special Use Permit (SUP) at 3411 Hawthorne Avenue, located in Ginter Park. The existing home is two stories tall with a basement and is positioned toward the front of the .459 acre site. There is an existing detached garage. The current use is R-1 and there will be no change to use. The required side yard setbacks for residential use under the R-1 Zoning is 10 feet. This application is for approval to remove an existing detached garage structure (currently 2’ off the property line) and construct a new detached two car garage with a dwelling unit at the same 2’-0” setback from the property line to match the existing setback.

Further, we are requesting to include a small office/ residential unit at the back of the new garage. Current R-1 zoning does not allow for dwelling units in accessory structures. The unit would have a full bath but no kitchen. A kitchenette might be added to the garage or unit in the future.

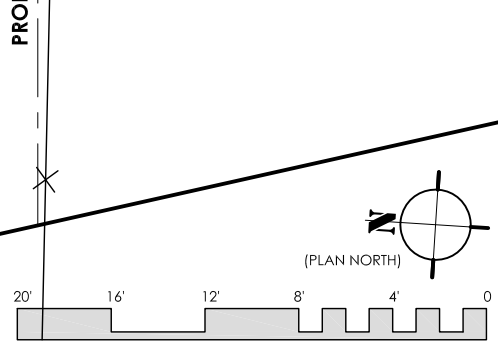
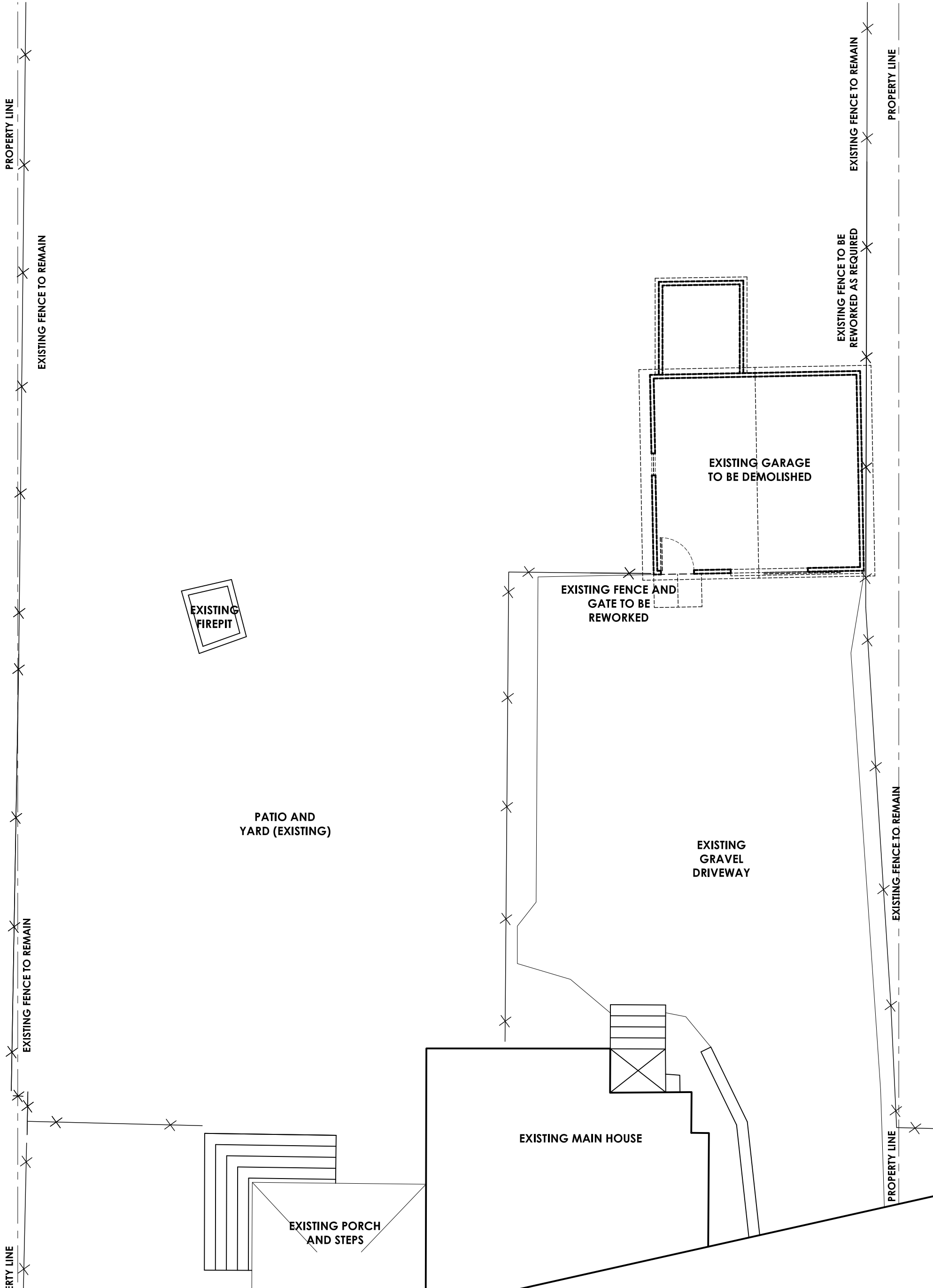
The existing garage is being demolished and the new garage and sleeping unit structure will meet current building codes and will therefore NOT be detrimental to the safety, health, morals and general welfare of the community involved.

Also, based on the location and replacing a similar structure on the site it will NOT tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, OR create hazards from fire, panic or other dangers.

Further, based on other similar detached garages in the neighborhood with less setbacks it will NOT tend to cause overcrowding of land and an undue concentration of population and certainly NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or interfere with adequate light and air.

Prepared by:

David Waidelich (Owner) &
Bruce Shirley, Ratio, PC (Architect)



© ratio 2021
 10 . 26 . 21
 SUP Submission
 SCALE: 1/8" = 1'-0"

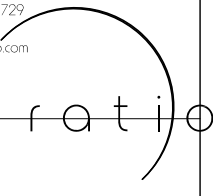
SK - 01
 Drawing: 1 of 8

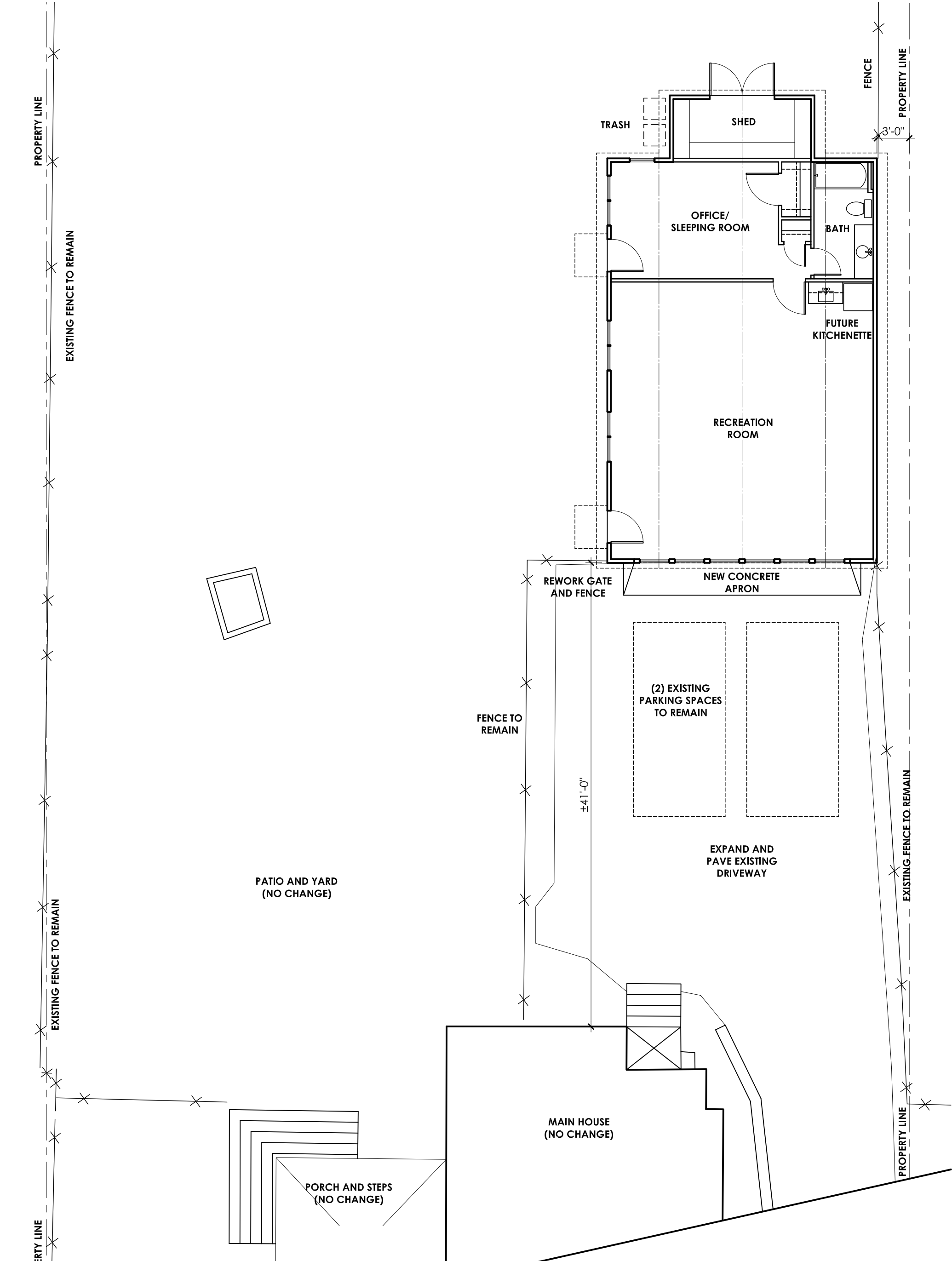
WAIDELICH REC ROOM

3411 Hawthorne Avenue
 Richmond, Virginia 23222

NOTES:
 EXISTING/ DEMO SITE

1406 Laburnum Park Boulevard
 Richmond VA 23227
 t & f . 804.264.1729
 www.ratiostudio.com





PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

EXISTING FENCE TO REMAIN

FENCE TO REMAIN

EXISTING FENCE TO REMAIN

PROPERTY LINE

PROPERTY LINE

FENCE

PATIO AND YARD
(NO CHANGE)

PORCH AND STEPS
(NO CHANGE)

MAIN HOUSE
(NO CHANGE)

(2) EXISTING
PARKING SPACES
TO REMAIN

EXPAND AND
PAVE EXISTING
DRIVEWAY

NEW CONCRETE
APRON

OFFICE/
SLEEPING ROOM

BATH

FUTURE
KITCHENETTE

RECREATION
ROOM

SHED

TRASH

NOTES:
NEW PARTIAL SITE PLAN

1406 Laburnum Park Boulevard
Richmond VA 23227

t & f 804.264.1729

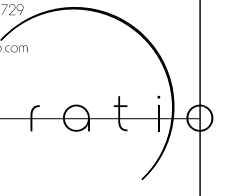
www.ratiostudio.com

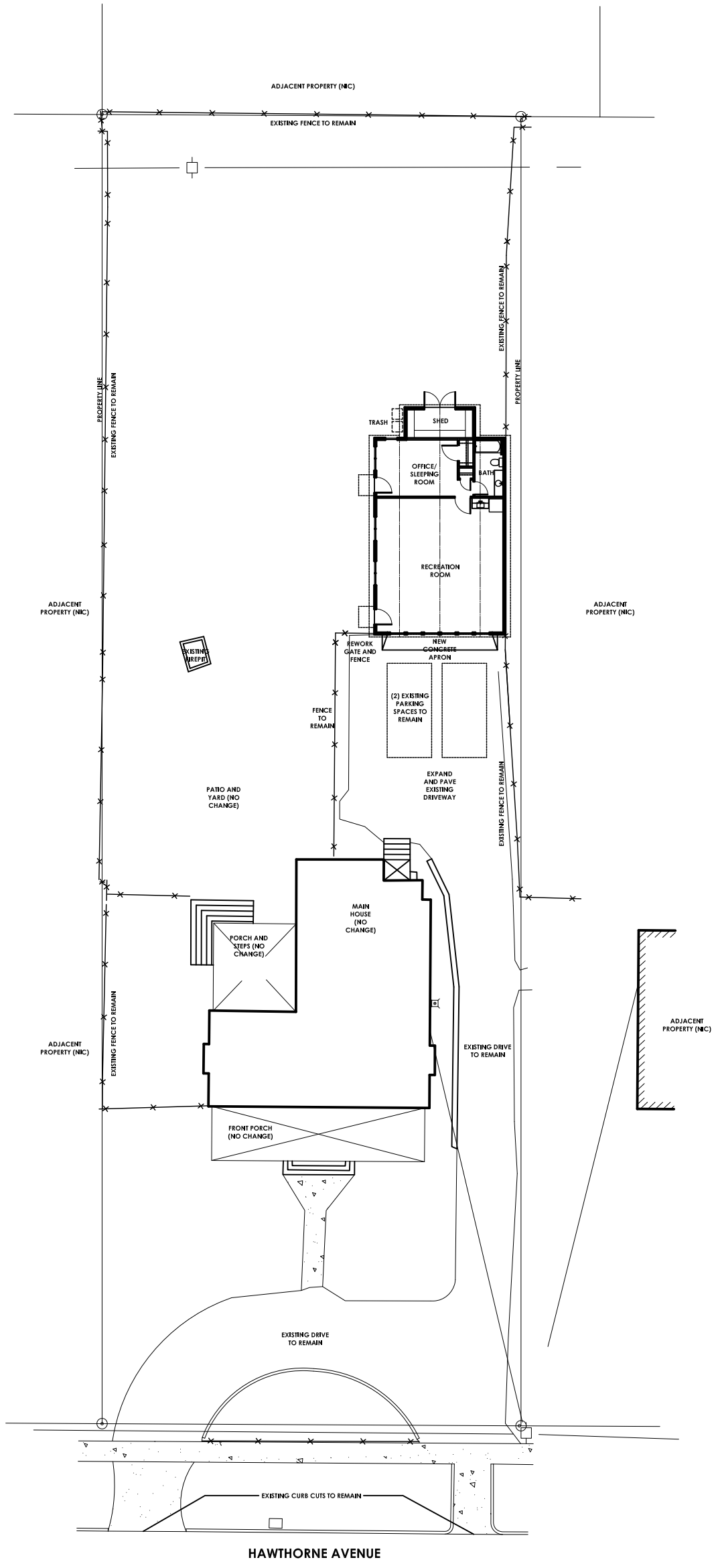
SK - 02
Drawing: 2 of 8

WAIDELICH REC ROOM

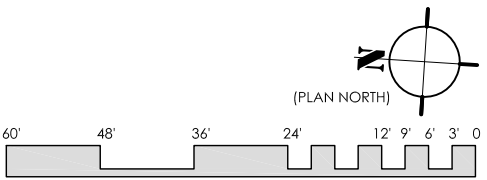
3411 Hawthorne Avenue
Richmond, Virginia 23222

© ratio 2021
10 . 26 . 21
SUP Submission
SCALE: 1/8" = 1'-0"





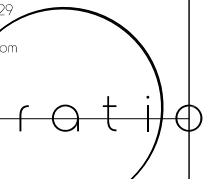
HAWTHORNE AVENUE

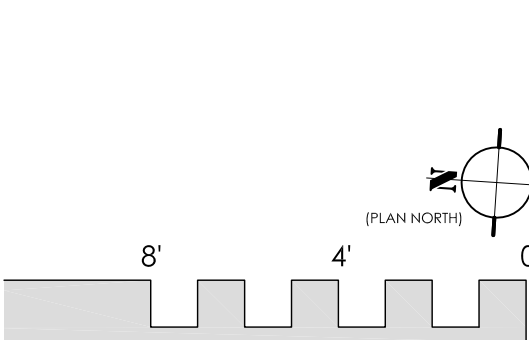
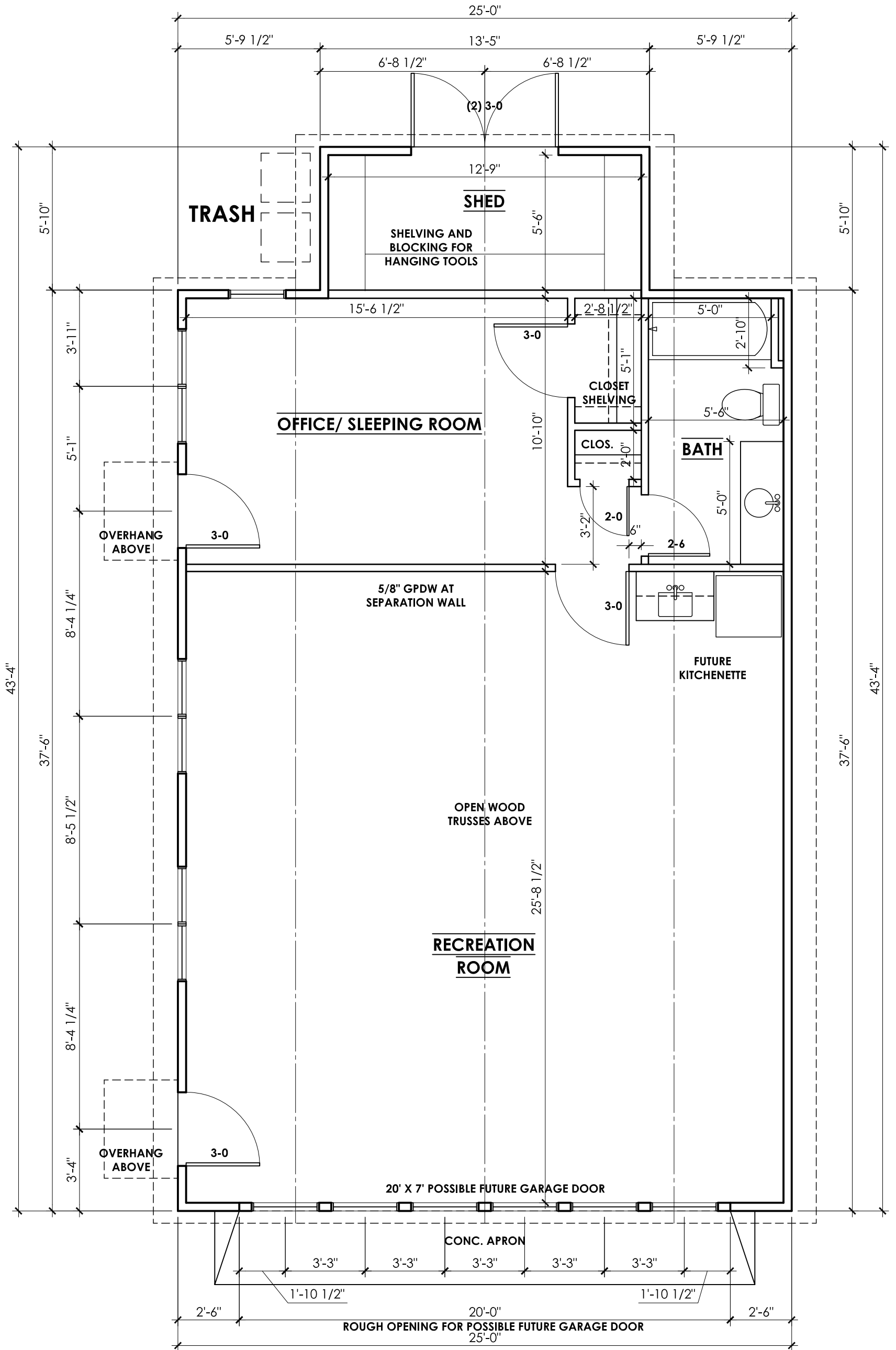


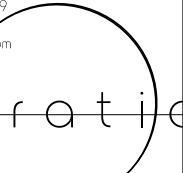
10.26.21
 SUP Submission
 SCALE: 3/32" = 1'-0"

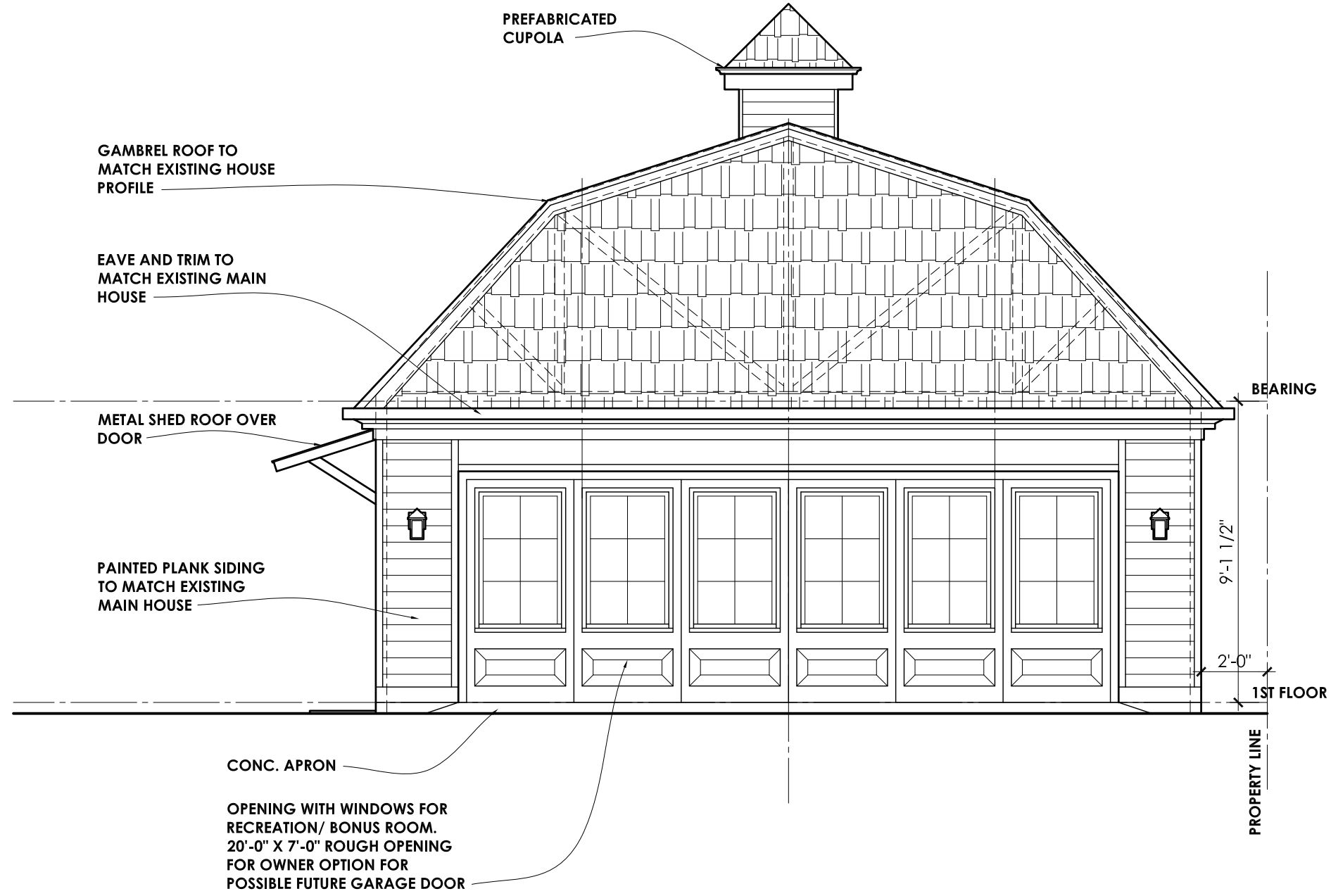
SK - 03
 Drawing: 3 of 8
WAIDELICH REC ROOM
 3411 Hawthorne Avenue
 Richmond, Virginia 23222

NOTES:
 NEW FULL SITE PLAN
 1406 Laburnum Park Boulevard
 Richmond VA 23227
 t & f . 804.264.1729
 www.ratiostudio.com





<p>© ratio 2021</p> <p>10 . 26 . 21 SUP Submission</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>SK - 04 Drawing: 4 of 8</p> <p>WAIDELICH REC ROOM</p> <p>3411 Hawthorne Avenue Richmond, Virginia 23222</p>	<p>NOTES: FLOOR PLAN</p>	<p>1406 Laburnum Park Boulevard Richmond VA 23227</p> <p>t & f . 804.264.1729</p> <p>www.ratiostudio.com</p> 
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NOTES:
FRONT ELEVATION

SK - 05
Drawing: 5 of 8

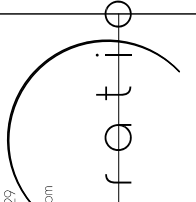
WADELICH REC ROOM

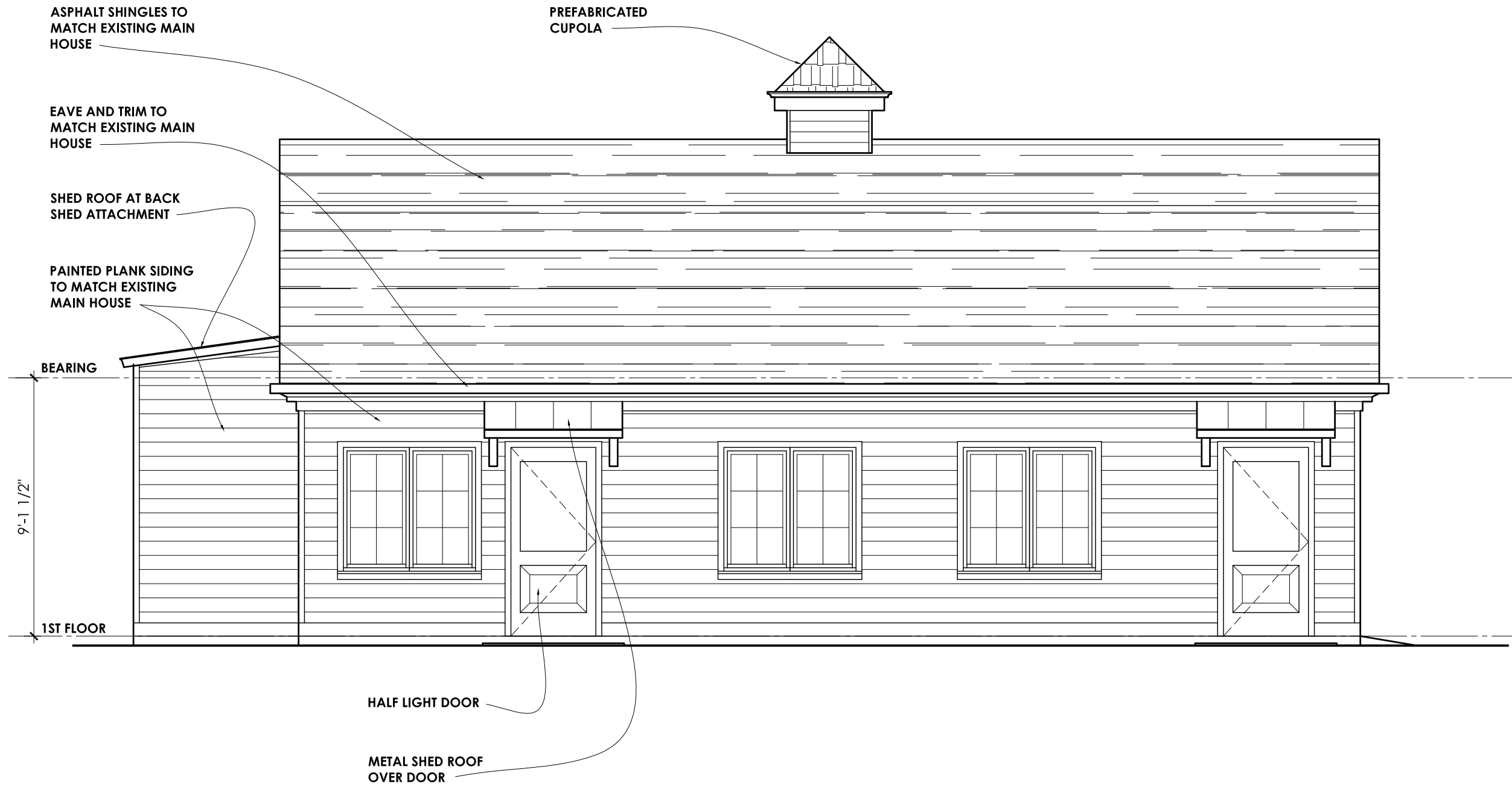
3411 Hawthorne Avenue
Richmond, Virginia 23222

10.26.21
SUP Submission
SCALE: 1/4" = 1'-0"

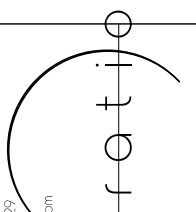
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NOTES:
 YARD SIDE ELEVATION

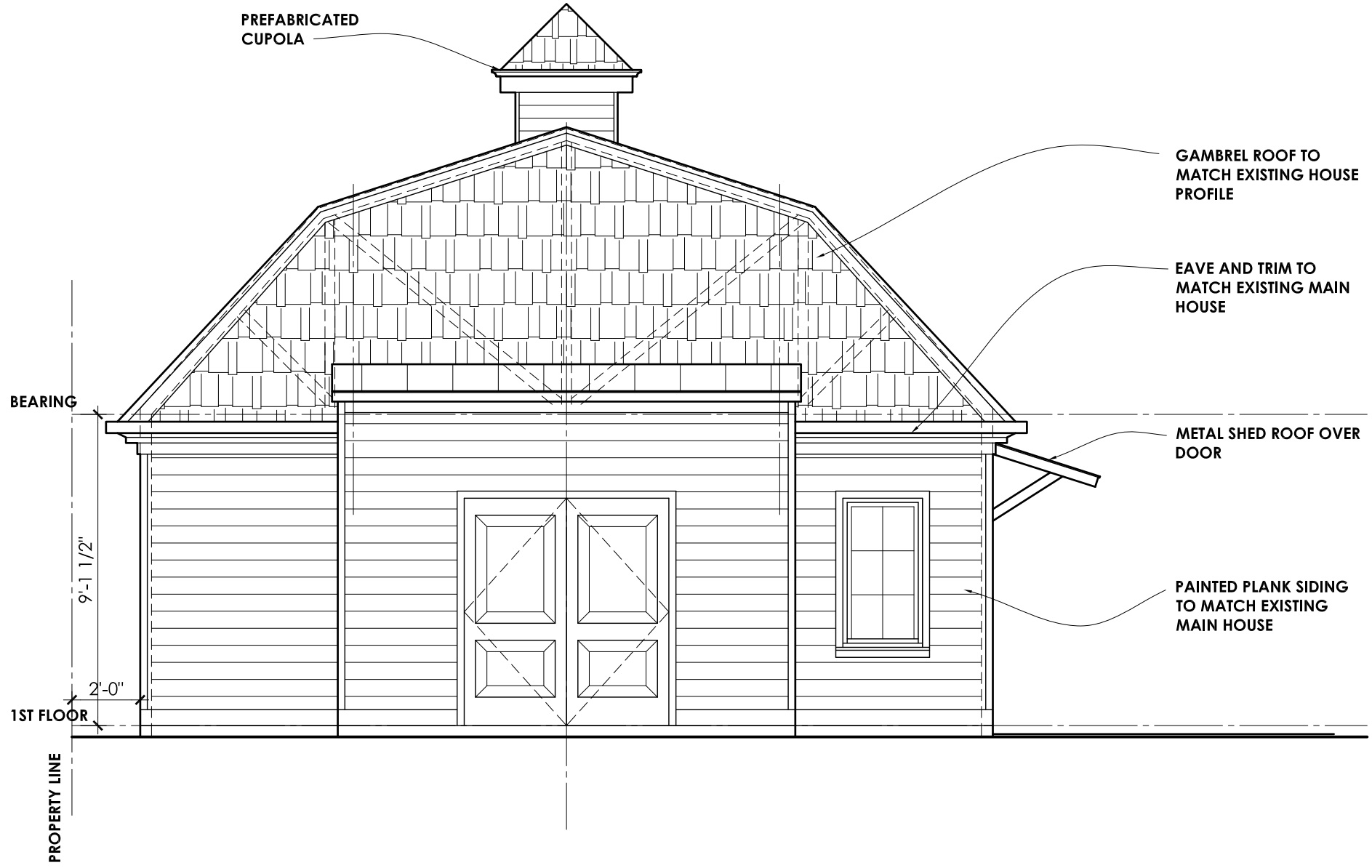
SK - 06
 Drawing: 6 of 8

WADELICH REC ROOM

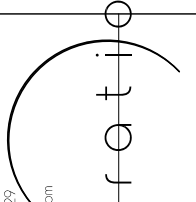
3411 Hawthorne Avenue
 Richmond, Virginia 23222

10.26.21
 SUP Submission
 SCALE: 1/4" = 1'-0"

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NOTES:
 BACK ELEVATION

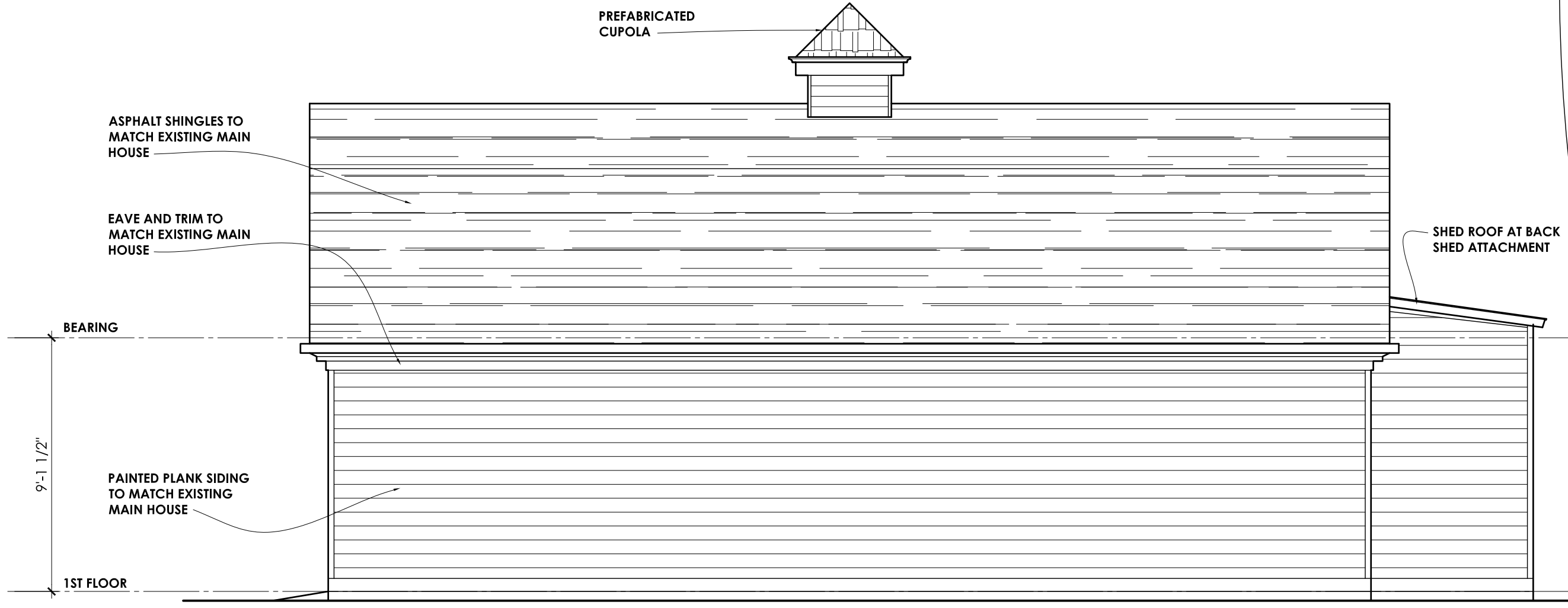
SK - 07
 Drawing: 7 of 8

WAIDELICH REC ROOM

3411 Hawthorne Avenue
 Richmond, Virginia 23222

10.26.21
 SUP Submission
 SCALE: 1/4" = 1'-0"

© ratio 2021



ASPHALT SHINGLES TO MATCH EXISTING MAIN HOUSE

EAVE AND TRIM TO MATCH EXISTING MAIN HOUSE

PREFABRICATED CUPOLA

SHED ROOF AT BACK SHED ATTACHMENT

BEARING

9'-1 1/2"

PAINTED PLANK SIDING TO MATCH EXISTING MAIN HOUSE

1ST FLOOR

NOTES:
PROPERTY LINE SIDE ELEVATION

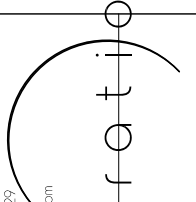
SK - 08
Drawing: 8 of 8

WADELICH REC ROOM

3411 Hawthorne Avenue
Richmond, Virginia 23222

10.26.21
SUP Submission
SCALE: 1/4" = 1'-0"

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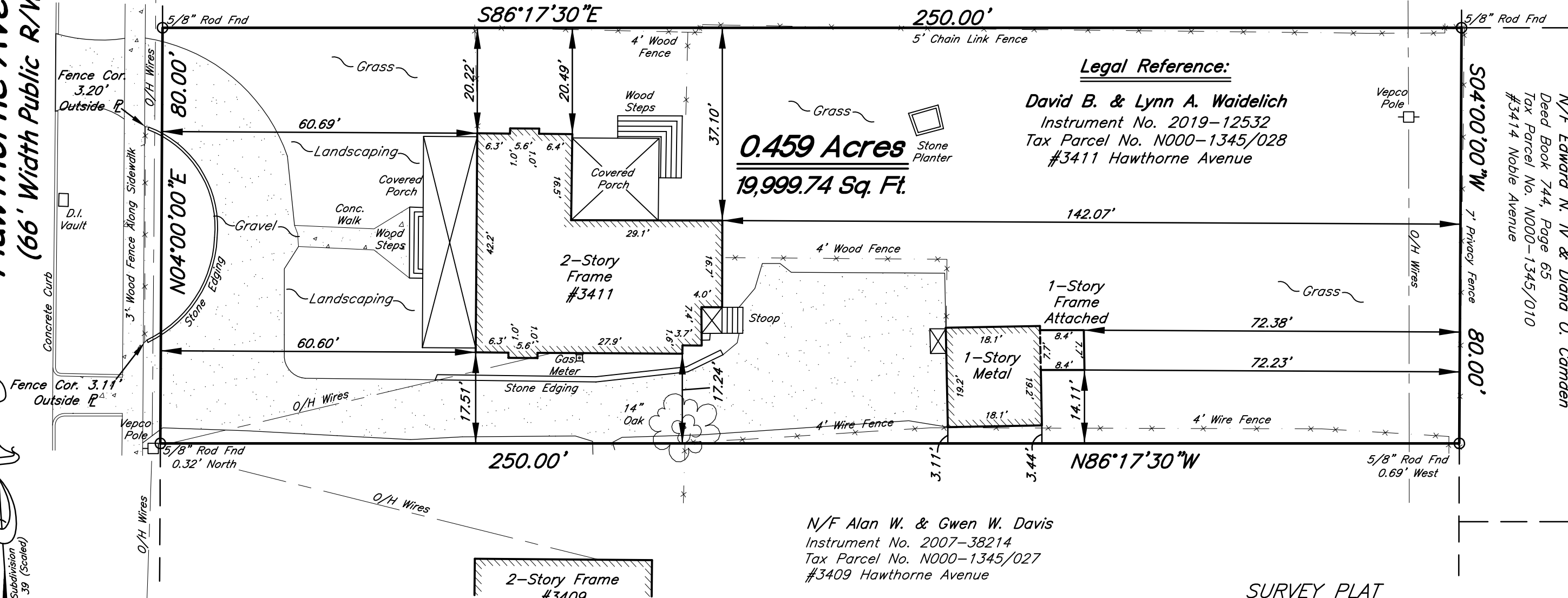
Hawthorne Avenue
(66' Width Public R/W)

Ginter Park Subdivision
PB. 9, Pg. 39 (Scaled)

N/F William H. Jr. & Phethadavone Angus
Instrument No. 2007-35908
Tax Parcel No. N000-1345/029
#3413 Hawthorne Avenue

N/F Bishop Walter F. Sullivan
c/o Catholic Diocese of Richmond
Tax Parcel No. N000-1345/001
#3418 Noble Avenue

N/F Edward N. IV & Diana O. Camden
Deed Book 744, Page 65
Tax Parcel No. N000-1345/010
#3414 Noble Avenue



I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.

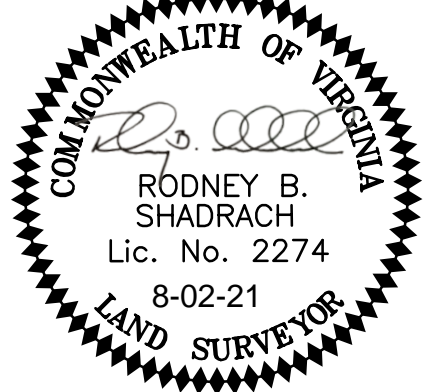
Notes:

1. The subject property is not to be located within the limits of the 100 Year Flood Plain Boundary as defined by The Federal Insurance Administration Community-Panel No. 510129-0029-D, effective date: April 02, 2009 (Zone X).
2. This survey plat represents a current and accurate field transit survey of the premises shown hereon.
Date of last physical survey: July 21, 2021.
3. This survey was made without the benefit of a Title Report and therefore there may be encumbrances which affect the subject property.

SURVEY PLAT
SHOWING EXISTING IMPROVEMENTS
TO #3411 HAWTHORNE AVENUE
CITY OF RICHMOND, VIRGINIA
DATE: AUGUST 2, 2021



Scale: 1" = 20'



Shadrach & Associates LLC

LAND SURVEYING

430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23236
Phone: (804)379-9300 • Email: rod@shadrachsurveys.com