

INTRODUCED: January 22, 2024

AN ORDINANCE No. 2024-035

To authorize the special use of the property known as 6422 Forest Hill Avenue for the purpose of ten single-family detached dwellings fronting on a private street, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 26 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 6422 Forest Hill Avenue, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of ten single-family detached dwellings fronting on a private street, which use, among other things, is not currently allowed by sections 30-408.5, concerning yards, 30-408.8, concerning driveways from streets, and 30-610.1, concerning public street frontage and access easements, 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: 8 NOES: 0 ABSTAIN:

ADOPTED: FEB 26 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 6422 Forest Hill Avenue and identified as Tax Parcel No. C004-0550/030 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “The Enclave @ Willow Oaks, SUP Layout Plan, Huguenot District, City of Richmond, Virginia,” prepared by SilverCore Land Development Consultants, and dated October 30, 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 ten single-family detached dwellings fronting on a private street, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “The Enclave @ Willow Oaks, SUP Layout Plan, Huguenot District, City of Richmond, Virginia,” prepared SilverCore Land Development Consultants, and dated October 30, 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 ten single-family detached dwellings fronting on a private street, substantially as shown on the Plans.

(b) Permitted driveways within the front yards shall not exceed 20 feet in width.

(c) Prior to the issuance of a building permit for the Special Use, the establishment of ten residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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.

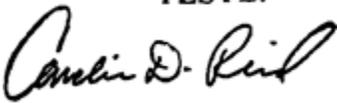
§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

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-2023-1932

File ID: Admin-2023-1932 **Type:** Request for Ordinance or Resolution **Status:** Regular Agenda

Version: 2 **Reference:** **In Control:** Planning Commission

Department: **Cost:** **File Created:** 11/20/2023

Subject: **Final Action:**

Title: To authorize the special use of the property known as 6422 Forest Hill Avenue for the purpose of 10 single-family detached dwellings units upon certain terms and conditions.

Internal Notes:

Code Sections: **Agenda Date:** 01/22/2024

Indexes: **Agenda Number:**

Patron(s): **Enactment Date:**

Attachments: Supporting documents_Admin_2023-1932_6422 Forest Hill Avenue.pdf, Draft Ordinance - Admin-2023-1932 - 6422 Forest Hill Ave **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	12/7/2023	Jonathan Brown	Approve	12/11/2023
2	2	12/7/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	12/11/2023	Kevin Vonck	Approve	12/14/2023
2	4	12/11/2023	Alecia Blackwell - FYI	Notified - FYI	
2	5	12/11/2023	Sharon Ebert - FYI	Notified - FYI	
2	6	12/11/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	12/20/2023	Jeff Gray	Approve	12/13/2023
2	8	12/20/2023	Lincoln Saunders	Approve	12/22/2023
2	9	1/12/2024	Mayor Stoney	Approve	12/22/2023

History of Legislative File

Master Continued (Admin-2023-1932)

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-1932

Title

To authorize the special use of the property known as 6422 Forest Hill Avenue for the purpose of 10 single-family detached dwellings units upon certain terms and conditions.

Body

O & R Request

DATE: November 20, 2023 **EDITION:** 1

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 6422 Forest Hill Avenue for the purpose of 10 single-family detached dwellings units upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 6422 Forest Hill Avenue for the purpose of 10 single-family detached dwellings units upon certain terms and conditions.

BACKGROUND: The subject property is located in the R-4 Single-Family Residential District. It consists of approximately 129,373 SF, or 2.97 acres of land and is within Willow Oaks Neighborhood. The proposed utilization of a private road for lot frontage and access is not an authorized use under Sec. 30-610.1 of the zoning ordinance. Therefore a special use permit is requested.

COMMUNITY ENGAGEMENT: The Willow Oaks/Clevedon Civic Association was notified regarding this special use request. Letters of notification shall be sent to nearby property owners, and a sign noting this request shall be placed on the property once the ordinance is introduced to City Council.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: The City’s Richmond 300 Master Plan designates the property for Residential. Primary uses are primarily of single-family houses and accessory dwelling. Secondary uses are duplexes and small multi-family buildings.

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.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 22, 2024

CITY COUNCIL PUBLIC HEARING DATE: February 26, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

AFFECTED AGENCIES: Office of Chief Administrative Officer, Law Department

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Application Supporting Documents

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

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: 6422 Forest Hill Ave Date: 10/11/2023
 Tax Map #: C0040550030 Fee: \$300.00
 Total area of affected site in acres: 2.97

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

Zoning

Current Zoning: R-4

Existing Use: Single Family Residential

Proposed Use

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

Single Family Residential (10 lots)

Existing Use: Single Family Residential (1 lot)

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: SUBF-136188-2023

Applicant/Contact Person: Lory Markham

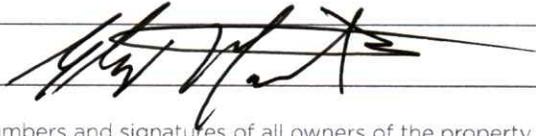
Company: Markham Planning
 Mailing Address: 208 E Grace Street
 City: Richmond State: VA Zip Code: 23219
 Telephone: (804) 248-2561 Fax: ()
 Email: lory@markhamplanning.com

Property Owner: Richmond Hill Design Build LLC

If Business Entity, name and title of authorized signee: Lloyd Poe, Managing Partner

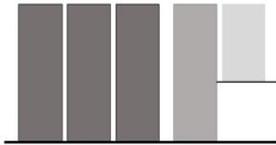
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 7714 Whitepine Rd ,Suite C
 City: N Chesterfield State: VA Zip Code: 23237
 Telephone: () Fax: ()
 Email: lmpoe2016@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)



MARKHAM PLANNING
208 E GRACE STREET · RICHMOND, VIRGINIA 23219

October 30, 2023

Kevin Vonck, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219

Re: Special Use Permit application at 6422 Forest Hill Avenue

Dear Mr. Vonck,

Please accept this letter as the Applicant's Report for the Special Use Permit application for 6422 Forest Hill Ave. With this application, the property owner, Richmond Hill Design Build LLC, is petitioning the City Council for a SUP to authorize a private road to serve a by-right single-family development with 10 detached residences on fee simple lots.

Existing Site Conditions

The subject property is currently one parcel containing 2.97 acres of land area in the City's Willow Oaks Neighborhood. This parcel is improved by a single-family, two-story house with 2,328 square feet of floor area.

Surrounding properties along Forest Hill Ave are mainly single-family residences. To the east of the property is the Willow Oaks Country Club. To the west of the property is a commercial area that includes the Stratford Hills Shopping Center.

The City recently made substantial improvements to this section of Forest Hill Avenue including landscaping in the right of way. The proposed development would retain this landscaping.

Current Zoning

In 2021-22, the property owner requested and was granted a rezoning from the R-2 to the R-4 Single-Family Residential District in order to accommodate the proposed residential subdivision with 10 lots (Ord No 2021-368). A subdivision application to create the 10 lots was subsequently submitted and is

currently under review. The surrounding properties are comprised mostly of properties located in the R-2 district.

Proposal

Should this Special Use Permit be granted, a private road would be authorized to serve the proposed by-right subdivision with 10 single-family detached residences.

Under normal zoning regulations, a new development with three or more lots must be served by an improved public street. The proposed residential subdivision with the 10 lots is not viable if a public street is required; therefore, a private street is proposed. Additionally, driveways within front yards of single-family dwellings wider than 9 feet are not permitted under normal zoning requirements. The SUP ordinance would also waive this restriction. Also, under normal zoning requirements, a corner lot is required to have a front yard on each street frontage. For the two lots adjacent to Forest Hill Avenue, the SUP would authorize a front yard requirement only along the private street frontage. Finally, a 25 yard minimum front yard setback is required in the R-4 district, the SUP would authorize a minimum front yard setback of 20 feet.

In all other aspects, the lots and buildings will comply with underlying R-4 district regulations.

Richmond 300 Master Plan

Richmond 300 designates the property for Residential land use. These areas are neighborhoods consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature. The proposed development is consistent with the recommendations of the Richmond 300 Master Plan.

City Charter Conditions

Allowing for the development of the property as proposed would provide new and needed housing in this important neighborhood in the City. This effort would greatly contribute to the continued development of the Willow Oaks Neighborhood and the surrounding community.

We trust that you will agree with us that this proposed Special Use Permit meets the City Charter criteria for the granting of SUPs as the project 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 be 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.

Thank you for your consideration of this Special Use Permit. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Lory Markham". The signature is written in a cursive style with a large initial "L" and "M".

Lory Markham

Enclosure: application form, plans, survey

cc: Alyson Oliver, Secretary to the City Planning Commission
The Honorable Kristen M. Nye, 4th District Representative



7110 FOREST AVENUE - SUITE 204 RICHMOND, VA 23226 (804) 282-6900

THE ENCLAVE @ WILLOW OAKS

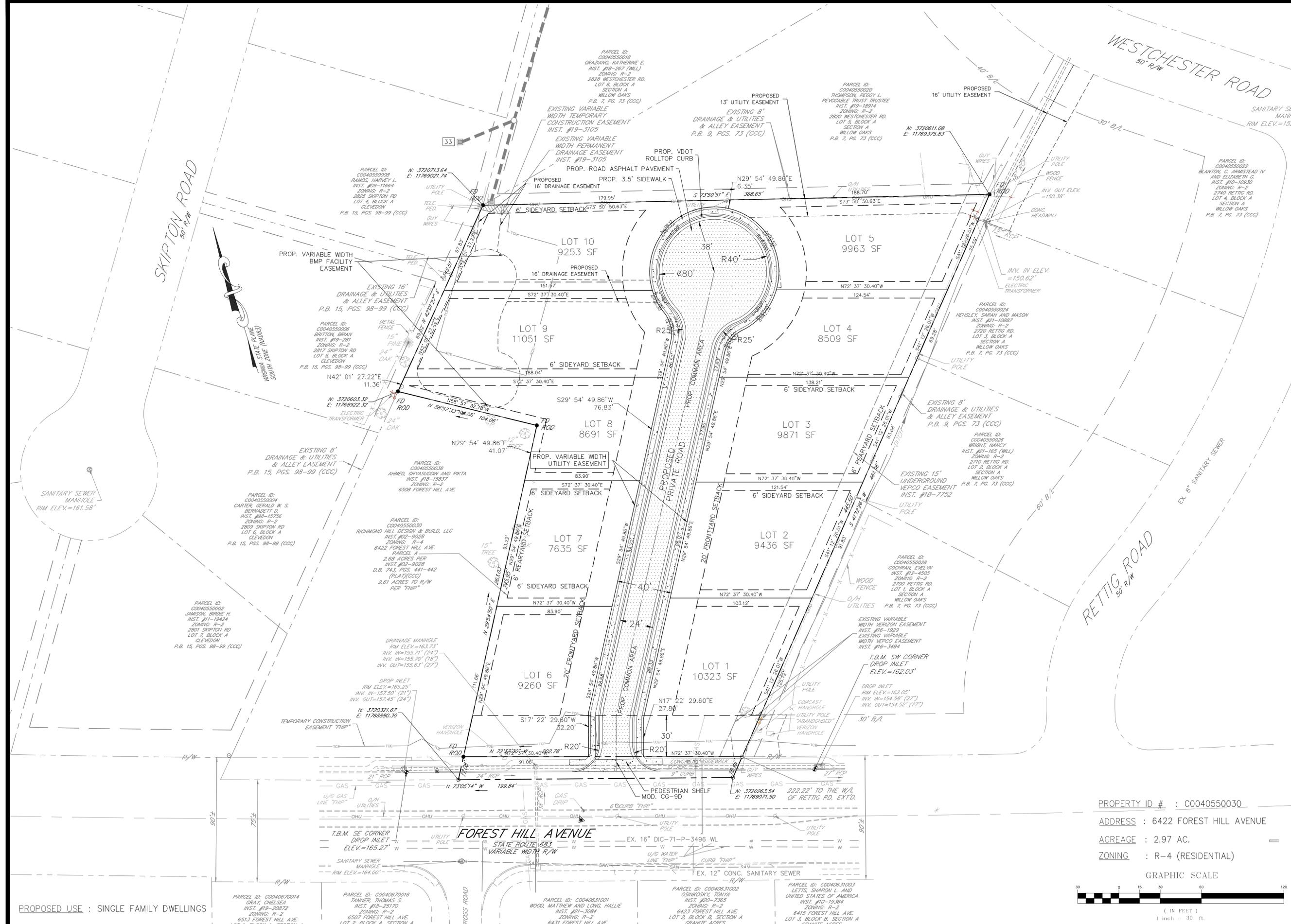
SUP LAYOUT PLAN

CITY OF RICHMOND, VIRGINIA
HUGUENOT DISTRICT

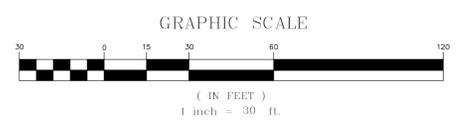
REV.	DATE	DESCRIPTION

DESIGN BY: Andrew Bowman
 CHECKED BY: Jeff Staub
 DRAWING SCALE: 1"=30'
 DATE: 10/30/2023

SHEET
1
 JOB #: 210417



PROPERTY ID # : C0040550030
 ADDRESS : 6422 FOREST HILL AVENUE
 ACREAGE : 2.97 AC.
 ZONING : R-4 (RESIDENTIAL)



PROPOSED USE : SINGLE FAMILY DWELLINGS

PARCEL ID: C0040670014 GRAY, CHELSEA INST. #19-20872 ZONING: R-2 6513 FOREST HILL AVE. LOT 1, BLOCK 1, SECTION A

PARCEL ID: C0040670016 TANNER, THOMAS S. INST. #19-25170 ZONING: R-2 6507 FOREST HILL AVE. LOT 2, BLOCK A, SECTION A

PARCEL ID: C0040631001 WOOD, MATTHEW AND LONG, HALLIE INST. #21-3084 ZONING: R-2 6431 FOREST HILL AVE.

PARCEL ID: C0040631002 OSINSKI, TONYA INST. #20-7365 ZONING: R-2 6423 FOREST HILL AVE. LOT 2, BLOCK B, SECTION A GRANITE ACRES

PARCEL ID: C0040631003 LETTS, SHARON L. AND UNITED STATES OF AMERICA INST. #10-19364 ZONING: R-2 6415 FOREST HILL AVE. LOT 3, BLOCK B, SECTION A GRANITE ACRES