

INTRODUCED: May 28, 2024

AN ORDINANCE No. 2024-148

To authorize the special use of the properties known as 3004 Lawson Street and 3006 Lawson Street for the purpose of two single-family detached dwellings, upon certain terms and conditions. (5th District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 24 2024 AT 6 P.M.

WHEREAS, the owners of the properties known as 3004 Lawson Street and 3006 Lawson Street, which are situated in a R-5 Single-Family Residential District, desires to use such properties for the purpose of two single-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.4, concerning lot area and width, 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: JUN 24 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 properties known as 3004 Lawson Street and 3006 Lawson Street and identified as Tax Parcel Nos. S000-1473/005 S000-1473/004, respectively, in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Improvements on Part of Lot 3 & All of Lot 4 & Lot 5, Block 3, Burfoots Addition, City of Richmond, Virginia,” prepared by Balzer & Associates, and dated November 3, 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 two single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Plat Showing Improvements on & a Lot Line Modification Between Part of Lot 3 with All of Lot 4 & Lot 5, Block 3, Burfoots Addition, City of Richmond, Virginia,” prepared by Balzer & Associates, dated November 16, 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 two single-family detached dwellings, substantially as shown on the Plans.

(b) All mechanical equipment, including, but not limited to, transformers, 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 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 with the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

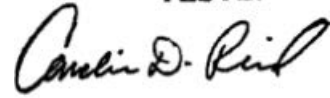
§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

A TRUE COPY:

TESTE:

A handwritten signature in cursive script, appearing to read "Carlin D. Rind".

City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2024-0247

File ID: Admin-2024-0247

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 03/22/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 05/28/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-0247_3004-3006 Lawson Street_Supporting Documents.pdf, SUP - 3004-3006 Lawson Street - AATF

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	5/8/2024	Matthew Ebinger	Approve	5/10/2024
2	2	5/8/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	5/8/2024	Kevin Vonck	Approve	5/15/2024
2	4	5/8/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	5/10/2024	Sharon Ebert	Approve	5/10/2024
2	6	5/10/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	5/13/2024	Jeff Gray	Approve	5/14/2024
2	8	5/15/2024	Lincoln Saunders	Approve	5/15/2024
2	9	5/16/2024	Mayor Stoney	Approve	5/17/2024

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-2024-0247

DATE: May 8, 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 properties known as 3004 Lawson Street and 3006 Lawson Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The proposal to move the property line bifurcating these parcels creates two new lots of record that do not meet the lot feature requirements of the underlying zoning district. Therefore, a special use permit is requested.

BACKGROUND: The properties are located in the Swansboro neighborhood on Lawson Street between Playn Street and East 30th Street. The property known as 3004 Lawson Street is 42 feet wide and contains 5,040 square feet. It is improved with a single-family attached dwelling. The property known as 3006 Lawson Street is 33 feet wide and contains 3,960 square feet. It is improved with a single-family dwelling. The R-5 district requires that a lot width be no less than 50 feet and a lot area no less than 6,000 square feet. Neither property meets these requirements but are currently legally nonconforming lots in the R-5 Single-Family zoning district.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Community Mixed-Use, which is defined as, "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions.

The current zoning for the property is R-5 Single Family district. The adjacent properties are residential.

COMMUNITY ENGAGEMENT: The Swansboro West - Hull Street/Midlothian Civic Association have been notified. Notices shall be mailed to surrounding property owners and a sign shall be placed on the properties.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

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: May 28, 2024

CITY COUNCIL PUBLIC HEARING DATE: June 24, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, June 18, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Application Form, Applicant's Report, Plans, Ordinance

STAFF:

Matthew Ebinger, Planning Supervisor, Land Use Administration, 646-6308

David Watson, Planner, Land Use Administration (Room 511) 646-1036



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: 3004 Lawson St. Richmond, VA 23224

Date: 11 December 2023

Parcel I.D. #: S0001473005 Fee: \$300

Total area of affected site in acres: .12

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

Zoning

Current Zoning: R5

Richmond 300 Land Use Designation: Community Mixed Use

Proposed Use

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

Existing Use: Single Family Detached Dwelling (proposed and existing)

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Olivia Kent

Company: _____

Mailing Address: 3601 Delaware Ave.

City: Richmond

State: VA

Zip Code: 23222

Telephone: (404) 771-0171

Fax: ()

Email: oliviamkent@gmail.com

Property Owner: Olivia Kent

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: 3601 Delaware Ave.

City: Richmond

State: VA

Zip Code: 23222

Telephone: (404) 771-0171

Fax: ()

Email: starshine209@hotmail.com

Property Owner Signature: Olivia Kent

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)

**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: 3006 LAWSON STREET Date: 13 DEC 2023
Tax Map #: S0001473004 Fee: _____
Total area of affected site in acres: 800 SQFT

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

Zoning

Current Zoning: R5

Existing Use: COMMUNITY MIXED USE

Proposed Use

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

SEE ATTACHED LETTER

Existing Use: SINGLE FAMILY DETACHED DWELLING (PROPOSED AND EXISTING)

Is this property subject to any previous land use cases?

Yes

☐

No

☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: MILTON LEWIS

Company: _____

Mailing Address: 3006 LAWSON STREET

City: RICHMOND State: VA Zip Code: 23224

Telephone: (703) 887-6490 Fax: ()

Email: MILTONLEWIS71@GMAIL.COM

Property Owner: MILTON LEWIS

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

(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: 3006 LAWSON STREET

City: RICHMOND State: VA Zip Code: 23224

Telephone: (703) 887-6490 Fax: ()

Email: MILTONLEWIS71@GMAIL.COM

Property Owner Signature: Milton Lewis

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)

11 December 2023

To: Richmond City Planning Office,

I am writing this report to accompany my special use permit application to actuate a property line adjustment between "Survey of Lot 4 & 5, Block 3, Burfoot's Addition, Richmond, Va." (3004 Lawson Street & 3006 Lawson Street). I am the sole owner of 3004 Lawson Street. Prior to my purchasing the home earlier this year, a fence was installed that bifurcates my property and lot, [measuring 120' long, 4'7" wide (at the rear) and 7'1" wide at the front of property]. This area, while currently my property, appears to be my neighbor's property.

My neighbor, Mr. Milton Lewis, and I have agreed that the best remedy for this issue is to request a property line adjustment, so that the new property line will follow the current fence line. I intend to sell the property behind the current fence line to Mr. Lewis. The strip of land that is currently my property but on Mr. Lewis' side of the fence will simply be transferred to Mr. Lewis.

The attached survey plat and site plan provide the required lot data, including displaying current and proposed building setbacks, fence line, etc. Pending Council approval, the new side yard and property lines will result in both lots (3004 and 3006) being consistent with the lot areas and lot widths elsewhere in the neighborhood.

This is a simple property line adjustment that will not result in any detriment to the safety, health, morals, or general welfare of the community involved, as it reflects a legal change to a current state (the fence line). It will not have any effect on any other property, the city, or the community population as it is simply reconciling the de facto property line and the legal property line. Approval of this petition will also not create any congestion in the streets, roads, alleys, or other public ways and places in the involved area, create any hazards from fire panic, or other dangers, cause any overcrowding of land or an undue concentration of the population; adversely affect or interfere with schools, parks, playgrounds, water supplies, sewage disposal, transportation, or any other public requirements, conveniences, or improvements. Approving this petition will cause no interference whatsoever with adequate light and air, traffic, or anything else. Mr. Lewis will simply continue using the strip of property as a part of his lawn as he is currently doing.

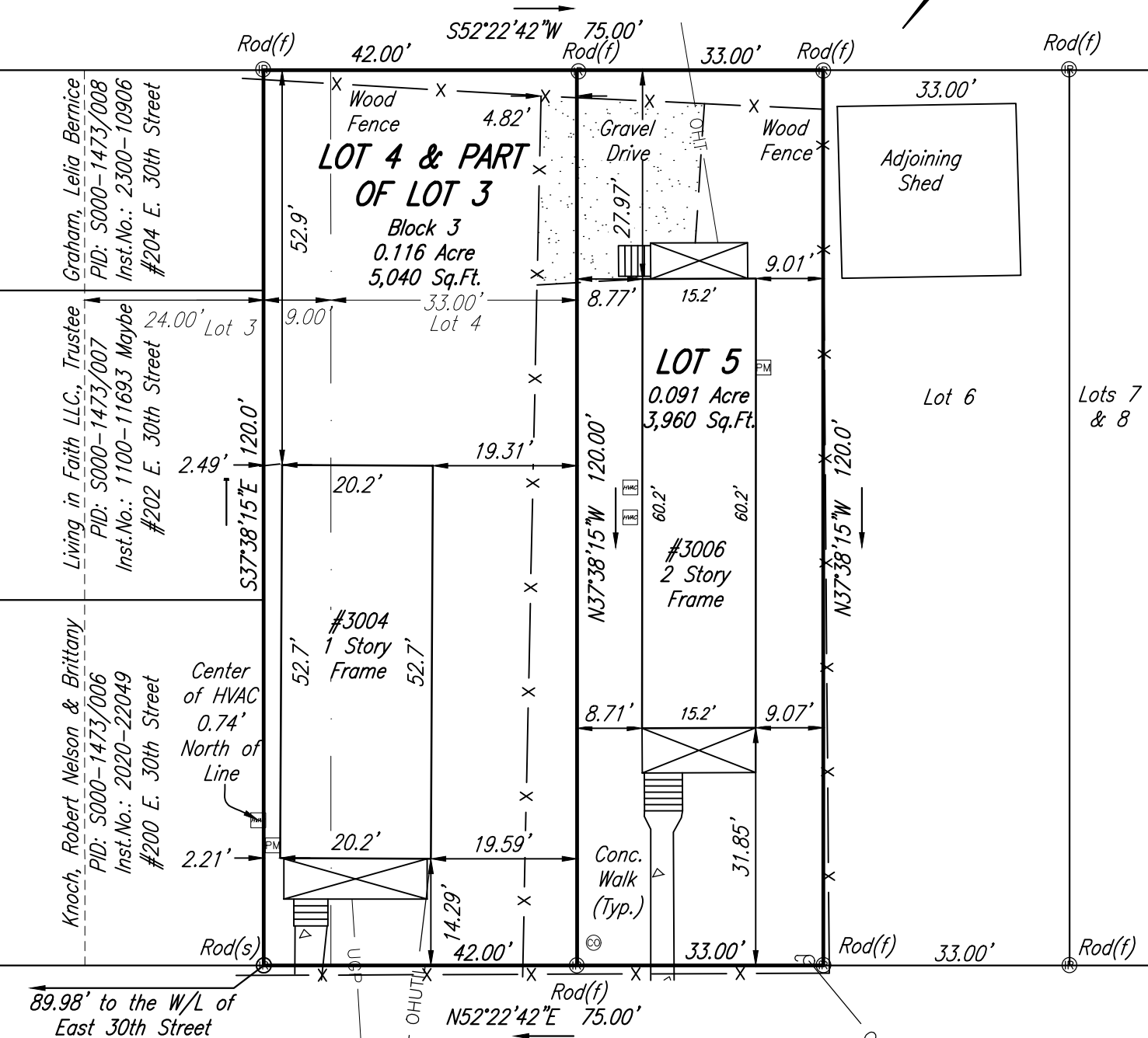
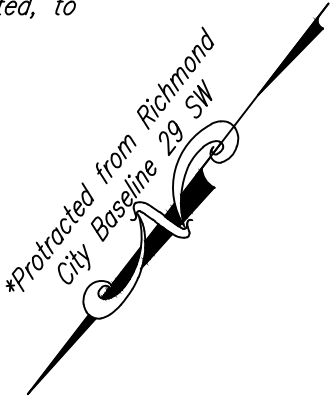
Please contact me with any questions.

Olivia Kent

Olivia Kent
(404) 771-0171
oliviamkent@gmail.com

This is to certify that this plat or map was prepared under my direction from an actual field survey performed on 11/03/2023 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.

Urban Management LLC.
#3009 Hull Street
PID: S000-1473/009



LEGEND

- PM Power Meter
- HVAC HVAC
- CN Cleanout
- UP Utility Pole

Current Owner #3304:
Olivia Mae Kent
PID: S000-1473/005
ID: 2300-12812

Current Owner #3006:
Milton L. Lewis
PID: S000-1473/004
ID: 2300-14101

DATE: 11/03/2023
SCALE: 1"=20'
JOB NO.: 55230261.MS
DRAWN BY: FJE
CHECKED BY: JAB

LAWSON STREET
50'± R/W

IMPROVEMENTS ON
PART OF LOT 3 & ALL OF
LOT 4 & LOT 5, BLOCK 3
BURFOOTS ADDITION

CITY OF RICHMOND, VIRGINIA

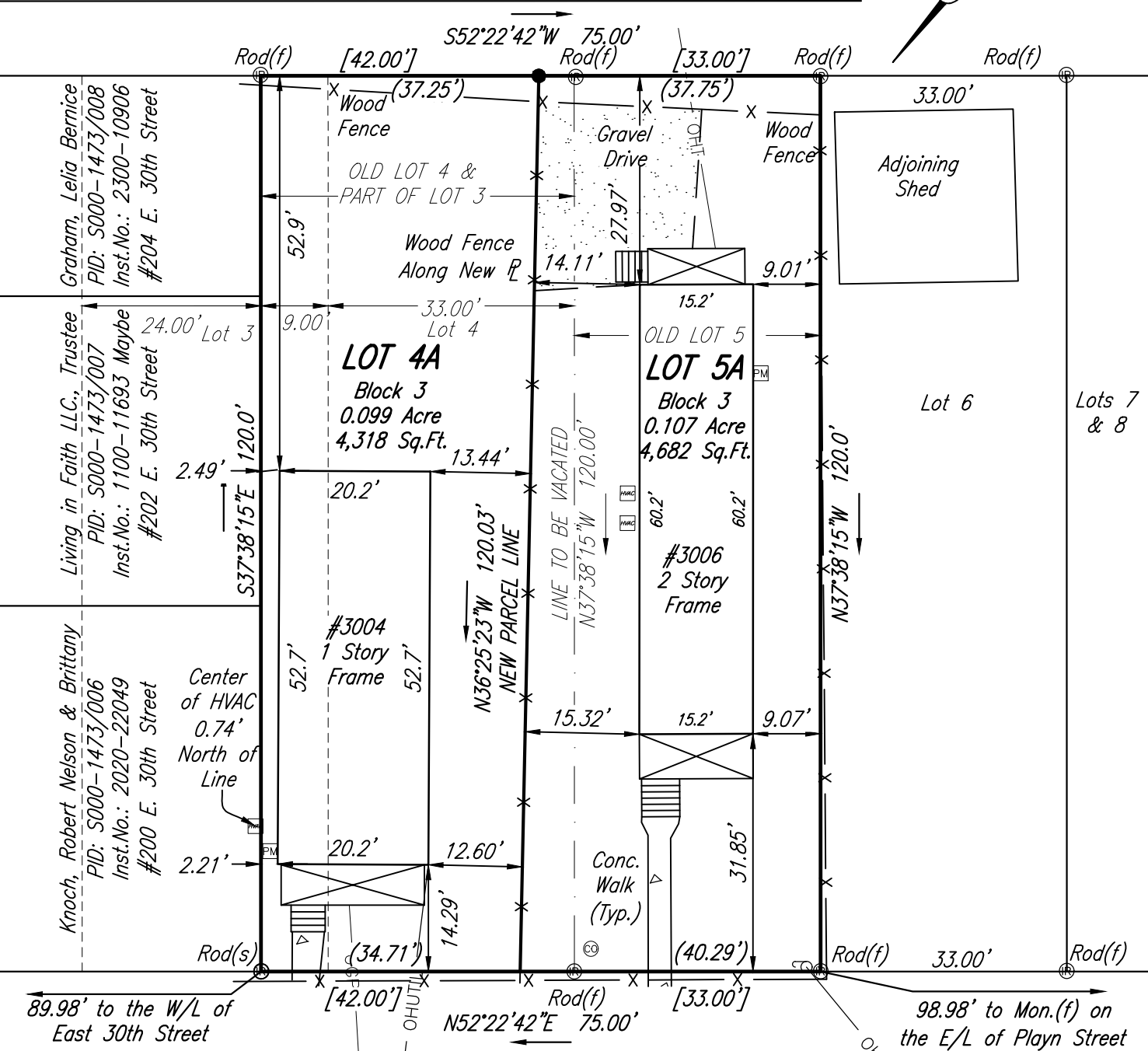
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
ROANOKE / RICHMOND / NEW RIVER VALLEY / SHENANDOAH VALLEY
15871 City View Drive, Suite 200 / Midlothian, Virginia 23113 / Phone (804) 794-0571 / www.balzer.cc



This is to certify that this plat or map was prepared under my direction from an actual field survey performed on 11/03/2023 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.

(XX.XX') Denotes Dimensions to New Property Corner.
[XX.XX'] Denotes Existing Rod to Rod Dimensions.

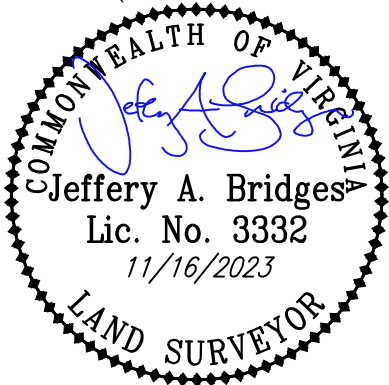
Urban Management LLC.
#3009 Hull Street
PID: S000-1473/009



LEGEND

- PM Power Meter
- HVAC
- Cleanout
- Utility Pole

LAWSON STREET
50'± R/W



Current Owner #3304:
Olivia Mae Kent
PID: S000-1473/005
ID: 2300-12812

Current Owner #3006:
Milton L. Lewis
PID: S000-1473/004
ID: 2300-14101

PLAT SHOWING IMPROVEMENTS ON &
A LOT LINE MODIFICATION BETWEEN
PART OF LOT 3 WITH ALL OF
LOT 4 & LOT 5, BLOCK 3
BURFOOTS ADDITION
CITY OF RICHMOND, VIRGINIA

DATE: 11/16/2023
SCALE: 1"=20'
JOB NO.: 55230261.MS
DRAWN BY: NWD
CHECKED BY: JAB

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





**City of Richmond
Department of Planning
& Development Review**

Special Use

LOCATION: 3004-3006 Lawson Street

APPLICANT: Olivia Kent and Milton Lewis

COUNCIL DISTRICT: 5

PROPOSAL: To authorize the special use of the properties known 3004 Lawson and 3006 Lawson for the purpose of two single-family dwellings.

*For questions, please contact David Watson
at 804-646-1036 or David.Watson@RVA.gov*

