

INTRODUCED: June 27, 2022

AN ORDINANCE No. 2022-213

To authorize the special use of the property known as 2320 Burton Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 25 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 2320 Burton Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of two single-family attached dwellings, which use, among other things, is not currently allowed by section 30-419.5, 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 25 2022 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 2320 Burton Avenue and identified as Tax Parcel No. E000-0427/033 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Survey of #2316 - #2320 Burton Street Subdivision, A Resbdivision [sic] of Lot 4 of the #2320 - #2326 Burton Street Subdivision, Richmond, Virginia,” prepared by A. G. Harocopos & Associates, P.C., and dated January 31, 2022, 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 attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “2324- Burton-Street,” prepared by Gilliam Design, LLC, and dated April 30, 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 two single-family attached dwellings, substantially as shown on the Plans.

(b) No off-street parking shall be required for the Special Use.

(c) All building materials and elevations pertaining to the Special Use 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.

(e) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.

(f) Prior to the issuance of a certificate of occupancy for the Special Use, the division of the Property into three 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.

A TRUE COPY:
TESTE:
Amelia D. Reed
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.2022.0200

O & R Request

DATE: May 31, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

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

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: To authorize the special use of the property known as 2320 Burton Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 2320 Burton Street for the purpose of two single-family attached dwellings, upon certain terms and conditions.

REASON: The subject property is located in the R-63 Multi-Family Urban Residential zoning district. Single-family attached dwellings are permitted uses in this district. However, not all of the lot feature requirements of the zoning district can be met. In addition, the proposed lots are not in compliance with the Subdivision Ordinance. Therefore a Special Use Permit is requested in order to complete this project.

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 July 18, 2022 meeting.

BACKGROUND: The subject property is 49 feet wide and 40 feet deep, containing 1,983 square feet and is improved with a 958 square foot two-story single-family attached home. It is located on the north side of Burton Street near midblock between Tulip Street and Pink Street. It is a vacant lot measuring 140 feet deep and 35 feet wide, for a total of 4,900 square feet. There are a mix of single-family and two-family attached dwellings in the

block. The adjacent properties to the east are of similar dimensions and contain the same improvements as the proposal for the subject property.

The City's Richmond 300 Master Plan designates the property as Neighborhood Mixed-Use. The proposed single-family attached dwellings are a primary use under this designation.

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: June 27, 2022

CITY COUNCIL PUBLIC HEARING DATE: July 25, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 18, 2022

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Repot, Plans, Survey, Map

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



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: 2320 Burton St Date: 4/3/2022

Tax Map #: Fee:

Total area of affected site in acres:

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

Zoning

Current Zoning: Residential

Existing Use:

Proposed Use

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

2 Townhomes

Existing Use:

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number:

Applicant/Contact Person: Jeffrey Jamaledine

Company:

Mailing Address: 2425 Old Brick Rd

City: Glenn Allen State: VA Zip Code: 23060

Telephone: (804) 6388500 Fax:

Email: Jeffrey_jamaledine@yahoo.com

Property Owner: JSB, LLC

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:

City: State: Zip Code:

Telephone: Fax:

Email:

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.

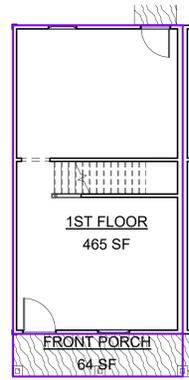
NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

Dear Mr Watson,

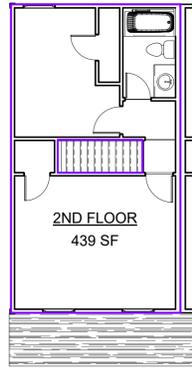
I am applying for a special use permit in order to continue to build affordable housing on Burton Street. We renovated and created a subdivision on Burton Street and now looking to further divide the subdivision in to 3 modified lots. We want to break off the empty lot from the already existing property 2320 Burton St., and build two more identical townhomes/condo and the newly created lots.

Sheet List	
Sheet Number	Sheet Name
A1	COVER AND ELEVATIONS
A2	FOUNDATION AND FRAMING
A3	FIRST FLOOR AND FRAMING
A4	SECOND FLOOR AND FRAMING
A5	SECTIONS AND ROOF PLAN
A6	DETAILS
A7	GENERAL FIREWALL DETAILS
A8	WIND BRACING DIAGRAM

SQUARE FOOTAGE-1 UNIT	
Name	Area
1ST FLOOR	465 SF
2ND FLOOR	439 SF
FRONT PORCH	64 SF



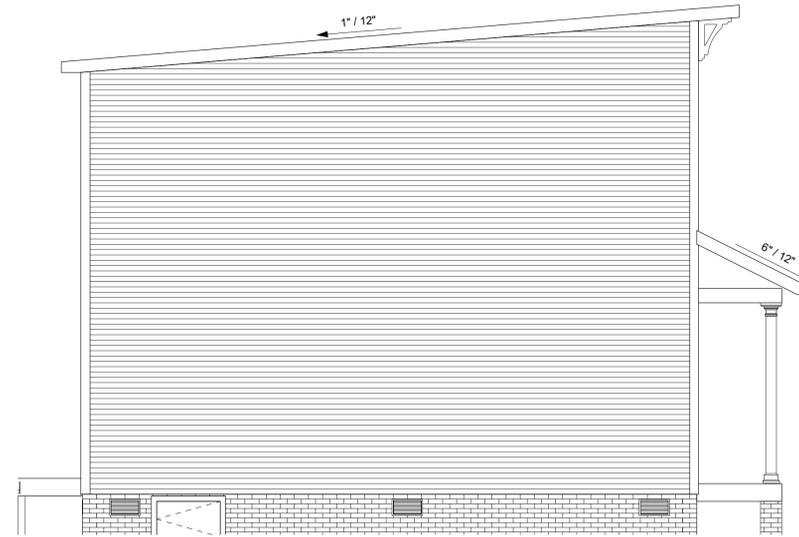
④ 1ST FLOOR
1/8" = 1'-0"



⑤ 2ND FLOOR
1/8" = 1'-0"



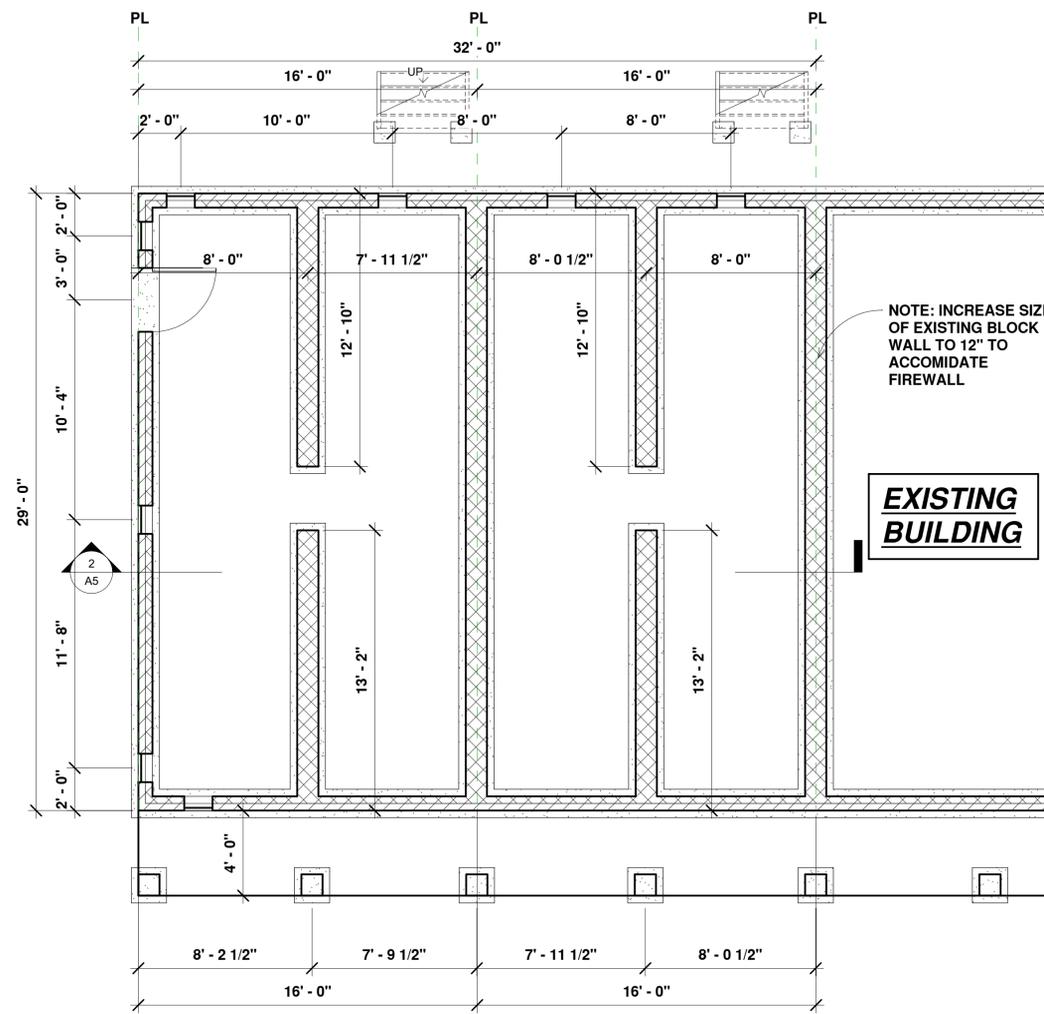
① FRONT ELEVATION
1/4" = 1'-0"



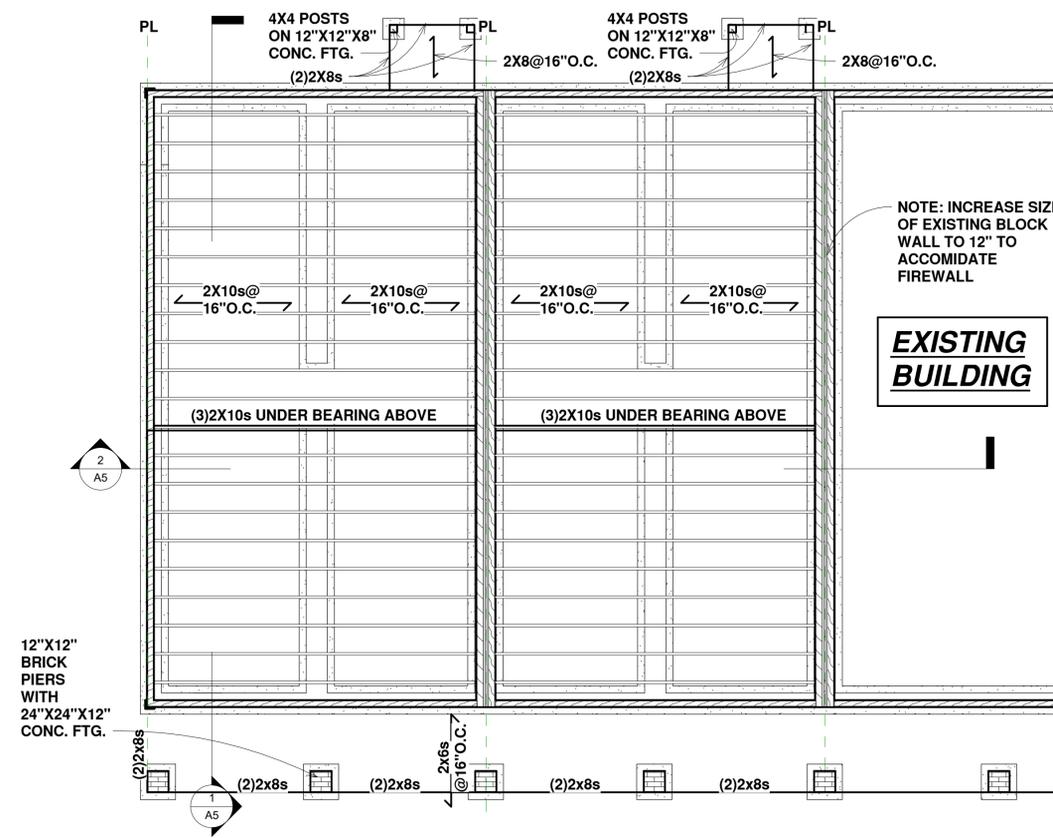
② LEFT ELEVATION
1/4" = 1'-0"



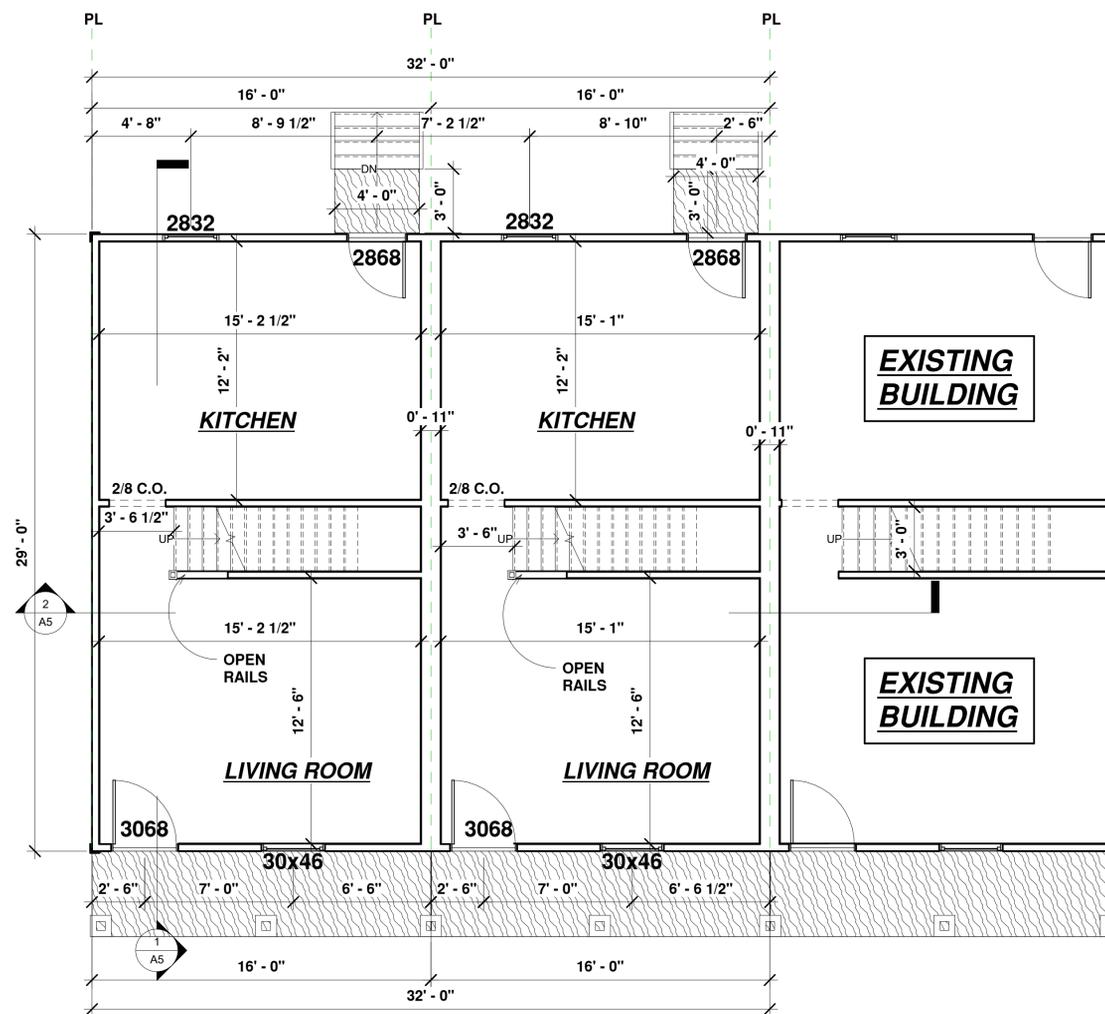
③ REAR ELEVATION
1/4" = 1'-0"



① FOUNDATION
1/4" = 1'-0"

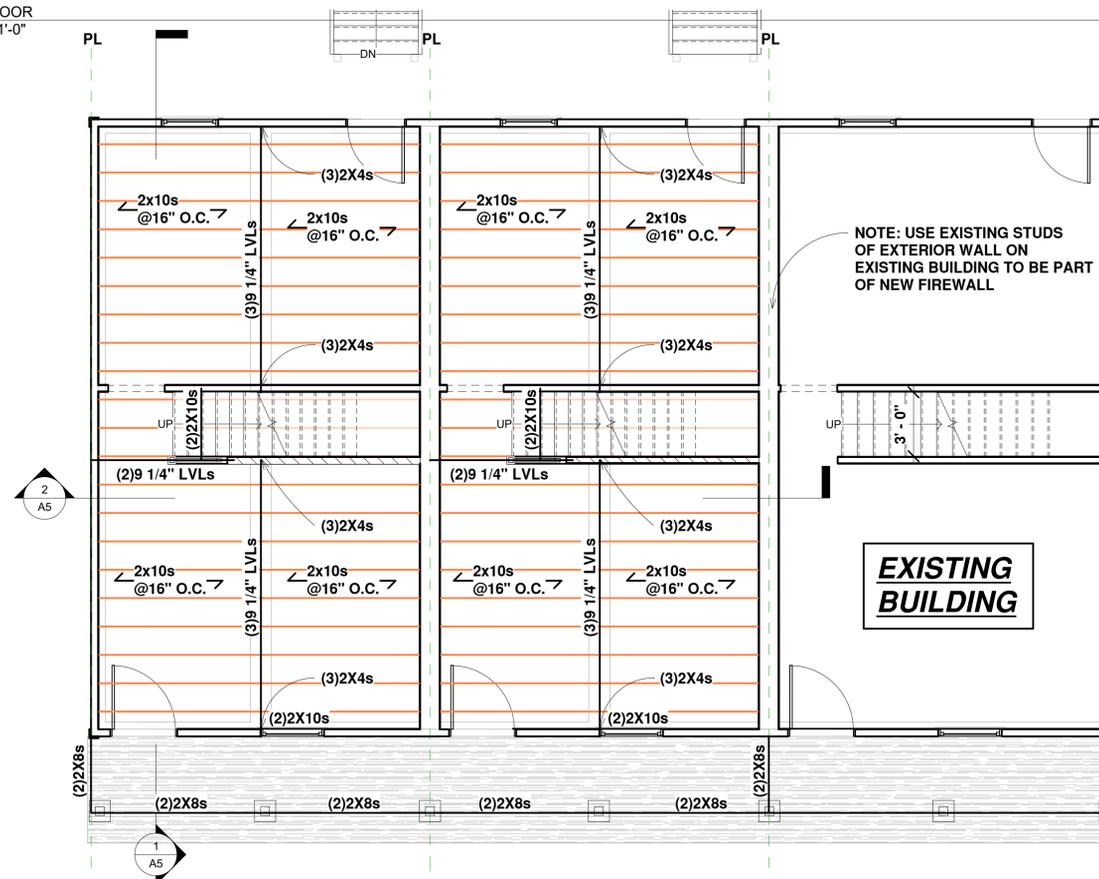
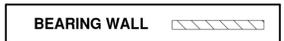


② FOUNDATION FRAMING
1/4" = 1'-0"

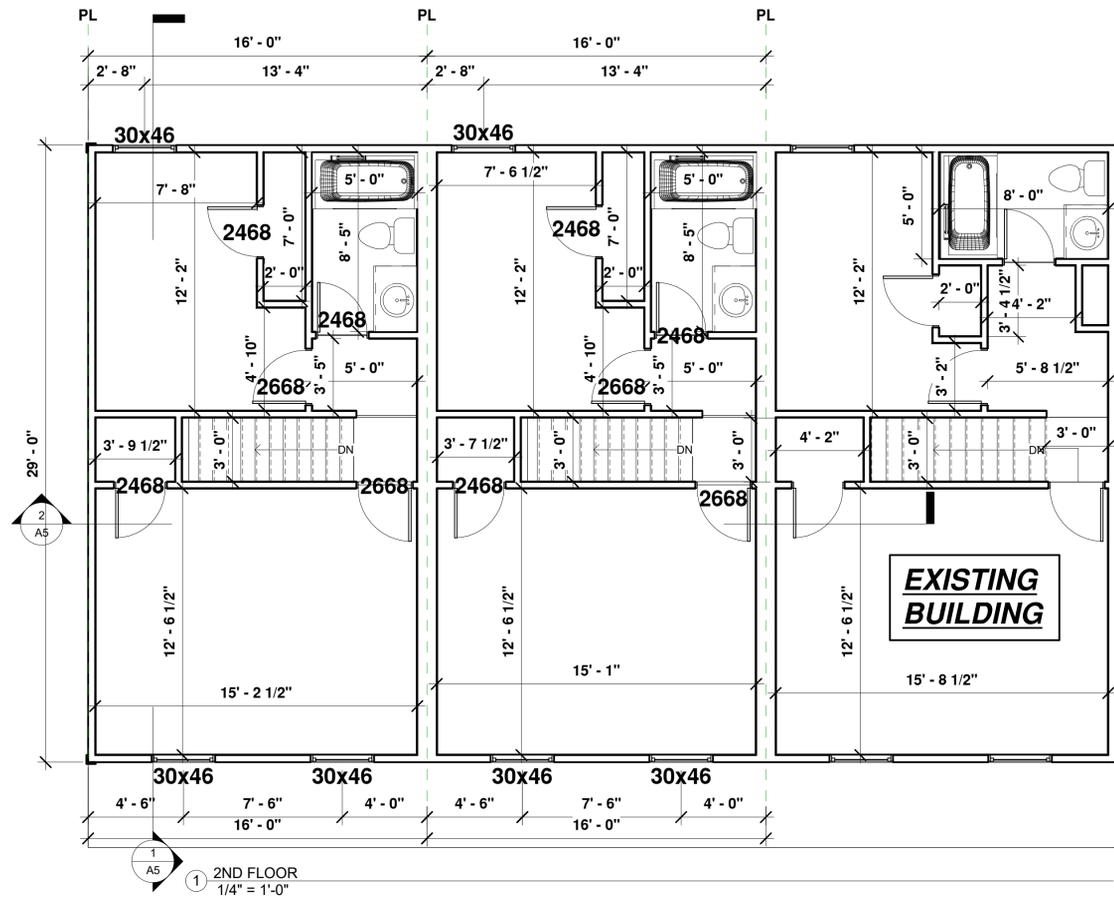


① 1ST FLOOR
1/4" = 1'-0"

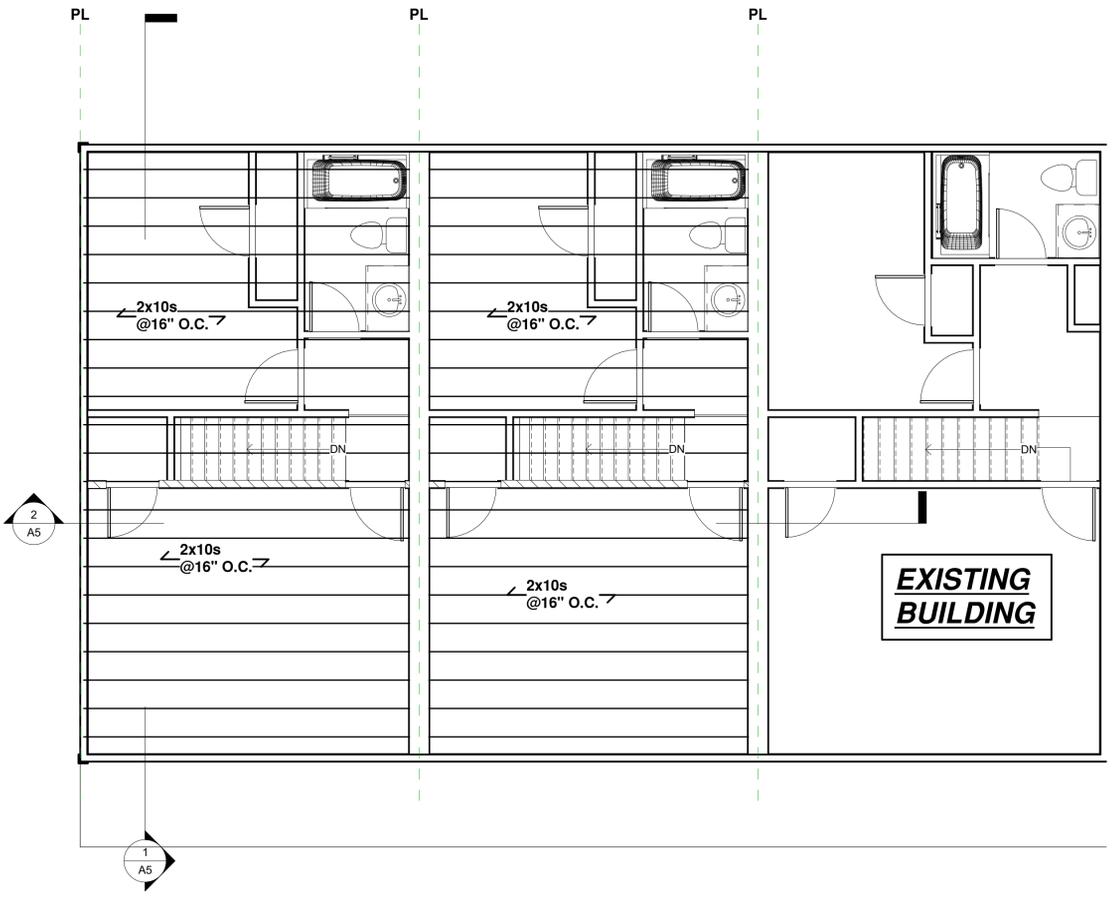
NOTES:
 - ALL DIMENSIONS ARE SHOWN TO BE FROM THE FACE OF THE STUD
 - THIS PLAN DESIGNED UNDER VRC 2015 CODE.
 - ALL WINDOW AND DOOR HEADERS ARE (2)2X8s UNLESS OTHERWISE NOTED.
 - ALL POSTS ARE (2)2X4s UNLESS OTHERWISE NOTED.
 - FIRST FLOOR CEILINGS 9'
 - SECOND FLOOR CEILINGS 8'
 - KEEP JOISTS CLEAR OF TOILET DRAIN.

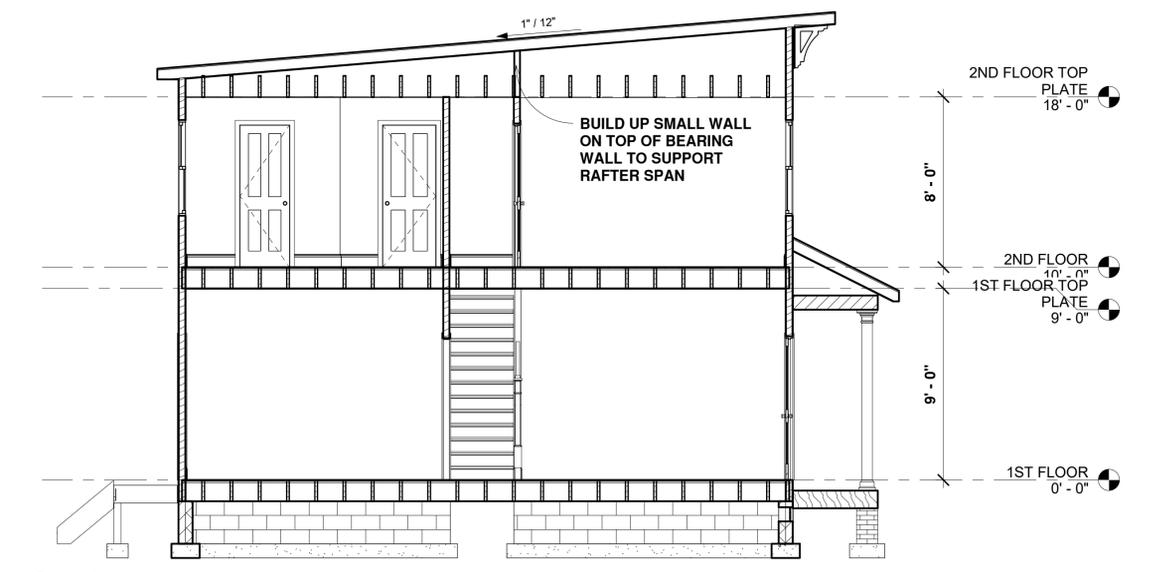


② 1ST FLOOR FRAMING
1/4" = 1'-0"

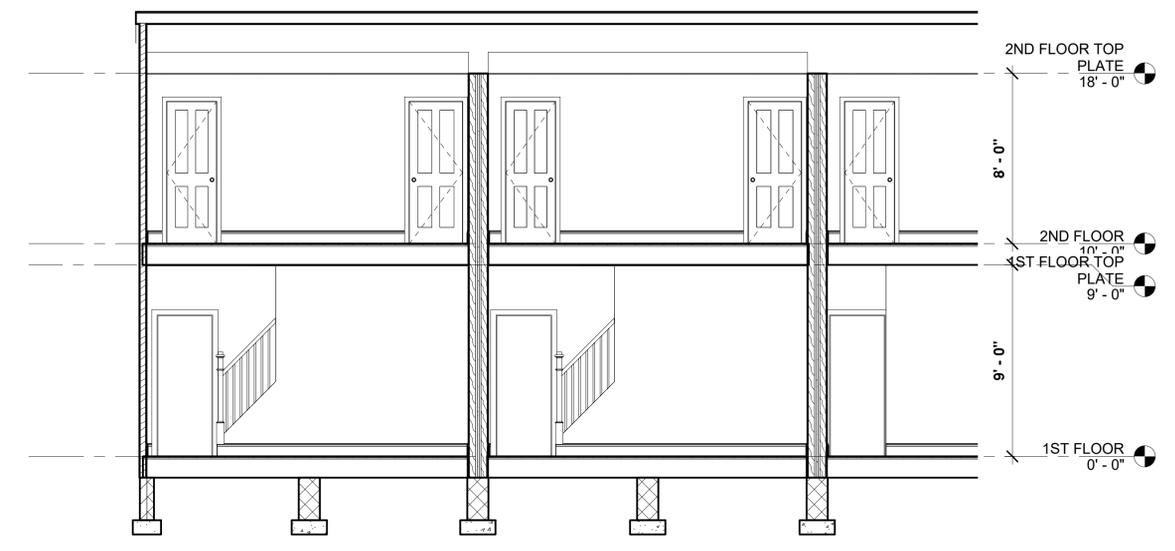


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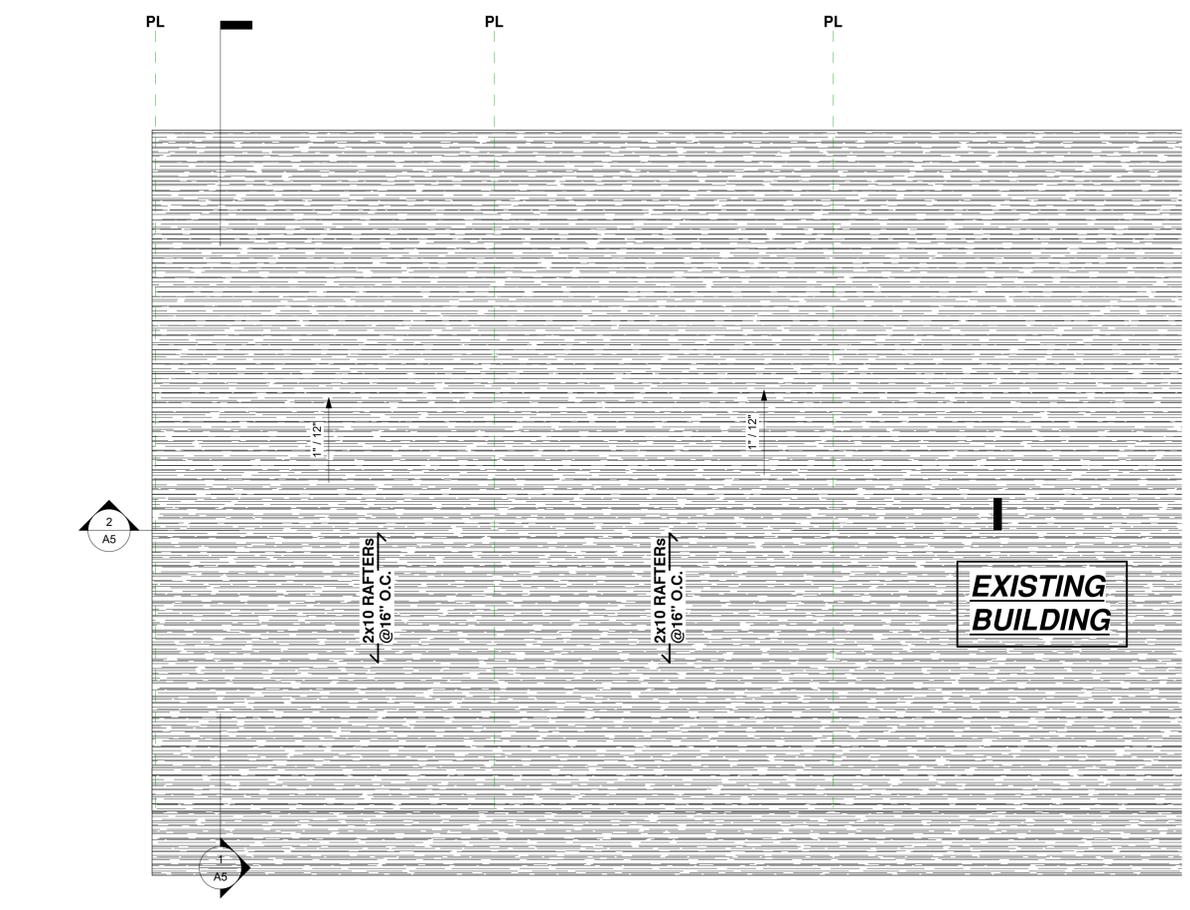




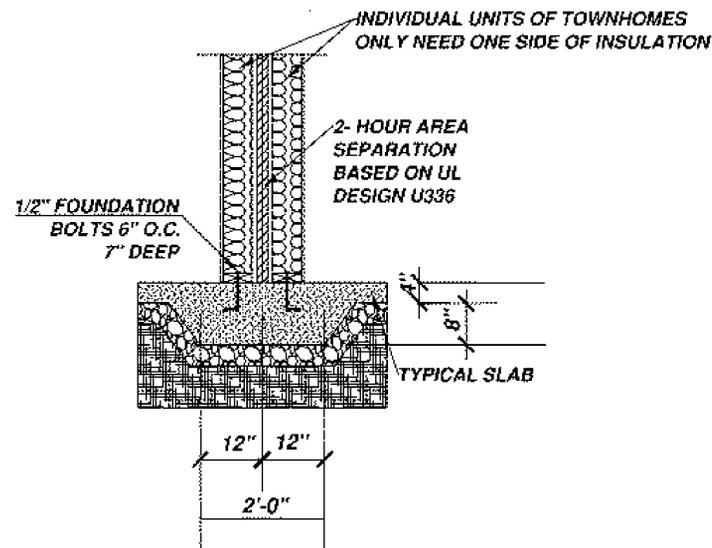
1 Section 1
 1/4" = 1'-0"



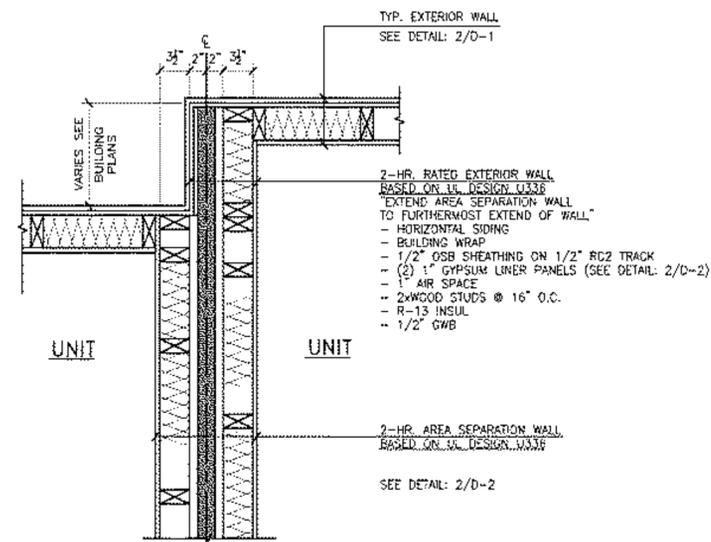
2 Section 2
 1/4" = 1'-0"



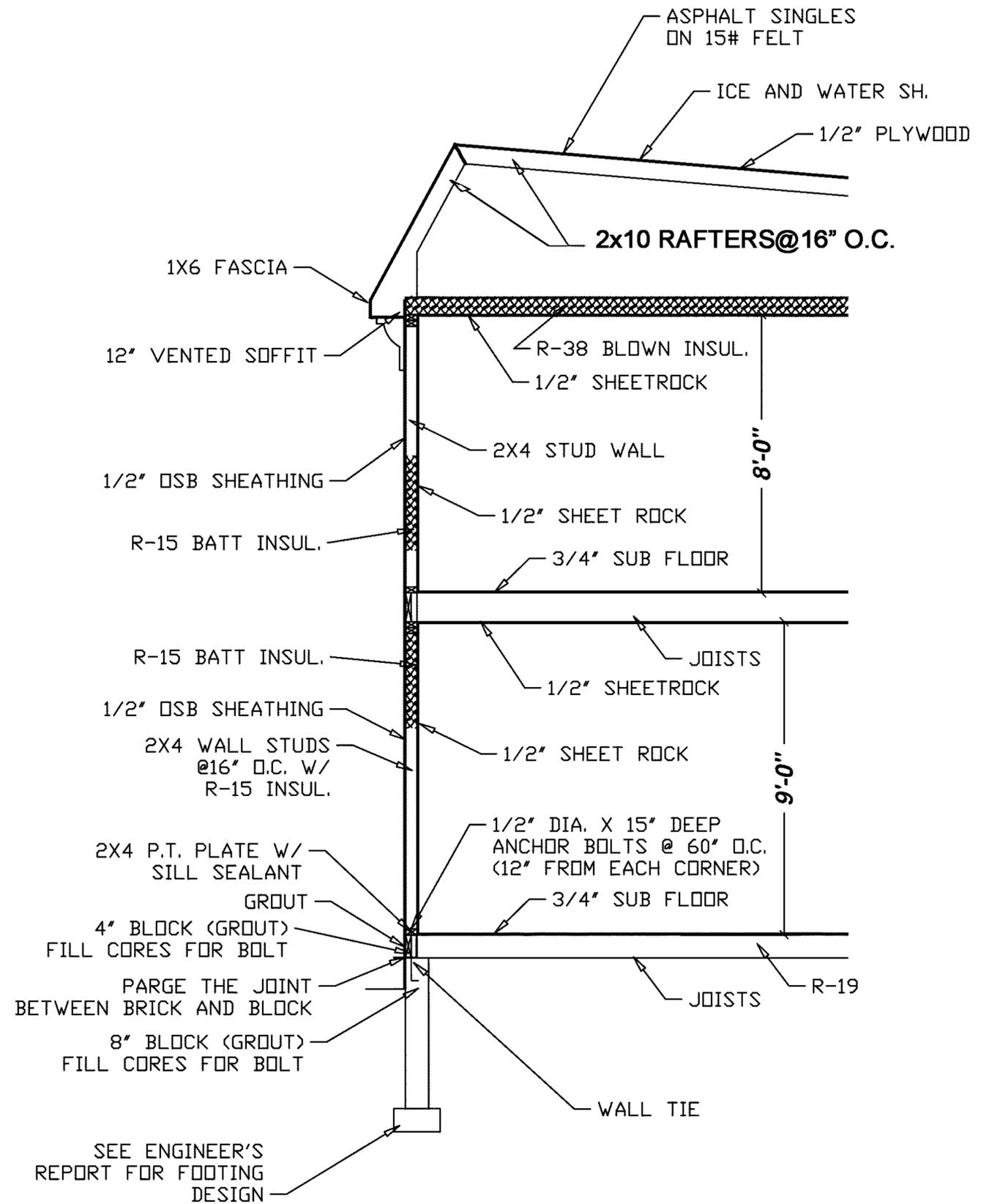
3 ROOF PLAN
 1/4" = 1'-0"



DETAIL S2
SCALE- NTS



6 **DETAIL: PLAN: 2-HOUR AREA SEPARATION WALL**
OFFSET CONDITION
SCALE: N.T.S.

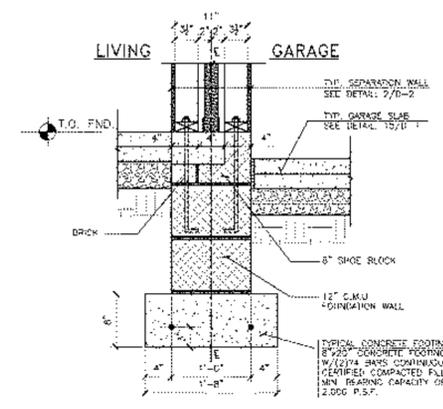


WALL SECTION

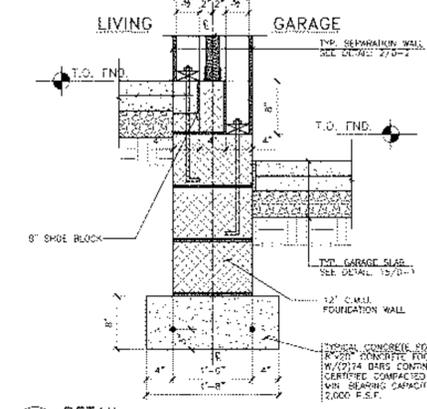
SCALE N.T.S.

REVISIONS
1/2/2024

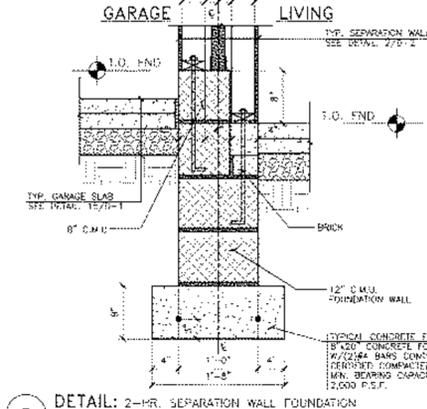
LARAHN 15/01/2021
JOB NO.



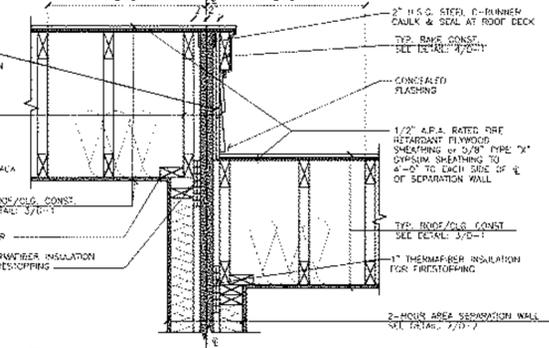
16 DETAIL: 2-HR. SEPARATION WALL FOUNDATION of GARAGE/LIVING (FLUSH) SCALE: 1" = 1'-0"



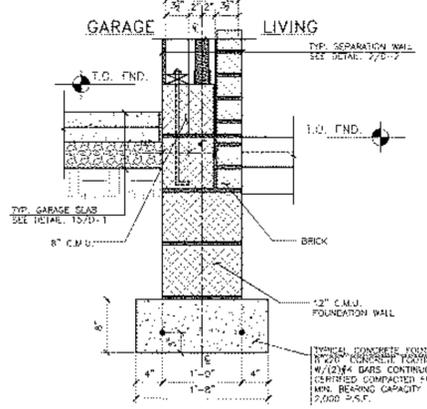
12 DETAIL: 2-HR. SEPARATION WALL FOUNDATION of GARAGE/LIVING (8" STEP) SCALE: 1" = 1'-0"



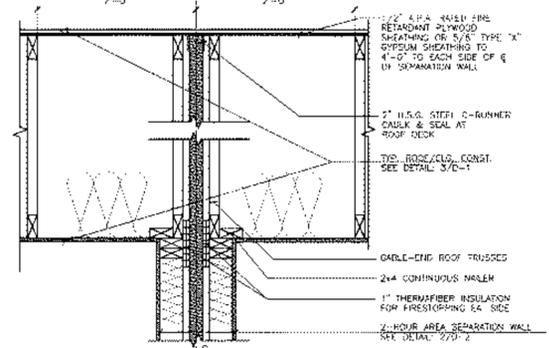
8 DETAIL: 2-HR. SEPARATION WALL FOUNDATION of GARAGE/LIVING (8" STEP) SCALE: 1" = 1'-0"



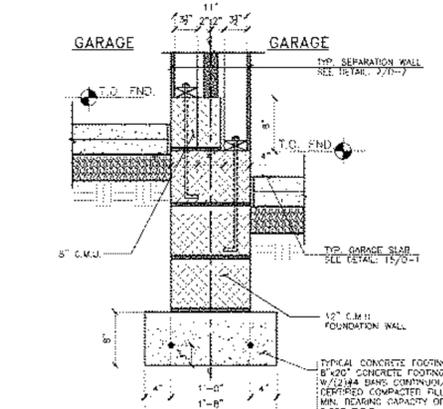
11 DETAIL: 2-HR. AREA SEPARATION WALL at ROOF STEP SCALE: 1" = 1'-0"



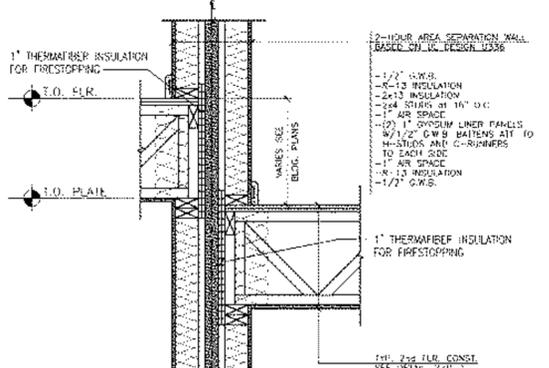
6A DETAIL: PLAN: 2-HOUR AREA SEPARATION WALL OFFSET CONDITION SCALE: 1" = 1'-0"



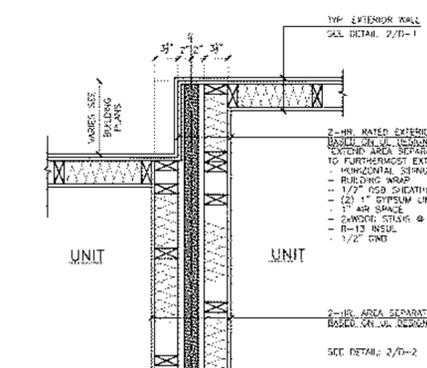
3 DETAIL: 2-HR. AREA SEP. WALL ASSEMBLY at ROOF SCALE: 1" = 1'-0"



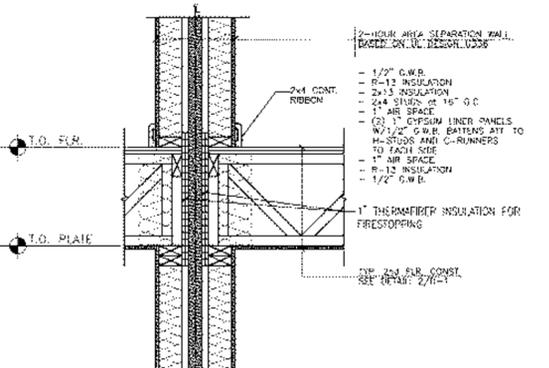
14 DETAIL: 2-HR. SEPARATION WALL FOUNDATION of GARAGE (8" STEP) SCALE: 1" = 1'-0"



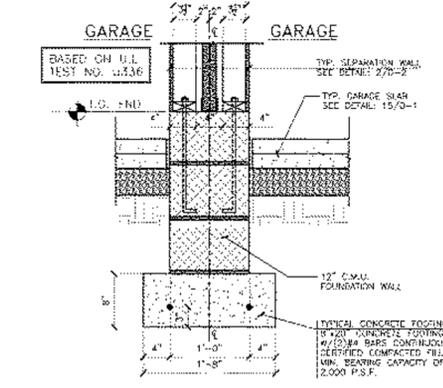
10 DETAIL: 2-HR. AREA SEPARATION WALL at 2nd FLOOR (at FINISH STEP) SCALE: 1" = 1'-0"



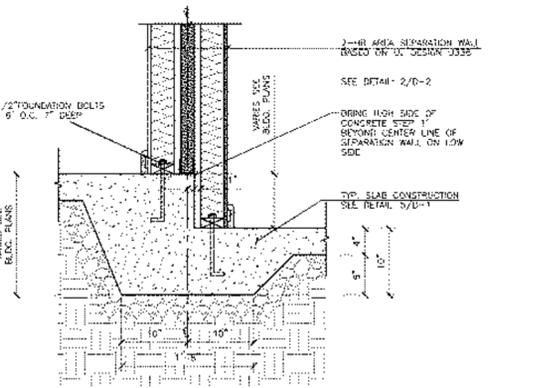
6 DETAIL: PLAN: 2-HOUR AREA SEPARATION WALL OFFSET CONDITION SCALE: 1" = 1'-0"



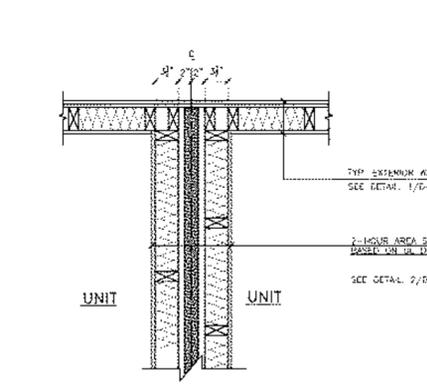
2 DETAIL: 2-HR. AREA SEP. WALL ASSEMBLY at 2nd FLOOR SCALE: 1" = 1'-0"



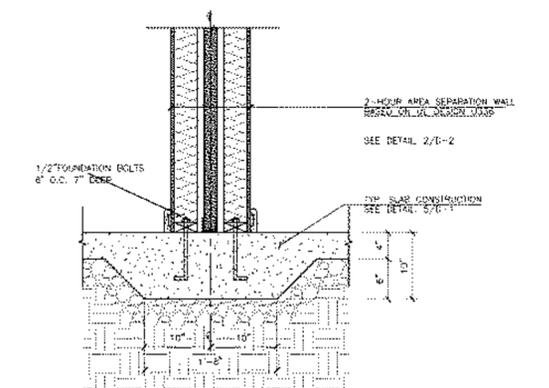
13 DETAIL: 2-HR. SEPARATION WALL FOUNDATION of GARAGE (FLUSH) SCALE: 1" = 1'-0"



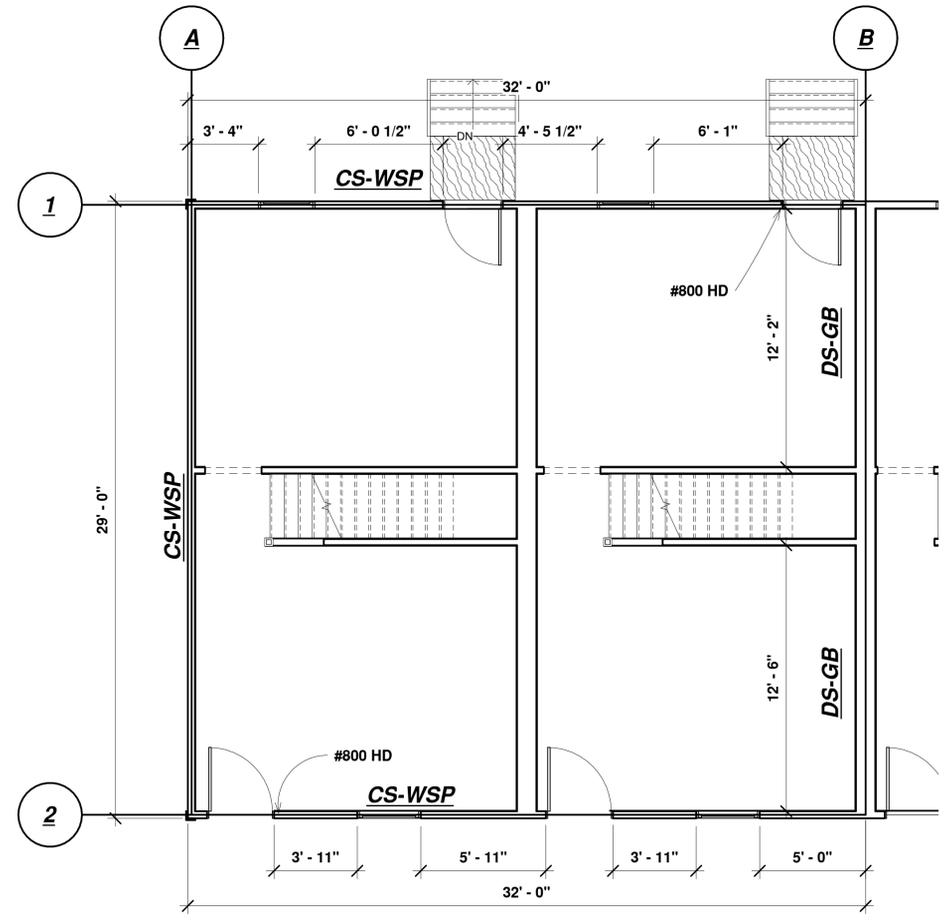
9 DETAIL: 2-HR. AREA SEP. WALL at SLAB-ON-CRADE (at BUILDING STEP) SCALE: 1" = 1'-0"



5 DETAIL: PLAN: 2-HOUR AREA SEPARATION WALL FLUSH CONDITION SCALE: 1" = 1'-0"



1 DETAIL: 2-HR. AREA SEP. WALL at SLAB-ON-CRADE SCALE: 1" = 1'-0"



① WIND BRACING DIAGRAM
1/4" = 1'-0"

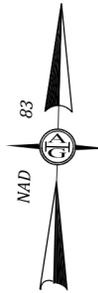
SOURCE OF TITLE:

Parcel E0000427033
 The property embraced within the limits of this Resubdivision was
 Conveyed from Frank L. Besosa And Sharlene P. Besosa, Trustees
 Of 2324 Burton Street, A Series Of AFS Properties To JSB Investments, LLC
 by deed dated 27th day of December, 2016 and recorded January 3, 2017
 in ID 2017-44 in the Clerk's office of the Circuit Court
 of Richmond, Virginia.

George A. Harocopos 1/31/2022
 George A. Harocopos, LS #2524 Date

GENERAL NOTES

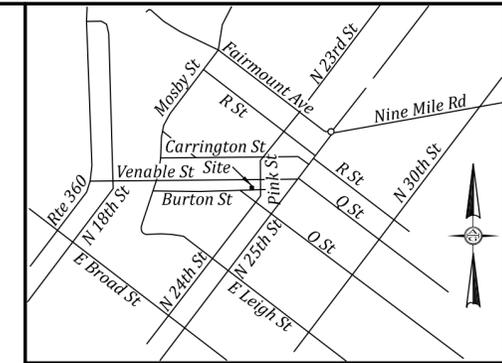
- 1 Use: Multi Family Urban
- 2 Current Zoning: R-63
- 3 Setbacks: Front 0' Side 3' Except Where Attached Rear 5'
- 4 Address: #2320 Burton Street
- 5 Tax Number: E0000427033
- 6 Water Supply: City Of Richmond
- 7 Sewer Hookup: City Of Richmond
- 8 Drainage: Roadside Ditches, Curbing And Gutter
- 9 Public Utilities: Overhead Lines
- 10 Owner Of Property: JSB Investments LLC
- 11 Total Area Of Lots: 1983.36 Sq. Ft. 0.046 Acre
 Area In Roads 0 Area In Land Dedicated For Public Purposes 0
 Area In Lots 1983.36 Sq. Ft. Or 0.046 Acre.
- 12 Number Of Lots 3
- 13 Lot Is Located In FEMA Flood Zone X On Panel No. 5101290041E
- 14 The Property Within This Division Does Not Contain Wetlands
 Identified In The National Wetlands Inventory Map.
- 15 The Property Within This Division Is Not Located Within
 A Chesapeake Bay Preservation Area.
- 16 Traffic Zone: 1058
- 17 Base Deed For Subject Parcel: ID 2017-44
- 18 Developer: SLF LLC



Lot Areas

- Lot 1
676.18 Sq. Feet
0.016 Acres
- Lot 2
653.59 Sq. Feet
0.015 Acres
- Lot 3
653.59 Sq. Feet
0.015 Acres

LINE	BEARING	DISTANCE
L1	S 87°57'55" W	16.71'
L2	S 87°57'55" W	16.18'
L3	S 87°57'55" W	16.18'
L4	N 01°45'30" W	40.42'
L5	N 87°57'55" E	16.16'
L6	N 87°57'55" E	16.16'
L7	N 87°57'55" E	16.73'
L8	N 01°46'58" W	40.42'
L9	N 01°48'27" W	40.42'
L10	N 01°45'30" W	40.42'



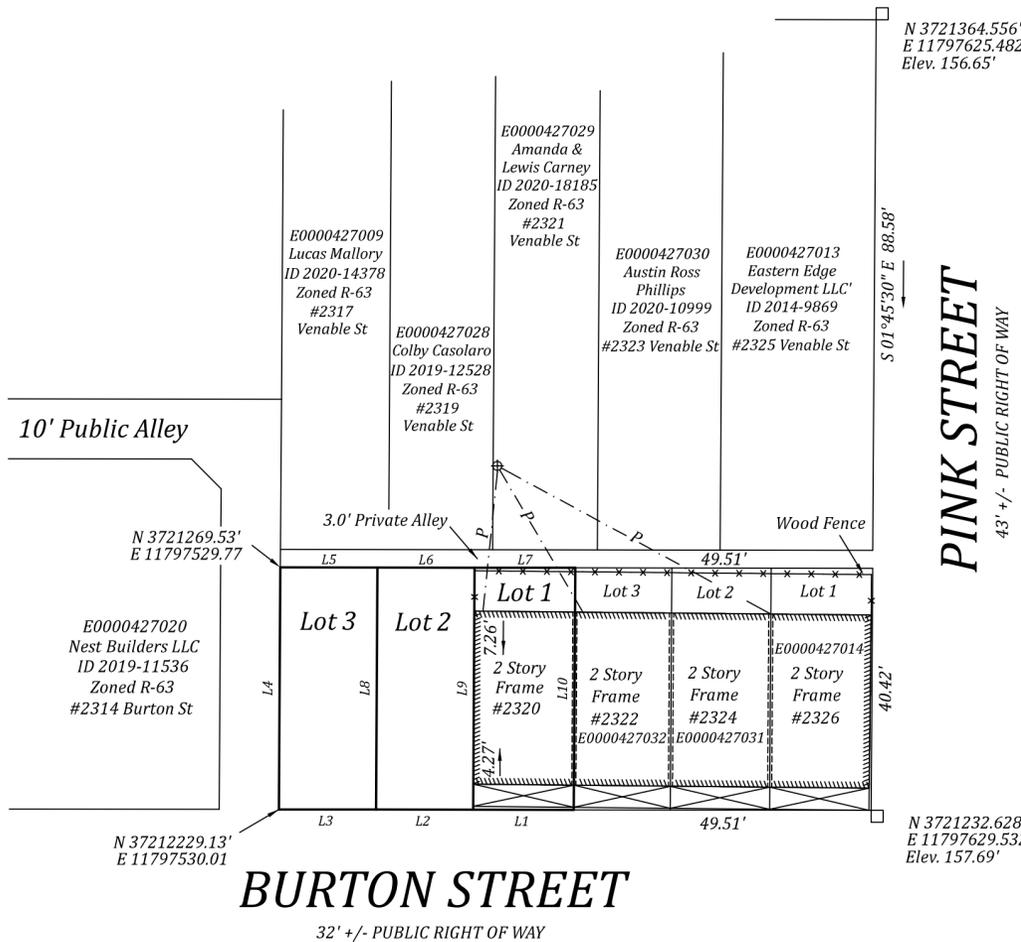
Scale 1" = 2000'

SUBDIVISION CERTIFICATE

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT, DESIGNATES AS #2316 - #2320 BURTON STREET SUBDIVISION IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH DESIRES OF THE UNDERSIGNED OWNERS, THERE IS NO MORTGAGE ON THE PROPERTY. ALL STREETS, ALLEYS AND EASEMENTS OF THE WIDTH AND EXTENT SHOWN HEREON ARE DEDICATED TO THE CITY OF RICHMOND, VIRGINIA FREE AND UNRESTRICTED BY ANY PREVIOUS EASEMENTS OR AGREEMENTS EXCEPT AS NOTED ON THIS MAP AT THE TIME OF RECORDATION. ALL EASEMENTS ARE FOR SURFACE AND UNDERGROUND DRAINAGE AND FOR UNDERGROUND UTILITIES UNLESS NOTED OTHERWISE. ALL UNRESTRICTED EASEMENTS ARE SUBJECT TO THE RIGHT OF THE CITY OF RICHMOND, VIRGINIA TO ESTABLISH ALLEYS ON SAID EASEMENTS AT A FUTURE TIME WITHOUT COST OF THE PROPERTY INVOLVED. THE DEDICATION OF EASEMENTS TO THE CITY INCLUDES THE RIGHT TO MAKE REASONABLE USE OF THE ADJOINING LAND FOR CONSTRUCTION AND MAINTENANCE OF PUBLIC FACILITIES WITHIN THE BOUNDARIES OF THE EASEMENTS SHOWN HEREON. ALL DEDICATIONS OF THE LAND ARE SUBJECT TO THE RIGHT OF THE CITY OF RICHMOND, VIRGINIA TO ESTABLISH STREETS ALLEYS OR EASEMENTS ON SUCH PROPERTIES AT A FUTURE TIME WITHOUT COST OF THE PROPERTY INVOLVED.

IN WITNESS WHEREOF

JOHN SPENCER BUDWELL DATE
 REPRESENTATIVE FOR JSB INVESTMENTS, LLC

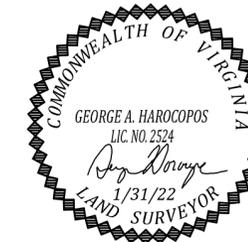


PINK STREET
43' +/- PUBLIC RIGHT OF WAY

SURVEYOR'S CERTIFICATE

I certify that the boundary lines shown hereon are based on a field survey and are correct and that, to the best of my knowledge and belief, all the requirements as set forth in the ordinance for approving plats of subdivisions for recordation in Richmond Virginia, have been complied with. All monuments have previously been set

George A. Harocopos 1/31/2022
 George A. Harocopos, LS #2524 Date



CITY/COUNTY OF _____
 COMMONWEALTH OF VIRGINIA
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFOR ME
 THIS _____ DAY OF _____

 NOTARY PUBLIC
 NOTERY REGISTRATION NUMBER _____
 MY COMMISSION EXPIRES _____

APPROVAL BLOCK

SURVEY OF
#2316 - #2320 BURTON STREET SUBDIVISION
 A RESBDIVISION OF LOT 4 OF THE
#2320 - #2326 BURTON STREET SUBDIVISION
 RICHMOND, VIRGINIA

JN 50262

A. G. HAROCOPOS & ASSOCIATES, P.C.
 CERTIFIED LAND SURVEYOR AND CONSULTANT
 4920 E. MILLRIDGE PKWY. SUITE 200 MIDLOTHIAN VA. 23112
 Office 804 744 2630 FAX 804 744 2632
 E-MAIL AGHAROCOPOS72@GMAIL.COM
 Scale 1"=20' Date 1/31/22 Drawn by GAH

