

INTRODUCED: October 10, 2022

AN ORDINANCE No. 2022-294

To authorize the special use of the property known as 207 Avon Road for the purpose of a dwelling unit within an accessory building to a single-family dwelling, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: NOV 14 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 207 Avon Road, which is situated in a R-1 Single-Family Residential District, desires to use such property for the purpose of a dwelling unit within an accessory building to a single-family dwelling, which use, among other things, is not currently allowed by section 30-402.2, concerning permitted accessory uses and structures, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: \_\_\_\_\_

ADOPTED: NOV 14 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 207 Avon Road and identified as Tax Parcel No. W022-0264/014 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Topographic and Improvements Survey on Lot 14, Block 41, Windsor Farms, City of Richmond, Virginia,” prepared by Balzer & Associates, and dated April 29, 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 dwelling unit within an accessory building to a single-family dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Howren Residence, 207 Avon Road, Richmond, VA 23221,” prepared by Menlo Architecture, and dated December 6, 2021, 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 dwelling unit within an accessory building to a single-family dwelling, 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, setbacks, and site improvements 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.

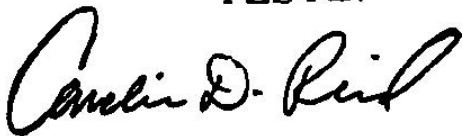
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or

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. Reed". 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.2022.0296

### O & R Request

**DATE:** August 29, 2022

**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

**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 207 Avon Road for the purpose of a dwelling unit within an accessory building to a single-family dwelling, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 207 Avon Road for the purpose of a dwelling unit within an accessory building to a single-family dwelling, upon certain terms and conditions.

**REASON:** The property is located in the R-1 Single-Family Residential District. Accessory dwelling units are not permitted uses in this zoning district. Therefore a special use permit is requested in order to authorize this use.

**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 October 17, 2022, meeting.

**BACKGROUND:** The .63 acre subject property is located midblock on the southern side of Avon Road between Sulgrave Road and West Oxford Circle in the Windsor Farms neighborhood. The property is improved with a 2,799 square foot single-family detached dwelling.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential Uses. This designation is defined as a "neighborhood consisting primarily of single-family houses on large or medium-sized lots more homogenous in nature. Accessory dwelling units are considered a primary use in this area.

**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:** \$1,800 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** September 26, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** November 14, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
October 17, 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, Applicant's Report, Property, Plans, Map

**STAFF:** David Watson, Senior Planner, Land Use Administration (Room 511) 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: 207 Avon Rd Date: April 11, 2022  
 Tax Map #: W0220264014 Fee: \$300.00  
 Total area of affected site in acres: 0.63

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

**Zoning**

Current Zoning: R-1

Existing Use: Single family detached residential

**Proposed Use**

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

Dwelling unit in an accessory building  
 Existing Use: Single family detached residential

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Lory Markham


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

**Property Owner:** HOWREN, JENNIFER RUBIN AND JAMES HUDGINS JR

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: 323 Clovelly Road  
 City: Richmond State: VA Zip Code: 23221  
 Telephone: (804) 432-1514 & (804) 350-0252 Fax: ( )  
 Email: jay@howren.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)



April 19, 2022

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

Re: 207 Avon Road Special Use Permit

Dear Mr. Vonck,

Please accept this letter as the Applicant's Report along with the Special Use Permit application for the property located at 207 Avon Road. With this application the property owners are petitioning the City Council for a SUP to authorize the construction of a dwelling unit on the second level of a new detached garage.

Currently, the property is improved with a single-family detached dwelling in the R-1 Single-Family Residential District. The residence is a two-story dwelling containing 2,799 square feet of floor area constructed in 1951. The property owners are renovating the existing dwelling along with the rest of the property to include new landscaping, patio, swimming pool, driveway, and construction of a two-story detached garage.

On the second level of the proposed garage, the property owners wish to construct a finished living area as an additional amenity space. This space will include a living room, lounge, half-bathroom, and kitchen. On the ground floor the owners propose a bathroom with a shower. With the inclusion of the kitchen and the shower, based on the definitions included in the Zoning Ordinance, the space is considered as a dwelling unit. In the R-1 District, this dwelling unit in the garage is not permitted. Therefore, the property owners are requesting a Special Use Permit.

***Existing Site Conditions***

The subject property is one parcel containing 0.63 acres of land area located on the south side of Avon Road between W Oxford Circle and Sulgrave Road. The parcel is irregularly-shaped with a lot width along Avon Road of 125 feet. The property is currently improved with a single-family dwelling constructed in 1951 with 2,799 square feet of finished living area.

### ***Current Zoning***

The property is currently zoned R-1 Single-Family Residential which permits single-family detached dwellings and compatible uses such as churches, libraries, and schools.

Accessory uses and structures are also permitted such as private garages and storage buildings. However, dwelling units are not permitted in accessory buildings.

### ***City's Master Plan for Future Land Use***

The Richmond 300 Master Plan recommends Residential land use for the property. This recommendation is for neighborhoods consisting primarily of single-family houses on large- or medium sized lots more homogeneous in nature.

Houses on medium-sized and large-sized lots in a largely auto-dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings.

### ***Neighborhood Outreach***

The property owners have reached out to the Windsor Farms Home Owners Association and have received approval from the Association's Architectural Review Committee.

The property owners have also notified surrounding neighbors of their proposal.

### ***City Charter Conditions***

We trust that you will agree with us that this proposed Special Use Permits 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](mailto: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 fluid and cursive, with the first name "Lory" being more prominent than the last name "Markham".

Lory Markham

Enc: Application form, existing survey, conceptual plans

cc: Richard Saunders, Secretary to the City Planning Commission  
The Honorable Andreas D. Addison, 1<sup>st</sup> District Representative



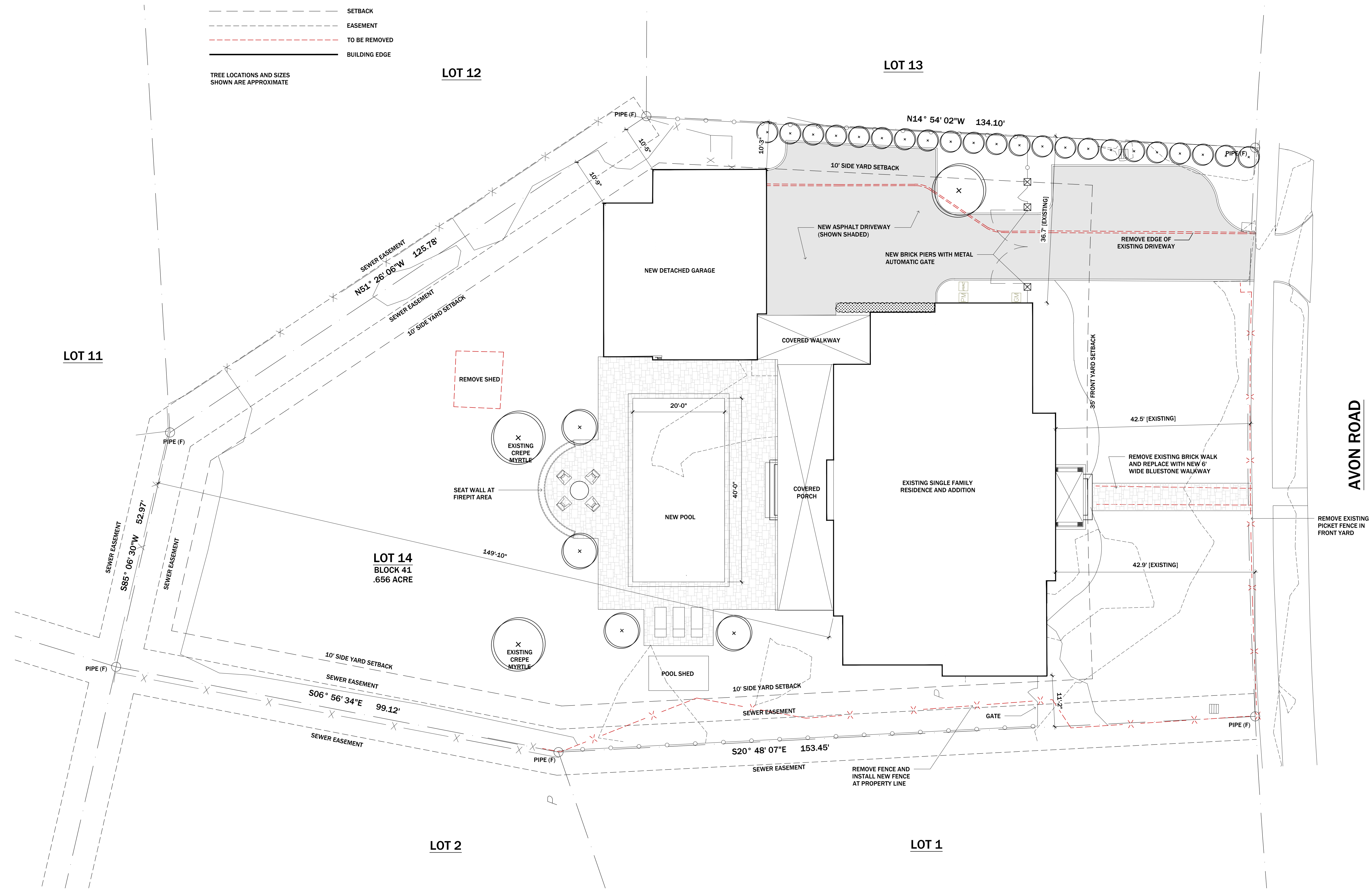
REVISION	DATE
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NOTES:  
 1. ALL DIMENSIONS SHOWN ARE TO F.O. STUD UNLESS OTHERWISE NOTED.  
 2. HOUSE DATUM: X.X' = 0'-0"

**LEGEND**

- PROPERTY LINE
- - - SETBACK
- - - EASEMENT
- - - TO BE REMOVED
- BUILDING EDGE


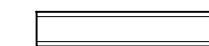
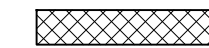
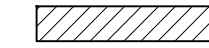
TREE LOCATIONS AND SIZES SHOWN ARE APPROXIMATE



**AVON ROAD**

REMOVE EXISTING PICKET FENCE IN FRONT YARD

**LEGEND**

-  EXISTING WALL TO REMAIN
-  NEW WALL
-  CMU
-  BRICK VENEER

**GENERAL CONSTRUCTION NOTES**

1. DIMENSIONS WHERE SHOWN ARE TO FACE OF CONCRETE, MASONRY OR STUD UNLESS NOTED OTHERWISE. VERIFY ALL DIMENSIONS OF EXISTING WALLS. NOTIFY ARCHITECT OF DISCREPANCIES, MAINTAIN ALL CLEAR DIMENSIONS.
2. ALL MATERIALS AND PRODUCTS TO BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS
3. ALL WORK SHALL BE IN ACCORDANCE WITH ANY APPLICABLE BUILDING CODES

**KEY NOTES**

- ① TBD

**GARAGE LINTEL SCHEDULE**

- GL1 (3) 2X6 VERTICAL W/ (1) JS, (2) KS
- GL2 (3) 2X8 VERTICAL W/ (1) JS, (3) KS
- GL3 (3) 1 3/4" X 11 1/4" LVL WITH (3) JS, (4) KS
- GL4 (3) 2X6 WITH (1) JS, (1) KS
- GL5 (3) 1 3/4" X 7 1/4" LVL (3) JS, (1) KS

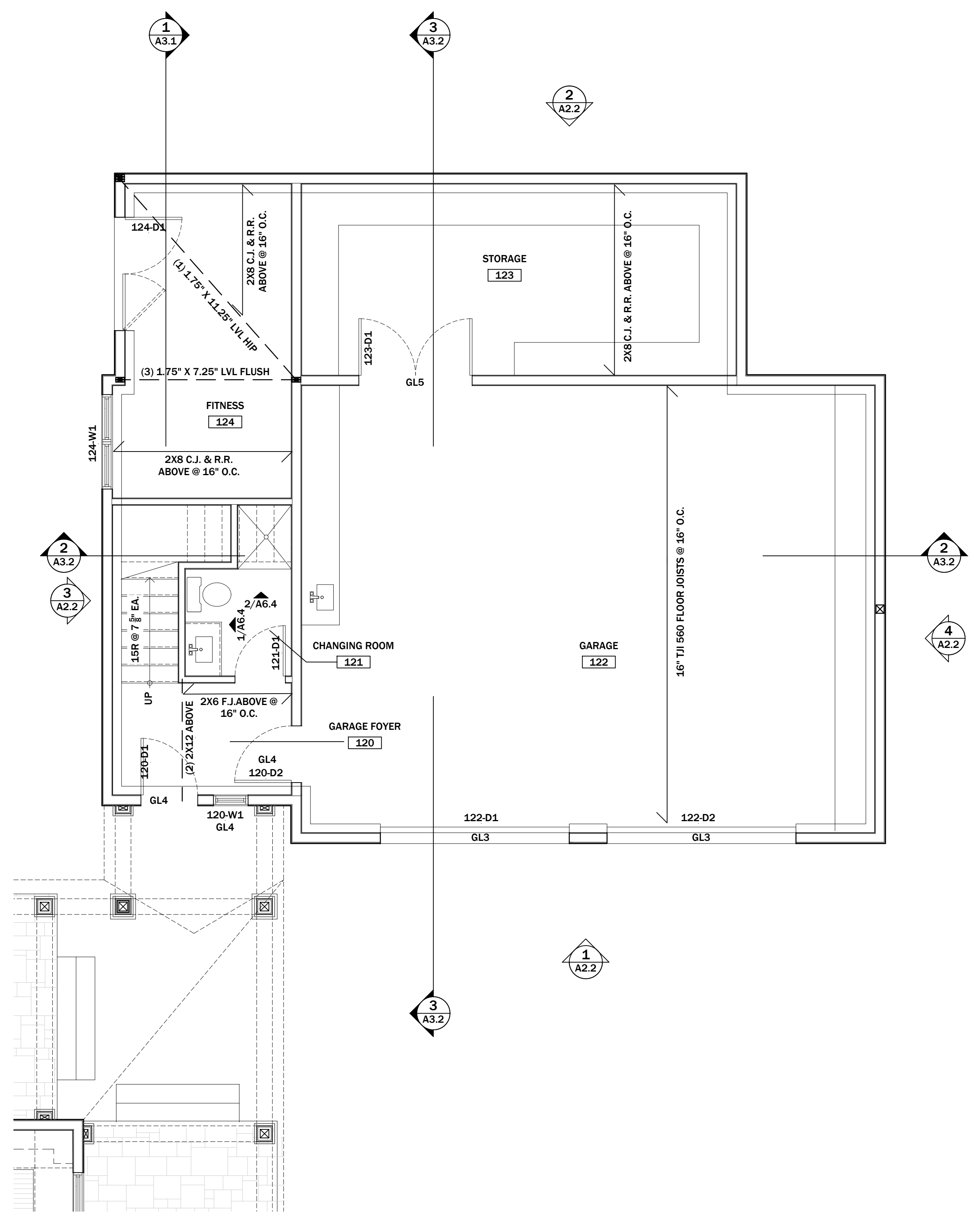
PROJECT  
**HOWREN RESIDENCE**

207 AVON ROAD  
RICHMOND, VA 23221

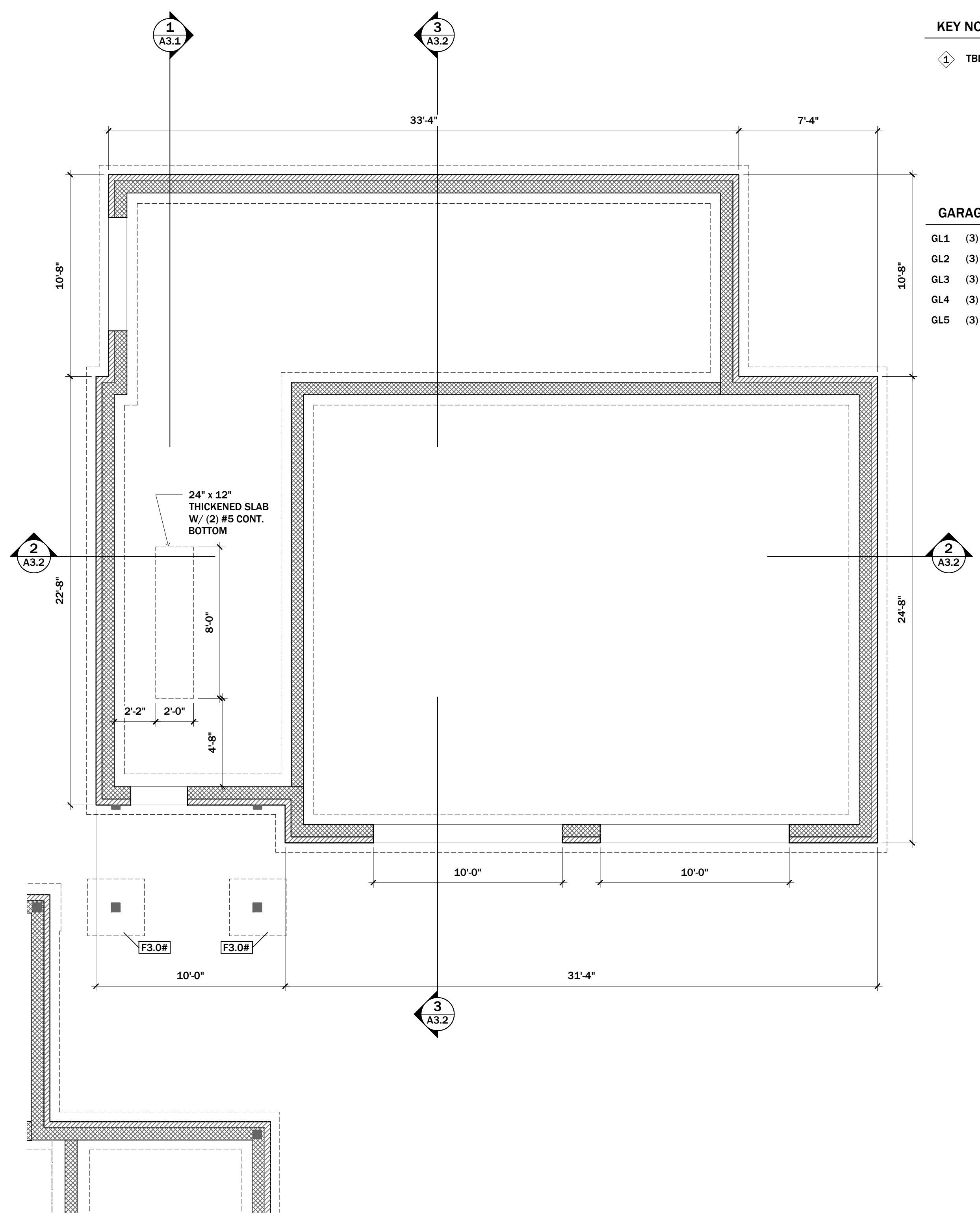
PERMIT SET  
DECEMBER 06 2021

REVISION	DATE
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NOTES:  
 1. ALL DIMENSIONS SHOWN ARE TO F.O. STUD UNLESS OTHERWISE NOTED.  
 2. HOUSE DATUM: X.X' = 0'-0"




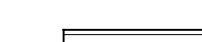
**GARAGE FIRST FLOOR** ②  
1/4" = 1'-0"



**GARAGE FOUNDATION PLAN** ①  
1/4" = 1'-0"

**GARAGE FOUNDATION AND FIRST FLOOR PLAN**

**LEGEND**

-  EXISTING WALL TO REMAIN
-  NEW WALL

**GENERAL CONSTRUCTION NOTES**

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3. ALL WORK SHALL BE IN ACCORDANCE WITH ANY APPLICABLE BUILDING CODES

**KEY NOTES**

- ① TBD

**GARAGE LINTEL SCHEDULE**

- GL1 (3) 2X6 VERTICAL W/ (1) JS, (2) KS
- GL2 (3) 2X8 VERTICAL W/ (1) JS, (3) KS
- GL3 (3) 1 3/4" X 11 1/4" LVL WITH (3) JS, (4) KS
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- GL5 (3) 1 3/4" X 7 1/4" LVL (3) JS, (1) KS

PROJECT

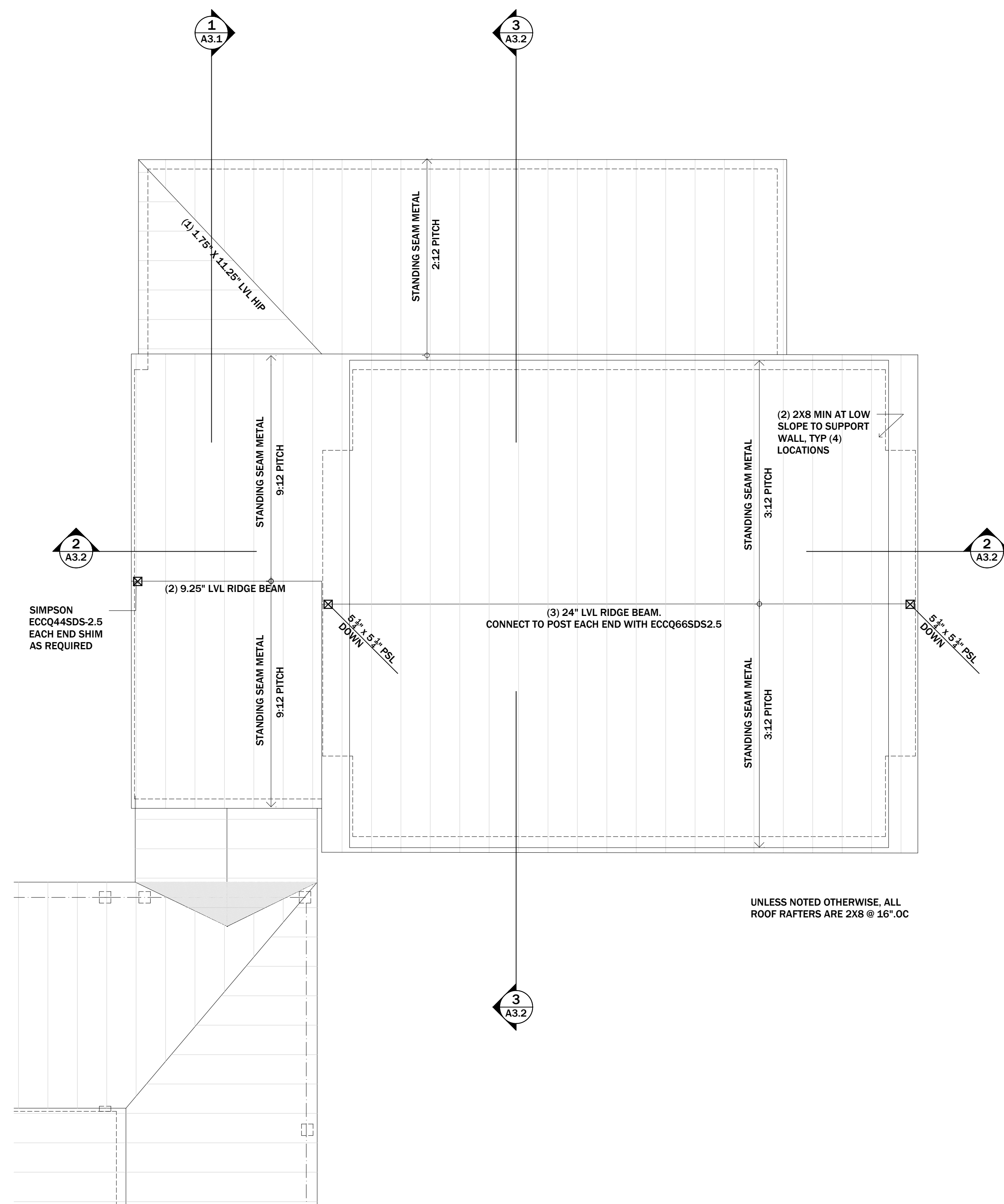
**HOWREN  
RESIDENCE**

207 AVON ROAD  
RICHMOND, VA 23221

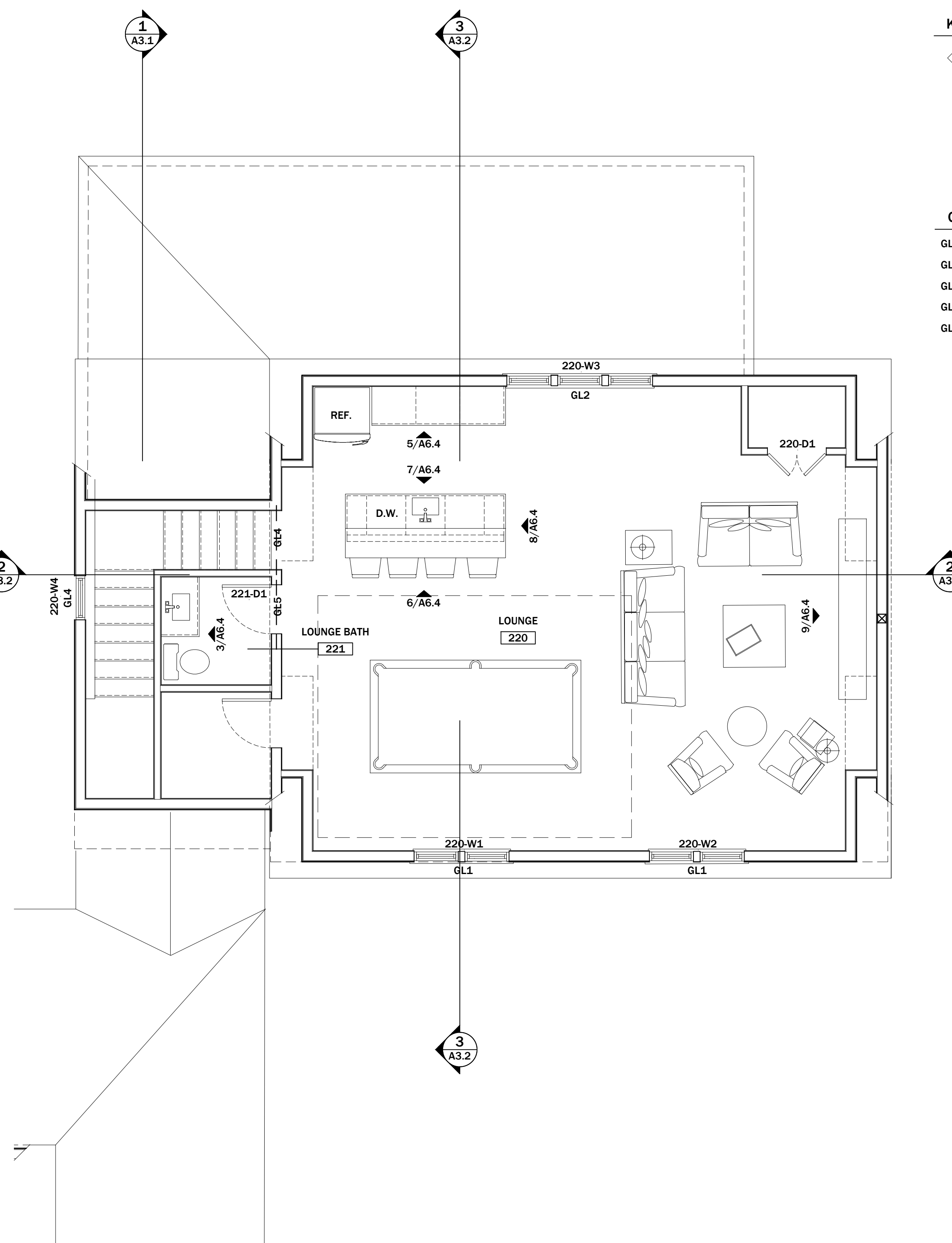
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DECEMBER 06 2021

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**GARAGE ROOF PLAN** ②  
1/4" = 1'-0"



**GARAGE SECOND FLOOR PLAN** ①  
1/4" = 1'-0"

**GARAGE  
SECOND  
FLOOR AND  
ROOF PLAN**

**A1.5**



- EXTERIOR MATERIAL KEY**
- 01 HARDIE SHINGLE (JAMES HARDIE)
  - 02 HARDIE PLAN (JAMES HARDIE)
  - 03 COMPOSITE SKIRT BOARD, PAINTED
  - 04 BRICK (NEW TO MATCH EXISTING)
  - 05 STANDING SEAM METAL ROOF (COLOR TBD)
  - 06 SLATE ROOF (TO MATCH EXISTING)
  - 07 COMPOSITE TRIM (PAINTED)
  - 08 COMPOSITE COLUMN WRAP (PAINTED)
  - 09 COPPER GUTTER / DOWNSPOUT
  - 10 EXISTING BRICK
  - 11 STONE FLOORING
  - 12 WOOD BRACKET

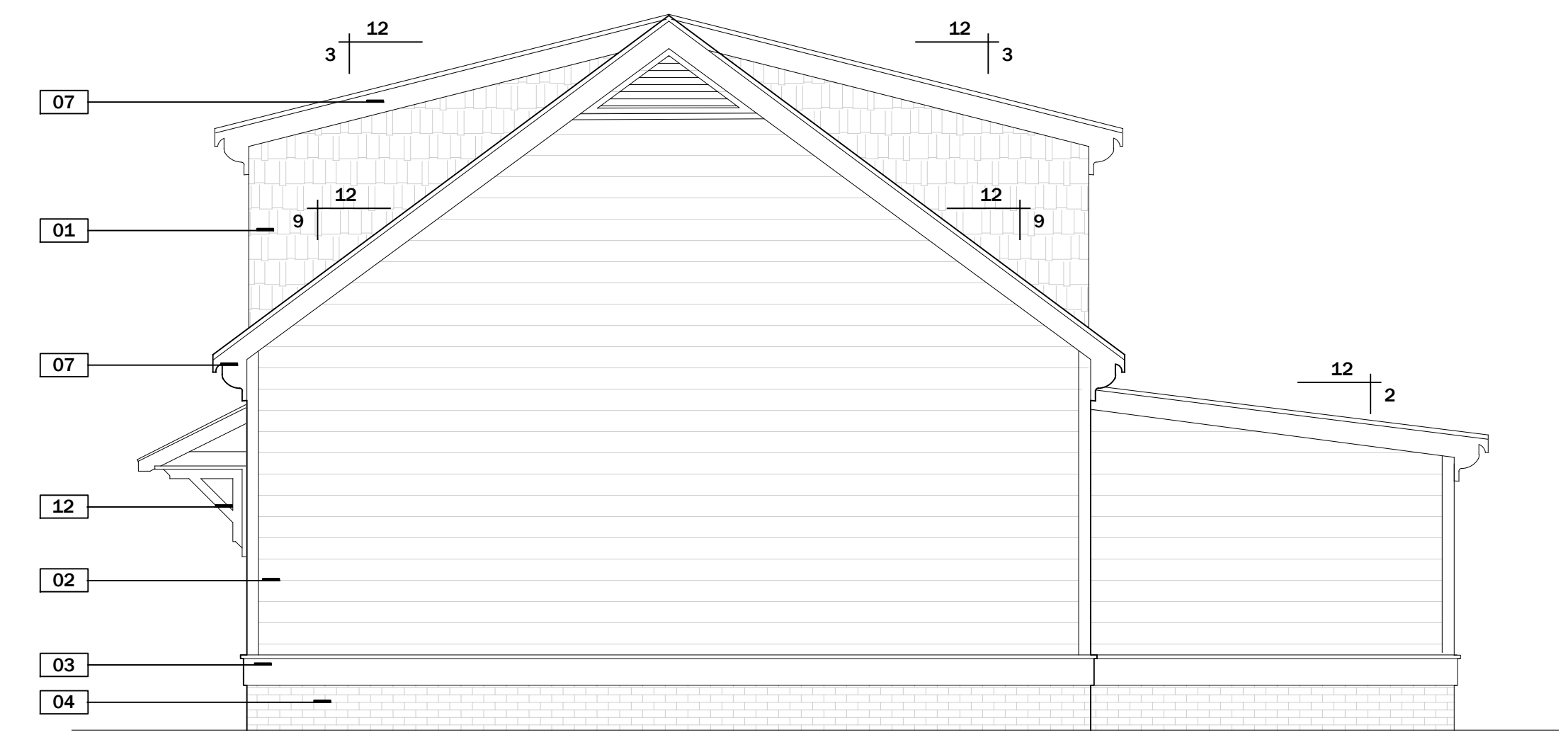
PROJECT  
**HOWREN RESIDENCE**

207 AVON ROAD  
RICHMOND, VA 23221

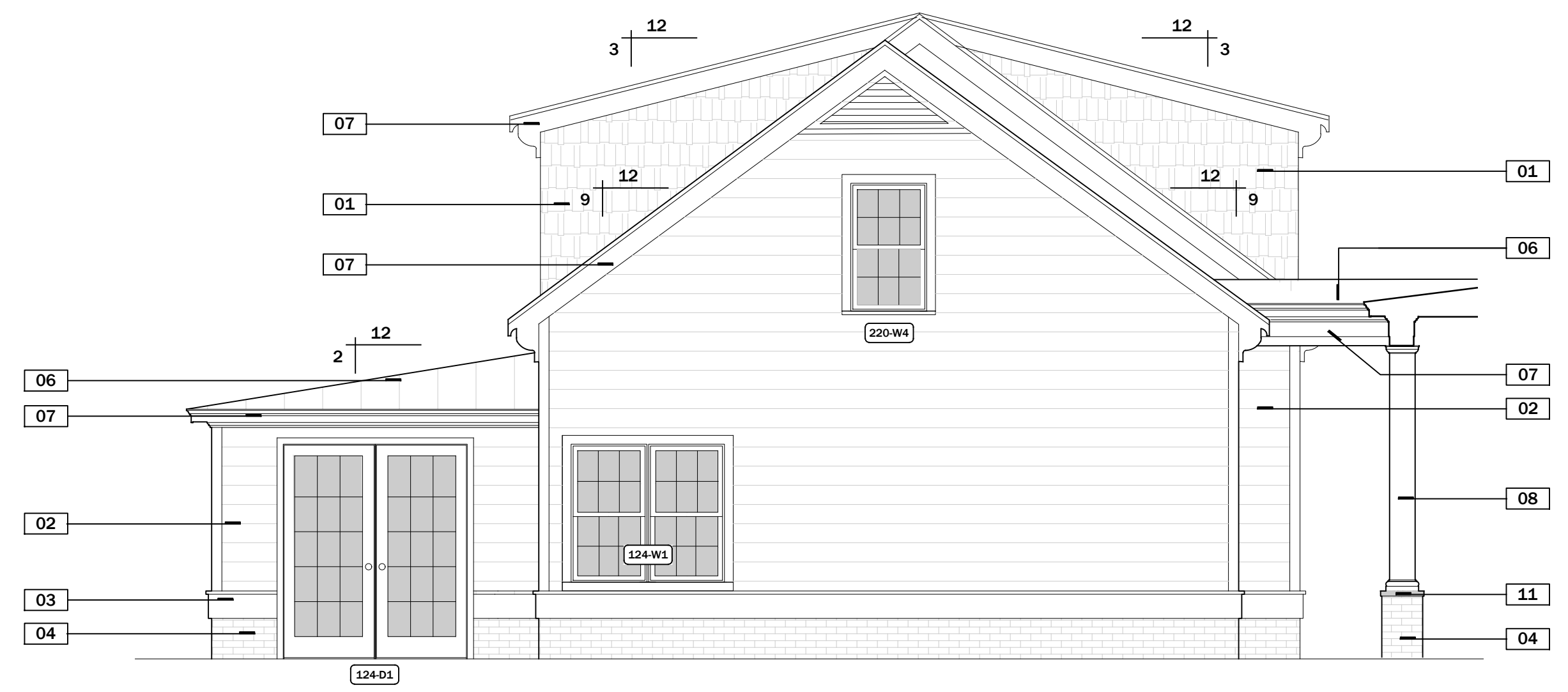
PERMIT SET  
DECEMBER 06 2021

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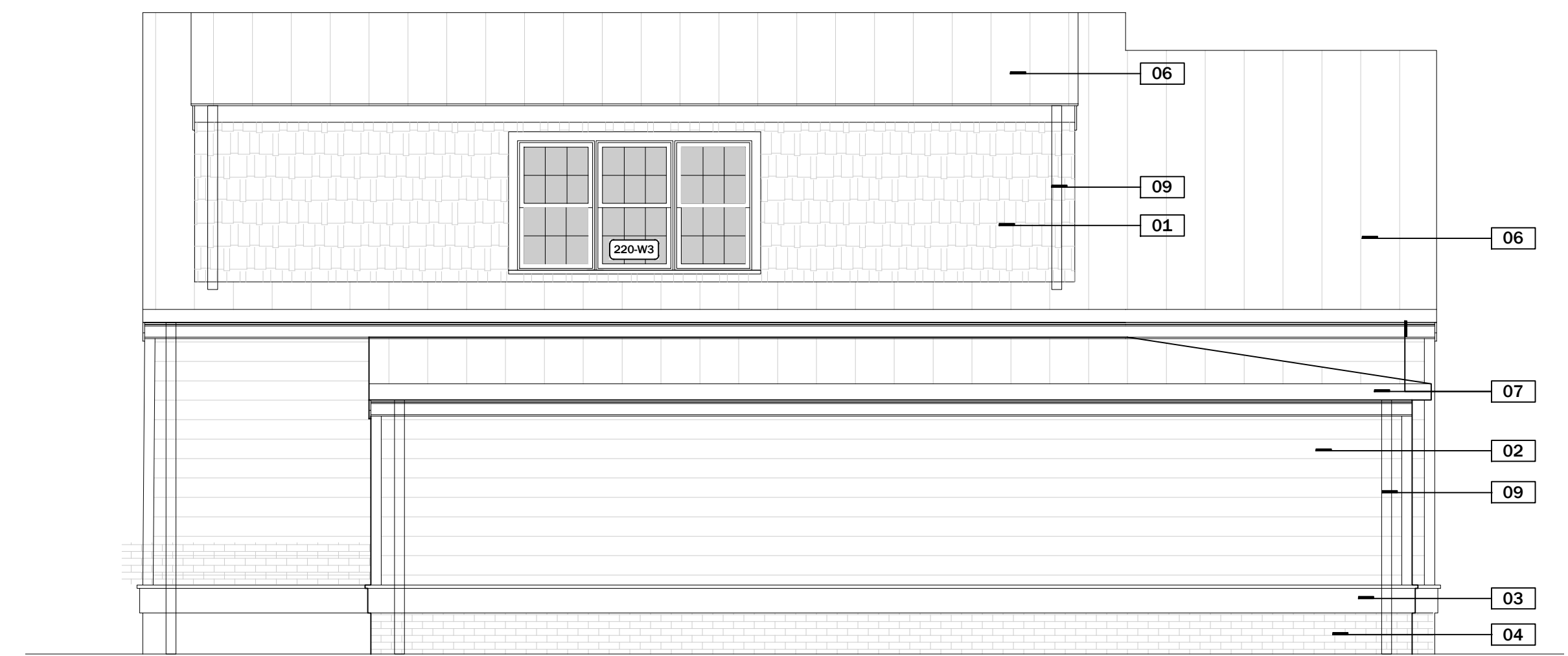
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2. HOUSE DATUM: X.X' = 0'-0"



**SOUTHWEST [SIDE] ELEVATION** 4  
1/4" = 1'-0"



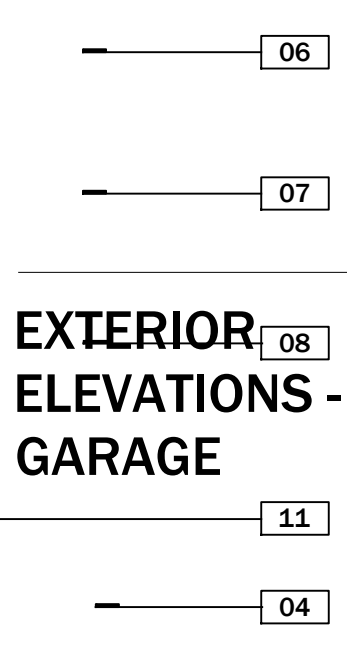
**NORTHEAST [SIDE] ELEVATION** 3  
1/4" = 1'-0"



**SOUTHEAST [REAR] ELEVATION** 2  
1/4" = 1'-0"



**NORTHWEST [FRONT] ELEVATION** 1  
1/4" = 1'-0"



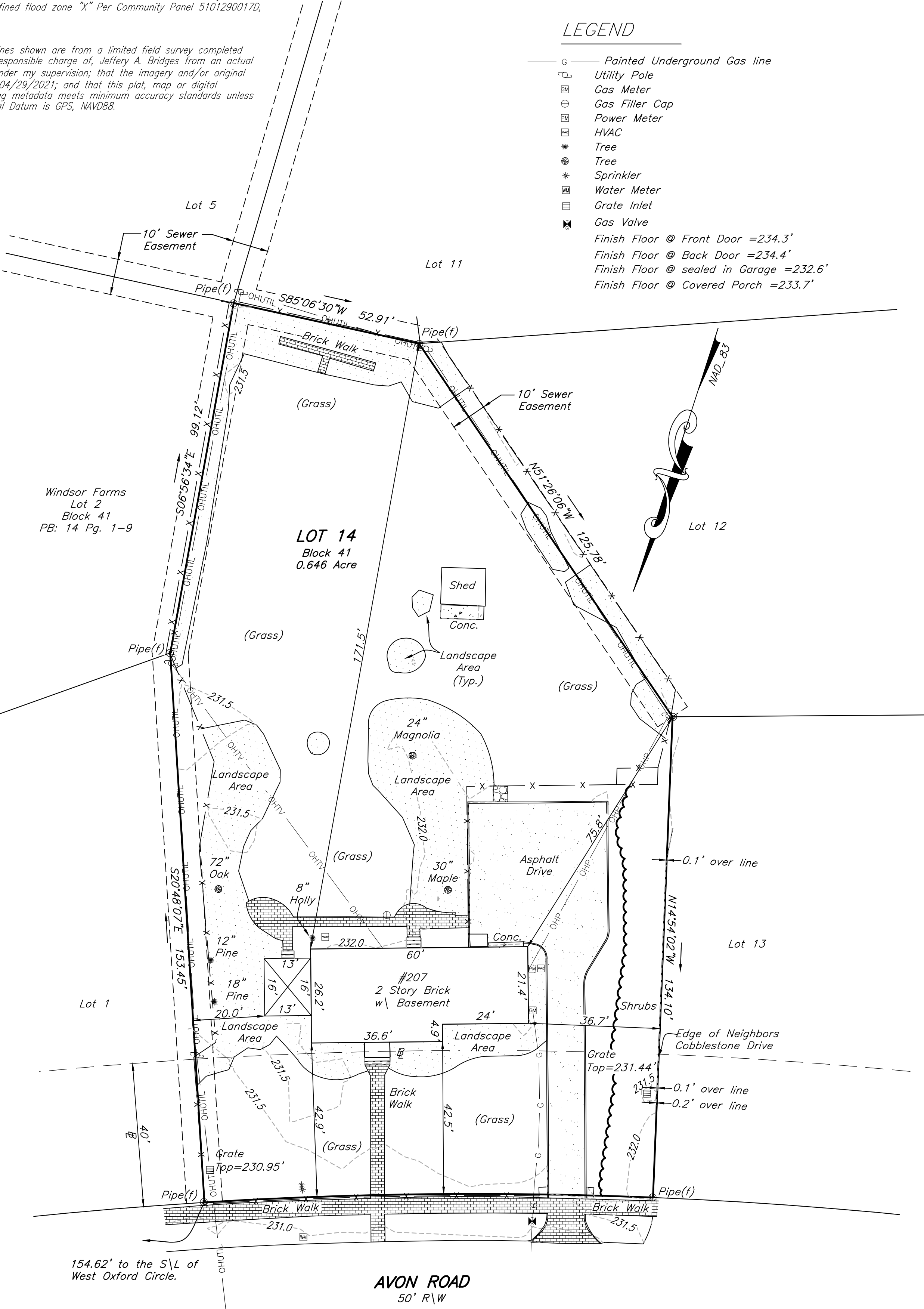
**EXTERIOR ELEVATIONS - GARAGE**

This is to certify that this plat or map was prepared under my direction from an actual field survey 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. Property is in FEMA Defined flood zone "X" Per Community Panel 5101290017D, dated April 02, 2009.

The existing contours lines shown are from a limited field survey completed under the direct and responsible charge of, Jeffery A. Bridges from an actual Ground Survey made under my supervision; that the imagery and/or original data was obtained on 04/29/2021; and that this plat, map or digital geospatial data including metadata meets minimum accuracy standards unless otherwise noted. Vertical Datum is GPS, NAVD88.

**LEGEND**

- Painted Underground Gas line
  - Utility Pole
  - Gas Meter
  - Gas Filler Cap
  - Power Meter
  - HVAC
  - Tree
  - Tree
  - Sprinkler
  - Water Meter
  - Grate Inlet
  - Gas Valve
- Finish Floor @ Front Door =234.3'  
 Finish Floor @ Back Door =234.4'  
 Finish Floor @ sealed in Garage =232.6'  
 Finish Floor @ Covered Porch =233.7'

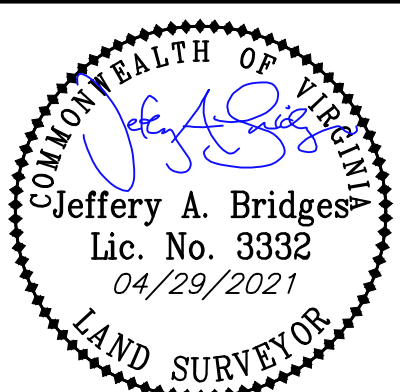


Windsor Farms  
 Lot 2  
 Block 41  
 PB: 14 Pg. 1-9

**LOT 14**  
 Block 41  
 0.646 Acre

**AVON ROAD**  
 50' R\W

**CURRENT OWNER:**  
 ANDREW F & CHERYL D. WALKER  
 PARCEL ID: W022-0264-014  
 INST: ID2004-25501  
 #207 AVON ROAD



TOPOGRAPHIC AND IMPROVEMENTS SURVEY ON  
**LOT 14, BLOCK 41,**  
**WINDSOR FARMS**  
 CITY OF RICHMOND, VIRGINIA

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RE: Jay & Jenny Howren  
 DATE: 04/29/2021  
 SCALE: 1"=20'  
 JOB NO.: 55210154.MS  
 DRAWN BY: DAD  
 CHECKED BY: JAB