

MOTION

To amend Ordinance No. 2025-113, which authorizes the special use of the property known as 3200 2nd Avenue for the purpose of up to one single-family detached dwelling, two two-family detached dwellings, and four single-family attached dwellings, upon certain terms and conditions, to modify the number of dwellings and the Plans.

INTRODUCED: May 12, 2025

AN ORDINANCE No. 2025-113

As Amended

To authorize the special use of the property known as 3200 2nd Avenue for the purpose of up to ~~[one]~~ two single-family detached ~~[dwelling]~~ dwellings, ~~[two]~~ one two-family detached ~~[dwellings]~~ dwelling, and four single-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 27 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 3200 2nd Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of up to ~~[one]~~ two single-family detached ~~[dwelling]~~ dwellings, ~~[two]~~ one two-family detached ~~[dwellings]~~ dwelling, and four single-family attached dwellings, which use, among other things, is not currently allowed by sections 30-412.4, concerning lot area and width, density, and unit width, and 30-412.5 concerning yards, of the Code of the City of Richmond (2020), as amended; and

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

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 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 3200 2nd Avenue and identified as Tax Parcel No. N000-1070/010 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled “Map Showing the Improvements on Lots 24-26, Block ‘16,’ ‘Highland Park,’ in the City of Richmond, VA.,” prepared by Virginia Surveys, and dated March 6, 2024, 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 up to ~~[one]~~ two single-family detached ~~[dwelling]~~ dwellings, ~~[two]~~ one two-family detached ~~[dwellings]~~ dwelling, and four single-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled ~~“Watchtower Construction, 3202 & 3202.5 2nd Ave,” prepared by Infinity Wise Services, and dated May 2, 2024,~~ ~~“Watchtower Construction, 3206 2nd Ave,” prepared by Infinity Wise Services, and dated May 2, 2024,~~ ~~“206-208 Burns ST,”~~ “Burns 4 Units Attached,” prepared by River Mill Development, and dated ~~[May 15, 2024]~~ July 10, 2025, ~~“210 Burns ST,”~~ “24’ X 40’ Detached,” prepared by River Mill Development, and dated ~~[May 15, 2024]~~ July 10, 2025, “16’ X 48’ Detached,” prepared by River Mill Development, and dated July 10, 2025, and “Sketch Showing A Proposed Division on Lots 24-26, Block ‘16,’ ‘Highland Park,’ in the City of Richmond, VA.,” prepared by Virginia Surveys, dated April 24, 2024, and last revised ~~[October 16, 2024]~~ September 5, 2025, hereinafter,

collectively, 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 up to [~~one~~] two single-family detached [~~dwelling~~] dwellings, [~~two~~] one two-family detached [~~dwellings~~] dwelling, and four single-family attached dwellings, substantially as shown on the Plans.

(b) A private access easement shall be provided for the Special Use to allow for the collection of refuse, substantially as shown on the plans.

(c) No [~~fewer~~] more than [~~three~~] four off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

(d) The height of the Special Use shall [~~not exceed two stories,~~] be substantially as shown on the Plans.

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

(f) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(g) Prior to the issuance of a building permit for the Special Use, the establishment

of up to seven 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) The Owner shall make improvements within the right-of-way, including the installation of new sidewalk, six street trees, and additional buffer elements along Burns Street and 2nd Avenue, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director

of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works or his designee that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, or his designee, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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 1,096 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.

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: April 7, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor (by request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Sabrina Joy-Hogg, Interim Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

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

RE: To authorize the special use of the property known as 3200 2nd Avenue for the purpose of up to one single-family detached dwelling, two two-family dwellings, and four single-family attached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: The applicant is requesting a Special Use Permit to authorize up to one single-family detached dwelling, two two-family dwellings, and four single-family attached dwellings within the R-6 Single-Family Attached Residential District. While the uses are permitted, certain lot feature requirements, including lot area, lot width, unit width, and front and side yards, are not met. A Special Use Permit is, therefore, requested.

BACKGROUND: The subject properties are located in the North Highland Park neighborhood at the intersection of 2nd Avenue and Burns Street. The City's Richmond 300 Master Plan designates a future land use for the subject parcels as Residential, which is defined as a "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature" (p. 80)

Primary Uses: Single-family houses, accessory dwelling units, and open space.

Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets (see Street Typologies Map).

The current zoning for the properties R-6 Single-Family Attached Residential. Adjacent properties are located within the same R-6 district. The area is generally single family residential. Anne Hardy Plaza is located approximately one block to the northwest of the subject parcel. The density of the proposed is nine units upon .337 acres, or approximately 27 units per acre.

COMMUNITY ENGAGEMENT: The North Highland Park Civic Association, Highland Park Quality of Life Association, and Highland Park Plaza Civic Association were notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Ordinance to be considered by the Planning Commission on June 3, 2025

FISCAL IMPACT: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 12, 2025

CITY COUNCIL PUBLIC HEARING DATE: June 9, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, June 3, 2025

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

STAFF: Alyson Oliver, Planner, Land Use Administration (Room 511) 646-3709

**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: 3200 N 2nd Avenue

Date: _____

Tax Map #: N0001070010 Fee: \$300

Total area of affected site in acres: 0.337

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

Zoning

Current Zoning: R-6 Residential

Existing Use: Single-family

Proposed Use

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

Construction of four single-family attached dwellings, and two new single-family detached dwellings

Existing Use: One (1) detached two-family dwelling

Is this property subject to any previous land use cases?

Yes

☐

No

☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources

Mailing Address: 530 East Main Street, Suite 730

City: Richmond

State: VA

Zip Code: 23219

Telephone: (804) 874-6275

Fax: ()

Email: markbaker@bakerdevelopmentresources.com

Property Owner: WATCHTOWER HOMES AND CONSTRUCTION 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: 200 SOUTH 10TH ST

City: RICHMOND

State: VA

Zip Code: 238219

Telephone: ()

Fax: ()

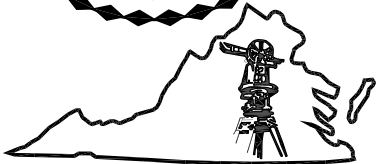
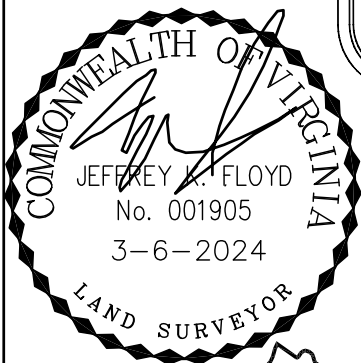
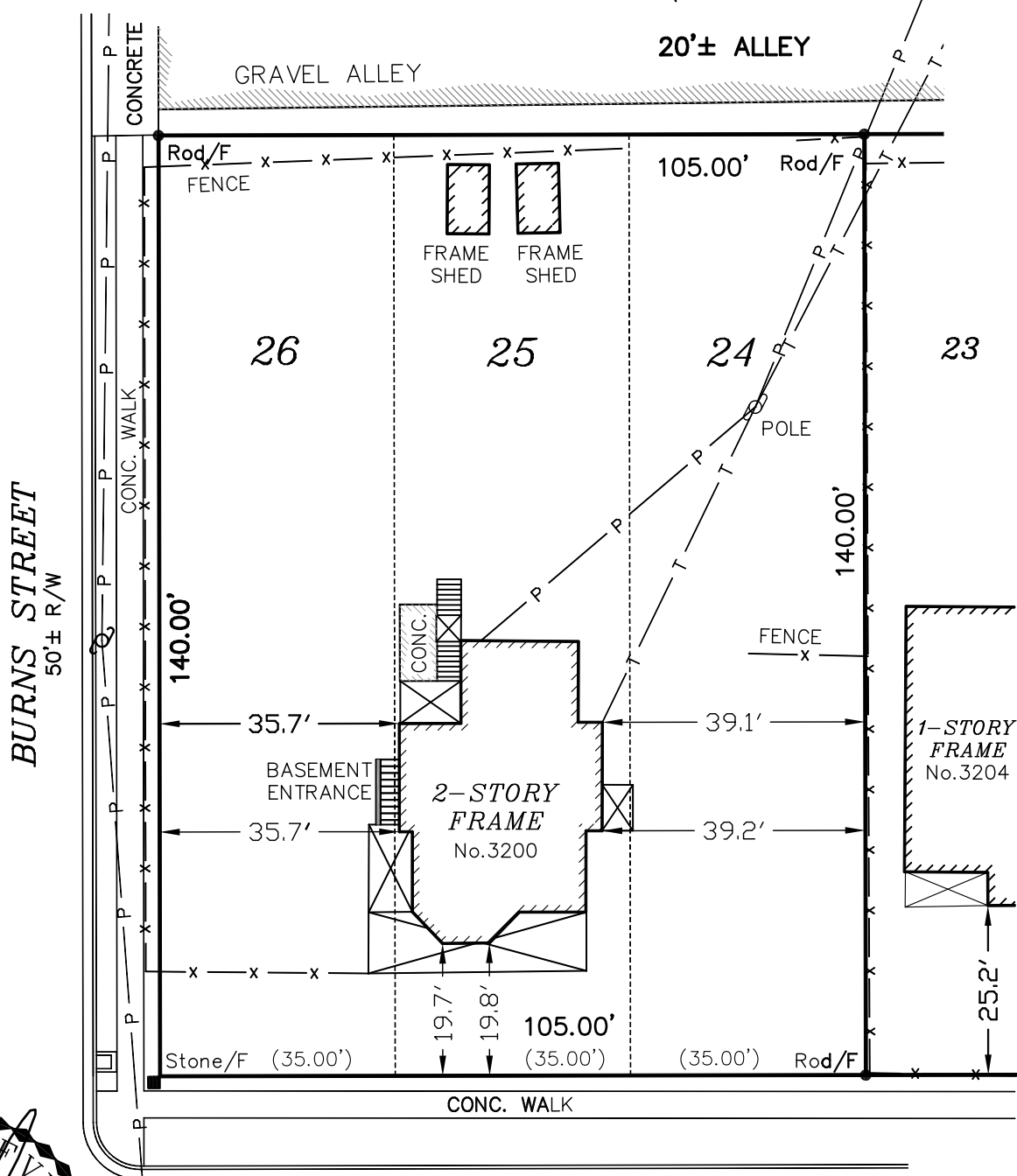
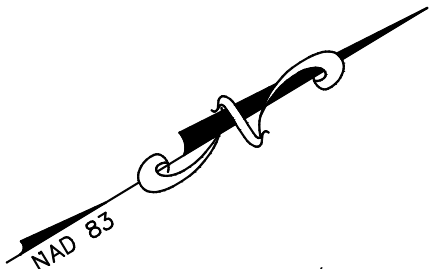
Email: _____

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)

This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on 3-6-2024 I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID.



Virginia Surveys

P.O. BOX 118
CHESTERFIELD, VA 23832

(804) 748-9481
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2nd AVENUE
60'± R/W

MAP SHOWING THE IMPROVEMENTS
ON LOTS 24-26, BLOCK "16",
"HIGHLAND PARK"
IN THE CITY OF RICHMOND, VA.

DATE: 3-6-2024

CERTIFIED BY JEFFREY K. FLOYD

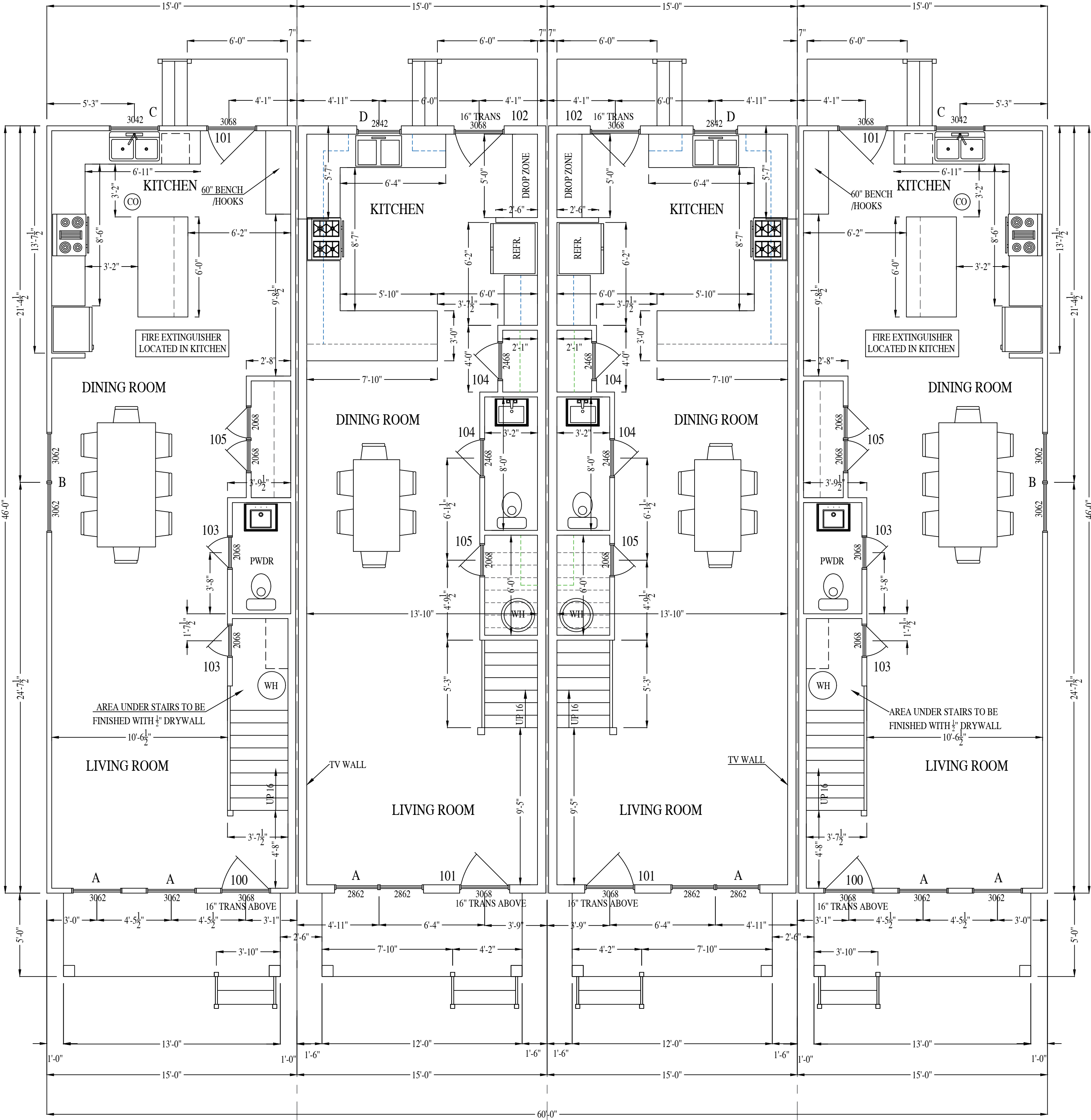
VIRGINIA CERTIFICATE NO. 001905

SCALE: 1"=25'

JOB NO. 240316160

NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX U-FACTOR OF 0.32
NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX SOLAR HEAT GAIN COEFFICIENT (SHGC) OF 0.4
NOTE: WALLS DRAWN AT THICKNESS OF 4" (2X4) OR 6" (2X6)

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FIRST FLOOR PLAN

NOTE: ALL EXTERIOR WALLS ON 1ST FLOOR ARE 2X6 SPF 16" O.C.

BURNS 4 UNITS ATTACHED

RIVER MILL DEVELOPMENT

RIVERMILLDEVELOPMENT@GMAIL.COM

PHONE: (434) 774-4535

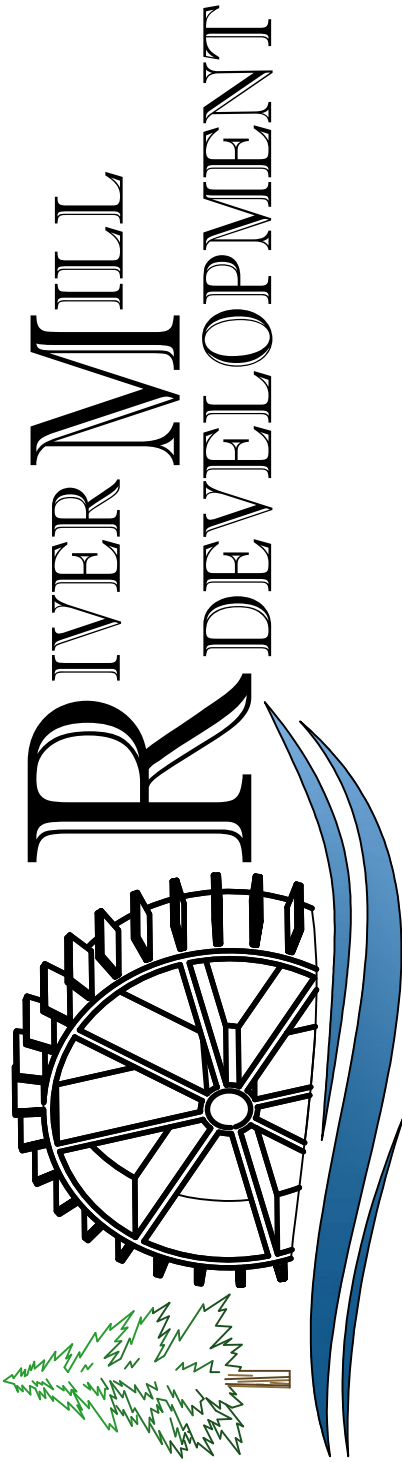
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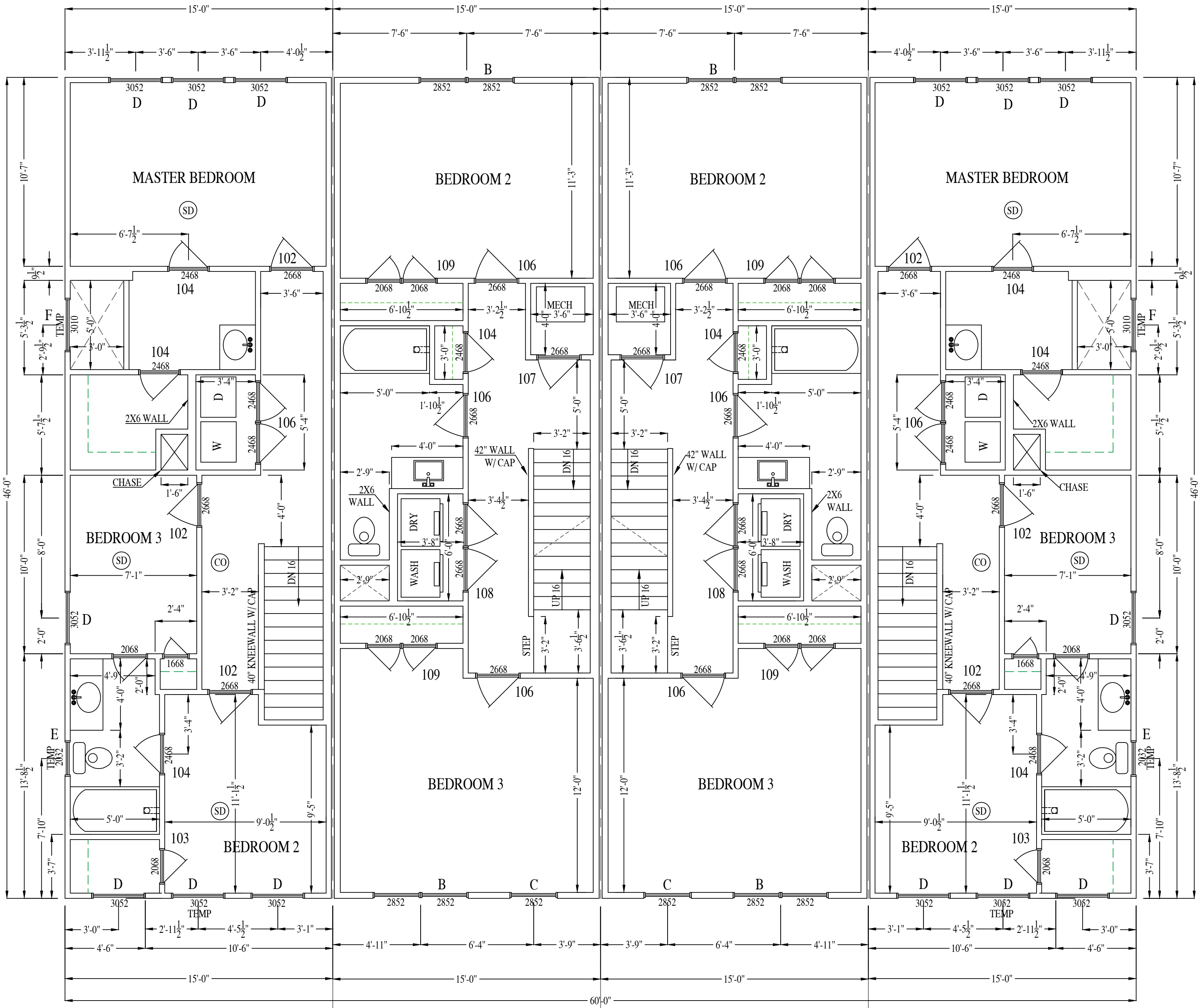
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7-10-2025

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A1.1



NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX U-FACTOR OF 0.32
NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX SOLAR HEAT GAIN COEFFICIENT (SHGC) OF 0.4
NOTE: WALLS DRAWN AT THICKNESS OF 4" (2X4) OR 6" (2X6)

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SECOND FLOOR PLAN

BURNS 4 UNITS ATTACHED

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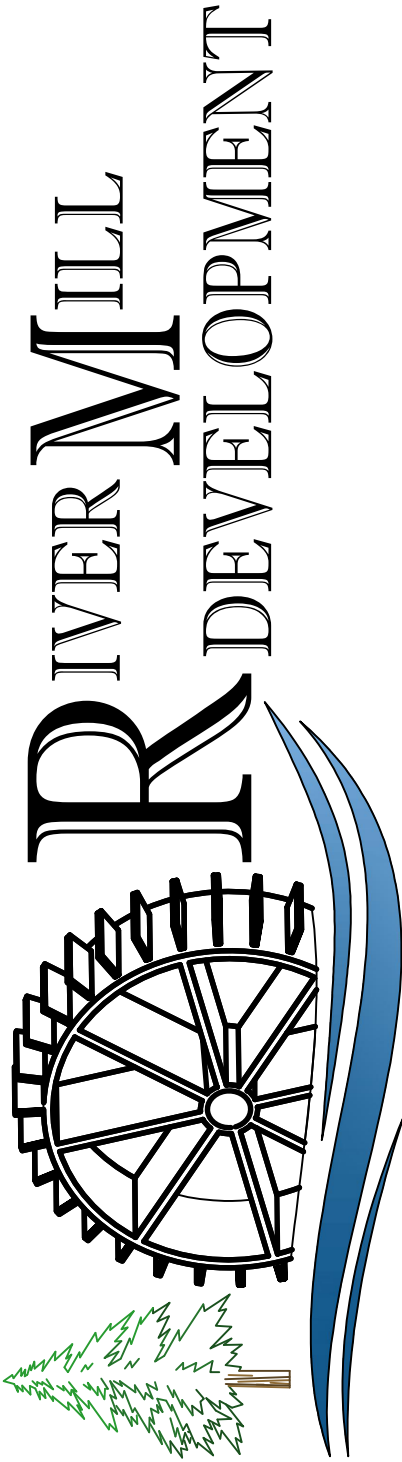
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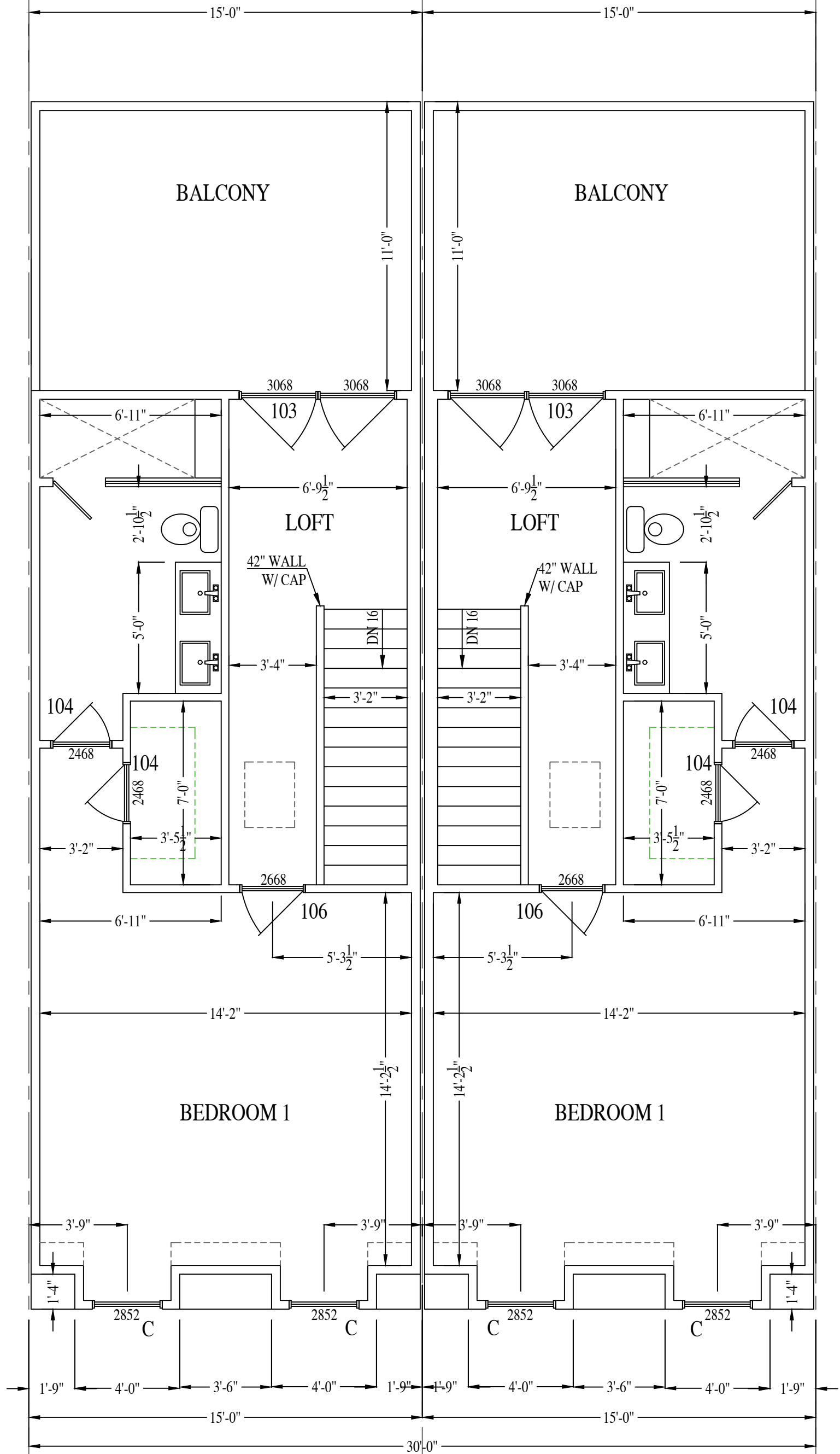
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7-10-2025

SHEET:
A1.2



NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX U-FACTOR OF 0.32
NOTE: DOOR & WINDOW GLAZING SHALL HAVE A MAX SOLAR HEAT GAIN COEFFICIENT (SHGC) OF 0.4
NOTE: WALLS DRAWN AT THICKNESS OF 4" (2X4) OR 6" (2X6)

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THIRD FLOOR PLAN

BURNS 4 UNITS ATTACHED

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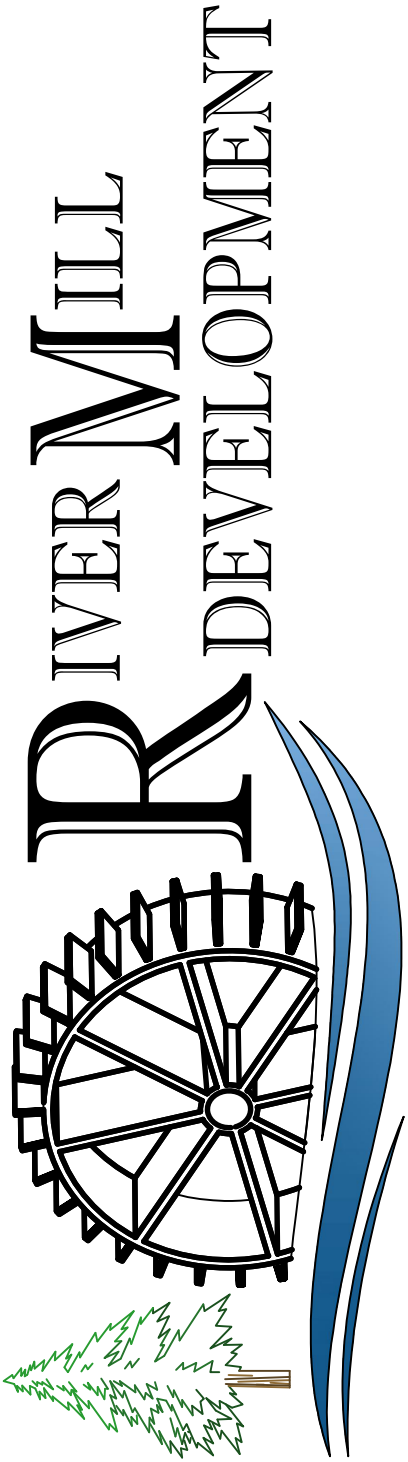
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7-10-2025

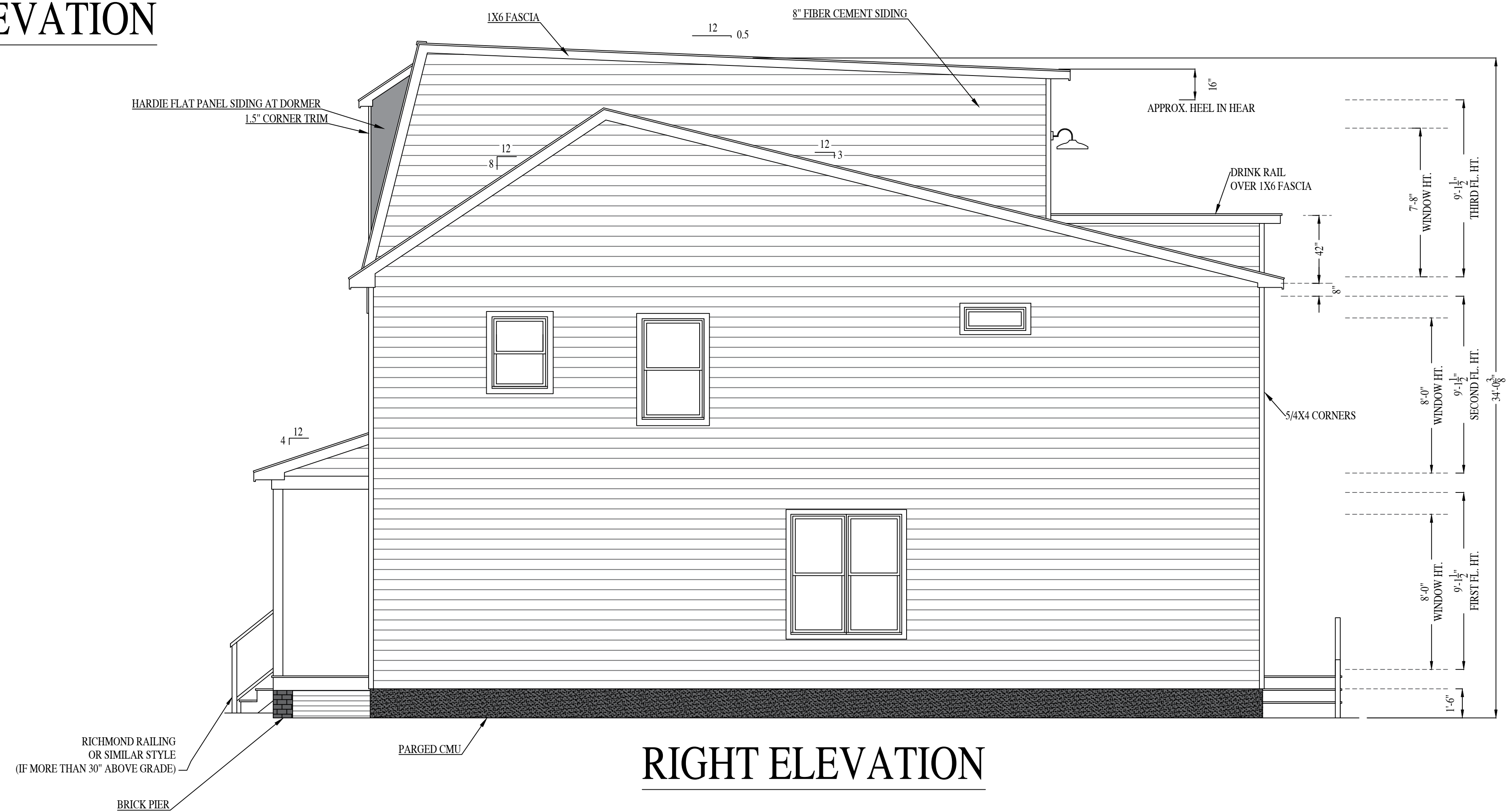
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FRONT ELEVATION



RIGHT ELEVATION

BURNS 4 UNITS ATTACHED

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REVISION NOTES

DATE	START

SCALE:

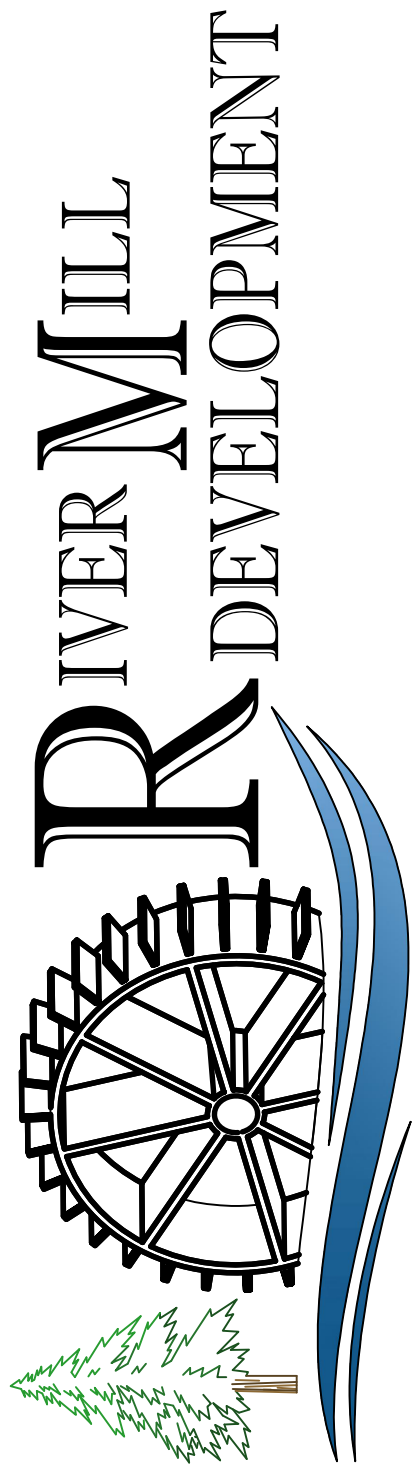
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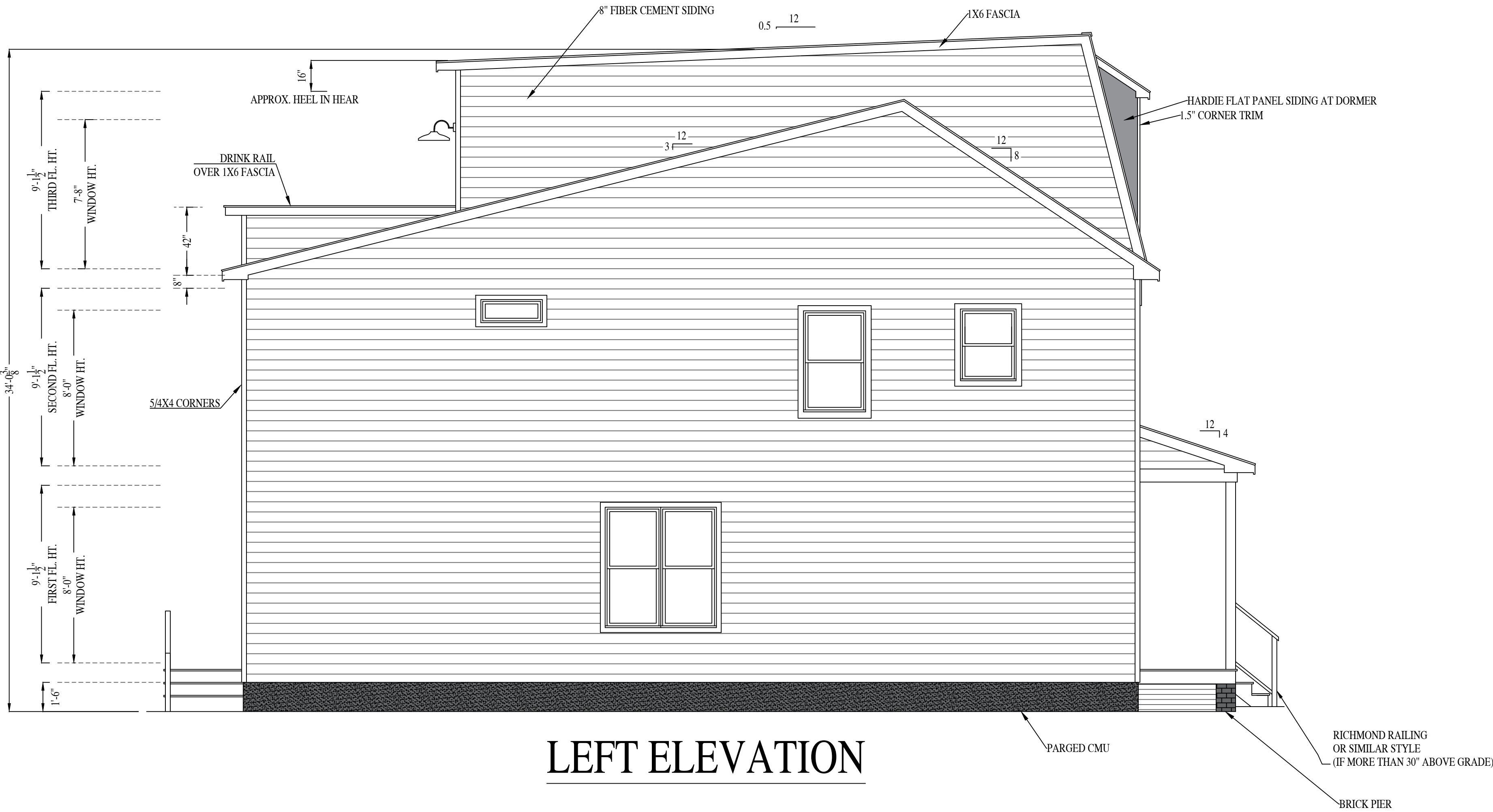
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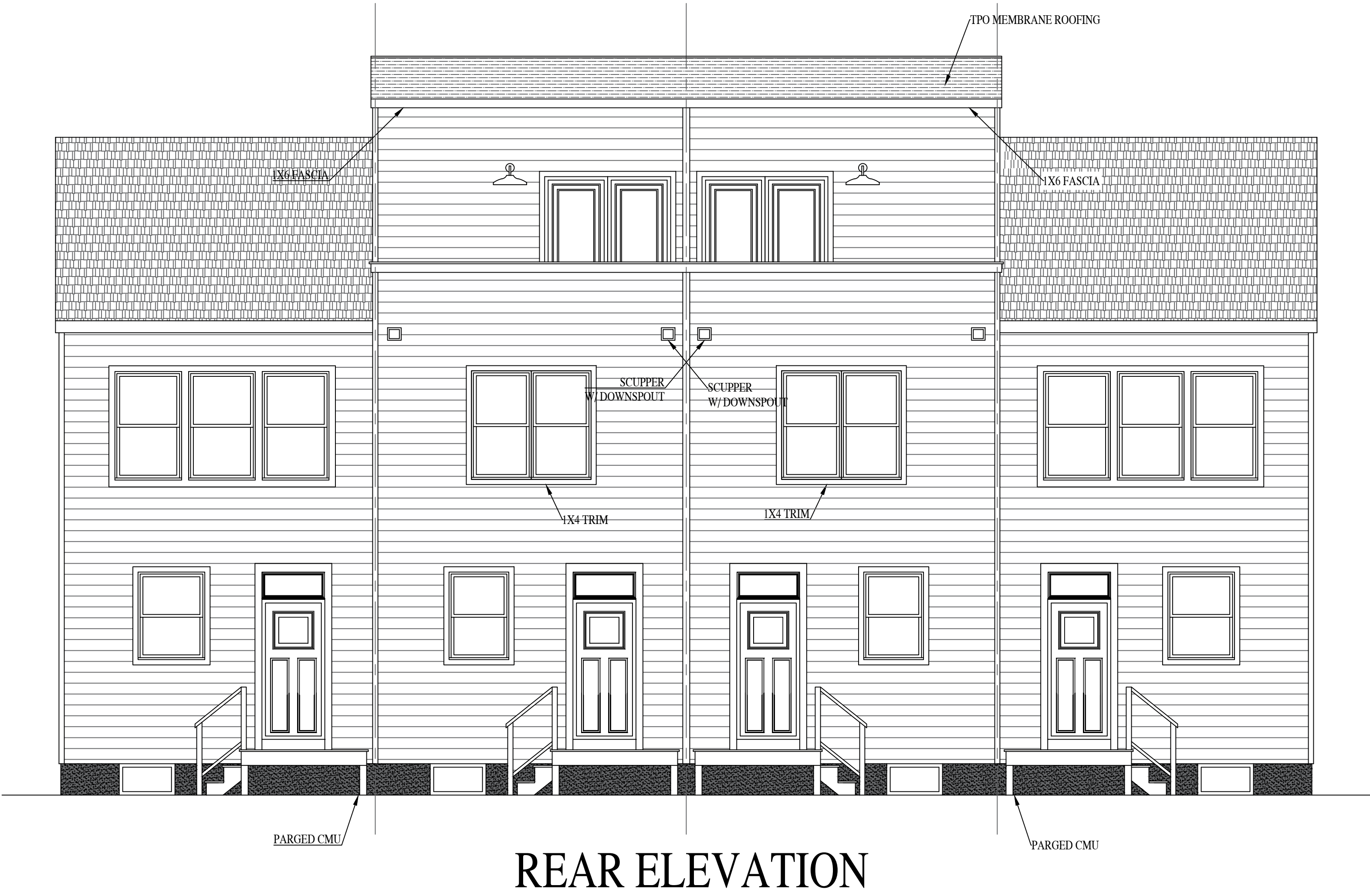
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BURNS 4 UNITS ATTACHED

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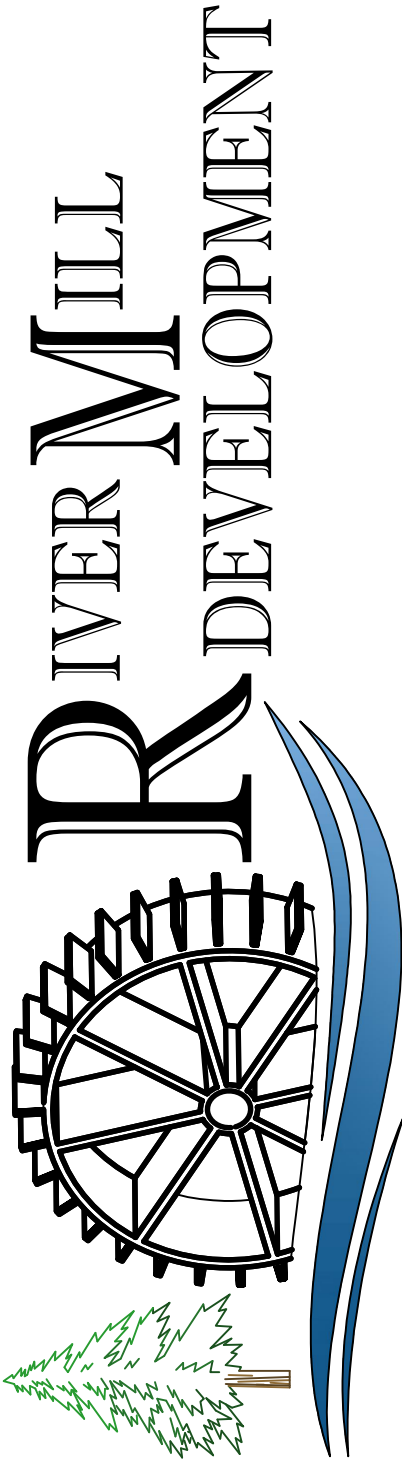
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7-10-2025

SHEET:
A2.2

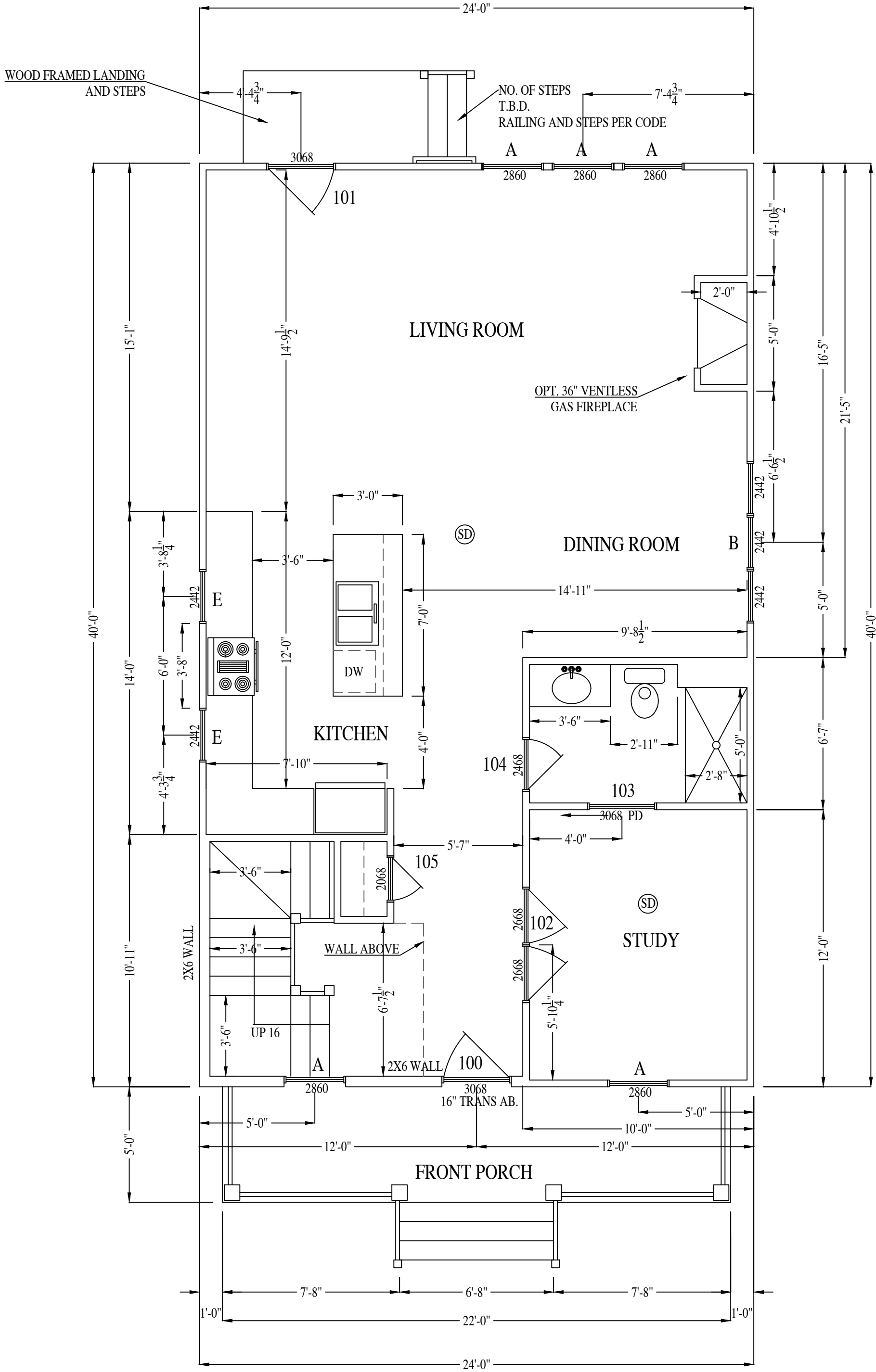


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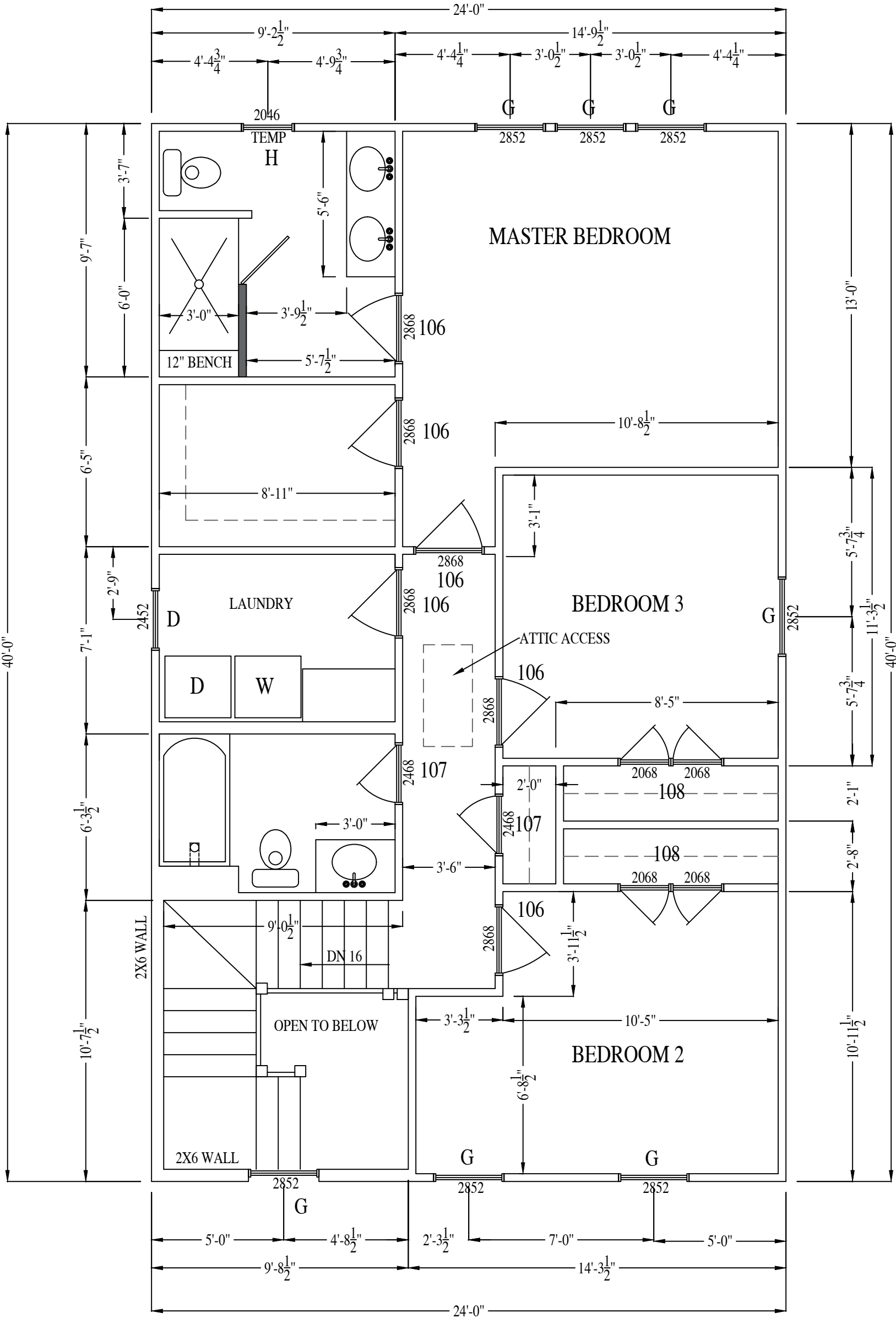
ALL SINGLE WINDOW AND DOOR HEADERS
TO BE (2) 2X8 MIN. UNLESS OTHERWISE NOTED.

1ST FLOOR HEATED SQ. FOOTAGE: 960 S.F.

2ND FLOOR HEATED SQ. FOOTAGE: 854 S.F.



FIRST FLOOR PLAN



SECOND FLOOR PLAN

24' X 40' DETACHED

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM

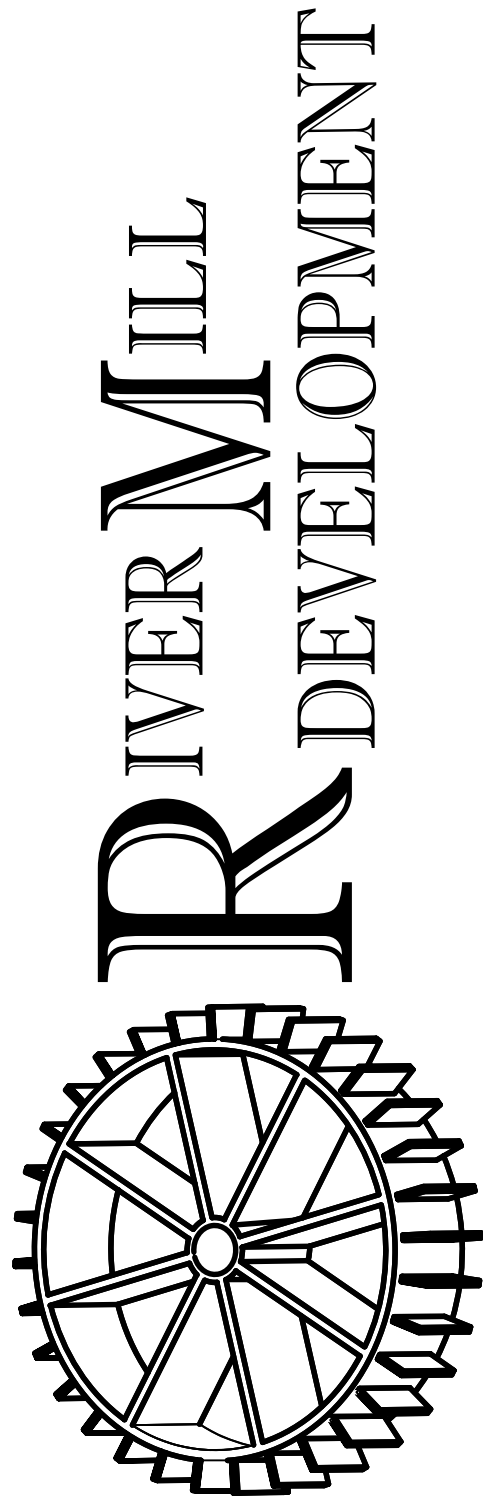
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7-10-2025

SHEET:
A1.1



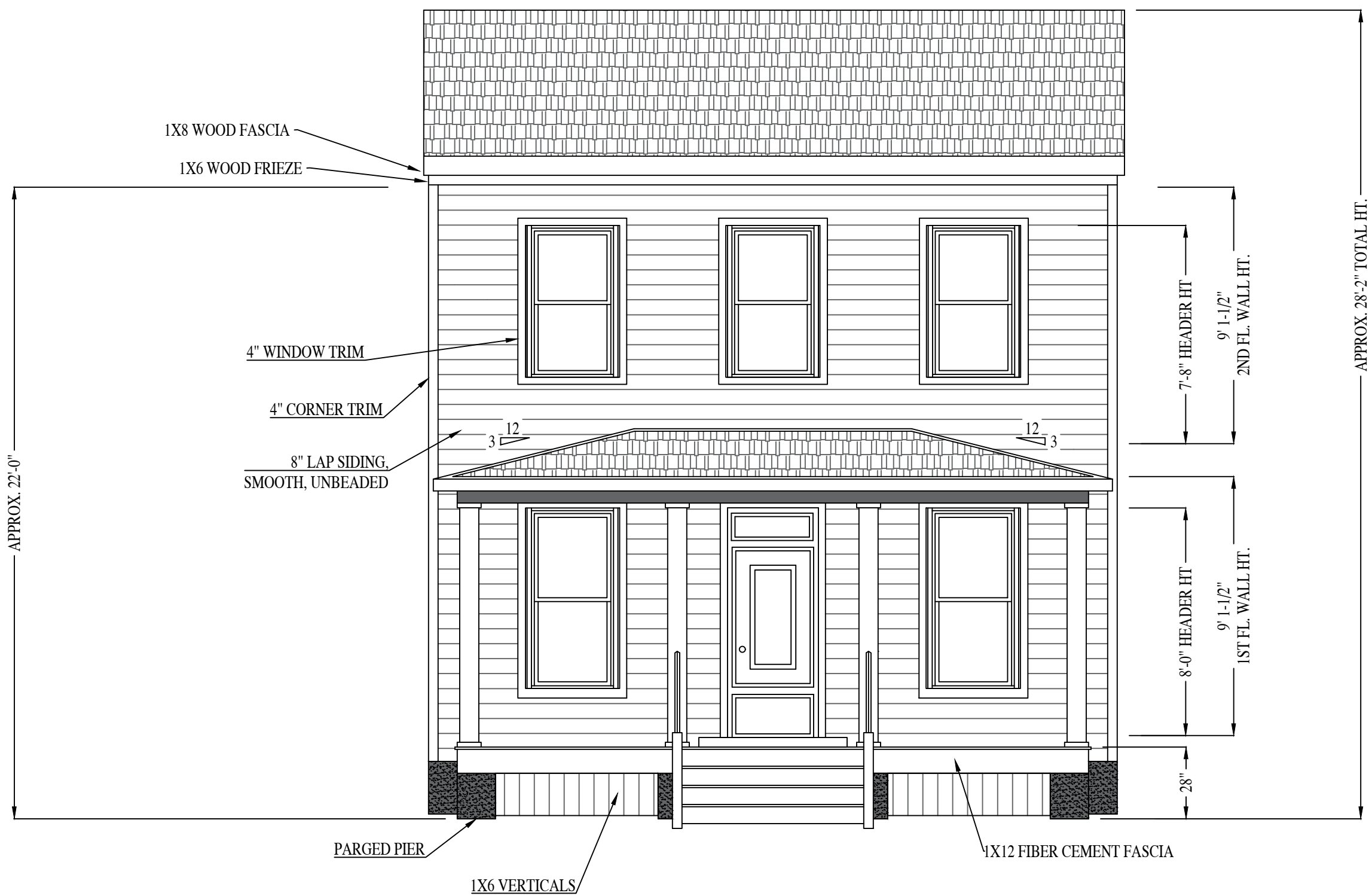
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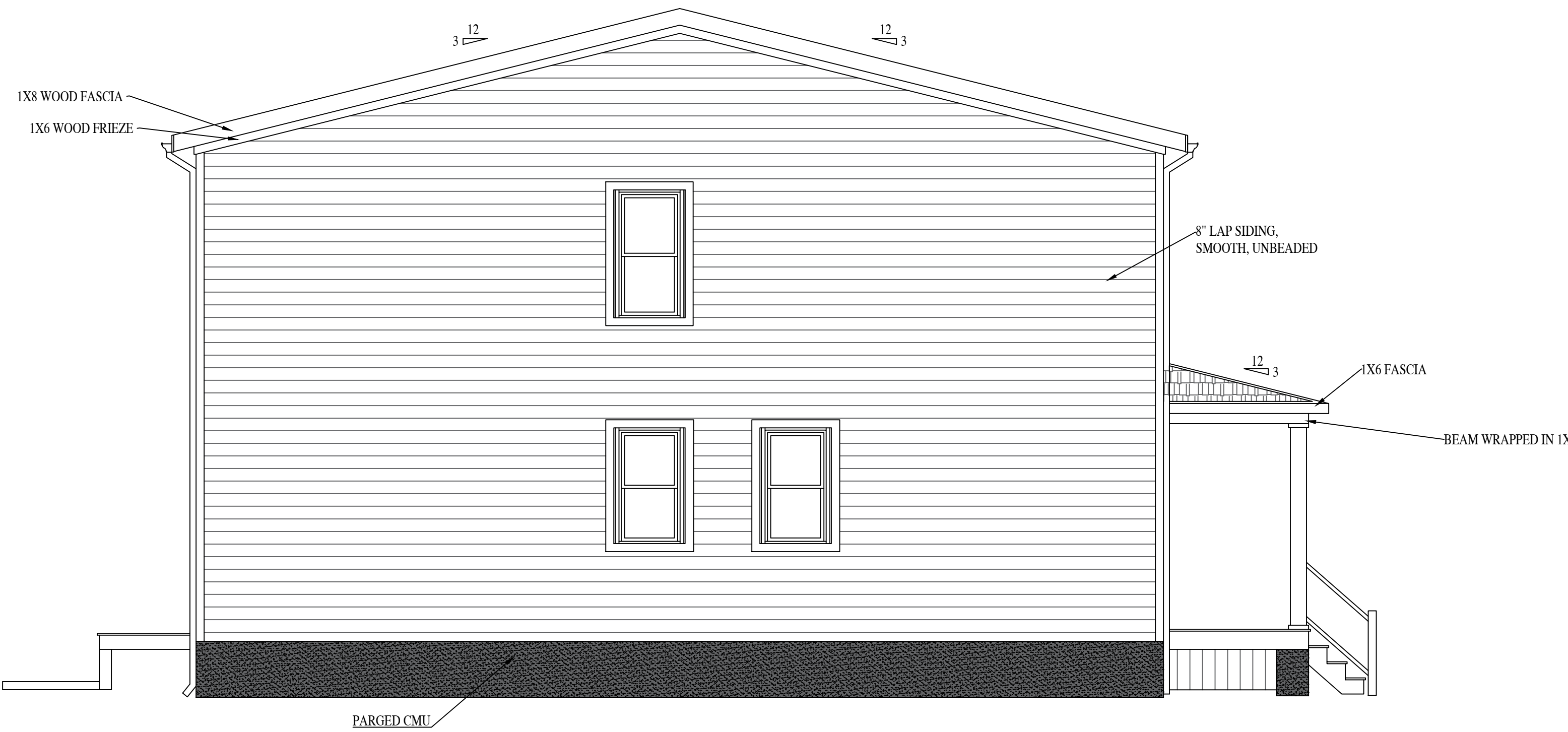
RIGHT ELEVATION



REAR ELEVATION



FRONT ELEVATION



LEFT ELEVATION

24' X 40' DETACHED

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REVISION NOTES

7-16-19	START

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7-10-2025

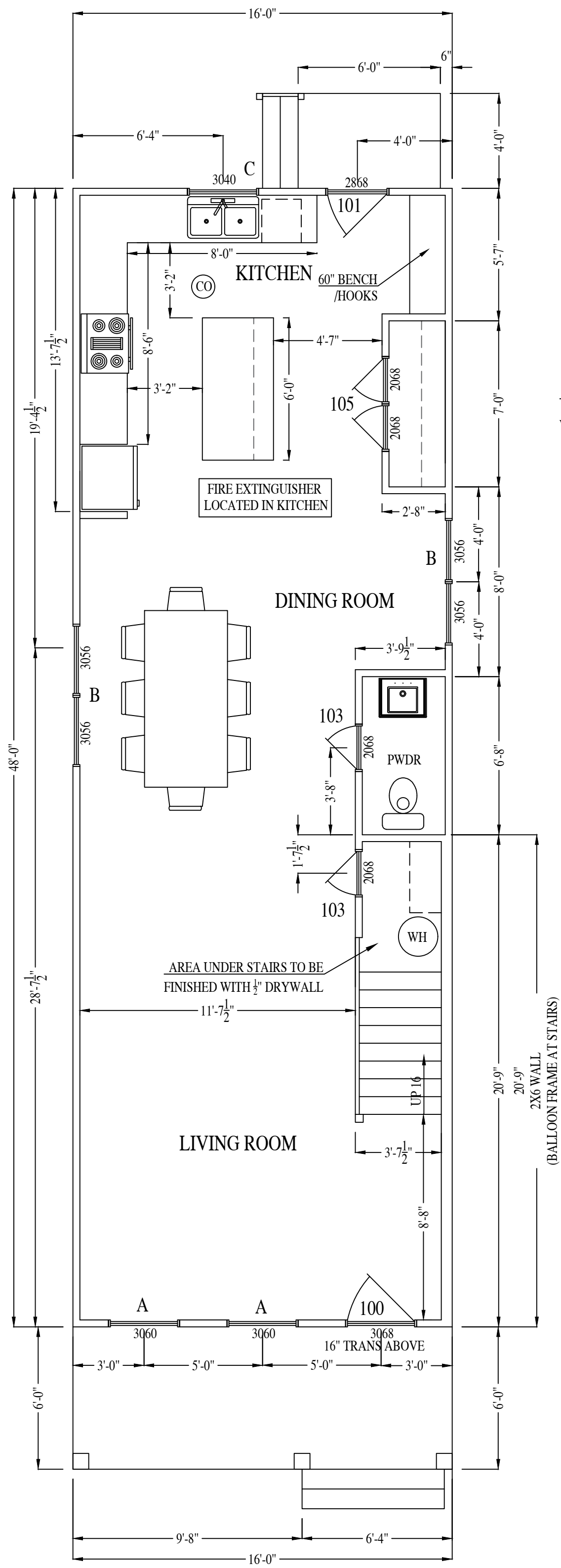
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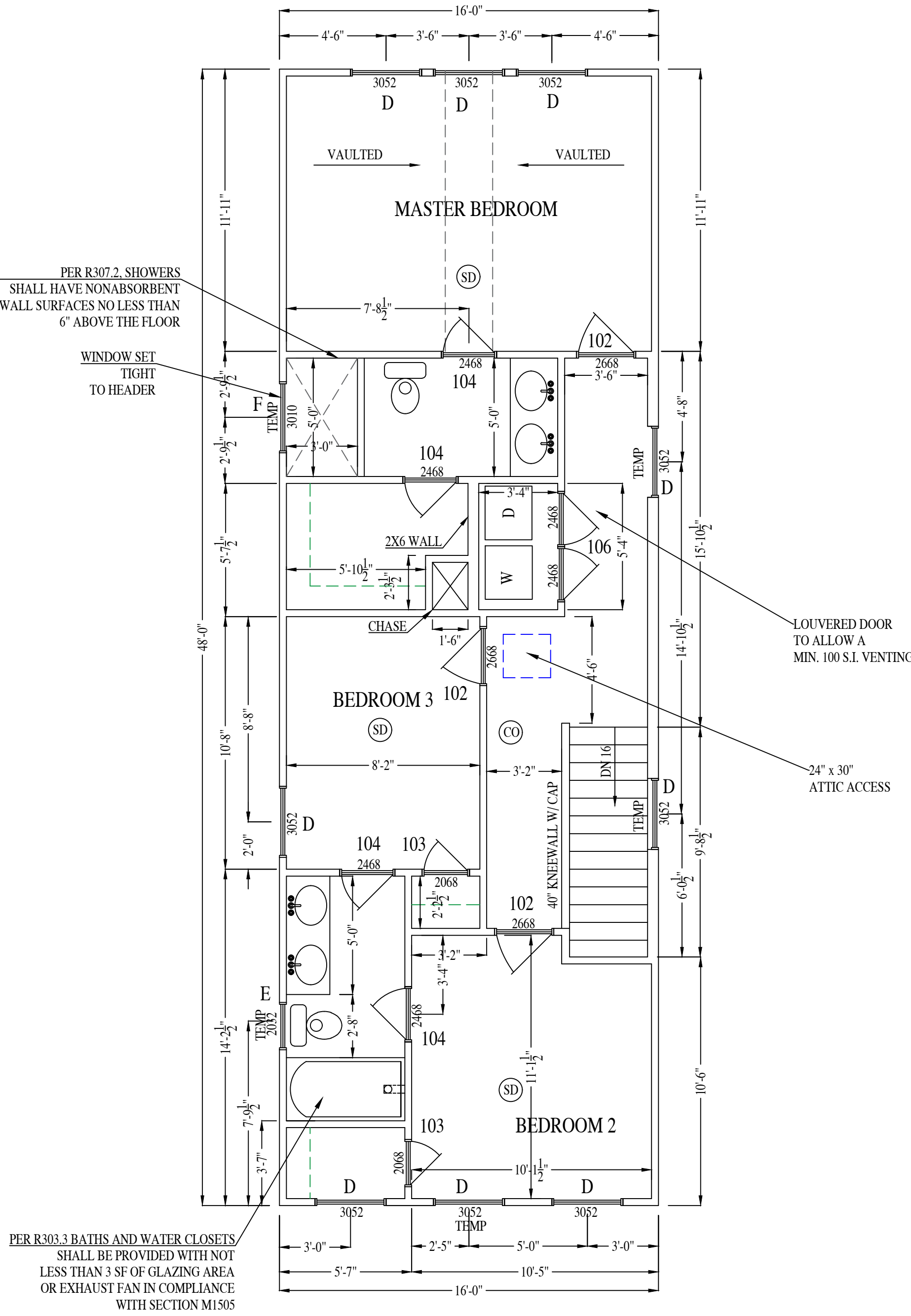
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1ST FLOOR HEATED SQ. FOOTAGE: 768 S.F.
2ND FLOOR HEATED SQ. FOOTAGE: 768 S.F.

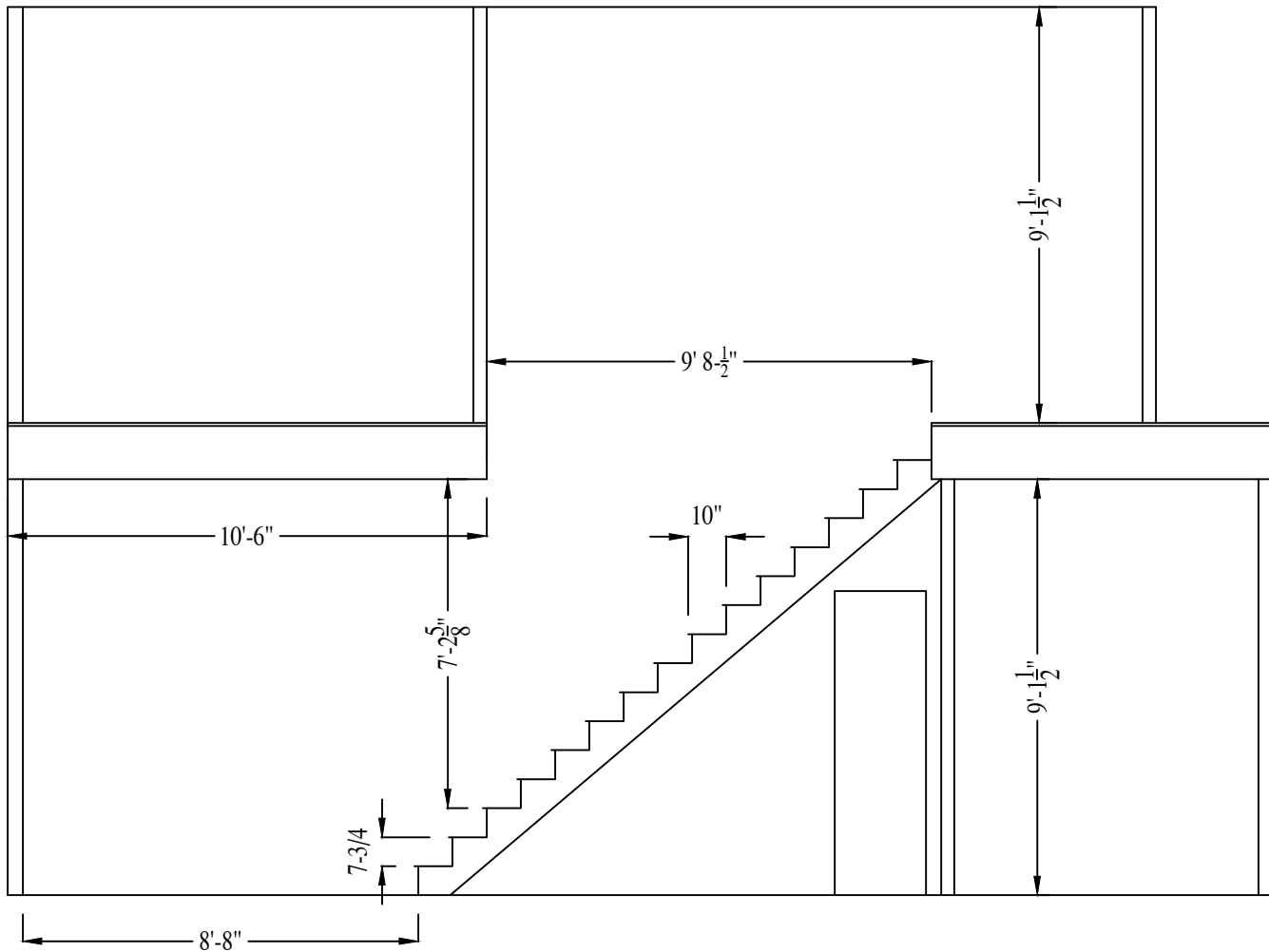
CO + SMOKE DETECTOR (CO)
SMOKE DETECTOR (SD)



FIRST FLOOR PLAN



SECOND FLOOR PLAN



16' X 48' DETACHED

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

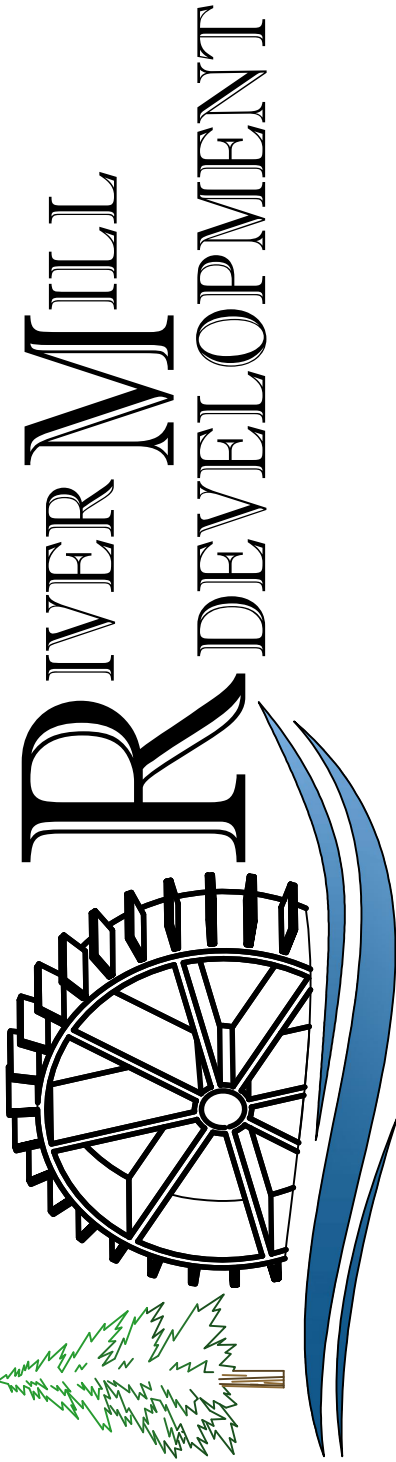
REVISION NOTES

DATE	START

SCALE:
1/4" = 1'-0"

DATE:
7-10-2025

SHEET:
A1.1





16' X 48' DETACHED

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM

[illegible]
$$1/4'' = 1'-0''$$

7-10-2025

A2.1

