

INTRODUCED: July 28, 2025

AN ORDINANCE No. 2025-176

To authorize the special use of the property known as 3607 Moss Side Avenue for the purpose of a single-family detached dwelling with a driveway within the front yard, upon certain terms and conditions. (3rd District)

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEP 8 2025 AT 6 P.M.

WHEREAS, the owner of the property as 3607 Moss Side Avenue, which is situated in a R-2 Single-Family Residential District, desires to use such property for the purpose of a single-family detached dwelling with a driveway within the front yard, which use, among other things, is not currently allowed by section 30-404.8, concerning driveways from streets, 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: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 3607 Moss Side Avenue and identified as Tax Parcel No. N000-1636/004 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on Lot 3, Block ‘1’, Plan of ‘Wrights Park’, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated May 9, 2025, 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 single-family detached dwelling with a driveway within the front yard, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Plot Plan Showing Two Proposed Concrete Aprons for Driveway Access to Lot 3, Block ‘1’, Plan of ‘Wrights Park’, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated May 9, 2025, 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 single-family detached dwelling with a driveway within the front yard, substantially as shown on the Plans.

(b) All site improvements shall be substantially as shown on the Plans.

§ 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 two concrete aprons along Moss Side 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 the designee thereof 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 the designee thereof,

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: July 1, 2025

TO: The Honorable Members of City Council

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

THROUGH: Sharon L. Ebert, DCAO for Planning & Economic Review

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

RE: To authorize the special use of the property known as 3607 Moss Side Avenue for the purpose of a single-family detached dwelling with a driveway within the front yard, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: The applicant is requesting to authorize the construction of a front yard driveway. The current zoning designation does not allow for front yard driveways when rear alley access is available, therefore, a Special Use Permit is required.

BACKGROUND: The property is located in the Ginter Park neighborhood on the eastern line of Moss Side Avenue, between Henrico Boulevard and Walton Avenue, in an R-2 Single-Family Residential zoning district. The future land use designation is Residential, which is defined as, “Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature. Development Style: 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... Many homes have drive-

ways and/or garages, which are located off an alley behind the home if an alley is present. Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

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.

COMMUNITY ENGAGEMENT: The Ginter Park Residents Association was notified. Additional community notification will take place after staff introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 28, 2025

CITY COUNCIL PUBLIC HEARING DATE: September 8, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, August 19, 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,

STAFF:

Madison Wilson, Planner, Land Use Administration (Room 511) 646-5734



CITY OF RICHMOND, VA
Department of Planning and Development Review
Land Use Administration Division
900 East Broad Street, City Hall - Room 511, Richmond, Virginia 23219

AUTHORIZATION FROM PROPERTY OWNER

TO BE COMPLETED BY THE APPLICANT

Applicant must complete ALL items

HOME/SITE ADDRESS: 3607 Moss Side Ave APARTMENT NO/SUITE _____

APPLICANT'S NAME: Liz Arline EMAIL ADDRESS: arlinee09@gmail.com

BUSINESS NAME (IF APPLICABLE): _____

SUBJECT PROPERTY OR PROPERTIES: _____

APPLICATION REQUESTED

- ☐ Plan of Development (New or Amendment)
- ☐ Wireless Plan of Development (New or Amendment)
- ☒ Special Use Permit (New or Amendment)
- ☐ Rezoning or Conditional Rezoning
- ☐ Certificate of Appropriateness (Conceptual, Administrative Approval, Final)
- ☐ Community Unit Plan (Final, Preliminary, and/or Amendment)
- ☐ Subdivision (Preliminary or Final Plat Correction or Extension)

TO BE COMPLETED BY THE AUTHORIZED OWNER

Owner must complete ALL items

Signing this affidavit acknowledges that you, as the owner or lessee of the property, authorize the above applicant to submit the above selected application/s on your behalf.

PROPERTY OWNER: Liz Arline

PROPERTY OWNER ADDRESS: 3607 Moss Side Ave, Richmond, VA 23222

PROPERTY OWNER EMAIL ADDRESS: arlinee09@gmail.com

PROPERTY OWNER PHONE NUMBER: 703-505-4627

Property Owner Signature: Liz Arline  Digitally signed by Liz Arline
Date: 2025.04.02 08:56:03 -04'00'

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.

To Whom it May Concern,

We are applying for our Special Use Permit to have a driveway installed in our home.

We started the process and then were shut down, which we understand the reasons why. This is why we are now working so hard to try to get the correct permits in order to continue the process.

We currently have a huge hole in our front yard.

Currently, every house on our street and the street behind us has a front of house driveway.

We understand that the city says if there is an alley in the back, you cannot have a driveway upfront. But after speaking to people who create these rules from the City, they agreed this should've never been done for Zone 2 since we sit on an acre of land. But it was mainly made for the Fan and Cary Town.

The person we spoke to was Roy Benbow.

Besides wanting to complete the work and the fact all of our neighbors have driveways is not the main reason we are begging for this special permit to pass.

The reasons below.

- Our car was swiped by someone speeding down the road, since we have to park on the street. We are now having to get work done to our car and not have a car for two weeks due to this damage. The person did not leave a note, so this is not covered by insurance
- The Vision Zero Act- we live on a very busy road that has many cars always speeding by. Many times, people do not see me trying to get my two children out of the car

and I must quickly push them back. This is to help get more cars out of the road that are parked to help create safer roads for people walking and driving

- Our children. Without a driveway, we are taking our five-year-old and one year old out of their car seats and with cars speeding by it is very dangerous. With a driveway, we would not need to worry about this issue and can safely take our children out

We had all of our neighbors sign a petition in support of us getting the work done.

We are just a young family who worked very hard to save money to get a driveway to keep our children safe.

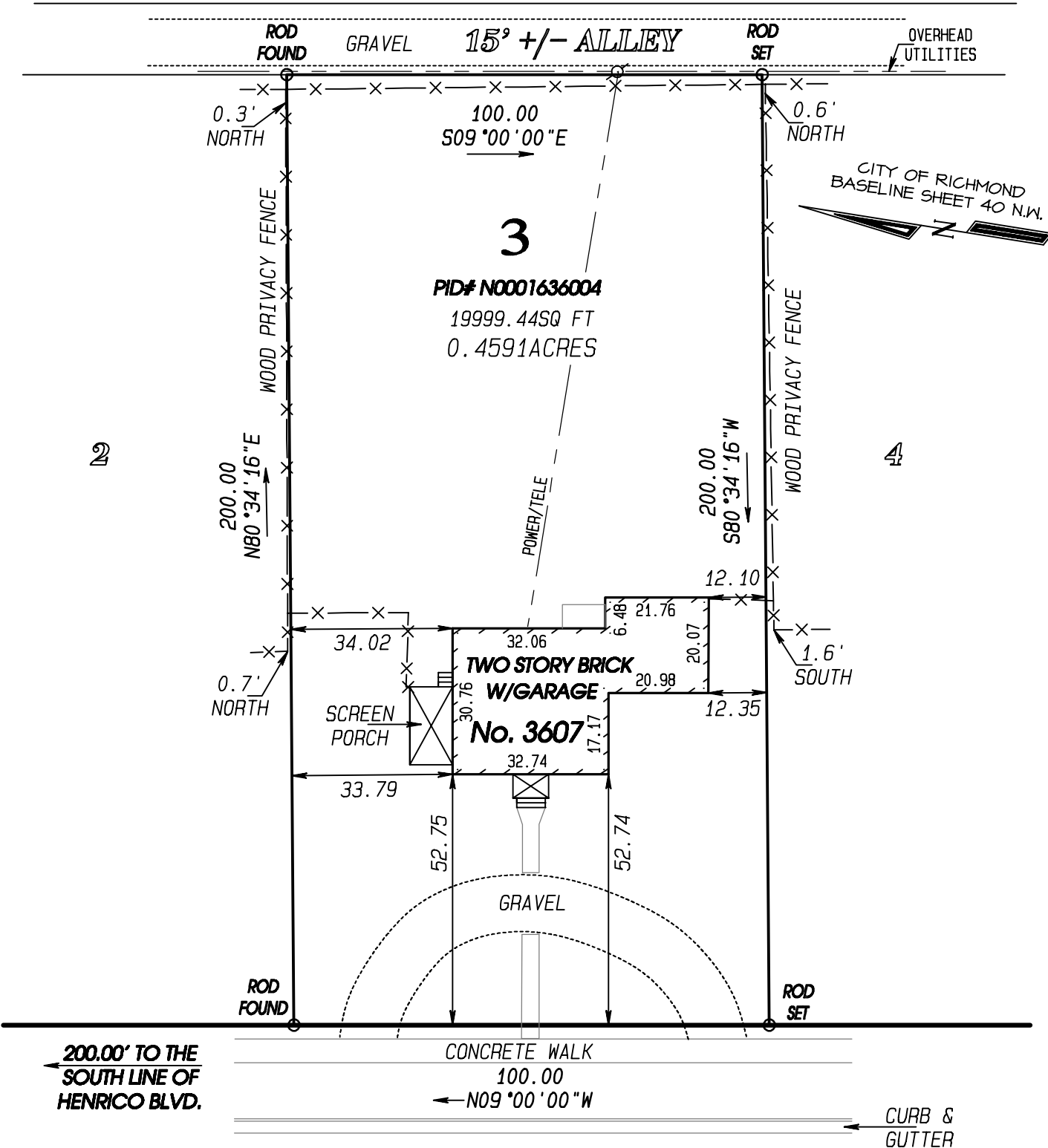
Please consider this permit.

Best,

Liz Arline

703-505-462

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
CURRENT OWNER: BRETT SHAEFFER & ELIZABETH ARLINE INST.# 230002899



MOSS SIDE AVENUE

66' +/- R/W

PLAT SHOWING IMPROVEMENTS ON LOT 3,
BLOCK "1", PLAN OF "WRIGHTS PARK",
IN THE CITY OF RICHMOND, VIRGINIA.



THIS IS TO CERTIFY THAT ON MAY 09, 2025, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS. SCALE: 1" = 30'



201 TWIN RIDGE LANE
RICHMOND, VIRGINIA 23235
TELEPHONE (804) 320-2646

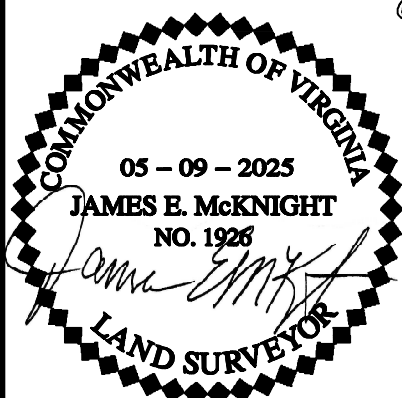
JOB NUMBER: 90043603

CURRENT OWNER: BRETT SHAEFFER & ELIZABETH ARLINE INST.# 230002899



66' +/- R/W

*PLOT PLAN SHOWING TWO PROPOSED CONCRETE APRONS
FOR DRIVEWAY ACCESS TO LOT 3, BLOCK "1",
PLAN OF "WRIGHTS PARK", IN THE
CITY OF RICHMOND, VIRGINIA.*



LAND SURVEYORS

PLANNERS

**McKNIGHT
& ASSOCIATES, P.C.**

**201 TWIN RIDGE LANE
RICHMOND, VIRGINIA 23235
TELEPHONE (804) 320-2646**

JOB NUMBER: 90043603

SCALE: 1" = 30'