

INTRODUCED: May 28, 2024

AN ORDINANCE No. 2024-147

To authorize the special use of the property known as 1105 Apperson Street for the purpose of a single-family detached dwelling, upon certain terms and conditions. (7th District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

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

WHEREAS, the owner of the property known as 1105 Apperson Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-410.4, concerning lot area and width, of the Code of the City of Richmond (2020), as amended, and

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

AYES: 7 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 24 2024 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 1105 Apperson Street and identified as Tax Parcel No. E000-2176/003 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Proposed Improvements on #1105 Apperson Street, City of Richmond, Virginia,” prepared by Youngblood, Tyler & Associates, P.C., dated September 22, 2023, and last revised November 9, 2023, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Proposed Improvements on #1105 Apperson Street, City of Richmond, Virginia,” prepared by Youngblood, Tyler & Associated, P.C., dated September 22, 2023, and last revised November 9, 2023, and “1105 Apperson ST.,” prepared by TM VAVRA Associates, P.C., dated July 25, 2023, and last revised September 5, 2023, hereinafter referred to, collectively, 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, substantially as shown on the Plans.

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

(c) All elevations, materials, and site improvements shall be substantially as shown on the Plans. Brick, stone, stone veneer, masonry, vinyl, fiber cement, and engineered wood shall be permitted siding materials. Vinyl siding shall have a minimum wall thickness of 0.044 inches, as evidenced by the manufacturer's printed literature.

(d) All mechanical equipment, including, but not limited to, transformers, serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including the installation of a new street tree along Apperson Street, 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, 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 improvement 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.

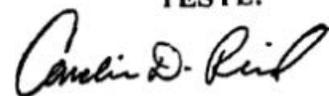
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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 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:



City Clerk



City of Richmond

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

Master

File Number: Admin-2023-2083

File ID: Admin-2023-2083

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 12/20/2023

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 05/28/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: ADMIN-2023-2083_Supporting documents_1105 Apperson.pdf, Scanned SUP - 1105 Apperson AATF.pdf

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	5/3/2024	Jonathan Brown	Approve	5/7/2024
2	2	5/3/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	5/3/2024	Kevin Vonck	Approve	5/10/2024
2	4	5/3/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	5/3/2024	Sharon Ebert	Approve	5/7/2024
2	6	5/3/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	5/13/2024	Jeff Gray	Approve	5/7/2024
2	8	5/15/2024	Lincoln Saunders	Approve	5/15/2024
2	9	5/16/2024	Mayor Stoney	Approve	5/17/2024

History of Legislative File

Master Continued (Admin-2023-2083)

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-2083

City of Richmond
Intracity Correspondence

O&R Transmittal

DATE: December 18, 2023

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor

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

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

RE: To authorize the special use of the property known as 1105 Apperson Street for the purpose of a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 1105 Apperson Street for the purpose of a single-family detached dwelling, upon certain terms and conditions

BACKGROUND: The subject property is in the R-5 Single-Family Residential District where the minimum lot area is 6,000 square feet and the minimum lot width is 50 feet. It consists of approximately 2,690 square feet and has a width of 30.6 feet. The lot in its present form was configured in 1960 and is therefore not a buildable lot of record. In order to build the proposed new single-family dwelling constructed on the property a special use permit is requested.

COMMUNITY ENGAGEMENT: The property is located within the territory of the Greater Fulton Civic Association. Letters of notification have been sent to the civic association and shall be sent to

nearby property owners, and a sign noting this request shall be placed on the property once the ordinance is introduced to City Council.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: The City's Richmond 300 Master Plan designates the property for Residential. Primary uses are primarily of single-family houses and accessory dwelling. Secondary uses are duplexes and small multi-family buildings.

FISCAL IMPACT: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 28, 2024

CITY COUNCIL PUBLIC HEARING DATE: June 24, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

AFFECTED AGENCIES: Office of Chief Administrative Officer, Law Department

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Application Supporting Documents

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308

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.richmond.gov/>

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: 1105 Apperson St. Richmond, VA 23231 Date: 7/1/23
 Tax Map #: E0002176003 Fee: \$300
 Total area of affected site in acres: .062

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

Zoning

Current Zoning: R-5 Residential (Single Family)

Existing Use: unimproved lot

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
We would like to build the attached home plan on this lot.

Existing Use: unimproved lot

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Scott Dearnley

Company: NSD Investments LLC
 Mailing Address: 2518 Founders Bridge Rd
 City: Midlothian State: VA Zip Code: 23113
 Telephone: (804) 938-5277 Fax: ()
 Email: scott.dearnley@joynerfineproperties.com

Property Owner: NSD Investments LLC

If Business Entity, name and title of authorized signee: Scott Dearnley

(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: 2518 Founders Bridge Rd
 City: Midlothian State: VA Zip Code: 23113
 Telephone: (804) 938-5277 Fax: ()
 Email: scott.dearnley@joynerfineproperties.com

Property Owner Signature: Scott Dearnley Nancy G. Dearnley

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)

Applicant's Report

I am submitting this request for a special use permit to build a single-family home on a lot that I own at 1105 Apperson St. Richmond, VA 23231. The lot currently does not have enough square feet to qualify as a buildable lot. There are lots of these narrow homes in the City of Richmond that have 5 foot side setbacks so this home would be similar to those.

In my opinion, one additional home would not be detrimental to the safety, health, morals and general welfare of the community, would not create additional congestion, would not create fire or other hazards, would not cause overcrowding or an undue concentration of population, would not adversely affect the school system and other public services, and would not interfere with adequate light and air.

I feel that a new home on this lot would be a positive for the City and the area. It would provide much needed housing in a real estate climate that has very little inventory and it would provide additional tax revenue for the City.

I appreciate your consideration of my application. If you have any questions or concerns, please contact me at 804-938-5277.

Scott Dearnley
Member, NSD Investments LLC

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO EASEMENTS OF RECORD WHICH ARE NOT SHOWN ON THIS PLAT.

BUILDER IS RESPONSIBLE FOR ANY ADDITIONAL SETBACKS NECESSARY FOR COMPLIANCE TO FIRE RATED WALLS.

35% LOT IMPERVIOUSNESS (HOUSE w/PORCH & STOOP)

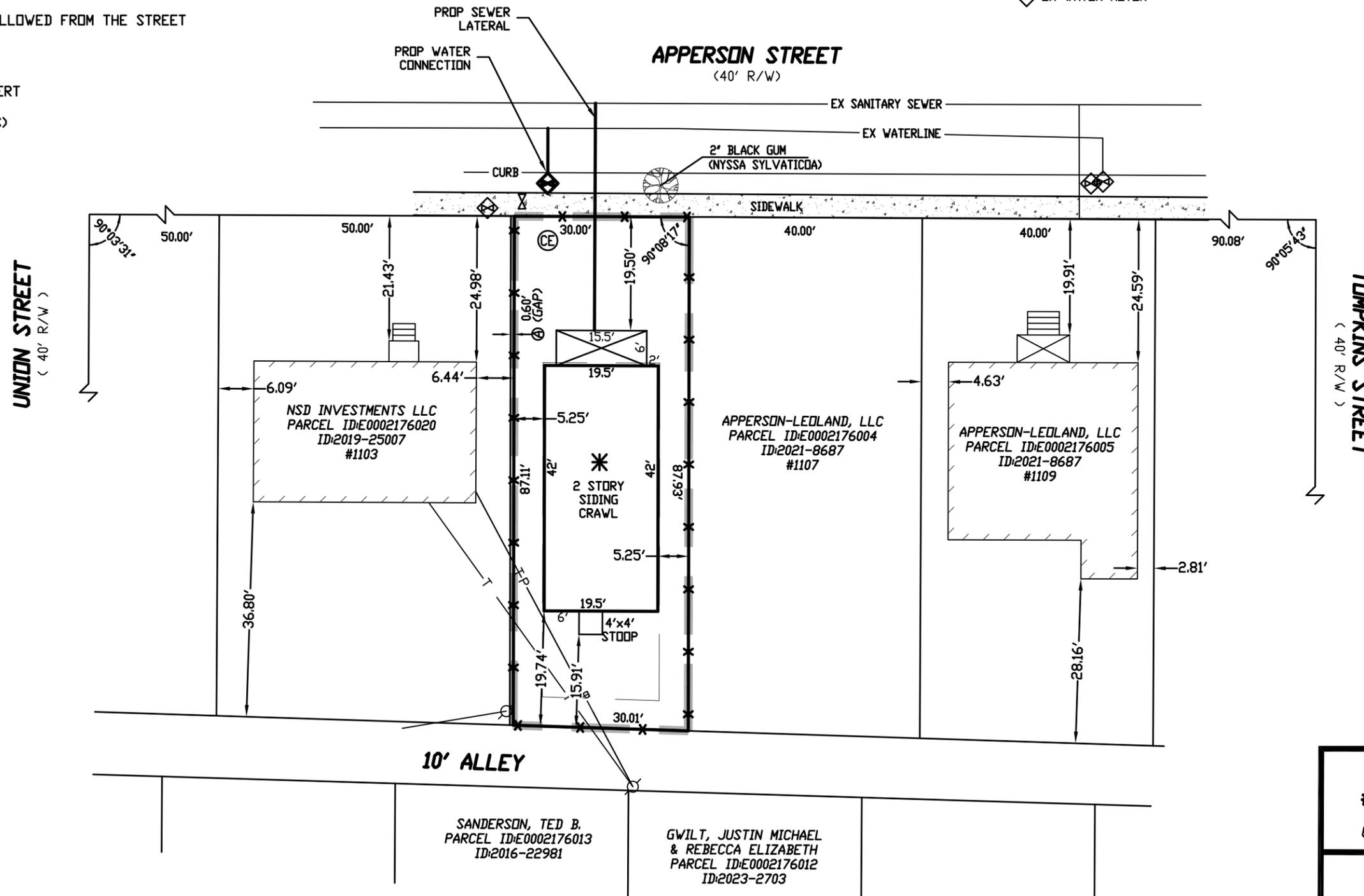
NO DRIVEWAY SHALL BE ALLOWED FROM THE STREET

(A) (GAP)
N/F

THURSTON, WALTER ROBERT
& ARLINE MARY
(NO PARCEL ID ON GIS)
DB.409B PG.36

- ⊙ EX POWER POLE
- ⊗ EX GAS VALVE
- ⊠ EX WATER METER

**YOUNGBLOOD
PROPERTIES**



SCALED FROM
CITY BASELINE
SHEET 26N
↑

ZONED: R-5
BUILDING SETBACKS:
FRONT=25'
REAR=5'
SIDE=5'
TOTAL SIDE=10'
LOT AREA=(NOT TO EXCEED
35% OF LOT AREA)

*
NSD INVESTMENTS, LLC
PARCEL ID: E0002176003
0.060 AC.
ID: 2019-25007
#1105

SANDERSON, TED B.
PARCEL ID: E0002176013
ID: 2016-22981

GWILT, JUSTIN MICHAEL
& REBECCA ELIZABETH
PARCEL ID: E0002176012
ID: 2023-2703

- LEGEND**
- * — LIMITS OF DISTURBANCE (2625± SF)
 - * — SILT FENCE (TO BE INSTALLED ON LOW SIDE(S) OF LOT)
 - ⊙ CONSTRUCTION ENTRANCE

REVISIONS:
11/9/23 - ADDED TREE PER
CITY COMMENT (BMS)

**PROPOSED IMPROVEMENTS ON
#1105 APPERSON STREET
CITY OF RICHMOND, VIRGINIA**

**YOUNGBLOOD, TYLER &
ASSOCIATES, P.C.**
CIVIL ENGINEERS, PLANNERS
& LAND SURVEYORS
7309 HANDOVER GREEN DRIVE
P.O. BOX 517 MECHANICSVILLE, Va. 23111

DATE: SEPT. 22, 2023 SCALE: 1"=15'
DRAWN BY: BMS
CHECKED BY: JWG
JOB No. 18996

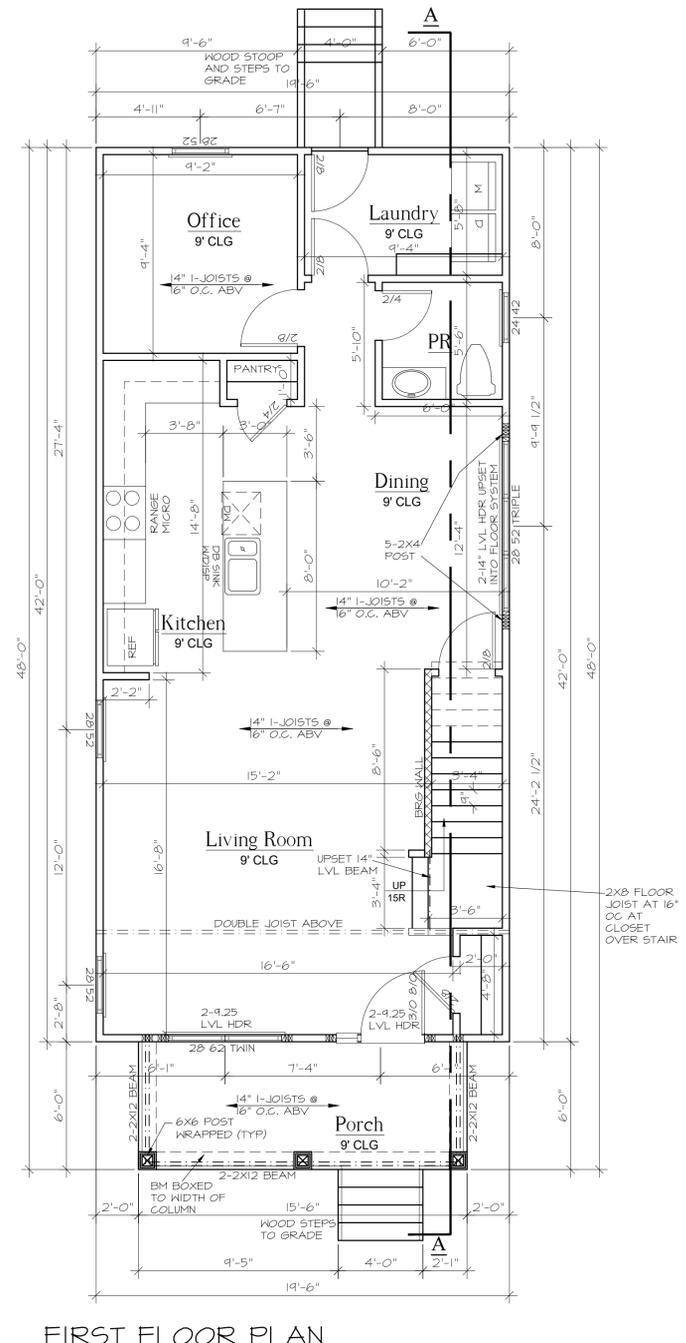
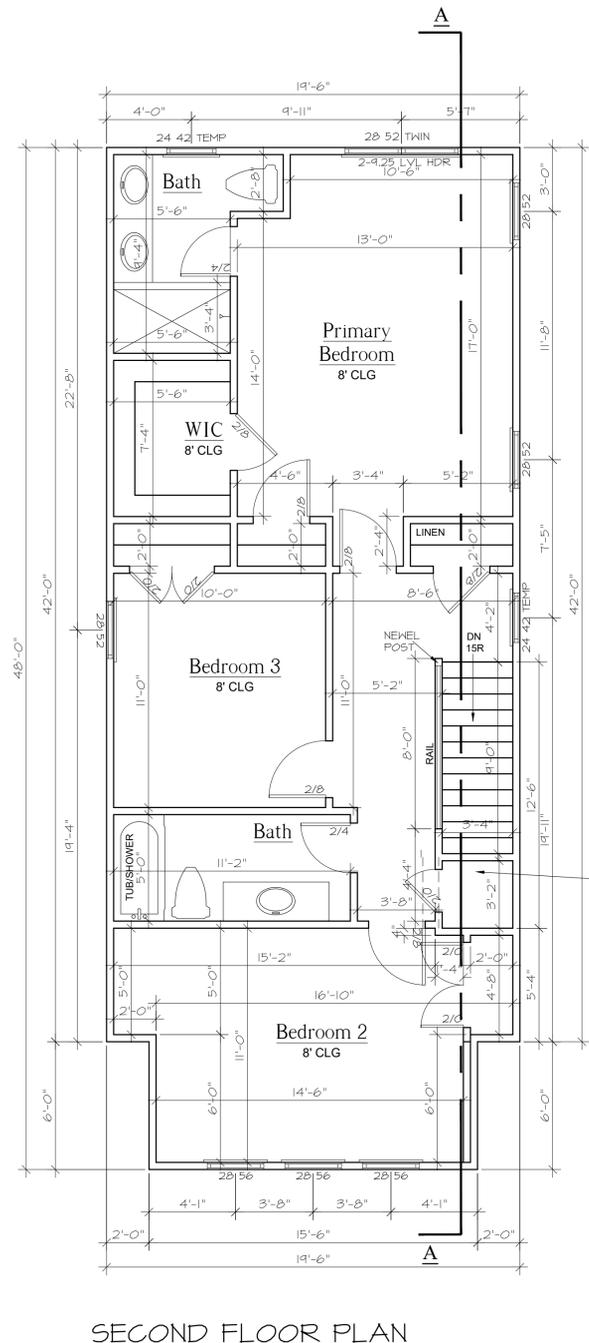
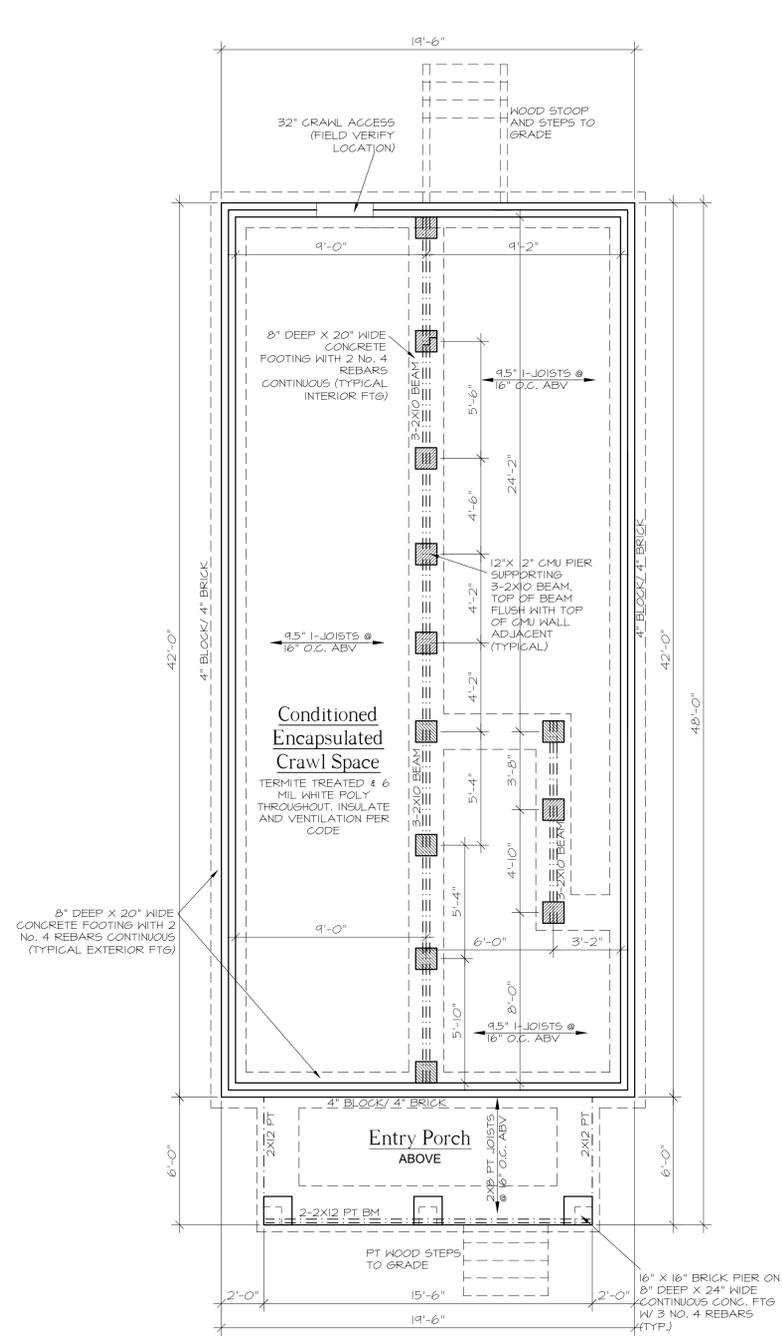
J:\PROJECTS\SURVEY PROJECTS\Maynard\Lot 3\18996.dwg, 11/21/2023 1:13:17 PM

REVISIONS	BY	DATE
1	IBY	1-25-23
2	TV	1-25-23
3	TV	1-25-23
4	TV	1-25-23
5	TV	1-25-23
6	TV	1-25-23
7	TV	1-25-23
8	TV	1-25-23
9	TV	1-25-23
10	TV	1-25-23

COPYRIGHT NOTICE:
THE DESIGN INFORMATION PLANS AND SPECIFICATIONS APPEARING IN THESE DRAWINGS ARE THE PROPERTY OF YOUNGBLOOD PROPERTIES, LLC. NO REPLICATION IN WHOLE OR PART IS PROHIBITED.

YOUNGBLOOD PROPERTIES, LLC
1105 APPERSON STREET, RICHMOND, VA
FOUNDATION PLAN/ FLOOR PLANS

TM VAVRA + ASSOCIATES, P.C.
P.O. BOX 2624
CHESTER, VA 23832
tom@tmvavra.com



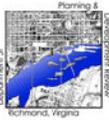
- NOTES:
- ALL HEADERS 2-2X8 UNLESS OTHERWISE NOTED
 - ALL EXTERIOR WALLS 2X4 AT 16" O.C., ALL INTERIOR WALLS 2X4 AT 16" O.C. UNLESS NOTED.
 - ALL STRUCTURAL WOOD MEMBERS (I.E. JOISTS, RAFTERS, BEAMS, ETC.) TO BE SOUTHERN YELLOW PINE #2 UNLESS OTHERWISE NOTED
 - ALL ELEVATION REFERENCES ARE RELATIVE TO INTERIOR FINISHED FLOOR.
 - ALL STRUCTURAL COLUMNS MUST EXTEND CONTINUOUS TO FOUNDATION.
 - BUILDER TO VERIFY ALL WINDOWS MEET EGRESS REQUIREMENTS PER MANUFACTURERS SPECS PRIOR TO ORDERING OR PLACING WINDOWS.
 - ALL WALLS DRAWN AT NOMINAL 4 1/8" WIDTH, BEARING AND EXTERIOR WALL TO BE PLACED AS SHOWN, ADJUST INTERMEDIATE WALLS AS REQUIRED FOR 3.5" WIDTH.

INTERIOR DOOR HEIGHTS	
FIRST FLOOR	6'-8"
SECOND FLOOR	6'-8"
UNLESS NOTED OTHERWISE	

AREA CALCULATIONS

FIRST FL. LIVING:	819 SF
SECOND FL. LIVING:	866 SF
TOTAL COND. AREA:	1685 SF
ENTRY PORCH:	93 SF
AREA UNDER ROOF:	1778 SF

TOTAL AREA OF STRUCTURE: 912 SF
LOT SIZE: 2625.57 SF
LOT COVERAGE = 34.7%



City of Richmond Department of Planning & Development Review

Special Use Permit

LOCATION: 1105 Apperson Street

APPLICANT: NSD Investments, LLC

COUNCIL DISTRICT: 7

PROPOSAL: To authorize the special use of the property known as 1105 Apperson Street for the purpose of a single family detached dwelling, upon certain terms and conditions.

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

