

INTRODUCED: June 24, 2019

AN ORDINANCE No. 2019-178

To authorize the special use of the property known as 4000 Hopkins Road for the purpose of a storage building as a principal use, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 22 2019 AT 6 P.M.

WHEREAS, the owner of the property known as 4000 Hopkins Road which is situated in a R-3 Single-Family Residential District, desires to use such property for the purpose of a storage building as a principal use, which use, among other things, is not currently allowed by section 30-406.1 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), 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: SEP 9 2019 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 (2015), 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 4000 Hopkins Road and identified as Tax Parcel No. C008-0757/059 in the 2019 records of the City Assessor, being more particularly described on a survey entitled “Entrance Plan on Lot 20, Block A, Resubdivision of Lots 8, 9 & Tax Parcel #C008-0797-048, Walmsley Woods, City of Richmond, Virginia,” prepared by Hulcher & Associates, Inc., and dated September 11, 2017, 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 storage building as a principal use, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Old Hickory Buildings – Quote Sheet,” prepared by Old Hickory Buildings, and dated July 15, 2018, and the survey entitled “Entrance Plan on Lot 20, Block A, Resubdivision of Lots 8, 9 & Tax Parcel #C008-0797-048, Walmsley Woods, City of Richmond, Virginia,” prepared by Hulcher & Associates, Inc., and dated September 11, 2017, 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 a storage building that is not an accessory use to a principal use, substantially as shown on the Plans.

(b) The storage building shall not be used as a dwelling unit.

- (c) The height of the Special Use shall not exceed one story.
- (d) Parking for at least one vehicle shall be provided on the Property.
- (e) The storage building shall be used for the storage of items customary to the use of a storage building accessory to a dwelling use.
- (f) 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 (2015), 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 (2015), 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 (2015), 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 (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

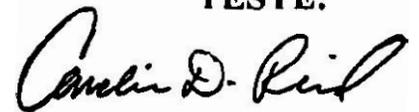
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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 that reads "Carlin D. Reed". The signature is written in a cursive style with a large initial "C".

City Clerk

City of Richmond

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

Item Request

File Number: PRE.2018.338

RECEIVED

JUN 18 2019

O & R REQUEST

4-8859

MAY 30 2019

O & R Request

OFFICE OF THE CITY ATTORNEY

Office of the
Chief Administrative Officer

DATE: May 28, 2019

EDITION:1

TO: The Honorable Members of City Council

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

SS 6/17/19

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

SS

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

SS

FROM: Mark A. Olinger, Director, Department of Planning and Development Review

MO

RE: To authorize the special use of the property known as 4000 Hopkins Road for the purpose of authorizing a storage building as a principal use, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 4000 Hopkins Road for the purpose of authorizing a storage building as a principal use, upon certain terms and conditions.

REASON: The applicant has applied for a special use permit for storage building (i.e., shed) to be constructed within an R-3 Single-Family Residential District. Accessory buildings cannot be constructed without a principal building within the R-3 District. A special use permit is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its July 15, 2019, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 96,380 SF (2.2 acre) parcel of unimproved land located in the Cottrell Farms neighborhood of the Broad Rock planning district. The property is located off Hopkins Road, south of Walmsley Boulevard.

The storage building shall be used for the storage of items customary to the use of a storage building accessory to a residential dwelling and shall not be used for the storage of hazardous materials.

The City of Richmond's current Master Plan designates a future land use category for the subject property as Single-Family (Low-Density). As stated in the plan, the "Primary use is single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5" (City of Richmond Master Plan).

The property is currently zoned R-3 Single-Family Residential, as are a majority of nearby properties. Single-family land use and some vacant land uses are present west of Hopkins Road. Commercial and industrial land uses are found east of Hopkins Road.

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

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 Application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: June 24, 2019

CITY COUNCIL PUBLIC HEARING DATE: July 22, 2019

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 15, 2019

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Jonathan Brown, Senior Planner, Land Use Administration 804-646-5734



SUP-038634-2018

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)

- [X] special use permit, new
[] special use permit, plan amendment
[] special use permit, text only amendment

Project Name/Location

Property Address: 4000 Hopkins Road Richmond, VA 23234-3070 Date: 07/16/2018
Tax Map #: C0080757059 Fee: \$300.00
Total area of affected site in acres: 0.00183655

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

Zoning

Current Zoning: 101 - R Single Family Vacant (R1-R7)

Existing Use: R-3 - Residential (Single Family)

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
Shed for recreational storage with small path from property line (Please see survey). No tree removal would be needed.

Existing Use 101 - R Single Family Vacant (R1-R7)

Is this property subject to any previous land use cases?

Yes [] No [X] If Yes, please list the Ordinance Number:

Applicant/Contact Person: MARCUS NORMAN
Company: n/a
Mailing Address: 2227 Lancers Blvd
City: North Chesterfield State: VA Zip Code: 23224
Telephone: (804) 549 8160 Fax: ()
Email: marcusnorman1973@gmail.com

Property Owner: MARCUS NORMAN
If Business Entity, name and title of authorized signee: n/a

(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: 2227 Lancers Blvd
City: North Chesterfield State: VA Zip Code: 23224
Telephone: (804) 549 8160 Fax: ()
Email: marcusnorman1973@gmail.com

Property Owner Signature: [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)

RECEIVED
JUL 17 2018
LAND USE ADMINISTRATION

07/15/18

Applicant's Report

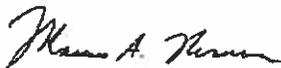
Address: 4000 Hopkins Road, Richmond, VA 23234 (2.2126 Acres) Parcel: C0080757059

Proposed Special Use: Small Shed 10x8 constructed on site without land disruption and obscured from visibility from neighboring communities for the storage of property maintenance/recreational supplies. This would be located in the "build-able" area as noted on the included survey. And small path would lead from the property line to the shed and no trees would have to be removed. No person would live in this structure. No utilities would be hooked up to this structure. See picture included for proposed design.

- A) This structure would not be detrimental to the safety, health, morals and general welfare of the community involved.
- B) This structure would not create congestion in streets, roads, alleys and other public ways and places in that area involved.
- C) This structure would not create hazards from fire, panic or other dangers.
- D) This structure would not cause overcrowding of land and an undue concentration of population.
- E) This structure would not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.
- F) This structure would not interfere with adequate light and air.

Reasons for requested and why they comply with the statements above:

The property located at 4000 Hopkins road is a beautiful wooded area and I believe in retaining this beauty for surrounding communities to continue to enjoy. Over 80% of this property is disturbed by the 100 year flood zone and the RPA (root protection area). I'm requesting this to allow for use of the property with minimal disturbance and in compliance with statements A-F. Given the natural barriers for a larger construction, I believe that this is the best use of this property at this time.



Marcus Norman
2227 Lancers Blvd
North Chesterfield, VA 23224
804-549-8160

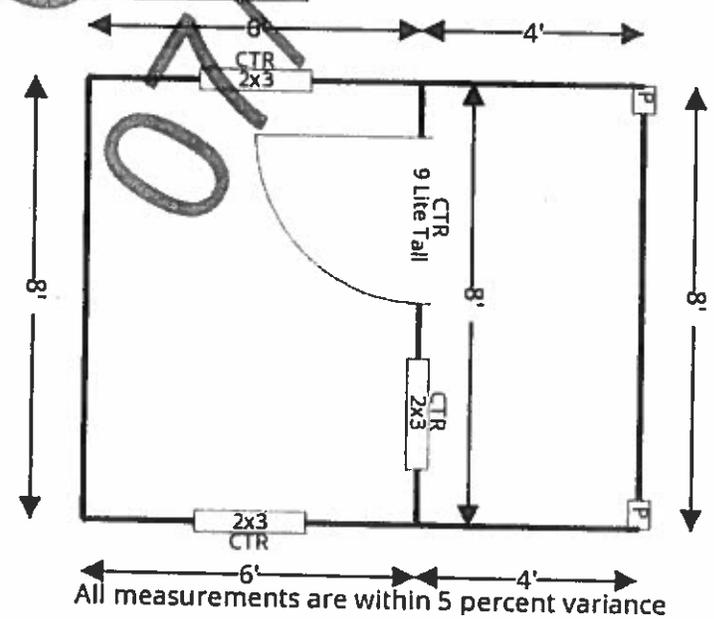
OLD HICKORY BUILDINGS - QUOTE SHEET

Quote Only - Order Number: 91544

Sales Lot 360 Sheds & Metal Buildings Date 07/15/2018
 Customer Name 360 Sheds Quote - Rik Bldg Type/Size Utility (8' Walls) 8x10

Bldg Type	URETHANE	Item	Price	Qty	Amount
Flooring	T&G Engineered Panels	PLAYHOUSE	\$95.00 EA	1	\$95.00
Roof	BLACK - METAL	BLACK Trim	45.00 EA	1	\$45.00
Wall Type	LP SmartPanel	TOTAL OPTIONS PRICE			\$640.00
Color	HONEY GOLD URETHANE				
Trim	BLACK PAINT				

Notes/Comments
 8' Walls



All measurements are within 5 percent variance

URETHANE

QUOTE ONLY - NOT AN ORDER. PRICES SUBJECT TO CHANGE.

Old Hickory Buildings
 Cust. Service: (615) 890-8075
 www.oldhickorybuildings.com
 Make rental payments to:



360 Sheds & Metal Buildings
 11231 Circle Drive
 Amelia Courthouse, VA 23002
 804-561-6004

Purchase Type: ORDER-SHOP BUILT
 Building Type: Utility (8' Walls)
 Size: 8x10
 Order Number: 91544

Date: 07/15/2018
 Salesman: Stephanie and Rik Maybee

*Revisions on Custom Orders subject to form, see below for details

All Sizes Nominal *12' wide measure leave 4" leave* *7' & 8' Tall Walls Measured on Outside*

NOTES/COMMENTS

Customer Name

(Name must match ID) 360 Sheds Quote - Rik

Delivery Address: 123 Any St

(City) Any (State) VA (Zip) 23002

(County) Any

Primary Phone: (804) 561-6004

Call Phone:

Mailing Address: 123 Any St

City: Any

State: VA

ZIP: 23002

Work Phone:

Email:

Cash Sale

Checks payable to: Old Hickory Buildings, LLC

	Amount
Sales Price	\$1,745.00
Option Cost	\$640.00
Total (Pre-Tax)	\$2,385.00
Tax	\$26.41
Total Cost	\$2,511.41

Customer agrees to the following terms. Old Hickory Buildings, LLC and its associates are not responsible for permits, snow/wind load requirements, covenant searches, restrictions, setbacks, yard damage, or underground damage. Customer is responsible for compliance with any such requirements and it is the customer's responsibility to decide if ground conditions are unsuitable for delivery. Please contact your local Building Inspector and/or Homeowner's Association for information on requirements and restrictions. Free setup includes leveling the building, starting with one corner at ground level and raising it up to a maximum of 3 feet. If leveling requires 1 foot or less, pressure treated wood may be used. Otherwise, customer may supply concrete blocks which are placed on top of the ground, or we can supply concrete blocks for \$2.00 each. In very rare cases, underground footers may be required by local building codes. Old Hickory Buildings does not offer digging or footer services and these are not included in free set up, however we can work with customer or contractor when required for an additional cost. Free Delivery covers one trip up to 30 miles one way. Trips over 30 miles are subject to a \$2/mile (8ft, 9ft & 10ft wide) or \$3.50/mile (12ft & 14ft wide) or \$4.50/mile (16ft wide) charge one way. The customer will be responsible for the mileage charge as well as the cost of any additional trips. * A Non-Refundable Fee will be charged on Cancellations or Revisions of Custom Orders as follows: 10% on Cash Sales of 8ft, 10ft & 12ft wide buildings, 20% on Cash Sales of 14ft & 16ft wide buildings, or, on Rent To Own Sales, the Security Deposit plus First Month's Rent. If legal action, or any other action, is required to enforce the terms of this agreement, customer agrees to pay Old Hickory's costs including but not limited to attorney's fees and court costs. Old Hickory has the right to refuse any sale up until the time when the building is set up at customer's location. Drivers do not take credit cards. All balances due must be paid by cash or check on delivery. Balance due paid by credit card must be paid prior to delivery. Credit card price is 3% higher than discounted cash price listed above. In the event building is not paid for before or on delivery driver will not leave building and additional trip charges will be incurred. In the event that delivery has not been made within 90 days, cash customers must pay balance due, rental customers must pay the rent due. Discounted buildings do not carry a warranty on cosmetic issues - see written warranty on our website.

URETHANE

QUOTE ONLY - NOT AN ORDER. PRICES SUBJECT TO CHANGE.