

INTRODUCED: January 27, 2025

AN ORDINANCE No. 2025-022

To authorize the special use of the property known as 1001 Barlen Drive for the purpose of up to two single-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 24 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 1001 Barlen Drive, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of up to two single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-408.2, concerning permitted accessory uses and structures, and 30-620.2, concerning more than one main building on a lot, in 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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 24 2025 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 1001 Barlen Drive and identified as Tax Parcel No. C007-0201/026 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lot 1 Block D, Barleth Heights Richmond, Virginia,” prepared by A.G. Harocopos & Associates P.C., and dated July 1, 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 two single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Survey of Lot 1 Block D, Barleth Heights Richmond, Virginia,” prepared by A.G. Harocopos & Associates P.C., and dated July 1, 2024, “1001 Barlen Dr Back House Elevation Drawings,” prepared by an unknown preparer, and undated, and “1001 Barlen Dr – Exterior Measurements,” prepared by an unknown preparer, and undated, 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 up to two single-family detached dwellings, substantially as shown on the Plans.

(b) All mechanical equipment serving the Property shall be located or screened so as

not to be visible from any public right-of-way.

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

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

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

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

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

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

CITY ATTORNEY'S OFFICE

Carlin D. Reid

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City of Richmond

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

Master

File Number: Admin-2024-1307

File ID: Admin-2024-1307

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk

Department:

File Created: 10/09/2024

Subject:

Final Action:

Title:

Internal Notes:

Agenda Date: 01/27/2025

Patron(s):

Enactment Date:

Attachments: ADMIN-2024-1307_1001 Barlen Drive Supporting Documents.pdf, Admin-2024-1307 - AATF

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	12/30/2024	Matthew Ebinger	Approve	1/1/2025
2	3	12/31/2024	Kevin Vonck	Approve	1/6/2025
2	5	1/2/2025	Sharon Ebert	Approve	1/2/2025
2	7	1/15/2025	Jeff Gray	Approve	1/6/2025
2	8	1/16/2025	Sabrina Joy-Hogg	Approve	1/17/2025
2	9	1/17/2025	Mayor Avula	Approve	1/20/2025

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2024-1307

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: December 30, 2024

TO: The Honorable Members of City Council

THROUGH: The Honorable Danny Avula, Mayor (by request)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Sabrina B. Joy-Hogg, Interim Chief Administrative Officer

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

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

RE: To authorize the special use of the property known as 1001 Barlen Drive for the purpose of up to two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The authorization of the special use of the property known as 1001 Barlen Drive will authorize a second single-family dwelling on one parcel. The R-4 Single-Family Residential district permits no more than one dwelling unit per parcel. Therefore, a special use permit is requested.

BACKGROUND: The property is located on the southeast corner of Barlen Drive and Cross Road. The parcel is 50 feet wide and 105 feet in depth for a total of 9,719 square feet. The property is improved with an 1,152 single-story home built in 1959. A second dwelling unit was built circa 1998 without an approved special use permit nor with a building permit. As such, the structure is an unauthorized and undocumented use. The property was purchased by the current owner in July 2021 without knowledge of the non-compliant status of the second structure. A special use permit will be necessary to authorize this use, as well as to conduct inspections to verify that the structure meets building code requirements.

The City's Richmond 300 Master Plan designates the property for Residential uses wherein single-family detached structures are a primary use.

COMMUNITY ENGAGEMENT: The property is not located within the bounds of a civic association. Notices shall be mailed to surrounding property owners and a sign shall be placed on the property after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

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: January 27, 2025

CITY COUNCIL PUBLIC HEARING DATE: February 24, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, February 18, 2025

AFFECTED AGENCIES: Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Supporting documents

STAFF: David Watson, Planner, Land Use Administration (Room 511) 646-1036



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304

<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- ☒ **special use permit, new**
☐ **special use permit, plan amendment**
☐ **special use permit, text only amendment**

Project Name/Location

Property Address: 1001 Barlen Dr, Richmond, VA 23225 Date: 09/05/2024

Parcel I.D. #: C0070201026 Fee: \$300

Total area of affected site in acres: 0.22

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

Zoning

Current Zoning: R-4

Richmond 300 Land Use Designation: Residential

Proposed Use

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

SFR with ADU in back

Existing Use: Single Family Home with Accessory Dwelling Unit in place since at least 2007. Trying to get the building recognized and permitted.

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Fernando L Perez II

Company: _____

Mailing Address: 9703 S Verlinda Ct

City: North Chesterfield State: VA Zip Code: 23237

Telephone: (757) 206-4251 Fax: ()

Email: fernando.luis.perez.ii@gmail.com

Property Owner: Fernando L Perez II

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: 9703 S Verlinda Ct

City: North Chesterfield State: VA Zip Code: 23237

Telephone: (757) 206-4251 Fax: ()

Email: fernando.luis.perez.ii@gmail.com

Property Owner Signature: 

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

Applicants Report – 1001 Barlen Dr, Richmond, VA 23225

This Special Use Permit is to recognize the Accessory Dwelling Unit that has been on the property since at least 2007, according to Google Streetview. There was an application entered in 1998 for the structure currently there. On the city Tax Assessor site, it shows "Living Area - Residence in Other Bldg" under "Building Description" on the "Extensions" tab. It is recognized by the Tax Assessor. I was unaware that this was the only city department that had records of the Accessory Dwelling Unit. So I want to change that and apply for the building permits.

I believe there is precedents for this recognition of an ADU despite the zoning code's restrictions. The city has tried to help it's citizens. My neighbor at 942 Kingsway Road has a residential ADU that was applied for under the "Home occupation (home office) for painting business" in 2019. 8232 Ammonett Drive also is recognized by the Tax Assessor with the same comment "Living Area - Residence in Other Bldg". It applied for a home office in 2002 with a description of "SINGLE FAMILY DETACHED DW 2: 220 SQ FT TO BE USED AS HOME OFFICE". Ammonett recently sold and showed pictures of a full kitchen and bathroom. See below.

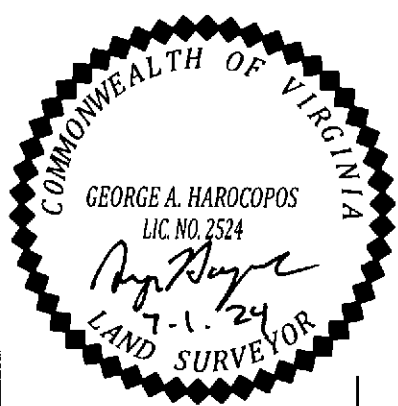


This is to certify that on 07/01/2024
I made an accurate field survey of the known premises
shown hereon; that all improvements known or visible
are shown hereon; that there are no encroachments by
improvements either from adjoining premises, or from
subject premises upon adjoining premises, other than
shown hereon.

NOTE: THIS LOT APPEARS
TO BE IN FEMA FLOOD ZONE
X AS SHOWN ON FEMA
FLOOD INSURANCE RATE MAP
PANEL 5101290057D

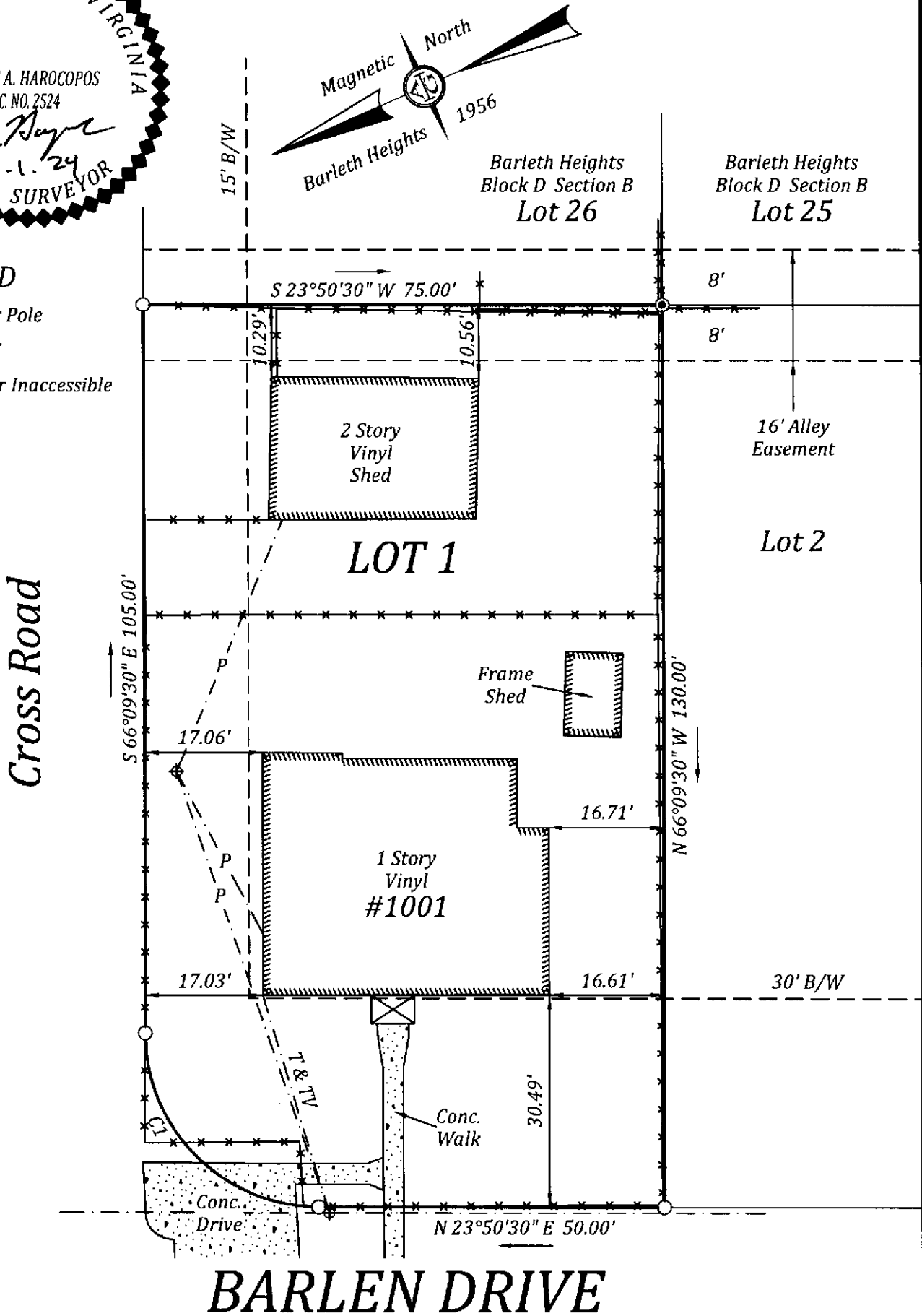
NOTE:
This survey has been prepared without
the benefit of a title report and does
not therefore necessarily indicate all
encumbrances on the property.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	39.27'	35.36'	N 68°50'30" E	90°00'01"



LEGEND

- ⊕ Power Pole
- Rod/F
- ⊙ Corner Inaccessible



SURVEY OF
LOT 1 BLOCK D
BARLETH HEIGHTS
RICHMOND, VIRGINIA

JN 53563

A. G. HAROCOPOS & ASSOCIATES, P.C.
CERTIFIED LAND SURVEYOR AND CONSULTANT

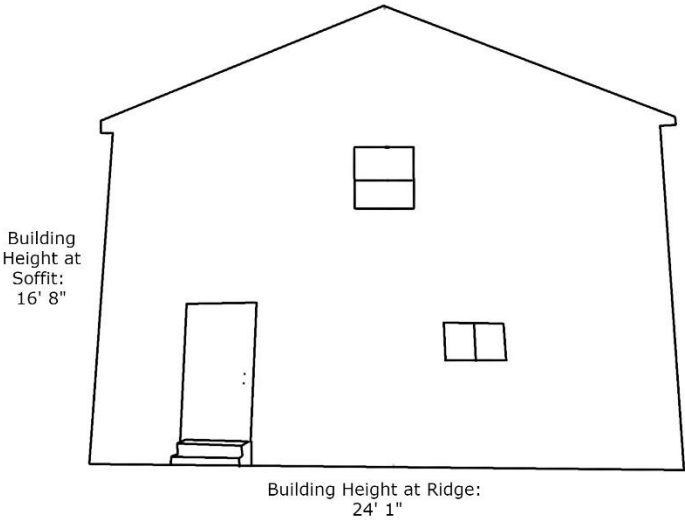
NOTE: PLAT PREPARED FOR THE EXCLUSIVE
USE OF THE CONVEYANCE TO
FERNANDO LUIS PEREZ, II

4920 E. MILLRIDGE PKWY. SUITE 200 MIDLOTHIAN VA. 23112
Office 804 744 2630 FAX 804 744 2632
E-MAIL AGHAROCOPOS72@GMAIL.COM

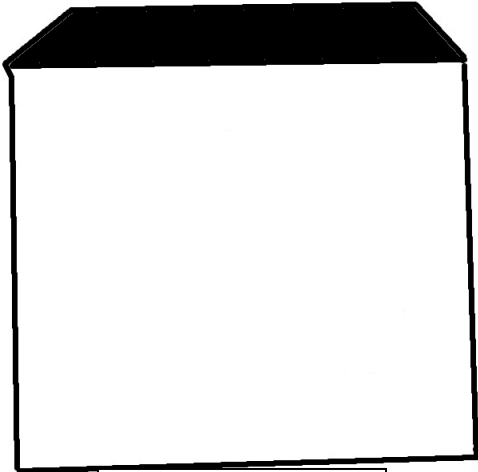
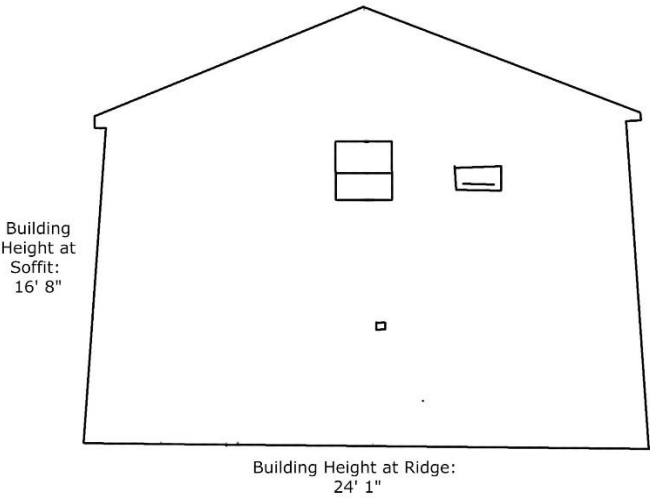
Scale 1"=20' Date 07/01/24 Drawn by GAH

1001 Barlen Dr Back House Elevation Drawings

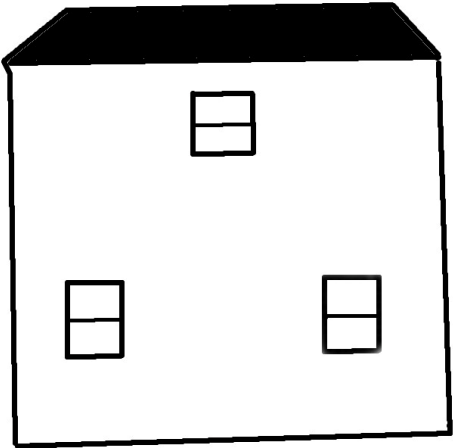
1001 Barlen Dr Back House - Front



1001 Barlen Dr Back House - Back



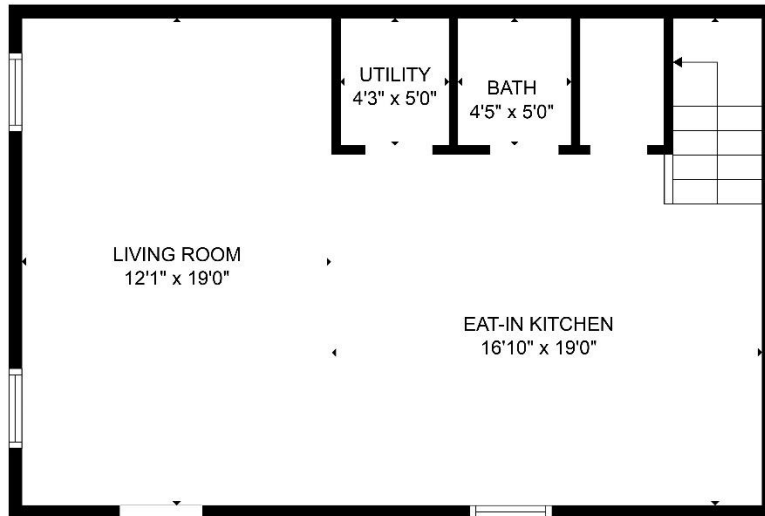
Side View (South)



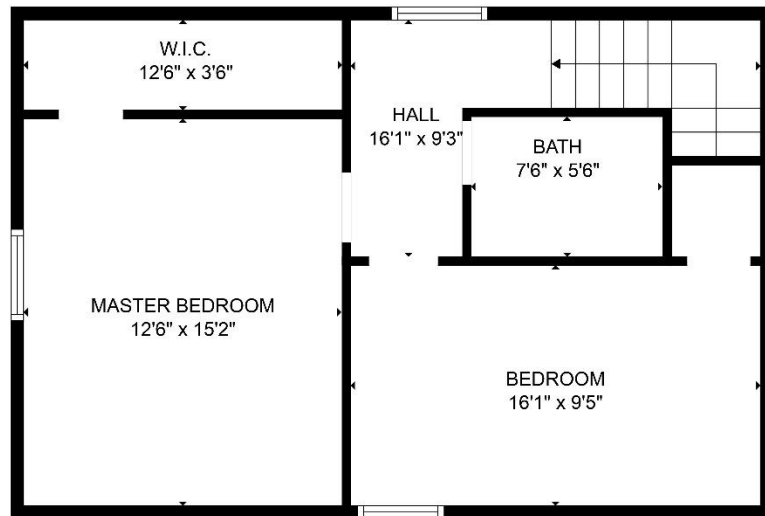
Side View (North)

1001 Barlen Dr – Exterior Measurements

1220 Sq Ft (610 Sq Ft per level)



FLOOR PLAN CREATED BY CUBICASA APP. MEASUREMENTS DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.



FLOOR PLAN CREATED BY CUBICASA APP. MEASUREMENTS DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.



**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

LOCATION: 1001 Barlen Drive

APPLICANT: Fernando Pereze

COUNCIL DISTRICT: 9

PROPOSAL: To authorize the special use of the properties known as 1001 Barlen Drive for the purpose of two single-family detached dwellings, upon certain terms and conditions.

