

INTRODUCED: January 8, 2024

AN ORDINANCE No. 2024-018

To authorize the special use of the property known as 801 Craigie Avenue for the purpose of a single-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 12 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 801 Craigie Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-410.5, concerning yards, 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 create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES: 8 NOES: 0 ABSTAIN:

ADOPTED: FEB 26 2024 REJECTED: STRICKEN:

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 801 Craigie Avenue and identified as Tax Parcel No. N000-1052/001 in the 2024 records of the City Assessor, being more particularly shown on as a survey entitled “Permit Plat Showing Proposed Improvements to #801 Craigie Avenue, City of Richmond, Virginia,” prepared by Shadrach & Associates LLC, and dated April 15, 2021, 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 “As-Built, 801 Craigie Ave., City of Richmond, Virginia,” prepared by Long Surveying, LLC, and dated September 7, 2023, and “801 Craigie Ave., Richmond, VA.,” prepared by Trinity HDC, and dated August 3, 2020, 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) 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 zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, this ordinance and the special use permit granted hereby shall terminate and become null and void.

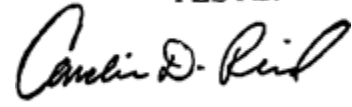
§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

APPROVED AS TO FORM:



City Attorney's Office

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-2023-1955

File ID: Admin-2023-1955	Type: Request for Ordinance or Resolution	Status: Regular Agenda
Version: 2	Reference:	In Control: City Clerk Waiting Room
Department:	Cost:	File Created: 11/29/2023
Subject:	Final Action:	
Title:		

Internal Notes:

Code Sections:

Agenda Date: 01/08/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-1955_Supporting documents_801
Craigie.pdf, Scanned SUP - 801 Craigie Ave.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	12/13/2023	Jonathan Brown	Approve	12/15/2023
2	2	12/13/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	12/14/2023	Kevin Vonck	Approve	12/20/2023
2	4	12/14/2023	Alecia Blackwell - FYI	Notified - FYI	
2	5	12/14/2023	Sharon Ebert - FYI	Notified - FYI	
2	6	12/14/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	12/20/2023	Jeff Gray	Approve	12/18/2023
2	8	12/20/2023	Lincoln Saunders	Approve	12/22/2023
2	9	1/2/2024	Mayor Stoney	Approve	12/22/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2023-1955

Title

Body

O & R Request

DATE: November 29, 2023 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)
(This is no way reflects a recommendation on behalf of the 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 801 Craigie Avenue 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 801 Craigie Avenue for the purpose of a single-family detached dwelling, upon certain terms and conditions.

BACKGROUND: The subject property is located in the R-5 Single-Family Residential District. It consists of approximately .135 acres of land and is within Highland Terrace Neighborhood. The new single-family dwelling constructed on the property is a permitted use. However, due to a builder error the dwelling encroaches slightly into the required setbacks. Therefore a special use permit is requested.

COMMUNITY ENGAGEMENT: The property is not located within a civic association. Letters of notification 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 INITATIVES 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 / COST: 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 8, 2024

CITY COUNCIL PUBLIC HEARING DATE: February 12, 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

..Recommended Action

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike Withdrawn ---- Continue to:



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: 801 Craigie Avenue Date: 09/20/2023
 Parcel I.D. #: N0001052001 Fee: \$300.00
 Total area of affected site in acres: 0.135

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

Zoning

Current Zoning: R5

Richmond 300 Land Use Designation: Residential

Proposed Use

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

Currently Constructed Signal Family Resident
Existing Use: NO

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Linita Thompson

Company: HD Enterprise Inc.
 Mailing Address: PO Box 10834
 City: Norfolk State: VA Zip Code: 23513
 Telephone: (757) 748 6608 Fax: ()
 Email: Hd3enterprisesinc@gmail.com

Property Owner: Henry Darden

If Business Entity, name and title of authorized signer: _____

(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: PO Box 10381
 City: Norfolk State: VA Zip Code: 23513
 Telephone: (757) 575-3177 Fax: ()
 Email: Hd3enterprisesinc@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)

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

Letter of Intent for Zoning Variance For:
Henry Darden
801 Craigie Avenue
Richmond, Virginia 23222

ZONING: R-5
PARCEL ID#: N0001052001

Letter of Intent for Zoning Variances

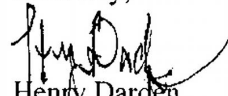
Dear Planning & Zoning Members,

We are requesting a variance for the above address for the setback encroachment in the right away for Craigie Avenue and Alpine Avenue for the reasons detailed below:

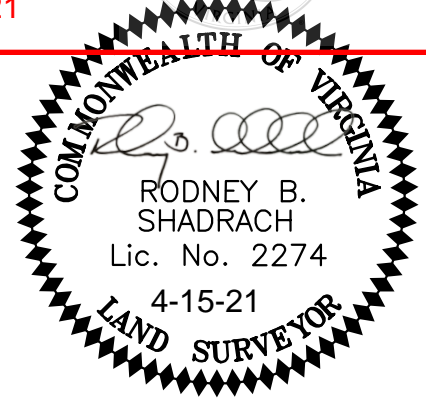
1. We were informed once the As-Built survey was done, that the construction lay out done by contractor matched the front corner of the house with the adjoining house alignment, but forgot about the extra 1.2" in the front. We were also informed that the house was skewed in relation to the side property line, which caused the house to be too close to Alpine Avenue.
2. The minimum front yard setback of not less than 25' is required along Alpine Avenue. The house is set at 24.68' we are asking for the differences of the variances, which is 0.32'. The minimum front yard setback along Craigie Avenue was allowed to match the existing dwelling next door which is 14.93' however, the house is set at 13.96', which the difference of variance we are asking for is 0.97' due to the skew.
3. The contractor made an honest mistake doing the construction lay out, which he failed to take in count the bump out of the front porch. We thoroughly regret the mistakes made and ask if you could please grant the variance, being that the house has been completed and stable it would be a hardship on the owner if the variance is not approve.
4. Granting the variance would not be detrimental to the safety, health, morals and general welfare of the community or create congestion along the public ways; it would not create hazards from fire, nor cause overcrowding of land and an undue concentration of population; it would not have adverse effect or interfere with public or private schools, water supplies, sewage disposal, transportation or other public requirements or interfere with adequate light and air.

Thank you for your consideration,

Sincerely,

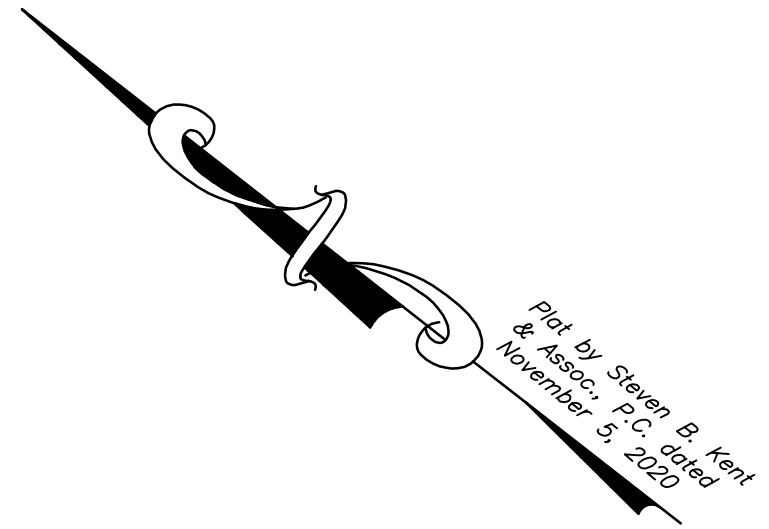
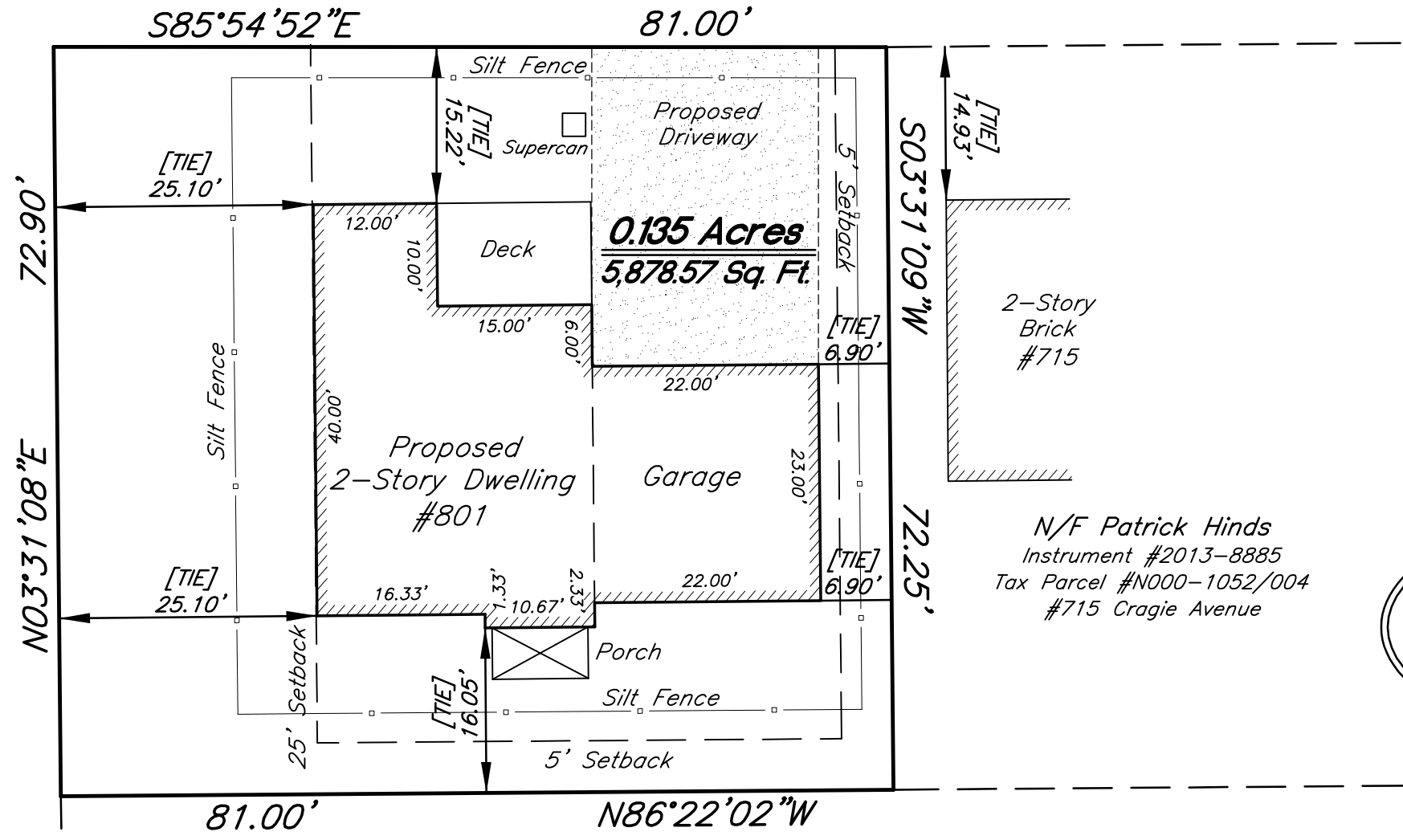

Henry Darden
Property Owner

Building Permit - Approved Construction Documents
 Under general authority of the Building Code, this approved set of construction documents shall be kept on the job site at all times and shall not be altered without approval from the Building Official. This permit does not approve any Electrical, Mechanical or Plumbing work. This approval does not relieve the builder from complying with manufacturer instructions, Virginia Uniform Statewide Building Code and City of Richmond regulations whether noted, implied or omitted.
 04/16/2021 *DKM*



Alpine Avenue
 (30' Public R/W)

Craigie Avenue
 (40' Public R/W)



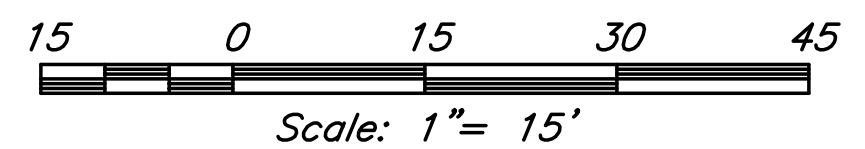
Plat by Steven B. Kent
 & Assoc., P.C. dated
 November 5, 2020

The purpose of this plat is to show the proposed location of the dwelling shown hereon for permit purposes only.

N/F Patrick Hinds
 Instrument #2013-8885
 Tax Parcel #N000-1052/004
 #715 Craigie Avenue

N/F Nancy Piervil
 Instrument #2018-18054
 Tax Parcel #N000-1052/006
 #3122 Letcher Avenue

PERMIT PLAT
 SHOWING PROPOSED IMPROVEMENTS
 TO #801 CRAIGIE AVENUE
 CITY OF RICHMOND, VIRGINIA
 DATE: APRIL 15, 2021



Shadrach & Associates LLC
 LAND SURVEYING
 430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23236
 Phone: (804)379-9300 • Fax: (804)379-9301

Notes:

1. The subject property appears not to be located within the limits of of the 100 Year Flood Plain Boundary as defined by The Federal Insurance Administration Community-Panel #510129-0033-D, effective date: April 2, 2009 (Zone X).
2. This survey plat was prepared with a combination of office files, courthouse research, and a Plat of Survey prepared by Steven B. Kent & Associates, P.C. dated November 25, 2020 which was previously reviewed by the City of Richmond Zoning Administration.
3. This survey was made without the benefit of a Title Report and therefore there may be encumbrances which are not shown hereon.

Legal Reference:

Linita Thompson
 Instrument #2018-2283
 Tax Parcel #N000-1052/001
 #801 Craigie Avenue

THIS IS TO CERTIFY THAT ON 9/7/23 I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND WALLS OF THE BUILDING ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN

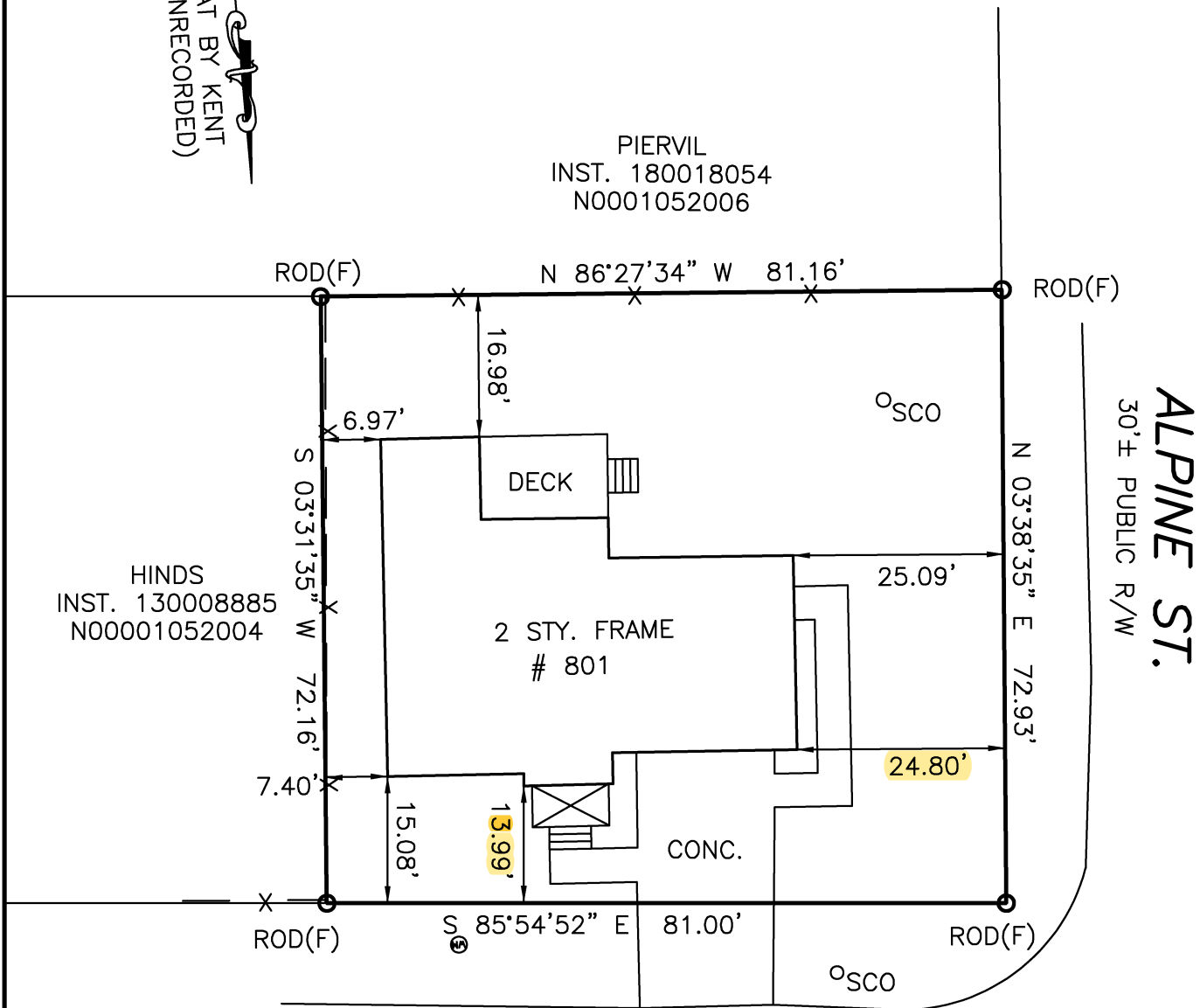


Brian Long
BRIAN LONG, L.S.

- 1) THIS PARCEL IS NOT IN A FEMA FLOOD HAZARD ZONE
- 2) THIS SURVEY IS BASED ON CURRENT FIELD WORK
- 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE ALL ENCUMBRANCES MIGHT NOT BE SHOWN.

PLAT BY KENT
(UNRECORDED)

PIERVIL
INST. 180018054
N0001052006



CRAIGIE AVE.
44'± PUBLIC R/W

**AS-BUILT
801 CRAIGIE AVE.**

CITY OF RICHMOND
VIRGINIA

SEPT. 7 2023
SCALE: 1"=20'

LONG SURVEYING, LLC
4650 FACTORY MILL ROAD
MAIDENS, VA 23012
804-314-5620

