

INTRODUCED: January 8, 2024

AN ORDINANCE No. 2024-019

To authorize the special use of the property known as 12 Granite Avenue for the purpose of a single-family detached dwelling, with driveway access to the street, 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 12 Granite Avenue, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of a single-family detached dwelling, with driveway access to the street, which use, among other things, is not currently allowed by section 30-408.8, 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: 7 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 12 2024 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 12 Granite Avenue and identified as Tax Parcel No. W020-0227/022 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Proposed Improvements on Lot 28, Westview, City of Richmond, Virginia,” prepared by Balzer & Associates, dated August 12, 2022, and last revised September 8, 2022, 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 driveway access to the street, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Proposed Improvements on Lot 28, Westview, City of Richmond, Virginia,” prepared by Balzer & Associates, dated August 12, 2022, and last revised September 8, 2022, 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 driveway access to the street, 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.

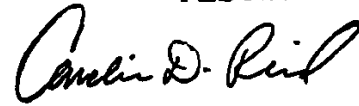
§ 6. **Implementation.** The Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the 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-2023-1317

File ID: Admin-2023-1317

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 08/21/2023

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 01/08/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-1317 - O&R Transmittal Memo,
Admin-2023-1317 - Application Documents,
Admin-2023-1317 - Map, Scanned SUP - 12 Granite Avenue.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
1	1	11/27/2023	Jonathan Brown	Approve	11/29/2023
1	2	11/27/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	11/30/2023	Kevin Vonck	Approve	12/4/2023
1	4	11/30/2023	Alecia Blackwell - FYI	Notified - FYI	
1	5	11/30/2023	Sharon Ebert - FYI	Notified - FYI	
1	6	11/30/2023	Caitlin Sedano - FYI	Notified - FYI	
1	7	12/20/2023	Jeff Gray	Approve	12/4/2023
1	8	12/20/2023	Lincoln Saunders	Approve	12/22/2023
1	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-2023-1317

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 23, 2023

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 12 Granite Avenue for the purpose of a single-family detached dwelling, with driveway access to the street, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The property contains a nonconforming driveway and the proposal calls for expanding the driveway by adding a second access point. Therefore, a Special Use Permit is requested.

BACKGROUND: The subject property is located in the R-4 Single-Family Residential District and the zoning ordinance prohibits driveway access from the street when alley access from the rear is available. The .293 acre subject property is located on the western side of Granite Avenue between Matoaka Road and Tuckahoe Avenue. The property is serviced by an alley that runs along the rear property line.

The City's Richmond 300 Master Plan designated a future land use for the subject property as Residential. This designation is defined as a "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature" (Richmond 300, p. 54). 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 Westhampton Village Preservation Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Will be considered by Planning Commission on February 5, 2024 (tentative).

FISCAL IMPACT: \$300 application fee.

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 Form, Applicant's Report, Plans, Survey

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.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: 12 Granite Avenue, Richmond, 23226 Date: 6/12/23
Parcel I.D. #: W0200227017 Fee: \$300
Total area of affected site in acres: .293 Acres

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

Zoning

Current Zoning: R-4-Residential

Richmond 300 Land Use Designation: Residential

Proposed Use

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

Single Family Home. Requesting special use permit to install driveway off Granite Ave.
Existing Use: New single family home

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: R. Judson Elliott, Jr.

Company: _____

Mailing Address: 4615 Augusta Avenue

City: Richmond

State: VA

Zip Code: 23230

Telephone: (804) 350-7001

Fax: () _____

Email: jelliott@hillsgroup.com

Property Owner: R. Judson Elliott, Jr. and Angela S. Elliott

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: _____

City: _____

State: _____

Zip Code: _____

Telephone: () _____

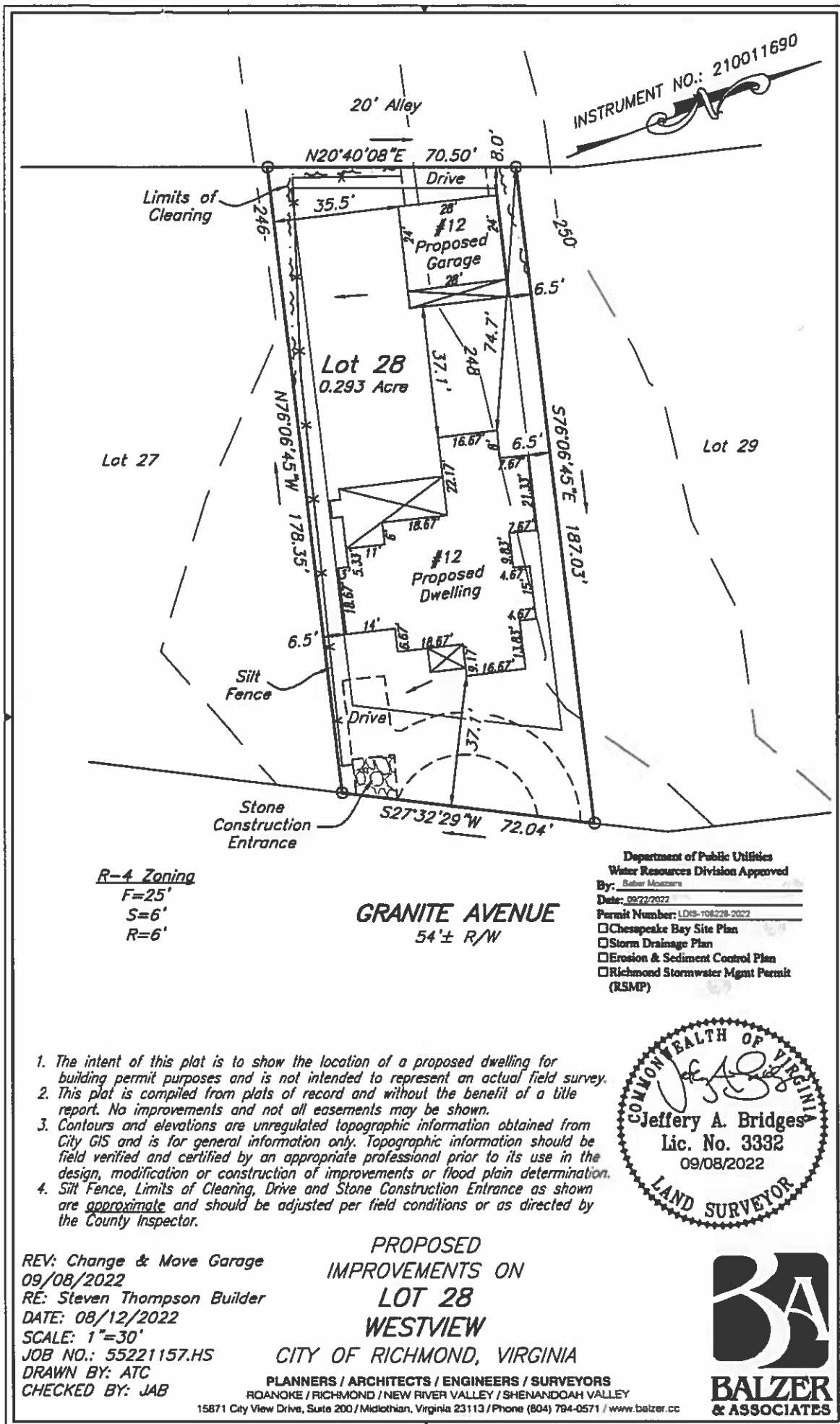
Fax: () _____

Email: _____

Property Owner Signature: R. Judson Elliott, Jr.

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)



**12 Granite Avenue- Request for Special Use Permit to Install Driveway
Jud and Angela Elliott; 804-350-7001**

We are building a new home at 12 Granite Avenue in Richmond. Construction has been underway for many months, and we are hoping to move in this Fall. A copy of the approved site plan/plat is included, along with the enclosed application. Given the limited amount of on-street parking on Granite Avenue, our approved site plan includes a driveway off Granite Avenue with a circular parking pad in front of the home. Most of the houses in that area of Granite Avenue have driveways off the street, including both new homes on either side of ours (10 Granite and 14 Granite, respectively). We are requesting a Special Use Permit to construct the driveway per our plans.

Thank you for your consideration of this request. Please let me know if you have questions or need additional information from us.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jud', written in a cursive style.

R. Judson Elliott, Jr.