

INTRODUCED: September 11, 2023

AN ORDINANCE No. 2023-269

As Amended

To authorize the special use of the property known as 3418 R Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: OCT 10 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 3418 R Street which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two single-family detached dwellings, 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: 9 NOES: 0 ABSTAIN: \_\_\_\_\_

ADOPTED: NOV 13 2023 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 3418 R Street and identified as Tax Parcel No. E000-1273/045 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Proposed Improvements on #3418 R Street in the City of Richmond, Virginia,” prepared by Harvey L. Parks, Inc., dated December 6, 2020, and last revised September 19, 2022, 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 two single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “New Single-Family Home, 3418 R Street, Richmond, VA,” prepared by Architecturally Yours, and dated March 20, 2023, and “Property Split Proposed for 3418 ‘R’ Street,” prepared by Architecturally Yours, and undated, and 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 two single-family detached dwellings, substantially as shown on the Plans.

(b) No fewer than two off-street parking spaces shall be provided for the Special Use, substantially as shown on the Plans.

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

(d) All building materials and elevations shall be substantially as shown on the Plans. Window wrap shall be provided on all windows, and consistent window color shall be used on all elevations.

(e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(f) Prior to the issuance of a building permit for the Special Use, the establishment of two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

(g) A walkway shall be provided from the front steps of the dwelling to the sidewalk.

(h) The depth of the front porch of the new dwelling shall be at least six feet.

(i) Landscaping, a concrete pad, and a rear deck shall be provided, substantially as shown on the Plans as an inset labeled "Plat Plan" on sheet 1 of the plans entitled "New Single-Family Home, 3418 R Street, Richmond, VA," prepared by Architecturally Yours, and dated March 20, 2023.

§ 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.

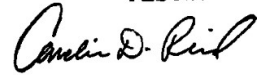
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property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

§ 6. **Implementation.** The 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-2023-0914**

**File ID:** Admin-2023-0914

**Type:** Request for Ordinance or Resolution

**Status:** Regular Agenda

**Version:** 2

**Reference:**

**In Control:** City Clerk Waiting Room

**Department:**

**Cost:**

**File Created:** 07/10/2023

**Subject:**

**Final Action:**

**Title:** To authorize the special use of the property known as 3418 R Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

**Internal Notes:**

**Code Sections:**

**Agenda Date:** 09/11/2023

**Indexes:**

**Agenda Number:**

**Patron(s):**

**Enactment Date:**

**Attachments:** Admin-2023-0914\_Supporting Documents, Admin-2023-0914\_Draft Ordinance

**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     | 8/14/2023   | Matthew Ebinger         | Approve        | 8/16/2023 |
| 2       | 2     | 8/14/2023   | Kris Daniel-Thiem - FYI | Notified - FYI |           |
| 2       | 3     | 8/15/2023   | Kevin Vonck             | Approve        | 8/21/2023 |
| 2       | 4     | 8/15/2023   | Alecia Blackwell - FYI  | Notified - FYI |           |
| 2       | 5     | 8/15/2023   | Sharon Ebert            | Approve        | 8/22/2023 |
| 2       | 6     | 8/15/2023   | Caitlin Sedano - FYI    | Notified - FYI |           |
| 2       | 7     | 8/15/2023   | Jeff Gray - FYI         | Notified - FYI |           |
| 2       | 8     | 8/25/2023   | Lincoln Saunders        | Approve        | 8/17/2023 |
| 2       | 9     | 9/7/2023    | Mayor Stoney            | Approve        | 8/29/2023 |

### History of Legislative File



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| <b>Ver-<br/>sion:</b> | <b>Acting Body:</b> | <b>Date:</b> | <b>Action:</b> | <b>Sent To:</b> | <b>Due Date:</b> | <b>Return<br/>Date:</b> | <b>Result:</b> |
|-----------------------|---------------------|--------------|----------------|-----------------|------------------|-------------------------|----------------|
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**Text of Legislative File Admin-2023-0914**

**Title**

To authorize the special use of the property known as 3418 R Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

**Body**

**O & R Request**

**DATE:** August 14, 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

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

**FROM:** Kevin J. Vonck, Director, Department of Planning and Development Review

**RE:** To authorize the special use of the property known as 3418 R Street for the purpose of two single-family detached dwellings, upon certain terms and conditions.

**ORD. OR RES. No.**

**PURPOSE:** To authorize the special use of the property known as 3418 R Street for the purpose of two single family detached dwellings, upon certain terms and conditions.

**REASON:** The property is located in the R-5 Single-Family Residential District. The proposal would split the subject property in order to build a single-family dwelling on the new parcel. The act of subdividing will create two parcels that do not meet the lot feature requirements for the zoning district. Therefore a special use permit is requested.

**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.

**BACKGROUND:** The 7,500 square foot is zoned R-5 Single-Family Residential and is located midblock on the eastern of R Street between Oakwood Avenue and North 35th Street. An alley runs adjacent to the northern property line. The property is improved with a two-story 1,844 square foot single-family dwelling built circa 1920.

The City’s Richmond 300 Master Plan designates a future land use for the subject property as

Neighborhood Mixed Use. This designation is defined as existing or new highly-walkable urban neighborhoods that are predominantly residential.

The surrounding properties in the neighborhood are within the same R-5 Single-Family Residential Zoning District as the subject property. These properties primarily contain single-family dwellings.

**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:** September 11, 2023

**CITY COUNCIL PUBLIC HEARING DATE:** October 10, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, October 2, 2023

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Application Form, Applicant’s Report, Draft Ordinance, Plans, Survey

**STAFF:** David Watson, Senior Planner, Land Use Administration (Room 511) 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: 3418 R Street Date: 10-14-22  
 Tax Map #: \_\_\_\_\_ Fee: \$300  
 Total area of affected site in acres: 3600 sq. ft.

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

**Zoning**

Current Zoning: R-5

Existing Use: Single Family Dwelling

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
 Owner proposes to split the 60' x 120' lot and provide (2) 30' x 120 lots. He intends to build a new single family detached dwelling on new lot.  
 Existing Use: The existing lot has a 2 story single family detached dwelling unit.

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Michelle Bebbs

Company: Architecturally Yours  
 Mailing Address: 1371 Cedar Lawn Avenue  
 City: Richmond State: VA Zip Code: 23231  
 Telephone: (804) 304-8172 Fax: ( )  
 Email: architecturallyyours@hotmail.com

**Property Owner:** Fred Dixon - R Street Properties LLC  
 If Business Entity, name and title of authorized signee: Fred Dixon, President

(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: 4906 Fitzhugh Ave #200  
 City: Rich State: VA Zip Code: 23230  
 Telephone: (804) 914-1668 Fax: (804) 301-1863  
 Email: fdixonlaw@aol.com

**Property Owner Signature:** R Street Prop LLC By Fred A Dixon

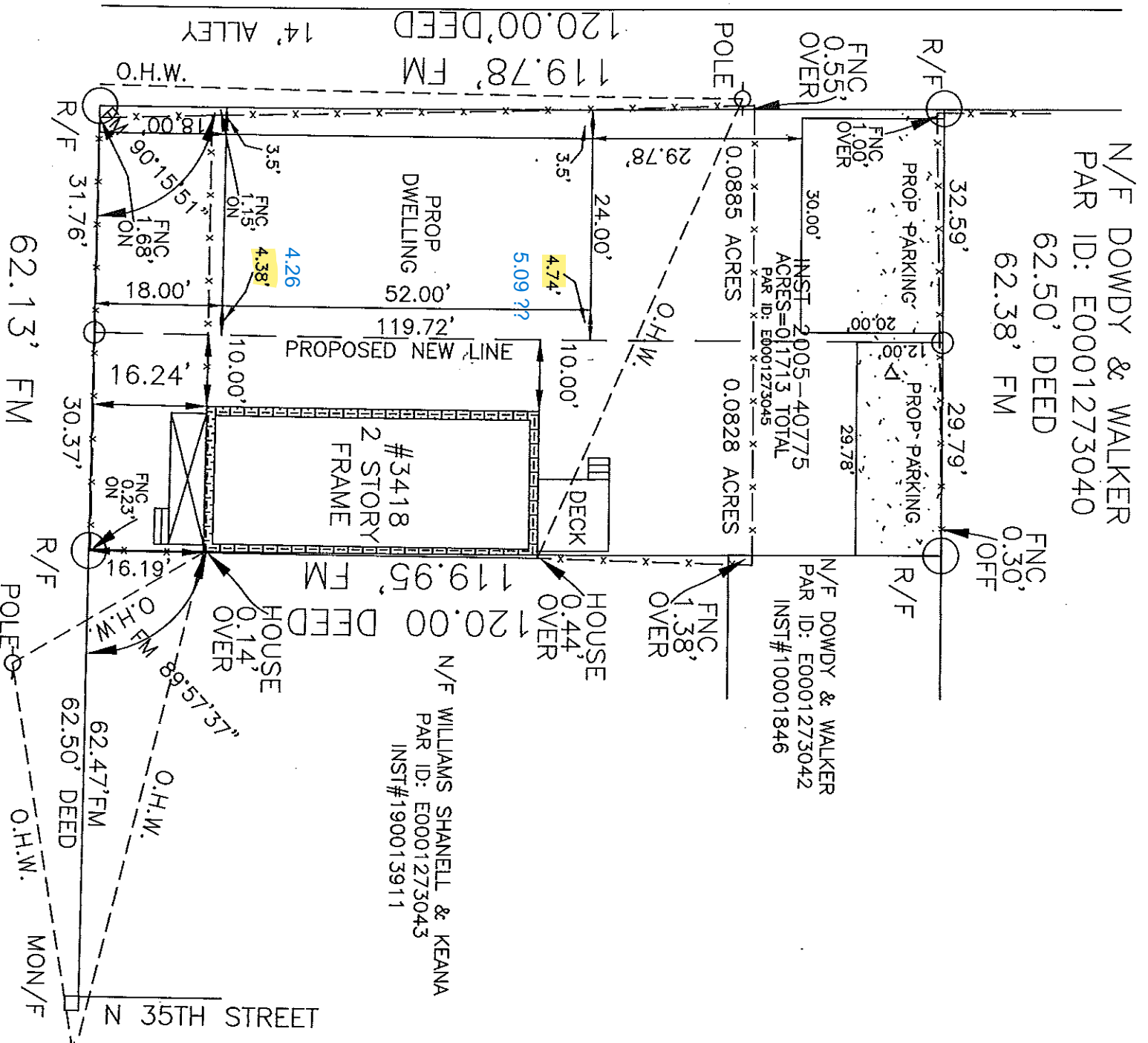
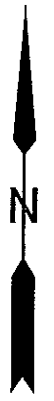
The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

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

The owner of 3418 R Street wishes to split his lot to create a new separate parcel in order to build a new 2 story single family home on the new parcel. The style and design of the new house is compatible with the characteristics of other houses in the neighborhood. The front, rear and side yard setbacks meet the current zoning requirements. The front façade features tall windows, large front porch, decorative roof line and parking will be provided in the rear yard. The new house size and design is in conformance with the Richmond 300 plan and will provide quality, affordable housing in the neighborhood.

THIS IS TO CERTIFY THAT ON 11-30-2020, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

THIS PROPERTY IS IN H.L.D. DEFINED FLOOD HAZARD AREA. ZONE: X, AS SHOWN ON FIRM COMMUNITY PANEL #5101290042D, DATED 04/02/2009.



N/F DOWDY & WALKER  
PAR ID: E0001273040

62.50' DEED  
62.38' FM

FNC  
0.30'  
/OFF

INST 2005-40775  
ACRES=01713 TOTAL  
PAR ID: E0001273045

N/F DOWDY & WALKER  
PAR ID: E0001273042  
INST#10001846

N/F WILLIAMS SHANELL & KEANA  
PAR ID: E0001273043  
INST#190013911

OWNER: R STREET PROP LLC: FRED A. DIXON

THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

HARVEY L. PARKS, INC.

4508 W. HUNDRED ROAD  
CHESTER, VA.

PHONE: 804-748-8641

EMAIL: SURVEYS@HARVEYLPARKS.COM

DATE: DECEMBER 6, 2020 SCALE: 1"=20'

DRAWN BY: H.T.J.

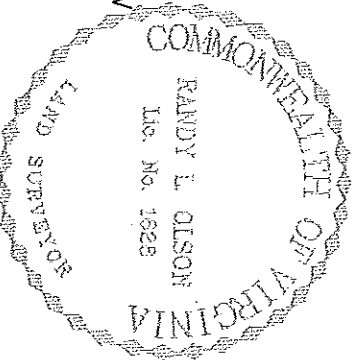
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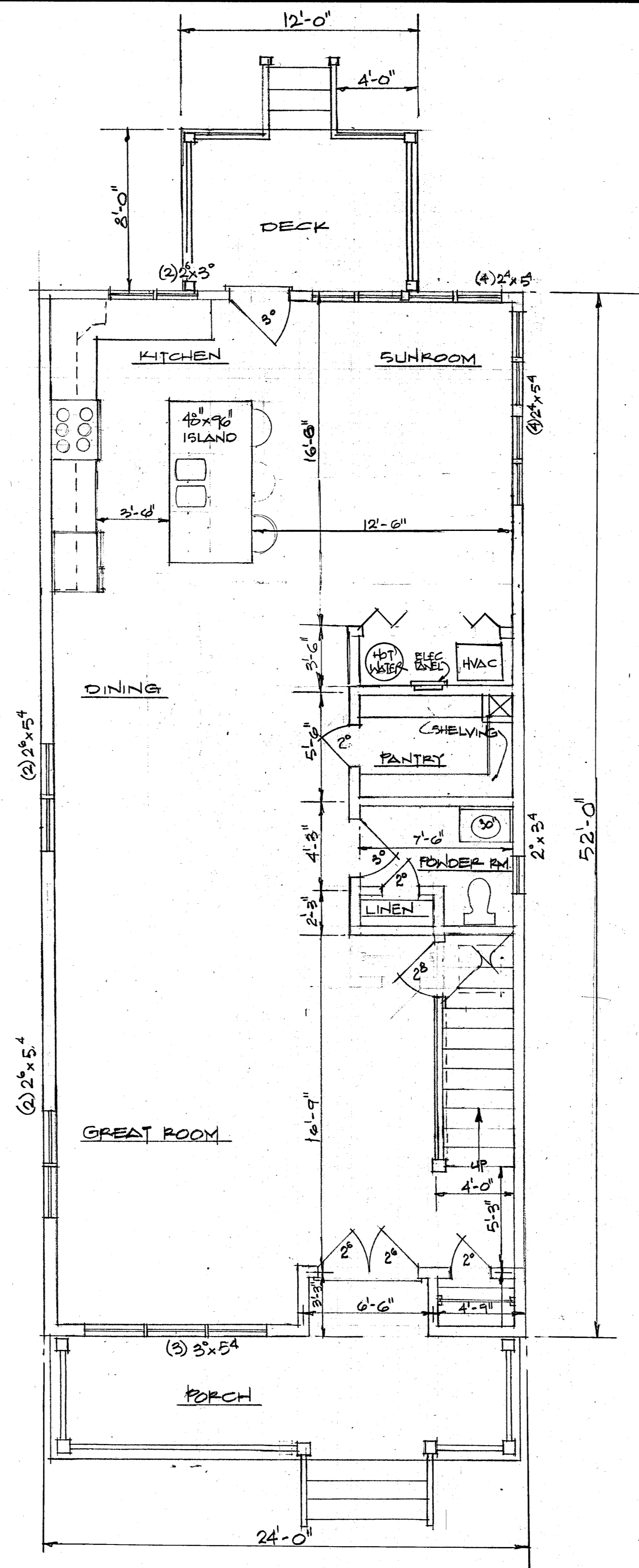
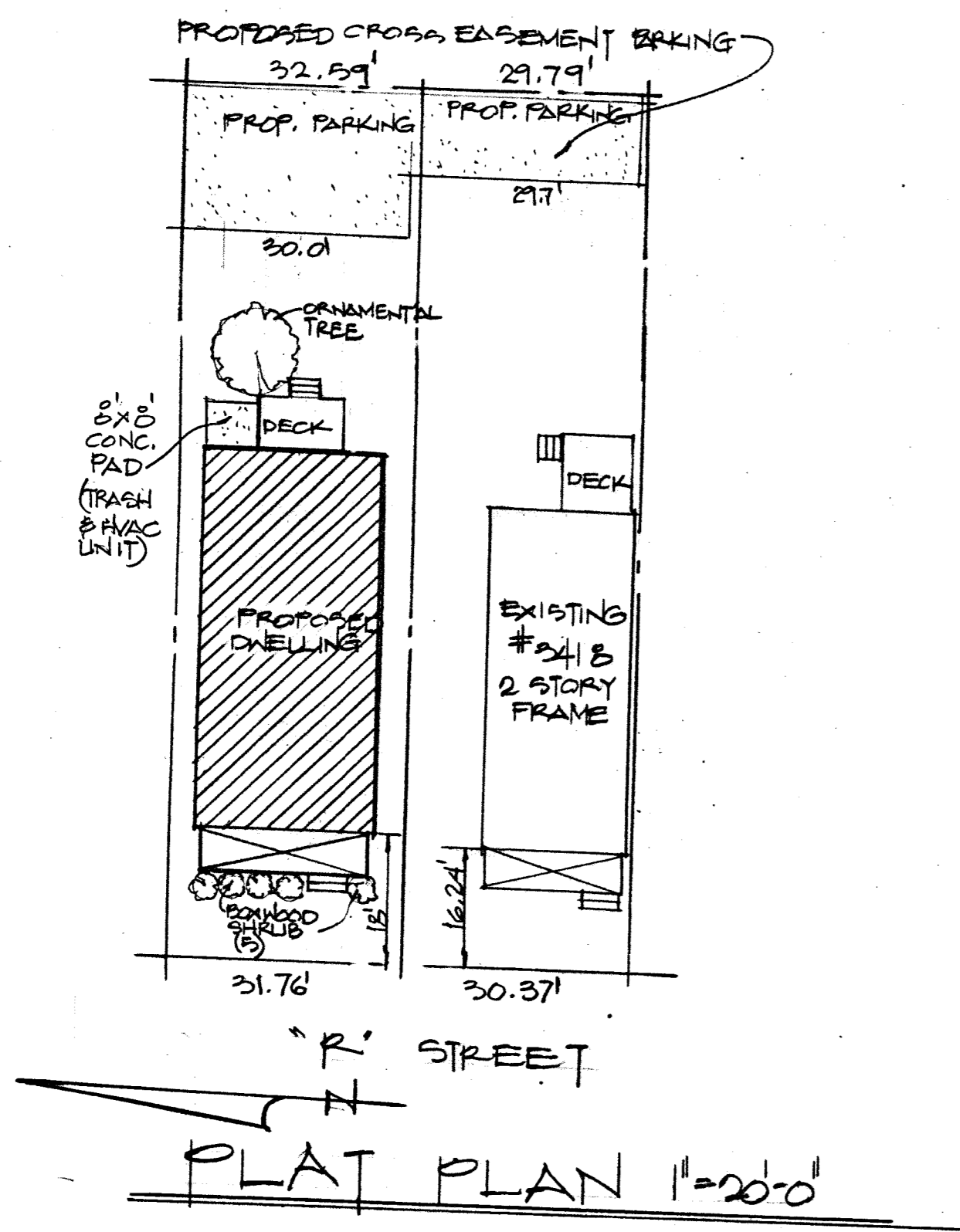
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REV DATE: SEPTEMBER 19, 2022  
REV DATE: MAY 19, 2022

62.13' FM  
62.50 DEED  
R STREET

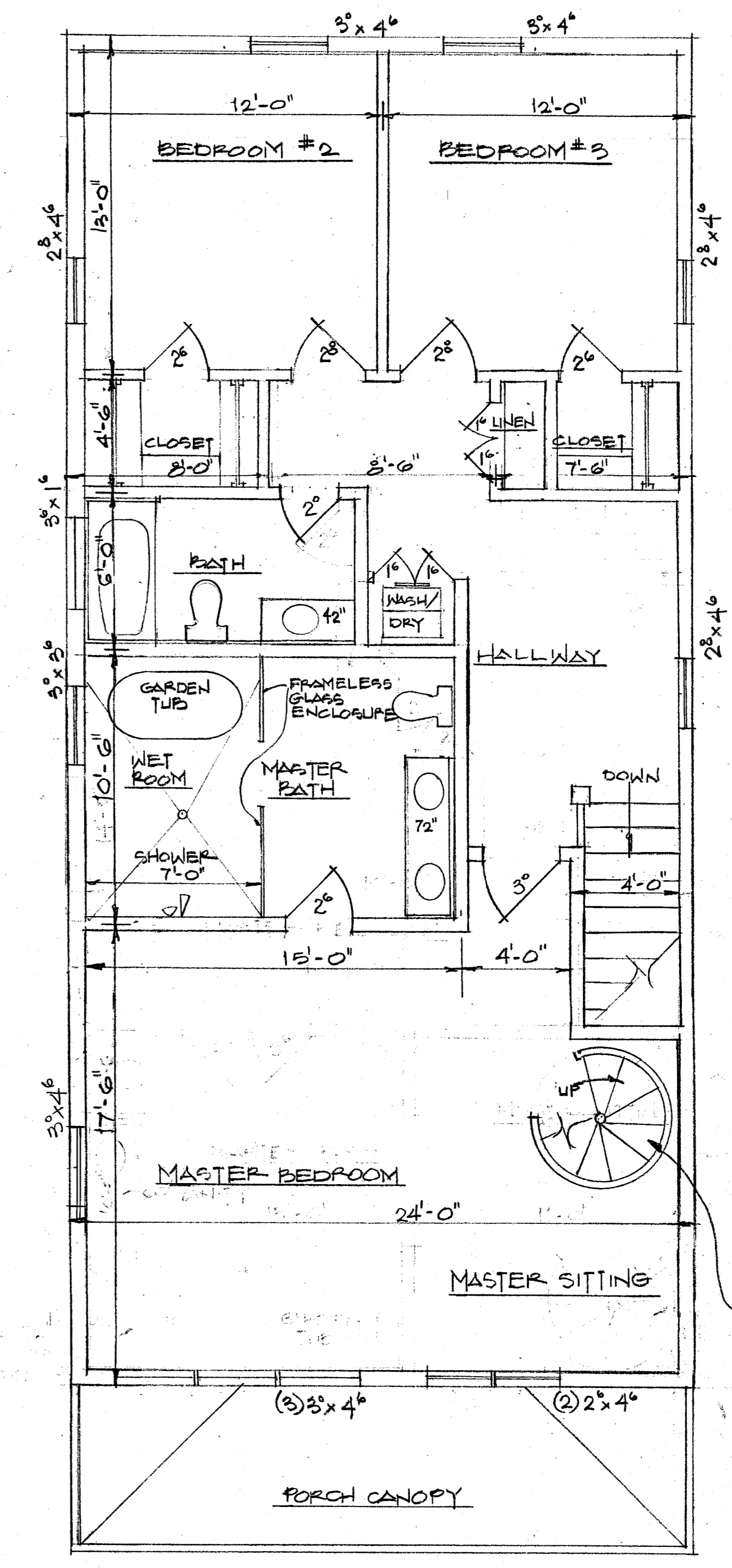
PLAT SHOWING PROPOSED IMPROVEMENTS ON  
#3418 R STREET  
IN THE CITY OF  
RICHMOND, VIRGINIA





FIRST FLOOR PLAN 1/4"=1'-0"

DESCRIPTION OF PROJECT: NEW 2496 SQUARE FOOT HOME  
PROJECT LOCATION: 3418 R STREET, RICHMOND, VA  
WORK TO BE PERFORMED:  
PROPOSED PROPERTY SPLIT FROM 3418 R STREET. TO BUILD A NEW DETACHED SINGLE-FAMILY HOME



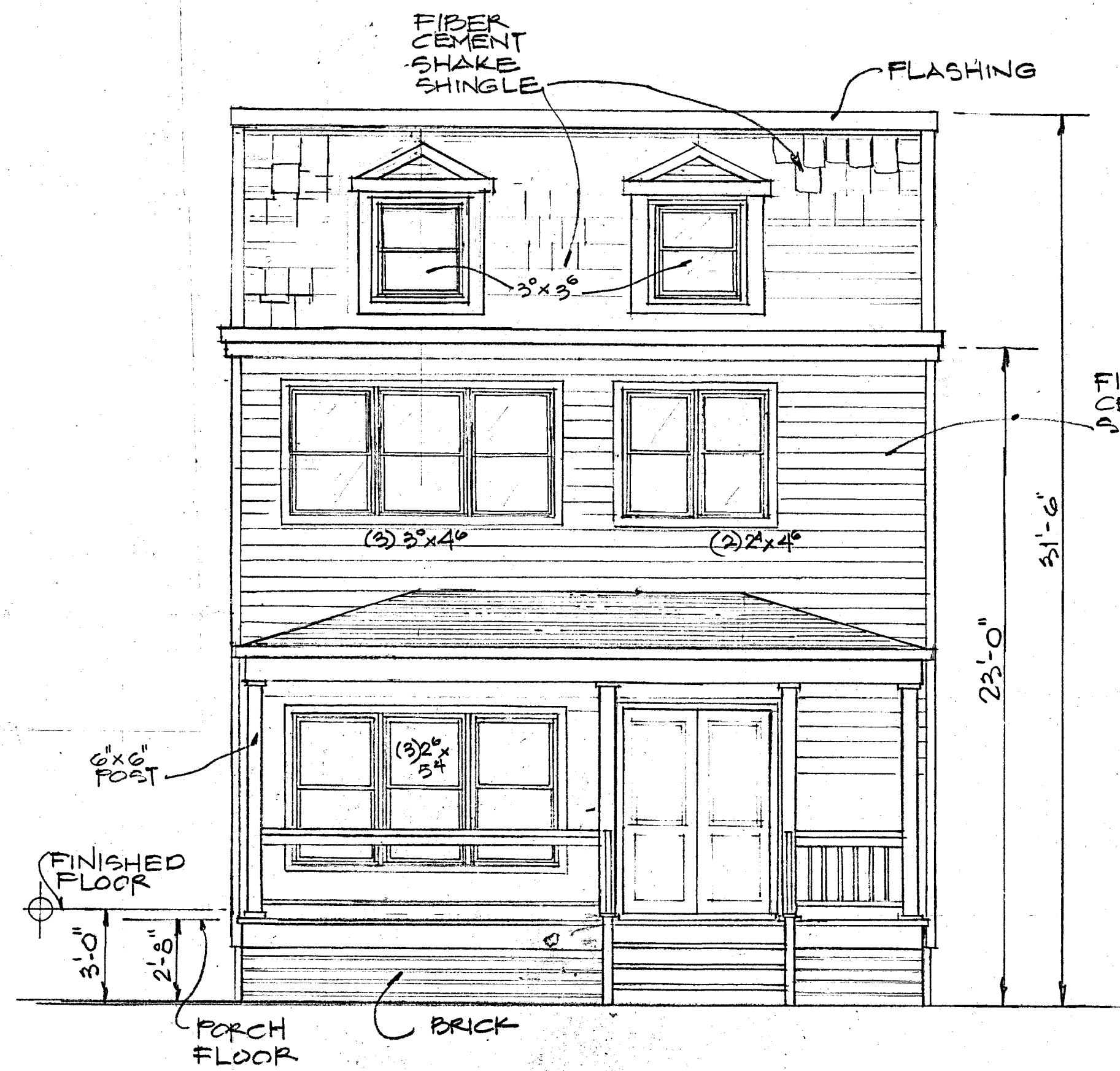
SECOND FLOOR PLAN 1/4"=1'-0"

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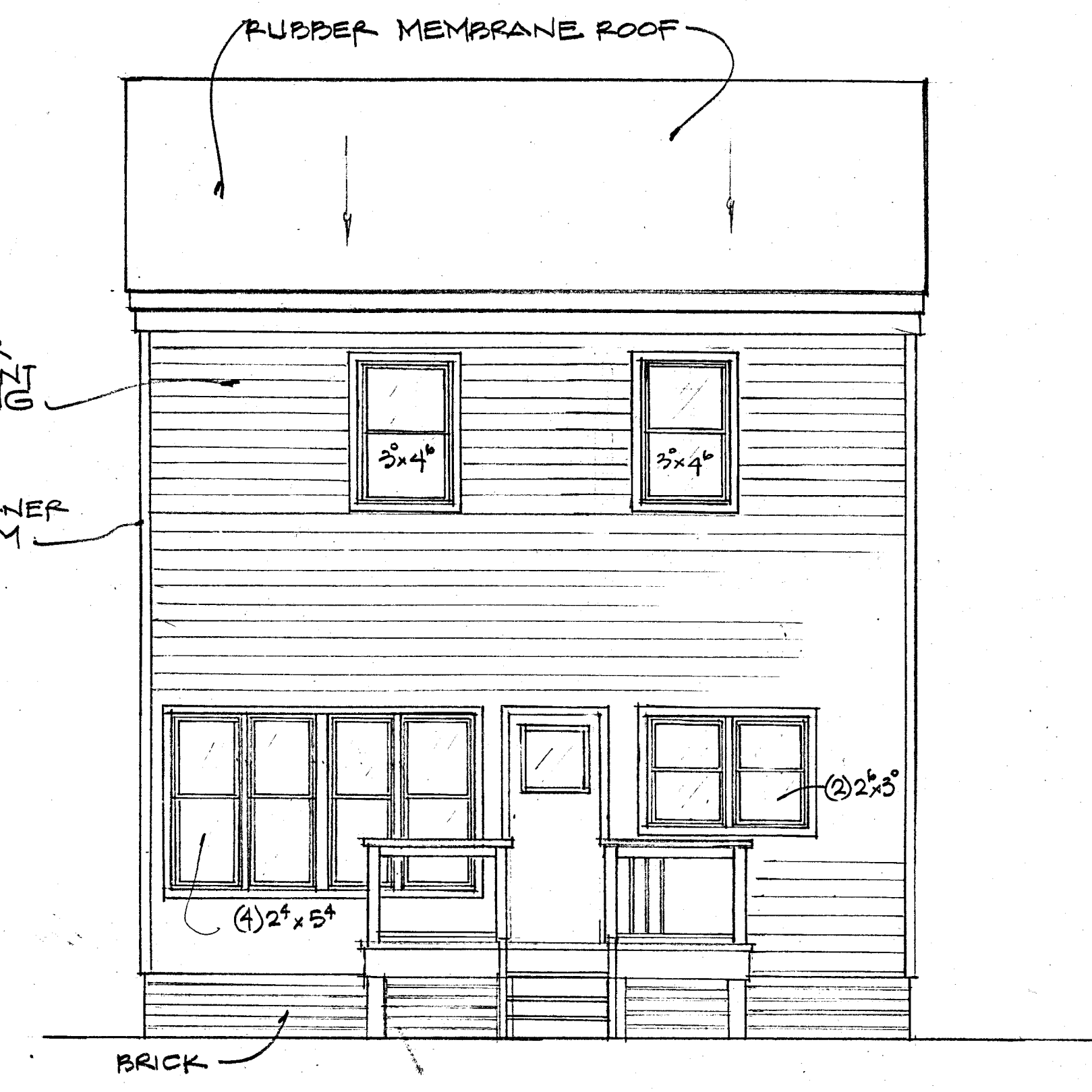
ARCHITECTURALLY YOURS  
Michelle Bebb  
Phone: (804) 304-8172  
architecturallyyours@hotmail.com

NEW SINGLE-FAMILY HOME  
3418 R STREET, RICHMOND, VA

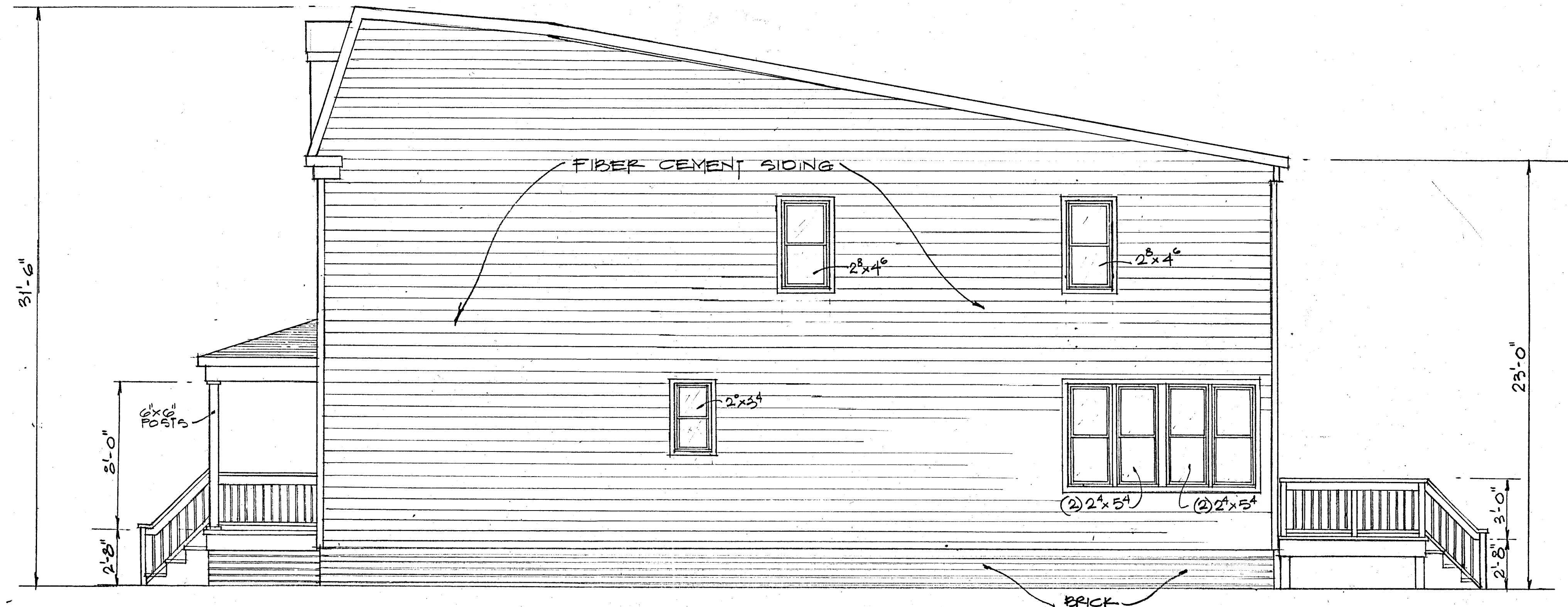
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|-------|------------|
| Date  | 10-23      |
| Scale | 1/4"=1'-0" |
| Drawn | MO         |
| Job   | DIXON      |
| Sheet | 1          |
| Of    | 3 Sheets   |



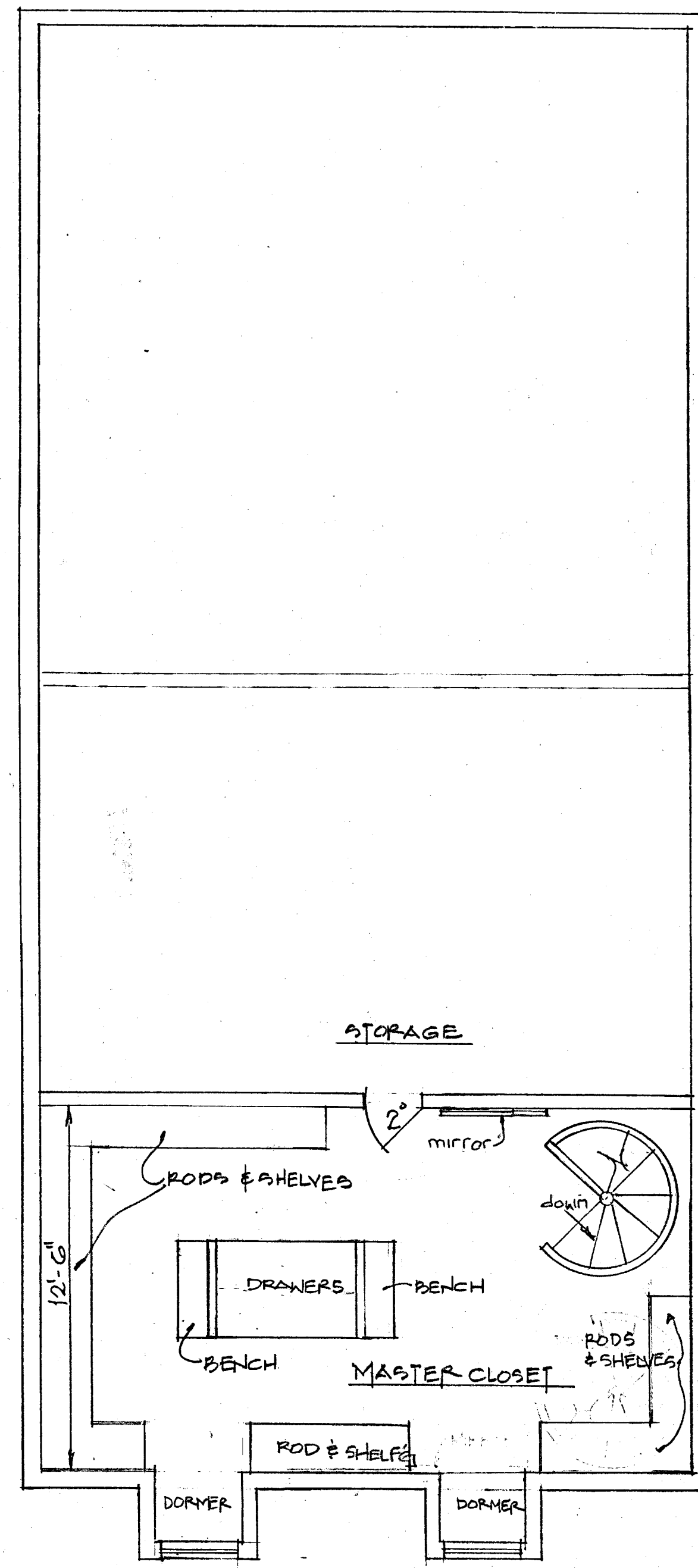
FRONT ELEVATION 1/4" = 1'-0"



REAR ELEVATIONS 1/4" = 1'-0"



RIGHT SIDE ELEVATION 1/4" = 1'-0"



THIRD FLOOR PLAN 1/4" = 1'-0"

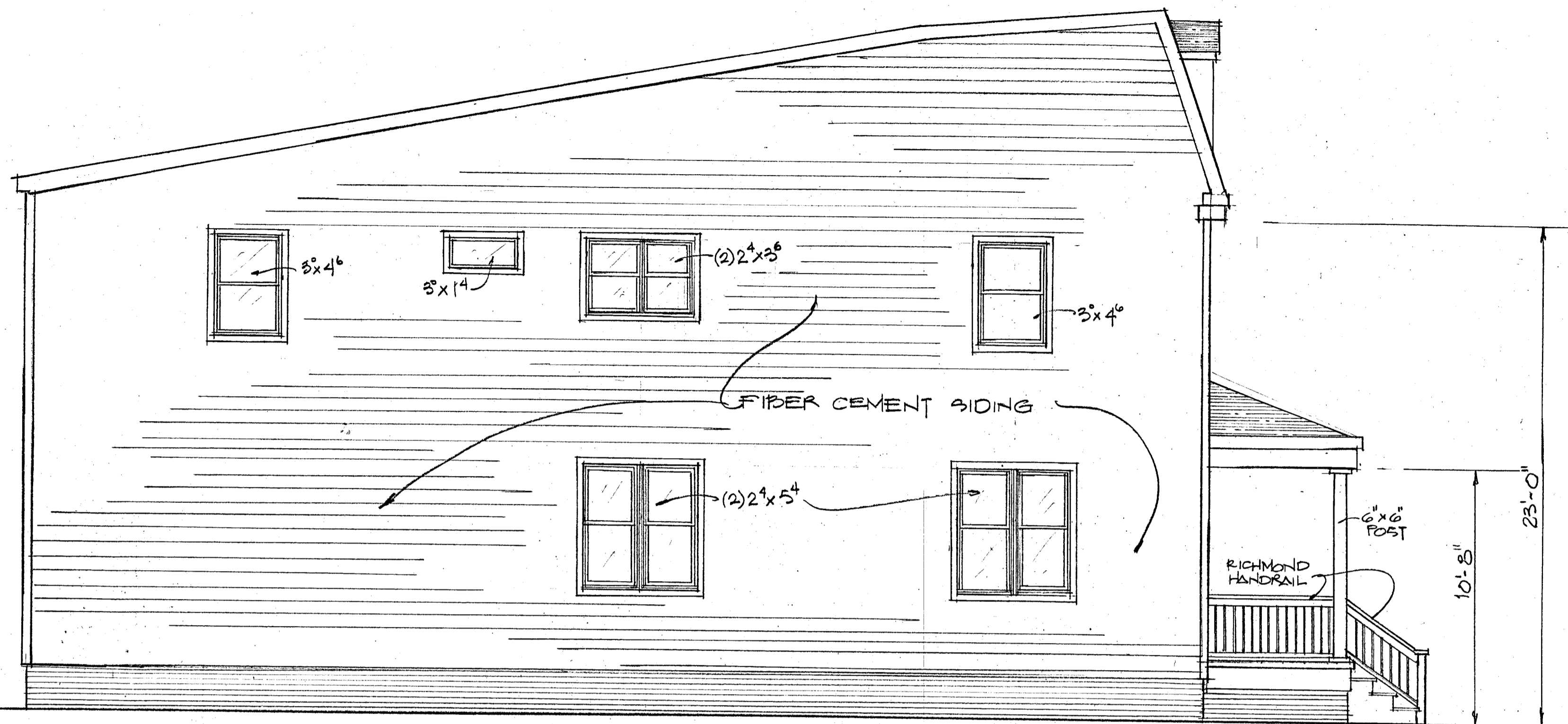
| REVISIONS | BY |
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ARCHITECTURALLY YOURS  
 Michelle Rehbs  
 Phone: (804) 304-8172  
 architecturallyyours@hotmail.com

NEW SINGLE-FAMILY HOME  
 3418 R STREET, RICHMOND, VA

Date 3-20-23  
 Scale 1/4" = 1'-0"  
 Drawn mb  
 Job DIXON  
 Sheet 2  
 Of 3 Sheets





LEFT SIDE ELEVATION 1/4"=1'-0"

| REVISIONS | BY |
|-----------|----|
|           |    |
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ARCHITECTURALLY YOURS  
 Phone: (804) 304-8172  
 architecturallyyours@hotmail.com

NEW SINGLE FAMILY HOME  
 3418 R STREET ; RICHMOND, VA

Date 3-20-23

Scale 1/4"=1'-0"

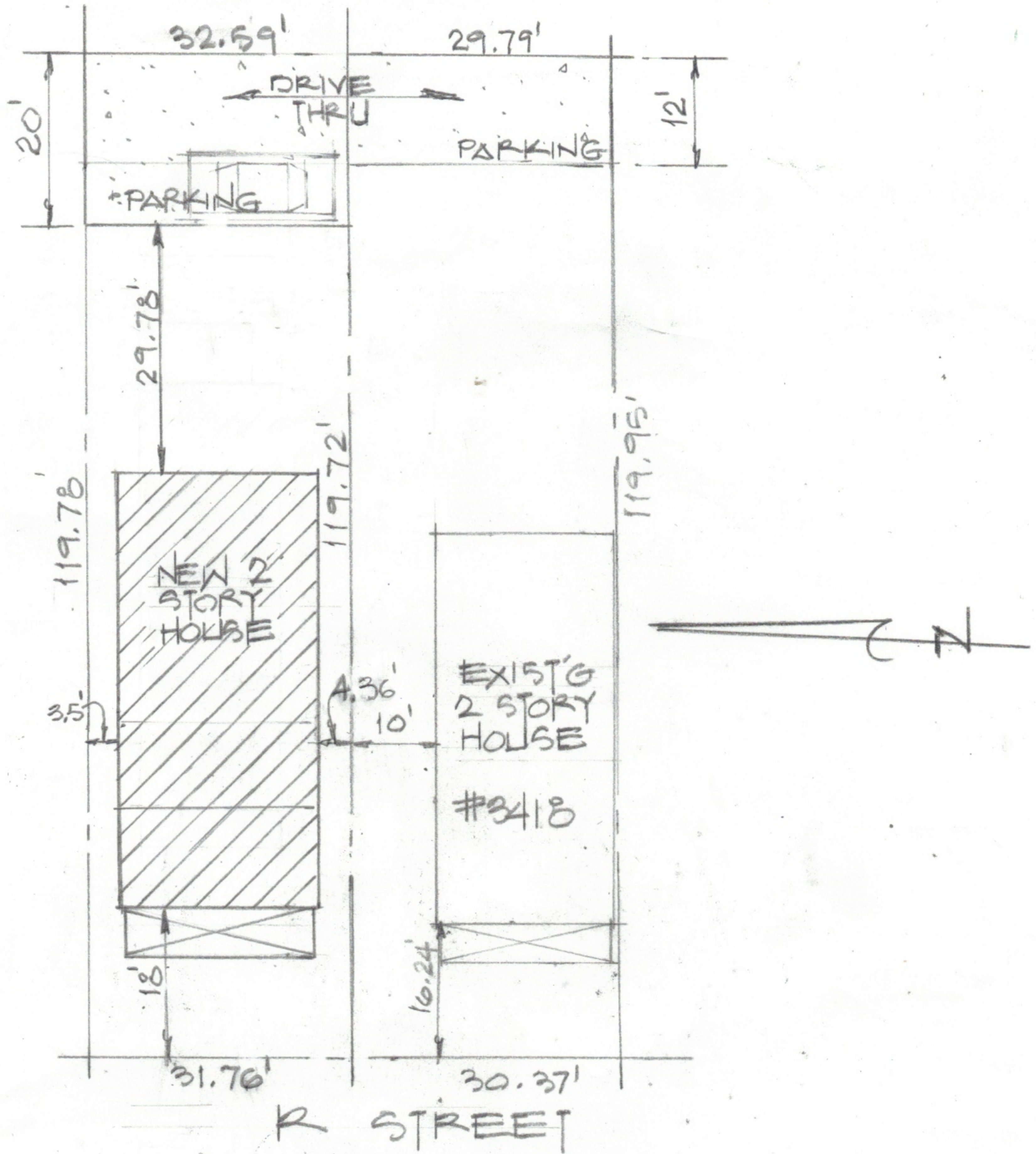
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Job DIXON

Sheet 3

Of 3 Sheets

CROSS EASEMENT AGREEMENT  
WILL BE ESTABLISHED



PLAT PLAN 1"=20'

PROPERTY SPLIT PROPOSED  
FOR 3418 'R' STREET  
MR. FRED DIXON

**ARCHITECTURALLY YOURS**  
Michelle Bebb  
Phone: (804) 304-8172  
architecturallyyours@hotmail.com