

INTRODUCED: May 13, 2024

AN ORDINANCE No. 2024-138

To authorize the special use of the property known as 3024 3rd Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions. (6th District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUNE 10 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 3024 3rd Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for a two-family detached dwelling, which use, among other things, is not currently allowed by section 30-412.4, concerning lot area and width, density, and unit 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: 7 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 24 2024 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 3024 3rd Avenue and identified as Tax Parcel Number N000-0920/003 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements Lot 17, Block 3, Plan of ‘Highland Park’, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated June 15, 2023, 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 two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Plat Showing Improvements Lot 17, Block 3, Plan of ‘Highland Park’, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated June 15, 2023, and “Plan Study, 3024 3RD Ave, Richmond VA,” prepared by Dan Van Dyk, and dated April 2, 2023, 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 two-family detached dwelling, substantially as shown on the Plans.

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

(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.

(d) 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 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.

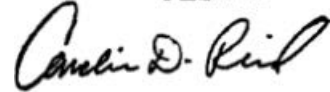
§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

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-2024-0201

File ID: Admin-2024-0201

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 03/05/2024

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 05/13/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2024-0201_3024 3rd Ave_Supporting Documents.pdf, Scanned SUP - 3024 3rd Ave AATF.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	4/22/2024	Jonathan Brown	Approve	4/24/2024
2	2	4/22/2024	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	4/22/2024	Kevin Vonck	Approve	4/29/2024
2	4	4/22/2024	Alecia Blackwell - FYI	Notified - FYI	
2	5	4/25/2024	Sharon Ebert	Approve	4/24/2024
2	6	4/25/2024	Caitlin Sedano - FYI	Notified - FYI	
2	7	4/26/2024	Jeff Gray	Approve	4/29/2024
2	8	4/30/2024	Lincoln Saunders	Approve	4/30/2024
2	9	5/6/2024	Mayor Stoney	Approve	5/2/2024

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-2024-0201

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: March 5, 2024

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 3024 3rd Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to allow for a two-family dwelling with within the R-6 Single-Family Attached zoning district. A two-family detached structure is a permitted use in this zoning district on lots with no less than 5,000 square feet and 50 feet of street frontage. The lot does not meet these lot criteria. A Special Use Permit is therefore requested.

BACKGROUND: The property is in the North Highland Park neighborhood located midblock on the northern side of 3rd Avenue near its intersection with Front Street. The property is a vacant 4,900 square foot parcel of land with 35 feet of street frontage.

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 North Highland Park Neighborhood Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Consideration by Planning Commission

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: May 13, 2024

CITY COUNCIL PUBLIC HEARING DATE: June 10, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

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: 3024 3rd AV
Parcel I.D. #: N0000920002 Fee: \$300
Total area of affected site in acres: 0.1125

Date: 10/12/2023

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

Zoning

Current Zoning: R-6

Richmond 300 Land Use Designation: R

Proposed Use

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

NEW CONSTRUCTION - 2 UNIT DUPLEX RESIDENTIAL
Existing Use: VACANT LOT

Additional Contact:
Daniel Van Dyke RA, CPHE
(786) 306-5861
vandyk.daniel@gmail.com
(VANDYK)

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: L. T. CANOSSA

Company: 3024 LLC

Mailing Address: 3022 3rd AV

City: RICHMOND

State: VA

Zip Code: 23222

Telephone: (202) 415-2619

Fax: ()

Email: LCTPDC@gmail.com

Property Owner: [L.T. CANOSSA] 3024 LLC

If Business Entity, name and title of authorized signer: [Signature]

(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: 3022 3rd AV

City: Richmond

State: VA

Zip Code: 23222

Telephone: (202) 415-2619

Fax: ()

Email: LCTPDC@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)

SUP Applicant's Report

L. T. Canossa
LCTPDC@GMAIL.COM
202.415.2619

3024 3rd Avenue

October 12 , 2023

Overview

The purpose of this application is to obtain special use approval for the construction of a 2-unit residential duplex structure on an infill lot in Highland Park, Northside Richmond. The proposed dwelling meets all requirements of the 2020 Code of the City of Richmond, VA Zoning Ordinance, with the exception of Lot Area and Width as described in Sec. 30-412.4. Whereas Sec.30-412.4 requires a lot area of 6,000 sf and a lot width of 50 ft, the proposed 2-family dwelling is to be built on a lot with an area of 4,900 sf and a width of 35 ft.

Specifications

As shown in the accompanying plan and drawings, the structure we envision will be compatible with neighboring structures in height, width, setback, and design.

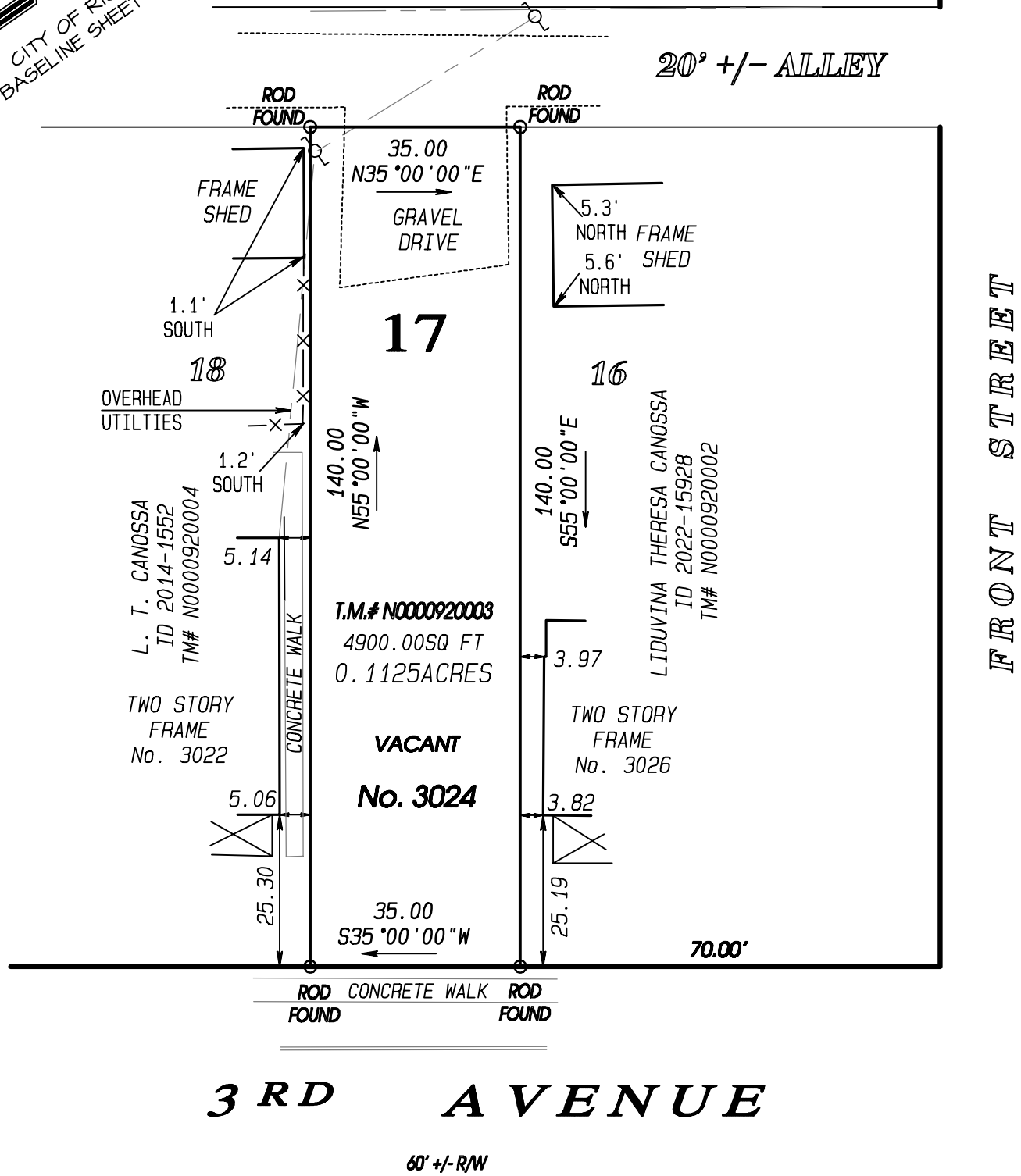
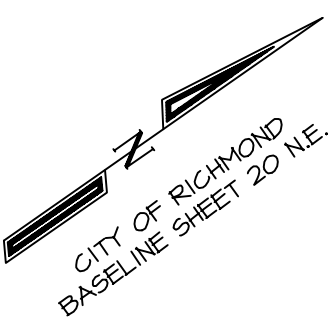
The first floor (one bedroom) is designed for accessibility, to accommodate a family member who is mobility-challenged and who needs to live in close proximity to nearby family caregivers. The second floor, with two bedrooms, will be available for rent to offset the cost of construction and any additional, professional care that may be needed. Thus the project will add two dwelling units to the housing stock in our area.

Each fully equipped apartment will measure approximately 750 sf and will be completely independent of the other in terms of heating, air conditioning, electrical service and hot water. The impact on community services is expected to be negligible. In addition, its environmental impact will be minimized as a result of design features including a focus on energy-efficient construction, solar power and rainwater collectors, and high efficiency appliances.

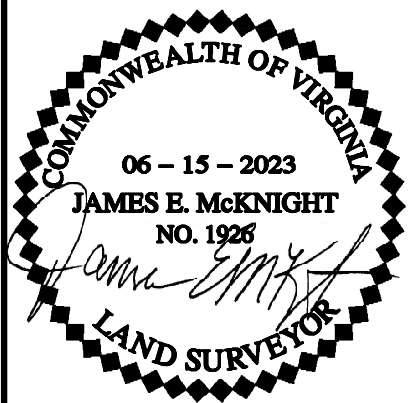
Respectfully submitted,

L. T. Canossa

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
CURRENT OWNER: 3024 LLC ID 2022-19338



PLAT SHOWING IMPROVEMENTS LOT 17,
BLOCK 3, PLAN OF "HIGHLAND PARK",
IN THE CITY OF RICHMOND, VIRGINIA.



THIS IS TO CERTIFY THAT ON JUNE 15, 2023, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.

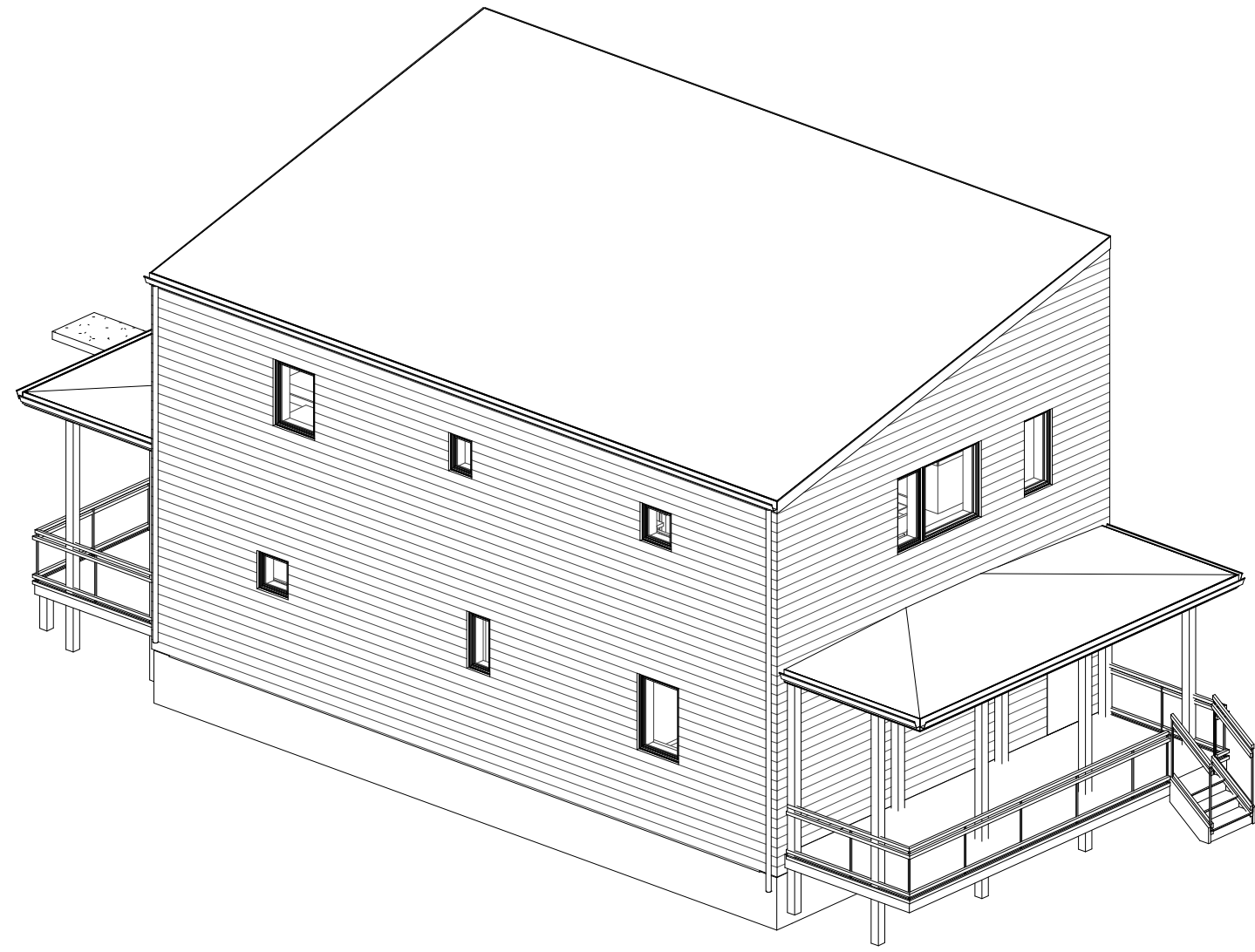
SCALE: 1" = 25'



McKNIGHT & ASSOCIATES, P.C.
LAND SURVEYORS PLANNERS

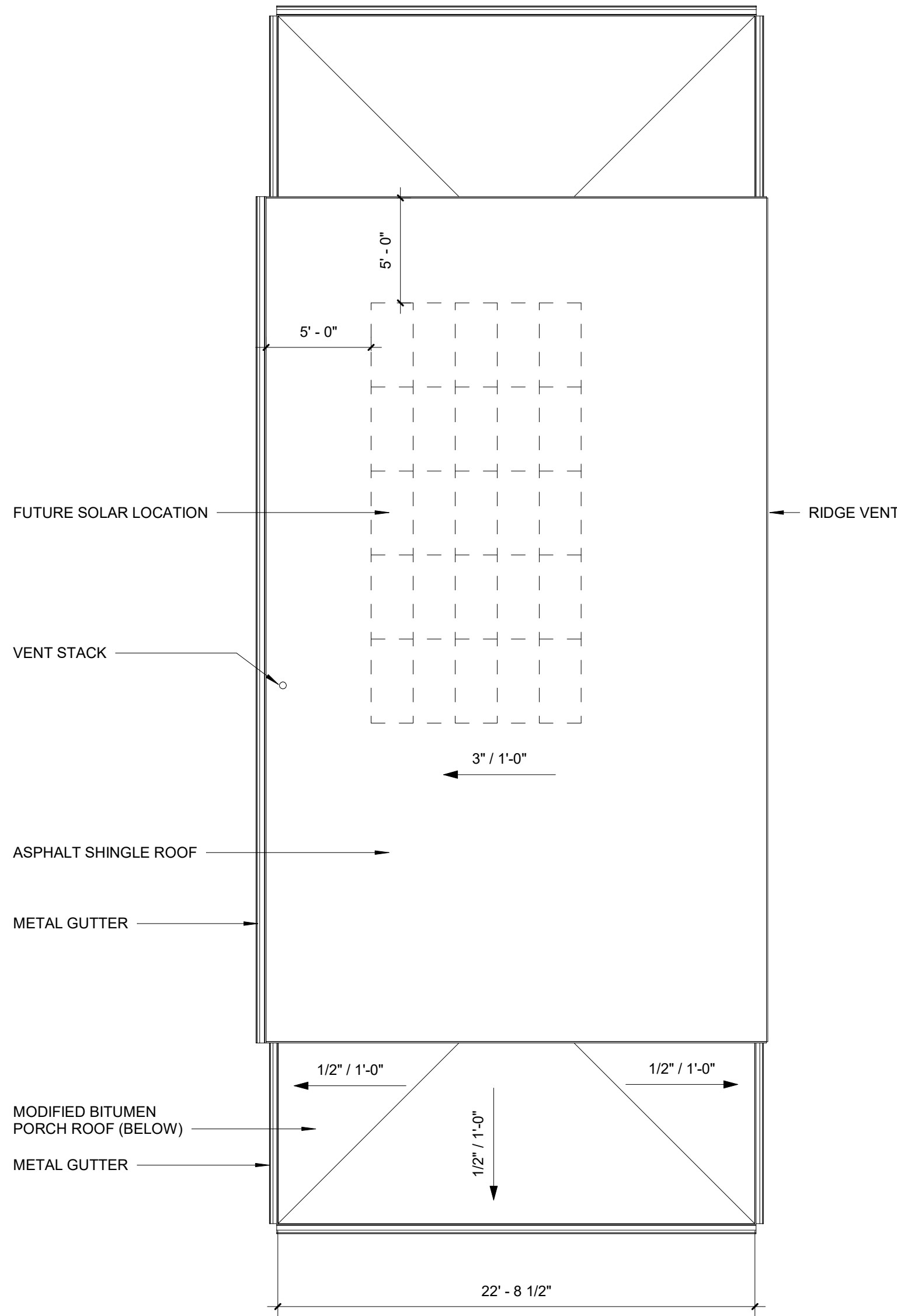
201 TWIN RIDGE LANE
RICHMOND, VIRGINIA 23235
TELEPHONE (804) 320-2646

JOB NUMBER: 94120317



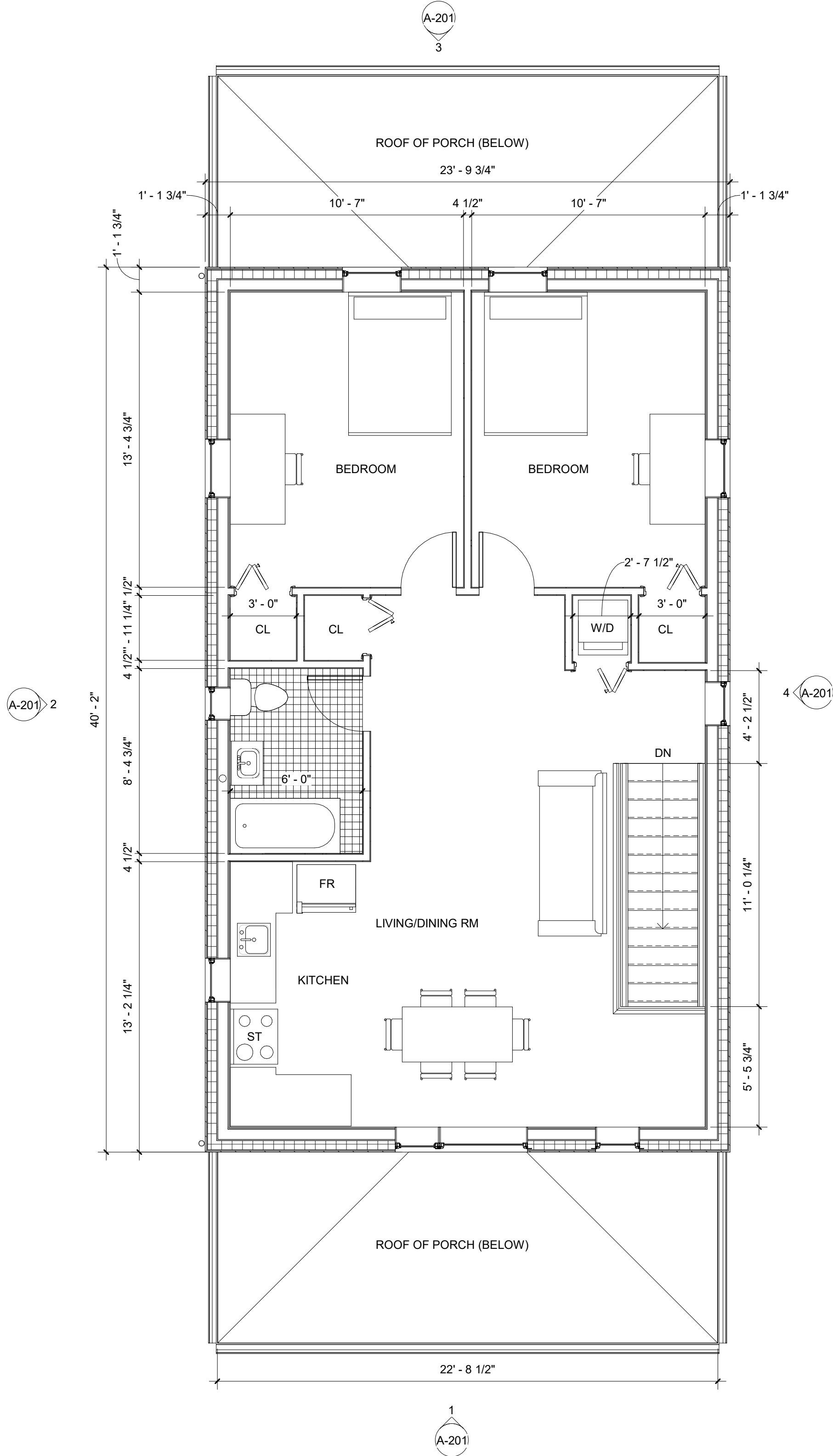
3 3D VIEW

scale:



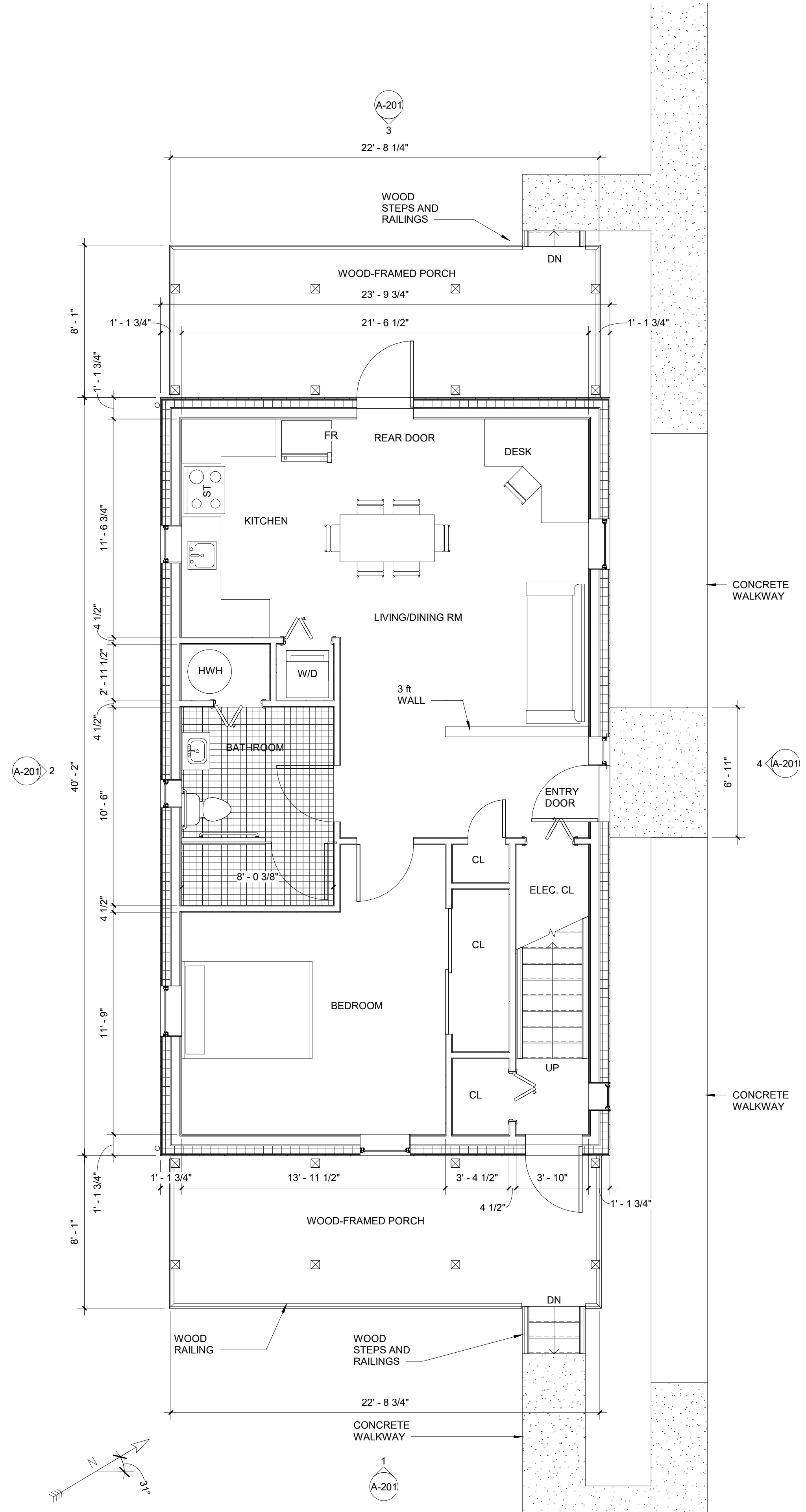
4 ROOF PLAN

scale: 3/16" = 1'-0"



2 FLOOR PLAN - FLOOR 2

scale: 1/4" = 1'-0"



1 FLOOR PLAN - FLOOR 1

scale: 1/4" = 1'-0"

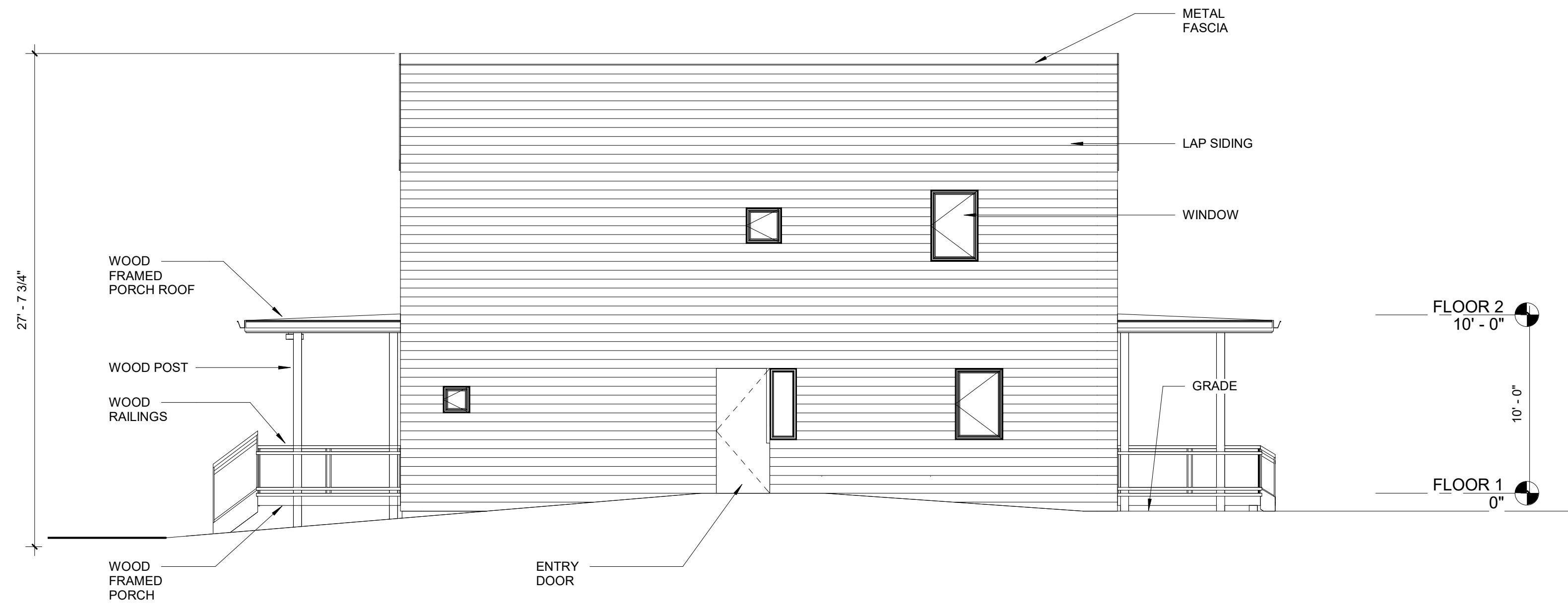
Dan Van Dyk, RA, CPHD

605 Cecil B Moore Ave
Philadelphia, PA 19122
786-306-5861

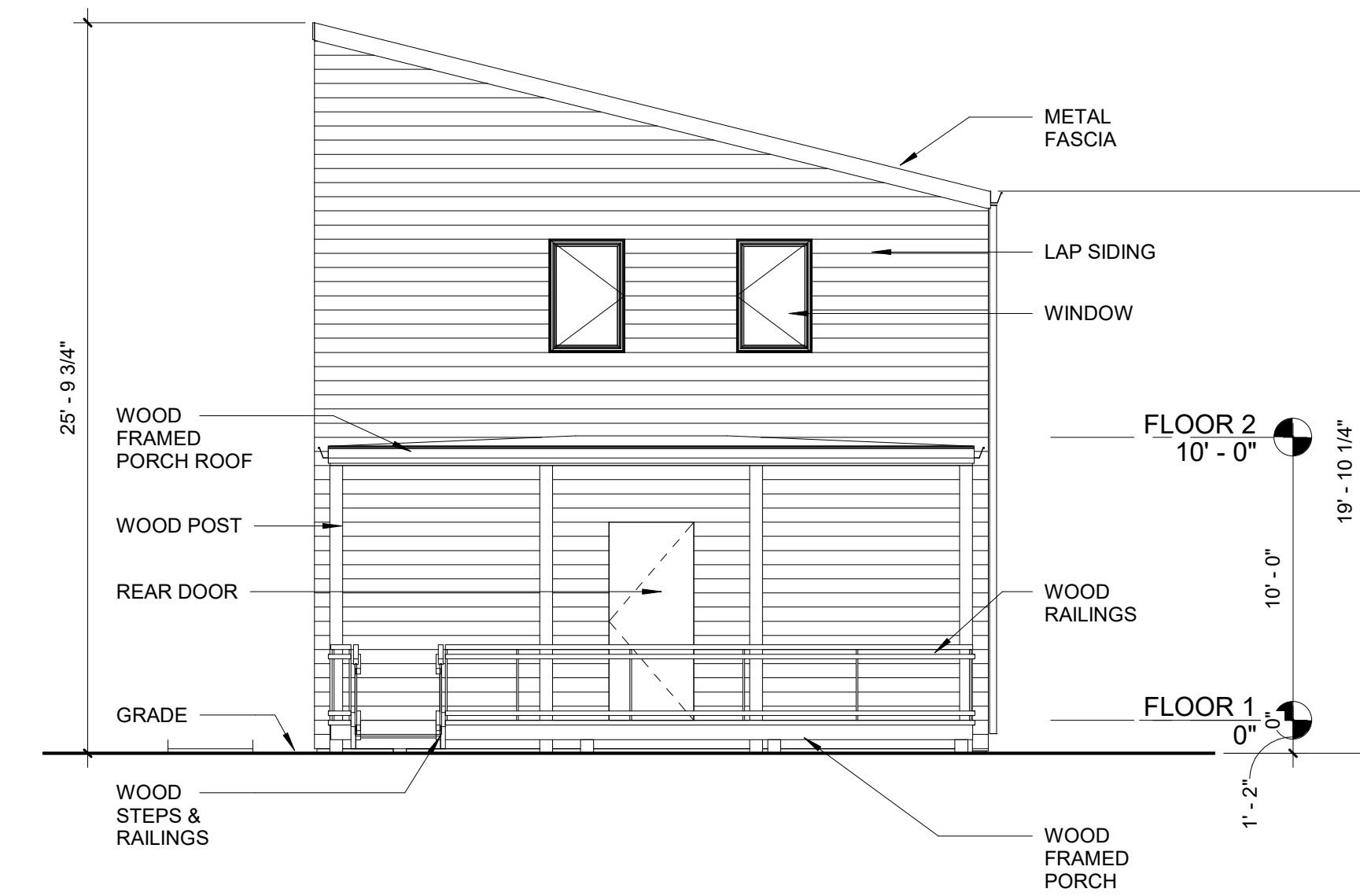
PLAN STUDY
3024 3RD AVE, RICHMOND VA
04/02/2023
NOT FOR CONSTRUCTION

FLOOR PLANS -
FLOOR 1 & 2

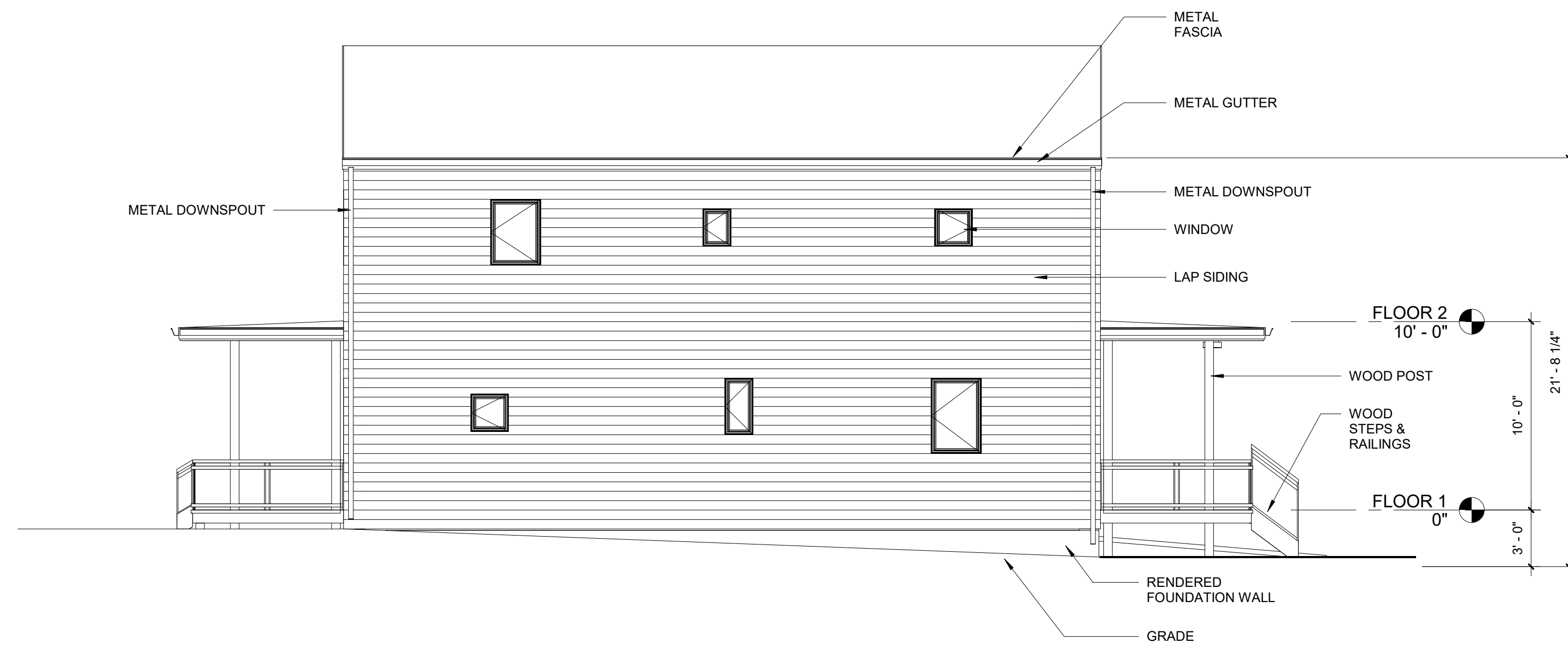
A-101
sheet no.



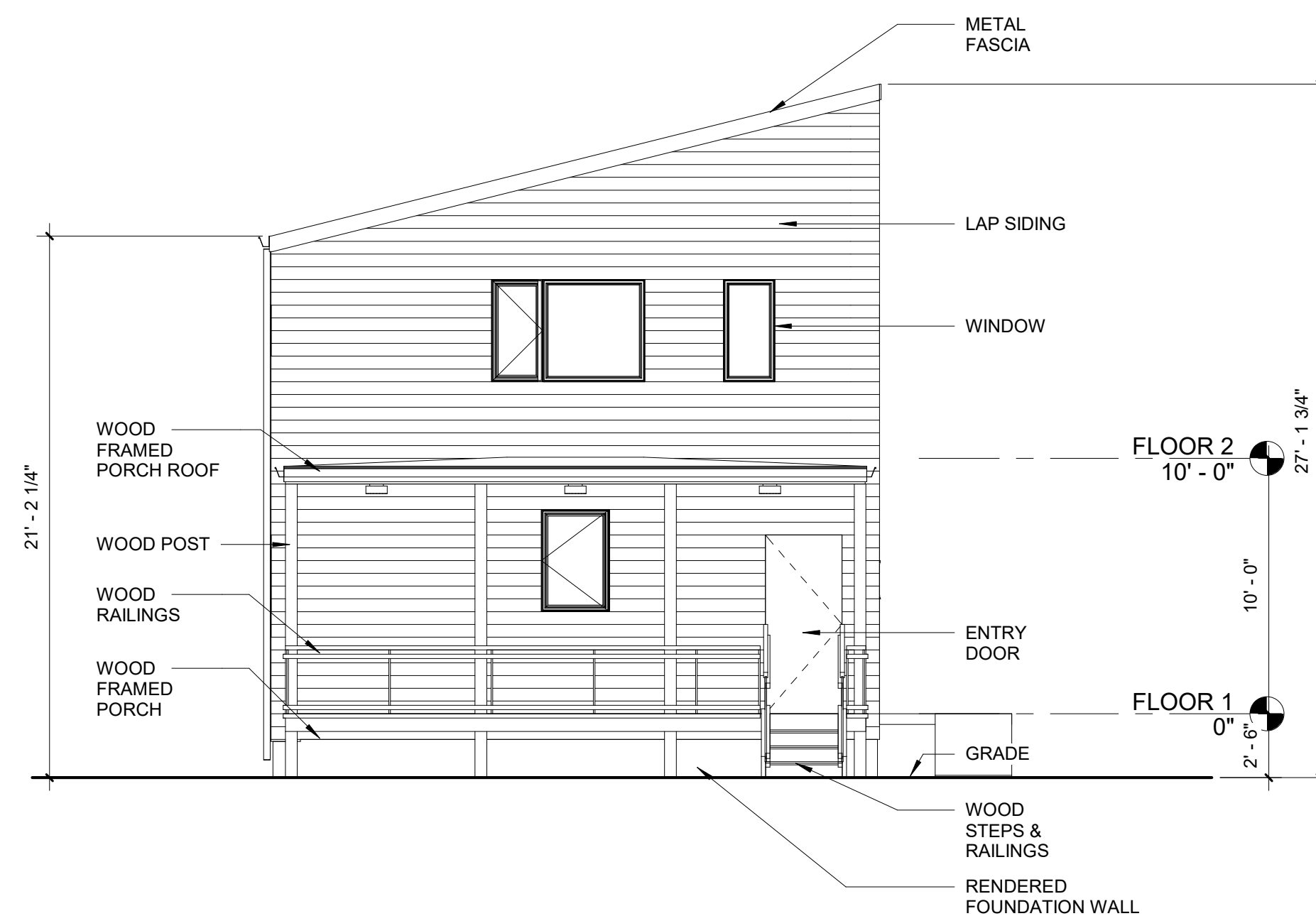
4 ELEVATION - NORTH (FACING SIDE YARD)
scale: 3/16" = 1'-0"



3 ELEVATION - WEST (FACING ALLEY)
scale: 3/16" = 1'-0"



2 ELEVATION - SOUTH (FACING SIDE YARD)
scale: 3/16" = 1'-0"



1 ELEVATION - EAST (FACING 3RD AVE)
scale: 3/16" = 1'-0"

Dan Van Dyk, RA, CPHD

605 Cecil B Moore Ave
Philadelphia, PA 19122
786-306-5861

PLAN STUDY
3024 3RD AVE, RICHMOND VA
04/02/2023
NOT FOR CONSTRUCTION

ELEVATIONS

A-201
sheet no.



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

Special Use Permit

LOCATION: 3024 3rd Avenue

APPLICANT: L.T. Canossa

COUNCIL DISTRICT: 6

PROPOSAL: To authorize the special use of the property known as 3024 3rd Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

*For questions, please contact David Watson
at 804-646-1036 or David.Watson@rva.gov*

