

INTRODUCED: October 12, 2020

AN ORDINANCE No. 2020-228

To authorize the special use of the property known as 414 Milton Street 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: NOV 9 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 414 Milton Street, 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 30-410.4, concerning lot area and width, of the Code of the City of Richmond (2015), 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:      JAN 11 2021    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 (2015), 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 414 Milton Street and identified as Tax Parcel No. N000-1457/013 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Sketch Showing the Proposed Improvements on Lot 13, Block 6, ‘Providence Park,’ in the City of Richmond, VA.,” prepared by Virginia Surveys, dated April 23, 2020, and last revised July 1, 2020, 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, substantially as shown on the untitled plans, prepared by an unknown preparer, and dated March 31, 2019, 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, substantially as shown on the Plans.

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

(c) All siding shall consist of cementitious siding or similar material and all elevations 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.

(e) No less than one off-street parking space shall be provided at the rear of the structure as shown on the survey entitled “Sketch Showing the Proposed Improvements on Lot 13, Block 6, ‘Providence Park,’ in the City of Richmond, VA.,” prepared by Virginia Surveys, dated April 23, 2020, and last revised July 1, 2020, a copy of which is attached to and made a part of this ordinance.

§ 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 (2015), 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 (2015), 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 (2015), 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 (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

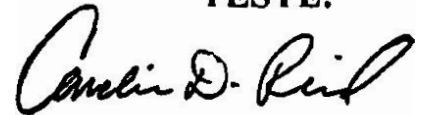
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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 with 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:**

A handwritten signature in black ink, appearing to read "Carlin D. Reed". The signature is written in a cursive, flowing style.

**City Clerk**

# City of Richmond

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

## Item Request File Number: PRE.2020.316

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### O & R Request

**DATE:** September 4, 2020

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor.)



**THROUGH:** Lenora G. Reid, Acting Chief Administrative Officer *lgr*



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

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review



**RE:** To authorize the special use of the property known as 414 Milton 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 414 Milton Avenue, for the purpose of a single-family detached dwelling, upon certain terms and conditions.

**REASON:** The request is to authorize the construction of a single-family detached dwelling on a parcel that does not meet the minimum lot area and width requirements of the R-5 Single-Family Residential zoning district. Therefore a special use permit is required.

**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. This item will be scheduled for consideration by the Commission at its November 2, 2020, meeting.

**BACKGROUND:** The subject property is 30 feet in width and contains 4,050 square feet. It is located in the R-5 Single-Family Residential District where single-family detached dwellings are permitted on parcels no less than 50 feet in width and 6,000 square feet in area. The site plans show that the front and rear yard depths, as well as the side yard widths, of the zoning district are met.

The City of Richmond's Master Plan designates the subject property for Single-Family (Low Density) uses. Primary use is single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. The density of the parcel if developed as proposed would be a ratio of approximately 11 units per acre. There are also a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, desire for neighborhoods to provide a variety of housing choices.

All properties surrounding the subject property are located within the same R-5 Single-Family Residential zoning district. Within the area of the subject property, those properties with improvements contain single-family detached 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:** October 12, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** November 09, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
November 2, 2020

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

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

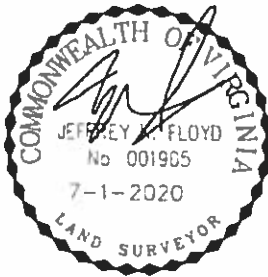
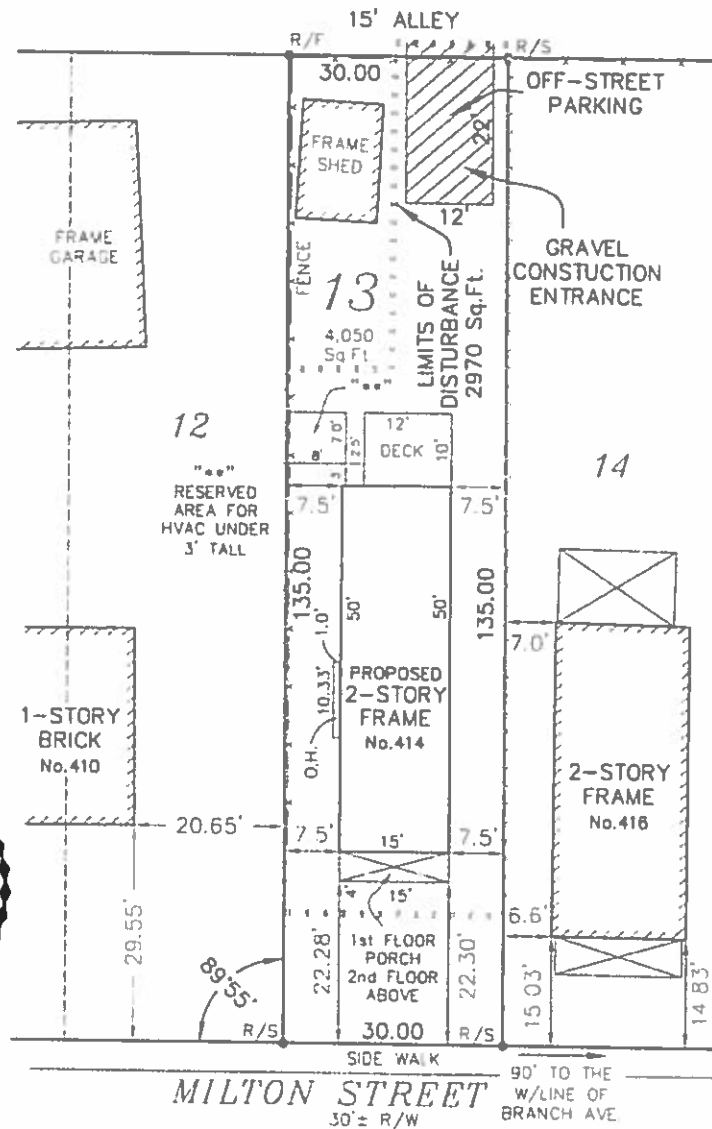
**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance, Application and Narrative, Property and Plans, Map

**STAFF:** David Watson, Senior Planner, Land Use Administration, 804-646-1036







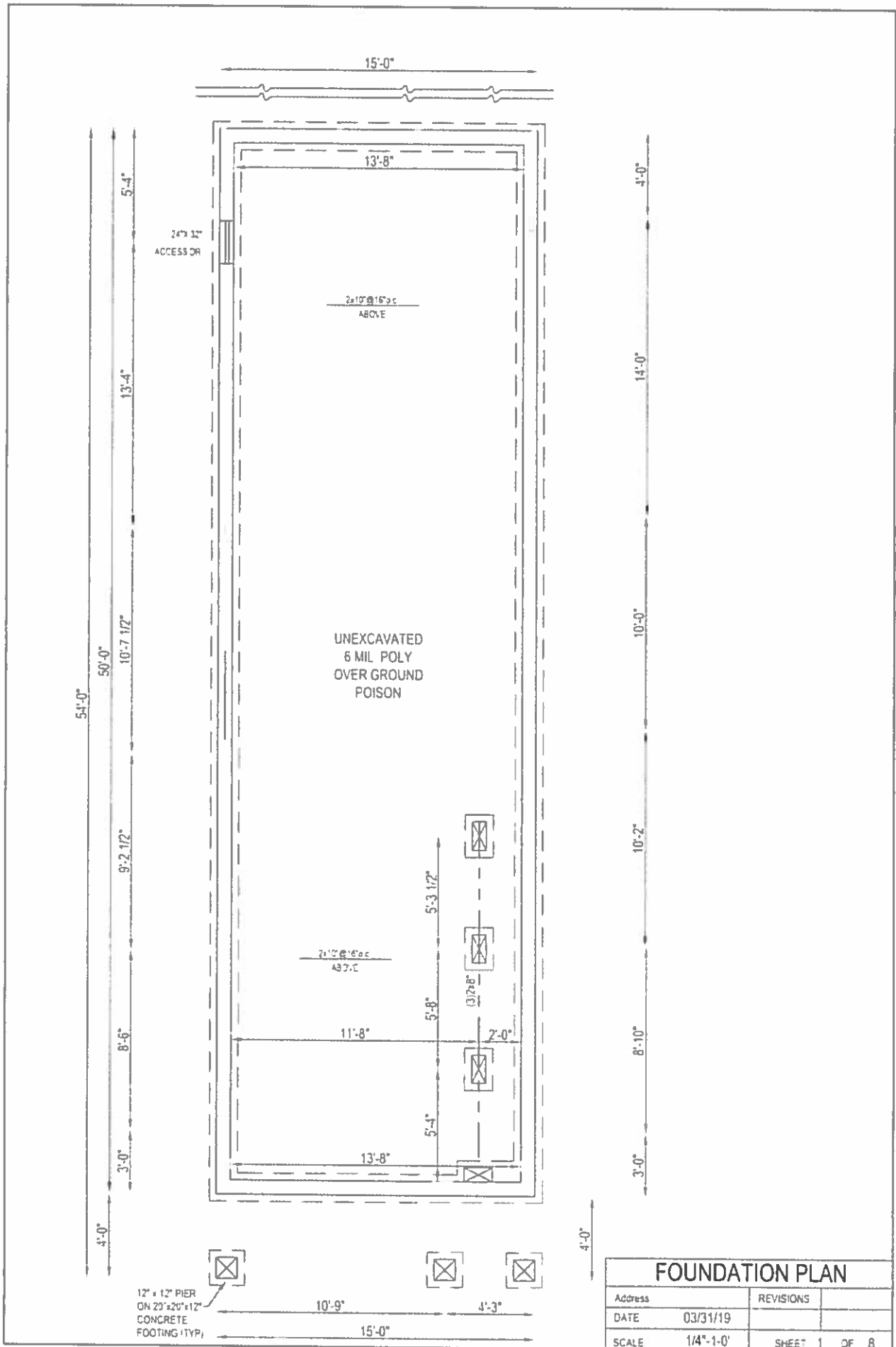
**Virginia Surveys**  
 P.O. BOX 118  
 CHESTERFIELD, VA 23832  
 (804) 748-9481  
 COPYRIGHT © VIRGINIA SURVEYS  
 All rights reserved

SKETCH SHOWING THE  
 PROPOSED IMPROVEMENTS  
 ON LOT 13, BLOCK 6,  
 "PROVIDENCE PARK"  
 IN THE CITY OF RICHMOND, VA.

REVISED: 7-1-2020  
 REVISED: 5-5-2020  
 DATE 4-23-2020

CERTIFIED BY JEFFREY K. FLOYD  
 VIRGINIA CERTIFICATE NO. 001905

SCALE 1" = 20'  
 JOB NO 200413263



UNEXCAVATED  
6 MIL POLY  
OVER GROUND  
POISON

2#12 @ 16" o.c  
ACCESS OR

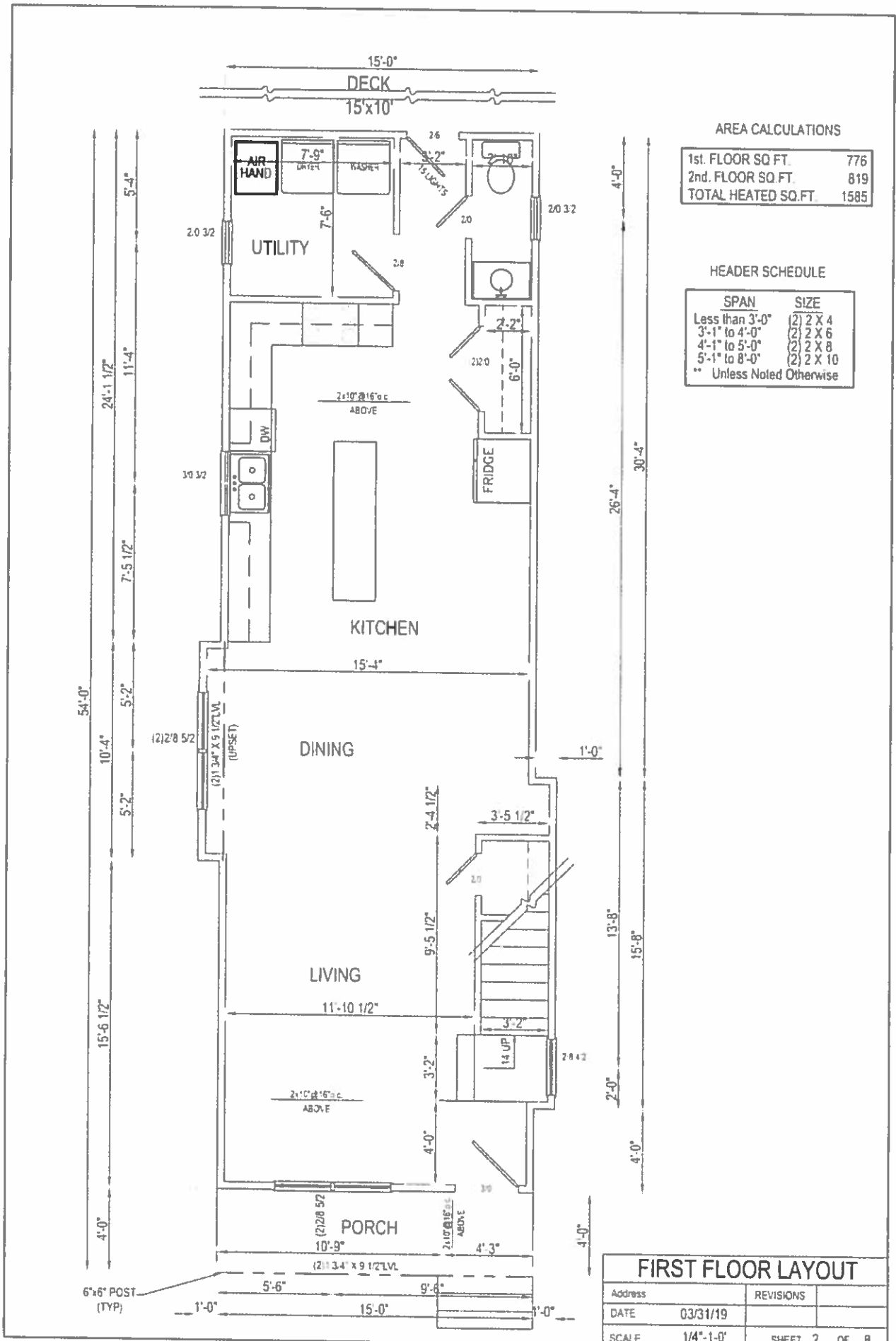
2#12 @ 16" o.c  
ABOVE

2#12 @ 16" o.c  
B.S.P.

12" x 12" PIER  
ON 20" x 20" x 12"  
CONCRETE  
FOOTING (TYP.)

**FOUNDATION PLAN**

Address	REVISIONS	
DATE	03/31/19	
SCALE	1/4" = 1'-0"	SHEET 1 OF 8



AREA CALCULATIONS

1st. FLOOR SQ. FT.	776
2nd. FLOOR SQ. FT.	819
TOTAL HEATED SQ. FT.	1585

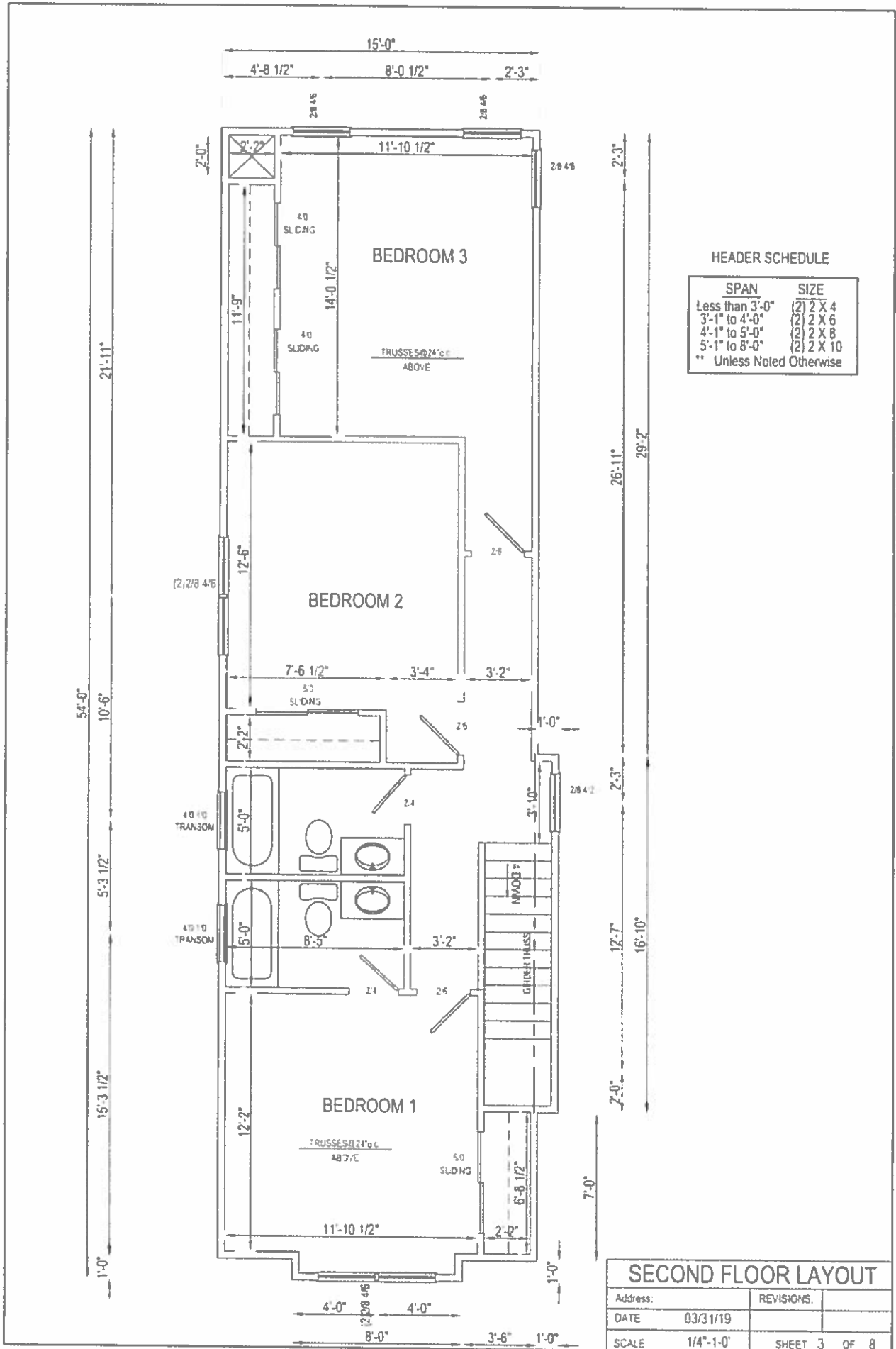
HEADER SCHEDULE

SPAN	SIZE
Less than 3'-0"	(2) 2 X 4
3'-1" to 4'-0"	(2) 2 X 6
4'-1" to 5'-0"	(2) 2 X 8
5'-1" to 8'-0"	(2) 2 X 10

\*\* Unless Noted Otherwise

FIRST FLOOR LAYOUT

Address	REVISIONS
DATE 03/31/19	
SCALE 1/4"=1'-0"	SHEET 2 OF 8



HEADER SCHEDULE

SPAN	SIZE
Less than 3'-0"	(2) 2 X 4
3'-1" to 4'-0"	(2) 2 X 6
4'-1" to 5'-0"	(2) 2 X 8
5'-1" to 8'-0"	(2) 2 X 10

\*\* Unless Noted Otherwise

SECOND FLOOR LAYOUT

Address:	REVISIONS:
DATE 03/31/19	
SCALE 1/4"=1'-0"	SHEET 3 OF 8

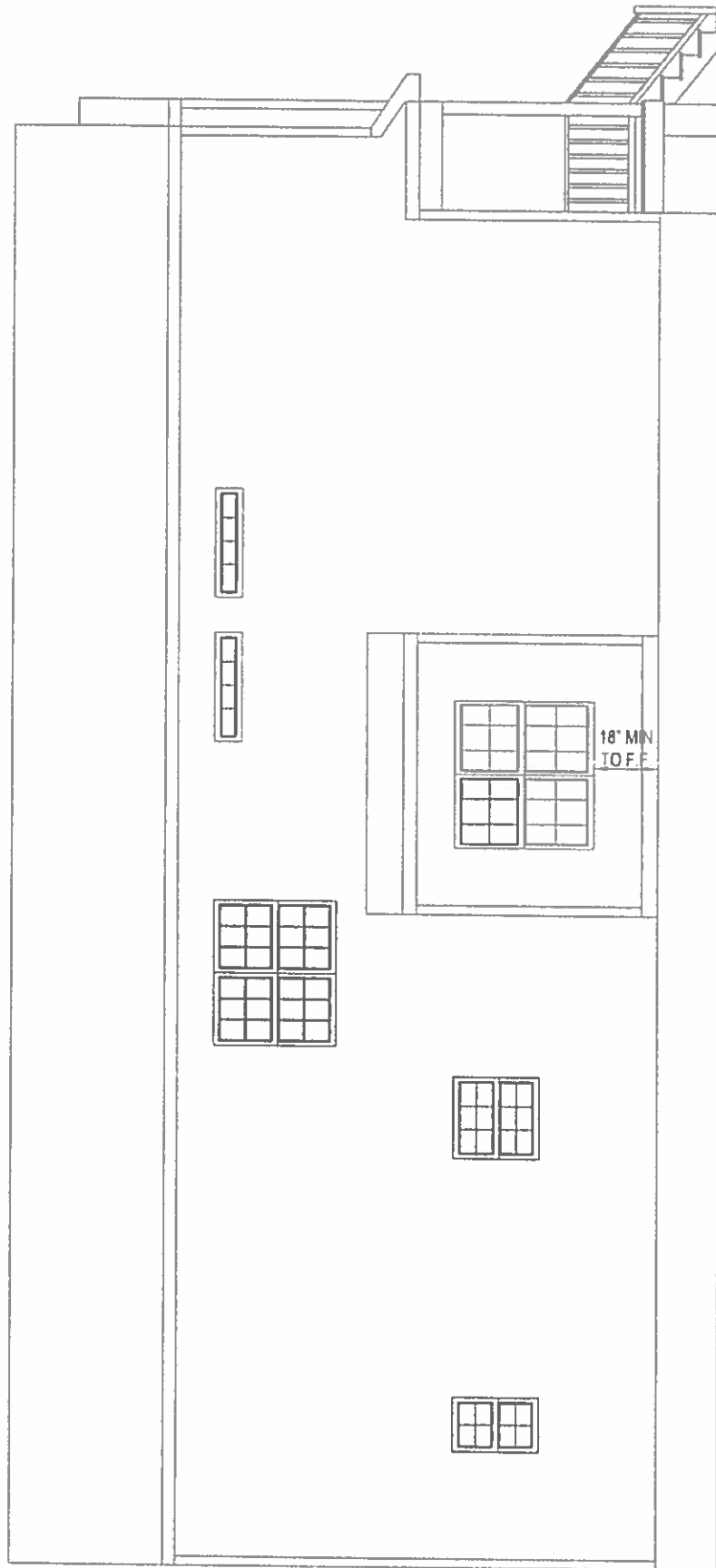


8'-1 1/2"

8'-1 1/2"

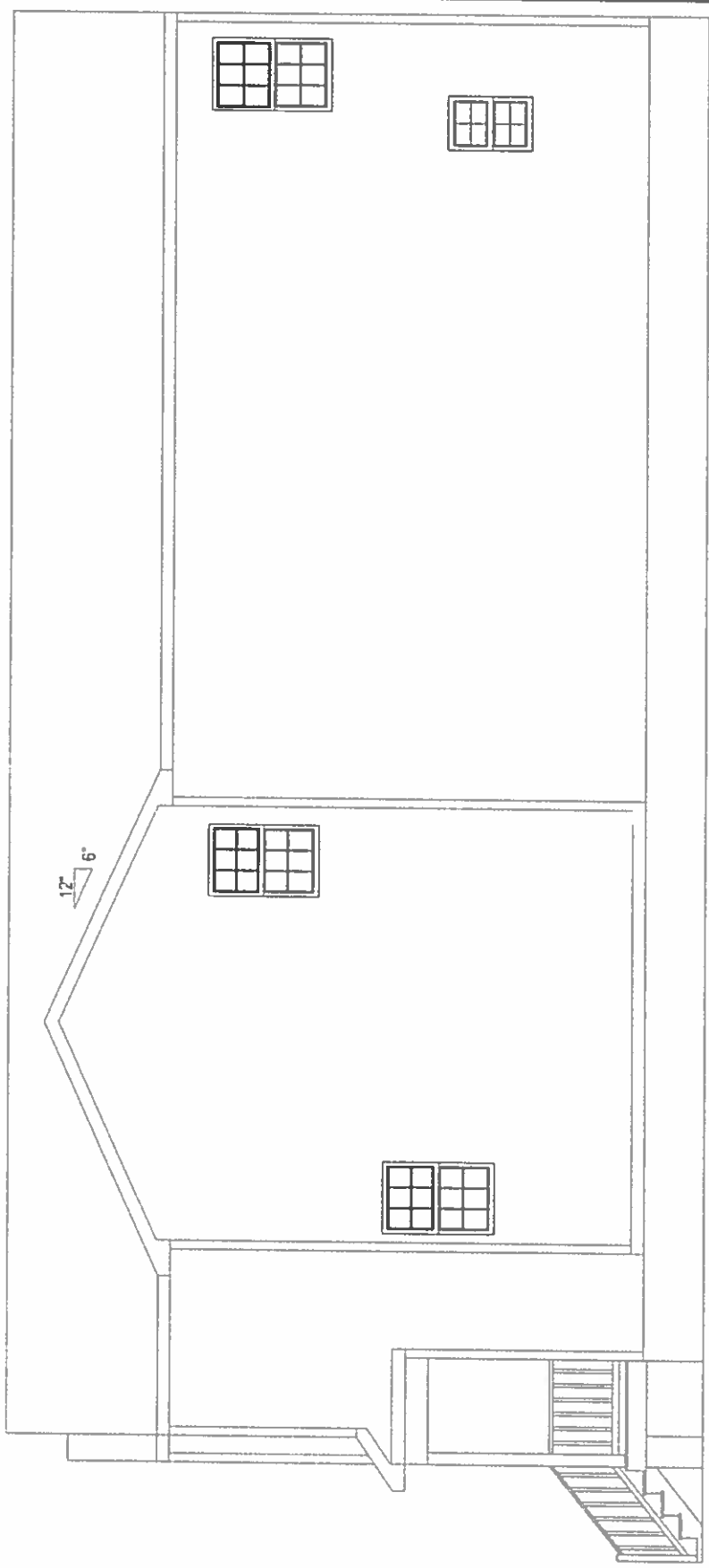
**FRONT ELEVATION**

Address		REVISIONS	
DATE	03/31/19		
SCALE	1/4"=1'-0"	SHEET	4 OF 8



**LEFT ELEVATION**

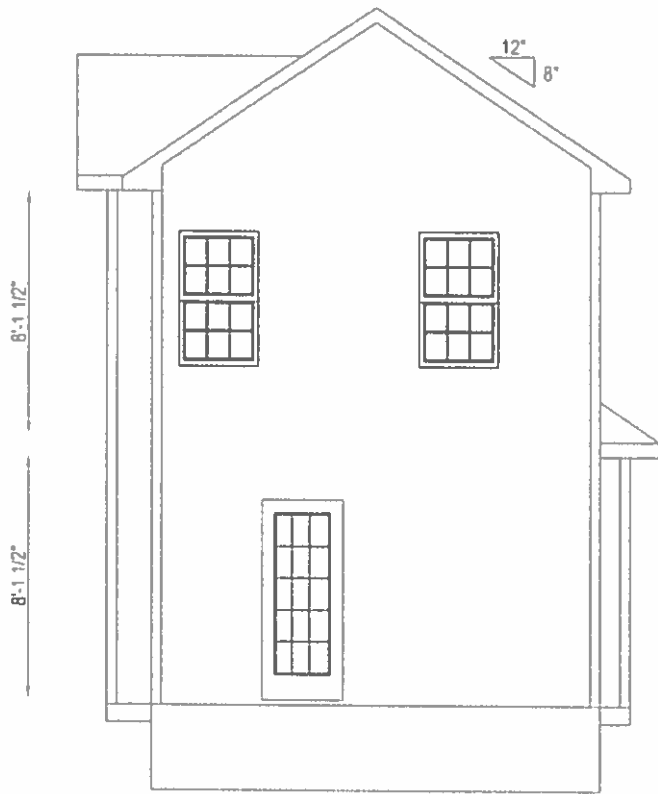
Address		REVISIONS	
DATE	03/31/19		
SCALE	1/4"=1'-0"	SHEET	5 OF 8



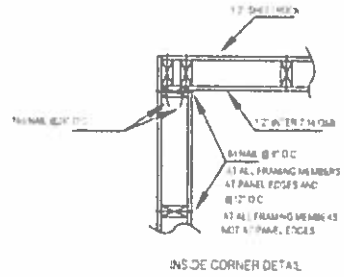
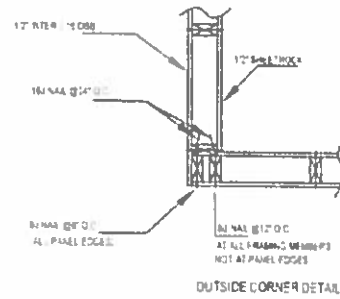
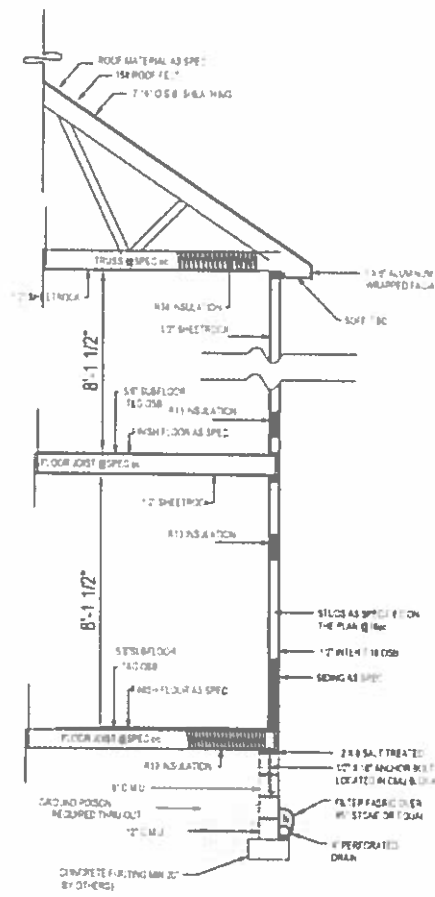
**RIGHT ELEVATION**

Address	REVISIONS	
DATE	03/31/19	
SCALE	1/4"=1-0'	SHEET 6 OF 8





REAR ELEVATION			
Address	5312 Stokes Ln	REVISIONS	
DATE	03/31/19		
SCALE	1/4"=1-0'	SHEET 7	OF 8



**EXTERIOR CORNER FRAMING NTS**

**DETAILS**

Address	REVISIONS	
DATE	03/31/19	
SCALE	1/4" = 1'-0"	SHEET 8 OF 8



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

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 414 Milton St, Richmond, VA 23222 Date 4/27/2020  
Tax Map # N0001457013 Fee 300.00  
Total area of affected site in acres: 0.09

(See **page 6** for fees schedule. Please make check payable to the "City of Richmond")

**Zoning**

Current Zoning: R-5

Existing Use: Empty Lot

**Proposed Use**

(Please include a detailed description of the proposed use in the required application report)

Single family dwelling  
Existing Use: \_\_\_\_\_

Is this property subject to any previous land use cases?

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

**Applicant/Contact Person:** Vladimir Slobodnik

Company: Viaco LLC  
Mailing Address: 10629 Toston Ln  
City: Glen Allen State: VA Zip Code: 23060  
Telephone: (804) 3565589 Fax: \_\_\_\_\_  
Email: vslobodnik@gmail.com

Property Owner: C Box LLC, Daniel Wheeler, member  
If Business Entity name and title of authorized signee: \_\_\_\_\_

The person or persons who submit or affixing the seal of this Application in full of their responsibility that they are and have been duly authorized and empowered to make a similar act.

Mailing Address: Dan Wheeler 13470 old dairy ct  
City: Herndon State: VA Zip Code: 20171  
Telephone: (703) 597-6818 Fax: \_\_\_\_\_  
Email: Danwheeler@dcgrain.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 a properly 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).

414 Milton St, Richmond, VA 23222

Applicant's report

The proposed use for this lot is to erect a single-family 2-story house, in accordance with attached plans. It will be in line with similar lots already subdivided and used to build houses at addresses 403 E Ladies Mile RD, 405 E Ladies Mile RD and 407 E Ladies Mile RD, and by this association, compatible with the surroundings and appropriate for this location.

The building is not going to cause any extra traffic congestion, pose fire or any other threats, interfere with adequate light and air, etc. because the whole area is used for residential building, and all the necessary infrastructure for such use is already in place.

Sincerely,  
Viaco LLC