

**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: 103 Libbie Avenue Date: February 21, 2022  
Tax Map #: W0200185002 Fee: \_\_\_\_\_  
Total area of affected site in acres: \_\_\_\_\_

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

**Zoning**

Current Zoning: R-4

Existing Use: Single-family Residential

**Proposed Use**

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

Special Use Permit to allow construction of a semi-circular driveway in the property's front yard

Existing Use: Single-family Residential

Is this property subject to any previous land use cases?

Yes  
☐

No  
☒

If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** R. Robert Benaicha

Company: Hirschler

Mailing Address: 2100 East Cary Street

City: Richmond State: VA Zip Code: 23223

Telephone: (804) 771-9512 Fax: ( )

Email: rbenacha@hirschlerlaw.com

**Property Owner:** Mark P. Cooke, Trustee

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: c/o R. Robert Benaicha, Hirschler, 2100 E. Cary Street

City: Richmond State: VA Zip Code: 23223

Telephone: (804) 771-9512 Fax: ( )

Email: rbenacha@hirschlerlaw.com

**Property Owner Signature:** Mark P Cooke

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)

Special Use Permit  
Applicant's Report  
103 Libbie Avenue, Richmond, VA 23226  
Tax Map # W0200185002

## INTRODUCTION

The applicant, Mark P. Cooke, as Trustee of the Mark P. Cooke Revocable Trust (“Cooke” or “Owner”) owns the real property located in the City of Richmond, Virginia, and commonly known as 103 Libbie Avenue (the “Property”). The Property is zoned R-4 [Residential – Single Family]. Before Cooke acquired the Property in October 2019 it was improved with a residence dating back to 1900 (the “Old House”). The Old House was in a state of extreme neglect: dilapidated, infested with vermin, packed with detritus, intermittently occupied by vagrant squatters, and the frequent subject of calls to the police regarding illegal activity. Much to the relief of the surrounding neighborhood, Cooke demolished the Old House after acquiring the Property as he prepared to build a new residence on the site (the “New House”).

After months of drawing up plans for the New House, Cooke filed an application for a building permit to construct the New House on October 1, 2020. The New House will greatly improve upon the look of the Old House and complement the Property and the surrounding residences. In short, the completion of the New House will benefit Cooke’s neighbors.

The New House plans submitted on October 1, 2020 included a semi-circular driveway in front of the New House on Libbie Avenue (the “Driveway”). A site plan depicting the Driveway in relation to Libbie Avenue and the New House is attached hereto as Exhibit A (the “Site Plan”). The Driveway’s semi-circular design would permit vehicles exiting the driveway to do so without backing out of the driveway, thereby minimizing traffic impacts on Libbie Avenue from backward.

Unbeknownst to Cooke, on September 28, 2020, a mere three (3) days before Cooke filed the New House building permit application, the City Council enacted Ord. No. 2020-171, which amended the City Code to add new Code Section 30-408.8 (the “Driveway Ordinance”). The Driveway Ordinance prohibits construction of driveways intersecting streets on residential lots with alley access. The Property has alley access.

Cooke was surprised and dismayed when the New House building permit was rejected on account of the Driveway not being permitted under the City Code. Cooke and his architect and contractors had worked diligently over the preceding months on a design that incorporated the Driveway as an integral part. Had Cooke’s plans been filed only 3 days earlier, the Driveway would have been approved.

## PROPOSED USE AND SPECIAL USE PERMIT REQUEST

Owner is requesting a Special Use Permit (“SUP”) to allow the construction of the Driveway in general conformance with the Site Plan.

## EXISTING PROPERTY, SURROUNDING AREA & PROPOSED USE

The Property is a rectangular parcel fronting on the east side of Libbie Avenue one lot north of Libbie Avenue's intersection with Matoaka Road and facing the southwest corner of Libbie Avenue and Linden Lane. It is surrounded by residential properties, in keeping with the neighborhood's R-4 [Residential – Single Family] zoning district. Of the sixteen (16) residential buildings fronting Libbie Avenue between Matoaka Road and Grove Avenue, eleven (11) have driveways intersecting a street. Accordingly, granting the SUP to permit construction of the Driveway will not result in the Property being out of place with the existing neighborhood context. Moreover, there is no safety risk: the City's Department of Public Works granted curb-cut permits to Cooke to permit construction of the Driveway's two aprons, which are in place now.

## FINDINGS OF FACT

The following are factors listed in Section 30-1050.1 of the Zoning Ordinance to be considered with the review of special use permit applications.

The proposed SUP will:

- *NOT be detrimental to the safety, health, morals, and general welfare of the Community.*

The Driveway will not increase the overall height of the Building and will not be detrimental to the health, safety, morals, or welfare of the community.

- *NOT tend to create congestion in streets, roads, alleys, and other public ways and places in the area.*

DPW has already granted a permit to Cooke to permit construction of the Driveway's two aprons. As mentioned above, the vast majority of the surrounding residences already have driveways intersecting streets. Moreover, the semi-circular design of the Driveway will minimize impacts by permitting vehicles to exit the Driveway moving forward.

- *NOT create hazards from fire, panic or other dangers.*

The Driveway will not create hazards. As mentioned above, DPW has permitted the curb-cuts for the aprons and the design will minimize impacts to traffic.

- *NOT tend to overcrowding of land and cause an undue concentration of population.*

The Driveway does not implicate overcrowding or population concentration.

- *NOT adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.*

The Driveway will not impact any of these public facilities, requirements, conveniences or improvements.

- *NOT interfere with adequate light and air.*

The light and air available to the Property and adjacent properties will not change if the SUP is approved.

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