

INTRODUCED: February 27, 2023

AN ORDINANCE No. 2023-065

To authorize the special use of the property known as 822 Blanton Avenue 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: MAR 27 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 822 Blanton Avenue, which is situated in a R-4 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 30-408.4, 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: MAR 27 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 822 Blanton Avenue and identified as Tax Parcel No. W000-1342/016 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Division of 822 Blanton, Ave., City of Richmond, Virginia,” prepared by Long Surveying, LLC, and dated March 28, 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 “822 Blanton Avenue, Proposed Subdivision, 822 Blanton Avenue, Richmond, VA 23221,” prepared by Erik Bootsma, Architect, and dated April 13, 2022, and 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 two single-family detached dwellings, each located on a different lot, that do not meet the lot area and width requirements of section 30-408.4 of the Code of the City of Richmond (2020), as amended.

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

(c) Prior to the issuance of any building permits 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.

§ 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 lot containing a building on the date of the adoption of this ordinance, 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.

# City of Richmond

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

## Item Request File Number: PRE.2022.0298

### O & R Request

**DATE:** September 12, 2022

**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

J.E. Lincoln Saunders /  
RCS  
Digitally signed by J.E. Lincoln  
Saunders / RCS  
Date: 2022.09.22 13:18:30 -04'00'

**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 822 Blanton Avenue for the purpose of creating two parcels, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 822 Blanton Avenue for the purpose of creating two parcels, upon certain terms and conditions.

**REASON:** The property is located in the R-4 Single-Family Residential District and the proposal calls for subdividing the property into two equal sized parcels. This district requires a minimum lot area of 7,500 square feet and a minimum lot width of 60 feet. The parcel contains 14,368 square feet and is 50 feet in width. Therefore a special use permit is requested in order to authorize this use.

**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 7, 2022, meeting.

**BACKGROUND:** The .33 acre subject property is a rectangular corner parcel with frontage on Blanton Avenue as well as Walpole Street with Condie Street located adjacent to the southern boundary. The property is improved with a two-story single-family dwelling that faces Blanton Avenue. The proposed property division would result in two parcels each with road frontage.

The property is located in the R-4 Single-Family Residential District. The City's Richmond 300 Master Plan designates 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."

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.

**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 10, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** November 14, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
November 7, 2022

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

**STAFF:** David Watson AICP, Senior Planner, Land Use Administration (Room 511) 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: 822 Blanton Avenue, Richmond, VA, 23221

Date: 5/26/2022

Tax Map #: W0001342016 Fee: \$515

Total area of affected site in acres: 0.344 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 Home

### Proposed Use

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

Subdivide the property into two parcels, one improved and one vacant.

Existing Use: The existing structure on 822 Blanton Avenue is a 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: Kyle Dillon

Company: n/a

Mailing Address: 822 Blanton Avenue

City: Richmond

State: VA

Zip Code: 23221

Telephone: (804) 244-0137

Fax: ( )

Email: dillonke91@gmail.com

### Property Owner: Kyle & Neha Dillon

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: 822 Blanton Avenue

City: Richmond

State: VA

Zip Code: 23221

Telephone: (804) 244-0137

Fax: ( )

Email: dillonke91@gmail.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 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)

City of Richmond, Department of Planning and Development Review  
Land Use Administration Division, Room 511  
City Hall, 900 E Broad Street  
Richmond, Virginia 23219

**Re: Special Use Permit: 822 Blanton Ave (W0001342016)**

To Whom It May Concern:

This letter shall serve as the Applicant Report accompanying the application for a special use permit (the "SUP") for the property known as 822 Blanton Ave, identified as Tax Parcel W0001342016 (the "Property"). The Property is located in the Carillon neighborhood on Blanton Avenue and Condie Street. The SUP would permit the subdivision of the Property into two parcels that do not meet the lot feature requirements of the R-4 zoning district where they are located. There are no building plans for the newly created parcel.

The Property is currently the only parcel on the 800 block of Blanton Avenue that is not subdivided. Subdividing this lot will provide an opportunity to bring more housing into the city without adversely impacting the neighborhood. In addition, the Property is situated on a one-way street that spans the entire block causing no additional parking constraints for current residents.

Thank you for your time and consideration of this request. Please let me know if there are any questions.

Sincerely,

Kyle Dillon

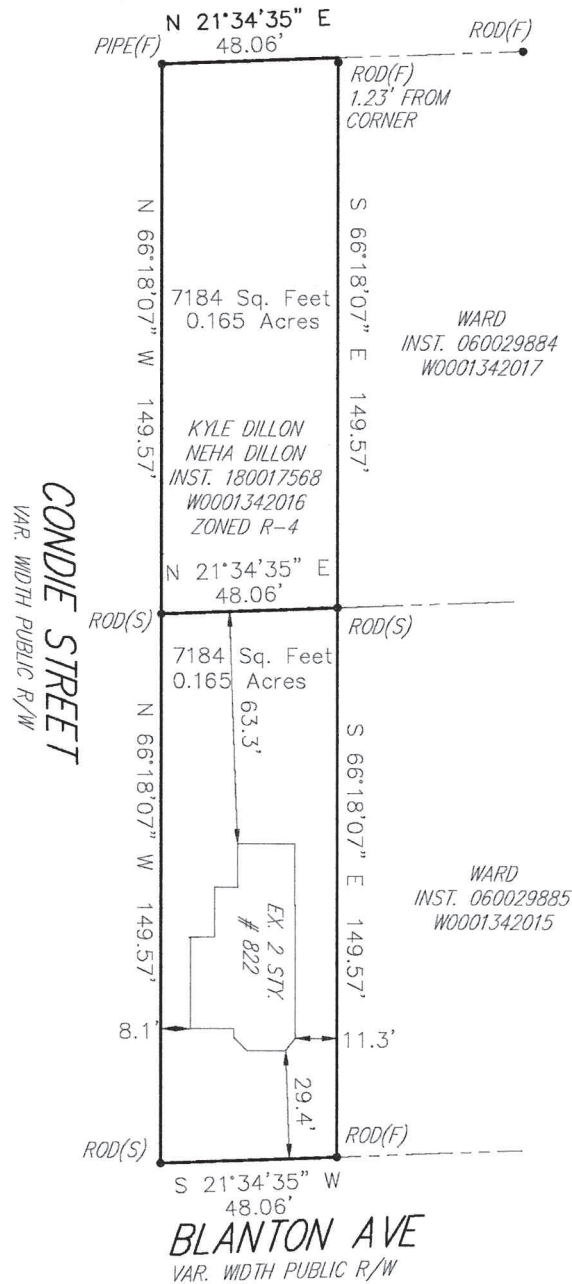


- 1) THIS PARCEL IS NOT IN A FEMA FLOOD HAZARD ZONE
- 2) THIS SURVEY IS BASED ON CURRENT FIELD WORK
- 3) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE ALL ENCUMBRANCES MAY NOT BE SHOWN
- 4) NOT ALL PHYSICAL FEATURES SHOWN.



**WALPOLE AVE**

VAR. WIDTH PUBLIC R/W



**BLANTON AVE**

VAR. WIDTH PUBLIC R/W

**DIVISION OF  
822 BLANTON AVE.**

LONG SURVEYING, LLC  
 4650 FACTORY MILL ROAD  
 MAIDENS, VA 23012  
 804-314-5620

CITY OF RICHMOND  
 VIRGINIA  
 MARCH 28, 2022  
 SCALE: 1"=40'