

INTRODUCED: April 10, 2023

AN ORDINANCE No. 2023-138

To authorize the special use of the property known as 6 Dundee Avenue for the purpose of one two-family detached dwelling and one 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: MAY 22 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 6 Dundee Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of one two-family detached dwelling and one 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 (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

AYES:           8                    NOES:           0                    ABSTAIN: \_\_\_\_\_

ADOPTED:   MAY 22 2023   REJECTED: \_\_\_\_\_   STRICKEN: \_\_\_\_\_

congestion in streets, roads, alleys and other public ways and places in the area involved, will not 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 6 Dundee Avenue and identified as Tax Parcel No. S000-2145/006 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on Lot 47 & 48, Block 14, Plan of ‘West Manchester’, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, P.C., and dated March 8, 2021, 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 one two-family detached dwelling and one single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the survey entitled “Plat Showing Improvements on Lot 47 & 48, Block 14, Plan of ‘West Manchester’, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated March 8, 2021, and the plans entitled “4 Dundee Ave, Richmond VA 23225,” prepared by John Anderson and dated January 20, 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 one two-family detached dwelling and one single-family detached dwelling, substantially as shown on the Plans.

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

(c) The height of the Special Use shall not exceed two stories.

(d) No fewer than four parking spaces shall be provided on the Property, substantially as shown on the Plans.

(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 any 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 deeds and plats 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

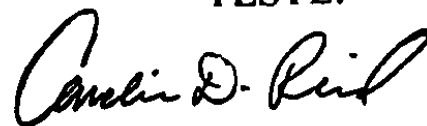
amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(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 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:**

A handwritten signature in black ink, appearing to read "Camille D. Reed".

**City Clerk**



# City of Richmond

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

## Item Request File Number: PRE.2022.0956

### O & R Request

**DATE:** March 14, 2023

**EDITION:** 1

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

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

Handwritten signature of Levar M. Stoney in black ink.

**THROUGH:** J.E. Lincoln Saunders, Chief Administrative Officer

Handwritten signature of J.E. Lincoln Saunders in black ink.

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

Handwritten signature of Sharon L. Ebert in black ink.

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

Handwritten signature of Kevin J. Vonck in blue ink.

**RE:** To authorize the special use of the property known as 6 Dundee Avenue for the purpose of a two-family detached dwelling and 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 6 Dundee Avenue for the purpose of a two-family detached dwelling and a single-family detached dwelling, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit which would allow for the subdivision of an existing parcel and the construction of a new single-family dwelling on the newly created parcel, within the R-5 - Residential (Single Family) zone, which does not meet the required minimum lot size. A Special Use Permit is therefore requested.

**BACKGROUND:** The property is located in the Reedy Creek neighborhood at 6 Dundee Avenue, between Midlothian Turnpike and Moody Avenue. The existing property is 7500 sq.ft. (0.172 acres) in size.

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. Secondary uses may be found along major streets.

The property is located in the R-5 - Residential (Single Family) zone. Immediate surrounding land uses include 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:** April 10, 2023

**CITY COUNCIL PUBLIC HEARING DATE:** May 8, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
May 1, 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:** Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

**STAFF:** Ray Roakes, Planner, Land Use Administration (Room 511) 804 646 5467



**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: 6 Dundee Ave Richmond 23225 Date: 4-30-21  
Tax Map #: \_\_\_\_\_ Fee: \$ 300 -  
Total area of affected site in acres: 833 sq yds

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

**Zoning**

Current Zoning: R5

Existing Use: Duplex

**Proposed Use**

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

Lot Division: Separate Lot 47 and 48. Build house on Lot 48  
Existing Use: Lots are not separated

Is this property subject to any previous land use cases?

Yes

No

☐☒

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

**Applicant/Contact Person:** John Anderson

Company: \_\_\_\_\_

Mailing Address: 2304 Stemwell Blvd

City: North Chesterfield State: VA Zip Code: 23236

Telephone: (804) 516-9570 Fax: ( )

Email: JA Breeze @ verizon .net

**Property Owner:** John Anderson

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: 2304 Stemwell Blvd

City: North Chesterfield State: VA Zip Code: 23236

Telephone: (804) 516-9570 Fax: ( )

Email: JABreeze @ verizon .net

**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)

Department of Planning and Development Review

Land Use Administration Division, Room 511

City Hall, 900 East Broad Street, Richmond, Virginia 23219

Reference: Applicant's Report

To whom it concerns,

6 Dundee Ave, Richmond VA 23225 is on two Lots, Lot 47 and Lot 48. The current improvement is on Lot 47. I would like to divide the property by Lot. I would then like to build a Single-Family residence on Lot 48, the intent of selling the new house.

Please see improvement plans. The improvement will be two story.

Thanks,



John Anderson

## **APPLICANT'S REPORT**

July 20, 2022

Special Use Permit Request

6 Dundee Ave, Richmond, Virginia

Map Reference Number: S000-2145/006

Submitted to: City of Richmond Department of Planning and Development Review

Land Use Administration

900 East Broad Street, Suite 511

Richmond, Virginia 23219

Submitted by:

John Anderson

2304 Stemwell Blvd,

North Chesterfield VA 23236

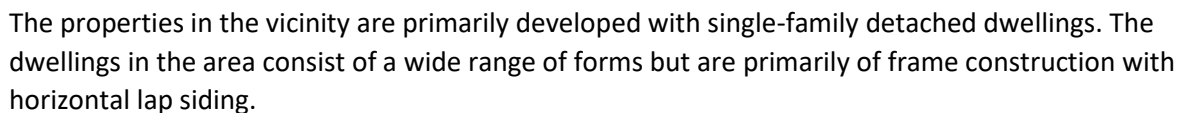
### **Introduction**

I am requesting a special use permit (the "SUP") for the property known as 6 Dundee Ave (the "Property"). The SUP would authorize the dividing of Lot 47 and Lot 48 and the construction of one single-family detached dwelling on Lot 48. While single-family use is permitted by the underlying R-5 Single-Family Residential zoning district, some of the applicable feature requirements cannot be met. Therefore, the SUP is required.

### **Existing Conditions**

#### **SITE DESCRIPTION AND EXISTING LAND USE**

The Property is located on the east side of Dundee Ave between Moody Avenue and Midlothian Tpke. It is referenced by the City Assessor with a tax parcel number of S000-2145/006. The Property is approximately 60 feet in width and 125 feet in depth, contains approximately 7500 square feet (3500 sq/ft Lot 47 and 3500 sq/ft Lot 48). Lot 47 is improved. Currently, Lot 48 is unimproved. The improvement on Lot 47 is a Two-Family dwelling. Access is provided in the rear by a north-south alley.



The Property and the surrounding properties are zoned R-5 Single-Family Residential, which permits single-family detached dwellings. Parcels in the area differ in size and frontage with a large number of parcels in the vicinity unable to conform to the underlying R-5 feature requirements.

## MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the “Master Plan”) suggests “Residential” use for the Property. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. This designation also encourages that developments reinforce a gridded street pattern to increase connectivity. Single-family dwellings are the contemplated primary use in the Residential future land use designation.

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Equitable Transportation Chapter, to “Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options.”
  - Develop housing at all income levels in and near Nodes and along major corridors.
- Diverse Economy Chapter, to “Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers.”
  - Encourage the development of a variety of quality housing types to house employees across the economic spectrum.
- Inclusive Housing Chapter, to “Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city.”
- Inclusive Housing Chapter, to “Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes by amending the Zoning Ordinance.”
- Thriving Environment Chapter, to “Reduce air pollution related to transportation.”
  - Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles.
- High-Quality Places Chapter, to “maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards.”
- High Quality Places Chapter), to “create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City,” as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

## **Proposal**

### **PURPOSE OF REQUEST**

The Property consists of two lots (Lot 47, Lot 48) of record that are typical in size for the vicinity. The SUP would permit the separation of the two lots and permit construction on Lot 47 of a new, single-family detached dwellings which are consistent with the development pattern in the area. Consistent with the existing dwellings in the area, the new dwelling would front onto Dundee Ave. The new dwelling would be located on a new parcel to be known as 4 Dundee Ave. The parcel would have ~30 feet of lot frontage along Dundee Ave and contain roughly 3,500 square feet of lot area. While the proposed lot are consistent with the overall development pattern in the vicinity, like most parcels in the area, the R-5 District lot area and width requirements would not be met for the new dwelling. All other aspects of the underlying zoning requirements, including the requirement that a minimum of one off-street parking space be provided, will be met.

### **PROJECT DETAILS/DESIGN**

The proposed dwellings would be 15 feet in width, 60' feet in depth, and two stories in height. It would include approximately 1,669 square feet of finished floor area and consist of three bedrooms and two-

and-one-half bathrooms. The proposed first-floor plans are modern, open, and efficient and are designed to be meet the needs of the market. The second-floor plans include a master bedroom with in-suite master bathroom and walk-in closet along with two additional bedrooms and an additional full bathroom. The new dwelling would be of frame construction and clad in quality building materials including James Hardie Fiber Cement siding in order to ensure durability. A full-width front porch will engage the street and provide usable outdoor living space.

The proposed dwellings architectural style is designed to be compatible with nearby dwellings and are consistent with the historical homes found in the neighborhood.

### **Findings of Fact**

The following are factors included in the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- Be detrimental to the safety, health, morals and general welfare of the community involved.
  - The proposed SUP will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The proposed site improvements and density are compatible with the existing development in the vicinity. This request would simply permit the efficient utilization of the Property by allowing for new development to occur. The improvement of the Property in conjunction with the high quality/benefits provided by the SUP will provide positive impacts in terms of health, welfare, etc., and furthermore will add to the vibrancy of the neighborhood.
- Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.
  - The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The traffic generation for one additional dwelling unit will be negligible, especially within the context of a walkable neighborhood. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.
- Create hazards from fire, panic or other dangers.
  - The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.
- Tend to overcrowding of land and cause an undue concentration of population.
  - The SUP will not tend to overcrowd the land or create an undue concentration of population.
- Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.
  - The SUP would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.
- Interfere with adequate light and air.
  - The light and air available to the subject and adjacent properties will not be affected. The massing of the proposed structures is similar to what the underlying zoning district and feature regulations applicable to single-family detached dwellings allow for by-right on legally nonconforming lots of substandard width.

## **Summary**

In summary, I am seeking approval for the separation of Lot(s) 47 and 48 and the construction of a new, single-family detached dwelling on Lot 48. The SUP represents an ideal, small-scale urban infill development for this location. In exchange for the SUP, the quality assurances conditioned therein would guarantee the construction of a quality home ownership opportunity consistent with Master Plan guidance. This would contribute to the overall vibrancy of the block through the provision of an appropriate urban form and use that is consistent with the development pattern and surrounding neighborhood.



[illegible]

COMMONWEALTH OF VIRGINIA  
03 - 08 - 2021  
JAMES E. MCKNIGHT  
NO. 1926  
LAND SURVEYOR

THIS IS TO CERTIFY THAT ON MARCH 08, 2021, 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. THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAN COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS. SCALE: 1" = 20'



**McKNIGHT  
& ASSOCIATES, P.C.**

LAND SURVEYORS      PLANNERS

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

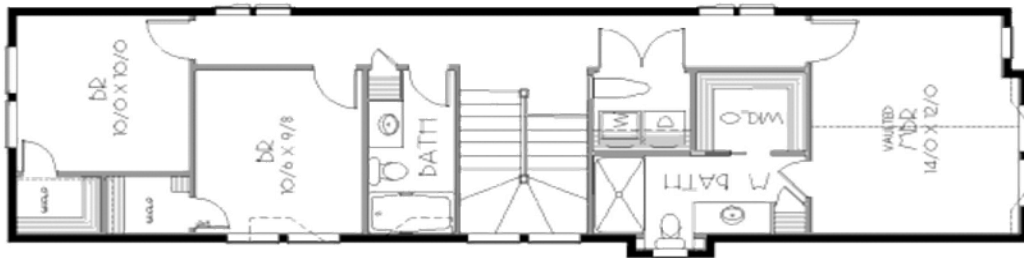
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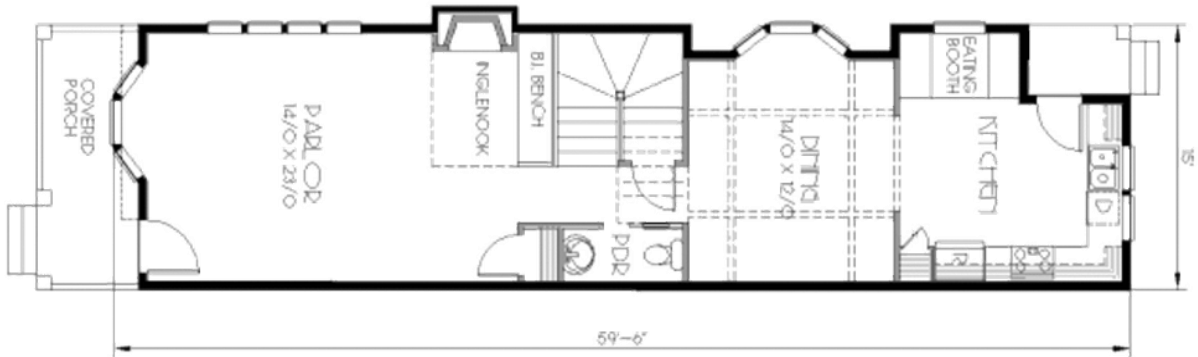


FULL SPECS	
BASIC FEATURES	Bedrooms: 3, Baths: 2.5, Stories: 2, Garage: 0
DEMENSIONS	Depth: 60', Height: 28', Width: 15'
AREA	Total: 1669 sq/ft, Main Floor, 849 sq/ft, Upper Floor: 820 sq/ft
ROOF	Primary Pitch: 12:12, Roof Framing: Truss
MATERIALS	Frame Construction, Fiber Cement Siding

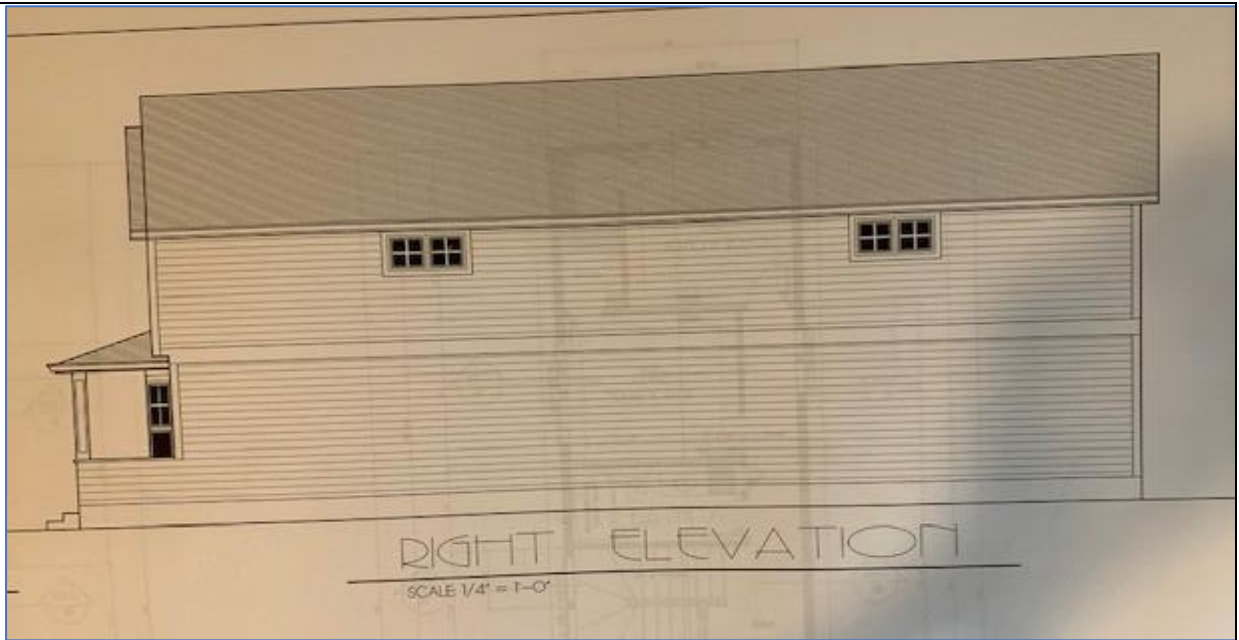
John Anderson
4 Dundee Ave, Richmond VA 23225
(804) 516-9570
V2 – 1/20/23



UPPER- FLOOR PLAN



MAIN- FLOOR PLAN



**SIDE- RIGHT ELEVATION**



**SIDE-LEFT ELEVATION**



**REAR ELEVATION**