

INTRODUCED: July 24, 2023

AN ORDINANCE No. 2023-224

To authorize the special use of the property known as 7110 Cherokee Road for the purpose of an accessory building to 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: SEPT 11 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 7110 Cherokee Road, which is situated in a R-2 Single-Family Residential District, desires to use such property for the purpose of an accessory building to a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-630.1, concerning required yards on lots containing more than one street frontage, 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEP 11 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 7110 Cherokee Road and identified as Tax Parcel No. C004-0499/002 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Proposed Improvements on #7110 Cherokee Road, City of Richmond, VA.,” prepared by Balzer & Associates, and dated December 3, 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 an accessory building to a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Valley Structures, Dayton, Virginia,” prepared by Mark Steven Byerly, P.E., and dated December 20, 2017, 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 an accessory building to a single-family detached dwelling, substantially as shown on the Plans.

(b) The Special Use shall not be located (i) less than nine feet from the street line of Old Quarry Road. (ii) less than nine feet from the street line of Old Westham Road, and (iii) less than 42 feet from the street line of Cherokee Road.

(c) The height of the Special Use shall not exceed 20 feet.

(d) All building elevations shall be 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.

§ 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

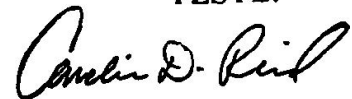
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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 "Carlin D. Reil". 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.rva.gov

RECEIVED
By City Attorney's Office at 6:12 pm, May 17, 2023

RECEIVED
By CAO Office at 4:04 pm, Apr 28, 2023

Item Request File Number: Admin-2023-0215

O & R Request

DATE: April 25, 2023

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: J.E. Lincoln Saunders, Chief Administrative Officer on Behalf of Lincoln Saunders

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 7110 Cherokee Road for the purpose of an accessory building to 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 7110 Cherokee Road for the purpose of an accessory building to a single-family detached dwelling, upon certain terms and conditions.

REASON: The subject property is located in the R-2 Single-Family Residential District and an accessory structure is a specified permitted use listed in this zoning district. However, the proposal does not meet all setback requirements. Therefore, a Special Use Permit is requested.

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.

BACKGROUND: The .77 acre subject property is located on the corner of Cherokee Road, Old Westham Road, and Old Quarry Road. The property is located in the R-2 Single-Family Residential District where accessory the setbacks for corner properties is 30 feet. The property has frontages along three roads and is required to hold a 30 foot setback from each frontage.

The subject property, as well as the other properties on the block, is improved with single-family dwellings.

The City's Richmond 300 Master Plan designates the property for Residential uses which consists primarily of single-family houses on large- or medium-sized lots more homogeneous in nature.

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: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: May 22, 2023

CITY COUNCIL PUBLIC HEARING DATE: June 26, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
June 20, 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 and Narrative, Plans and Property, Map

STAFF: 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: 7110 Cherokee Road Date: 7/8/22
Parcel I.D. #: C0040499002 Fee: \$ 350.00
Total area of affected site in acres: .77 acres

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

Zoning

Current Zoning: Residential

Richmond 300 Land Use Designation: _____

Proposed Use

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

Adding Shed to property
Existing Use: Residential

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Zachary + Kathryn Kroko

Company: _____

Mailing Address: 7110 Cherokee Road

City: Richmond State: VA Zip Code: 23225

Telephone: (804) 678-8059 Fax: () N/A

Email: zkroko@gmail.com

Property Owner: Zachary + Kathryn Kroko

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: 7110 Cherokee Road

City: Richmond State: VA Zip Code: 23225

Telephone: (804) 678-8059 Fax: () N/A

Email: zkroko@gmail.com

Property Owner Signature: Kathryn J. Kroko

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)

Hi, David—

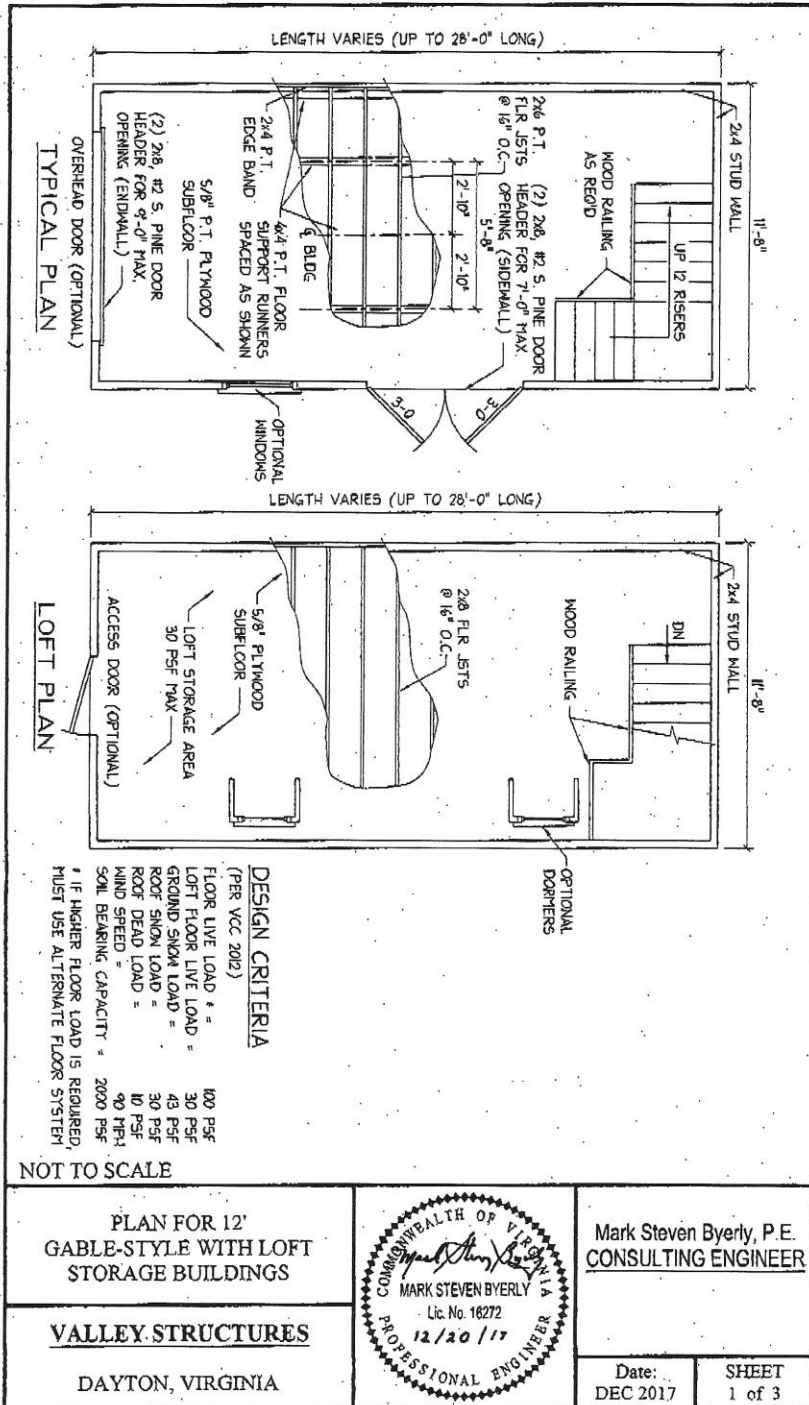
I would like to revise my previous request. I would now like to seek exemption from the designation that our property has three front yards so that we might put a structure that would be no closer than 10' to all property lines rather than no closer than 30' to all property lines.

As our lot is a corner lot, it fronts to three streets (though one is an alleyway). As currently designated, the only viable location for any type of structure (i.e. a shed) would be standing in the middle of the yard. Granting this exception would allow us to place a structure in a place that is less obstructive to the yard area while still respecting the standard regulations regarding distance of structures from property lines.

Attached you will find a plat indicating our property lines.

Thanks and please let me know what else you need from me.

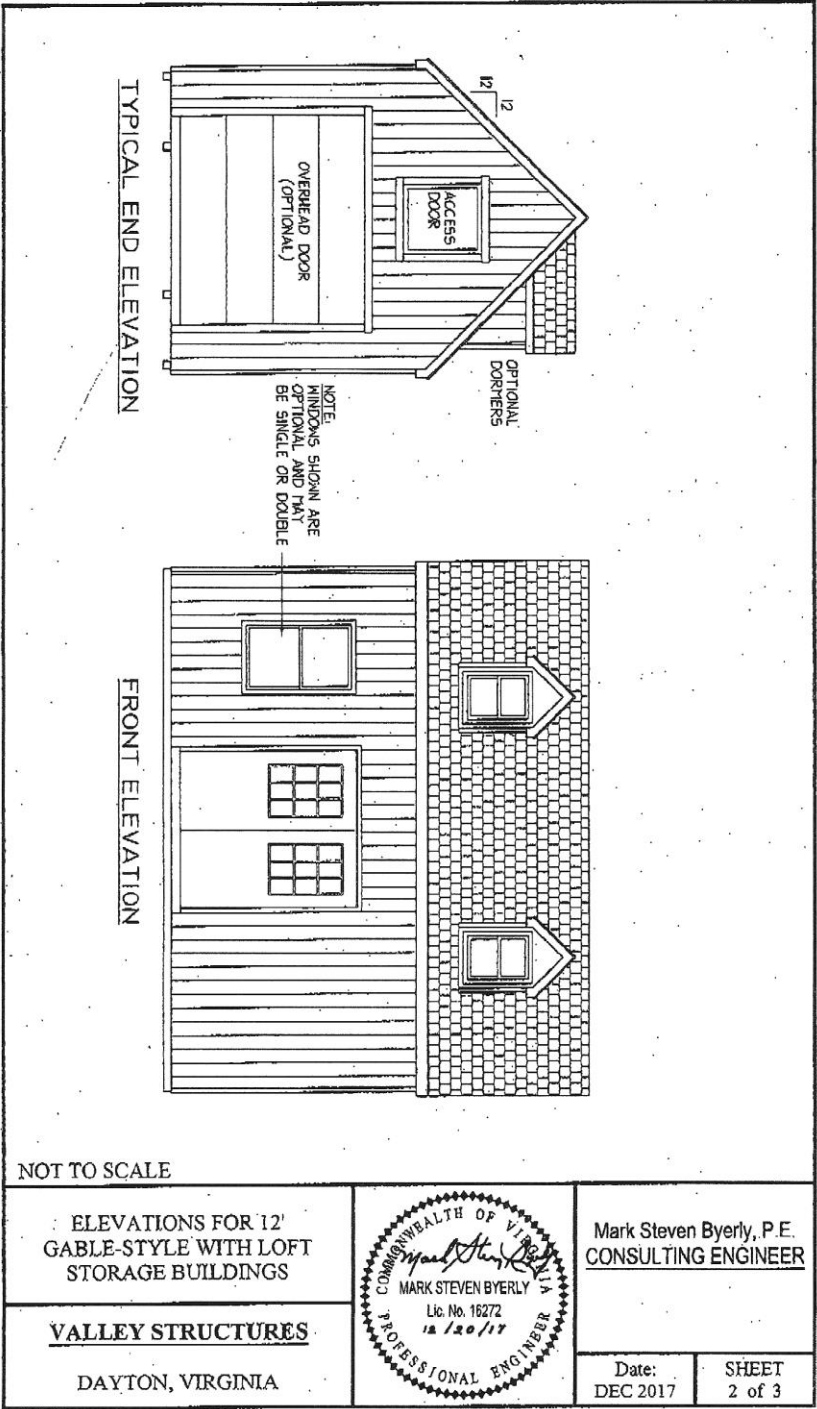
-Zach Kroko

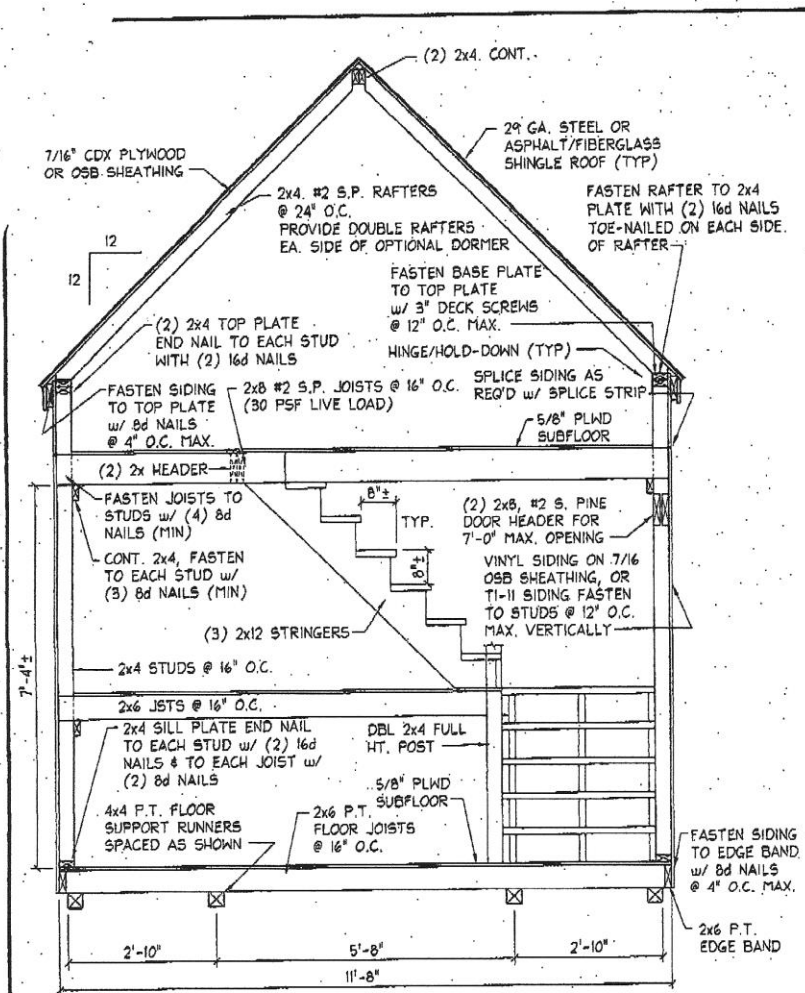


P.001/005

(FAX)15408792720

11/06/2018 13:19 Valley Structures





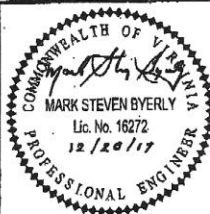
TYPICAL SECTION

NOT TO SCALE

TYPICAL SECTION FOR 12' GABLE-STYLE WITH LOFT STORAGE BUILDINGS

VALLEY STRUCTURES

DAYTON, VIRGINIA



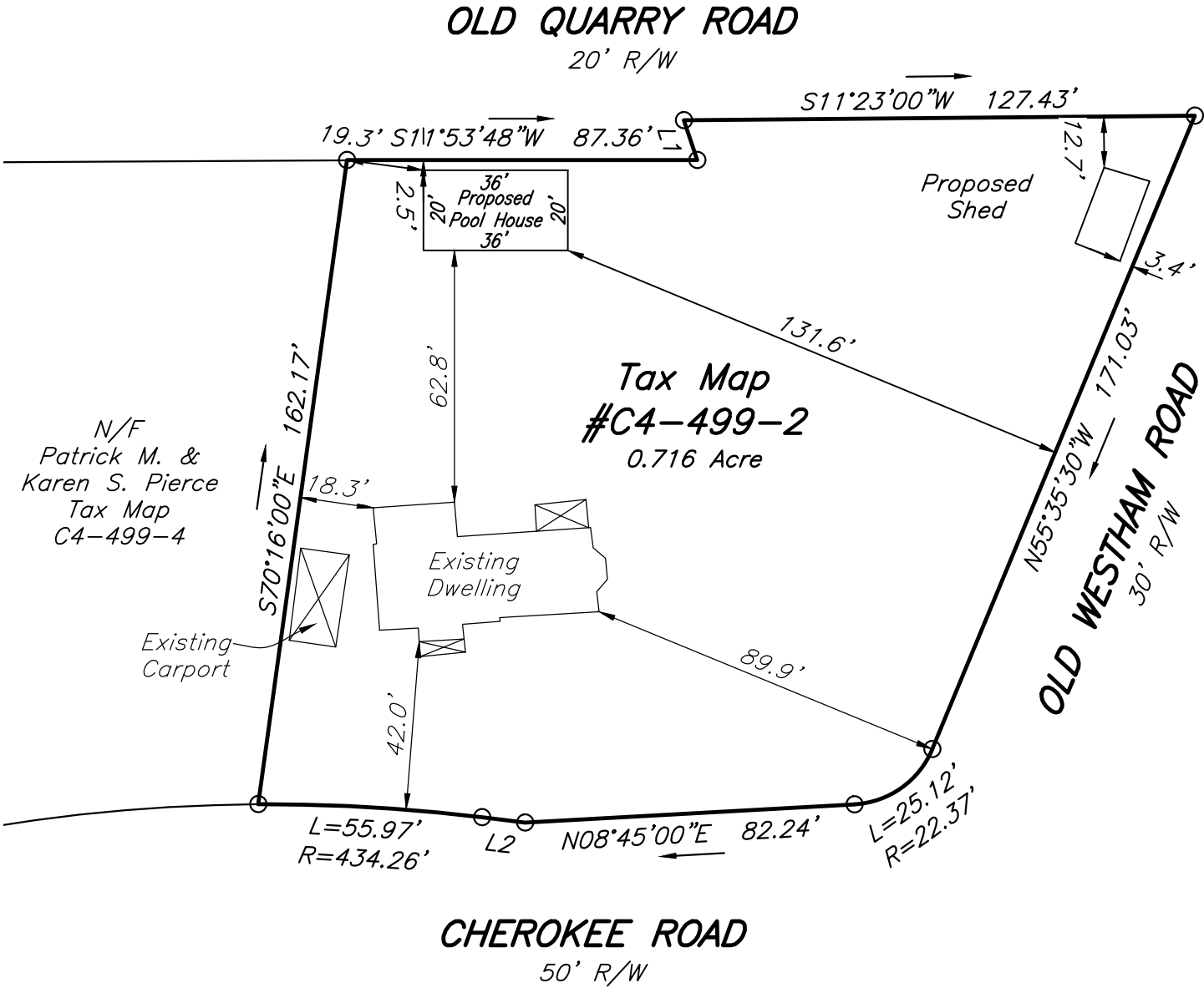
Mark Steven Byerly, P.E.
CONSULTING ENGINEER

Date:
DEC.2017

SHEET
3 of 3

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N83°20'00"E	10.50'
L2	N18°53'39"E	10.76'

*DB: 461, Pg. 161



1. The intent of this plat is to show the location of a proposed pool house and shed for building permit purposes and is not intended to represent an actual field survey.
2. This plat is compiled from plats of record and without the benefit of a title report. No improvements and not all easements may be shown.



RE: Bethlehem
 Construction Co.
 DATE: 12/03/2021
 SCALE: 1"=40'
 JOB NO.: 55211512.HS
 DRAWN BY: BCW
 CHECKED BY: JAB

PROPOSED
 IMPROVEMENTS ON
#7110 CHEROKEE ROAD
 CITY OF RICHMOND, VIRGINIA

PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS
 ROANOKE / RICHMOND / NEW RIVER VALLEY / SHENANDOAH VALLEY / LYNCHBURG
 15871 City View Drive, Suite 200 / Midlothian, Virginia 23113 / Phone (804) 794-0571 / www.balzer.co



15121512.HS.DWG 12/03/2021 11:53:52