#### AN ORDINANCE No. 2023-285

To authorize the special use of the property known as 4400 Warwick Road for the purpose of a single-family detached dwelling with an accessory garage, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

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PUBLIC HEARING: NOV 13 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 4400 Warwick Road, which is situated in a R-4 Single-Family Residential District, desires to use such property for the purpose of a single-family detached dwelling with an accessory garage, which use, among other things, is not currently allowed by sections 30-680.1, concerning location within required yards, and 30-680.4, concerning height and size limits, 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:	NOV 13 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 4400 Warwick Road and identified as Tax Parcel No. C009-0551/006 in the 2023 records of the City Assessor, being more particularly shown on a plat entitled "Plat Showing Improvements on Lot 6, Block 'A', Plan of 'Wendell Farms', in the City of Richmond, Virginia.," prepared by Harvey L. Parks, Inc., and dated June 17, 2016, 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 with an accessory garage, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Authorized Customer: Byron Del CID, 4400 Warwick Rd, Richmond, VA 23234," prepared by Frontline Steel Structures, LLC, and dated August 1, 2022, 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 with an accessory garage, substantially as shown on the Plans.
  - (b) The side and rear setback of the Special Use shall be a minimum of five feet.
- (c) 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 Zoning Administrator is authorized to issue a certificate of

zoning compliance for the Special Use 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.

A TRUE COPY:

TESTE:

City Clerk



# **City of Richmond**

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

#### Master

File Number: Admin-2023-0679

File ID: Admin-2023-0679 Type: Request for Ordinance or Status: Regular Agenda

Resolution

Version: 2 Reference: In Control: City Clerk Waiting

Room

**Department:** Planning and **Cost:** File Created: 06/14/2023

Development.Review

Subject: Final Action:

Title: To authorize the special use of the property known as 4400 Warwick Road for the

purpose of an accessory garage, upon certain terms and conditions.

**Internal Notes:** 

Code Sections: Agenda Date: 09/11/2023

Indexes: Agenda Number:

Patron(s): Enactment Date:

Attachments: Admin-2023-0679 - Application Packet, Enactment Number:

Admin-2023-0679 - Ord DRAFT

Contact: Introduction Date:

Drafter: Raymond.Roakes@rva.gov Effective Date:

**Related Files:** 

### **Approval History**

Version	Seq#	Action Date	Approver	Action	Due Date
2	1	8/14/2023	Matthew Ebinger	Approve	8/16/2023
2	2	8/14/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	8/15/2023	Kevin Vonck	Approve	8/21/2023
2	4	8/15/2023	Alecia Blackwell - FYI	Notified - FYI	
2	5	8/15/2023	Sharon Ebert	Approve	8/22/2023
2	6	8/15/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	8/15/2023	Jeff Gray - FYI	Notified - FYI	
2	8	8/25/2023	Lincoln Saunders	Approve	8/17/2023
2	9	9/7/2023	Mayor Stoney	Approve	8/29/2023

#### **History of Legislative File**

Master Continued (Admin-2023-0679)

 Ver- Acting Body:
 Date:
 Action:
 Sent To:
 Due Date:
 Return
 Result:

 sion:
 Date:

#### Text of Legislative File Admin-2023-0679

#### **Title**

To authorize the special use of the property known as 4400 Warwick Road for the purpose of an accessory garage, upon certain terms and conditions.

#### **Body**

## O & R Request

1

**DATE:** August 14, 2023 **EDITION:** 

**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.)

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

**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 4400 Warwick Road for the purpose of an accessory garage, upon certain terms and conditions.

ORD. OR RES. No.

**PURPOSE:** To authorize the special use of the property known as 4400 Warwick Road for the purpose of an accessory garage, upon certain terms and conditions.

**REASON:** The applicant is requesting a Special Use Permit which would allow for the retroactive approval of an accessory garage that does not meet setback requirements and dimensional requirements for an accessory building. A Special Use Permit is therefore 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.

**BACKGROUND:** The property is located in the Hickory Hill neighborhood on Warwick Road, between Elmore Lane and Rucker Lane. The property is currently an improved 11,400 sq. ft. (0.262 acre) parcel of land with a one-story, 860 sq. ft. dwelling constructed, per tax assessment records, in 1950. The application requests a retroactive approval of an accessory garage that does not meet zoning requirements.

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." Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre.

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 current zoning for this property is R-4 - Residential (Single Family) zoning district. The surrounding land uses include primarily residential. The existing density of the parcel is 3.8 units per acre.

**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:** September 11, 2023

CITY COUNCIL PUBLIC HEARING DATE: October 10, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE: None** 

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

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

## ..Recommended Action

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda
Refer Back to Committee
Remove from Council Agenda

Strike Withdrawn ---- Continue to:



## 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
<a href="http://www.richmondgov.com/">http://www.richmondgov.com/</a>

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:
(See <i>page 6</i> for fee schedule, please make check payable to the "City of Richmond")
Zoning Current Zoning:
Richmond 300 Land Use Designation:
Proposed Use (Please include a detailed description of the proposed use in the required applicant's report)  garage larger than existing dwelling  Existing Use: [esidential]
Is this property subject to any previous land use cases?  Yes No  If Yes, please list the Ordinance Number:
Applicant/Contact Person: Exicabell Flores  Company:  Mailing Address: 4400 warwick Rd  City: Kichin and State: VA Zip Code: 2323 V  Telephone: (804) 334 6810 Fax: ()  Email: Tatu490 holimail, Com
Property Owner: 4400 warwick Rd  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: 4400 warwick Rd City: Richard State: 1/1 Zip Code: 2303 Y Telephone: (804) 539 7918 Fax: ( )
Property Owner Signature: Bywn Do Cid

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)



# **Building Permit – Owner Statement**

Department of Planning & Development Review, Bureau of Permits and Inspections 900 East Broad Street, Room 108 Richmond, Virginia 23219

Office: (804) 646-4169

https://www.rva.gov/planning-development-review/permits-and-inspections

Propert	y Address: 4400 waywick Rd						
Daytime Phone Number: 8045915200							
Email A	Address: Tatu496) hotmail. Com						
§ 54.1-1111. Prerequisites to obtaining business license; building, etc., permit.							
Any person applying to the building official or any other authority of a county, city, or town in this Commonwealth, charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, or structure, or any removal, grading or improvement shall furnish prior to the issuance of the permit, either (i) satisfactory proof to such official or authority that he is duly licensed or certified under the terms of this chapter to carry out or superintend the same, or (ii) file a written statement that he is not subject to licensure or certification as a contractor or subcontractor pursuant to this chapter. The applicant shall also furnish satisfactory proof that the taxes or license fees required by any county, city, or town have been paid so as to be qualified to bid upon or contract for the work for which the permit has been applied.							
A. T	O1 Exemptions; failure to obtain certificate of occupancy; penalties.  The provisions of this chapter shall not apply to:  ase choose one of the following below, and you are required to submit proof (in a PDF document(s)) for item you choose:						
	Any governmental agency performing work with its own forces;						
	Any person who performs or supervises the construction, removal, repair or improvement of no more than one primary residence owned by him and for his own use during any 24-month period;						
	Any person who performs or supervises the construction, removal, repair or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law and father-in-law;						
	Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use;						
	Any person who performs or supervises the repair or improvement of residential dwelling units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.)						

# 4400 Warwick Avenue

# SUP request:

The existing garage was constructed without approvals.

A retroactive Special Use Permit is needed to permit the already constructed garage.

The garage does not meet zoning requirements for size as it is the taller than the existing house on the property, among other things.

The houses in this neighborhood were constructed at a time when houses were much smaller than they are now. A similarly situated property with a more recently construct house would likely not require a SUP approval.

finding facts: the following are the factors indicated in Section 17.11 of the Charter and Section 114\_1050.1 at the zoning ordinance relative to the approval of special use permits by city coosil, the proposal Special uso permit will not: Be detrimental to the safety, Hedth, moral and general welforc of the Community involved. the proposed special use permit for a accessory cause 2 will not impact the safety, heath, morals, and general welfare of nearby neighborhoods. tend to create to congestions in the 5 treets, road allows Streets, road, alleys and other public ways and places in the area involved. the proposed special use permit will not result, in signifact traffic impacts, the proposed garage will not create further traffic trips as will praide off street parking for residents of the property. Create hazards from the panics, or other gangers. the property will be developed in a manner consistent wit the requirement of the building code and in accordance with the requirements of thre and Emergency Service. the cityls code applicable the the SUP are designed to eliminate such hazards. tend to cause overcrowding of land and cause and undue concentration of population.

She Sup will not lead to over the land or create and undue to concentration of population. Adversely affects or interfere with public or private schools, parks, playerounds, water supplies, sewage disposal transportation or other public requirements, conveniences and improvements.

The Sup will not adversely affect or interfere the above referenced city services, therefore with adequate in and air attribute to the subtest and adjacent proportice will not the light and air attribute to the subtest and adjacent proportice will not

THIS IS TO CERTIFY THAT ON Æ 17, 2016, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS OR ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON. THIS PROPERTY IS IN FEMA DEFINED FLOOD HAZARD AREA. ZONE: "X". 29 27 26 28 10' EASEMENT FOR DRAINAGE & UTILITIES-ROD\_(F) S44"20"00"E 60.00 ROD (F) ີ່ທ ໃດ 0 11,400 SQ.FT. 0.2617 AC. 5 7 -0.3 9.5 10.0 1 STORY FRAME No.4400 9.6 9.8 35' B/L 300.0' TO THE RUCKÉR LN, EXT'D. N44"20"00"W 60.00 WARWICK (VARIABLE WIDTH R/W) ROAD

PLAT SHOWING IMPROVEMENTS ON LOT 6, BLOCK "A", PLAN OF "WENDELL FARMS", IN THE CITY OF RICHMOND, VIRGINIA.



THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

# HARVEY L. PARKS, INC.

4508 W. HUNDRED ROAD CHESTER, VA. 748-8641 748-0515

EMAIL: SURVEYS CHARVEYLPARKS.COM DATE: JUNE 17, 2016

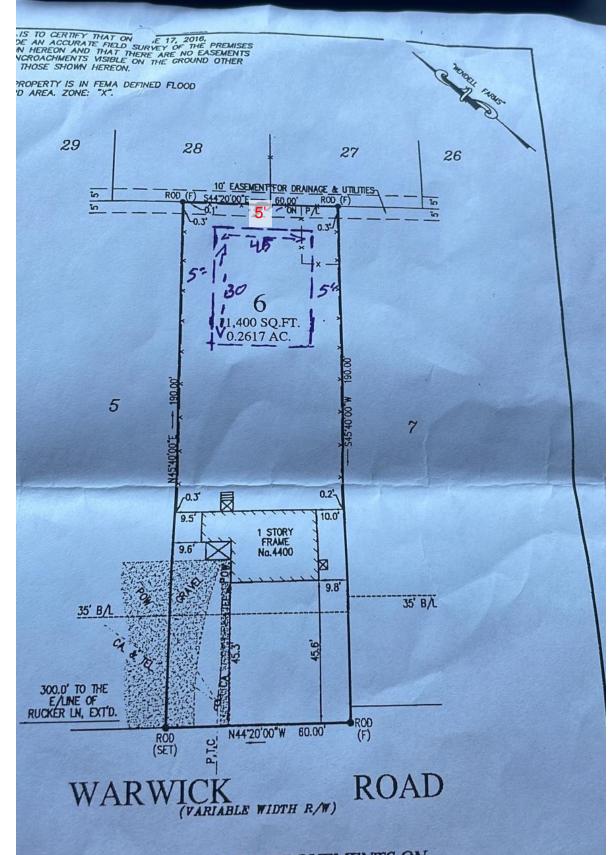
FAX: 796-5742 SCALE: 1"=30'

DRAWN BY: N.S.M.

CHECKED BY: M.E.B.

4400 Warwick Rd Update.dwg

PUR.: R. & R. VENTURE



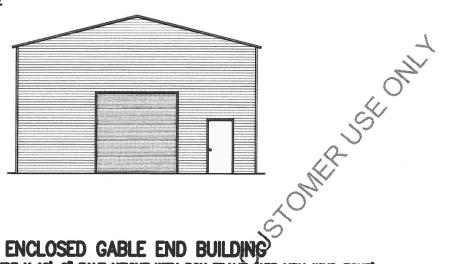
PLAT SHOWING IMPROVEMENTS ON

T 6, BLOCK "A", PLAN OF "WENDELL FARMS",

OF PICHMOND VIRGINIA.

**AUTHORIZED CUSTOMER:** 

**BYRON DEL CID** 4400 WARWICK RD **RICHMOND, VA 23234** 



ENCLOSED GABLE END BUILDING MAXIMUM 30'-0" WIDE X 16'-0" EAVE HEIGHT WITH BOX FRAME (12

FRONTLINE STEEL STRUCTURES, LLC MT. AIRY, NORTH CAROLINA

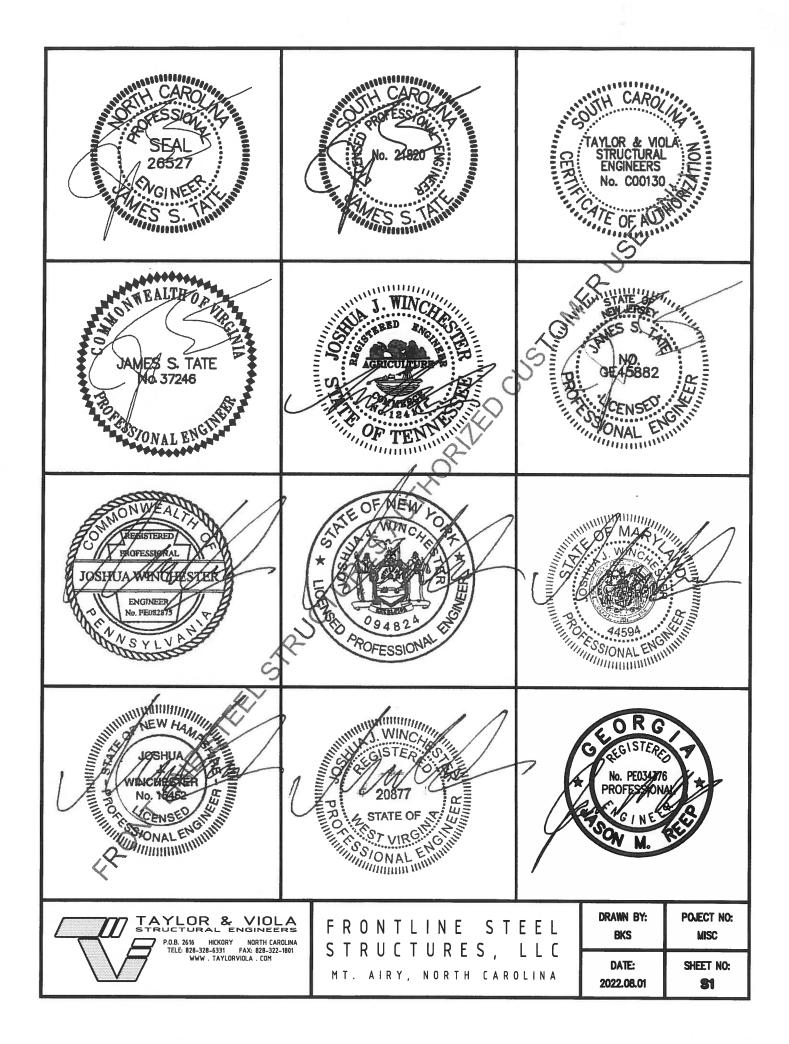
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211 Stone Brive, Pilot Mountain, NC 27841

336-399-6277



# SHEET INDEX

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	S4A		SIDE ELEVATION
	S5		FRAME SECTIONS
	S6		FRAME SECTIONS
	S7		COLUMN CONNECTIONS
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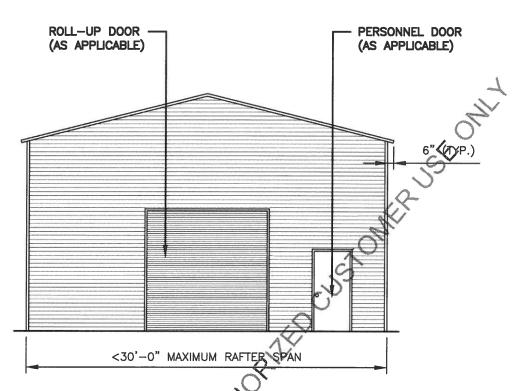
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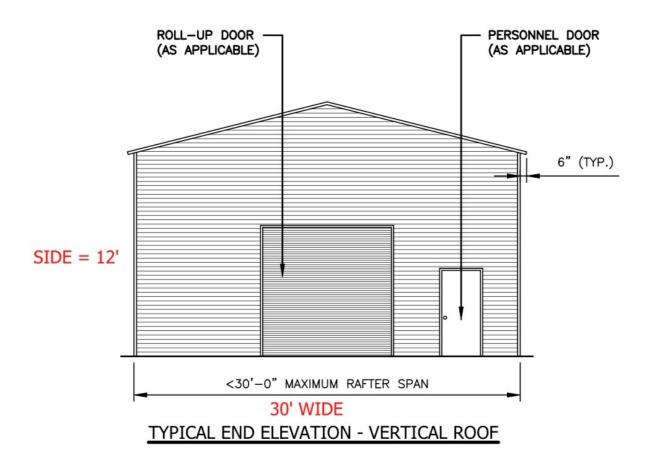
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FRONTLINE STEEL STRUCTURES, LLC MT. AIRY, NORTH CAROLINA

DRAWN BY: POJECT NO: BKS MISC DATE: SHEET NO: 2022.08.01 **S4** 

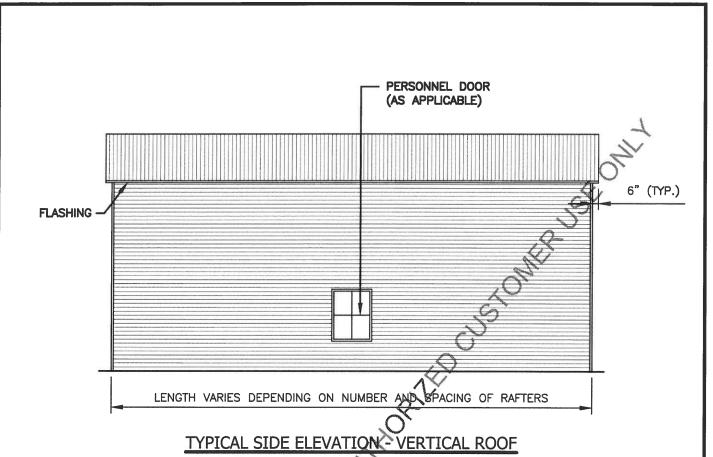


BYRON DEL CID BUILDING DIMENSIONS ARE: 30' WIDE x 45' LONG x 12' SIDE HEIGHT



FRONTLINE STEEL STRUCTURES, LLC MT. AIRY, NORTH CAROLINA

DRAWN BY:	POJECT NO:
BKS	MISC
DATE: 2022.08.01	SHEET NO:



TYPICAL SIDE ELEVATION

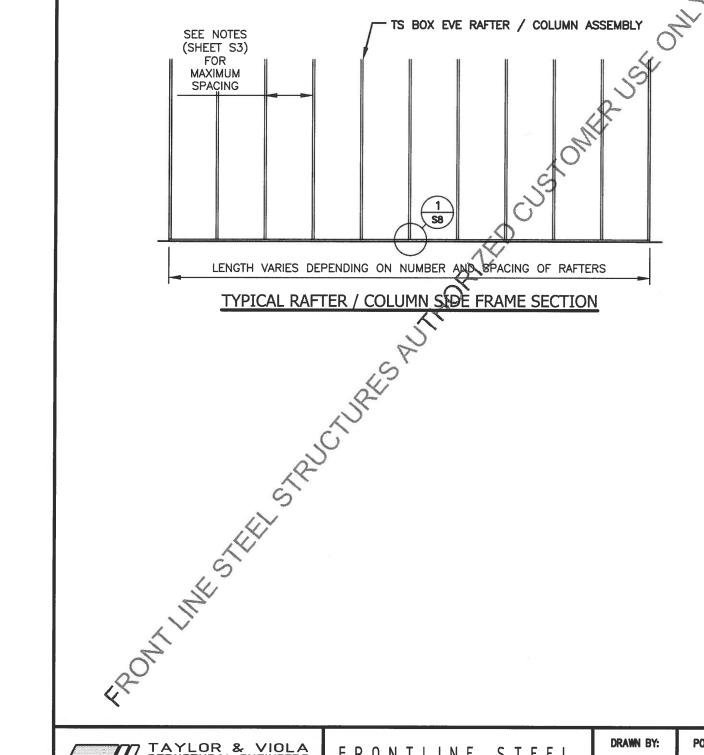
ROMALIME STEELS

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FRONTLINE STEEL STRUCTURES, LLC MT. AIRY, NORTH CAROLINA DRAWN BY: POJECT NO: MISC

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