

INTRODUCED: January 8, 2024

AN ORDINANCE No. 2024-014

To authorize the special use of the property known as 2017 2nd Avenue for the purpose of a two-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: FEB 12 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 2017 2nd Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a two-family detached dwelling, which use, among other things, is not currently allowed by section 30-412.4, concerning lot area and width, density, and unit 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: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAR 25 2024 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 2017 2nd Avenue and identified as Tax Parcel No. N000-0501/018 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled “Sketch Showing the Proposed Improvements on Lot 9, Block 10, ‘Chestnut Hill’ in the City of Richmond, VA.,” prepared by Virginia Surveys, dated August 9, 2023, and last revised September 20, 2023, 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 two-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the untitled plans, prepared by an unknown preparer, dated July 20, 2023, and last revised September 20, 2023, and on the survey entitled “Sketch Showing the Proposed Improvements on Lot 9, Block 10, ‘Chestnut Hill’ in the City of Richmond, VA.,” prepared by Virginia Surveys, dated August 9, 2023, and last revised September 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 a two-family detached dwelling, substantially as shown on the Plans.

(b) No less than one off-street parking space for each dwelling unit shall be provided for the Special Use, substantially as shown on the Plans.

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

(d) 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.

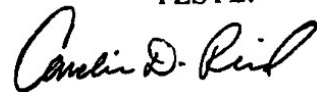
§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

APPROVED AS TO FORM:



City Attorney's Office

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-2023-1841

File ID: Admin-2023-1841

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 2

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 10/26/2023

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 01/08/2024

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Supporting documents_2017 2nd Avenue.pdf, Scanned SUP 2017 2nd Avenue AATF.pdf

Enactment Number:

Contact:

Introduction Date:

Drafter: David.Watson@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	11/27/2023	Jonathan Brown	Approve	11/29/2023
2	2	11/27/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	3	11/30/2023	Kevin Vonck	Approve	12/4/2023
2	4	11/30/2023	Alecia Blackwell - FYI	Notified - FYI	
2	5	11/30/2023	Sharon Ebert - FYI	Notified - FYI	
2	6	11/30/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	12/18/2023	Jeff Gray	Approve	12/4/2023
2	8	12/20/2023	Lincoln Saunders	Approve	12/20/2023
2	9	1/2/2024	Mayor Stoney	Approve	12/22/2023

History of Legislative File

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

Text of Legislative File Admin-2023-1841

Title

Body

O & R Request

DATE: October 26, 2023 **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

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 2017 2nd Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2017 2nd Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

BACKGROUND: The .096 acre subject property is located on the eastern side of 2nd Avenue near the corner with Cypress Street. The property is serviced by an alley that runs along the rear property line. The subject property is located in the R-6 Single-Family Attached Residential District. In this district, a two-family attached or detached dwelling is a permitted use on a parcel containing not less than 6,000 square feet in area and a width not less than fifty feet. The subject property contains 4,200 square feet and is 30 feet wide. A Special Use Permit is requested for this reason. All other lot feature requirements of the zoning district are met.

COMMUNITY ENGAGEMENT: The property is not located in an area represented by a civic association. Letters of notification will be sent to nearby property owners, and a sign noting this request shall be placed on the property once the ordinance is introduced to City Council.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: The City’s Richmond 300 Master Plan designates the property for Residential. Primary uses are primarily of single-family houses and accessory dwelling. Secondary uses are duplexes and small multi-family buildings.

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.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 8, 2024

CITY COUNCIL PUBLIC HEARING DATE: February 12, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

AFFECTED AGENCIES: Office of Chief Administrative Officer, Law Department

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Application Supporting Documents

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308
David Watson, Senior Planner, Land Use Administration, 804-646-1036

..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

<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: 2017 2nd Ave Richmond, VA 23222 Date: 08/23/2023

Parcel I.D. #: N-000-0501-018 Fee: \$300

Total area of affected site in acres: 0.02846648

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

Zoning

Current Zoning: R-6 Single

Richmond 300 Land Use Designation: _____

Proposed Use

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

two-family detached home (two dwellings, separate entrances, one unit on each floor, on a single parcel)

Existing Use: Empty Lot

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Andrew Ozik

Company: AVO Investment LLC

Mailing Address: 10018 Moultrie Rd

City: Glen Allen State: VA Zip Code: 23060

Telephone: (804) 955-9283 Fax: ()

Email: andrew.avoinvestmentllc@gmail.com

Property Owner: AVO Investment LLC

If Business Entity, name and title of authorized signee: Andrew Ozik

(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: 10018 Moultrie Rd

City: Glen Allen State: VA Zip Code: 23060

Telephone: (804) 955-9283 Fax: ()

Email: andrew.avoinvestmentllc@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)

2017 2nd Ave Richmond VA 23222.

Subject Proposal: To authorize the special use of the property 2017 2nd Ave for the purpose of Two family Detached Dwelling.

What's currently allowed by zoning:



Whats proposed by this ordinance:



Per Code

(3) Two-family attached and detached dwellings. Two-family attached and detached dwellings shall be located on lots of not less than 6,000 square feet in area with a width of not less than 50 feet (see article VI, division 3, of this chapter).

Our Parcel

- ▶ **2017 2nd Ave the lot area of 6,000 SF is required while 4200 SF exists. The width is 30' on the lot currently.**

The reason we have applied for permission to build a Two-Family Detached (Duplex) it is our firm belief that it will benefit the overall consistency of the avenue, and be a better fit for the look and spirit of the neighborhood.

We want to increase affordability in the area. We see precedence around the area, a new subdivision being built. We think its a great idea because we settle more people this way in our community.

AVO Investment LLC

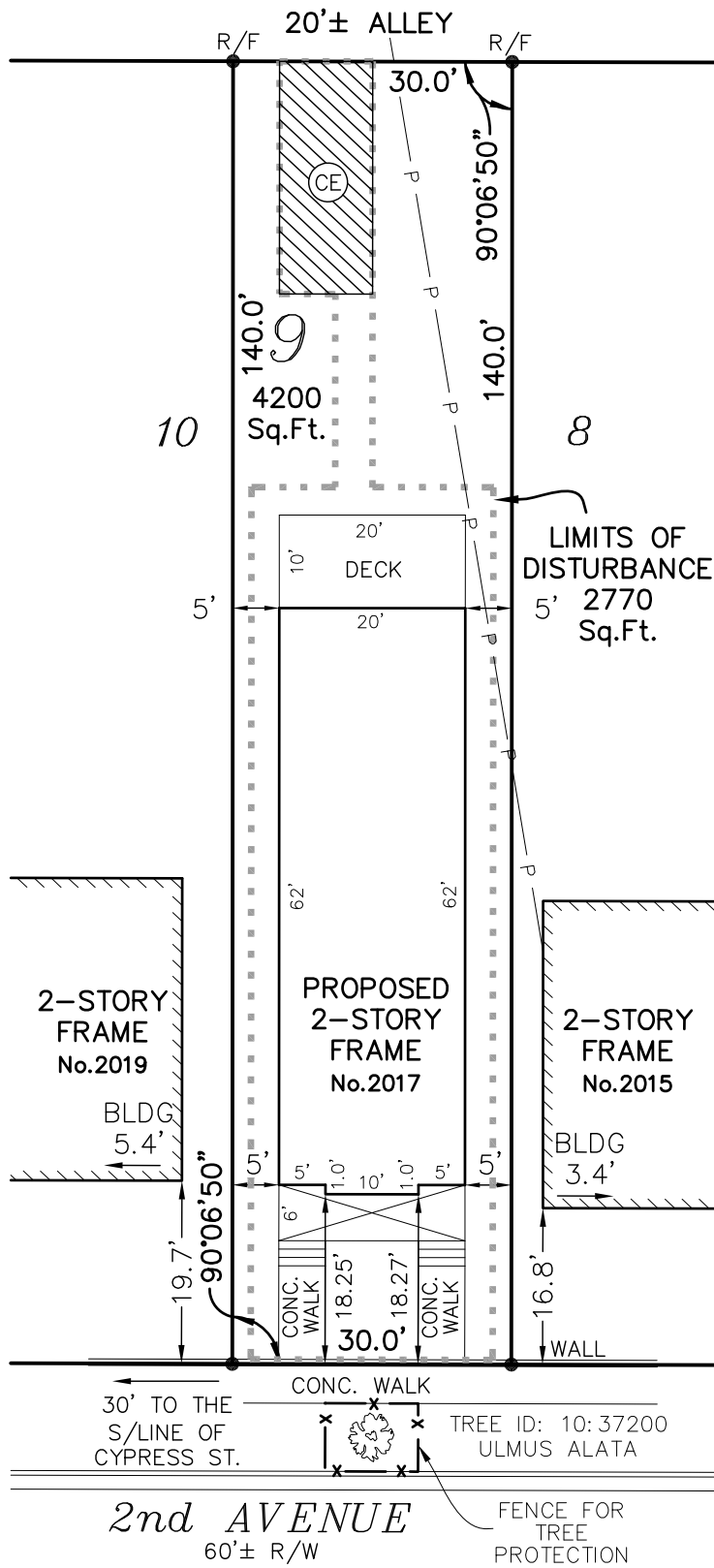
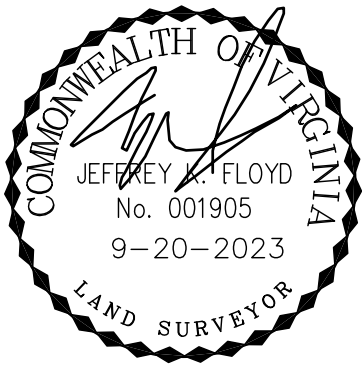
Check out a live example, identical to the ones proposed, at

https://www.realtor.com/realestateandhomes-detail/313-W-26th-St_Richmond_VA_23225_M56194-16098

Contact us at 804.955.9283 or andrew.avoinvestmentllc@gmail.com , AVO Investment

SCALED CITY
BASELINE

Ⓢ
GRAVEL CONSTRUCTION
ENTRANCE /
OFF-STREET PARKING



2nd AVENUE
60'± R/W

FENCE FOR
TREE
PROTECTION

SKETCH SHOWING THE
PROPOSED IMPROVEMENTS
ON LOT 9, BLOCK 10,
"CHESTNUT HILL"

IN THE CITY OF RICHMOND, VA.



Virginia Surveys
P.O. BOX 118
CHESTERFIELD, VA 23832
(804) 748-9481
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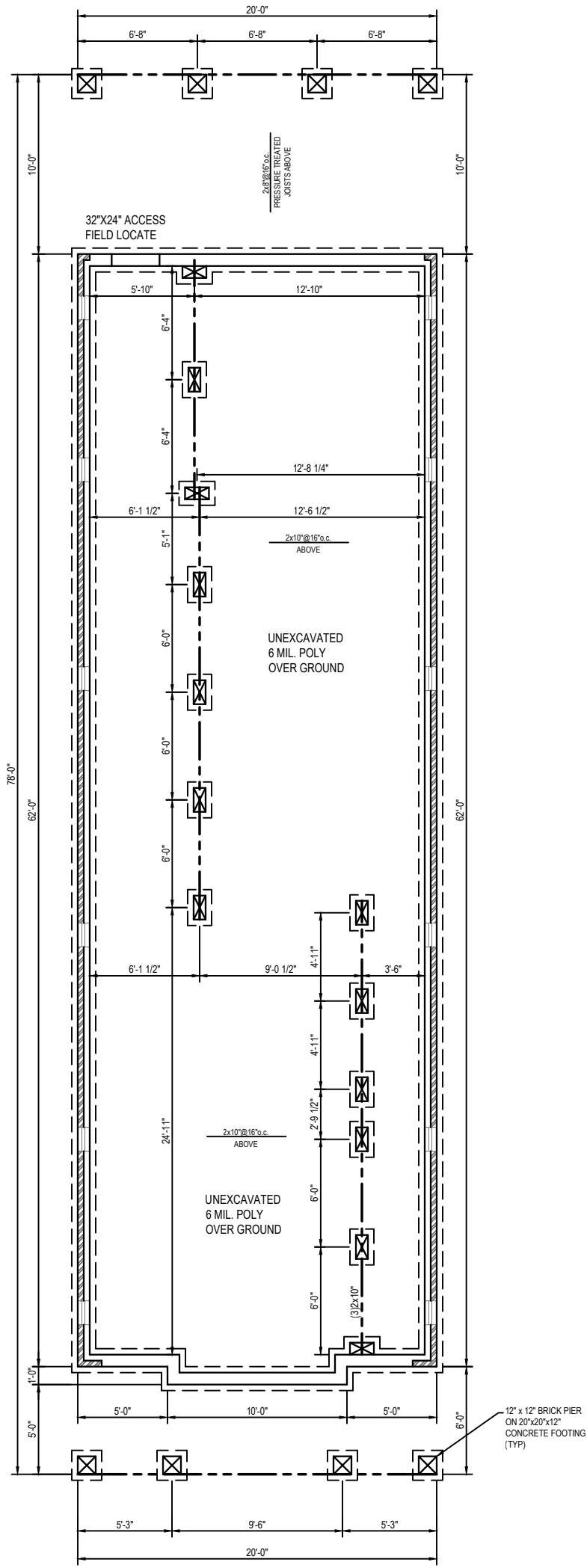
REVISED: 9-20-2023
DATE: 8-9-2023

CERTIFIED BY JEFFREY K. FLOYD

VIRGINIA CERTIFICATE NO. 001905

SCALE: 1"=20'

JOB NO. 230715878



FOUNDATION PLAN		
Address:	REVISIONS:	09/20/23
DATE:	07/20/23	
SCALE:	1/8"=1-0'	SHEET 1 OF 7

AREA CALCULATIONS

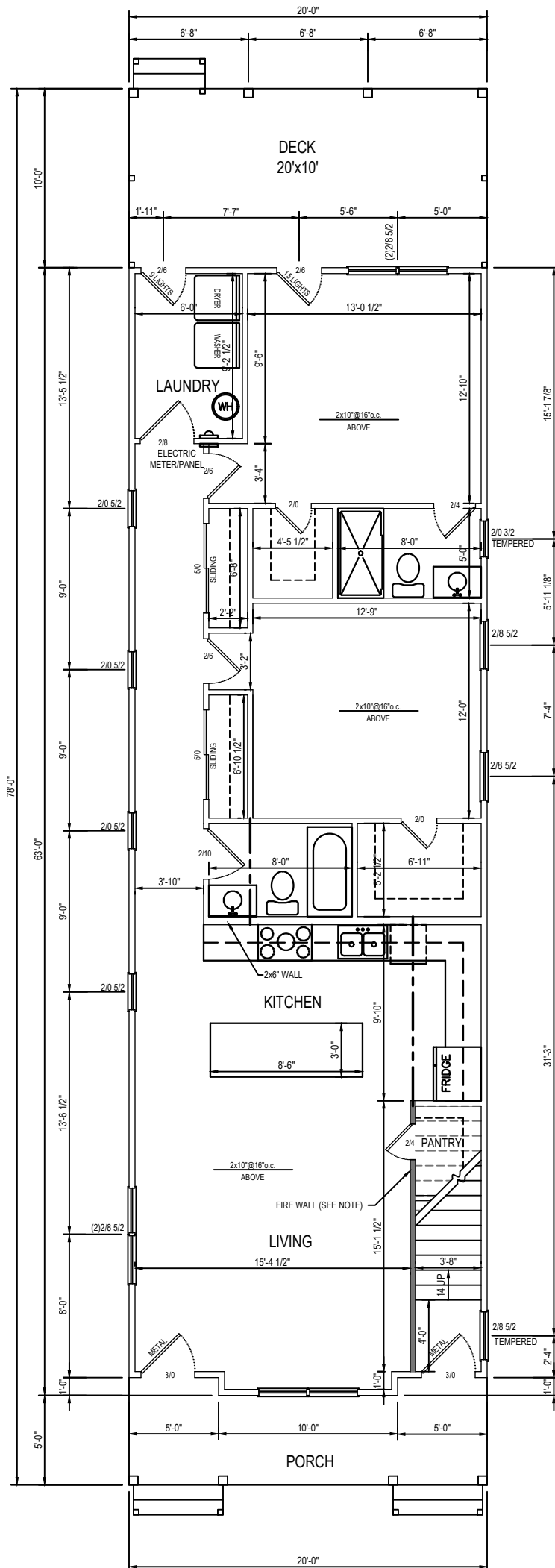
1st. FLOOR SQ.FT.	1212
2nd. FLOOR SQ.FT.	1270

HEADER SCHEDULE

SPAN	SIZE
Less than 3'-0"	(2) 2 X 4
3'-1" to 4'-0"	(2) 2 X 6
4'-1" to 5'-0"	(2) 2 X 8
5'-1" to 8'-0"	(2) 2 X 10
** Unless Noted Otherwise	

1hr. Fire-Resistive Wall Assembly (1 layers 5/8 Type X Gypsum)

SEE PLAN FOR WINDOWS DIMENSIONS. ALL WINDOWS ARE VINYL, DOUBLE HANG AND LOW-E.

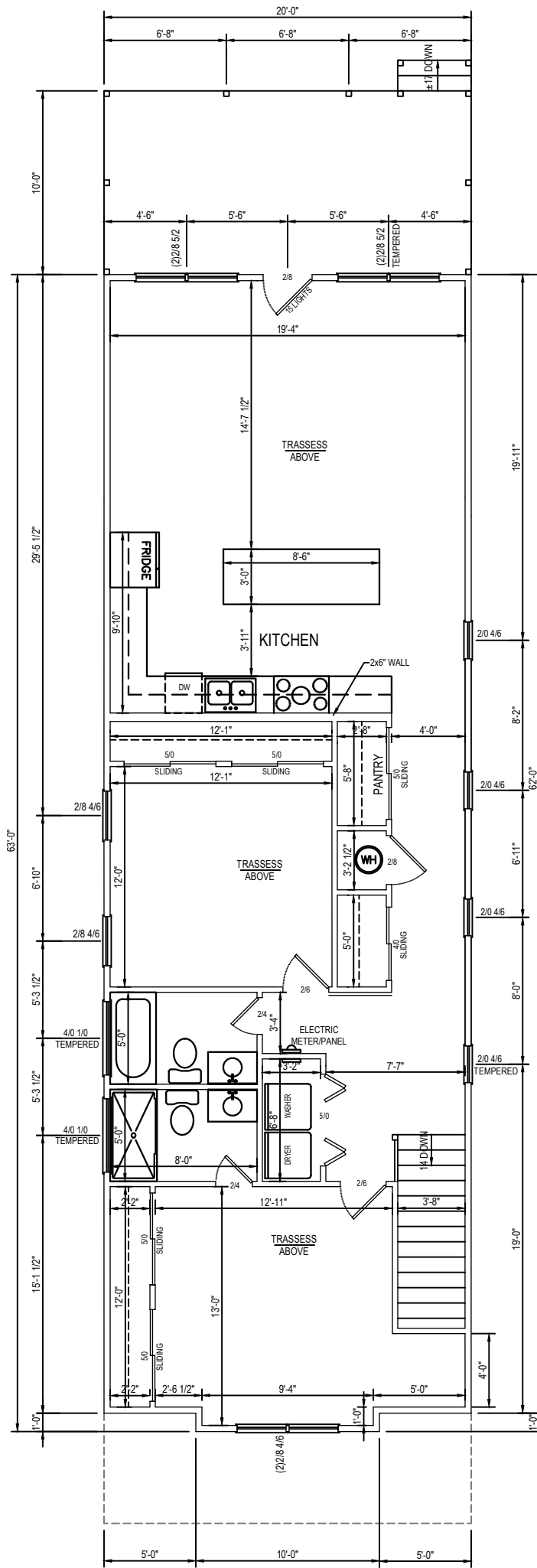


FIRST FLOOR LAYOUT		
Address:	REVISIONS:	09/20/23
DATE:		
SCALE:	SHEET 2 OF 7	

HEADER SCHEDULE

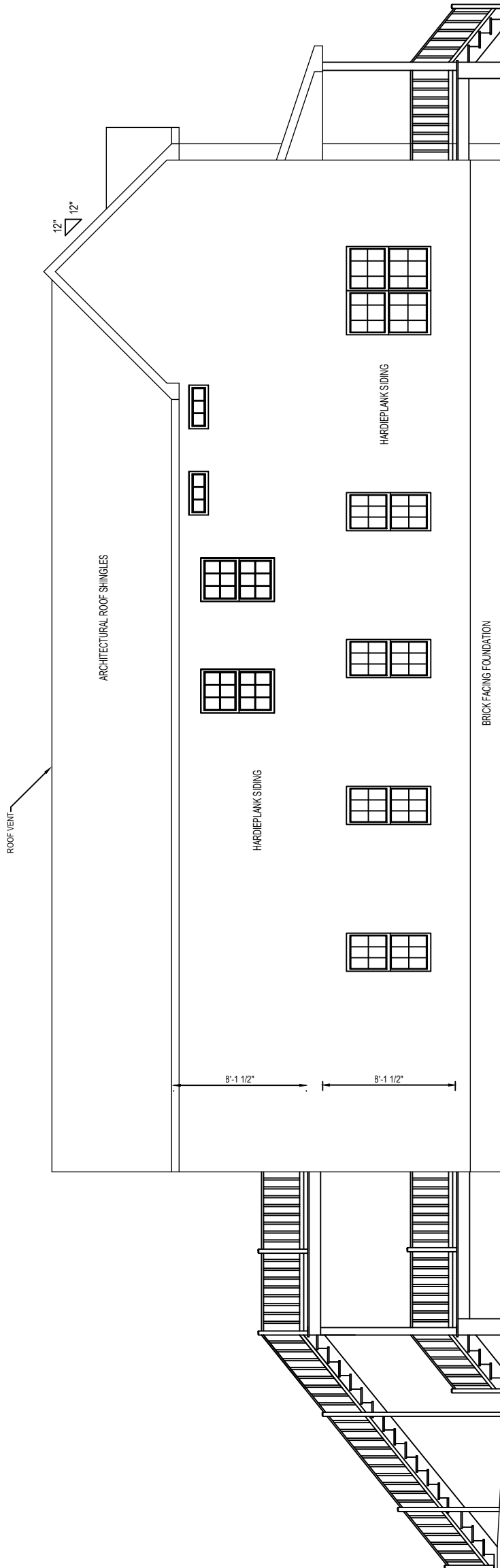
SPAN	SIZE
Less than 3'-0"	(2) 2 X 4
3'-1" to 4'-0"	(2) 2 X 6
4'-1" to 5'-0"	(2) 2 X 8
5'-1" to 8'-0"	(2) 2 X 10

** Unless Noted Otherwise



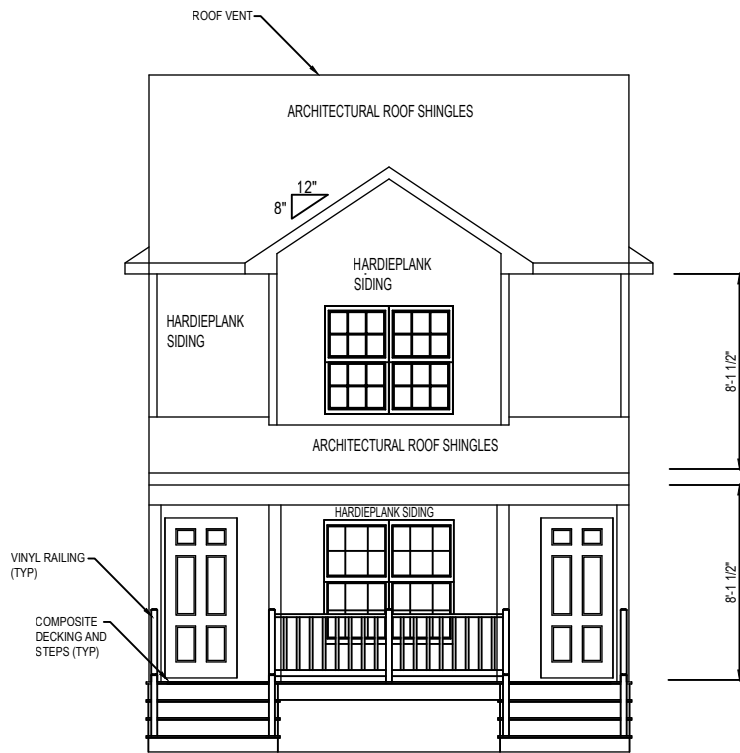
SECOND FLOOR LAYOUT

Address:	REVISIONS:	09/20/23
DATE:		
SCALE:	SHEET 3	OF 7

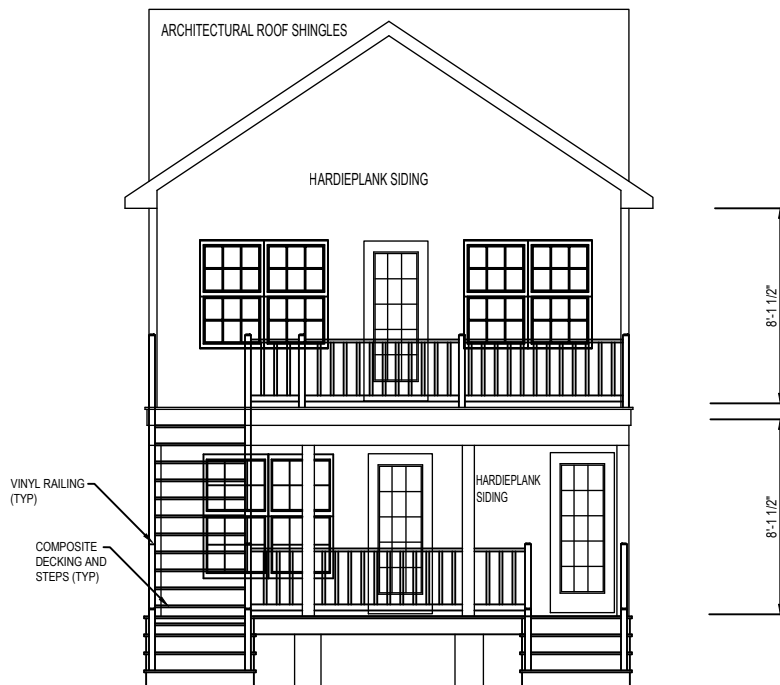


LEFT ELEVATION

Address:	REVISIONS:	09/20/23
DATE: 07/20/23		
SCALE: 1/8"-1-0'	SHEET 4	OF 7

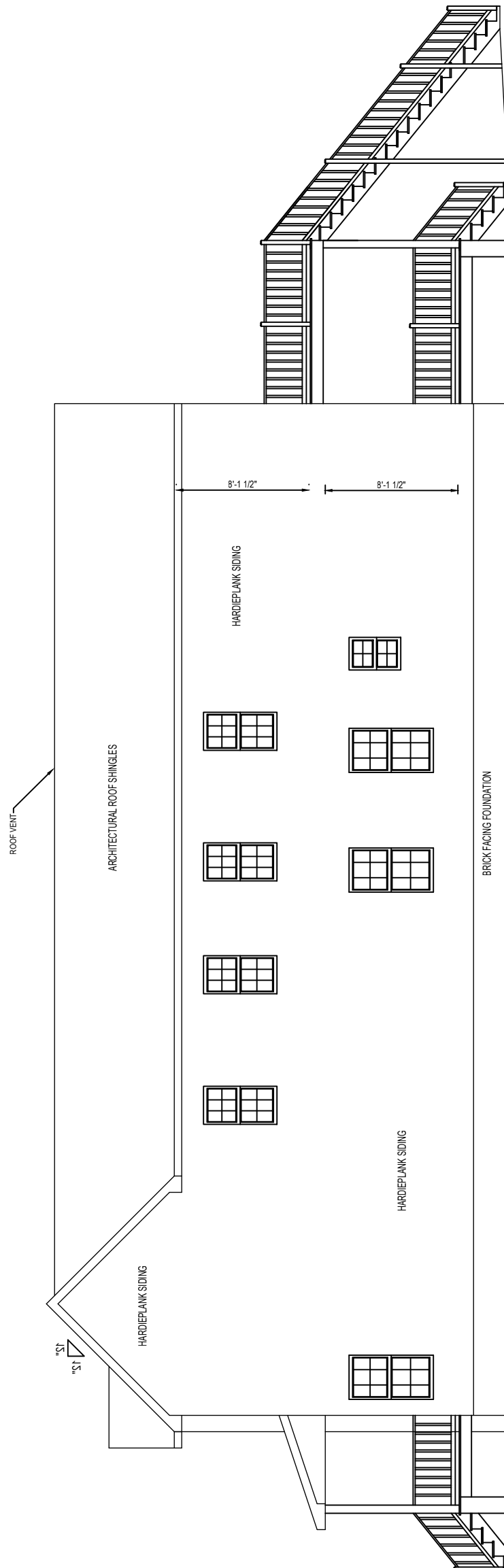


FRONT ELEVATION

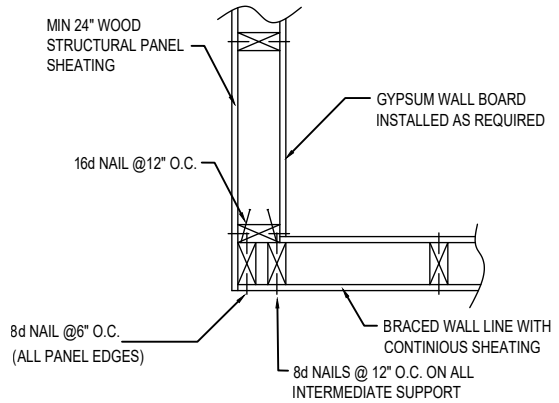
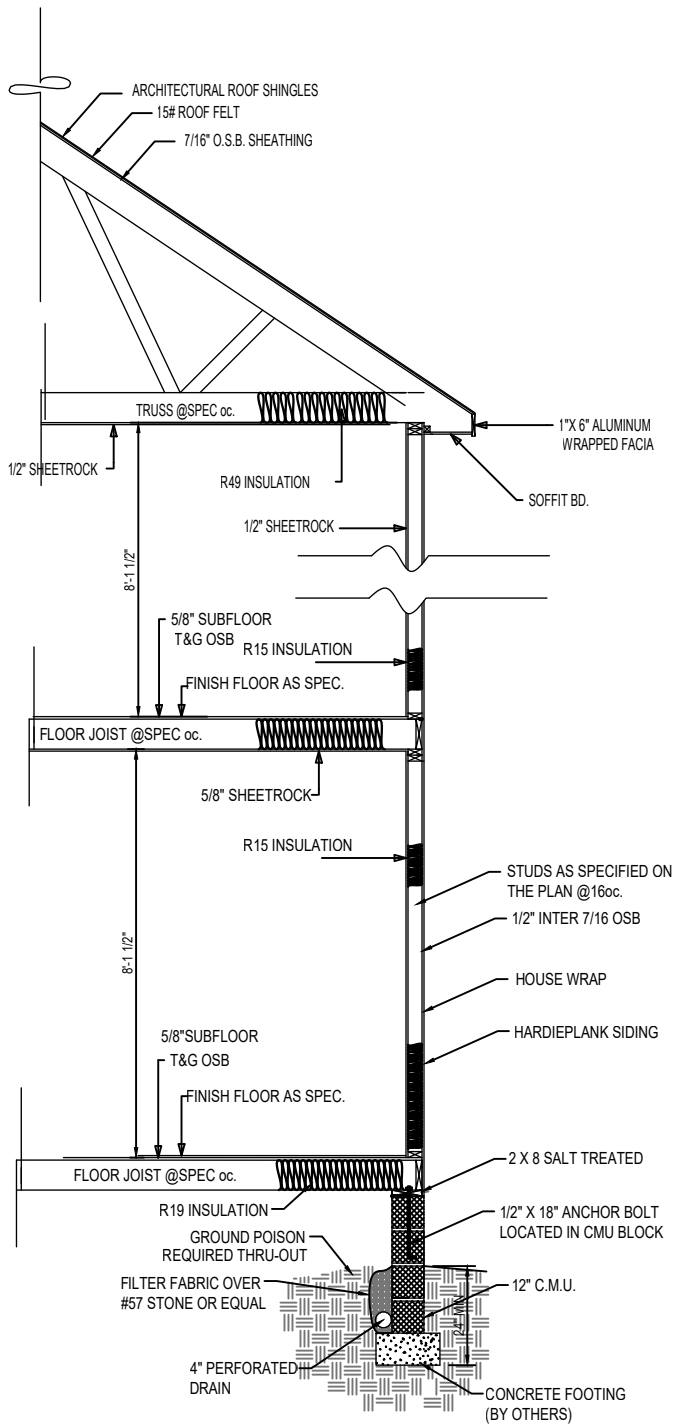


REAR ELEVATION

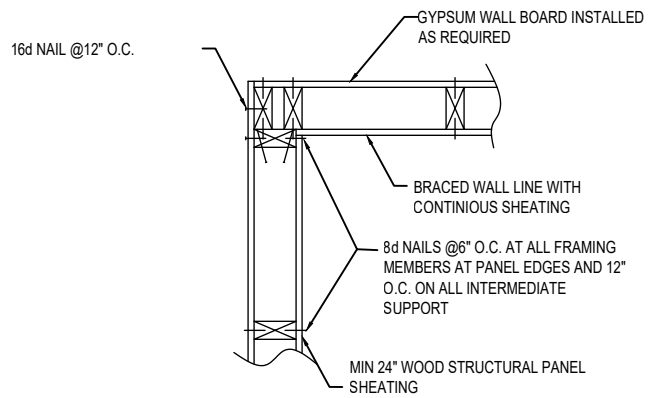
ELEVATIONS		
Address:	REVISIONS:	09/20/23
DATE:	07/20/23	
SCALE:	1/8"-1-0'	SHEET 5 OF 7



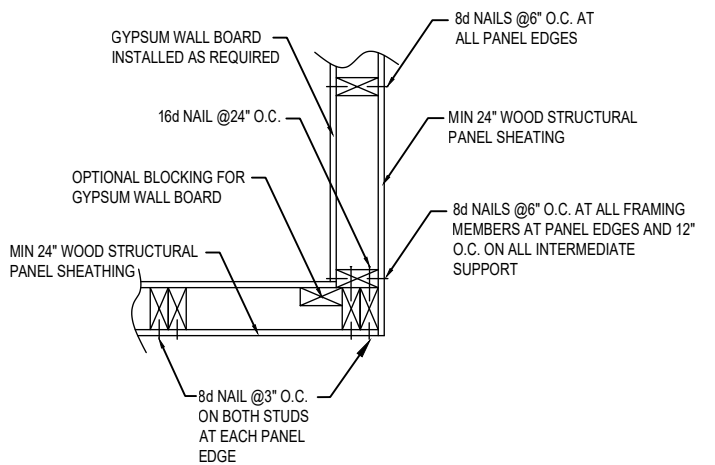
RIGHT ELEVATION		
Address:	REVISIONS:	09/20/23
DATE: 07/20/23		
SCALE: 1/8"-1-0'	SHEET 6	OF 7



OUTSIDE CORNER DETAIL



INSIDE CORNER DETAIL



TYP EXTERIOR CORNER FRAMING FOR CONTINUOUS SHEATHING

EXTERIOR CORNER FRAMING

N.T.S.

DETAILS		
Address:	REVISIONS:	09/20/23
DATE:	07/20/23	
SCALE:	1/4"=1'-0"	SHEET 7 OF 7