

INTRODUCED: May 11, 2020

AN ORDINANCE No. 2020-120

To authorize the special use of the property known as 7345 Longview Drive for the purpose of a wildlife rehabilitation facility accessory to an existing 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: JUN 8 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 7345 Longview Drive, which is situated in a R-2 Single-Family Residential District, desires to use such property for the purpose of a wildlife rehabilitation facility accessory to an existing single-family detached dwelling, which use, among other things, is not currently allowed by section 30-404.2 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2019), 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:   JUN 8 2020   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 (2015), 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 7345 Longview Drive and identified as Tax Parcel No. C004-0377/006 in the 2020 records of the City Assessor, being more particularly shown on a plat entitled “Plat Showing Improvements on Lot 3, Block ‘A’, Plan of ‘Rockfalls’, Section ‘A’, in the City of Richmond, Virginia.,” prepared by Potts, Minter and Associates, P.C., and dated November 13, 1992, 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 wildlife rehabilitation facility accessory to an existing single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Rehabilitation area, 7345 Longview Drive,” prepared by an unknown preparer, and dated February 20, 2020, 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 wildlife rehabilitation facility accessory to an existing single-family detached dwelling, substantially as shown on the Plans and as described in the Applicant’s Report, a copy of which is attached to and made a part of this ordinance.

(b) The Special Use shall be regulated by the Virginia Department of Game and Inland Fisheries and shall only be operated by a person or persons licensed by such agency as Wildlife Rehabilitators. No rehabilitation for wild animals not designated on such Wildlife Rehabilitator's license shall occur on the Property.

§ 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 (2015), 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 (2015), 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 (2015), 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 (2015), 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

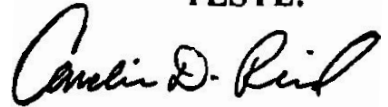
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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:**

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive style with a large initial 'C'.

**City Clerk**

# City of Richmond

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

## Item Request File Number: PRE.2020.052

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### O & R Request

**DATE:** April 13, 2020

**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.)  5/7/2020

**THROUGH:** Lenora G. Reid, Acting Chief Administrative Officer  4/20/2020

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

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review 

**RE:** To authorize the special use of the property known as 7345 Longview Drive for the purpose of a wildlife rehabilitation facility accessory to a single-family dwelling, upon certain terms and conditions.

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

**PURPOSE:** To authorize the special use of the property known as 7345 Longview Drive for the purpose of a wildlife rehabilitation facility accessory to a single-family dwelling, upon certain terms and conditions.

**REASON:** The property is located in the R-2 Single-Family Residential District. In this district, the keeping or raising of domestic animals for noncommercial purposes is a permitted accessory use. However, a wildlife rehabilitation facility is not listed as a permitted accessory use. 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. This item will be scheduled for consideration by the Commission at its June 1, 2020, meeting.

**BACKGROUND:** The subject property consists of approximately 1 acre of land containing a 1,818 SF single-family dwelling. It is located in the Stratford Hills Neighborhood within the City's Huguenot Planning District. The subject property is heavily wooded and has a steep slope in the back. A wooded buffer exists along both side yard property lines that effectively screens sightlines from neighboring properties. The front of the property is also screened.

Wildlife rehabilitation is allowed only with a permit from the Department of Game and Inland Fisheries (DGIF). DGIF requires that any wildlife rehabilitation facility shall have verification from the local zoning administrator that wildlife rehabilitation is a permitted use for the property where it is to occur. Thus a special use permit must be authorized prior to re-certification by DGIF.

The proposed special use will consist of a rehabilitation room inside the dwelling and the number of animals kept will be small due to space available and the time commitments for care. Several outdoor cages are located in the back yard and these are use in order to acclimate animals to the outdoor environment prior to release. No animals will roam at large on the property.

The City of Richmond's Master Plan designates the subject property for Single-Family (Low Density) uses. Primary use is single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses.

All properties surrounding the subject property are located within the same R-2 Single-Family Residential zoning district. The properties in the vicinity of the subject property all contain single-family 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:** May 11, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** June 8, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
June 1, 2020

**AFFECTED AGENCIES:** Office of Chief Administration Officer  
Law Department (for review of draft ordinance)



**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

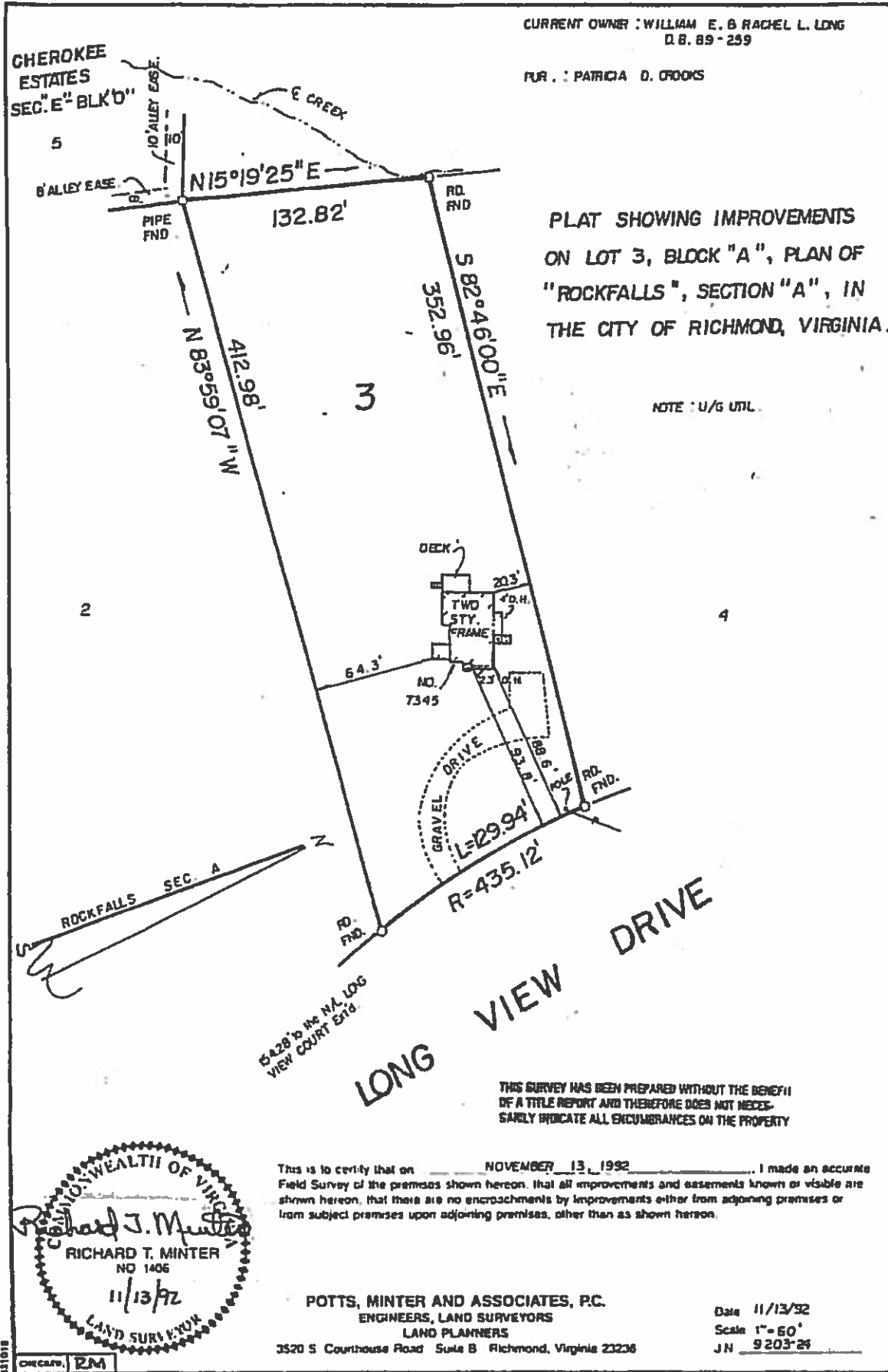
**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

**STAFF:** David Watson, Senior Planner, Land Use Administration, 804-646-1036

NOTE: THIS PROPERTY IS LOCATED IN  
 ZONE C AS SHOWN ON FEMA  
 COMMUNITY PANEL NO. 510129 0005 B

CURRENT OWNER : WILLIAM E. & RACHEL L. LONG  
 D.B. 89-259

PUR. : PATRICIA D. CROOKS

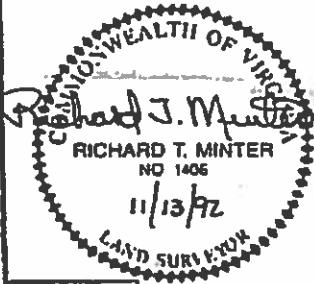


PLAT SHOWING IMPROVEMENTS  
 ON LOT 3, BLOCK "A", PLAN OF  
 "ROCKFALLS", SECTION "A", IN  
 THE CITY OF RICHMOND, VIRGINIA.

NOTE : U/G UTIL.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT  
 OF A TITLE REPORT AND THEREFORE DOES NOT NECESSARILY  
 INDICATE ALL ENCUMBRANCES ON THE PROPERTY

This is to certify that on NOVEMBER 13, 1992 I made an accurate  
 Field Survey of the premises shown hereon, that all improvements and easements known or visible are  
 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.



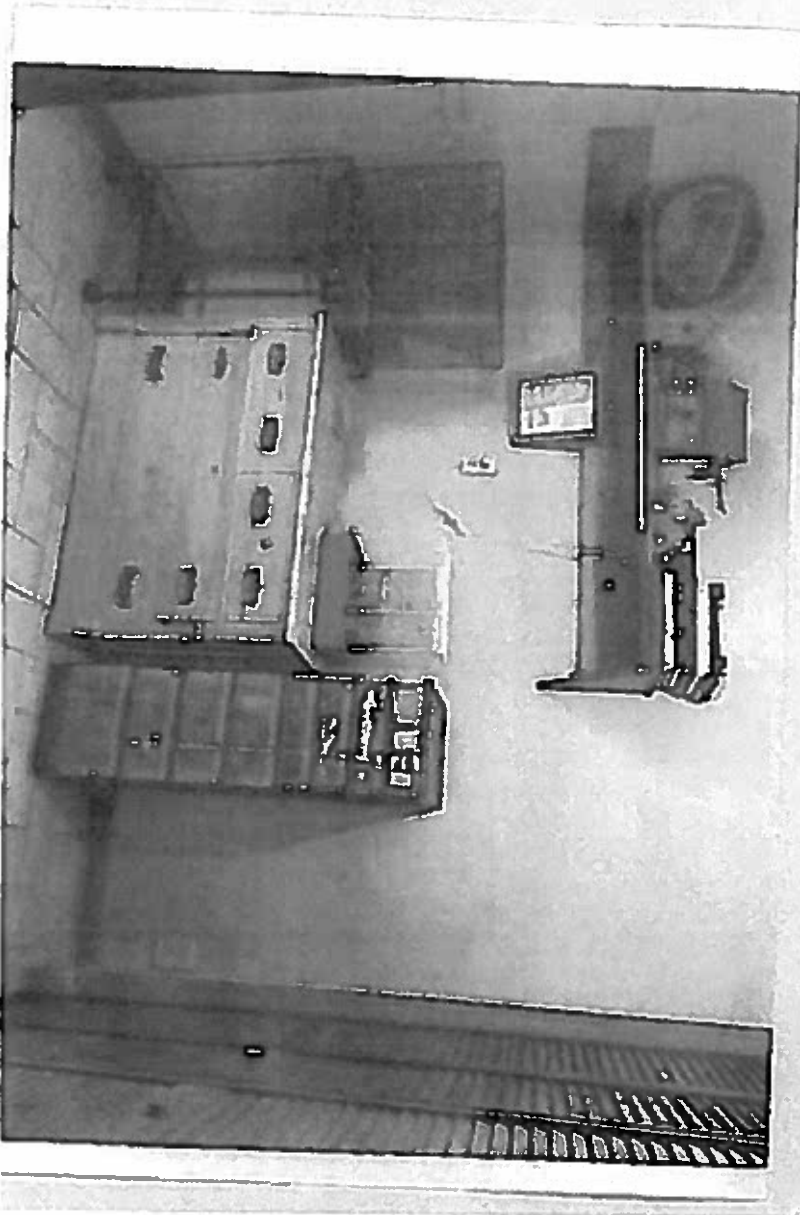
POTTS, MINTER AND ASSOCIATES, P.C.  
 ENGINEERS, LAND SURVEYORS  
 LAND PLANNERS  
 3520 S Courthouse Road Suite B Richmond, Virginia 23226

Date 11/13/92  
 Scale 1" = 60'  
 JN 9203-24

Rehabilitation area,

7345 Longview Drive

Feb. 20, 2020





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: 7345 Longview Drive Date: 1/29/20  
 Tax Map #: C0040377008 Fee: \$300.00  
 Total area of affected site in acres: 1.081

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

**Zoning**

Current Zoning: residential R-2 Single family

Existing Use residential

**Proposed Use**

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

Existing Use: \_\_\_\_\_

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Patricia A. DeZem

Company: N/A  
 Mailing Address: 7345 Longview Drive  
 City: Richmond State: VA Zip Code: 23225  
 Telephone: (804) 468-1151 Fax: ( )  
 Email: pat.dezem@icloud.com

**Property Owner:** Patricia A. DeZem

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: 7345 Longview Drive  
 City: Richmond State: VA Zip Code: 23225  
 Telephone: (804) 468-1151 Fax: ( )  
 Email: pat.dezem@icloud.com

**Property Owner Signature:** Patricia A. DeZem

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

City of Richmond  
Special Use Permit for Wildlife Rehabilitation  
Applicant's Report: Patricia A. DeZern  
January 29, 2020

## Background

**Wildlife Rehabilitation Permits.** The Virginia Department of Game and Inland Fisheries (DGIF) licenses wildlife rehabilitators to provide care for injured and orphaned wildlife. The goal is to return wildlife to their natural habitats. DGIF requires extensive initial hands on training and supervision and 8 hours of course education annually. Wildlife Rehabilitators are subject to State rules and regulations and inspections and must submit reports to DGIF each year. In Virginia Wildlife Rehabilitators are not allowed to request donations for services, but can accept donations.

**The Need.** There are only 200-300 permitted wildlife rehabilitators in the Commonwealth of Virginia. Each year the demand for wildlife rehabilitation far exceeds the capacity of area wildlife rehabbers. I understand the number of wildlife rehabilitators is declining due to the difficulty of the work, high level of stress and rising out of pocket expenses.

## Applicant Proposal

I am a member of AWARE, Alliance of Wild Animal Rehabilitators & Educators. AWARE is an all volunteer non-profit organization working with concerned citizens and wildlife rehabilitators. AWARE has relationships with local veterinarians, who assist with diagnosis and treatment, and with large facilities such as the Wildlife Center of Virginia. Animal control officers, police, vets and the general public may assist with transporting orphaned and injured animals for wildlife rehabilitation. AWARE provides educational programs to organizations and schools, primarily in the Richmond Metro area. All proceeds from programs go to the care of injured and orphaned wildlife so they can be returned to the wild.

I obtained my first Wildlife Rehabilitation Permit in 2018 and have since cared for 50 small animals. On January 22, 2020, DGIF informed me that I must obtain a Special Use Permit from the City of Richmond. I am, therefore, requesting a Special Use Permit to provide wildlife rehabilitation of small animals at my home at 7345 Longview Drive.

**Rehabilitation area.** I use my laundry room (7 foot 7 inches by 8 foot 4.5 inches) as my rehabilitation room (see attached photo). After the baby animals have reached a certain size indoors and injured animals have sufficiently recovered, they must become acclimated to the outdoors in cages. I have several secure cages located in a wooded area of my property that meet the needs of small animals. Once acclimated, the animals will be returned to their native habitat.

### **Why the special use will not be detrimental:**

- My home is situated on a 1.061 A wooded lot (see attached survey plat). The back of the property slopes down to a creek with no homes visible on the opposite side of the wooded ravine. There is a buffer of trees between my house and neighbors on the sides and road front.
- The small animals will not roam at large in the neighborhood.

I hope that my proposal will be approved so that I can carry on this valuable service to the community.

**Response to Additional Questions for Applicant**  
7345 Longview Drive  
from Zoning Administration  
March 5, 2020

In response to the additional questions from Janell Baker, Zoning Administration, PDR, I have addressed each of them below.

**1. Provide list of wildlife animals allowed by licensure for shelter at dwelling.**

I want to rehabilitate small orphaned or injured animals in my home, such as birds, chipmunks, bunnies, squirrels, turtles and opossums, with the goal of return to their natural habitat. I do not accept larger animals for rehabilitation, such as raccoons, foxes, or deer.

Since the Department of Game and Inland Fisheries (DGIF) learned a Special Use Permit is required within the City of Richmond, I am no longer permitted to possess wildlife. The attached 2020 Category IV Permit only allows me to care for wildlife at permitted facilities. The DGIF process requires approval of the Special Use Permit prior to issuing a permit allowing me to possess wildlife.

**2. Will use require additional staff (paid or volunteer) to execute business operations?**

No.

**3. Describe in detail services being offered to injured and orphaned wildlife animals.**

I provide age and species appropriate nutrition, care and housing. For very young animals this means frequent hand feedings, heat from a heating pad, and humidity. Injured animals may require special care at the direction of a veterinarian. As the babies mature, they are provided enriched environments to help develop the skills needed for successful return to their natural habitat. Prior to release, animals are placed in outdoor cages to acclimate to the sights, sounds, scents, temperatures and weather conditions in nature.

**4. Provide the maximum number of injured and orphaned wildlife animals allowed for keeping in the home at any one time.**

I can accept only a few baby animals at any given time due to the extensive amount of time required to hand feed them. I must also limit the number of animals I accept due to the small space available in my rehabilitation room and acclimation cages.