

INTRODUCED: December 14, 2020

AN ORDINANCE No. 2020-267

To authorize the special use of the property known as 4016 Newport Drive for the purpose of an existing detached storage shed accessory to an existing single-family dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by
the City Attorney

PUBLIC HEARING: JAN 11 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 4016 Newport Drive, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of an existing detached storage shed accessory to an existing single-family dwelling, which use, among other things, is not currently allowed by section 30-680.1, concerning location within required yards, 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 (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 11 2021 REJECTED: _____ STRICKEN: _____

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 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 4016 Newport Drive and identified as Tax Parcel No. N000-2182/010 in the 2020 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on Lot 23, Block ‘L’, Plan of ‘Brookdale’, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated May 26, 2020, 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 existing detached storage shed accessory to an existing single-family dwelling, substantially as shown on the plans entitled “Site Plan: 4016 Newport Dr., Richmond, VA 23227,” prepared by Christine Tirone, and dated June 15, 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 an existing detached storage shed accessory to an existing single-family dwelling, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed one-story, substantially as shown on the Plans.

(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 (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

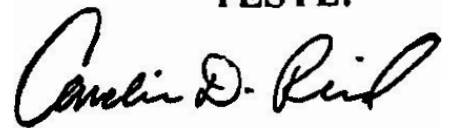
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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 that reads "Carlin D. Reid". The signature is written in a cursive style with a large initial 'C'.

City Clerk

RECEIVED

By Barbara Fore at 3:14 pm, Nov 20, 2020

RECEIVED
By GAO Office at 9:51 am, Nov 19, 2020

2020-177

City of Richmond

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

RECEIVED

By Barbara Fore at 2:20 pm, Dec 04, 2020

Item Request

File Number: PRE.2020.394

O & R Request

DATE: November 13, 2020

EDITIO N: 1

TO: The Honorable Members of City Council

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



THROUGH: Lenora G. Reid, Acting Chief Administrative Officer *lgr*



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 4016 Newport Drive for the purpose of an existing detached storage shed, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 4016 Newport Drive for the purpose of an existing detached storage shed, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to authorize the use of an existing detached storage shed within an R-5 Single-Family Residential zone. Detached storage sheds are allowed within these zones. However, the existing structure does not meet the rear and side yard set-back requirements as constructed. 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 January 4, 2021, meeting.

BACKGROUND: The subject property consists of a 4,868 SF or .112 acre parcel of land. The property is located in the Bellevue neighborhood within the City's North Planning District along Newport Drive between the Bellevue and Nottaway Avenues.

The current Master Plan designates this parcel as Single Family Low Density. The 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. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5." (City of Richmond, 2001 Master Plan)

The Draft Richmond 300 Master Plan designates the subject property as "Residential" which recommends a development style of "...medium-sized and large-sized lots in a largely auto-dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings." Primary uses include "Single-family houses, accessory dwelling units, and open space." Secondary uses include "Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets." (Draft Richmond 300 Master Plan, p. 54)

Nearby properties are located in the same R-5 zoning district with a small B-1 Business district to the east. While the area is largely residential, some institutional and commercial land uses are present in the vicinity.

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: December 14, 2020

CITY COUNCIL PUBLIC HEARING DATE: January 11, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
January 4, 2021

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

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734



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: 4016 Newport Drive Date: 7.3.2020
 Tax Map #: N0002182010 Fee: \$ 300
 Total area of affected site in acres: .112 Acres

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

Zoning

Current Zoning: R5

Existing Use: Single family detached.

Proposed Use

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

Single family use with shed
 Existing Use: single family home

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Christine M Tirone
 Company: —
 Mailing Address: 4016 Newport Drive
 City: Richmond State: VA Zip Code: 23227
 Telephone: (757) 903-9385 Fax: ()
 Email: ctirone@yahoo.com

Property Owner: Christie M Tirone
 If Business Entity, name and title of authorized signee: [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: 4016 Newport Dr
 City: Richmond State: VA Zip Code: 23227
 Telephone: (757) 903-9385 Fax: ()
 Email: ctirone@yahoo.com

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)

Christine Tirone

4016 Newport Drive

Richmond, VA23227

July 3, 2020

Applicants Report

I am requesting a Special Use Permit for the shed structure located in the rear of my property. The rear yard on my property is angled as it follows along the alleyway. In an attempt to utilize my property efficiently and to square the shed to the house structure the shed was set unknowingly within the necessary setback. The shed is completely on my property and within the fence line.

As per the requirements set for Special Use Permits:

The shed structure is NOT in any way detrimental to the safety, healthy, morals and general welfare of the community.

The shed structure DOES NOT create congestion in streets, roads, alleys, and other public ways and places in the area involved.

The shed structure DOES NOT create hazards from fire, panic or other dangers.

The shed structure DOES NOT cause overcrowding of land and undue concentration of population.

The shed structure in NO WAY adversely affect or interferes with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, convenient and improvements.

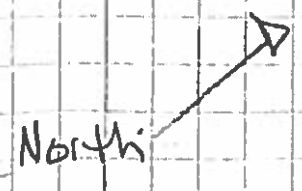
The shed structure DOES NOT interfere with adequate light and air.

Site Plan: 4016 Newport Dr.
Richmond, VA 23227

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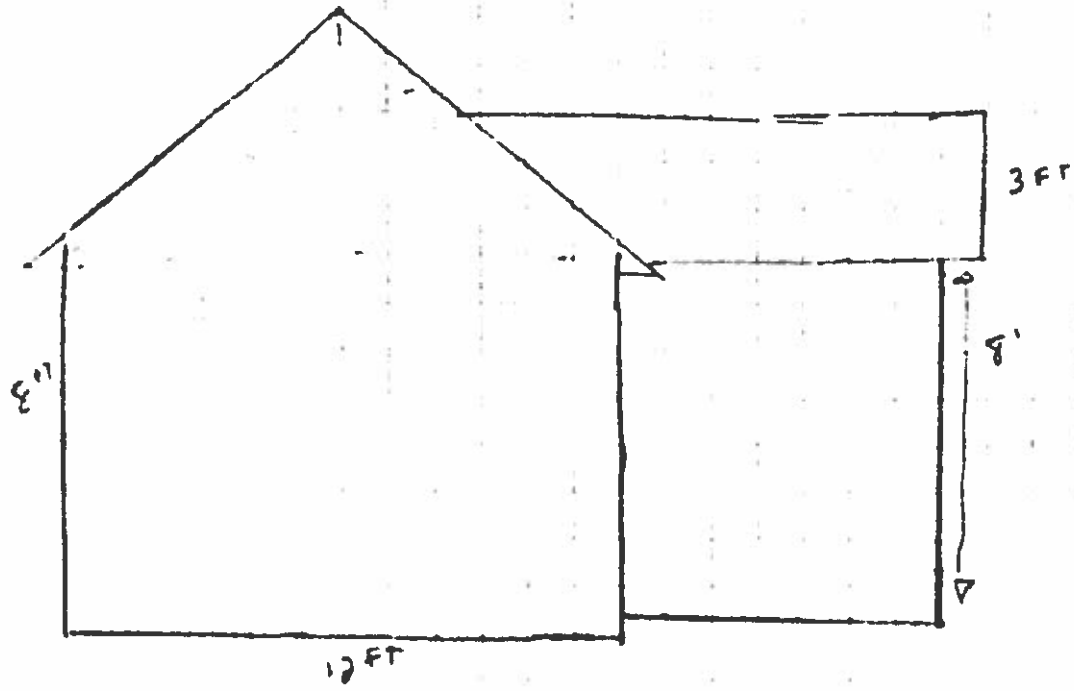
Drawn By: Christine Tirone

6.15.2020

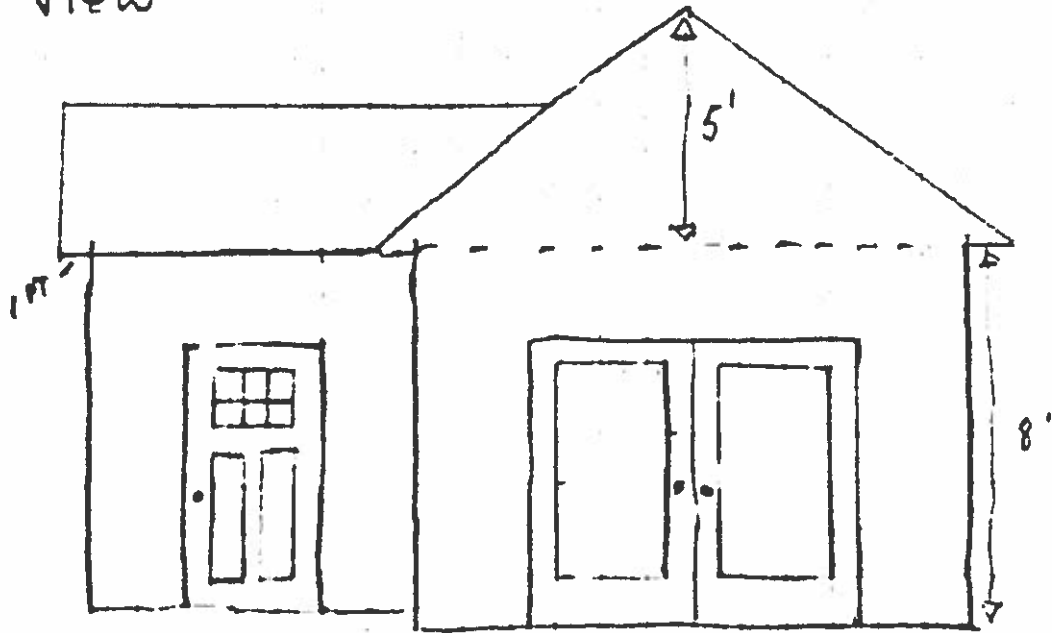


1 Square = 6 square ft

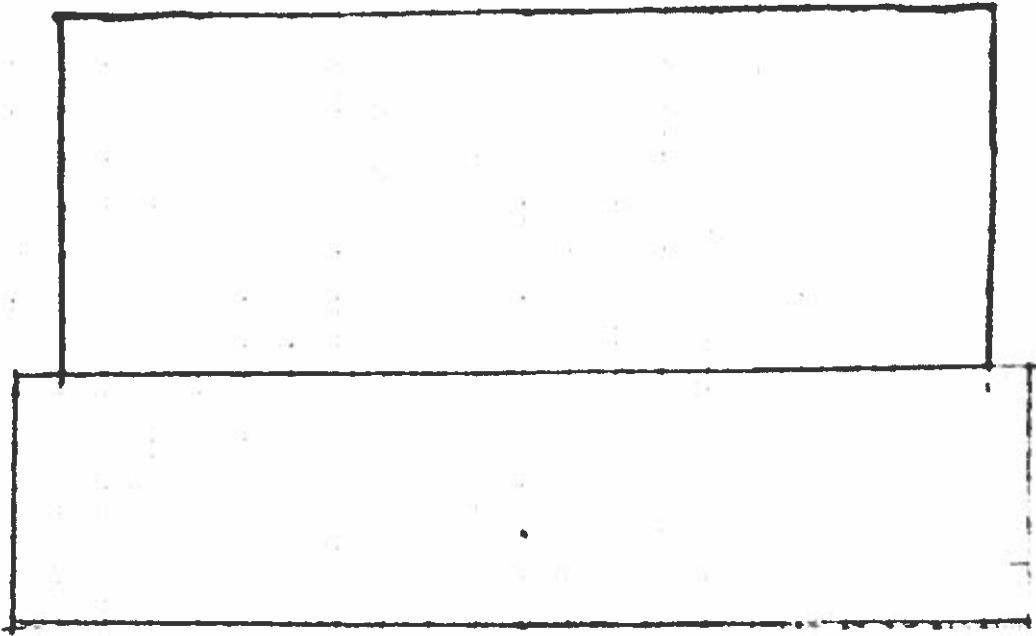
Rear View



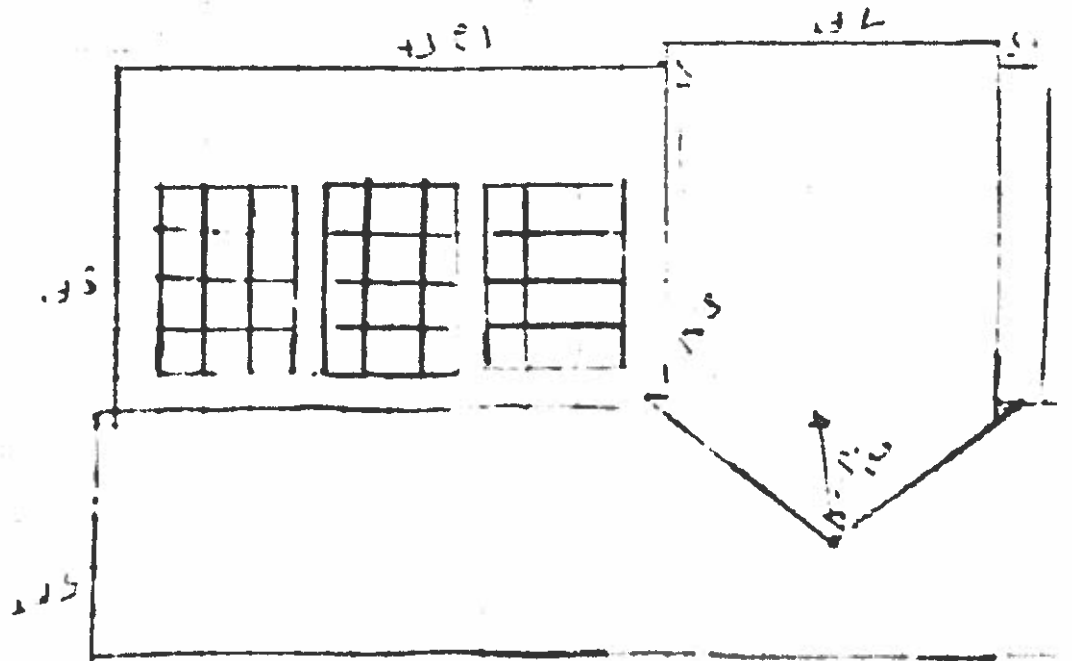
Front View



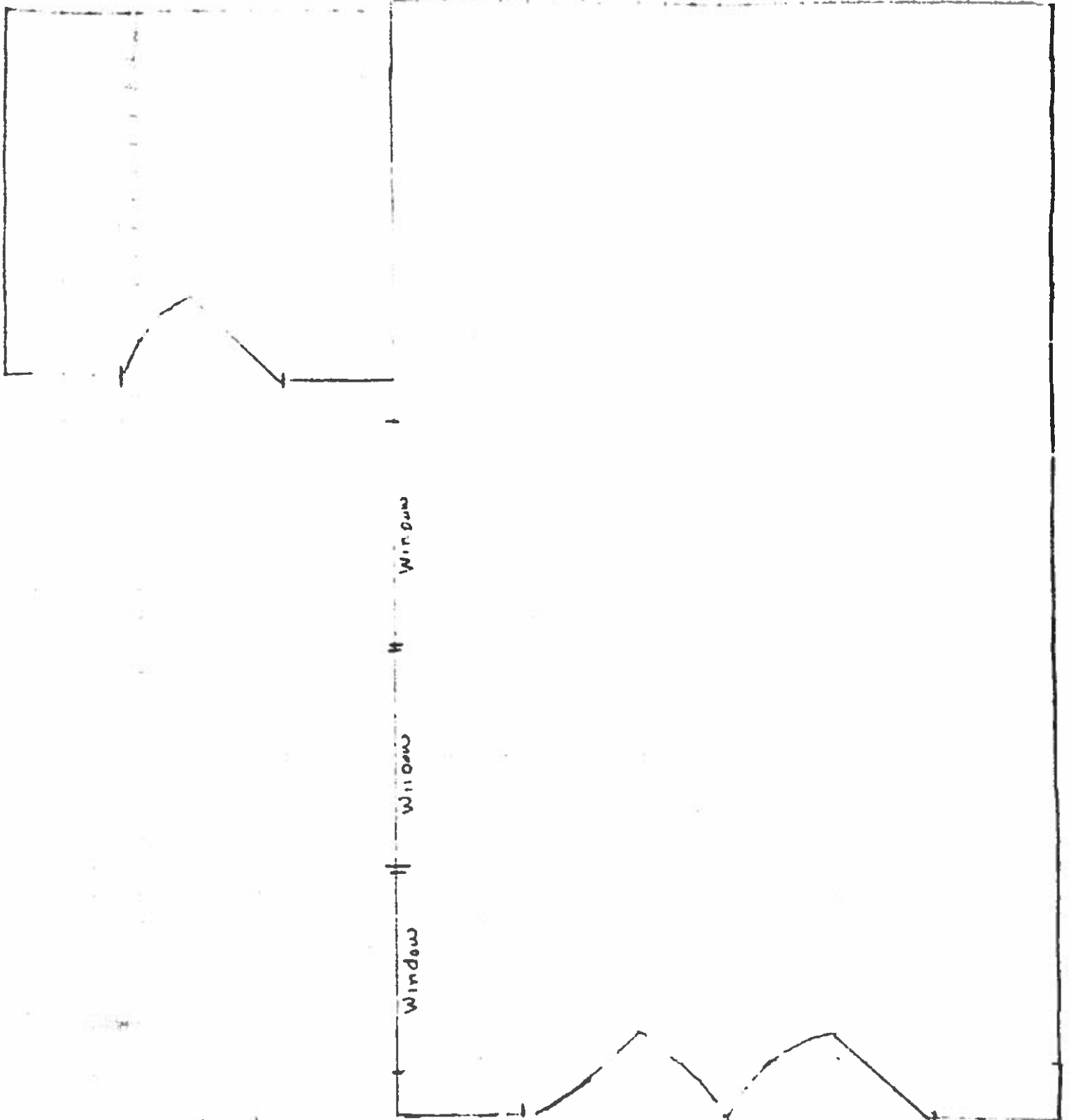
Post 3 of 4
CHRISTINE TIVON



Right side



Left side

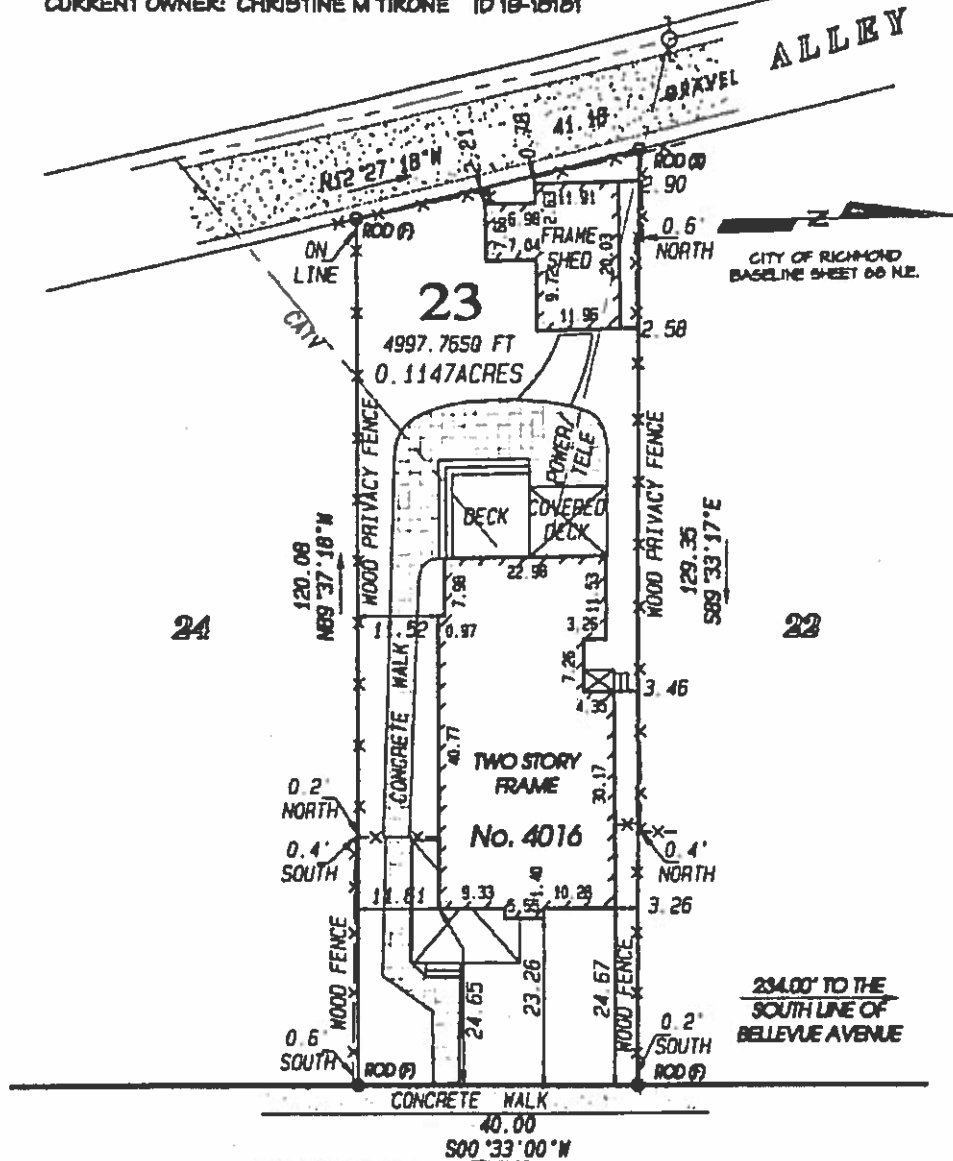


□ = 6"

Double Door

Page 4 of 4
Christina

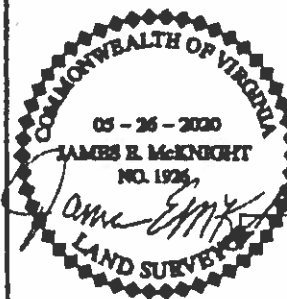
NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: CHRISTINE M TIRONE ID 19-15181



NEWPORT DRIVE

8' ± RW

FLAT SHOWING IMPROVEMENTS ON LOT 23, BLOCK "L", PLAN OF "BROOKDALE", IN THE CITY OF RICHMOND, VIRGINIA.



THIS IS TO CERTIFY THAT ON MAY 26, 2020 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 TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT 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

JOB NUMBER: 87080423