

INTRODUCED: April 12, 2021

AN ORDINANCE No. 2021-098

To authorize the special use of the property known as 2601 Edgewood Avenue for the purpose of two single-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 10 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 2601 Edgewood Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of two single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-410.4, concerning lot area and width, and 30-410.5, concerning yards, 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

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 24 2021 REJECTED: _____ STRICKEN: _____

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 (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 2601 Edgewood Avenue and identified as Tax Parcel N000-0637/023 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on Lot 16, Block ‘N’, Plan of ‘Battery Court’, in the City of Richmond, Virginia.,” prepared by McKnight & Associates, and dated November 26, 2019, 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 two single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Edgewood and Montrose, Richmond, VA,” prepared by Walter Parks Architect, and dated January 4, 2021, 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 two single-family detached dwellings, substantially as shown on the Plans.

(b) Three parking spaces shall be provided on the Property, substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans. Different siding colors shall be used for each dwelling. No building permits shall be issued until the Director of Planning and Development Review has determined that the final plans for the Special Use comply with all applicable regulations of the City's delinquent real property tax sale program administered in accordance with Title 58.1 of the Code of Virginia (1950), as amended.

(d) The height of the Special Use shall not exceed the height as shown on the Plans.

(e) Prior to the issuance of any certificate of occupancy for the Special Use, the subdivision of the Property into two lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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) The Owner shall make improvements within the right-of-way, including new sidewalk and sidewalk ramps, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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.

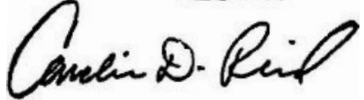
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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:

City Clerk

City of Richmond

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

Item Request

File Number: PRE.2021.527

O & R Request

DATE: March 15, 2021

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.)

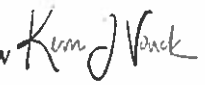


THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer



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

FROM: Kevin Vonck, Acting Director, Department of Planning and Development Review



RE: To authorize the special use of the property known as 2601 Edgewood Avenue for the purpose of two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 2601 Edgewood Avenue for the purpose of two single-family detached dwellings, upon certain terms and conditions.

REASON: The subject property is located in the R-5 Single-Family Residential zoning district. The property owner proposes to split the existing lot into two lots to accommodate the construction of two single-family detached dwellings. However, the proposed lots do not meet the minimum lot area and yard requirements. 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 May 3, 2021 meeting.

BACKGROUND: The subject property consists of an irregularly shaped, vacant 0.24 acre parcel located in the North Barton Heights neighborhood at the intersection of Edgewood Ave and Montrose Ave. The property owner acquired this parcel from the City of Richmond through a tax delinquent sale. A condition of this sale is a requirement that the Director of Planning and Development Review approve the design of new construction for compatibility with prevailing architecture in the area.

The Richmond 300 Master Plan designates the subject property for residential uses. Primary uses are single-family houses, accessory dwelling units and open space. Institutional and cultural facilities are indicated as secondary uses.

All properties surrounding the subject property are located within the same R-5 Single-Family Residential zoning district. Within the area of the subject property, properties are improved with single-family detached 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: April 12, 2021

CITY COUNCIL PUBLIC HEARING DATE: May 10, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
May 3, 2021

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



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: 2601 Edgewood Avenue Date: September 23, 2020
Tax Map #: N0000637023 Fee: \$300
Total area of affected site in acres: 0.238

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

Zoning

Current Zoning: R-5 Residential (Single Family)

Existing Use: vacant

Proposed Use

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

2 single-family detached homes

Existing Use: See above.

Is this property subject to any previous land use cases?

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

Applicant/Contact Person: Lory Markham

Company: Markham Planning LLC

Mailing Address: 23 West Broad Street #304

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 248-2561 Fax: ()

Email: lory@markhamplanning.com

Property Owner: Spence Nunnamaker, LLC

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: 1506 Webster Street

City: Richmond State: VA Zip Code: 23220

Telephone: (804) 426-3228 Fax: ()

Email: blakecontracting@gmail.com

Property Owner Signature: *Spence Nunnamaker*

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)



October 22, 2020

Mark Olinger, Director
Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219
mark.olinger@richmondgov.com

Re: 2601 Edgewood Avenue Special Use Permit

Dear Mr. Olinger,

Please accept this letter as the Applicant's Report with the Special Use Permit (SUP) application for the property located at 2601 Edgewood Avenue. With this application the property owner and developer, Spence Nunnemaker LLC and Aaron Whitmore, are petitioning City Council for an SUP to allow for the construction of two new detached single-family homes.

The homes will be classical in aesthetic and constructed of high-quality materials, each containing roughly 1,872 square feet. They have been designed to have frontage on Edgewood and Montrose Avenues to enhance the streetscape and vibrancy of these streets. The proposed homes would each be accessed by a common alley. Each home would be located on an individual lot of record created through a lot split allowed under the City's Subdivision Ordinance. Landscaping between the homes and the adjacent properties is proposed to soften the edge of the development and provide screening and a buffer for the surrounding neighbors.

Existing Site Conditions

The subject properties front on Edgewood Avenue and Montrose Avenue, located in The Battery Court neighborhood and across the street from Battery Park. This portion of Montrose and Edgewood Avenues is in a residential neighborhood. The lot is a total area of 0.24 acres (10,319 sf) and is currently vacant. The property will be improved with two single-family houses that are approximately 1,800 square feet each.

Current Zoning

The property is currently zoned R-5 - Residential (Single Family), which allows for single family detached dwellings, but the lot size must be over 6,000 square feet. We are proposing to split the current lot (10,319 sf) into two individual lots. These lots will be approximately 5,147 sf and 5,173 sf. The lots will be just under the required 6,000 sf.

City's Master Plan for Future Land Use

The City's existing Master Plan recommends single-family low-density development for the property. The primary use for this designation is single-family detached dwellings at densities up to seven units per acre. It also includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses.

The Richmond 300 Plan is drafted to recommend residential uses for this property and the surrounding neighborhood. This designation recommends houses on 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. The 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, which is consistent with the proposed homes.

This is an opportunity to bring a new housing and homeowners to the area that will contribute to the neighborhood. The Master Plan encourages this exact type of infill development. The proposed homes are fully consistent with the Master Plan recommendation for the use of the property and are in keeping with the existing development pattern of the neighborhood.

City Charter Conditions

We trust that you will agree with us that this proposed Special Use Permits meets the City Charter criteria for the granting of SUPs as the project 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 be 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.

Thank you for your consideration of this Special Use Permit. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process the application.

Very Truly Yours,



Lory Markham

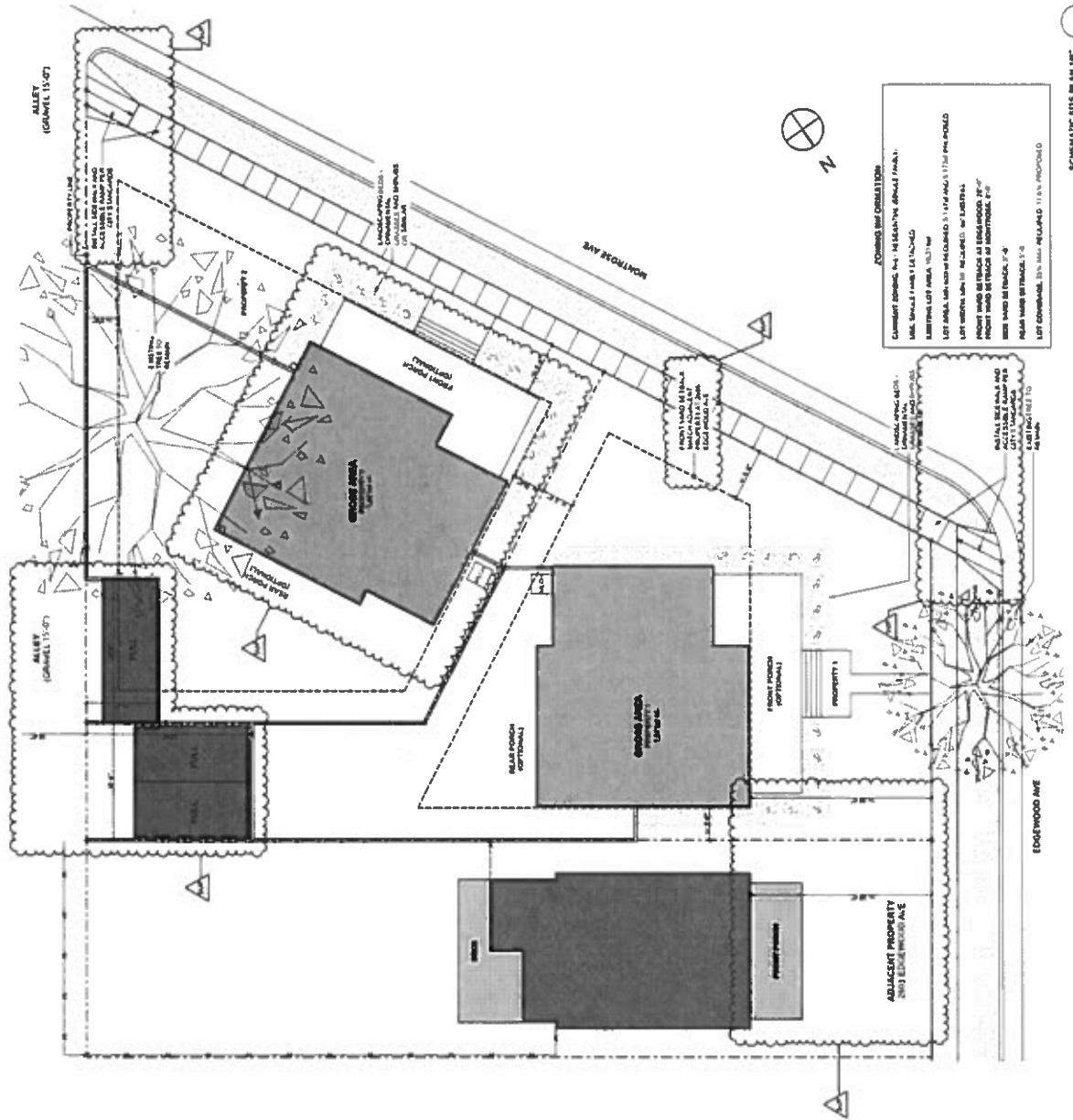
Enclosure: application form, fee payment, existing survey, conceptual plans

**cc: Matthew Ebinger, Secretary to the City Planning Commission
The Honorable Chris Hilbert, 3rd District Council Representative**

SITE PLAN

EDGEWOOD AND MONTROSE
Richmond, VA

prepped 8/20/17
date 1/4/21



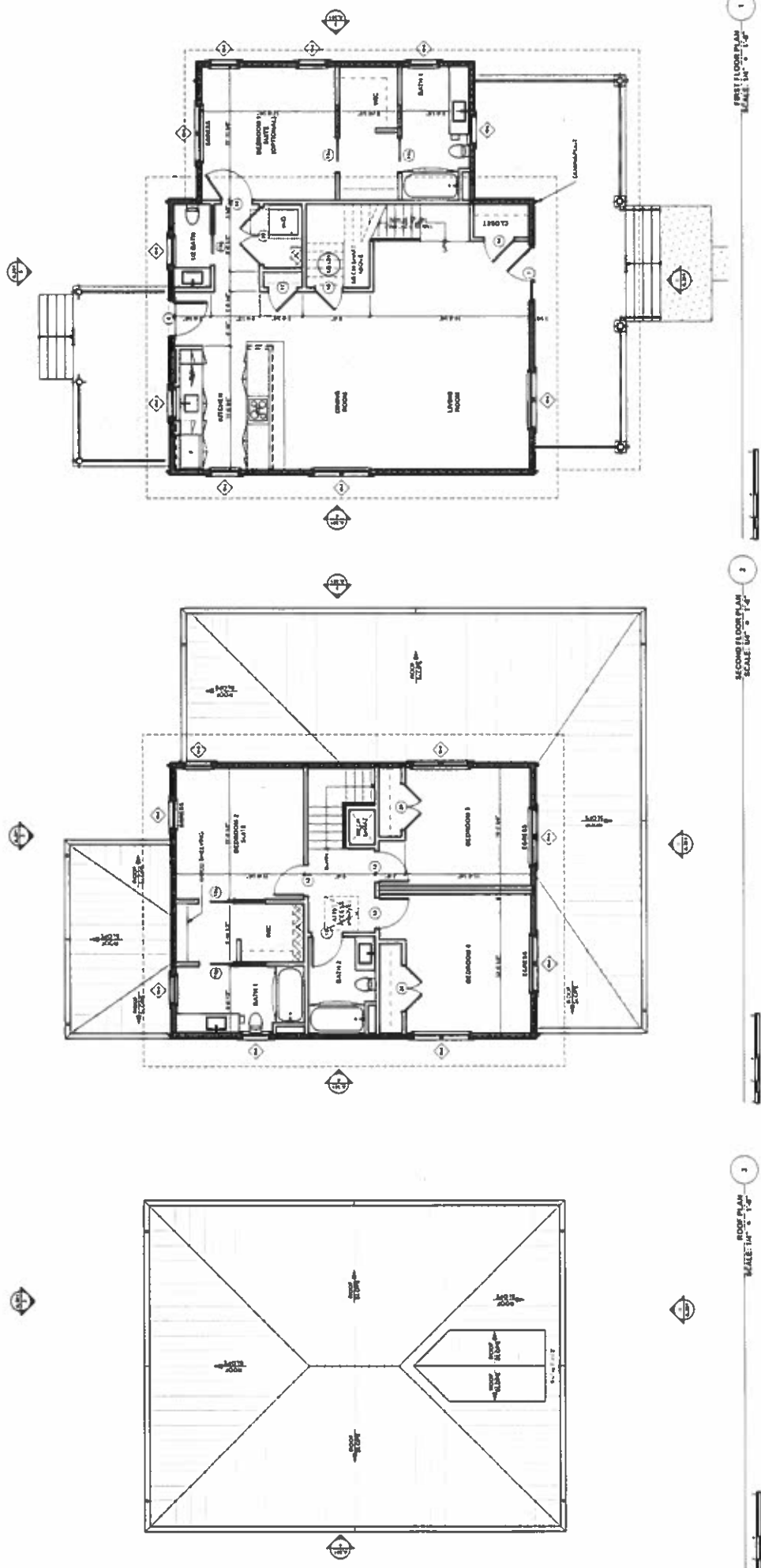
SCHEMATIC SITE PLAN 1/17
SCALE: 1/8" = 10' & 1/4" = 10'



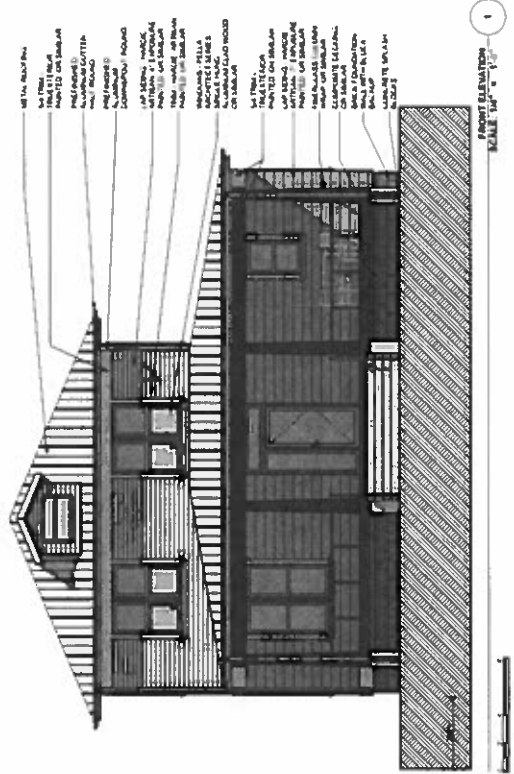
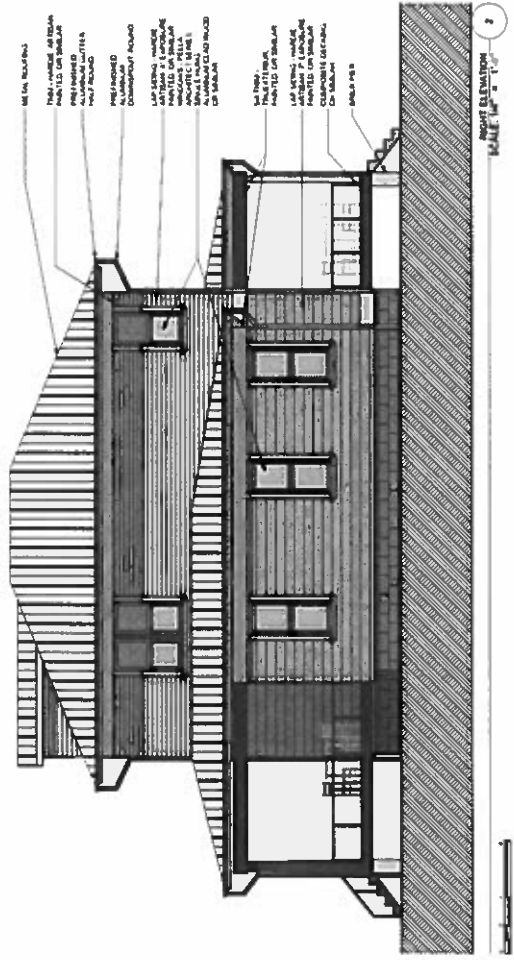
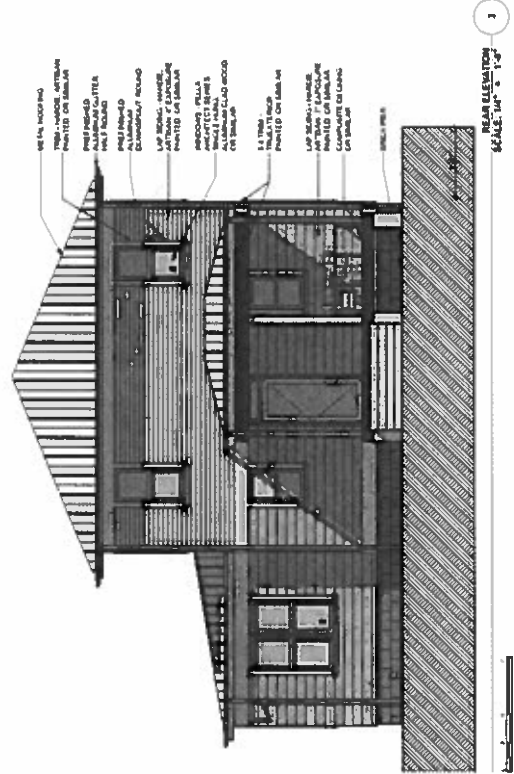
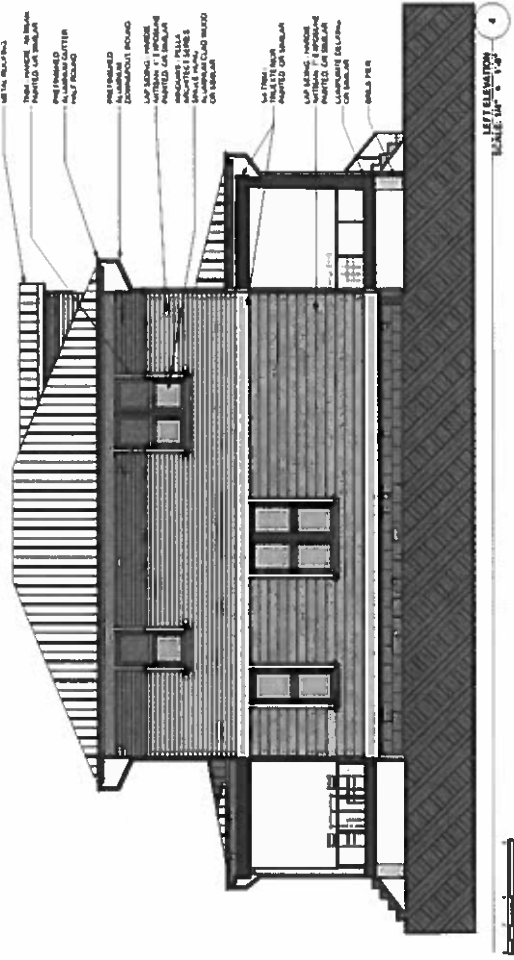
NOTES:
 1. PROPOSED DRIVEWAY SHALL BE 10' WIDE WITH 5' SIDEWALK.
 2. CONCRETE DRIVEWAY WITH SIDEWALK AND EXISTING DRIVEWAY (16' WIDE) WITH SIDEWALK.
 3. PROPOSED 8' WIDE SIDEWALK.
 4. EXISTING DRIVEWAY (16' WIDE) WITH CONCRETE DRIVEWAY & SIDEWALK.
 5. POND SHALL BE 10' DIA. AND SHALL BE 10' DEEP WITH A MINIMUM OF 10' BUFFER TO ALL ADJACENT PROPERTIES.

NOTES:
 1. LOT WITHIN 50' OF ADJACENT W/ EXISTING CONCRETE DRIVEWAY.
 2. PROPOSED 20' WIDE SIDEWALK.
 3. EXISTING DRIVEWAY (16' WIDE) WITH CONCRETE DRIVEWAY & SIDEWALK.
 4. PROPOSED 10' WIDE CONCRETED DRIVEWAY WITH 5' SIDEWALK.

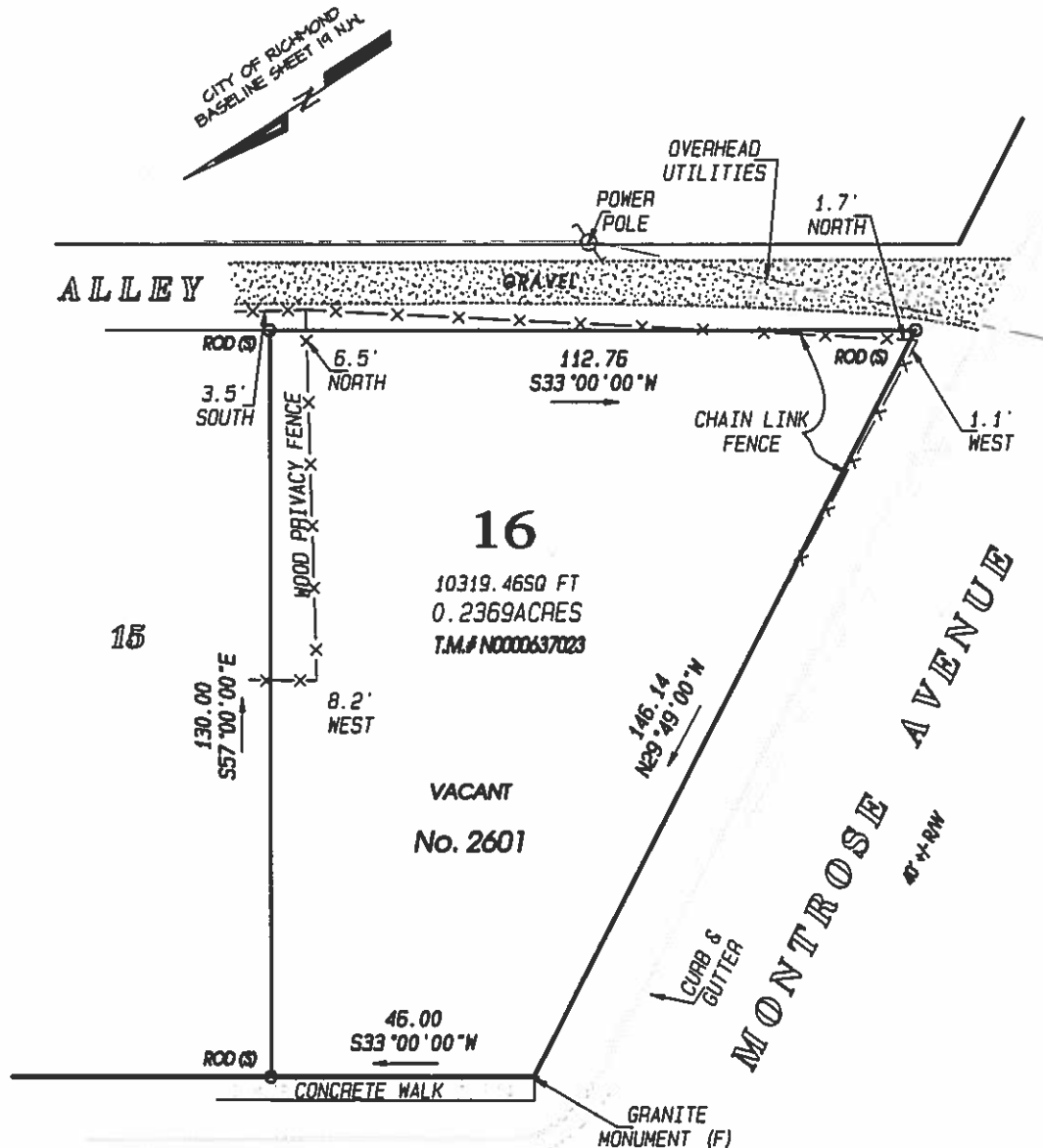
NOTES:
 1. LOT AREA: 16,200 W/16,000 SF (POND & 11% PERMITTED).
 2. LOT AREA: 15,371 SF.
 3. LOT WITHIN 50' OF ADJACENT W/ EXISTING CONCRETE DRIVEWAY.
 4. PROPOSED 20' WIDE SIDEWALK.
 5. EXISTING DRIVEWAY (16' WIDE) WITH CONCRETE DRIVEWAY & SIDEWALK.
 6. PROPOSED 10' WIDE CONCRETED DRIVEWAY WITH 5' SIDEWALK.



FLOOR PLAN



NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
 CURRENT OWNER: SPENCE NUNNAMAKER LLC ID 2019-23047

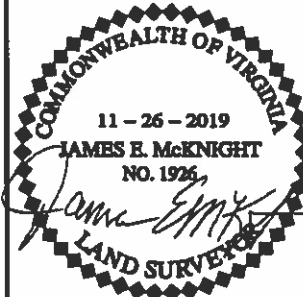


EDGEWOOD AVENUE
 80' +/- RW

**PLAT SHOWING IMPROVEMENTS ON LOT 16, BLOCK "N",
 PLAN OF "BATTERY COURT", IN THE
 CITY OF RICHMOND, VIRGINIA.**

THIS IS TO CERTIFY THAT ON NOVEMBER 26, 2019, 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" = 25'



McKNIGHT & ASSOCIATES, P.C.
 LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE
 RICHMOND, VIRGINIA 23235
 TELEPHONE (804) 320-2646

JOB NUMBER: 92111325