

INTRODUCED: September 27, 2021

AN ORDINANCE No. 2021-276

To authorize the special use of the property known as 3026 North 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: NOV 8 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 3026 North 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 sections 30-412.4(3), 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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: NOV 8 2021 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 3026 North Avenue and identified as Tax Parcel No. N000-0974/001 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Lot 16 & 5’ of Lot 15 ~ Block 16, Brookland Park, Richmond, Virginia, Surveyed for Gabby Riviera,” prepared by Baseline Land Surveying, and dated March 31, 2021, 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 plans entitled “3026 North Ave, Richmond, VA,” prepared by Brad Price, and dated February 12, 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 a two-family detached dwelling, substantially as shown on the Plans.

(b) No fewer than two off-street parking spaces shall be provided for the Special Use, which parking spaces shall be accessed off of the public alley that abuts the Property.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

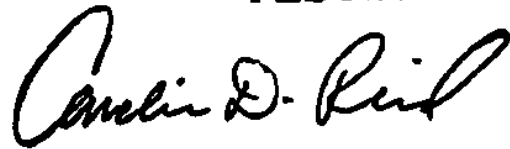
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The 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:**

A handwritten signature in black ink, appearing to read "Camelin D. Reed". The signature is written in a cursive, flowing style.

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.2021.734

O & R Request

DATE: August 25, 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 J. Vonck, Acting Director, Dept. of Planning and Development Review

RE: To authorize the special use of the property known as 3026 North 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 3026 North Avenue for the purpose of a two-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a special use permit to authorize the use of the property as a two-family dwelling. While the R-6 Single-Family Attached Residential District permits two-family detached dwellings, the lot area and lot width requirements are not met for the proposed use.

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 October 18, 2021, meeting.

BACKGROUND: The subject property contains a lot area of approximately 5,400 square feet and is improved with a two-story vacant residential building. While the R-6 Single-Family Attached Residential District permits two-family detached dwellings, the lot area and lot width requirements are not met for the proposed use.

Richmond 300 recommends a future land use of “Residential” for the property. The primary uses recommended for Residential are single-family homes, accessory dwelling units and open space. Secondary uses include duplexes and small multi-family buildings (3-10 units), institutional and cultural uses. These uses should typically be located on major streets. The development style for Residential is houses on medium or large sized lots with homes setback from the street. Future development should continue or introduce a gridded pattern of development and new buildings should be built to a scale and design that is consistent with existing buildings. Buildings are generally one to three stories, with lots generally ranging up to 5,000 SF to 20,000 SF. General density should be 2-10 units per acre.

The portion of North Avenue that abuts the property is designated as a “Major Residential Street.”

The property falls within the Brookland Park Regional/National Node. This area is envisioned to continue to regain population and to have empty storefronts fill with neighborhood-serving businesses. Street landscaping will grow and new public art will recognize the unique character of this commercial corridor.

The property and properties to the east, west, north and south are located within the R-6 Single-Family Attached Residential District. The property is within a residential neighborhood, and both single-family and two-family residential dwellings are located within the block.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City’s budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: September 27, 2021

CITY COUNCIL PUBLIC HEARING DATE: November 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
October 18, 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: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646 4856

**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: 3026 North Ave, Richmond, VA Date: 04-07-21

Tax Map #: _____ Fee: \$300.00

Total area of affected site in acres: 0.125 acres

PID: N0000974001

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

Zoning

Current Zoning: R-6

Existing Use: duplex-abandoned

Proposed Use

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

permit to be acknowledged as legal duplex to create 2 apartments

Existing Use: abandoned-2 family set up for section 8/low income

Is this property subject to any previous land use cases?

Yes

☐

No

☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Ashley Rivera

Company: Distressed to Diamonds, LLC

Mailing Address: 3633 Milbury Run St

City: Henrico State: VA Zip Code: 23233

Telephone: (804) 833 5702 Fax: ()

Email: gabby @ trgva. com

Property Owner: Distressed to Diamonds, LLC

If Business Entity, name and title of authorized signee: Ashley Rivera

(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: 3633 Milbury Run St

City: Henrico State: VA Zip Code: 23233

Telephone: (804) 833 5702 Fax: ()

Email: gabby @ trgva. 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)

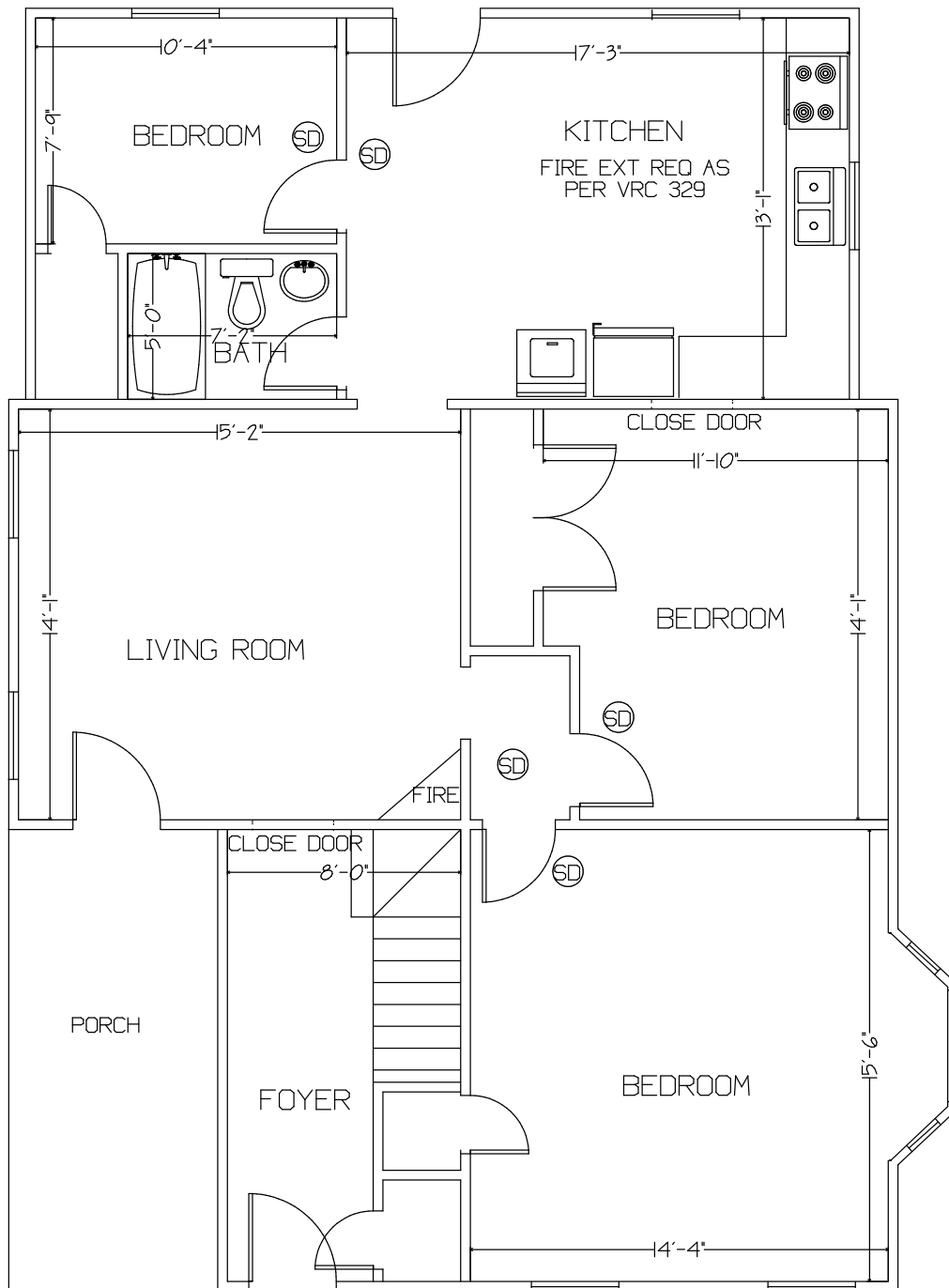
Plan for 3026 North Ave, Richmond, VA 23222

- The property at 3026 North Ave sits on a corner lot and is zoned R6.
 - The request for special use permit is being made because the actual lot is just under 5,500 sqft verses the 6000 sqft requirement.
 - The property was purchased already set up as 2 apartments (floor plans attached) with separate entrances. Lower unit is a 3 bed 1 bath// upper unit is a 2 bed 1 bath.
 - There is parking in the back for at least 3-4 cars.
- The benefit to making this a legal duplex means that of course we can now rent the 2 units with separate utilities but also ensures that it meets minimum safety guidelines for a multi- family property. -
- The property has been operating as a duplex for some time without the special use permit and was vacant from a project that stopped half way through until we purchased it earlier this year.
- Our plan is to offer the 2 units meeting the necessary guidelines for section 8 housing and to bring newly renovated affordable housing to the neighborhood. With the gentrification in the area, we see a big need for low income housing that offers proximity to the bus line and is in rent ready condition.

The following won't be caused by the granting of the special use permit:

- a. be detrimental to the safety, health, morals, and general welfare of the community involved;
- b. tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved;
- c. create hazards from fire, panic, or other dangers;
- d. tend to cause overcrowding of land and an undue concentration of population;
- e. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences, and improvements; or
- f. interfere with adequate light and air.

Thank you for your consideration.



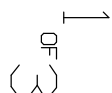
NO STRUCTURAL CHANGES

3026 NORTH AVE
RICHMOND, VA
FIRST FLOOR
SCALE 1/4"=1'

NOTE: DISTURBED AREAS
R-38 ATTIC INSULATION
R-15 SIDEWALL INSULATION
R-19 FLOOR INSULATION

THIS PLAN IS DRAWN TO MEET
IRC 2015 & VRC 2015

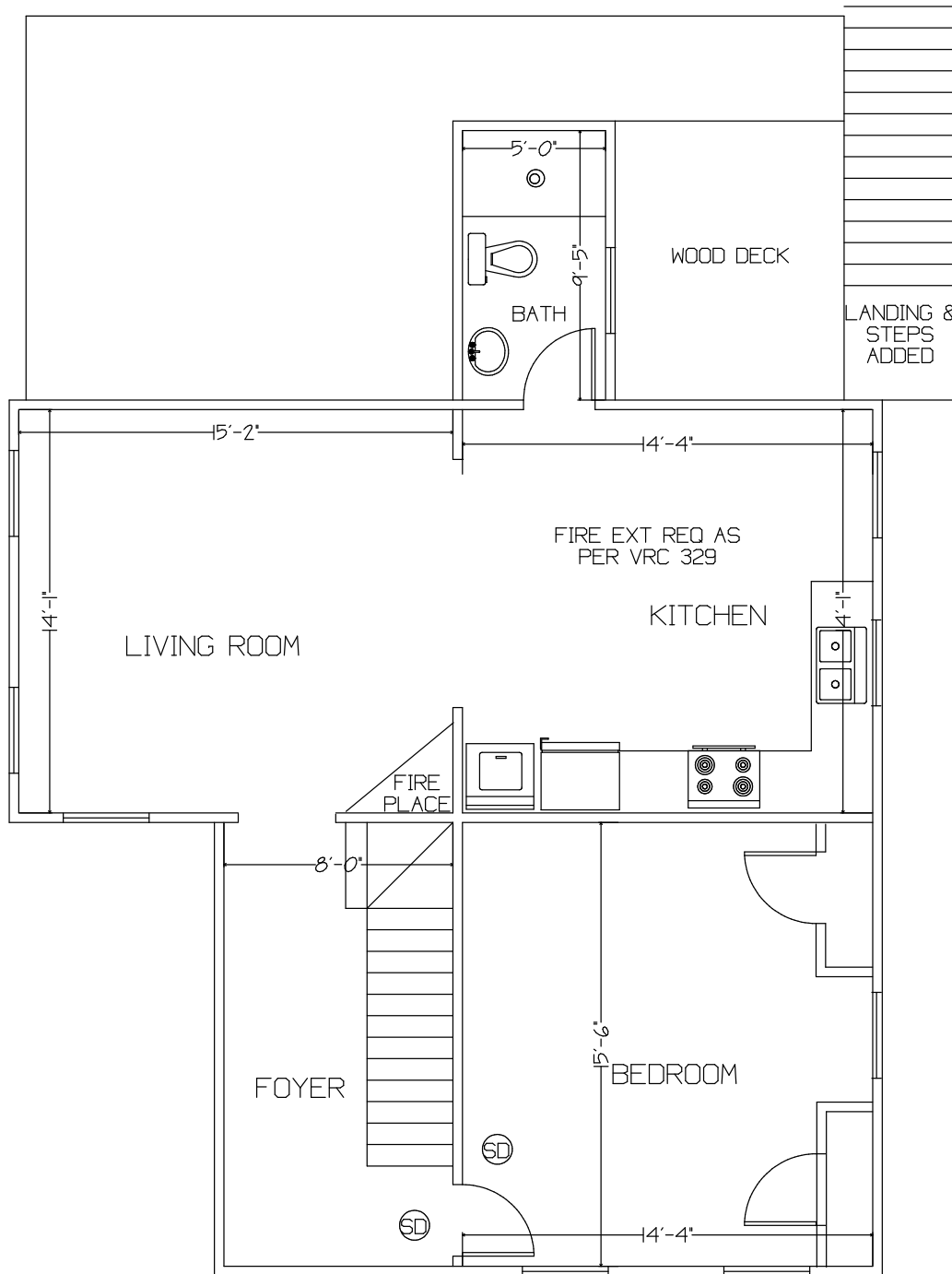
BRACED WALL LINES USING
NOT APPLICABLE



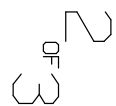
THIS PLAN WAS DESIGNED FOR
3026 NORTH AVE
RICHMOND, VA

NetCadDrafting.com
RESIDENTIAL HOUSE PLAN
SERVICES
804-640-0791

DATE OF PLANS
2/12/21
PLANS DRAWN BY
BRAD PRICE



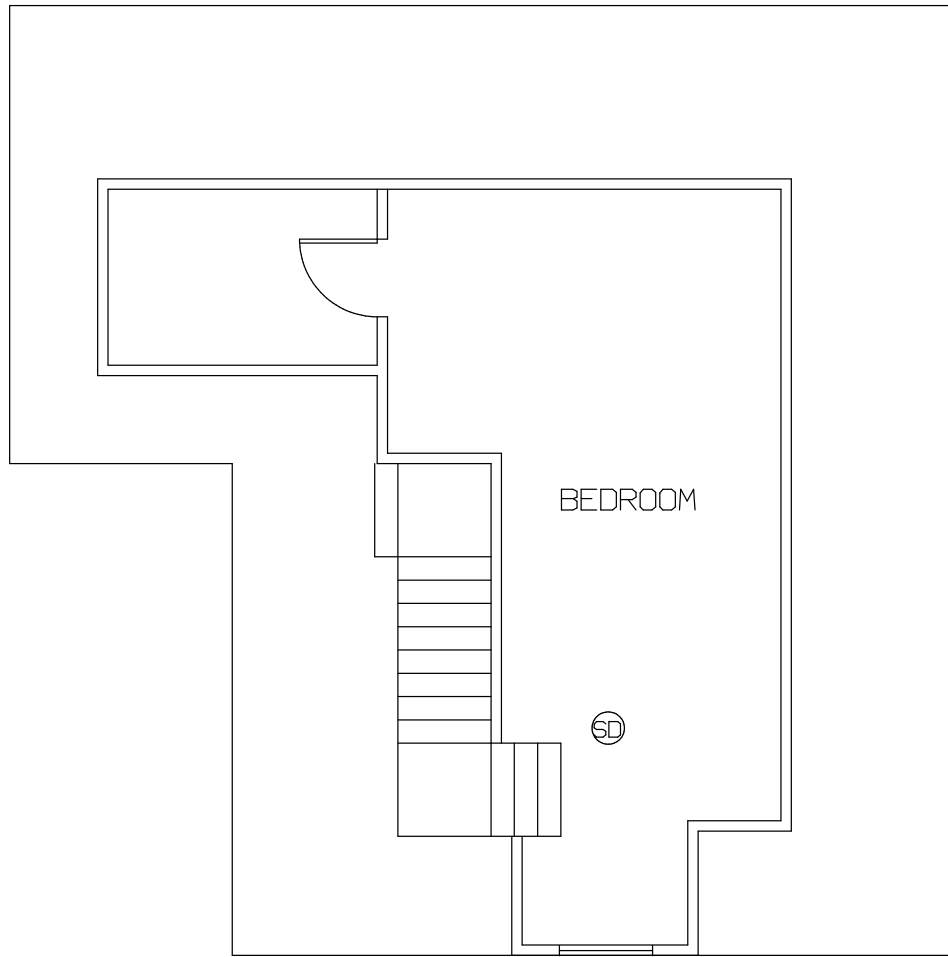
3026 NORTH AVE
RICHMOND, VA
SECOND FLOOR
SCALE 1/4"=1'



THIS PLAN WAS DESIGNED FOR
3026 NORTH AVE
RICHMOND, VA

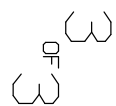
NetCadDrafting.com
RESIDENTIAL HOUSE PLAN
SERVICES
804-640-0791

DATE OF PLANS
2/12/21
PLANS DRAWN BY
BRAD PRICE



NO STRUCTURAL CHANGES

3026 NORTH AVE
 RICHMOND, VA
 THIRD FLOOR
 SCALE 1/4"=1'



THIS PLAN WAS DESIGNED FOR
 3026 NORTH AVE
 RICHMOND, VA

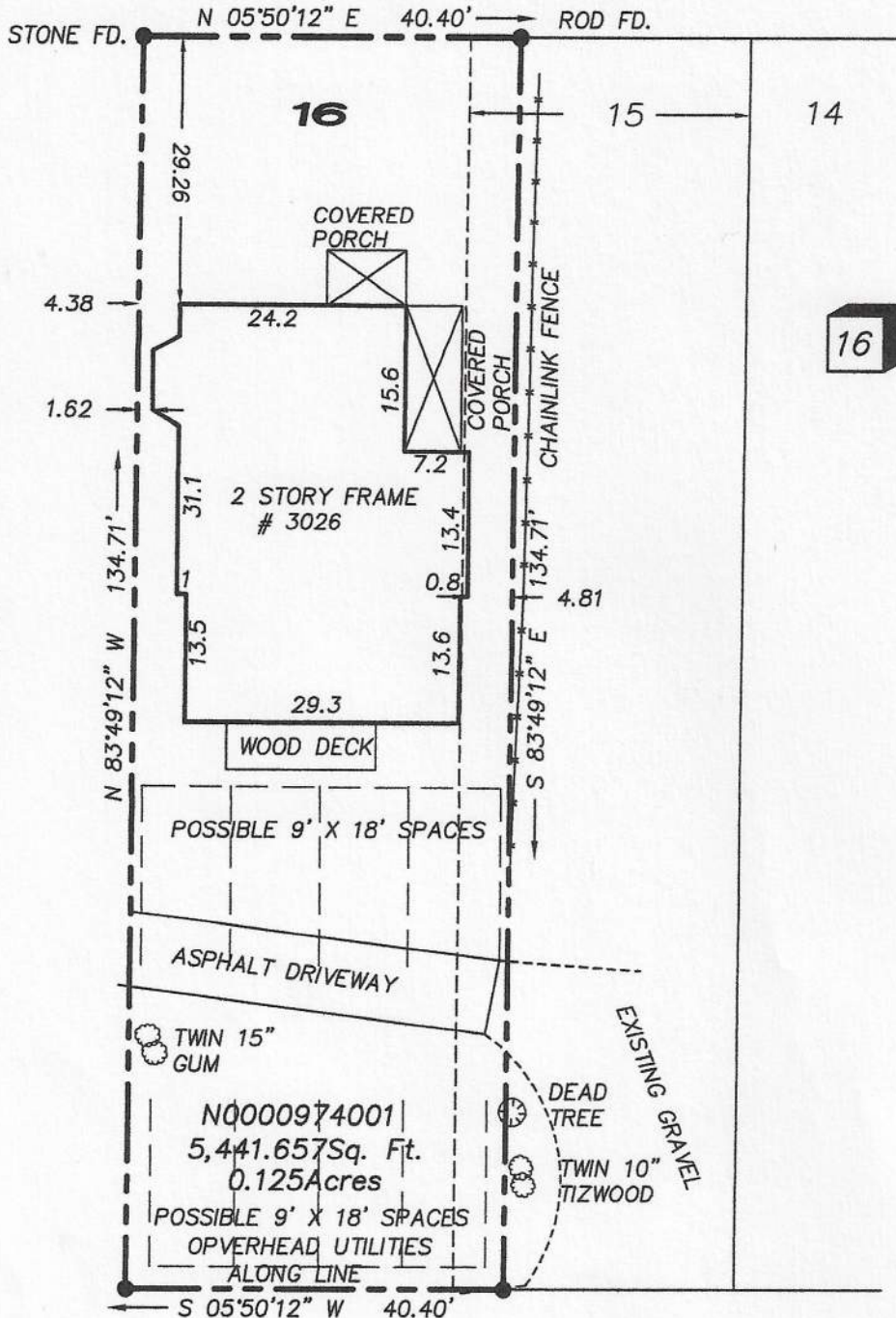
NetCadDrafting.com
 RESIDENTIAL HOUSE PLAN
 SERVICES
 804-640-0791

DATE OF PLANS
 2/12/21
 PLANS DRAWN BY
 BRAD PRICE

NORTH AVENUE
50' R/W

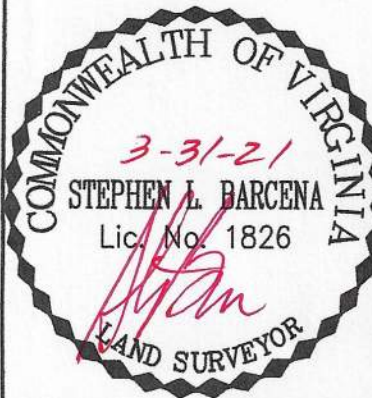


W. CRAWFORD STREET
50' R/W



15' ALLEY

PLAT SHOWING
LOT 16 & 5' OF LOT 15 ~ BLOCK 16
BROOKLAND PARK
RICHMOND, VIRGINIA
SURVEYED FOR
GABBY RIVERA



THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE BINDER AND IS SUBJECT TO ANY ENCUMBRANCES THAT ONE MAY REVEAL. THIS IS TO CERTIFY THAT ON 3/31/21 TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT ALL IMPROVEMENTS KNOWN OR VISIBLE ARE SHOWN HEREON; THAT THERE ARE NO VISIBLE ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES OTHER THAN AS SHOWN HEREON.

THIS PROPERTY IS IN ZONE "X" OF THE HUD DEFINED FLOOD HAZARD AREA AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL # 5101290033D, DATED 4/02/2009.

0 20 40



**BASELINE
LAND SURVEYING**

526 GROVE AVENUE
PETERSBURG, VIRGINIA 23803
BLS23803@MSN.COM
PH.: 804.520.9180 / FX.: 804.722.9517

DATE: MARCH 31, 2021

SCALE: 1" = 20'

DRAWN BY: SLB

CHECKED BY:

CALC. CHK.: SLB

JOB NO.: 22728

F.B. 204/69

NOT VALID UNLESS SIGNED IN RED

PREVIOUS JOB NO.

REV.: