AN ORDINANCE No. 2024-052

To authorize the special use of the property known as 1412 Rogers Street 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: MAR 11 2024 AT 6 P.M.

WHEREAS, the owner of the property known as 1412 Rogers Street, 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:

7 NOES:

0 ABSTAIN:

•		-		
ADOPTED:	MAR 11 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 1412 Rogers Street and identified as Tax Parcel No. E000-0768/013 in the 2024 records of the City Assessor, being more particularly shown on a survey entitled "Sketch Showing the Proposed Improvements on No.1412 [sic] Rogers Street, in the City of Richmond, VA.," prepared by Virginia Surveys, and dated June 30, 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 plans entitled "1412 Rogers Street," prepared by Unlimited Renovations LLC, and dated October, 2019, and "Sketch Showing the Proposed Improvements on No.1412 [sic] Rogers Street, in the City of Richmond, VA," prepared by Virginia Surveys, and dated June 30, 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 spaces shall be provided for the Special Use, substantially as shown on the Plans.

- (c) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.
- (d) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans.
- (e) 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:

v Attorney's Office

City Clerk

A TRUE COPY:





City of Richmond

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

Master

File Number: Admin-2023-1737

File ID: Admin-2023-1737 Type: Request for Ordinance or Status: Regular Agenda

Resolution

Version: 1 Reference: In Control: City Clerk Waiting

Room

Department: Cost: File Created: 10/16/2023

Subject: Final Action:

Title: To authorize the special use of the property known as 1412 Rogers Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Internal Notes:

Code Sections: Agenda Date: 02/12/2024

Indexes: Agenda Number:

Patron(s): Enactment Date:

Attachments: Admin-2023-1737 Application Documents, Scanned

SUP - 1412 Rogers Street.pdf

Enactment Number:
Introduction Date:

Drafter: Shaianna.Trump@rva.gov Effective Date:

Dianer: Originalina. Tramp@rva.gov

Related Files:

Contact:

Approval History

Version	Seq#	Action Date	Approver	Action	Due Date	
1	1	12/21/2023	Jonathan Brown	Approve	12/25/2023	
1	2	12/21/2023	Kris Daniel-Thiem - FYI	Notified - FYI		
1	3	12/21/2023	Kevin Vonck	Approve	12/28/2023	
1	4	12/21/2023	Alecia Blackwell - FYI	Notified - FYI		
1	5	12/21/2023	Sharon Ebert - FYI	Notified - FYI		
1	6	12/21/2023	Caitlin Sedano - FYI	Notified - FYI		
1	7	1/5/2024	Jeff Gray	Approve	12/25/2023	
1	8	1/5/2024	Lincoln Saunders	Approve	1/9/2024	
1	9	2/6/2024	Mayor Stoney	Approve	1/9/2024	

History of Legislative File

Master Continued (Admin-2023-1737)

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

 sion:
 Date:

Text of Legislative File Admin-2023-1737

Title

To authorize the special use of the property known as 1412 Rogers Street for the purpose of a two-family detached dwelling, upon certain terms and conditions.

Body

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: December 21, 2023

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 1412 Rogers Street 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 1412 Rogers Street for the purpose of a two-family detached dwelling, upon certain terms and conditions. The applicant is requesting a Special Use Permit to authorize a two-family detached dwelling within the R-6 Single Family Attached Residential District. While the two-family dwelling is permitted use in the district, lot feature requirements regarding lot area and lot width cannot be met. A Special Use Permit is therefore required.

BACKGROUND: The property is located in the Fairmount neighborhood between Brauers Lane and T Street. The property is currently a 4,375 square foot (0.10 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use,

Master Continued (Admin-2023-1737)

which is defined as, "Existing or new highly walkable urban neighborhoods that are predominantly

residential with a small, but critical, percentage of parcels providing retail, office, personal service, and

institutional uses."

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be

found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings

(typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional,

cultural, and government.

The current zoning for the property is R-6 Single Family Attached Residential. The area is generally

residential properties.

COMMUNITY ENGAGEMENT: The Fairmount Neighborhood Association was notified of the

application.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: None

FISCAL IMPACT: 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: February 12, 2024

CITY COUNCIL PUBLIC HEARING DATE: March 11, 2024

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

AFFECTED AGENCIES: Office of Chief Administrative Office Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308 Shaianna Trump, Planner Associate - Land Use Administration 804-646-7319

.. 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: 1412 Rogers Street Date: Parcel I.D. #: E0000768013 Fee: \$300 Total area of affected site in acres: 0.1 (See page 6 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning: R-6 Richmond 300 Land Use Designation: Neighborhood Mixed-Use Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) One two-family detached dwelling on the currently vacant property Existing Use: Vacant Is this property subject to any previous land use cases? Yes If Yes, please list the Ordinance Number: Applicant/Contact Person: Will Gillette Company; Baker Development Resources Mailing Address: 530 East Main Street, Suite 730 City: Richmond State: VA Zip Code: 23221) 377-9140 Telephone: (864 Fax: (Email: will@bakerdevelopmentresources.com Property Owner: JOHNSON DARIN AND THOMAS CRISHA 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: 111 HULL ST APT 1321 City: RICHMOND State: VA Zip Code: 23224 Telephone: (204) 334-5050 Fax: Email: D.TOHN 5560 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 sighs 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)

APPLICANT'S REPORT

July 13th, 2023

Special Use Permit Request 1412 Rogers Street, Richmond, Virginia Map Reference Number: E000-0768/013

Submitted to: City of Richmond

Department of Planning and Development Review

Land Use Administration 900 East Broad Street, Suite 511 Richmond, Virginia 23219

Submitted by: Baker Development Resources

530 East Main Street, Suite 730 Richmond, Virginia 23219

Introduction

The property owner is requesting a special use permit (the "SUP") for 1412 Rogers Street (the "Property"). The SUP would authorize the construction of a two-family detached dwelling on the currently vacant Property. While the two-family detached use is permitted by the underlying R-6 Single-Family Attached Residential zoning district, some of the underlying feature requirements cannot be met, and therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

Property is referenced by the City Assessor as tax parcel E000-0768/013, has 35' of street frontage along Rogers Street and contains approximately 4,375 square feet of lot area. The Property is relatively flat and is currently vacant. Access is provided by a north-south alley, located to the rear of the Property.



The properties in the immediate vicinity are developed with a wide range of uses and building forms. Single- and two-family attached and detached dwellings are commonly found in the area along with a wide range of neighborhood serving uses as well as open space.

EXISTING ZONING

The Property is zoned R-6 Single-Family Attached Residential, which generally permits the proposed two-family dwelling use. The surrounding properties are also zoned R-6. To the

south, Redd Street are properties zoned B-2 Community Business District. To the north, beyond Brauers Lane lies a R-5 Residential District.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the "Master Plan") suggests "Neighborhood Mixed-Use" for the Property. The Master Plan describes this land use designation as "existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses." Recommended development styles are described as featuring "a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics. Single-family, two-family, and small multi-family buildings are contemplated as the primary uses in these areas."

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to "Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options."
 - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to "Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers."
 - o d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to "Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.4 to "Increase the number of mixed-income communities along enhanced transit corridors."
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to "Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance. "
 - \circ e) Allow the development of middle housing (2- to 4- unit buildings) byright within 1/2 mile of high-frequency transit stops.
- Page 155 (Inclusive Housing Chapter), Objective 14.8 to "Develop inclusionary and equitable housing options for our gentrifying neighborhoods to prevent involuntary displacement."
- Page 159 (Thriving Environment Chapter) Objective 15.1 to "Reduce air pollution related to transportation."
 - a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).

- Page 86 (High-Quality Places Chapter), Objective 1.4, to "maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards"
- Page 100 (High Quality Places Chapter), Objective 4.1, to "create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City," as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

TRANSPORTATION

The Property is located near the Mechanicsville Pike + Brauers Lane Street bus stop which is serviced by the #5 bus line along with other bus stops which service the 12 line.

Proposal

PROJECT SUMMARY

The applicant is proposing to construct a new, two-family detached dwelling on the currently vacant Property which would be configured to appear as a single-family dwelling from the street.

PURPOSE OF REQUEST

The Property consists of a single lot of record that is of typical size and configuration for the vicinity. The Property has a lot width of roughly 35 feet and contains approximately 4,375 square feet of lot area. The owner would like to construct a two-family dwelling on the Property. The R-6 district does permit two-family detached dwellings; however, the required lot width and lot area cannot be met. Therefore, a SUP is required in order to permit the proposed development.

The Property's lot width and area are compatible with other lots in the vicinity, which vary in size but are all characteristically smaller urban lots. On the subject block face, a majority of the lots are developed with homes that do not comply with the current R-6 requirements. These dwellings were typically built with minimal side-yard setbacks and are substandard where the 50 feet of lot width and 5,000 square feet of lot area required for single-family detached dwellings are concerned.

In exchange for the SUP, the intent of this request is to ensure a high-quality market rate infill development. The overall project would be appropriately dense and efficient. At the same time, it would remain respectful to the historic lot pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

PROJECT DETAILS

The two-family detached dwelling would be two stories in height. From the street, the proposed building would read as a single-family dwelling, and is therefore consistent with

other residential buildings in the vicinity in terms of scale and character. The building facade would be traditional in design and reflect architectural details that are existing in the block. The building would contain approximately 2,600 square feet of floor area. When the common foyer and stairwell is excluded, the ground floor unit would have approximately 1,235 square feet, while the upper floor unit would have approximately 1,300 square feet. The ground floor unit would have two bedrooms and 2 $\frac{1}{2}$ baths while the upper unit would contain three bedrooms and 2 $\frac{1}{2}$ baths. The dwelling floor plans are spacious and modern with open living areas.

The buildings would be clad in cementitious siding in order to ensure quality and consistency with many other dwellings in the vicinity. A full-width front porch and an upper rear porch are proposed and would provide usable outdoor area for future occupants. Two parking spaces are proposed for the two dwellings. Parking spaces would be located to the rear of the dwellings and accessed by the rear alley.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed special use permit for high-quality infill construction will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

• Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation on the existing dead-end street will create no congestion on streets, roads, alleys or any other public right of way.

• Create hazards from fire, panic or other dangers.

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

• Tend to overcrowding of land and cause an undue concentration of population.

The proposed special use permit will not tend to over crowd the land or create an undue concentration of population.

 Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The special use permit will not adversely affect the above referenced City services. To the contrary, the proposal will provide positive fiscal (tax) benefits that will enhance the City's ability to provide these services to the proposed development.

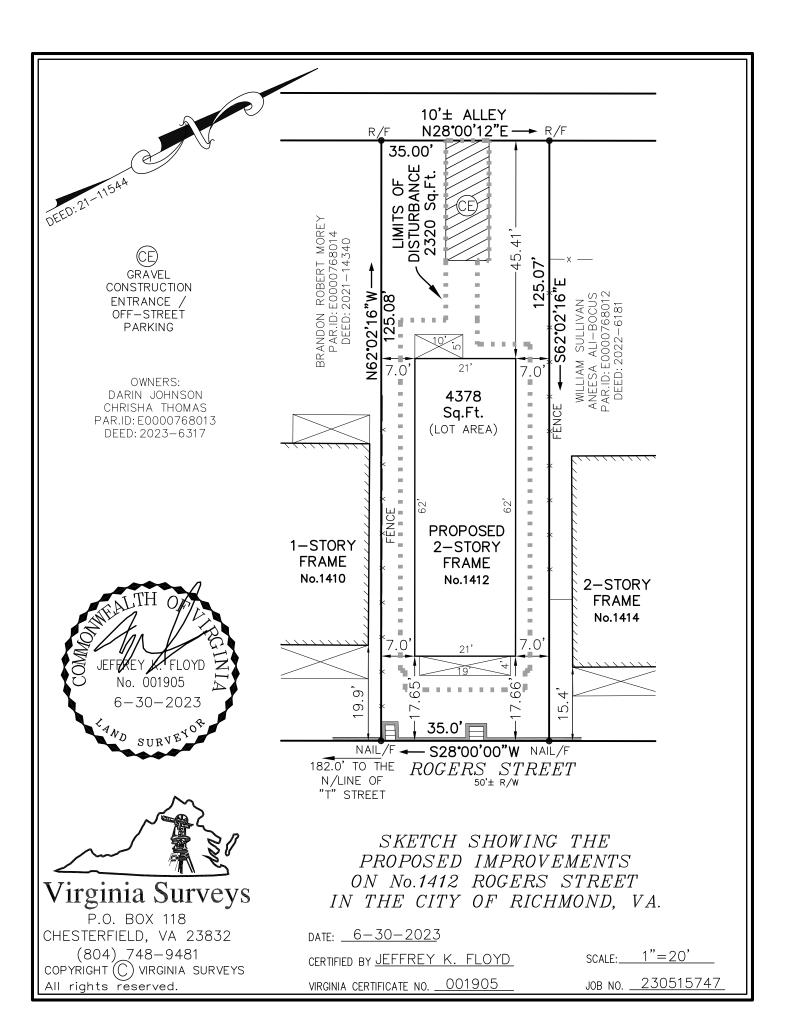
• Interfere with adequate light and air.

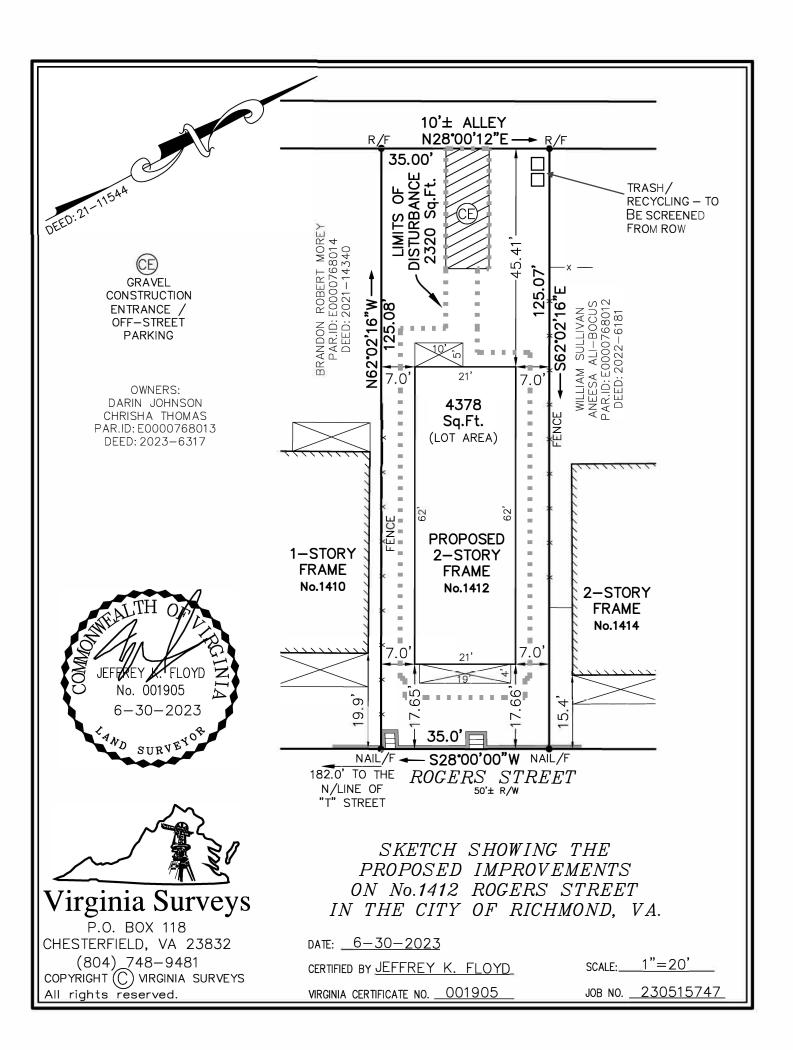
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

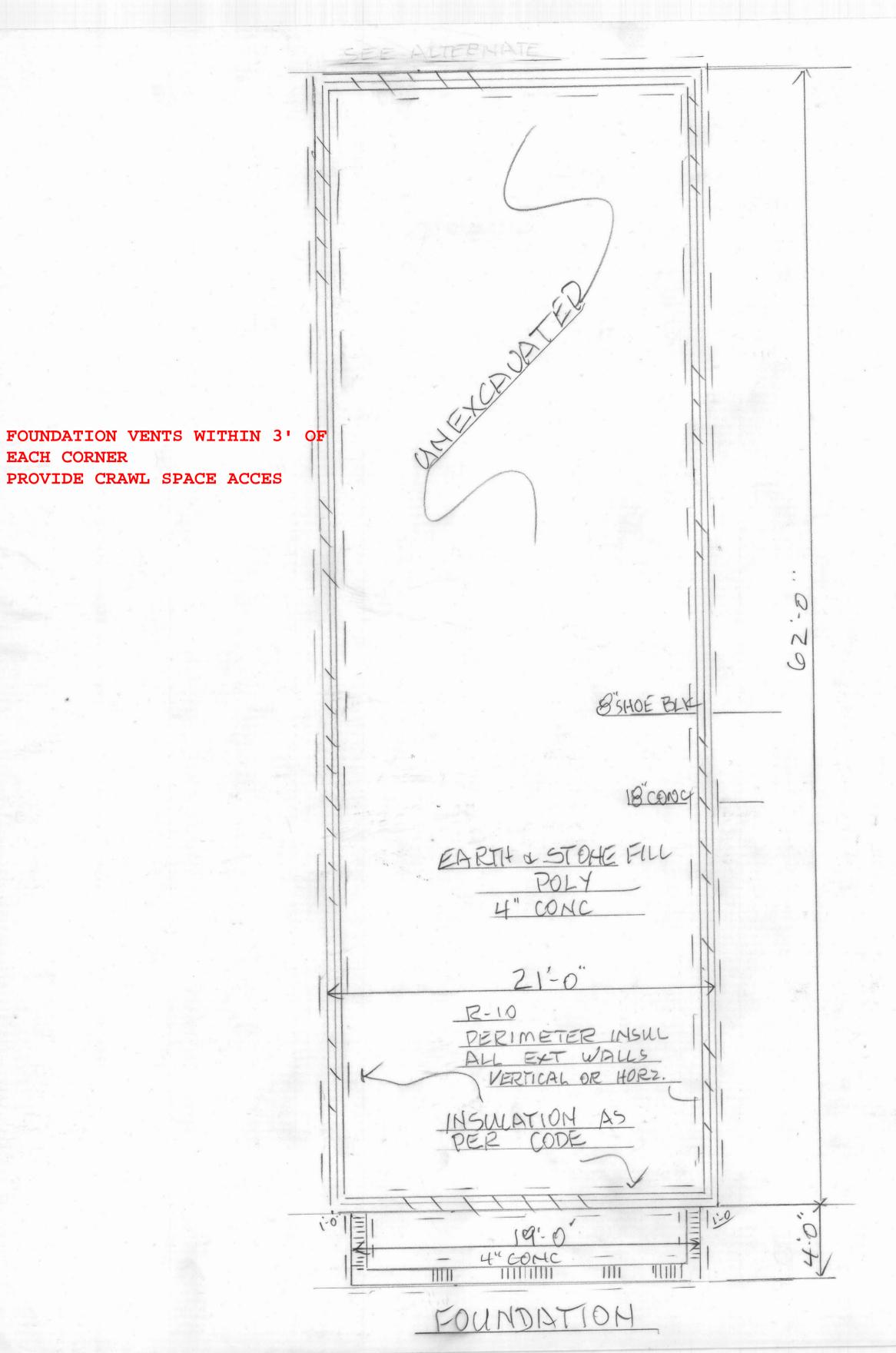
Summary

In summary we are enthusiastically seeking approval for the construction of the proposed two-family detached dwelling. The building has been thoughtfully designed in order to provide appropriate, high-quality, infill residential development. The request offers compatibility with the City's Master Plan in terms of use and would upgrade the Property while maintaining a desirable variation in housing style and density in the vicinity.

The proposed development would help encourage a pedestrian friendly traditional streetscape on the block and contribute to the vibrancy of the block though the addition of street life in the form of a street-oriented full width front porch along Rogers Street. The traditional building form would provide the much-desired traditional neighborhood design which is appropriate to this area of the City. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.







EACH CORNER



REAR ELE



FRONT ELE

PLAN D-12 PO-10F4

SCALE 1/4 = 1-0

1412 Rogers Street

UNLIMITED REHOVATIONS LIC

