

INTRODUCED: November 13, 2023

AN ORDINANCE No. 2023-348

To authorize the special use of the property known as 2036 Broad Rock Boulevard 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: DEC 11 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 2036 Broad Rock Boulevard, which is situated in a R-4 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 section 30-408.4, concerning lot area and 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: _____8_____ NOES: _____0_____ ABSTAIN: _____

ADOPTED: DEC 11 2023 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 2036 Broad Rock Boulevard and identified as Tax Parcel No. C006-0508/018 in the 2023 records of the City Assessor, being more particularly shown on a plat entitled "Survey Plat Showing Existing Improvements and Proposed Division at #2036 Broad Rock Boulevard, City of Richmond, Virginia," prepared by Shadrach & Associates LLC, and dated July 21, 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 two single-family detached dwellings, hereinafter referred to as "the Special Use," substantially as shown on a plat entitled ..Survey Plat Showing Existing Improvements and Proposed Division at #2036 Broad Rock Boulevard, City of Richmond, Virginia," prepared by Shadrach & Associates LLC, and dated July 21, 2023, and on the plans entitled "3-Bedroom Frame House," prepared by the Cooperative Extension Service, Agriculture and Home Economics, and United States Department of Agriculture Cooperating, and undated, 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 two single-family detached dwellings, 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) AH building materials, elevations, and site improvements shall be substantially as shown on the Plans. Brick, brick veneer, stone, stone veneer, masonry, vinyl, fiber cement, and engineered wood shall be permitted building siding materials. Vinyl siding shall have a minimum wall thickness of 0.044 inches, as evidenced by the manufacturer's printed literature.

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

(e) Prior to the issuance of any building permit for the Special Use, the establishment of two residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds 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) AH 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.

(t) 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.

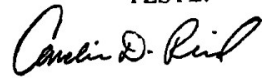
§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days 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:


City Attorney's Office

A TRUE COPY:
TESTE:


City Clerk



City of Richmond

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

Master

File Number: Admin-2023-1272

File ID: Admin-2023-1272

Type: Request for Ordinance or Resolution

Status: Regular Agenda

Version: 1

Reference:

In Control: City Clerk Waiting Room

Department:

Cost:

File Created: 08/14/2023

Subject:

Final Action:

Title:

Internal Notes:

Code Sections:

Agenda Date: 11/13/2023

Indexes:

Agenda Number:

Patron(s):

Enactment Date:

Attachments: Admin-2023-1272 - Ordinance - Approved as to Form,
Admin-2023-1272 - O&R Transmittal Form,
Admin-2023-1272 - Application Documents,
Admin-2023-1272 - Map

Enactment Number:

Contact:

Introduction Date:

Drafter: Raymond.Roakes@rva.gov

Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	10/24/2023	Matthew Ebinger	Approve	10/26/2023
1	2	10/24/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	10/24/2023	Kevin Vonck	Approve	10/31/2023
1	4	10/24/2023	Alecia Blackwell - FYI	Notified - FYI	
1	5	10/24/2023	Sharon Ebert - FYI	Notified - FYI	
1	6	10/24/2023	Caitlin Sedano - FYI	Notified - FYI	
1	7	10/26/2023	Jeff Gray	Approve	10/27/2023
1	8	10/27/2023	Lincoln Saunders	Approve	10/30/2023
1	9	11/9/2023	Mayor Stoney	Approve	10/31/2023

History of Legislative File



City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 23, 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 2036 Broad Rock Boulevard for the purpose of two single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: The applicant is requesting a Special Use Permit which would allow subdivision of an existing lot and construction of a new single-family detached dwelling within the R-4 - Residential (Single Family), which is not permitted due to the lot's size. A Special Use Permit is therefore requested.

BACKGROUND: The property is located in the McGuire Manor neighborhood at 2036 Broad Rock Boulevard, at the corner of Broad Rock Boulevard and Cranford Avenue. The property is currently 14723 sq. ft. (0.338 acre) in size, currently contains an existing single-family detached dwelling, and is proposed to construct a further single-family detached dwelling. The application requests to allow a property to be subdivided that does not meet zoning requirements on size and a building that does not meet zoning requirements on setbacks.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential. This designation is defined as a "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature." "Intensity: 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.”

Primary Uses: Single-family houses, accessory dwelling units, and open space. Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets.

The property is located in the R-4 - Residential (Single Family) zone. Adjacent properties are zoned the same R-4 - Residential (Single Family) district; surrounding land uses include residential. The proposed density of the parcel is 6 units per acre.

COMMUNITY ENGAGEMENT: No civic associations are located within the surrounding area. After introduction, surrounding property owners and residents will be notified.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Will be considered by Planning Commission on December 4, 2023 (tentative).

FISCAL IMPACT: \$300 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 13, 2023

CITY COUNCIL PUBLIC HEARING DATE: December 11, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

AFFECTED AGENCIES: Office of Chief Administrative Officer

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

Ray Roakes, Planner, Land Use Administration 804-646-5467



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: 2036 BROAD ROCK BLVD

Date: 2/15/2023

Parcel I.D. #: CDD 60508018 Fee: _____

Total area of affected site in acres: 0.33

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

Zoning

Current Zoning: R-4

Richmond 300 Land Use Designation: RESIDENTIAL

Proposed Use

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

SUB DIVIDE AND BUILD NEW SINGLE FAMILY HOUSE

Existing Use: SINGLE FAMILY HOUSE

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: KEITH HIGHSMITH

Company: _____

Mailing Address: 7336 PART SIDE DR.

City: MIDDLETON

State: VA

Zip Code: 23112

Telephone: (804) 869-1427

Fax: _____

Email: KHIGHSMITH@IC2040.COM

Property Owner: Keith Highsmith

Calvin Carter

If Business Entity, name and title of authorized signer: _____

(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: _____

City: _____

State: _____

Zip Code: _____

Telephone: _____

Fax: _____

Email: _____

Property Owner Signature: Keith Highsmith

Calvin Carter

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)

March 24, 2023

Caldon Curtis

Keith Highsmith

2036 Broad Rock Blvd

Richmond VA 23224

To Whom It May Concern:

Re: Applicant's Report

This report was drafted to describe the proposed use for 2036 Broad Rock Blvd: the property will be utilized as a single family residence. In fact, the property, which is ~ 14,500 SF, will be split into two properties, with a single family dwelling on each split lot. The current home will be an existing residence on one lot and the split area will have another single family residence on it. In fact, the plans for the single family home are located on the flash drive. By right, a property must have 15,000 SF to split it. We have just under that amount, hence our application for a special use permit. Thanks.

Respectfully,

Caldon Curtis, Keith Highsmith

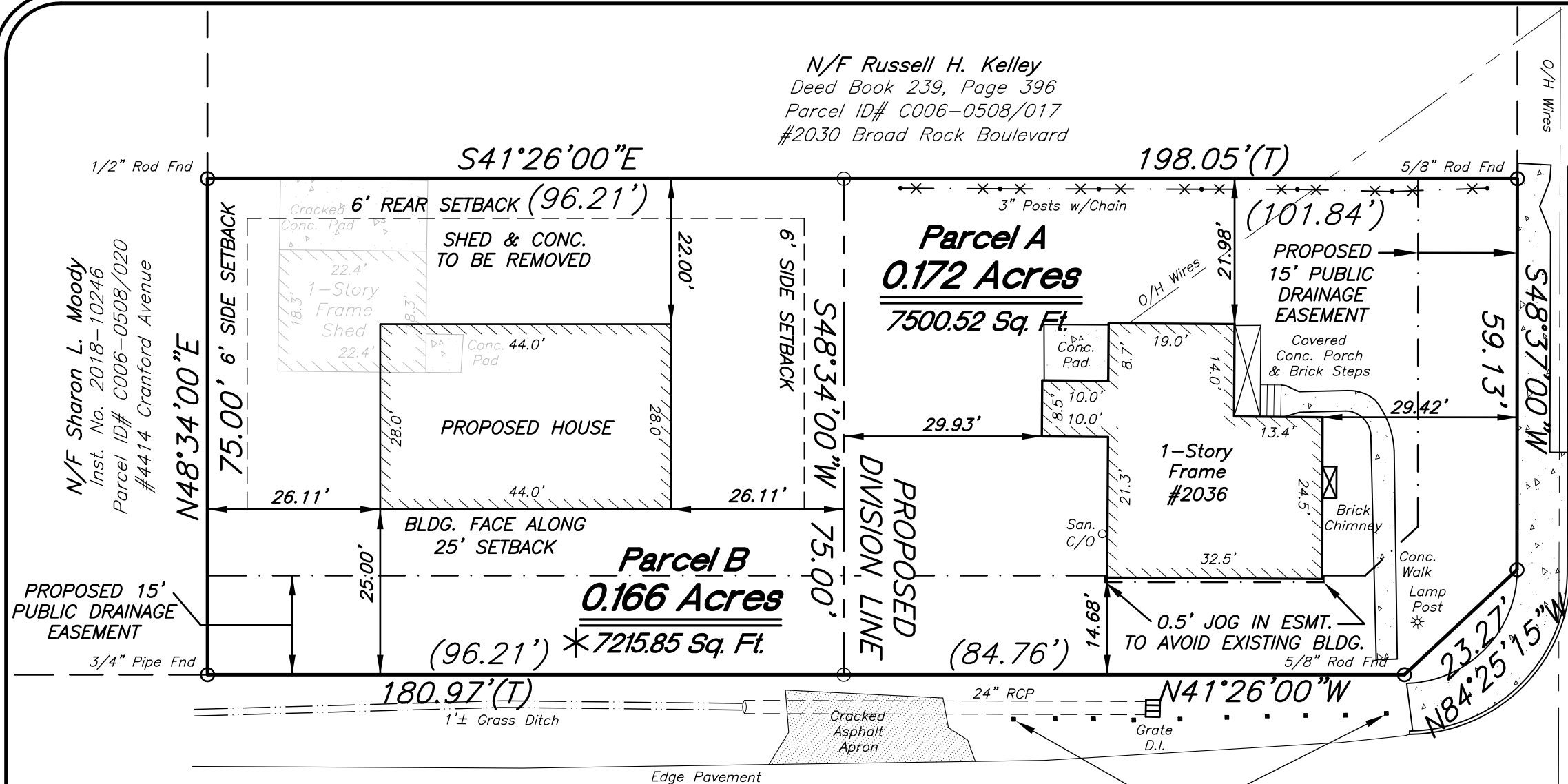
FACTS ABOUT PROPOSED NEW SINGLE FAMILY DWELLING ON CRANFORD AVE

1. House will be a single family dwelling that will NOT be detrimental to the safety, health, morals, and general welfare of the community involved.
2. Single family dwelling will NOT cause congestion in streets, roads, alleys, and other public ways and places in the area involved. In fact, entire initial lot was over 14,500 SF, under 500 SF from the ability to split the lot by right. There is ample space to fit a 28' X 44' single family dwelling.
3. Single family dwelling will NOT create hazards from fire, panic, or other dangers.
4. Single family dwelling will NOT cause overcrowding of land or an undue concentration of population. There is ample space to place the single family dwelling.
5. Single family dwelling 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.
6. Single family dwelling will NOT interfere with adequate light and air.

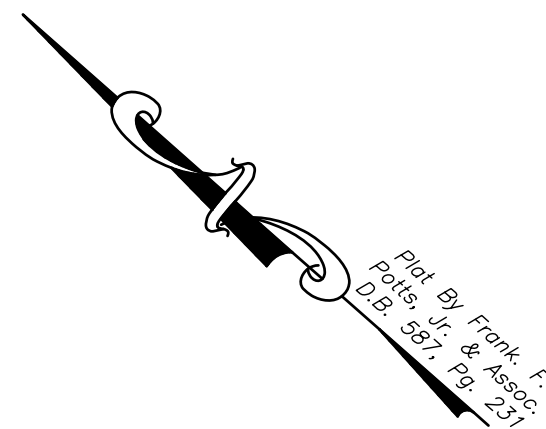
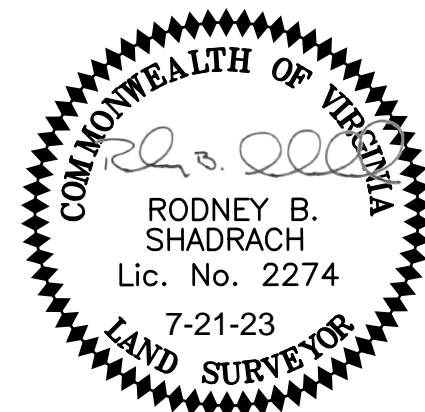
ALL FACTS ATTESTED TO BY CALDON CURTIS AND KEITH HIGHSMITH

N/F Russell H. Kelley
Deed Book 239, Page 396
Parcel ID# C006-0508/017
#2030 Broad Rock Boulevard

I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects.



Broad Rock Boulevard
(Var. Width Public R/W)



* LOT DOES NOT MEET R-4
MINIMUM LOT SIZE (7500 Sq. Ft.)
VARIANCE APPLICATION
HAS BEEN SUBMITTED

Cranford Avenue
(Var. Width Public R/W)

Legal Reference:

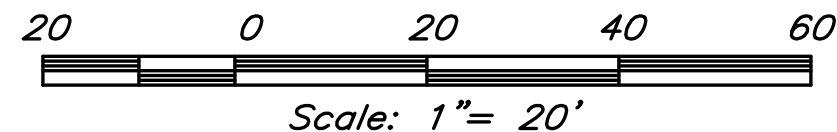
Caldon S. Curtis & Keith Highsmith
Instrument No. 2005-41151
Parcel ID# C006-0508/018
#2036 Broad Rock Boulevard
ZONED: R-4

Total Acreage
0.338 Acres
14,716.36 Sq. Ft.

SURVEY PLAT

SHOWING EXISTING IMPROVEMENTS
AND PROPOSED DIVISION AT
#2036 BROAD ROCK BOULEVARD
CITY OF RICHMOND, VIRGINIA

DATE: JULY 21, 2023



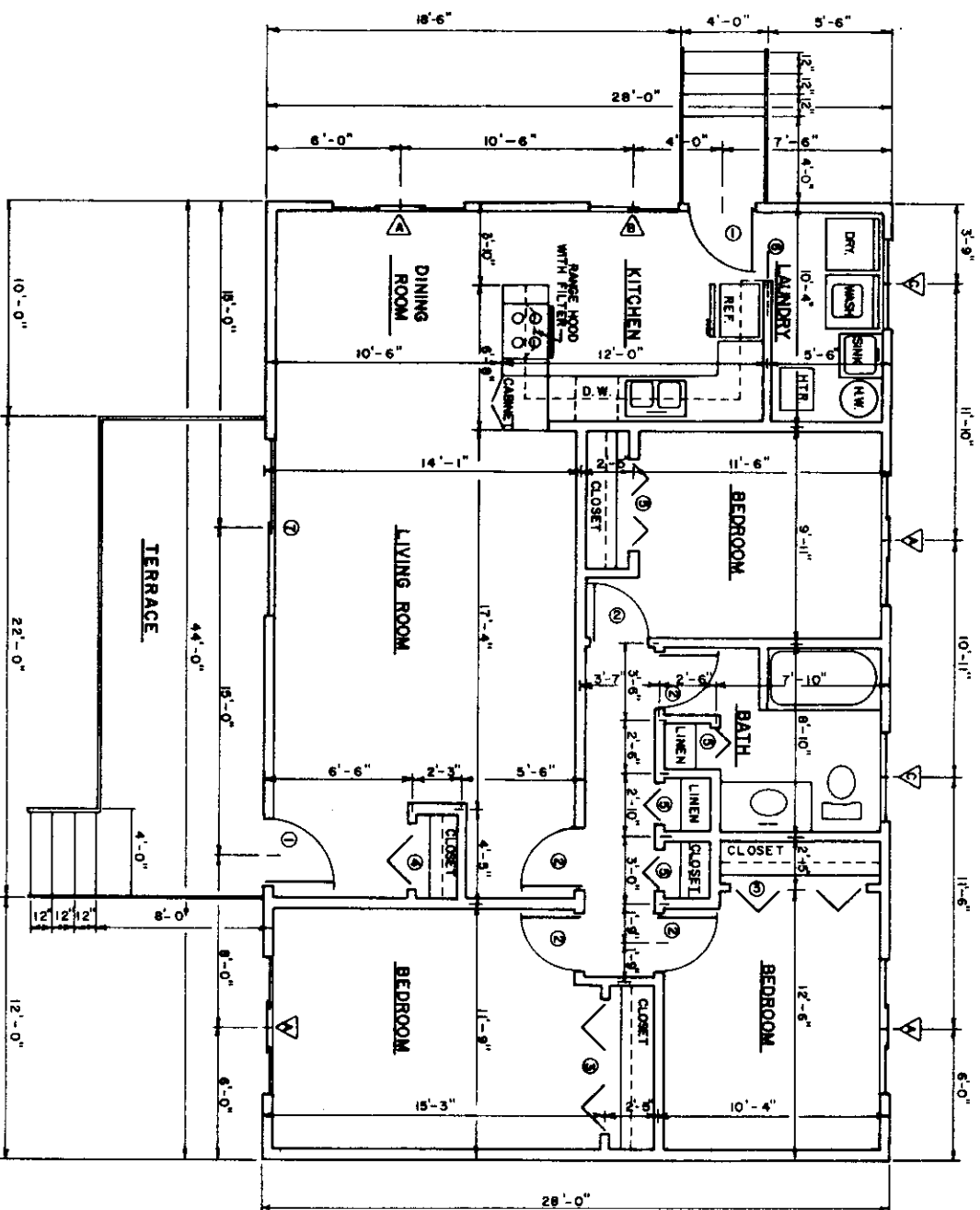
Shadrach & Associates LLC

LAND SURVEYING

430 Southlake Blvd., Suite 10-B • Richmond, Virginia 23236
Phone: (804)379-9300 • Email: rod@shadrachsveys.com

Notes:

1. The subject property is not to be located within the limits of the 100 Year Flood Plain Boundary as defined by The Federal Insurance Administration Community-Panel No. 510129-0076-D, effective date: April 2, 2009 (Zone X).
2. This survey plat represents a current and accurate field transit survey of the premises shown hereon.
Date of last physical survey: July 6, 2023.
3. This survey was made without the benefit of a Title Report and therefore there may be encumbrances which affect the subject property not reflected hereon.



FLOOR PLAN
SCALE

DOOR SCHEDULE

MARK	SIZE	DESCRIPTION	REQ
1	3'-0"x6'-8"	Wood, Solid Core, Exterior, 1 Light	2
2	2'-8"x6'-8"	Wood, Hollow Core, Interior	5
3	6'-0"x6'-8"	Wood, Bifold (4 panels)	2
4	3'-0"x6'-0"	" (2 panels)	1
5	2'-0"x6'-8"	"	3
6	3'-0"x6'-8"	Pocket Door	1
7	8'-0"x6'-8"	Glass, Sliding	1

WINDOW SCHEDULE

MARK	SIZE	DESCRIPTION	# REQ
A	6'-0"x4'-0"	Aluminum, Sliding (S-F-S)	4
B	4'-0"x4'-0"	Aluminum, Sliding (S-F)	1
C	4'-0"x1'-5"	Aluminum, Awning	2

COOPERATIVE EXTENSION SERVICE
AGRICULTURE AND HOME ECONOMICS

UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATING

3-BEDROOM FRAME HOUSE

USDA 84 7249 SHEET 1 OF 3

FRONT ELEV.

NEAR ELEV.

LEFT ELEV.

POST KEY

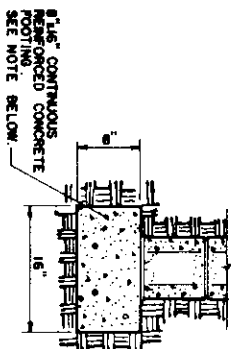
ELEVATIONS

0 20 40 60
feet

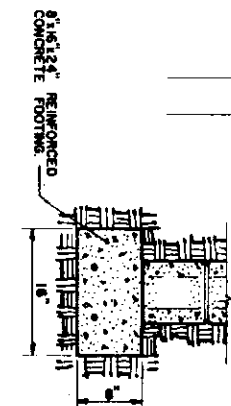
COMMERCIAL TYPE TRUSSES TO WITHSTAND LOCAL SNOW LOADS
24" O.C.

NOTE: 2x4 FIRESTOPS BETWEEN FLOOR AND CEILING IN ALL WALLS.
1x4 CROSS BRIDGES ON FLOOR FRAMING MEMBER OF SPILL.

TYPICAL WALL SECTION

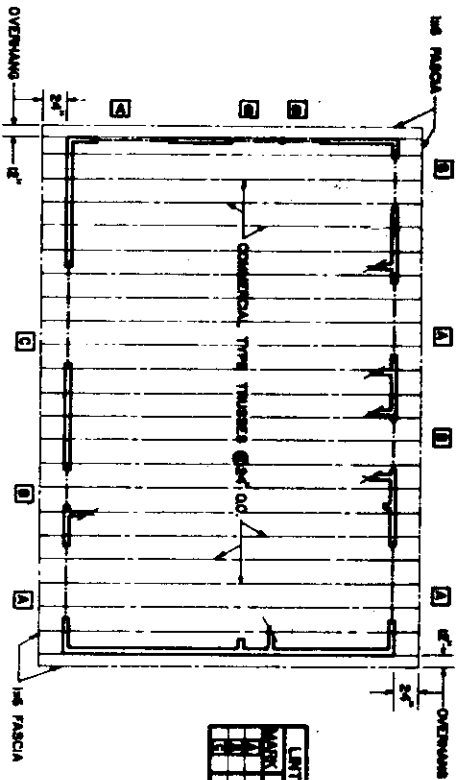


SECTION 9 PIER



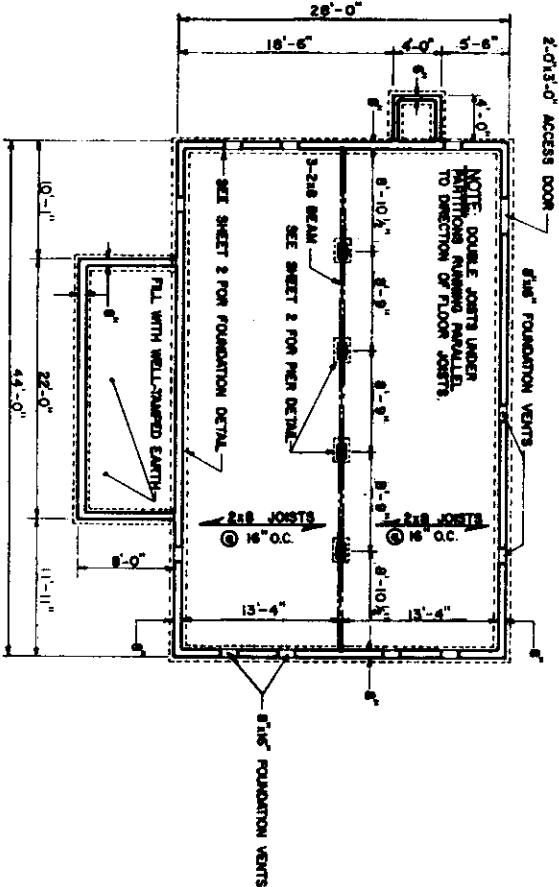
12" 9" 6" 3" 0

SCALE



LITEL SCHEDULE		
TRUSS	SIZE	QUANTITY
A	2-2x8's	4
B	2-2x8's	9
C	2-2x10's	1

ROOF FRAMING PLAN



FOUNDATION PLAN

CONSTRUCTION CHECK LIST

1. CHECK LOCAL BUILDING CODE & LOAN COMPANY CRITERIA.
2. ADEQUATELY NAIL & ANCHOR JOISTS.
3. DOUBLE JOISTS UNDER TRUS & OTHER HEAVY LOADS.
4. SHEATH CORNERS WITH 1/2" PLYWOOD OR HIGH DENSITY FIBERBOARD OR USE DIAGONAL BRACING.
5. USE EXTERIOR GRADED PLYWOOD WHENEVER IT MAY BE WETTED DURING OR AFTER CONSTRUCTION.
6. PRESSURE TREAT ALL WOOD WITH GROUND CONTACT AND PROVIDE OTHER NEEDED TERMITE CONTROL.
7. R VALUES DEPEND ON LOCAL CLIMATE AND FUEL COST.
8. PROVIDE 1 SQ FT OF ATTIC VENT OPENINGS FOR EACH 150 SQ FT OF CEILING.
9. WEATHERIZE ALL OPENINGS AND JOINTS.



SCALE

COOPERATIVE EXTENSION SERVICE
AGRICULTURE AND HOME ECONOMICS

UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATING

3-BEDROOM FRAME HOUSE

USDA '84

7249

SHEET 3 OF 3