

INTRODUCED: July 24, 2023

AN ORDINANCE No. 2023-223

To authorize the special use of the property known as 411 Brook Road for the purpose of a two-family dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 11 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 411 Brook Road, which is situated in a RO-2 Residential-Office District, desires to use such property for the purpose of a two-family dwelling, which use, among other things, is not currently allowed by sections 30-426.4, concerning lot area and width, 30-426.5, concerning yards, 30-426.6, concerning usable open space, and 30-426.6:1, concerning lot coverage, 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: SEP 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 411 Brook Road and identified as Tax Parcel No. N000-0120/043 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Plat of N^o 411, 413, 415 Brook Ave., Situated on the Eastern Line of Brook Ave. and North of Marshall St., Richmond, Va.,” prepared by Chas H. Fleet, and dated August 7, 1947, 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 dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “411 Brook Road, Building Permit Plans,” prepared by Obsidian, and dated October 27, 2022, two sheets of untitled plans, prepared by an unknown preparer, and undated, and “Site Overview – 411 Brook Road (highlighting parking options),” prepared by an unknown preparer, 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 a two-family dwelling, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans.

(c) All building elevations shall be substantially as shown on the Plans.

(d) 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

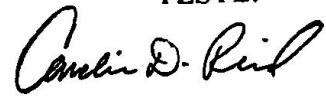
otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 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 "Amelia D. Reed". The signature is written in a cursive style with a large initial 'A'.

City Clerk



City of Richmond

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

Master

File Number: Admin-2023-0275

File ID: Admin-2023-0275 **Type:** Request for Ordinance or Resolution **Status:** Regular Agenda

Version: 2 **Reference:** **In Control:** Planning Commission

Department: **Cost:** **File Created:** 05/04/2023

Subject: **Final Action:**

Title: To authorize the special use of the property known as 411 Brook Road, for the purpose of a two-family dwelling, upon certain terms and conditions.

Internal Notes:

Code Sections: **Agenda Date:** 06/26/2023

Indexes: **Agenda Number:**

Patron(s): **Enactment Date:**

Attachments: Admin-2023-0275 - Application Documents, Admin-2023-0275 - Ordinance DRAFT **Enactment Number:**

Contact: **Introduction Date:**

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

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	5/30/2023	Matthew Ebinger	Approve	6/1/2023
2	2	5/31/2023	Kevin Vonck	Approve	6/6/2023
2	3	5/31/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
2	4	5/31/2023	Sharon Ebert	Approve	6/7/2023
2	5	5/31/2023	Alecia Blackwell - FYI	Notified - FYI	
2	6	5/31/2023	Caitlin Sedano - FYI	Notified - FYI	
2	7	5/31/2023	Jeff Gray - FYI	Notified - FYI	
2	8	6/1/2023	Lincoln Saunders	Approve	6/2/2023
2	9	6/8/2023	Mayor Stoney (By Request)	Approve	6/5/2023
Notes: Wrong Stoney account -- Kit Hagen					
2	10	6/21/2023	Mayor Stoney	Approve	6/15/2023

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File Admin-2023-0275

Title

To authorize the special use of the property known as 411 Brook Road, for the purpose of a two-family dwelling, upon certain terms and conditions.

Body

O & R Request

DATE: May 30, 2023

EDITION: 1

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the special use of the property known as 411 Brook Road, for the purpose of a two-family dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 411 Brook Road, for the purpose of a two-family dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize two dwelling units, within an RO-2 - Residential-Office District. While the two-family dwelling is permitted by the underlying RO-2 - Residential-Office zoning district, some of the applicable feature requirements cannot be met. 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.

BACKGROUND: The property is in the RO-2 - Residential-Office District. The City’s Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which is defined as an “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.

The current zoning for this property is RO-2 - Residential-Office District. All adjacent and nearby properties are located primarily within the same RO-2 - Residential-Office District. The area is generally single-family attached residential and commercial properties.

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: June 26, 2023

CITY COUNCIL PUBLIC HEARING DATE: July 24, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
July 17, 2023

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: Shaianna Trump, Associate Planner, Land Use Administration (Room 511) 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: 411 Brook Road, Richmond, VA 23220 Date: 12/27/2022
 Tax Map #: N0000120043 Fee: _____
 Total area of affected site in acres: 0.028

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

Zoning

Current Zoning: RO-2 Residential-Office

Existing Use: Residential

Proposed Use

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

2 residential apartments: 1 upper floor and 1 lower floor

Existing Use: 1 residential unit (primarily upper floor; unclear what lower floor was previously used for)

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: F. Rob Ries

Company: _____

Mailing Address: 201 Hull Street, Unit 33

City: Richmond State: VA Zip Code: 23224

Telephone: (703) 861-9444 Fax: ()

Email: frobries@gmail.com

Property Owner: FRob Real Estate, LLC

If Business Entity, name and title of authorized signer: F. Rob Ries, Manager

(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: 201 Hull Street, Unit 33

City: Richmond State: VA Zip Code: 23224

Telephone: (703) 861-9444 Fax: ()

Email: frobries@gmail.com

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 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)

Special Use Permit – Applicant’s Report

411 Brook Road
Richmond, VA 23220

Submitted By:

F. Rob Ries
703-861-9444
frobries@gmail.com

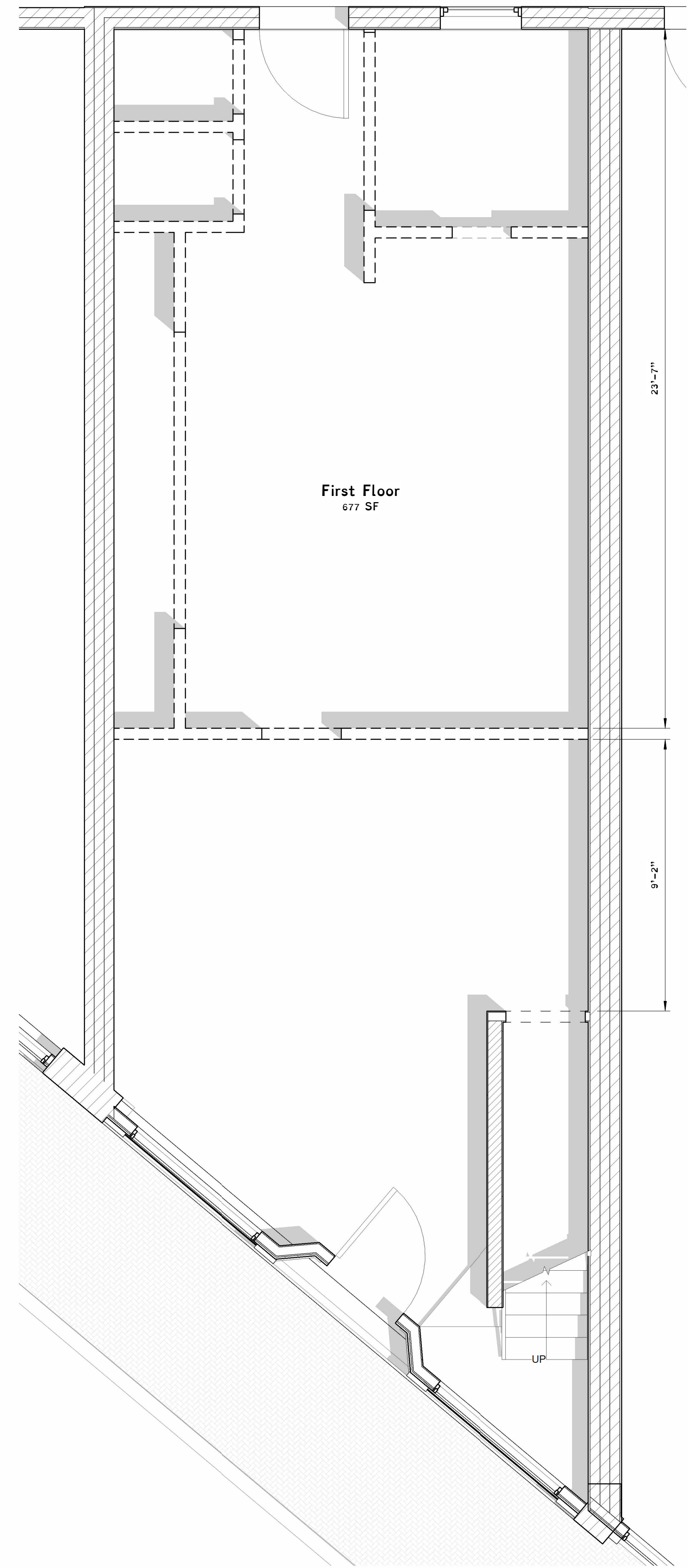
December 27, 2022

The current use of this two-story row house is as a residential property. If it were to remain single residential [two-story] unit, we would target 3 to 4 bedrooms.

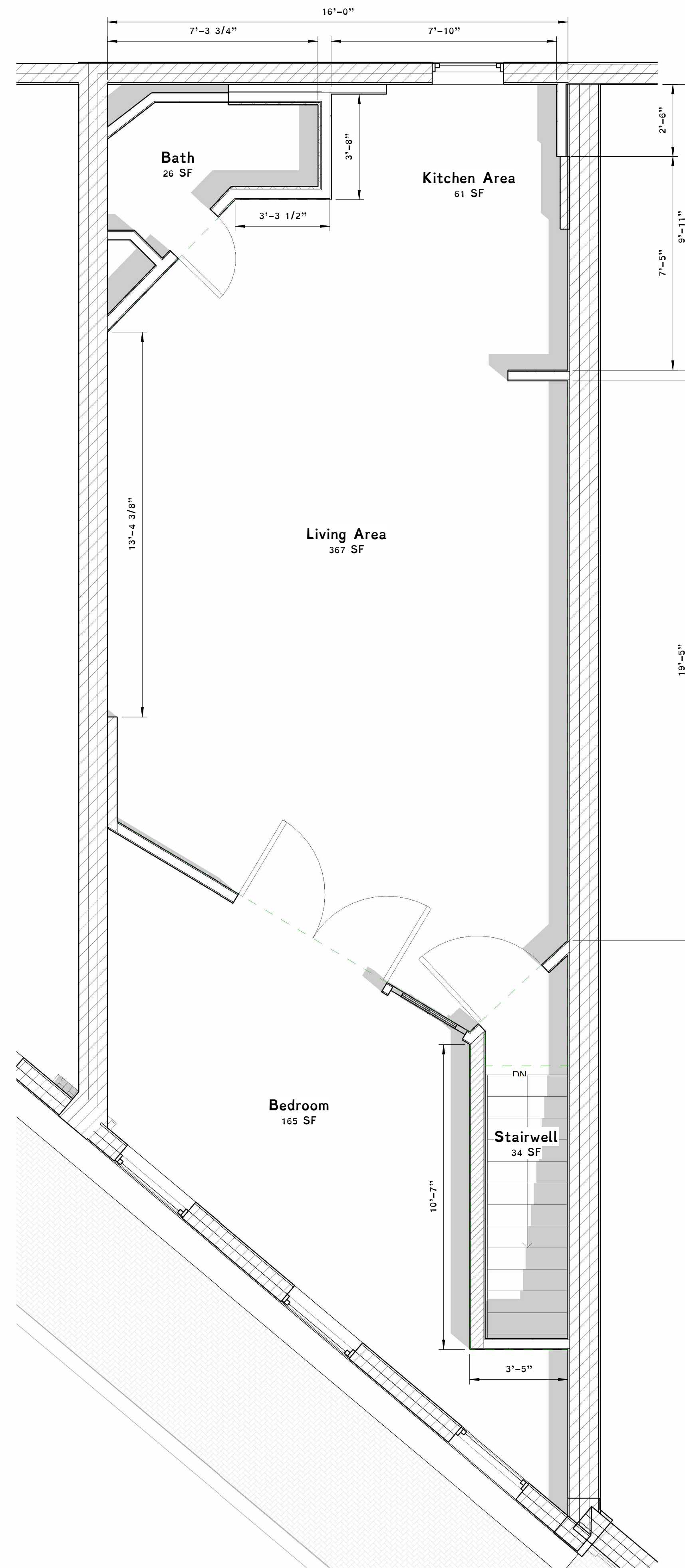
The proposed use of this two-story row house is as two residential properties, one one-bedroom unit upstairs and one studio unit downstairs.

With respect to the specific concerns outlined in the Special Use Permit Application:

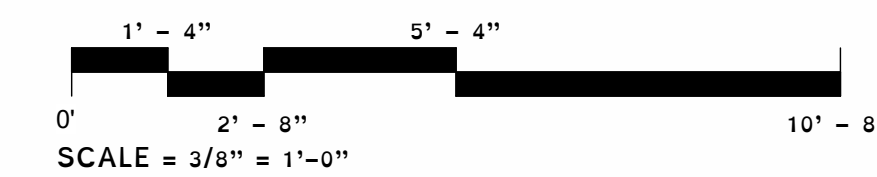
- a) I do not see how changing a single 3 to 4 bedroom unit to the proposed two units would have any effect on the safety, health, morals, or general welfare of the community.
- b) I would expect the congestion in streets, roads, alleys, and other public ways to be similar when comparing the single 3 to 4 bedroom unit scenario vs. the two units scenario.
- c) If we convert to two units, we would have to improve the fire protection between the floors (the property as it now stands has exposed wood joists in the first floor ceiling)...so fire hazards would likely be decreased if we convert to two units.
- d) Again, as stated in b), above: I would expect the population to be comparable between the single 3 to 4 bedroom unit and the two unit configuration.
- e) Because the number of residents would be similar either way, I do not anticipate any adverse impact to sewage, disposal, or other public services.
- f) I do not see any interference with adequate light and air in the two unit configuration.



1 1st Floor - Existing
 3/8" = 1'-0"



2 2nd Floor - Existing
 3/8" = 1'-0"



Floor Plan
 411 Brook Road
 F. Robert Ries

City of Richmond, VA

October 27, 2022

Draft

10/27/2022
 12:40:49 PM

Obsidian
 A Professional Engineering Practice
 417 North 22nd Street
 Richmond, VA 23223
 804.647.1589

Rev.	Date	Description



1 Section 2
1/4" = 1'-0"



2 Existing North
1/4" = 1'-0"



Rev.	Date	Description

October 27, 2022

Elevations
411 Brook Road
F. Robert Ries

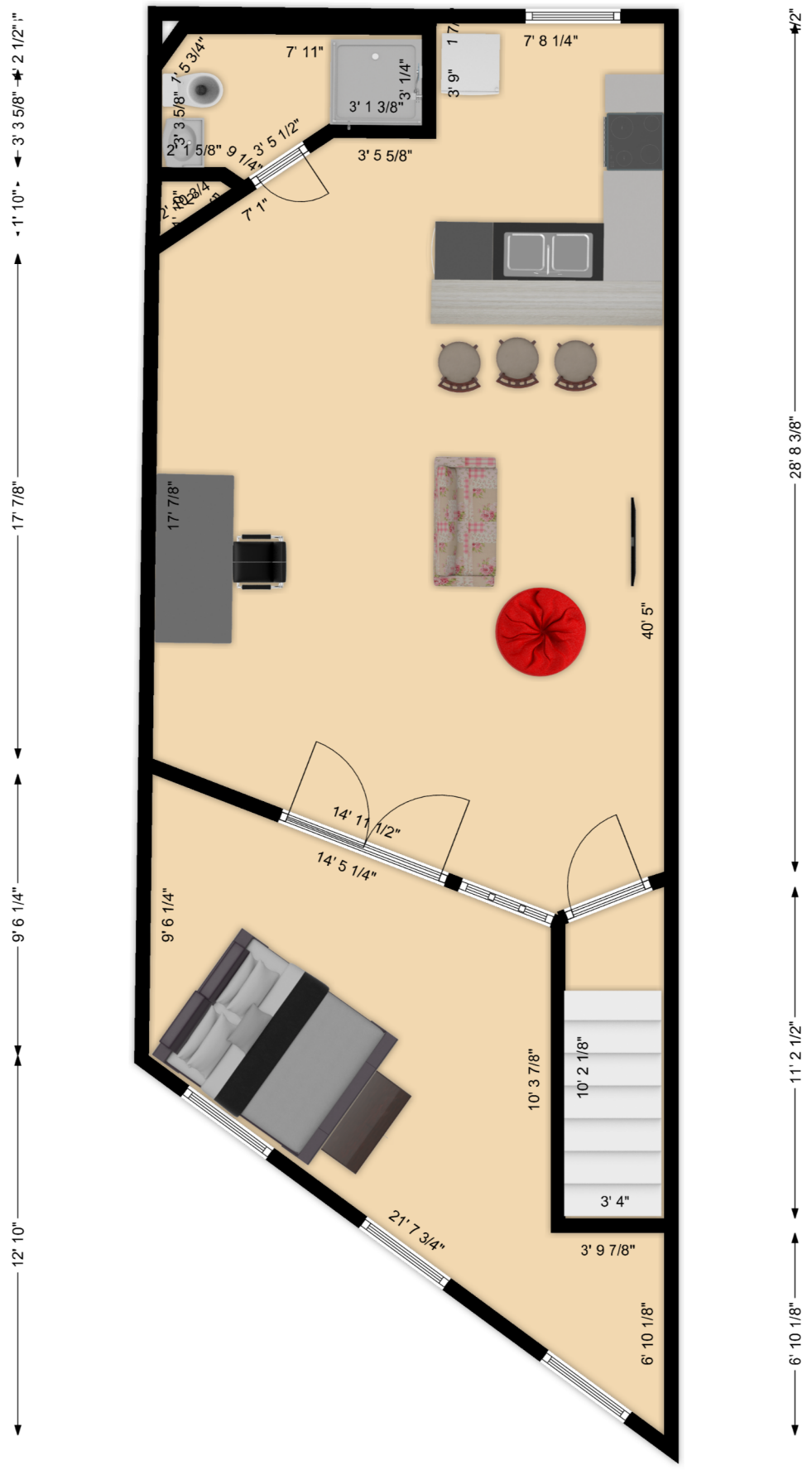
City of Richmond, VA

Draft

10/27/2022
12:40:54 PM

Obsidian
A Professional Engineering Practice
417 North 22nd Street
Richmond, VA 23223
804.647.1589

2 3/4" 4' 6" 4' 3 3/8" 7' 8 1/4"






12' 10" 9' 6 1/4" 17' 7/8" 3' 3 5/8" 2' 1/2" 1"

28' 8 3/8" 11' 2 1/2" 6' 10 1/8"

17' 5 1/8" 3' 4"

Site Overview - 411 Brook Road (highlighting parking options)

-  411 Brook Road property
-  Alley abuts rear of property; at present, 411 Brook has no parking options in or off alley
-  On street parking; our family has, to date, had no trouble at all finding on street parking nearby (usually on Brook!) for one to three vehicles

4 waste receptacles to be screened

