INTRODUCED: May 12, 2025

AN ORDINANCE No. 2025-116

To authorize the special use of the property known as 2903 Brook Road for the purpose of one single-family detached dwelling and one accessory structure, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JUN 9 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 2903 Brook Road, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of one single-family detached dwelling and one accessory structure, which use, among other things, is not currently allowed by sections 30-410.4, concerning lot area and width, and 30-410.5, concerning yards, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES:	8	NOES:	0	ABSTAIN:	
ADOPTED:	JUN 9 2025	REJECTED:		STRICKEN:	
		_			

congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

- (a) Subject to the terms and conditions set forth in this ordinance, the property known as 2903 Brook Road and identified as Tax Parcel No. N000-0859/013 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled "Proposed Improvements, 2903 Brook Road," prepared by Long Surveying, LLC, and dated November 12, 2024, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of one single-family detached dwelling and one accessory structure, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Proposed Improvements, 2903 Brook Road," prepared by Long Surveying, LLC, and dated November 12, 2024, and "2903 Brook Rd Richmond," prepared by NetCadDrafting, and dated December 24, 2024, hereinafter, collectively, 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 one single-family detached dwelling and one accessory structure, substantially as shown on the Plans.
 - (b) No off-street parking shall be required for the Special Use.
- (c) The height of the Special Use shall not exceed three stories, substantially as shown on the Plans.

- (d) All building materials, elevations, and site improvements 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

1,096 calendar days following the date on which this ordinance becomes effective. If either the

application for the building permit is not made within the time period stated in the previous

sentence or the building permit terminates under any provision of the Virginia Statewide Building

Code, this ordinance and the special use permit granted hereby shall terminate and become null

and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

A TRUE COPY:

TESTE:

City Clerk

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: April 15, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Danny Avula, Mayor (by request)

(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Sabrina Joy-Hogg, Interim Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

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

RE: To authorize the special use of the property known as 2903 Brook Road for the

purpose of one single-family detached dwelling and one accessory structure, upon

certain terms and conditions.

PURPOSE: The applicant is requesting a Special Use Permit to allow for the construction of one single-family detached dwelling and one accessory structure in a R-5 Single-Family District. Underlying zoning requirements regarding lot area and lot width cannot be met. As a result, a Special Use Permit is necessary to proceed with this request.

BACKGROUND: The property is located in the Virginia Union neighborhood on Brook Road between Sherwood Avenue and Hammond Avenue. The property is currently a vacant 4,270 square feet (0.098 acre) parcel of land.

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

<u>Intensity</u>: 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.

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<u>Primary Uses</u>: Single-family houses, accessory dwelling units, and open space.

<u>Secondary Uses</u>: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets

The current zoning for the property is R-5 Single-Family Residential.

COMMUNITY ENGAGEMENT: The Edgehill Chamberlayne Court Civic Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 12, 2025

CITY COUNCIL PUBLIC HEARING DATE: June 9, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission June 3, 2025

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

STAFF:

Shaianna Trump. Planner Associate, Land Use Administration (Room 511) 646-7319



CITY OF RICHMOND, VA

Department of Planning and Development Review Land Use Administration Division 900 East Broad Street, City Hall - Room 511, Richmond, Virginia 23219

AUTHORIZATION FROM PROPERTY OWNER

TO BE COMPLETED BY Applicant must comp	
HOME/SITE ADDRESS: 530 E Main Street	APARTMENT NO/SUITE Suite 730
APPLICANT'S NAME: Will Gillette	EMAIL ADDRESS: will@bakerdevelopmentresources.com
BUSINESS NAME (IF APPLICABLE): Baker Develop	
SUBJECT PROPERTY OR PROPERTIES: 2903 Brook	Road
APPLICATION REQUESTED	
☐ Plan of Development (New or Amendment)	
☐ Wireless Plan of Development (New or Amendment)	
■ Special Use Permit (New or Amendment)	
☐ Rezoning or Conditional Rezoning	
☐ Certificate of Appropriateness (Conceptual, Administrative	Approval, Final)
☐ Community Unit Plan (Final, Preliminary, and/or Amendme	ent)
☐ Subdivision (Preliminary or Final Plat Correction or Extens	

	TO BE COMPLETED BY THE AUTHORIZED OWNER Owner must complete ALL items
	cknowledges that you, as the owner or lessee of the property, authorize the above applicant to cted application/s on your behalf.
PROPERTY OWNER: K	C ENTERPRISES OF VA LLC
PROPERTY OWNER ADD	RESS: 21119 BAILEYS GROVE DRIVE
PROPERTY OWNER EMA	ML ADDRESS: TABORRI@AOL.COM
PROPERTY OWNER PHO	NE NUMBER: 8049387000
Property Owner Signa	75- Carbor (Oct 30, 2004 12:25 EDT)

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.

APPLICANT'S REPORT

October 30th, 2024

Special Use Permit Request 2903 Brook Road, Richmond, Virginia Map Reference Numbers: N000-0859/013

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 the property known as 2903 Brook Road (the "Property"). The SUP would authorize the construction of a single-family detached dwelling and detached garage on the currently vacant Property. While this is consistent with the Richmond 300 Master Plan designation of Residential for the Property, like many lots in the area it does not conform to the underlying R-5 Single-Family Residential district lot area and width requirements, and therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the eastern line of Brook Road between Sherwood and Hammond Avenues, is currently vacant, and is referenced by the City Assessor as tax parcel N000-0859/013. The Property is part of the Hammond Place Subdivision and has 35' of frontage along Brook Road and contains roughly 4,270 square feet of lot area. Access is provided by means of a north-south alley located to the rear of the Property.



Properties along Brook Road to the north and south as well as those to the east are primarily developed with residential uses. Immediately across Brook Road to the west lie institutional and light industrial uses and further to the southwest lies Virginia Union University. To the south along Lombardy Street and to the east along Chamberlayne Avenue are commercial corridors providing a wide range of services.

EXISTING ZONING

The Property and those to the north, south, and east are zoned R-5 Single-Family Residential. Properties to the west, across Brook Road, are zoned Institutional, M-1 Light Industrial, and R-53 Multifamily Residential.

MASTER PLAN DESIGNATION

The request is consistent with the Richmond 300 Master Plan (the "Master Plan"), which suggests "Residential" for the Property. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. This designation also encourages developments to reinforce a gridded street pattern in order to increase connectivity. Two-family dwellings are contemplated as a secondary use in the Residential future land use designation (p. 54) and recommended along major streets like Brook Road which is described as a "Major Residential Street."

The Property is also located near the VUU / Chamberlayne Neighborhood Node. Nodes are described by the Master Plan as "places in Richmond where people and jobs are today and continue to grow into the future. Nodes are the places of convergence of many uses and include offices, shopping, housing, and/or public gathering places as well as access to multiple modes of transportation." Specifically, Neighborhood Nodes like VUU / Chamberlayne are described as "local crossroads typically within or next to larger residential areas that offers goods and services to nearby residents, employees, and visitors."

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. "
 - e) Allow the development of middle housing (2- to 4- unit buildings) by-right 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."

- o 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.

Proposal

PROJECT SUMMARY

The proposed development includes the construction of one single-family detached dwelling and a detached two-car garage on the currently vacant parcel.

PURPOSE OF REQUEST

The Property owner is proposing to construct a single-family detached dwelling on the Property, consistent with what is allowed by the underlying R-5 Zoning District. However, 2903 Brook Road has a lot width of 35' and lot area of 4,270 square feet which, while compatible with other lots in the block, does not meet the current R-5 zoning requirements of 50' lot width and 6,000 square feet of lot area, and therefore, a SUP is required.

In exchange for the SUP, the intent of this request is to ensure a high-quality infill development that is consistent with the objectives of the Master Plan. The project would create new, for-sale housing in the neighborhood that is compatible with the existing development in the vicinity and the quality assurances conditioned through the SUP would guarantee a high-quality development.

PROJECT DETAILS

The proposed single-family dwelling and detached garage have been designed to meet the needs of today's homebuyers. The dwelling would be three stories in height and the building design is intended to respect the existing building styles found in the vicinity with traditional features and a full-width front porch. The proposed two car garage would be one story in height and has been designed to be compatible with the proposed dwelling.

The proposed dwelling would contain 4 bedrooms and 3.5 bathrooms. The first floor would contain an open living and dining area while the second floor would contain three bedrooms including the primary bedroom suite with en-suite bath. The third floor would contain another bedroom as well as a loft opening on to a rear-facing terrace. The dwelling would be constructed with quality building materials, including cementitious horizontal lap siding, that provide a durable and low-maintenance exterior. Front and rear porches, as well as the third-floor terrace, provide outdoor living space. The two-car detached garage would be one story in height, clad in cementitious lap siding to match the dwelling, and accessed off the rear alley.

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 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 related to the proposed dwellings and the proposed off-street parking will result in 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 would not adversely affect the above referenced City services.

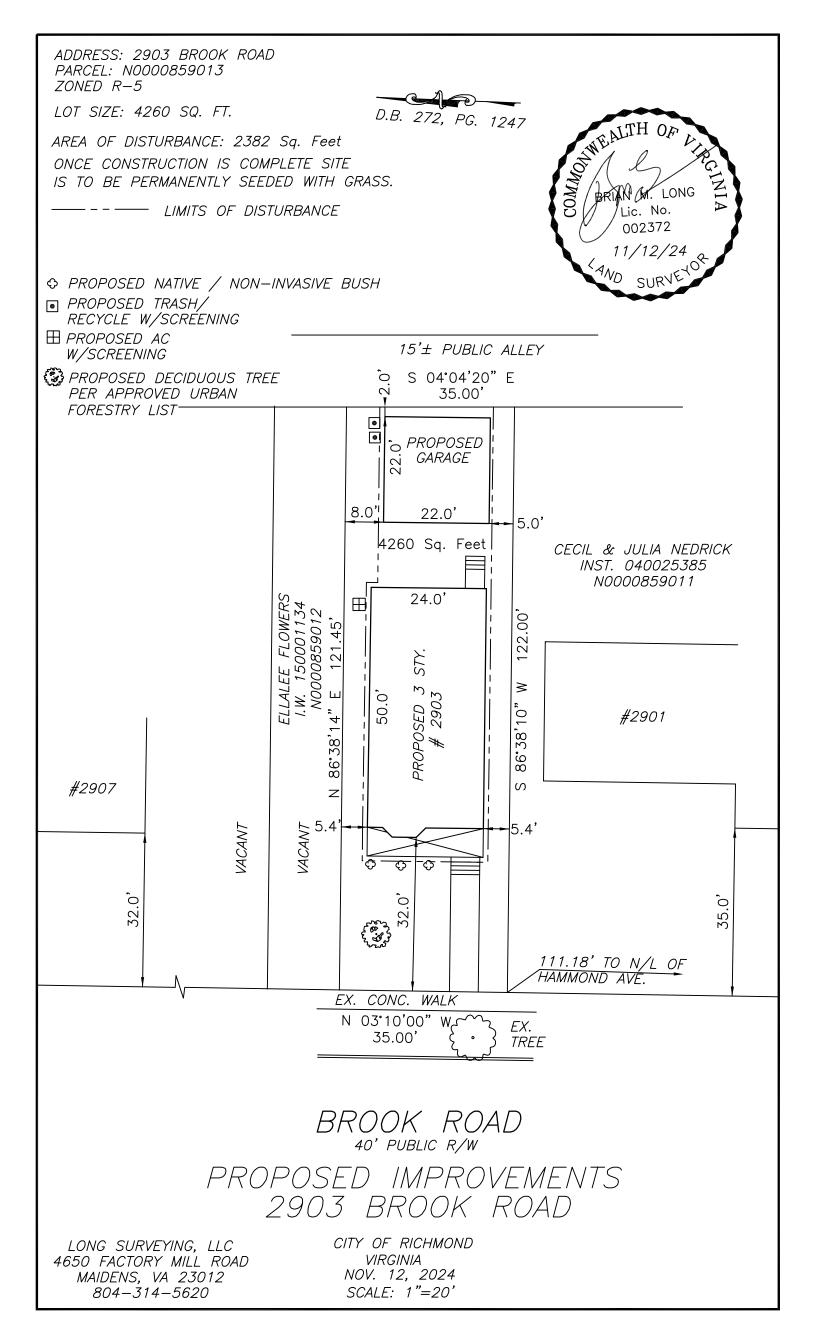
• Interfere with adequate light and air.

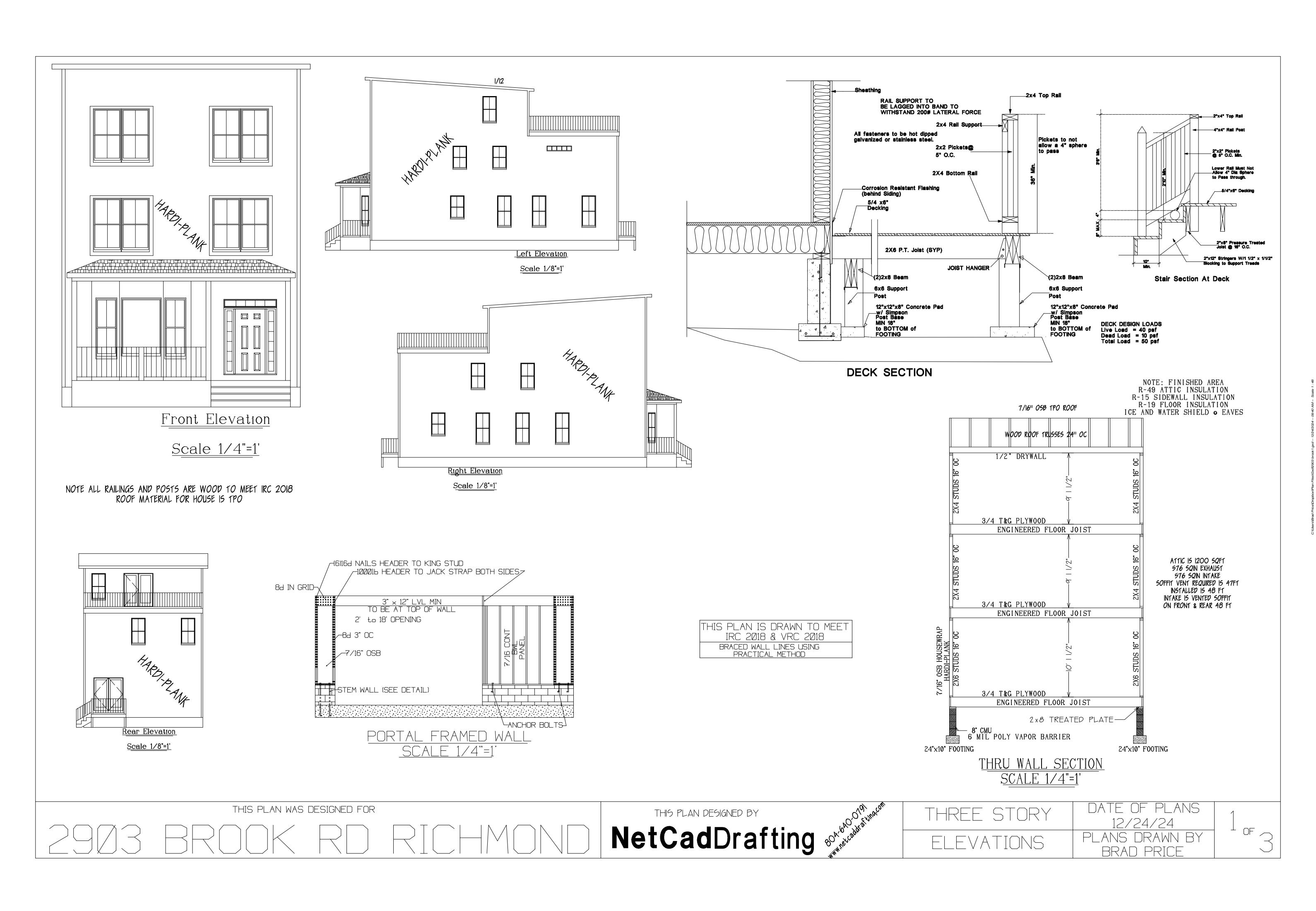
The light and air available to the subject and adjacent properties will not be affected. The proposed dwellings are of compatible massing and spacing to the existing dwellings throughout the neighborhood. As a result, this request will not interfere with the provision of adequate light and air to the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

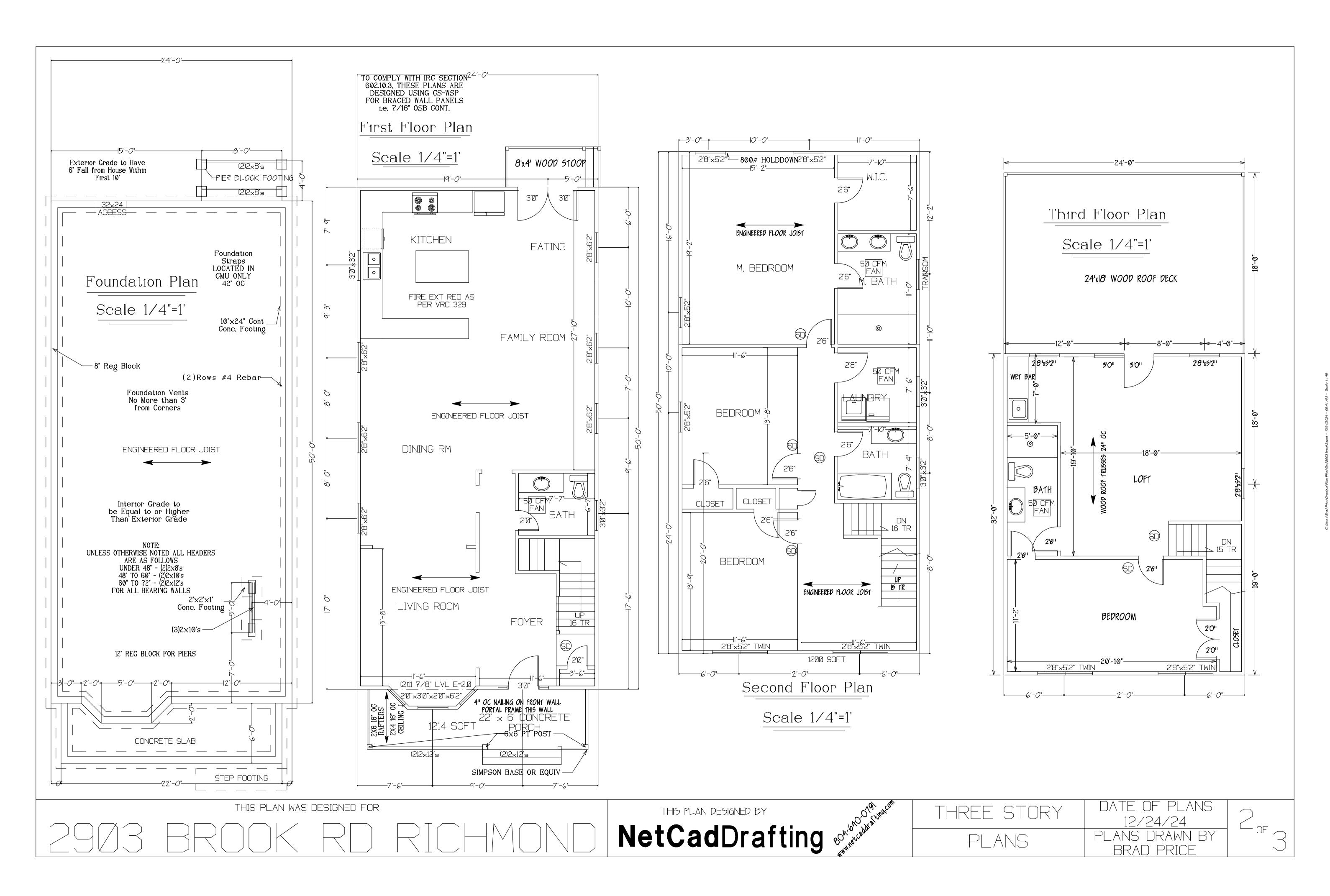
Summary

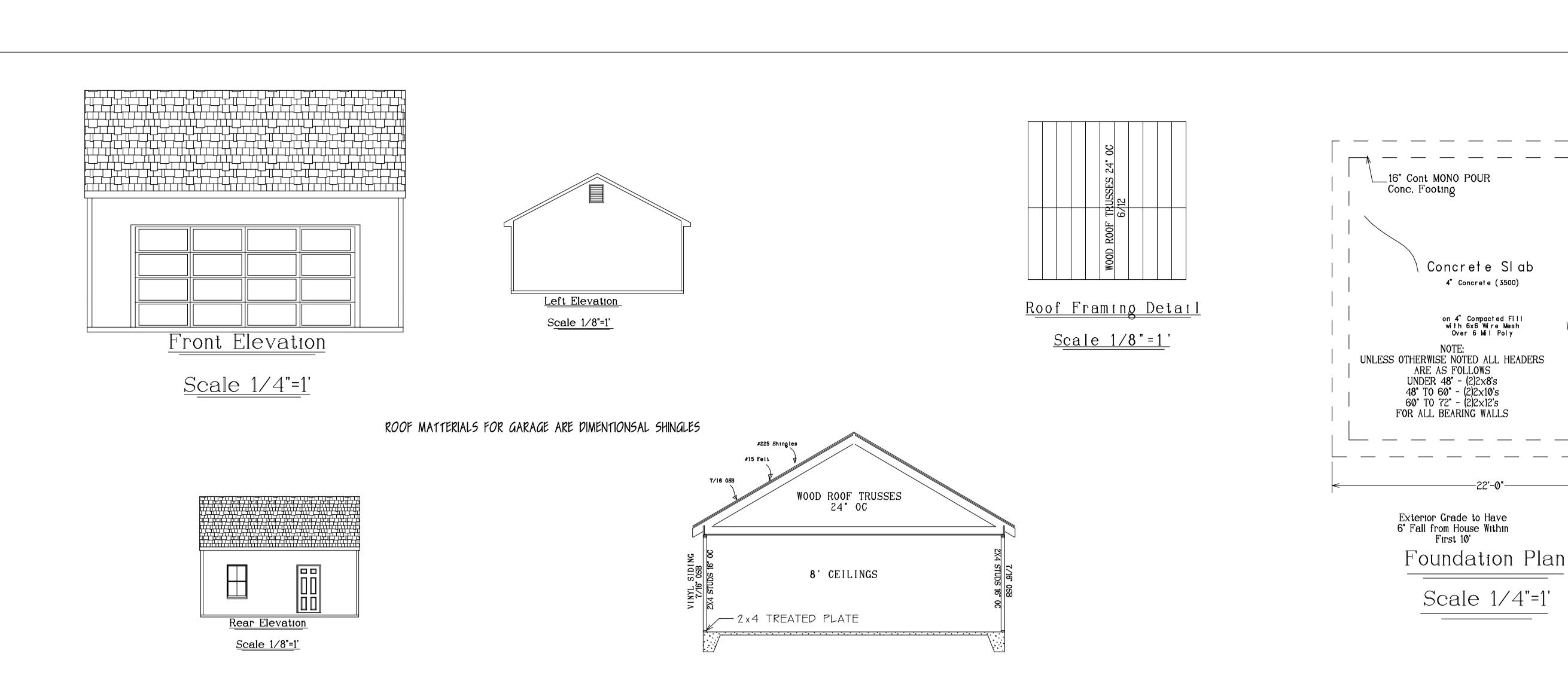
In summary we are seeking approval for the construction of a single-family detached dwelling and detached garage. The dwelling has been thoughtfully designed in order to provide appropriate, high quality infill development. The request offers compatibility with goals contained within the City's Master Plan and would contribute to the ongoing revitalization of the neighborhood, upgrading the Property while

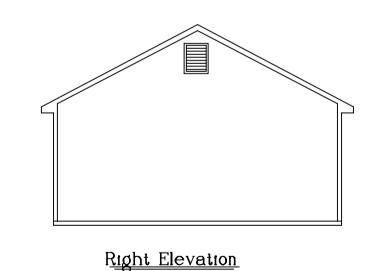
maintaining a desirable variation in housing style and density in the vicinity and providing for continued economic diversity in housing options within the neighborhood. It will help encourage a pedestrian friendly traditional neighborhood streetscape in the vicinity. This would contribute to the vibrancy of the block though the provision of addition street life in the form of pedestrian traffic. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than what might otherwise be developed by right in the vicinity.





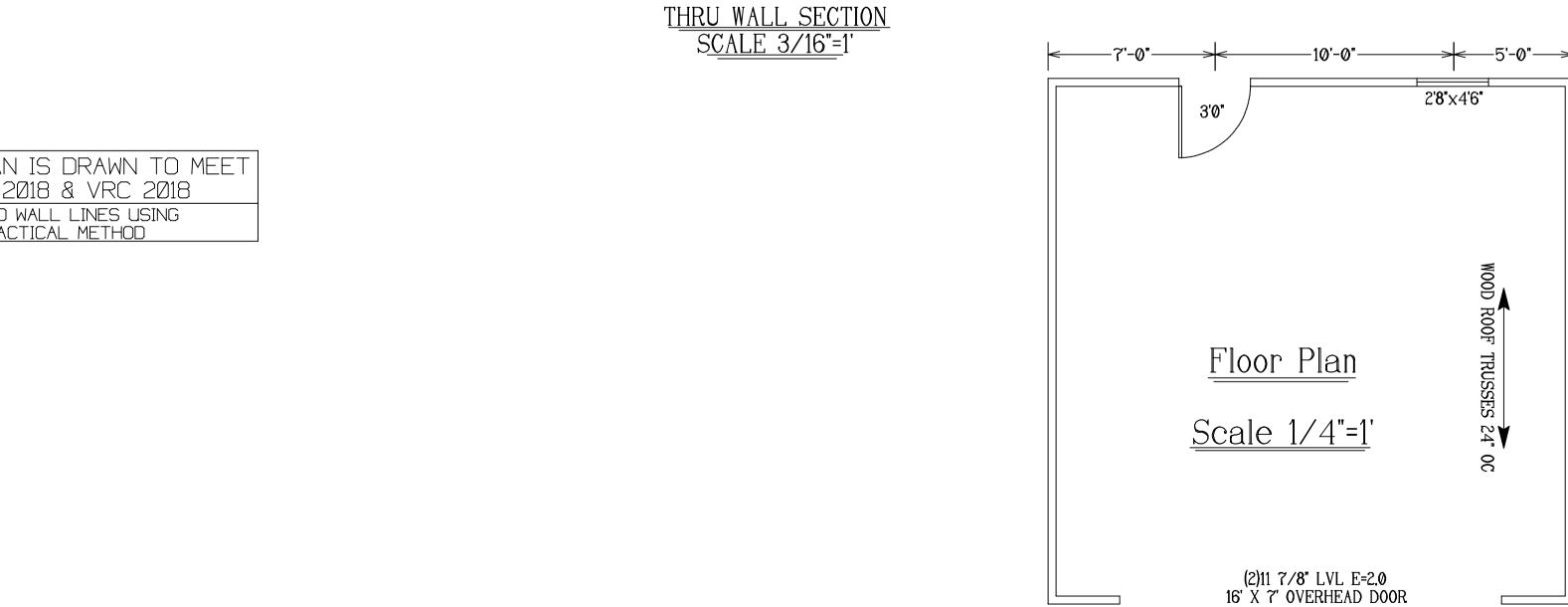






Scale 1/8"=1'

THIS PLAN IS DRAWN TO MEET IRC 2018 & VRC 2018 BRACED WALL LINES USING PRACTICAL METHOD



THIS PLAN WAS DESIGNED FOR

-22**'-0"**-

DATE OF PLANS GARAGE 12/24/24 PLANS DRAWN BY PLANS BRAD PRICE

Foundation

Straps 42" O.C.