

INTRODUCED: June 27, 2022

AN ORDINANCE No. 2022-216

To authorize the special use of the properties known as 215 Roseneath Road and 217 Roseneath Road for the purpose of two two-family attached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 25 2022 AT 6 P.M.

WHEREAS, the owner of the properties known as 215 Roseneath Road and 217 Roseneath Road, which are situated in a R-6 Single-Family Attached Residential District, desires to use such properties for the purpose of two two-family attached dwellings, which use, among other things, is not currently allowed by section 30-412.4, concerning lot area and width, density, and unit width, and 30-412.5, 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 congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 25 2022 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 properties known as 215 Roseneath Road and 217 Roseneath Road and identified as Tax Parcel Nos. W000-1514/041 and W000-1514/042, respectively, in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lots 20 and 21, Block B, Lee Park, Richmond, Virginia,” prepared by A. G. Harocopos & Associates, P.C., and dated September 13, 2021, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of two two-family attached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Alterations & Additions, 217 Roseneath Road, Richmond, Virginia,” prepared by Appich Architects, and dated January 6, 2022, and hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as two two-family attached dwellings, substantially as shown on the Plans.

(b) No fewer than four off-street parking spaces shall be provided for the Special Use to the rear of the Property.

(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans, subject to the applicable regulations of the West of the Boulevard Design Overlay District, pursuant to section 30-940 through 30-940.9 of the Code of the City of Richmond (2020), as amended. Vinyl siding shall not be permitted.

(d) The height of the Special Use shall not exceed three stories, substantially as shown 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.

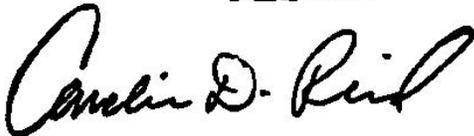
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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.

A TRUE COPY:

TESTE:

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

City Clerk



City of Richmond

Item Request File Number: PRE.2022.0115

RECEIVED
By City Attorney's Office at 8:29 am, May 03, 2022

RECEIVED
By CAO Office at 12:53 pm, Apr 19, 2022

2022-084

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

O & R Request

DATE: April 11, 2022

EDITION: 1

TO: The Honorable Members of City Council

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

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

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

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

RE: To authorize the special use of the properties known as 215 and 217 Roseneath Road for the purpose of two two-family attached dwellings.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the properties known as 215 and 217 Roseneath Road for the purpose of two two-family attached dwellings.

REASON: The subject properties are located in the R-6 Single-Family Attached Residential District. The proposed enlargements of the structures do not meet the lot feature requirements of the R-6 Single-Family Attached Residential District. Therefore, a special use permit requested.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its June 6, 2022 meeting.

BACKGROUND: The subject properties are located midblock on the east side of Roseneath Road between Grove and Hanover Avenues. Improvements were made to the properties in 1925. The subject property located at 215 Roseneath Road contains a single-family detached dwelling that will be expanded and converted into a two-family structure. The subject property located at 217 Roseneath Road contains a two-family detached structure that will be expanded and remain a two-family dwelling.

The proposed two-family dwellings are permitted uses in the R-6 Single-Family Attached Residential District. However, the properties are legally nonconforming due to side yard setbacks and yard area. For this district, sec. 30-412.4 (3) of the zoning ordinance states that two-family detached dwellings shall be located on lots of not less than 6,000 square feet and a width of not less than fifty feet. The existing uses and the proposed expansions are located on lots 21.25 feet wide with 3,984 square feet of area.

Sec. 30-412.5 (2)b of the zoning ordinance states that side yards shall be not less than three feet in width except where buildings are attached. The existing buildings each hold less than a one foot side yard setback. The proposed additions will also hold less than one foot side yard setbacks.

All properties surrounding the subject property are also located within the R-6 Single-Family Attached Residential District. Properties in the area are developed primarily with single and two-family dwellings.

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: May 9, 2022

CITY COUNCIL PUBLIC HEARING DATE: June 13, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
June 6, 2022

AFFECTED AGENCIES: Office of Chief Administration 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: David Watson AICP, Senior Planner, Land Use Administration, 804-646-1036



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.richmond.gov/>

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: 215 and 217 Roseneath Road Date: January 4, 2022
 Tax Map #: W0001514041/W0001514042 Fee: \$300
 Total area of affected site in acres: .185

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

Zoning

Current Zoning: R-6

Existing Use: Single Family and Two Family

Proposed Use

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

Build rear additions onto existing structures (215/217) to increase to two family

Existing Use: Single Family and Two Family

Is this property subject to any previous land use cases?

Yes

No

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Lewis Little Jr

Company: Siwel Renovations LLC

Mailing Address: PO Box 8301

City: Richmond State: VA Zip Code: 23226

Telephone: (804) 513-6000 Fax: ()

Email: siwelholdingsllc@gmail.com

Property Owner: Siwel Renovations LLC

If Business Entity, name and title of authorized signee: Lewis Little Jr

(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: PO Box 8301

City: Richmond State: VA Zip Code: 23226

Telephone: (804) 513-6000 Fax: ()

Email: siwelholdingsllc@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)

January 3, 2022

Special Use Report:

215 and 217 Roseneath Road

215 and 217 Roseneath Road (“The properties”) are located on the east side of Roseneath Road between Hanover Avenue and Grove Avenue in the Museum District. They are bounded by an alley to the north and the east, by Roseneath Road to the west and by a 10,000 sf school building owned by Temple Beth El to the south. The properties consist of 0.185 acres and are zoned R-6. The current use for 215 is single family and the current use for 217 is two family.

The proposed plan would renovate the existing 2160 sf buildings and add approximately 2,413 sf of heated space per property. The front units for each property will contain 3 bedrooms and 2.5 baths and the rear units will have 3 bedrooms and 3.5 baths. The existing garages in the rear of the property will be demolished and a total of eight onsite parking spaces will be provided.

The project will not be detrimental to the safety, health, morals and general welfare of the community.

Parking is being provided in accordance with the zoning ordinance. The level of density is commensurate with the current and historic patterns of this district. The project will not tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved.

All work will be done in accordance with local building codes and will not create hazards from fire, panic, or other dangers.

There is no concentration of population which could cause overcrowding of land and undue concentration of population.

The proposed project will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposals, transportation or other public requirements, conveniences and improvements.

The project will not interfere with adequate light and air.

CODE NOTES

- VCC 2018 & ALL LOCAL CODES SHALL APPLY
- USE NO. 2 GRADE FRAMING MATERIAL
- HEADER'S (2) 2X8'S UNLESS NOTED OTHERWISE
- SHEATHING 7/16" OSB THROUGHOUT
- BRACED WALL CONTINUOUS SHEATHING
- INSULATE WALLS WITH R-20, ATTIC/ROOF AREAS R49 BATT CRAWL SPACE W/ R-19
- FINISH WITH 1/2" GYPSUM BOARD AND PAINT.
- ASSUMED SOIL BEARING CAPACITY 2000 PSI CONCRETE 3000 PSI FTGS. SLABS 3500 PSI
- LOADS: FLOOR - LIVE 40 PSF, DEAD 10 PSF ROOF - LIVE 20 PSF, DEAD 10 PSF
- WIND SPEED 115 MPH
- SIMPSON CONNECTORS AS REQUIRED
- SMOKE DETECTOR (SD)
- 1 HOUR FIRE SEPARATE UL U305 ALONG NEW SOUTH WALL
2 HOUR U 347 BETWEEN DWELLINGS AND AS NOTED ON PLANS

AREA SQUARE FOOTAGE

215 A FIRST FLOOR (EXISTING)	817 SQ.FT.
215 A FIRST FLOOR (NEW)	134 SQ.FT.
215 A SECOND FLOOR (EXISTING)	817 SQ.FT.
215 A SECOND FLOOR (NEW)	134 SQ.FT.
215 A BASEMENT	817 SQ.FT.
215 A FRONT PORCH	139 SQ.FT.

215 B FIRST FLOOR	823 SQ.FT.
215 B SECOND FLOOR	795 SQ.FT.
215 B THIRD FLOOR	527 SQ.FT.
215 B FRONT PORCH	129 SQ.FT.

217 A FIRST FLOOR (EXISTING)	817 SQ.FT.
217 A FIRST FLOOR (NEW)	134 SQ.FT.
217 A SECOND FLOOR (EXISTING)	817 SQ.FT.
217 A SECOND FLOOR (NEW)	134 SQ.FT.
217 A BASEMENT	817 SQ.FT.
217 A FRONT PORCH	129 SQ.FT.

217 B FIRST FLOOR	823 SQ.FT.
217 B SECOND FLOOR	795 SQ.FT.
217 B THIRD FLOOR	527 SQ.FT.
217 B FRONT PORCH	129 SQ.FT.

COMMON PORCH (REAR ENTRY) 344 SQ.FT.

DOOR SCHEDULE

A & B DWELLINGS 1ST FLOOR

- 36" X 6'-8" X 1-3/4" - ENTRY DOOR EXISTING
- 30" X 6'-8" X 1-3/8" - COLONIAL SOLID WOOD
- 24" X 6'-8" X 1-3/8" - COLONIAL SOLID WOOD
- PR 24" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 28" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 36" X 6'-8" X 1-3/4" - FIBERGLASS HALF LITE ENTRY DOOR

A DWELLING 2ND FLOOR

- 28" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 30" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- PR 24" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 30" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- PR 24" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 30" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- PR 24" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 28" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 18" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD

B DWELLING 2ND FLOOR

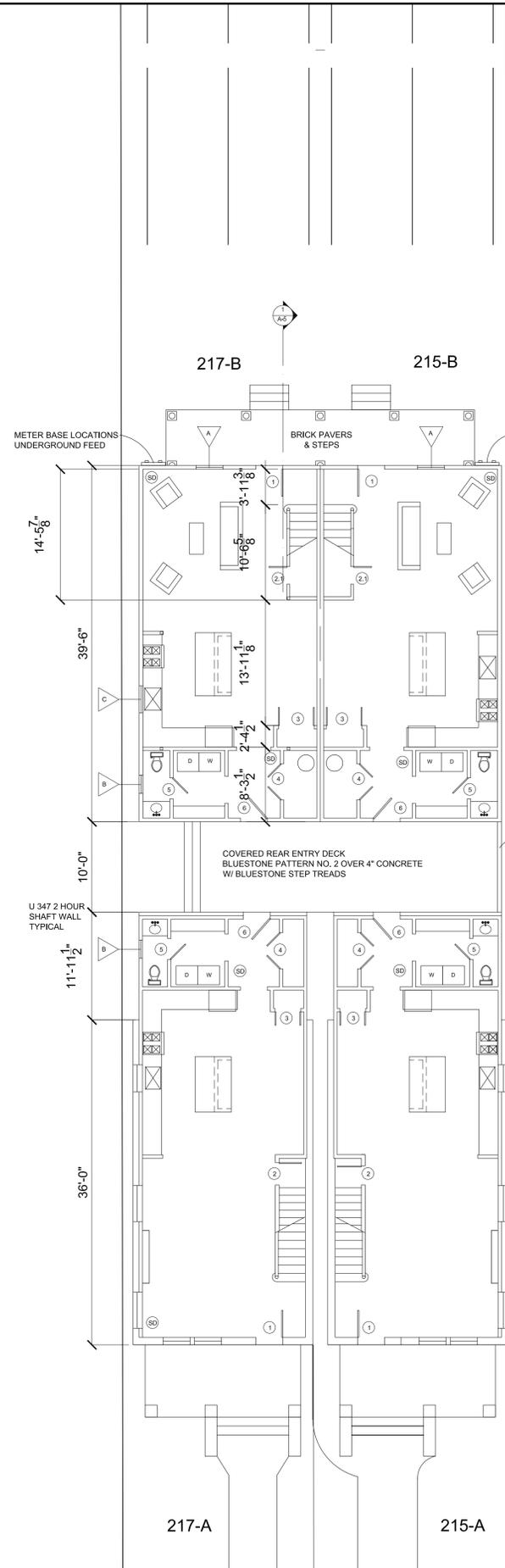
- 30" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- PR 24" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 28" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 30" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 28" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- PR 24" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD

B DWELLING 3RD FLOOR

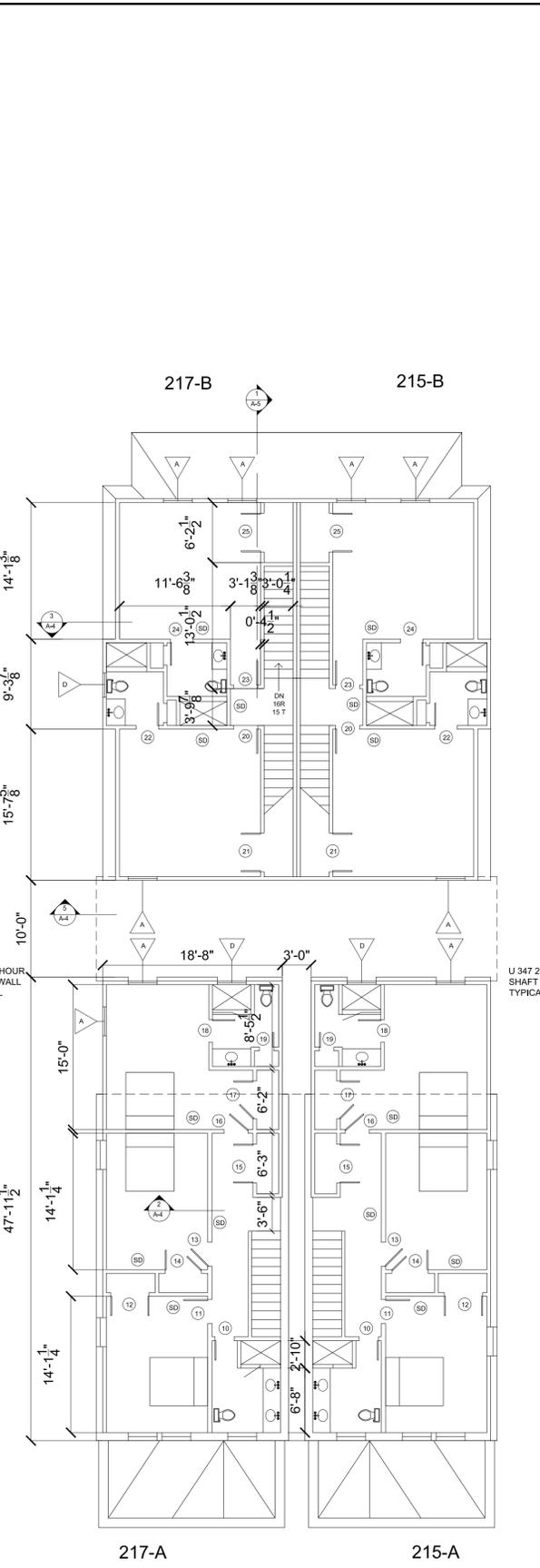
- 30" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 28" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 28" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 28" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 24" X 6'-8" X 1-3/8" - COLONIAL - HOLLOW WOOD
- 36" X 6'-8" X 1-3/4" - FULL LITE FIBERGLASS

WINDOW SCHEDULE

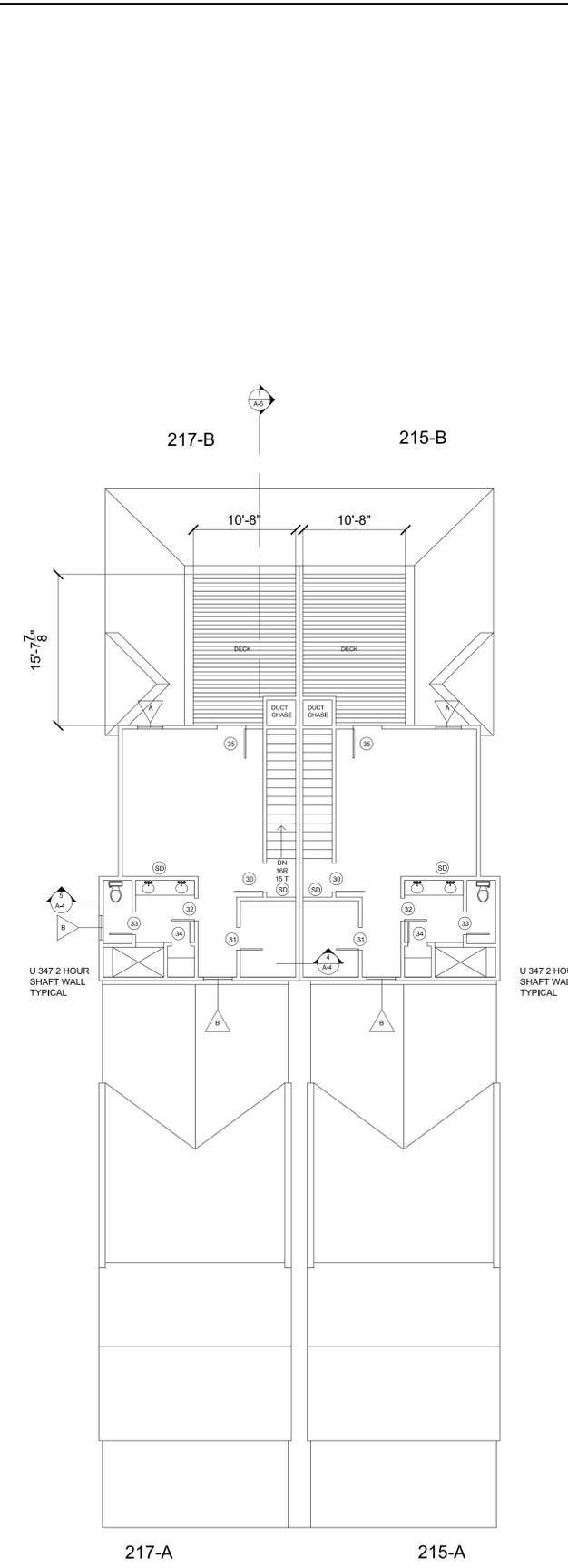
- A - 36" X 66" D.H. GBG VINYL EGRESS
- B - 36" X 50" D.H. GBG VINYL
- C - 36" X 42" D.H. GBG VINYL
- D - 30" X 16" FIXED VINYL TRANSOM



FIRST FLOOR PLAN (PROPOSED)
SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"





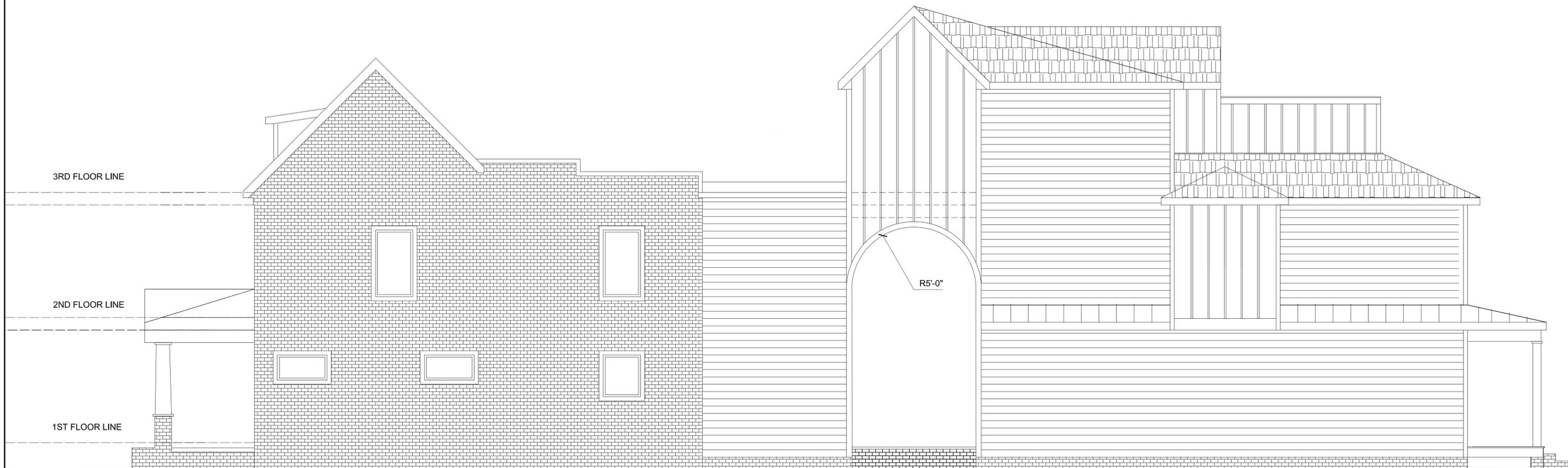
EAST ELEVATION

SCALE: 1/4" = 1'-0"



WEST ELEVATION (EXISTING)

SCALE: 1/4" = 1'-0"



EXISTING DWELLING STRUCTURES | NEW DWELLING STRUCTURES

SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

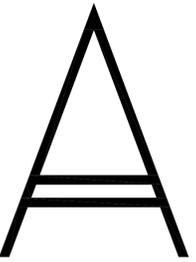
APPICH
ARCHITECTS
appicharchitects.com
14321 Winter Ridge Lane
Midlothian, VA 23113
m 804.399.7217
cwappich@gmail.com
residential commercial reconstruction



Siwel Holdings LLC
ALTERATIONS & ADDITIONS
217 ROSENEATH ROAD
RICHMOND, VIRGINIA

PROJECT NUMBER: 2021-49
DATE: JANUARY 6, 2022
DRAWN BY: CWA

A-3
ELEVATIONS



APPICH
ARCHITECTS

appicharchitects.com
14321 Winter Ridge Lane
Midlothian, VA 23113

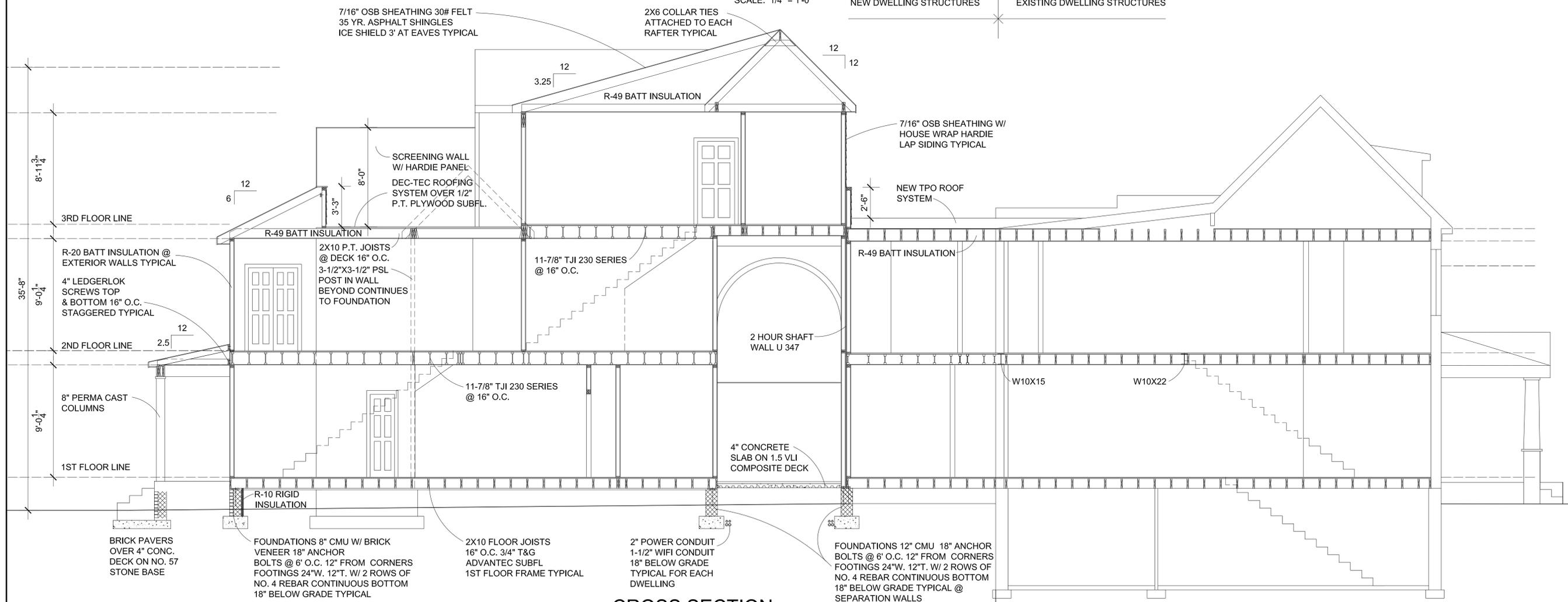
m 804.399.7217
cwappich@gmail.com

residential commercial reconstruction



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



CROSS SECTION

SCALE: 1/4" = 1'-0"

Siwel Holdings LLC
ALTERATIONS & ADDITIONS
217 ROSENEATH ROAD
RICHMOND, VIRGINIA

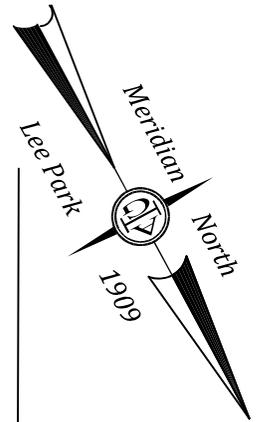
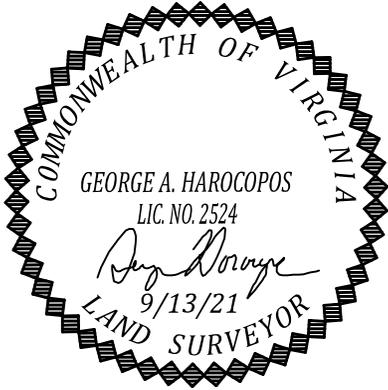
PROJECT NUMBER: 2021-49
DATE: JANUARY 6, 2022
DRAWN BY: CWA

A-5
ELEVATION
CROSS SECTION

This is to certify that on 9/13/21
 I made an accurate field survey of the known premises shown hereon; that all improvements known or visible are shown hereon; that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises, other than shown hereon.

NOTE: THIS LOT APPEARS TO BE IN FEMA FLOOD ZONE X AS SHOWN ON HUD COMMUNITY PANEL NUMBERS 5101290036D

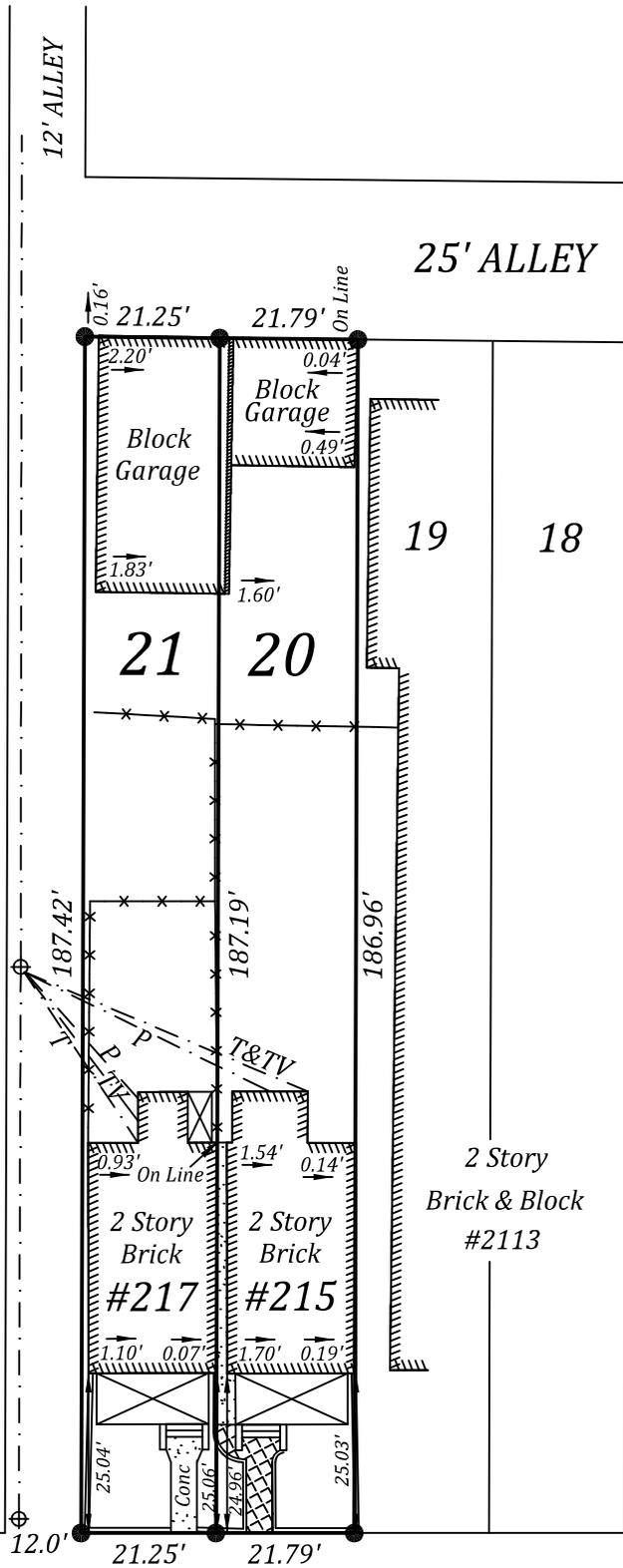
NOTE: This survey has been prepared without the benefit of a title report and does not therefore necessarily indicate all encumbrances on the property.



HANOVER AVENUE

LEGEND

- Property Corner
- ⊕ Power Pole
- Rod/F
- Stone/F



ROSENEATH ROAD

SURVEY OF
 LOTS 20 AND 21 BLOCK B
LEE PARK
 RICHMOND, VIRGINIA

JN 51042

A. G. HAROCOPOS & ASSOCIATES, P.C.
 CERTIFIED LAND SURVEYOR AND CONSULTANT
 4920 E. MILLRIDGE PKWY. SUITE 200 MIDLOTHIAN VA. 23112
 Office 804 744 2630 FAX 804 744 2632
 E-MAIL AGHAROCOPOS72@GMAIL.COM
 Scale 1"=30' Date 9/13/21 Drawn by GAH

NOTE: PLAT PREPARED FOR THE EXCLUSIVE USE OF THE CONVEYANCE TO LEWIS LITTLE