AN ORDINANCE No. 2023-205

To authorize the special use of the property known as 2401 Rosewood Avenue for the purpose of a single-family detached dwelling and accessory building, upon certain terms and conditions.
Patron - Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

## PUBLIC HEARING: JUL 242023 AT 6 P.M.

WHEREAS, the owner of the property known as 2401 Rosewood Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a single-family detached dwelling and accessory building, which use, among other things, is not currently allowed by section 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: 00 ABSTAIN:

ADOPTED: $\qquad$ SEP 112023 REJECTED: $\qquad$ STRICKEN: $\qquad$
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 2401 Rosewood Avenue and identified as Tax Parcel No. W000-1070/011 in the 2023 records of the City Assessor, being more particularly shown on a plat entitled "Map Showing the Improvements on No. 2401 Rosewood Avenue in the City of Richmond, VA.," prepared by Virginia Surveys, dated January 4, 2022, and last revised December 6, 2022, 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 single-family detached dwelling and accessory building, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "2401 Rosewood Avenue, Building Permit Plans," prepared by Obsidian, and dated April 12, 2022, 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 a single-family detached dwelling and accessory building, substantially as shown on the Plans.
(b) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.
(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
$\S$ 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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.


City Clerk

City of Richmond

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

File Number: Admin-2023-0422

| File ID: Admin-2023-0422 |  |  |  | Type: Request for Ordinance or Resolution | Status: Regular Agenda |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Version: | $1$ | Reference: |  |  | City Clerk Waiting Room |
| Dep | partment: |  | Cost: |  | File Created | 04/06/2023 |
| Subject: |  |  |  |  | Final Action |  |
| Title: To authorize the special use of the property known as 2401 Rosewood Avenue for the purpose of a single 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-2023-0422 - Application Packet, <br> Admin-2023-0422 - Map, Admin-2023-0422 -Ordinance DRAFT |  |  | nent Number |  |
| Contact: |  |  |  | Introduction Date: |  |  |
| Drafter: Raymond.Roakes@rva.gov |  |  |  | Effective Date: |  |  |
| Approval History |  |  |  |  |  |  |
| Version | Seq\# | Action Date | Approver | Action | Due Date |  |
| 1 | 1 | 5/26/2023 | Matthew Ebinger | Approve | 5/30/2023 |  |
| 1 | 2 | 5/29/2023 | Kevin Vonck | Approve | 6/2/2023 |  |
| 1 | 3 | 5/29/2023 | Kris Daniel-Thiem - FYı | Notified - FYI |  |  |
| 1 | 4 | 5/30/2023 | Sharon Ebert | Approve | 6/6/2023 |  |
| 1 | 5 | 5/30/2023 | Alecia Blackwell - FYI | Notified - FYı |  |  |
| 1 | 6 | 5/30/2023 | Caitlin Sedano - FYI | Notified - FYı |  |  |
| 1 | 7 | 5/30/2023 | Jeff Gray - FYI | Notified - FYı |  |  |
| 1 | 8 | 6/1/2023 | Lincoln Saunders | Approve | 6/1/2023 |  |
| 1 | 9 | 6/8/2023 | Mayor Stoney (By Request) | Approve | 6/5/2023 |  |
| Notes: Wrong Stoney account -- Kit Hagen |  |  |  |  |  |  |
| 1 | 10 | 6/21/2023 | Mayor Stoney | Approve | 6/15/2023 |  |

## History of Legislative File

| Ver- Acting Body: <br> sion: | Date: Action: | Sent To: | Due Date: |  |
| :--- | :---: | :---: | :---: | :---: |

## Text of Legislative File Admin-2023-0422

Title
To authorize the special use of the property known as 2401 Rosewood Avenue for the purpose of a single family dwelling, upon certain terms and conditions.

## Body

## $\underline{O \& R R e q u e s t}$

DATE: January 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: $\quad$ To authorize the special use of the property known as 2401 Rosewood Avenue for the purpose of a single family dwelling, upon certain terms and conditions.

## ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2401 Rosewood Avenue for the purpose of a single family dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit which would allow for a single family dwelling within an R-5 Residential (Single-Family) zoning district. Recent addition to the dwelling and the garage did not meet setback requirements within the R-5 District. 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 located in the Byrd Park neighborhood at 2401 Rosewood Avenue, between South Stafford Avenue and South Davis Avenue. The property currently consists of an existing Single-Family Dwelling on roughly 2970 sq. ft . ( 0.068 acre) of land. The application is to permit a recently construct addition to both the existing dwelling and existing garage.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use. This designation is defined as a "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."

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.
Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for this property is R-6-Residential (Single Family Attached). Surrounding properties are zoned the same R-6 Residential Zone and include primarily residential uses.

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 12, 2023

CITY COUNCIL PUBLIC HEARING DATE: July 27, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 3, 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: Ray Roakes, Planner, Land Use Administration, 804-646-5467

..Recommended Action<br>Key Issues:<br>Retain on Consent Agenda<br>Move to Regular Agenda

Application is hereby submitted for: (check one)
© special use permit, new
$\square$ special use permit, plan amendment
$\square$ special use permit, text only amendment

## Project Name/Location

Property Address: 2401 Rosewood Ave Date: 1/19/2023
Parcel I.D. \#: wooo1070011
Fee: $\$ 300.00$
Total area of affected site in acres: $\qquad$
(See page 6 for fee schedule, please make check payable to the "City of Richmond")

## Zoning

Current Zoning: R-6

Richmond 300 Land Use Designation: NH-mu

## Proposed Use

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

## Existing Use: Single family home

Is this property subject to any previous land use cases?
Yes If Yes, please list the Ordinance Number:

Applicant/Contact Person: Carmen Foster
Company:
Mailing Address: 2401 Rosewood Ave


Email: carmenffoster@gmail.com

Property Owner: Carmen Foster
If Business Entity, name and title of authorized signee:
(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address:
City:


State: Zip Code: $\qquad$
Telephone: _(__) $\square$ Fax: $\qquad$ )
Email: Comer 7 foster
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)

February 6, 2023

Department of Planning and Development Review
Land Use Administration Division
900 East Broad Street, Room 511
Richmond, Virginia 23219
Telephone (804) 646-6304

Re: 2401 Rosewood Ave - Special Use Permit Plan Amendment

Carmen Foster ("Applicant"), property owner of 2401 Rosewood Avenue ("the property"), is applying for a special use permit plan amendment to move forward in the zoning approval process. A second floor bathroom addition was constructed (foundation, framing and veneer) between June and October 2022. Initial plans for this construction was to be 3' ( 36 inches) from the property line.

After a post-plat survey was conducted in November 2022, it was revealed that this addition measured to be approximately 31 inches from the property line. Therefore, a request to have a side yard setback of at least $2^{\prime} 7$ " ( 31 inches) for the purposes of this post-construction addition is desired.

Zoning Ordinance Factors are addressed below:

## A. Effect on Safety, Health, Morals and General Welfare of the Community.

The proposed changes will not have a negative effect on the neighborhood. The applicants have worked to design and build a structure that is compatible with the architectural integrity of the homes on this block. This property was the only home that did not have a rear addition. Now, it does. It is assumed this new addition will positively impact the property value on this, and other neighborhood, home(s).

## B. Effect on the Streets, Roads, Alleys and Public Ways and Places.

There will be no adverse effect on the streets.
C. Effects on the Hazards from Fire, Panic and Other Dangers.

There will be no adverse effect hazards from fire, panic, or other dangers.

## D. Effect of Crowding of Land and Concentration of Population.

The proposed improvements will not change the density of the underlying zoning.

## E. Effect on Schools, Parks, Playgrounds, Water Supplies, Sewage Disposal, Transportation and Other Public Improvements.

The property is served by public water and sewer. The demands of the City services will not be affected as the property will remain for residential use.

## F. Effect on Adequate Light and Air.

The proposed improvements will not adversely affect the light and air of the adjoining parcel.

Thank you for reviewing this request.

Sincerely,

Carmen Foster
Owner, 2401 Rosewood Ave

This is to certify to the PURCHASER/OWNER shown hereon, and his TITLE INSURER and Lender, that on 11-19-2022 I made an Accurate survey of the premises shown hereon and that there are no easements or encroachments visible on the ground other than those shown hereon. This survey has been made without the benefit of a title search and is subject to any uses recorded and unrecorded and other pertinent facts in which a title search may disclose. Copies of this plat without the certifying surveyor's seal with an original signature are INVALID.


West wall of 2401 meets 1 hr fire rating

P.O. BOX 118

CHESTERFIELD, VA 23832
(804) 748-9481

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All rights reserved.
REVISED: 12-6-2022
DATE: $1-4-2022$
CERTIFIED BY JEFFREY K. FLOYD
SCALE: $\quad 1^{\prime \prime}=15^{\prime}$
VRGINIA CERTFICATE NO. 001905
Job No. 211214713



## 2401 Rosewood Avenue <br> Building Permit Plans





## General Notes



Scope of Work


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Exterior




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footing










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Roof









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