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° 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:

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 Status: Regular Agenda

Resolution

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, Enactment Number:

Admin-2023-0275 - Ordinance DRAFT

Contact: Introduction 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**

Master Continued (Admin-2023-0275)

 Ver- Acting Body:
 Date:
 Action:
 Sent To:
 Due Date:
 Return
 Result:

 sion:
 Date:

#### 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:



photocopied signatures will not be accepted.

#### 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		
— opening tox only amendment		
Droject News /Leasting		
Project Name/Location		
Property Address: 411 Brook Road, Richmond, VA 23220		Date <u>: 12/27/2022</u>
Tax Map #: N0000120043 Fee:		
Total area of affected site in acres: 0.028		
(See <b>page 6</b> for fee schedule, please make check payable to the	"City of Richmond")	
Zoning		
Current Zoning: RO-2 Residential-Office		
Existing Use: Residential		
Down and Harris		
Proposed Use		
(Please include a detailed description of the proposed use in th 2 residential apartments: 1 upper floor and 1 lower floor	e required applicant's report)	
Existing Use: 1 residential unit (primarily upper floor; unclear what		
EXISTING USE. Tresidential unit (primarily upper libbi, unclear what	lower floor was previously used	for)
Is this property subject to any previous land use ca Yes No If Yes, please list the Ordinance Num		
Control of the second s		
Applicant/Contact Person: F. Rob Ries		
Company:		1000 1000 1000 1000 1000 1000 1000 100
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 sign	ee: F. Rob Ries, Manager	
(The person or persons executing or attesting the execution of the base of base of base of the base of base of the	this Application on behalf of t	he Company certifies that he or
she has or have been duly authorized and empowered to so exe	cute or attest.)	
Mailing Address: 201 Hull Street Unit 22		
Mailing Address: 201 Hull Street, Unit 33	- 10	
City: Richmond Telephone: (703) 861-9444	State: VA	_ Zip Code: <u>23224</u>
	Fax: _(	)
Email: frobries@gmail.com	NATIONAL DESCRIPTION OF THE PROPERTY OF THE PR	
Property Owner Signature:		1910 18 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
The names, addresses, telephone numbers and signatures of all	owners of the property are re	quired. Please attach additional

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or

#### 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.

# 411 Brook Road

## Building Permit Plans

Owner

201 Hull Street Unit 33

Richmond, VA, 23224

FROB REAL ESTATE LLC

Obsidian, Inc. Charles R. Field, P.E. 417 North 22nd Street Richmond, VA 23223 804.647.1589

obsidianrva@gmail.com

Engineer

Property Information Parcel ID N0000120043

Zoning

Residential Front Yard = -Setbacks Side Yard = -Rear Yard = -

Lot Coverage < 60%

## Table of Contents

Ensminger Cover Sheet G0.1 Cover Sheet

3d Drawings

Calculations

Structure

G0.2 Elevations Sections Details

## Room Area Tabulation

Area First Floor First Floor 677 SF 677 **SF G**rand total 677 **SF** 

### NCS Sheet Identification Standards

Discipline Designators

G General -Sheet list, symbols, code summary

H Hazardous Materials Abatement, handling, etc.

V Survey / Mapping B Geotechnical

C Civil L Landscape S Structural A Architectural

l Interiors Q Equipment F Fire Protection

P Plumbing D Process M Mechanical E Electrical

W Distributed Energy T Telecommunications R Resource Existing conditions / buildings

X Other Disciplines Z Contractor / Shop Drawings

O Operations

Sheet Type Designator

O General: Symbol legend, abbreviations, general notes

Elevations

3 Sections 4 Large Scale Drawings: plans, elevations, sections

Details Schedules and Diagrams

User Defined (Calculations for Obsidian, Inc.)

8 User Defined 9 3D drawings: isometric, perspective, photos

N-#.## Sheet Sequence Number Sheet Type Designator Discipline Designator

## Scope of Work

Scope of work will generally consist of the renovation to an existing structure in accordance with these plans and the Virginia Residential Code, 2018.

## General Notes

1. The structure will be constructed in accordance with the 2018 edition of the "Virginia Residential Code",

2. The contractor is responsible for compliance with City, State and Federal job site safety requirements.

responsibility for plans as drawn and will notify designer of any deficiencies that may be encountered during plan review or construction. If the contractor or contractors agent discovers missing or in complete details or conflicting items of work, they are obliged to call these items to the attention of the designer. Failure to

4. The contractor shall verify all dimensions and conditions prior to start of work, and any discrepancies will

5. Plans and specifications in some instances, do not contain specific instructions for installation or preparation methods. Contractor and their subs are responsible for following ASTM standards and applicable

6. All decorative elements and finishes are to be selected by owner and/or interior designer and contractor to prior to ordering and installation.

7. Glazing in windows shall be tempered if the bottom edge is less than 18" above floor, in walls enclosing bathtub or showers, within 24" of arc of either vertical edge of a door, or less than 36" above the plane of stairways or landings. Glazing in all fixed and operable panels of swinging, sliding and bifold doors shall be

the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that

9. Enclosed accessible space under stairs shall have walls, under-stair surface, and any soffits protected on

half must be operable) or an exhaust fan in compliance with Section M1507 of the code.

11. Provide a fire extinguisher (2-A:10-B:C) in the kitchen area if the home does not contain an approved

In each sleeping room.

• Outside each separate sleeping area in the immediate vicinity of the bedrooms. • On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice

Pressure-preservative-treated wood in accordance with the provisions of Section R317.1.

• Physical barriers as provided in Section R318.3 and used in locations as specified in Section

18. There will not be a fire sprinkler system.

19. There is no proposed fire detection system or alarm.

21. The construction type is V-B.

22. There are X stories.

24. VRC 2018 minimum insulation and fenestration requirements:

Fenestration U-factor: 0.35

Wood frame wall R-value: 15 cavity or 13 + 1 continuous

Floor R-value: 19

Slab R-value & depth: 10, 2ft

 Crawlspace wall R-value: 10/13 25. Load criteria:

Bearing soil capacity = 1500 psf\*

Floor dead load = 10 psf

Roof dead load = 10 psf

the Virginia Statewide Uniform Building Code and the applicable City of Richmond ordinances.

3. These plans are being provided without the benefit of external review by a third party. The client accepts do so may result in the designer disallowing any claims for cost incurred due to these deficiencies.

immediately be brought to the attention of the engineer.

verify with owner and/or interior designer pertaining to any special requirements for ordering and installation

8. Carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of have attached garages. The carbon monoxide detector shall comply with NFPA 720 and UL 2075.

the enclosed side with 1/2" gypsum board. 10. Bathrooms and water closet compartments shall be provided with not less than 3 sf of glazing area (one-

sprinkler system. 12. Smoke alarms shall be installed in the following locations:

for the adjacent lower level provided that the lower level is less than one full story below the upper

• Smoke alarms shall be installed not less than 3 feet horizontally from the door or opening of a bathroom that contains a bathtub or shower.

13. The structure shall be protected from subterranean termites by one of the following methods or a combination of these methods:

Chemical termiticide treatment, as provided in Section R318.2.

Termite baiting system installed and maintained according to the label.

Naturally durable termite-resistant wood.

14. Basements, habitable attics, and every sleeping room shall have at least one operable emergency escape and rescue opening. The sill height shall be not more than 44" to the bottom of the clear opening. Openings not on grade level shall have a min net clear opening of 5.7 sf. Openings on grade level or below shall have a min net clear opening of 5 sf. The min clear opening height shall be 24". The min clear opening width shall

15. Attic access shall be provide with a minimum size of 22" x 30"

16. All lumber unless otherwise noted is to be Southern Pine No. 2. 17. Each bedroom shall have at a minimum one egressable window

20. The occupancy is Residential Group R-3.

23. The house is located in Climate Zone 4.

Ceiling R-value: 38

Mass wall R-value: 8/13

Basement wall R-value: 10/13

Floor live load = 40 psf

Roof live load = 20 psf

Snow loads = 20 psf

Basic Wind speed = 115 mph

 Seismic Category: B. Exposure: B.

• In lieu of a complete geotechnical evaluation, the load-bearing values in Table R401.4.1 has been assumed.

**G**0.1

heet

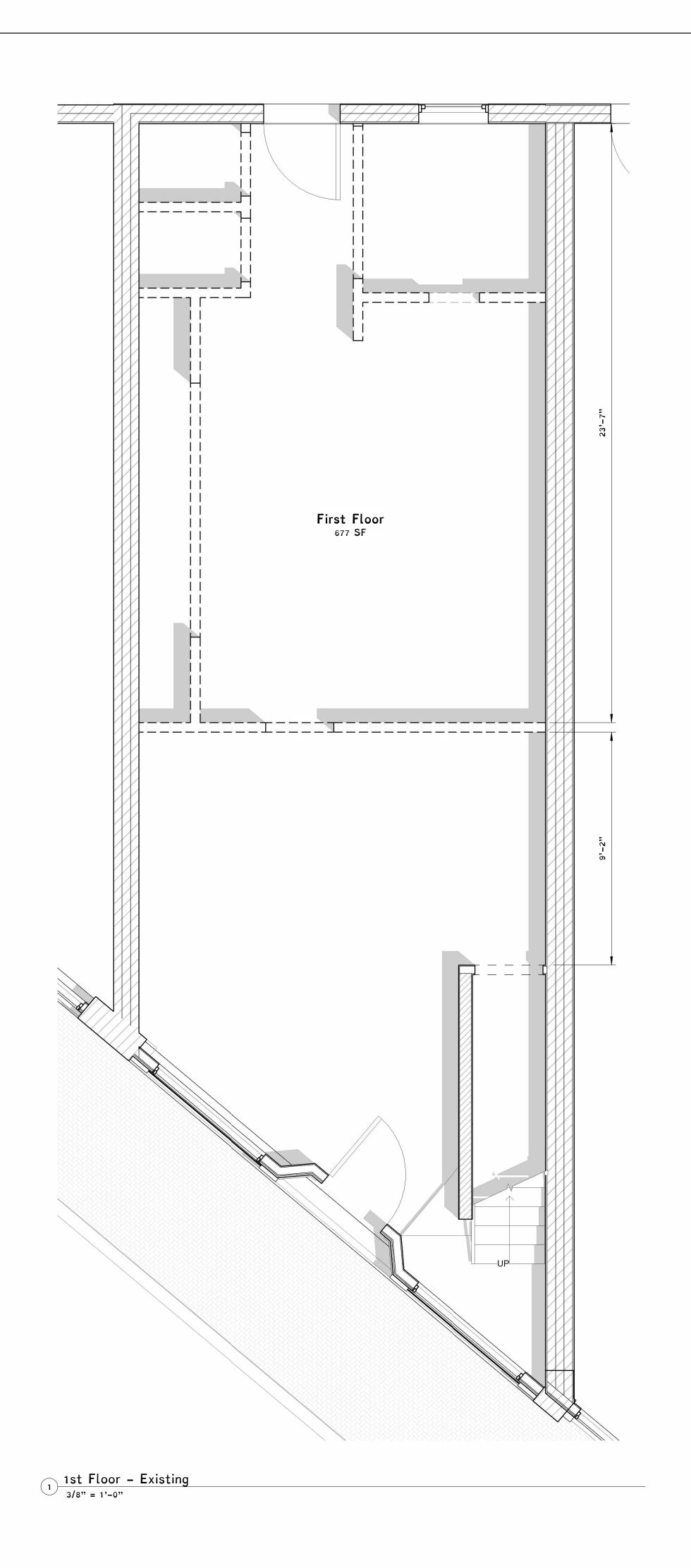
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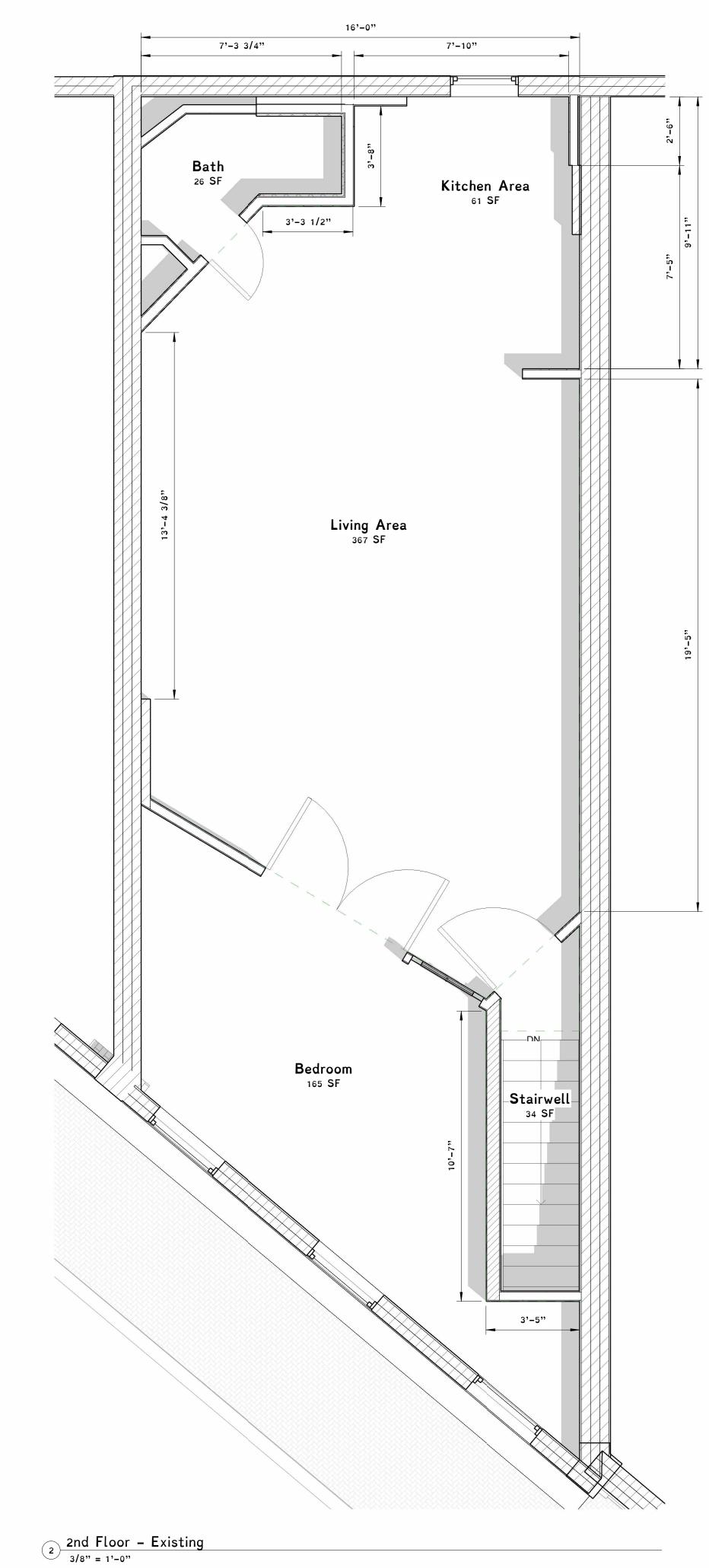
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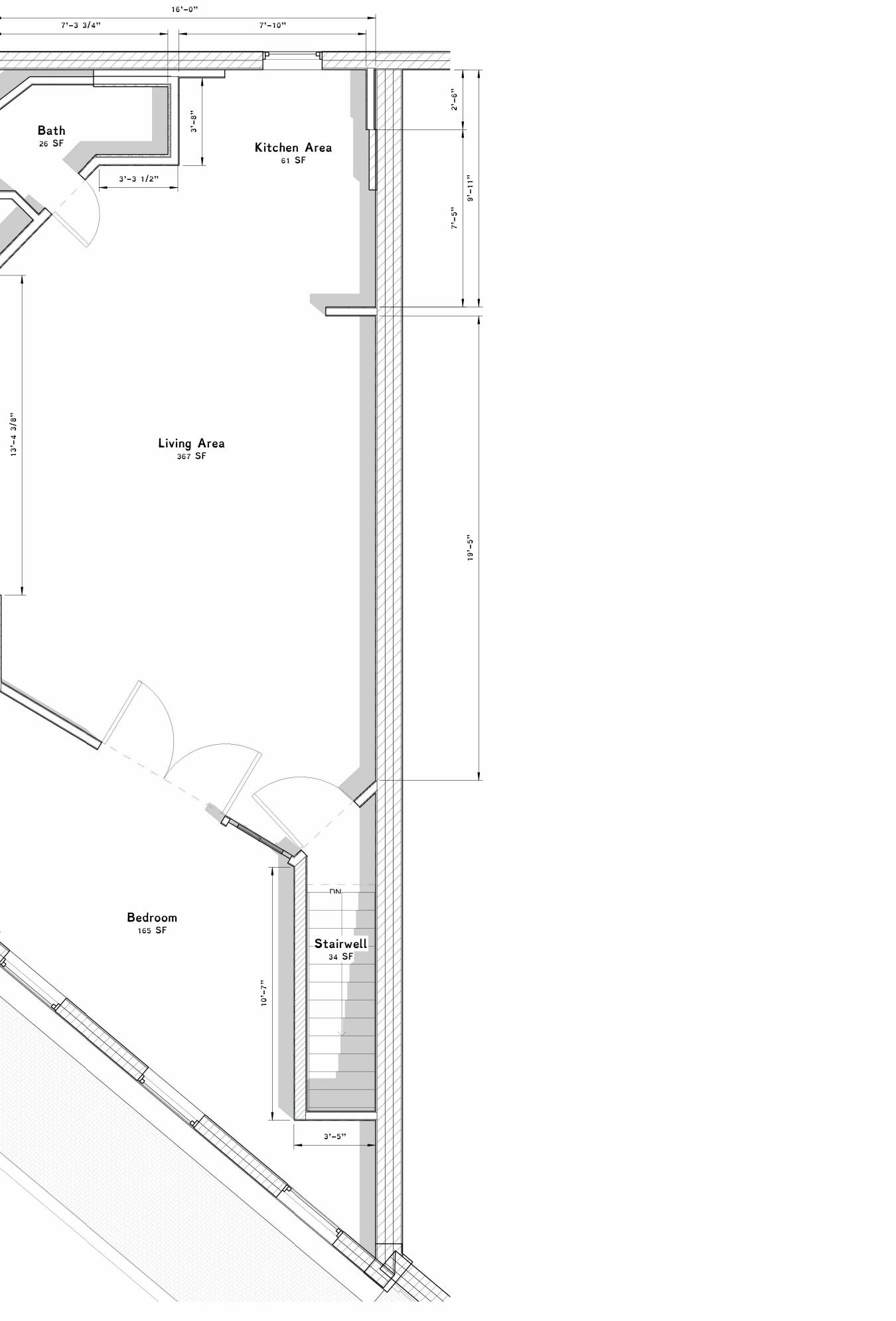
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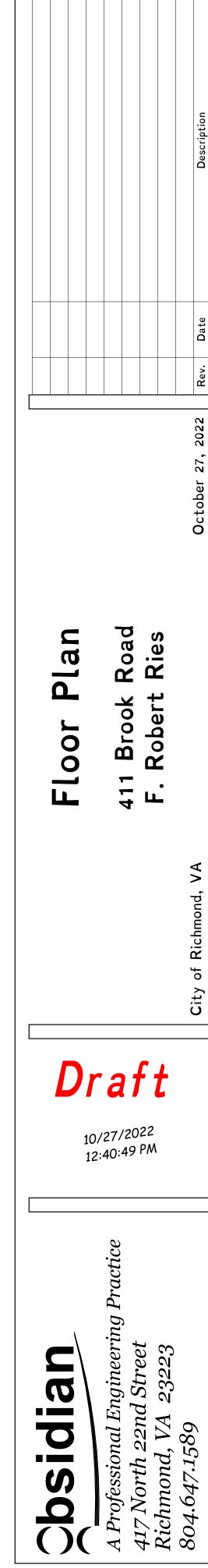
Print plans at 24" x 36", Arch D







0' 2' - 8" SCALE = 3/8" = 1'-0"



A1.1



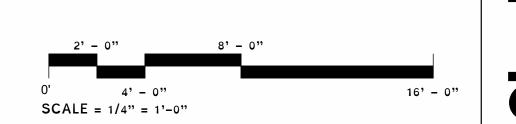
Ceiling

19"-4 3/g"

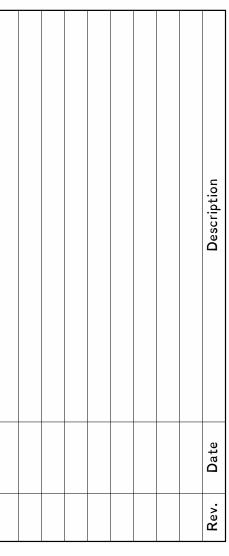
Second Floor
10"-11 3/g"

Second Floor

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



A2.1



tober 27, 2022

Road t Ries

411 Brook R

vations

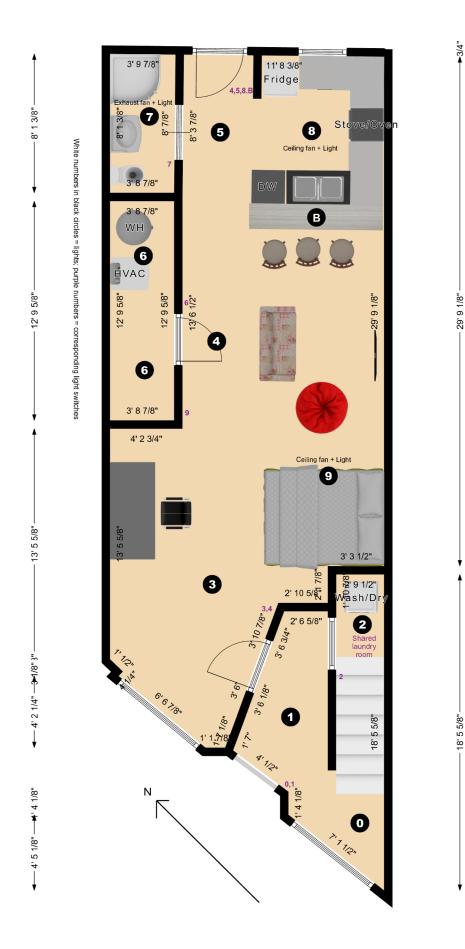
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City of Richmond, VA



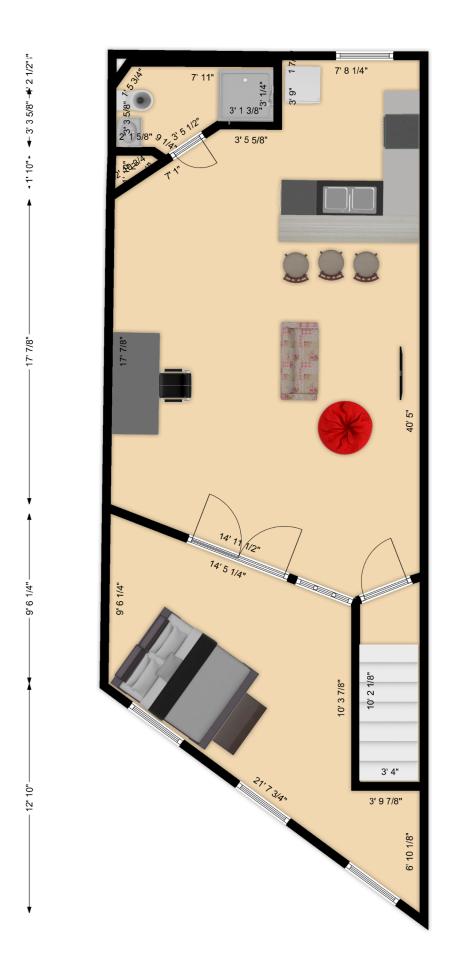
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Signal Engineering Practice
417 North 22nd Street



**←** 5' 7/8" — 1' 1 7/8" **←** 3' 2 7/8" <del>▶</del> **←** 5' 7" —

Oft 5ft



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

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

