

INTRODUCED: April 27, 2020

AN ORDINANCE No. 2020-107

As Amended

To authorize the special use of the property known as 2126 Rosewood Avenue for the purpose of an existing single-family dwelling with an accessory dwelling unit, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 26 2020 AT 6 P.M.

WHEREAS, the owner of the property known as 2126 Rosewood Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of an existing single-family dwelling with an accessory dwelling unit, which use, among other things, is not currently allowed by section 30-412.2 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2018), 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: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 27 2020 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 (2015), 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 2126 Rosewood Avenue and identified as Tax Parcel No. W000-0937/031 in the 2020 records of the City Assessor, being more particularly shown on a plat entitled “Plat of Property Situated on the Northeast Corner of Rosewood Avenue and Shields Avenue, City of Richmond, Virginia,” prepared by Steven B. Kent & Associates, P.C., and dated October 15, 2019, 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 an existing single-family dwelling with an accessory dwelling unit, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Detached Garage Alterations and Addition to Residence of: Johnye Bennett, 2126 Rosewood Avenue, City of Richmond, Virginia,” prepared by JB Byers, and dated October 28, 2019, 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 dwelling with an accessory dwelling unit, substantially as shown on the Plans.

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

(c) All building materials and elevations shall be substantially as shown on the Plans and as described in the Applicant Report dated October 28, 2019, a copy of which is attached to and made a part of this ordinance.

(d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(e) No off-street parking shall be required [~~on the Property~~].

(f) A privacy fence not exceeding eight feet in height shall be permitted along property lines to the rear of the single-family dwelling.

(g) The dwelling unit within the building accessory to the single-family dwelling unit shall only be occupied by family members of the Owner and shall not be rented to the general public. For the purposes of this ordinance, "family members" shall be defined as persons related by blood, marriage, or legal guardianship or adoption, including foster children.

§ 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 (2015), 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 (2015), 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.

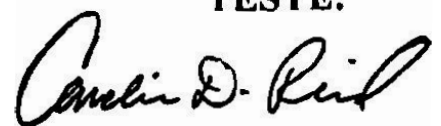
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), 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 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.richmondgov.com

Item Request

File Number: PRE.2020.034

O & R Request

DATE: March 30, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)  4/8/2020
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Lenora G. Reid, Acting Chief Administrative Officer  4/3/2020

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

FROM: Mark A. Olinger, Director, Department of Planning and Development Review 

RE: To authorize the special use of the property known as 2126 Rosewood Avenue for the purpose of a single-family dwelling with an accessory dwelling unit.

ORD. OR RES. No. .

PURPOSE: To authorize the special use of the property known as 2126 Rosewood Avenue for the purpose of a single-family dwelling with an accessory dwelling unit.

REASON: The existing single-family home is a permitted used in the R-6 Single-Family Attached Residential District. However, accessory dwelling units are only permitted if the structure existed prior to June 12, 1995. The proposed accessory dwelling unit will be new construction and therefore a special use permit is 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. This item will be scheduled for consideration by the Commission at its May 18, 2020, meeting.

BACKGROUND: The subject property consists of a 2,671 SF parcel of land and contains a 1,732 square foot single-family dwelling that was built in 1921. A 180 square foot single-story garage is located adjacent to the alley in the rear of the property. It is located in the Byrd Park Neighborhood within the City's Near West Planning District, on the corner of Rosewood Avenue and Shields Avenue.

The City of Richmond's Master Plan designates the subject property for Single-Family (Medium Density) uses. Primary uses in this category are "single-family detached dwellings at densities between 8 and 20 units per acre. The density of the parcel if developed as proposed would be approximately 33 units per acre.

There are a variety of general housing goals contained in the Master Plan Neighborhoods and Housing chapter that are applicable to the request. These goals include, among other things, recognition of the need for neighborhoods to provide a variety of housing choices.

The adjacent properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential zoning district. Within the area of the subject property, those properties with improvements contain a mixture of single-family detached and single-family attached structures. Two buildings containing a total of nine apartments are located on the property located across the alley to the north.

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: April 27, 2020

CITY COUNCIL PUBLIC HEARING DATE: May 26, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
May 18, 2020

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 and Applicant's Report, Plans, Survey, Map

STAFF: David Watson, 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.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Property Address 2126 Rosewood Ave, RVA 23220 Date _____
 Tax Map #: _____ Fee _____
 Total area of affected site in acres _____

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

Zoning

Current Zoning R-6
 Existing Use _____

Proposed Use

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

Existing Use _____

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number _____

Applicant/Contact Person: Johnye A. Bennett
 Company _____
 Mailing Address 2126 Rosewood Ave
 City Richmond State VA Zip Code 23220
 Telephone (804) 380-1462 Fax ()
 Email: johnye.bennett@gmail.com

Property Owner: Johnye A. Bennett
 If Business Entity, name and title of authorized signer: _____

(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 2126 Rosewood Ave
 City Richmond State VA Zip Code 23220
 Telephone (804) 380-1462 Fax ()
 Email: johnye.bennett@gmail.com

Property Owner Signature: Johnye A. Bennett

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

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

Special Use Permit Applicant Report
Johnye Bennett
2126 Rosewood Avenue
Richmond, Virginia

October 28, 2019

I am writing to explain the purpose of my request to replace my existing garage located at 2126 Rosewood Avenue, Richmond, VA with a 2 story accessory dwelling unit. I will not rent out the dwelling unit.

I am a self proclaimed artist and grandmother who recently retired from the State Senate with over 30 years service. I find my house does not offer the light and space needed for my artwork nor does it provide space for a 2 year old and an 8 year old to play creatively. I watch my grandchildren 2 - 3 days a week. My dream is to have a 2 story with my studio on the first floor and a playroom of sorts upstairs for my grandchildren. Also, this space would allow me to have exercise equipment I presently don't have room for. I work out twice a week with a trainer. And last but not least, I need more storage for "stuff", mine and theirs. The upstairs room would serve as a guest room for family and friends visiting from out of town.. I have 2 bedrooms in my home with 2 trunk rooms not large enough for beds. 1 bedroom is mine, the other is outfitted with 2 twin beds for the children. The trunk rooms serve as storage and dressing room.

With regards to parking, I do not park in the garage as it is too small to accomodate my car. I have never incurred a problem parking on the street.

As per the proposed drawings, the design and quality of materials to be used will coordinate with my home and only improve the overall appearance of the property without interfering with my neighbors. The proposed accessory dwelling unit sized 18' x 22' consists of the following:

First Floor

- studio room 17'4" x 17'2" with a sink and cabinets to clean up and store art supplies
- Separate room with toilet 3-4.5" x 6"
- Concrete flooring
- 12' x 8' sliding patio door facing the rear of my house (south)
- 3' x 6' triple casement window facing the west

Second Floor

- Play room 15' x 15'
- Separate room 5' x 8' with shower, toilet and sink
- Laminate flooring
- 6' x 6'8" sliding patio door to 10' x 4'8" deck facing west
- 3' x 6' triple casement window facing the rear of my house (south)

Exterior

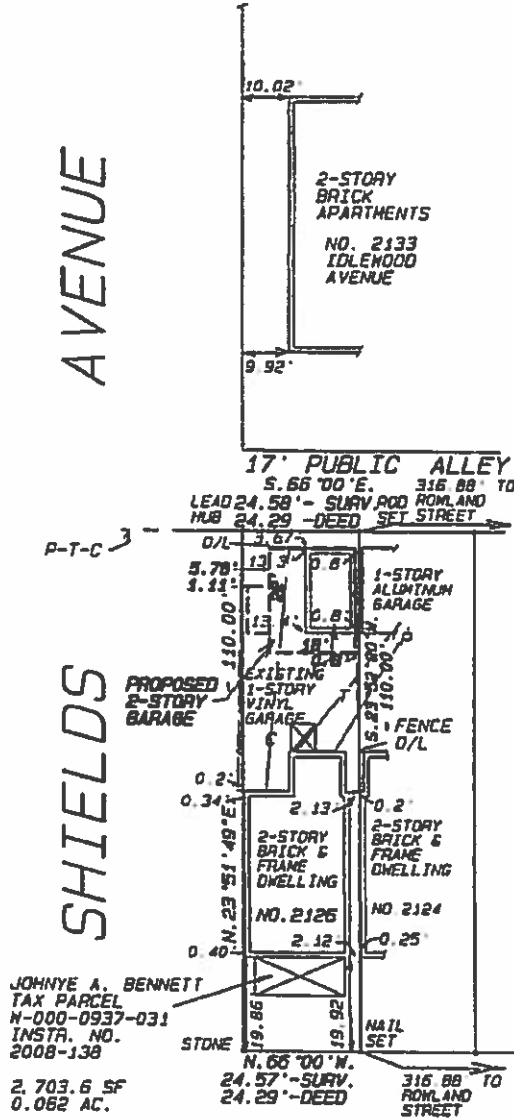
- Hardiplank siding
- Marvin windows

The special use will not be detrimental to the safety, health, morals and general welfare of the community involved. It will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved. It will not create hazards from fire, panic or other dangers. It will not tend to cause overcrowding of land or an undue concentration of population. Nor will it adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements or interfere with adequate light and air.

SITE PLAN

AVENUE

SHIELDS



JOHNYE A. BENNETT
TAX PARCEL
N-000-0937-031
INST. NO.
2008-138
2,703.6 SF
0.062 AC.

ROSEWOOD AVENUE

PLAT OF PROPERTY SITUATED
ON THE NORTHEAST CORNER
OF ROSEWOOD AVENUE AND
SHIELDS AVENUE
CITY OF RICHMOND, VIRGINIA
OCT. 15, 2019 SCALE: 1"=30'

P= OVERHEAD POWER
T= OVERHEAD TELEPHONE
C= OVERHEAD CABLEVISION

NOTE:
THIS SURVEY HAS BEEN
PREPARED WITHOUT THE
BENEFIT OF A TITLE REPORT,
AND DOES NOT, THEREFORE,
NECESSARILY INDICATE ALL
ENCUMBRANCES ON
THE PROPERTY.



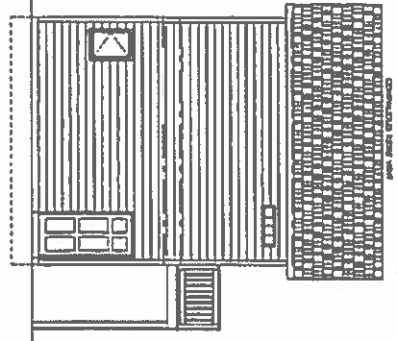
STEVEN B. KENT & ASSOCIATES, P.C.
LAND SURVEYORS
1521 Brook Road
Richmond, VA 23220
PH. 804-643-6113

CERTIFICATION

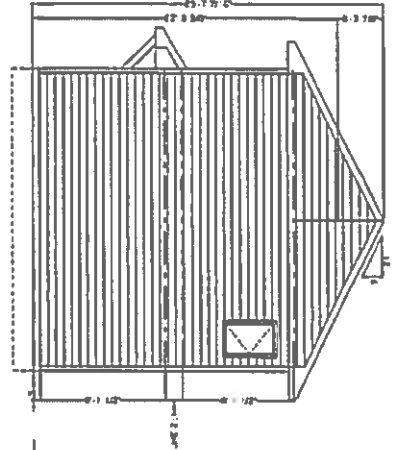
THIS IS TO CERTIFY THAT WE MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON, THAT ALL IMPROVEMENTS AND NECESSARY EASEMENTS ARE SHOWN HEREON, THAT THERE ARE NO ENCUMBRANCES BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES, OTHER THAN SHOWN HEREON.

MDK

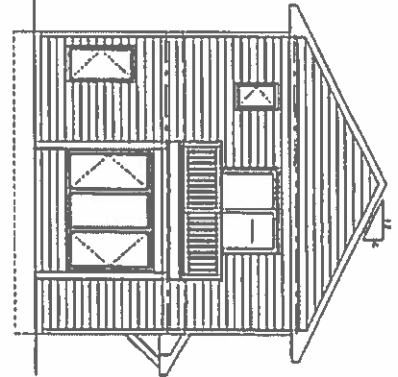
FNE W-937



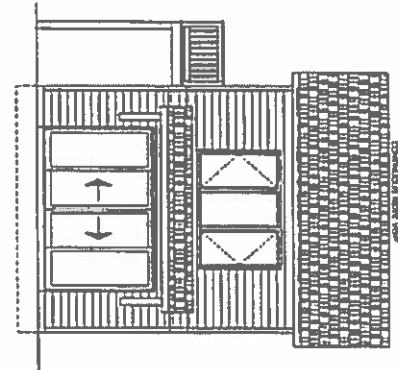
REAR ELEV
SCALE: 1/4" = 1'-0"



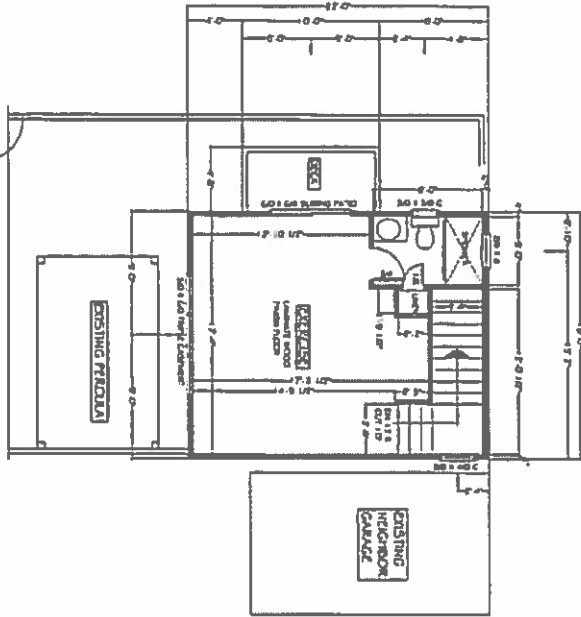
RIGHT SIDE ELEV
SCALE: 1/4" = 1'-0"



LEFT SIDE ELEV
SCALE: 1/4" = 1'-0"

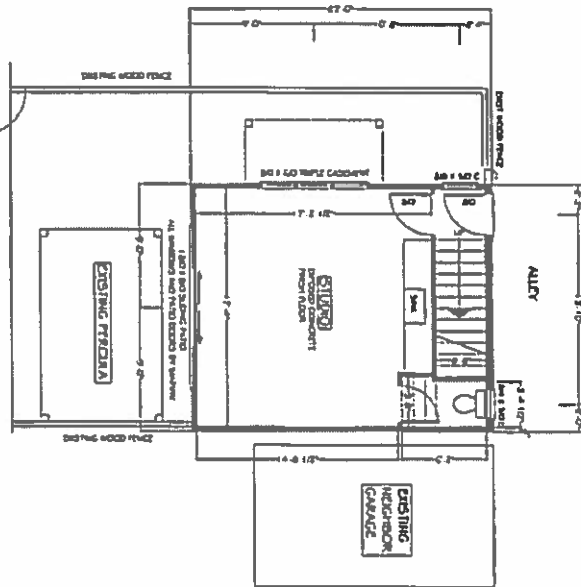


FRONT ELEV
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

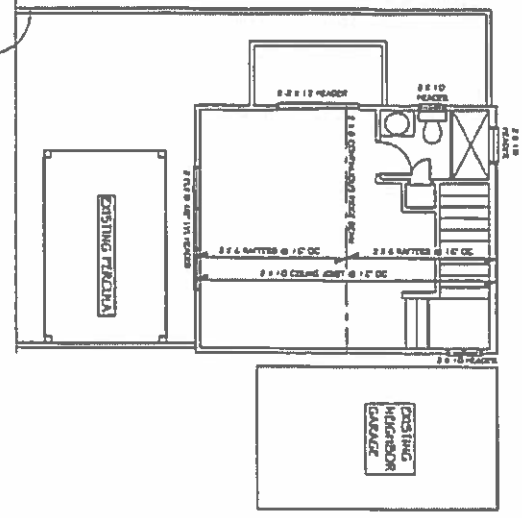
396 SQ FT



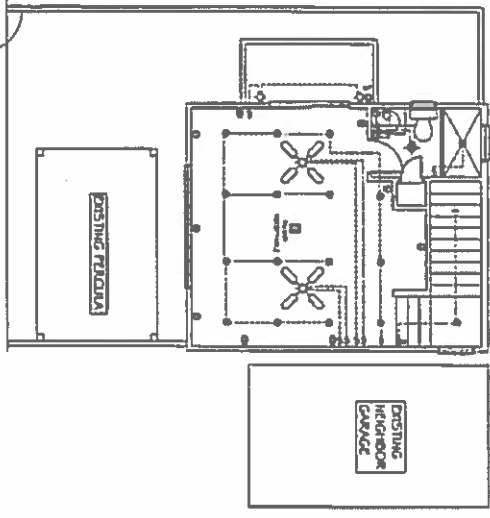
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

396 SQ FT

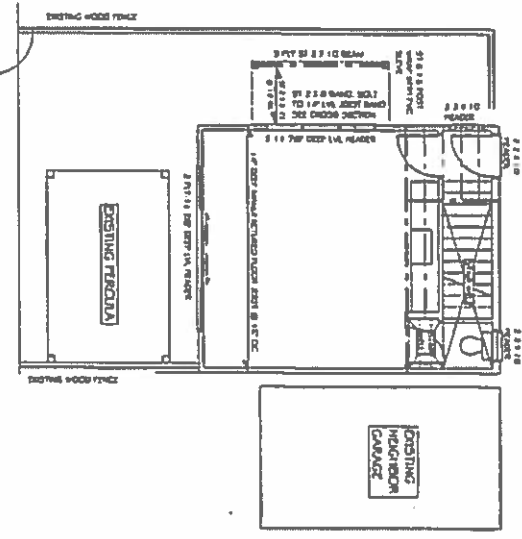
1	DETACHED GARAGE ALTERATIONS AND ADDITION TO THE RESIDENCE OF: JOHNYE BENNETT 3126 ROSEWOOD AVENUE, CITY OF RICHMOND, VIRGINIA	PROFESSIONAL PLANS BY: JB BYERS 804.737.8703 JOYER6921@AOL.COM	REMSON INC. 10000 WOODBRIDGE AVENUE RICHMOND, VA 23238
	DATE: 10/18/2010 SCALE: AS SHOWN DRAWN BY: JIB JOB NO.		



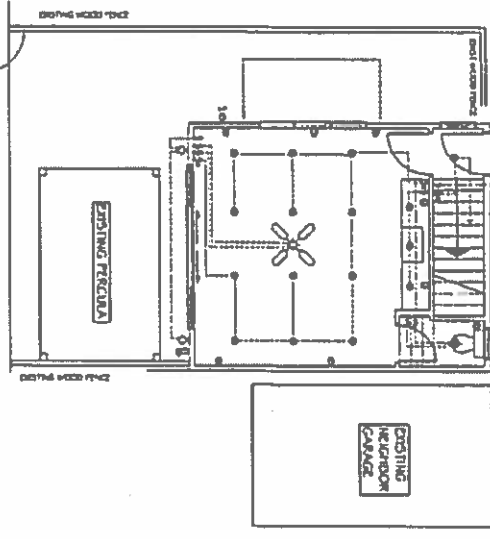
ROOF FRAMING PLAN
SCALE: 1/4"



2ND FL ELECTRIC LAYOUT
SCALE: 1/4"



2ND FL FRAMING PLAN
SCALE: 1/4"



1ST FL ELECTRICAL LAYOUT
SCALE: 1/4"

Exterior

- Hardiplank siding
- Marvin windows

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