

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: James Newman, Zoning Administrator
DATE: July 8th, 2020 for the July 14th City Council public hearing
RE: Terry Coley SE2020-02 requests a special exception to have an accessory dwelling unit at 1306 Graham Drive

ISSUE

Council is considering a proposed special exception request from Code § 72-42.5, to permit an accessory dwelling unit within a PD-R Zoning District.



RECOMMENDATION

Recommend **approval** of the Special Exception subject to the following conditions:

1. Together, the occupancy of the principal dwelling unit and the accessory dwelling unit shall not exceed the definition of a ‘family’, as defined in City Code Section 72-84¹.
2. The Accessory Dwelling Unit shall be located entirely within the existing square footage of the house.

PLANNING COMMISSION MEETING – JUNE 24, 2020

The Planning Commission voted on this item at its June 24, 2020 meeting. There were three spoken public comments. Two were opposed and one was in favor. The comments in opposition were

¹ Family: *One person or two or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, with no more than two boarders; or a group of not more than three unrelated persons living together as a single housekeeping unit.*

concerned about the impact on the neighborhood, such as parking and the use of amenities. The comment in favor spoke of Ms. Coley's character and that the impact of the ADU would not be different from that of existing dwelling units. The applicant spoke in person to address comments and questions. Total public comment for the two Planning Commission meetings, both written emailed to staff and spoken comments at the public hearings, came out to 20 comments. 11 were in opposition, and 9 were in favor. At the meeting Commissioners asked:

Q: How are overcrowding regulations enforced?

A: Overcrowding enforcement generally starts with a complaint, which is investigated. If evidence of overcrowding is found, a notice of violation is sent. After multiple notices, the case goes to court. Since January 1, 2020 City Staff have investigated 6 overcrowding complaints.

Q: What are the impacts from ADUs?

A: Due to the condition that only one family can occupy the structure, the addition of an accessory dwelling unit will be no different from the impact of a standard single-family dwelling.

The Planning Commission **recommended approval** on a 3-2 vote (with 1 abstention and 1 absent.)

PLANNING COMMISSION MEETING – JUNE 17, 2020

The Planning Commission held a public hearing for this item at its June 17, 2020 meeting. Three persons spoke during the public comment portion of the hearing. All comments received and given at the public hearing are in opposition to the proposed special exception. The main concern was that having another kitchen would be more attractive to people looking to use the property as a rental. Other concerns were about the impact of additional vehicles, as well as building/fire safety. The applicant spoke by phone to address comment and questions.

At the meeting, Commissioners Pates and O'Toole expressed reservations about the request, believing there was nothing special, extraordinary, or unusual about the request. The application is special in that this is no record of any such request having gone before Council, reflecting a unique urgency for the applicant. At the meeting Commissioners asked:

Q: How the use would differ from a duplex?

A: Instead of two families in one building, this application would only permit one family.

Q: How the use would enhance the character of the community?

A: It would allow a resident to bring an additional family member to her home, strengthening ties to the neighborhood.

Q: Would the addition of an ADU pose a danger from a fire/safety aspect?

A: The Building Official stated that the Building Code ADU is not viewed as a more intense use than the existing single family use, no extra fire rating is required, and the structure has been inspected and meets building code requirements.

GENERAL BACKGROUND

The applicant, Ms. Coley, wishes to have an accessory dwelling unit (ADU) within the same structure as the primary dwelling unit. The purpose of the ADU is to provide living quarters for her mother.

The State's residential building code defines a **Dwelling Unit** as:

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

City Code §72-82.4 defines a **Dwelling** as

A building or portion thereof, but not a mobile home, designed or used for residential occupancy. The term shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for transient occupancy.

The same City Code Section defines an **Accessory Dwelling Unit** as

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

City Code §72-42.5 'Table of Common Accessory Uses' identifies several accessory uses and the various districts wherein they are permitted. *Accessory Dwelling Unit* does not appear on the list of common accessory uses. That same code section states *"The Zoning Administrator shall evaluate potential accessory uses that are not identified in Table 72-42.5, Table of Common Accessory Uses, on a case-by-case basis, as an Interpretation.* So far in 2020 alone there have been 4 inquiries for accessory dwelling units, with several other inquires in 2019. Using this code section to approve them would no longer be a case-by-case review but rather a frequent review. This issue of a recurring request for a use not listed in the Ordinance is best addressed by City Council through a text amendment. In the interim, Special Exceptions are the only process available.

The structure is a single-family detached house. It is 3,229 sq. ft. in area, with a finished basement area of 1,170 sq. ft. The proposed ADU would occupy the basement. The creation of a bedroom for the applicant's mother, a separate living room, a separate bathroom, and an additional dining space are all permitted. The applicant, by requesting an accessory dwelling unit, is affectively asking for approval to add a second kitchen. Currently, citizens who wish to add an accessory dwelling unit may add additional living, dining, eating, and sanitation rooms to their house. The addition of a second kitchen (specifically a 220 volt outlet for a full cooking range unit) combined with those other elements, is what constitutes an additional dwelling unit.

Two conditions are recommended: first, that the combined occupancy of the dwelling unit and accessory dwelling unit meets the definition of a 'family'. Using this definition prevents overcrowding by limiting occupancy. The current definition is: *One person or two or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, with no more than two boarders; or a group of not more than three unrelated persons living together as a single housekeeping unit.*

The second condition would limit the accessory dwelling unit to the existing square footage of the house. Any additions onto the house would not be permitted for use of the ADU.

The applicant volunteered 8 conditions for the Special Exception. These conditions were reviewed by the City Attorney's Office, and it was determined that the two conditions recommended by staff and approved by the Planning Commission are sufficient to regulate the use.

SPECIAL EXCEPTION ANALYSIS

Unified Development Ordinance (UDO) §72-22.7 contains review criteria that the Planning Commission and City Council shall use when evaluating an application for a Special Exception. These criteria are:

1. Consistency with the Unified Development Ordinance

The purpose of the Planned Development Residential (PD-R) Zoning District is:

“to encourage innovative and creative design, to facilitate use of the most advantageous construction techniques, and to protect watercourses, stream valleys, forest cover in watersheds, and areas with scenic vistas. The district is designed to permit a greater degree of flexibility in terms of layout, design and construction of planned development than is found in conventional zoning classifications. It will permit planned mixed use communities comprising residential, commercial, office and service uses...”

The applicant seeks to convert a portion of an existing structure into an accessory dwelling unit for the applicant’s mother. This additional unit will provide flexibility in residential housing choice.

2. Conformance with the Comprehensive Plan

The property lies within Land Use Planning Area 3: Plank Road/Route 3. The Future Land Use map identifies this area as Transect-3 (Sub-Urban). This category states: *“The Idlewild neighborhood is designated as a T-3. It contains a mix of house types and scales including both attached and detached single-family housing. The neighborhood has a strong inclusion of public shared open space and values their connection to the designated trails as part of the T-1 space surrounding the neighborhood.”*

The requested special exceptions and associated development are in accordance with goals of the Comprehensive Plan:

Environmental Protection Goals – pg. 1-8

Goal 6. Livability

“Strengthen existing policies and develop new ones to actively promote a sustainable future by promoting clustered and compact development, which would be balanced by additional open space, and redevelopment of land and repurposing of structures”.

Residential Neighborhoods – pg. 1-10

Goal 2. Neighborhood Quality

“Enhance the quality of the City’s residential areas, to promote livability and a sense of community. Livability is defined as safe and walkable, with a variety of housing choices and ready access (walking, biking, transit, automobile) to work, shopping, and services.”

Goal 5. Enhanced Connections

“Support inclusive neighborhoods for the elderly and persons with disabilities, through multi-modal transportation that enhances connections between affordable and accessible housing, places of employment, other neighborhoods, and services.”

Goal 7. Affordable Housing

"All persons who live and work in Fredericksburg should have the opportunity to rent or purchase safe, decent, and accessible housing within their means."

Goal 8. Variety of Housing

"Provide a variety of housing opportunities throughout the City that respect the character of the community."

3. *Whether there has been a sufficient period of time for investigation and community planning with respect to the application.*

The Technical Review Committee has completed its review and had no comment. If approved, work would be required to be performed in accordance with all Building Code requirements.

4. *Whether the special exception is consistent with the principles of good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, and the characteristics of the property involved.*

Section 72-12 of the UDO states that *"The City Council has adopted this chapter to promote the health, safety, convenience, and general welfare of the public, to plan for the future development of the community, and to accomplish the objectives of the Code of Virginia and the City of Fredericksburg Comprehensive Plan"*. As stated in that Code Section, zoning is intended to be a tool that provides for, amongst other things:

- A. *...Adequate light, air, convenience of access, and safety from fire, flood, impounding structural failure, crime, and other dangers;*
- C. *To facilitate the creation of a convenient, attractive, and harmonious community;*
- G. *To encourage economic development that provides desirable employment, including high wage jobs, and enlarge the tax base;*
- J. *To implement the Fredericksburg Comprehensive Plan and any special area plan adopted by the City;*

The property is not located within a floodplain or floodway. The development will occur within the existing structure and not add to the footprint of the structure. It will permit a family to live together and support each other, and meets stated goals of the Comprehensive plan.

5. *Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.*

There is nothing special, extraordinary, or unusual about the property. However, Ms. Coley is the first applicant in at least six years to have applied for such a permit. Numerous citizens have contacted the Planning Department to inquire about having an accessory dwelling units. The house is 3,229 sq.f t. in area, and is among the larger half of homes on that block face. It is one of two home on that block face that has 5 bedrooms.

6. *Whether the proposed exception potentially results in any adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.*

The proposed condition would limit occupancy to what is currently permissible: one family. Any impacts would be in line with those of a family. The applicant's mother does not have a car, so there would be no initial impact for traffic. Even if the applicant were to move and a new owner to take occupancy, the limit of the accessory dwelling unit to a 'family' would ensure no impacts beyond what is typical of a family.

CONCLUSION

This is a proposal for a special exception to permit an accessory dwelling unit within an existing single-family detached house. The use is compatible with the surrounding neighborhood and meets the goals of the Comprehensive Plan. While the issue is fairly debatable, approval is recommended.

ATTACHMENTS

1. Resolution
2. Application
3. Public Comments
4. June 24th 2020 Draft Planning Commission Meeting Minutes
5. June 17th 2020 Adopted Planning Commission Meeting Minutes



July 14, 2020
Regular Meeting
Resolution 20-__

MOTION:

SECOND:

RE: Granting a Special Exception for an Accessory Dwelling Unit Located at 1306 Graham Drive

ACTION: APPROVED: Ayes: 0; Nays: 0

Terry Coley has applied for a special exception to permit an accessory dwelling unit at her property located at 1306 Graham Drive, GPIN 7768-97-1948. The property is situated approximately 220 feet southeast of the intersection of Graham Road and Patrick Street in the Idlewild neighborhood, and it is zoned Planned Development – Residential.

The proposed special exception would permit the applicant to construct an accessory dwelling unit within the same structure as the primary dwelling unit to provide living quarters for her mother. The primary structure is a 3,229 square-foot single-family detached house, and the proposed accessory dwelling unit would occupy the 1,170 square-foot finished basement. The project is further depicted on a diagram submitted by the applicant as Exhibit 3 to the application.

Therefore, the City Council hereby resolves that:

- Council has reviewed and considered the following criteria with respect to the special exception applications: (a) whether the grant of the special exceptions is consistent with the City's Comprehensive Plan; (b) whether the special exceptions are consistent with the goals, purposes and objectives of the City's zoning ordinance; (c) whether there has been a sufficient period of time for investigation and community planning with respect to the applications; (d) whether the special exceptions are consistent with the principles of zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use; and (e) whether the proposed use or aspect of the development requiring the special exceptions is special, extraordinary or unusual.
- Pursuant to Section 72.22.7 of the City of Fredericksburg Uniform Development Ordinance, Council hereby grants a special exception for 1306 Graham Drive from Fredericksburg City Code Section 72-42.5, to permit an accessory dwelling unit within a PD-R Zoning District
- The special exception is subject to the following conditions:
 1. Together, the occupancy of the principal dwelling unit and the accessory dwelling unit shall not exceed the definition of a 'family', as defined in City Code Section 72-84.
 2. The Accessory Dwelling Unit shall be located entirely within the existing square footage of the house.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-, adopted at a meeting of the City Council held July 14, 2020, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



Application #SE: 2020-02
Date: 2-26-20
Fee/Check#: VISA \$900⁰⁰
\$750.00 + \$150.00 Per Acre

**APPLICATION
SPECIAL EXCEPTION**

APPLICANT NAME: Terry Coley

MAILING ADDRESS: 1306 Graham Drive

TELEPHONE: 919-39 223-7799 E-MAIL: tcoley1306@gmail.com

THE UNDERSIGNED HEREBY APPLIES FOR AN EXCEPTION FOR: Accessory Dwelling Unit for Mother In-law Suite

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property Location 1306 Graham Drive Fredericksburg, VA 22401

Property Owned By Terry L. Coley

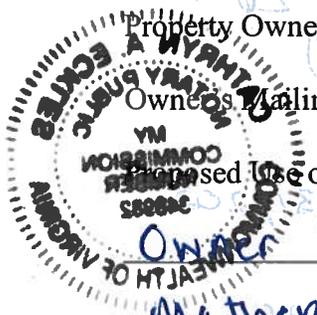
Owner's Mailing Address 1306 Graham Drive Fredericksburg, VA 22401

Proposed Use of Property (be specific) Owner Residence and Accessory dwelling for my Mother (A.K.A. in-law Suite)

HOURS OF OPERATION N/A NUMBER OF EMPLOYEES N/A

Anticipated Number of Patrons or Clients NA

Description of the development's impact on neighboring and adjacent properties, please be specific (attach additional sheet if necessary):



PUBLIC NOTIFICATION REQUIREMENTS

Written Notice: Written notice of an application initiated by a property owner or contract purchaser shall be provided to adjacent property owners by certified return receipt mail by the applicant **at least 14 days prior** to the hearing (not counting the date of the hearing) and **not more than 21 days prior to the public hearing**. Applicants may use the notice form supplied with the application forms. In the event the application is deferred indefinitely, notification shall be given when the application is rescheduled.

Evidence of the receipt of such notice shall be provided to the Zoning Administrator prior to the public hearing. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

The following notice documents must be submitted to the office of the Zoning Administrator at least 5 days prior to the public hearing:

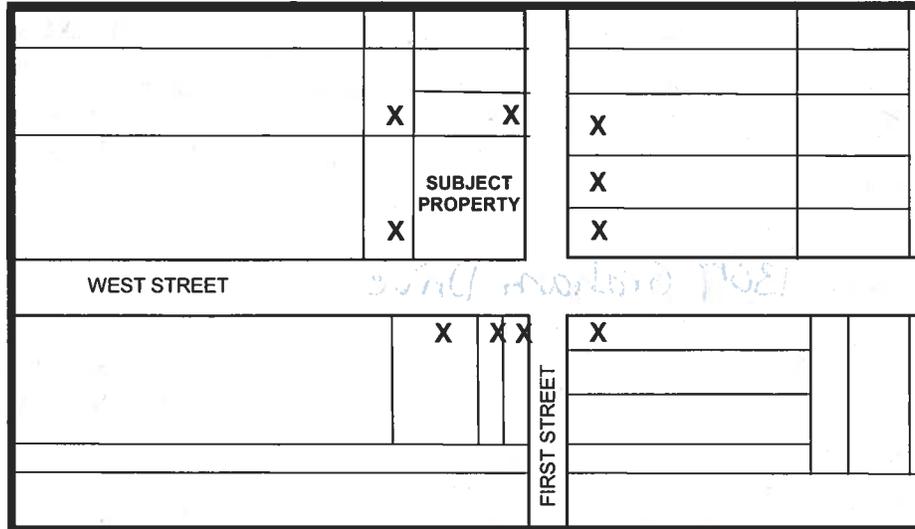
1. a copy of the notice letter sent
2. a list of the names and addresses of those persons to whom notice was sent
3. a copy of the post office receipts for the certified or return receipt mail
4. "Certification of Notice" form found at the back of this application

Posted Notice: The applicant shall post a sign provided by the Zoning Administrator on each parcel of land involved in an application for zoning map amendment (when 25 or fewer parcels are affected), **Posted notice shall be erected at least five days before the Planning Commission public hearing and before the City Council public hearing.**

Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information is to be obtained from the City Real Estate Office, Room 107, City Hall, 715 Princess Anne Street or online at Fredericksburgva.gov

EXAMPLE DIAGRAM OF ADJOINING PROPERTY OWNERS

X = Property owners to be notified



PROPERTY OWNERS LIST

SUBJECT ADDRESS

GPIN #

Adjoining property owner names and addresses can be obtained by visiting the City website at www.fredericksburgva.gov and following the link to GIS, or by visiting the Office of Real Estate at City Hall, 715 Princess Anne Street, Room 107.

Adjoining Property Owner's Name and Mailing Address

Property Address	1400 Graham Drive Fredericksburg, VA 22401	GPIN NUMBER
Owner Name		
Mailing Address		
City, State, Zip		

Property Address	1401 Graham Drive Fredericksburg VA 22401	GPIN NUMBER
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

ATTACH ADDITIONAL SHEETS IF NECESSARY

NOTE: Applicant to return all notice documents at least five days or prior to the public hearing to: Office of the Zoning Administrator, 715 Princess Anne Street, Fredericksburg, VA 22401

SIGN POSTING PROCEDURES

Instructions

It is the applicant's responsibility to ensure that the sign(s) remain on the project site for the required time and are maintained in good/legible condition until after the public hearing date.

Site Posting Procedure

Sign(s) shall be posted at least five (5) business days before the public hearing/meeting. The applicant shall complete a notarized affidavit stating the sign(s) shall be posted in accordance with these procedures. Within three (3) days of posting the sign the applicant shall provide a photograph of the posted sign to the Community Planning and Building Department. **Failure to submit a notarized affidavit and/or photograph of the posted sign may result in the removal of the application from the scheduled meeting agenda.**

Information required on the sign(s) shall be completed by a member of the planning staff and provided to the applicant for posting. Signs shall be removed within three (3) days of the public hearing/meeting. Sign(s) should **not** be returned to the Community Planning & Building Department.

A minimum of one sign shall be placed along any adjacent arterial street. Signs should be posted every 600 feet when a street frontage adjacent to a project exceeds that distance. Sign(s) shall be placed parallel to the roadway.

Sign(s) shall be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the sign(s) from the street. The sign(s) shall not be placed on the public street right-of-way. The sign(s) should not be placed more than 10 feet behind the property line adjacent to the street.

The Community Planning and Building Department may vary any of the above guidelines where there are special circumstances in order to ensure that the sign(s) will be visible to the general public.

The undersigned acknowledges that he/she has read this procedure and understands how and where to post the required sign(s).

Applicant Signature

Date

Checklist for Special Exception

1	Application, fee, and background materials loaded to the City's FTP website.	
2	Per §72-21.6.A.(5), the applicant shall provide satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.	
3	<p>A notarized affidavit, signed by the applicant and containing the following:</p> <ul style="list-style-type: none"> a. A listing of the names and addresses of all applicants, title owners, contract purchasers, and lessees of the land described in the application, and, if any of such persons is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors and other agents who have acted or will act on behalf of any of such persons with respect to the application. If any of the applicants, title owners, contract purchasers, or beneficiaries is a corporation, then the application shall also contain a listing of all shareholders who own ten percent or more of any class of stock issued by the corporation and, where such corporation has ten or less shareholders, a listing of all shareholders. The application shall also contain a listing of all partners, both general and limited, in any partnership with an ownership interest in the property. b. A statement indicating whether or not any member of the City Council or the Planning Commission or any member of their immediate household or family owns or has any financial interest in such property or has any financial interest in the outcome of the decision. 	
4	For any application filed by an agent, contract purchaser or lessee of the property, a written statement signed by each title owner confirming the applicant's status as the owner's agent or contract purchaser and indicating his endorsement of the application.	
5	<p>Certified boundary survey of the property signed and sealed by a professional surveyor, engineer, and/or architect showing the following:</p> <ul style="list-style-type: none"> a. The metes and bounds of all boundary lines of the subject property, and the bearings and distances of each zoning district crossing or adjacent the property. b. The total area of the property, presented in either square feet or acres. c. A scale and north arrow. d. The location and dimensions of all existing buildings, and easements of record. e. The names and route numbers of all boundary roads or streets and the width of existing rights-of-way. f. The signature and seal of the person preparing the plat. g. The location, names of owners, and GPIN of adjacent properties. 	

7	<p>A written statement that addresses the following:</p> <ul style="list-style-type: none"> a. The proposed use including, but not limited to, ownership, hours of operation, proposed number of employees, operator's qualifications, b. How the request is consistent with the City's Comprehensive Plan (cite specific section and page number). c. How the request is consistent with the goals, purposes, and standards of the City's UDO. d. Description of the development's impact on adjacent and neighboring properties. e. How the request is consistent with the principles of zoning and good zoning practice, including the purposes of the zoning district, the characteristics of the property involved, and whether there are adverse impacts of the proposed use. 	
8	<p>A list of all adjacent property owners, including those located across the street, to include the names, Geographic Parcel Identification Numbers, and mailing addresses.</p>	
9	<p>The Zoning Administrator may request additional information applicable to the specific nature of a given structure or use as deemed necessary to fully evaluate the Special Exception.</p>	

Legend

- City Boundary
- WVS Centerlines Back (12,000)
- Interstate
- US Highway
- VA Primary
- Others
- WVS Centerlines Back (12,000)
- Interstate
- US Highway
- VA Primary
- Others
- Parcels

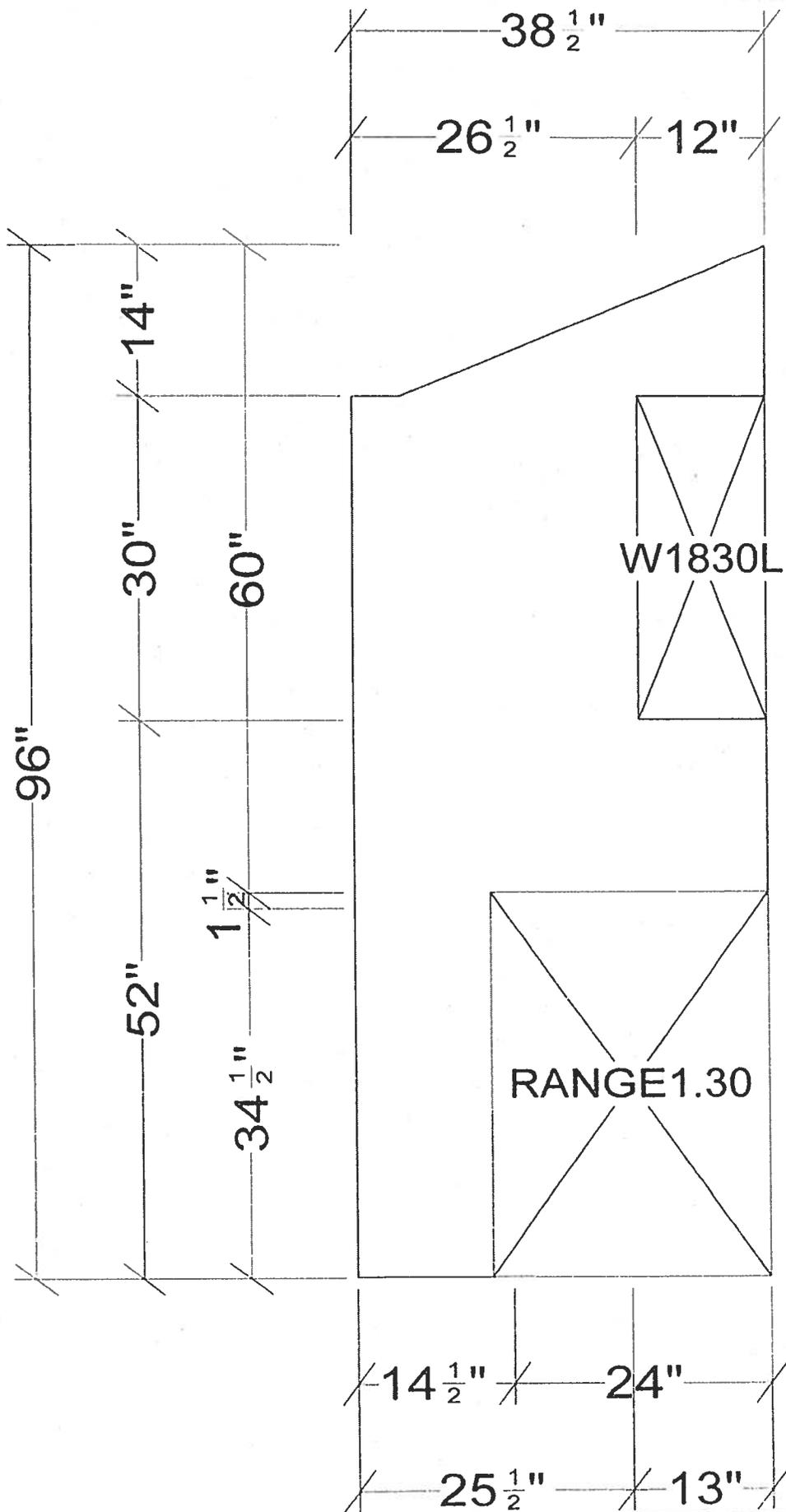


Title:

Date: 2/26/2020



DISCLAIMER: All information depicted on this map shall be treated as confidential information and shall only be used for the sole purpose for which it was provided. Any other use of this map or the information contained herein is prohibited. The data shown on this map is for general purposes only and shall not be used for any specific legal or financial purposes. The City of Frederickburg makes no representation or warranty as to the accuracy of the map or the information shown hereon. This map may not be copied or otherwise made available to any other party in paper or electronic format without written consent from the City of Frederickburg.

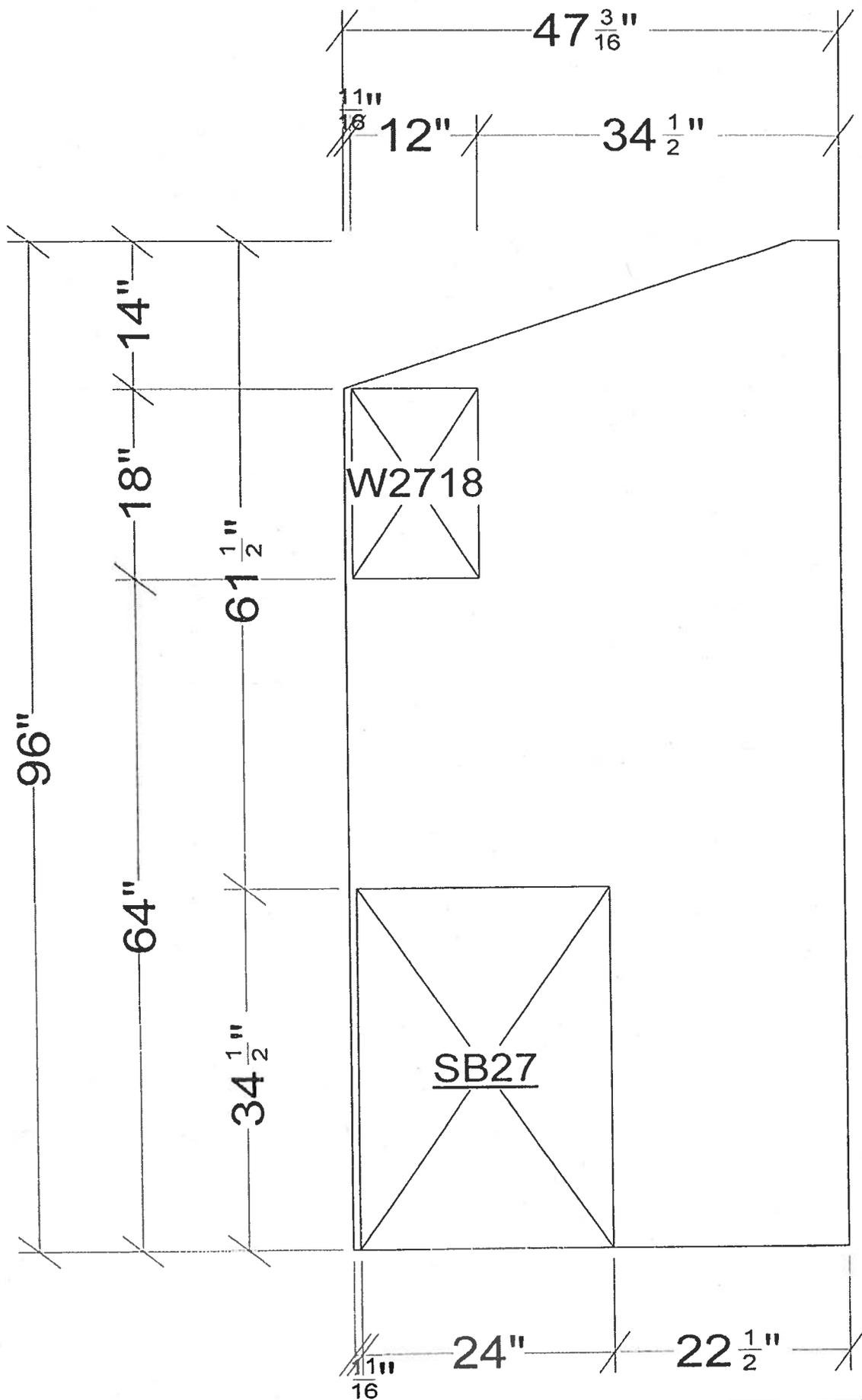


All dimensions, size designations given are subject to verification on job site and adjustment to fit job conditions.

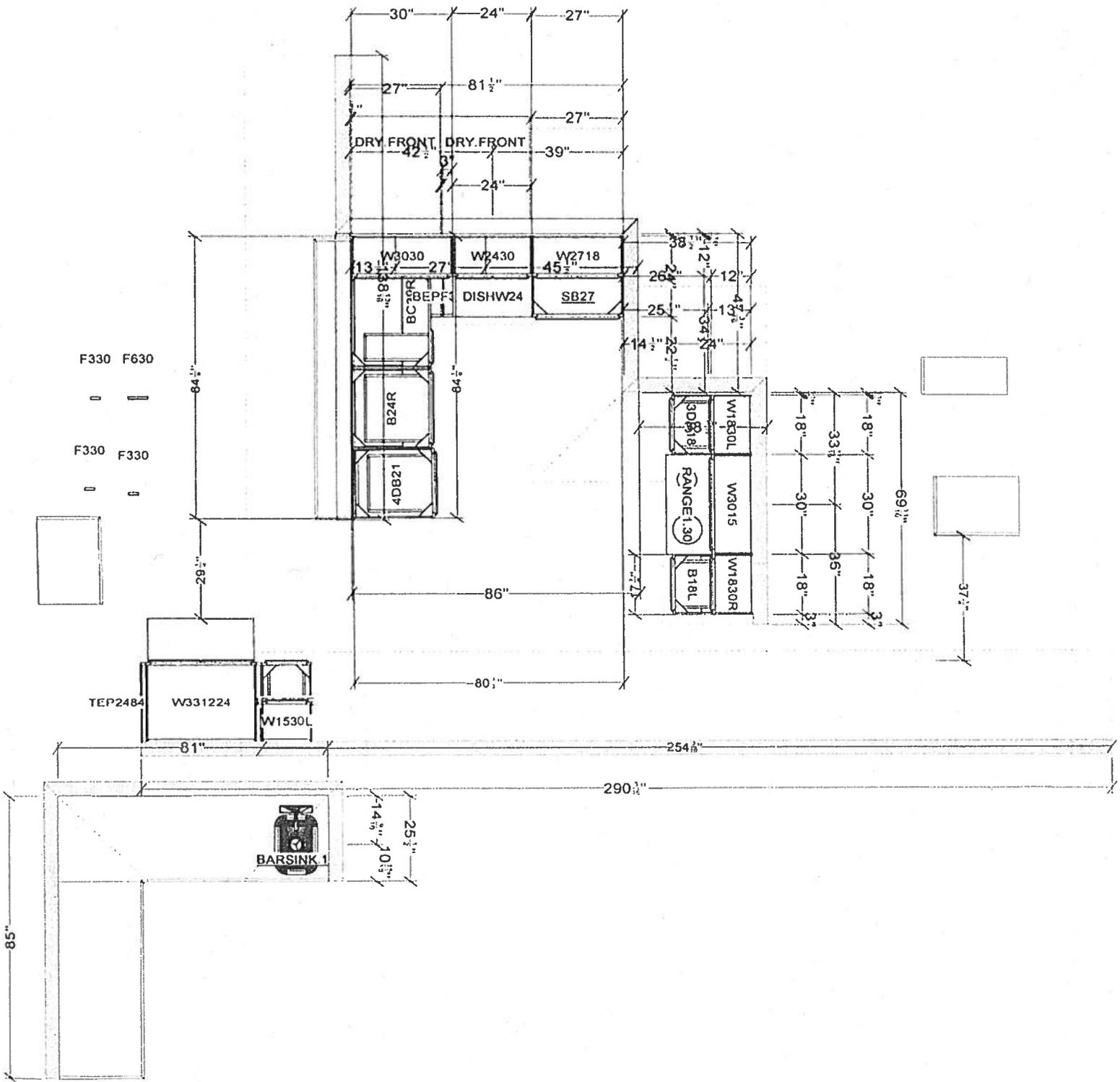
2020

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 10/25/2019
Printed: 12/18/2019



<p>All dimensions, size designations given are subject to verification on job site and adjustment to fit job conditions.</p>	<p>2020</p>	<p>This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.</p>	<p>Designed: 10/25/2019 Printed: 12/18/2019</p>
td2coley	E1 W4		Drawing #: 1 No Scale.

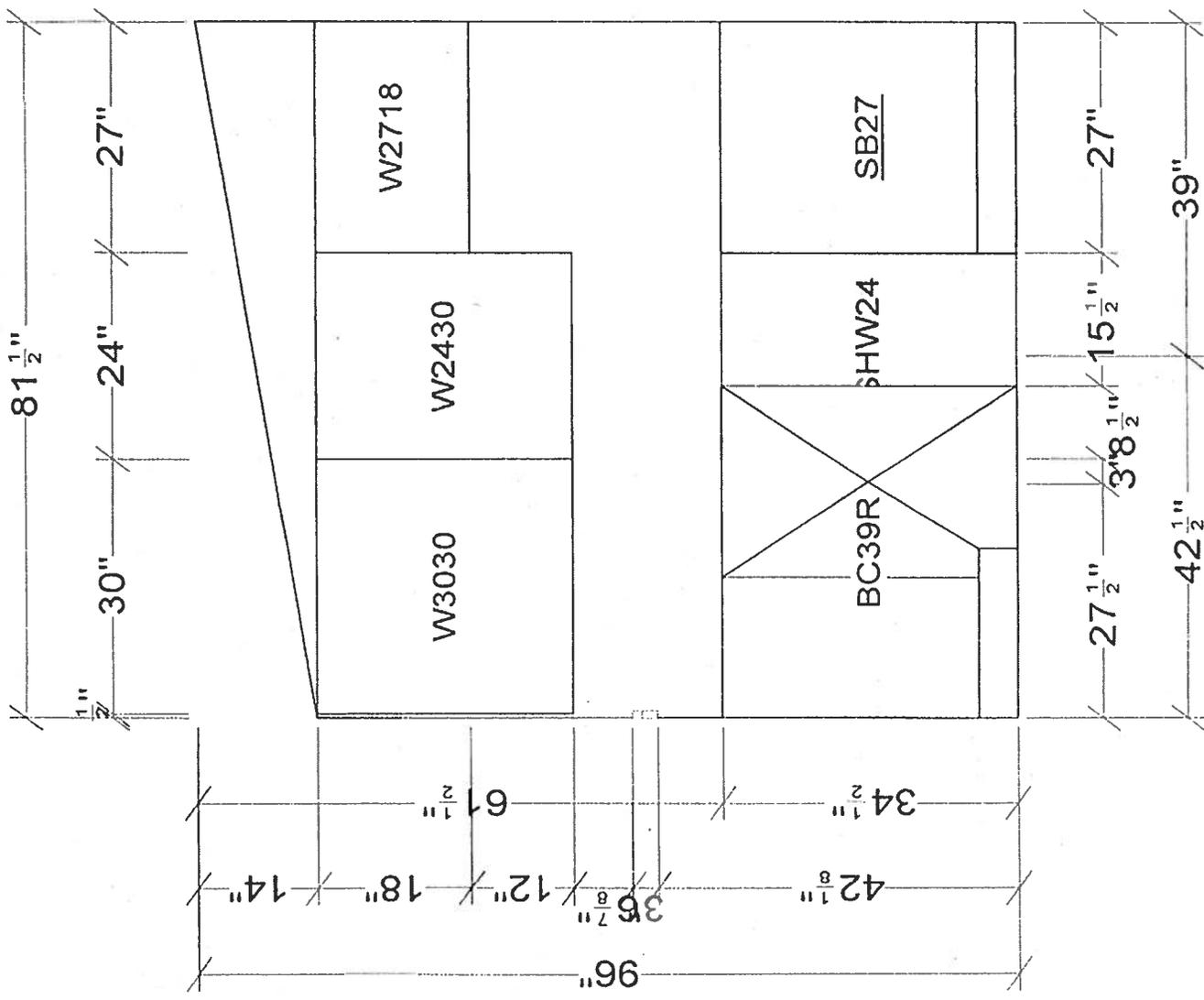


All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.

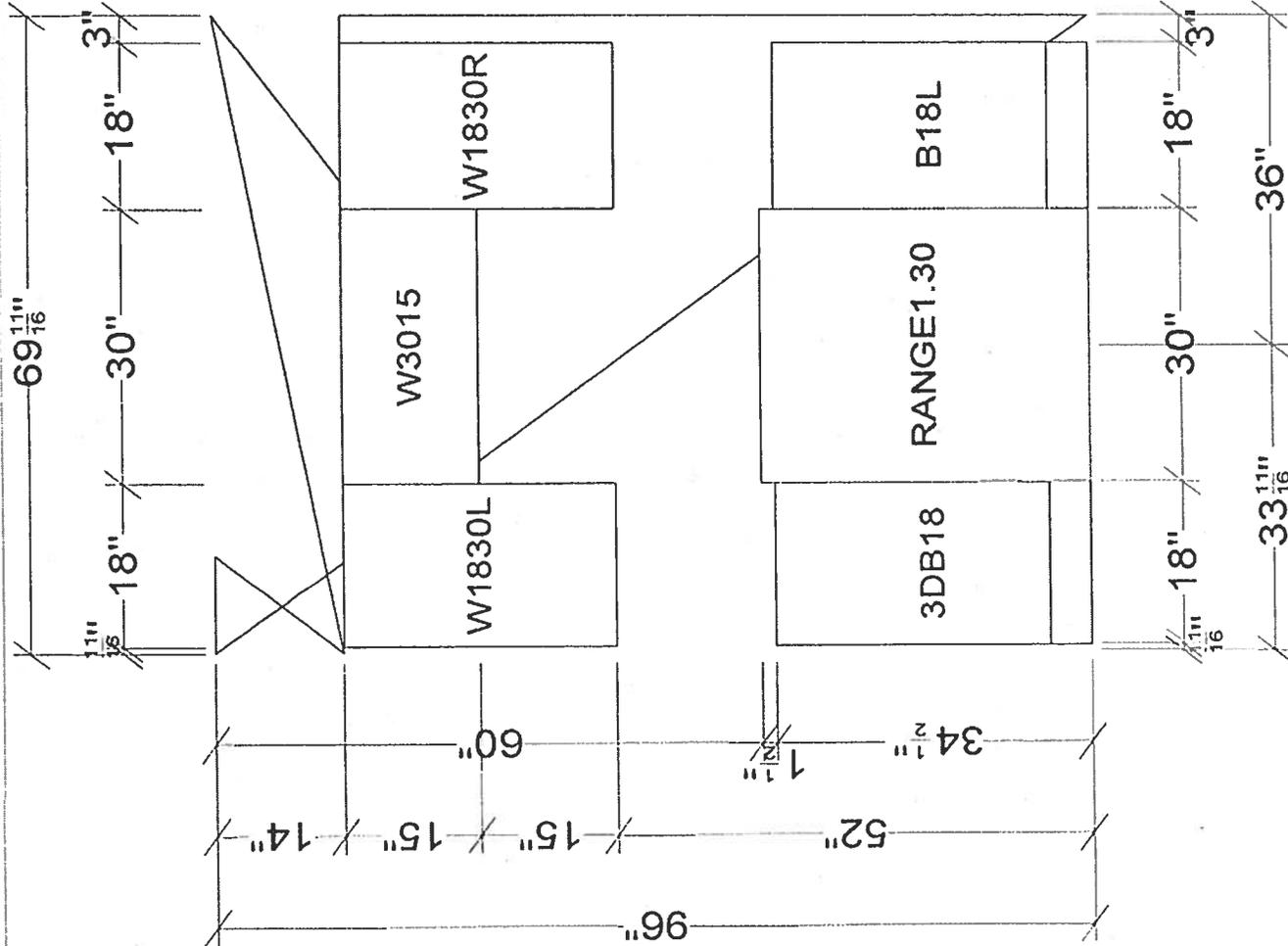
2020

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 10/25/2019
Printed: 12/18/2019



All dimensions .size designations given are subject to verification on job site and adjustment to fit job conditions.	2020	This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.	Designed: 10/25/2019 Printed: 12/18/2019
td2coley	EI 1VI	Drawing #: 1	No Scale.

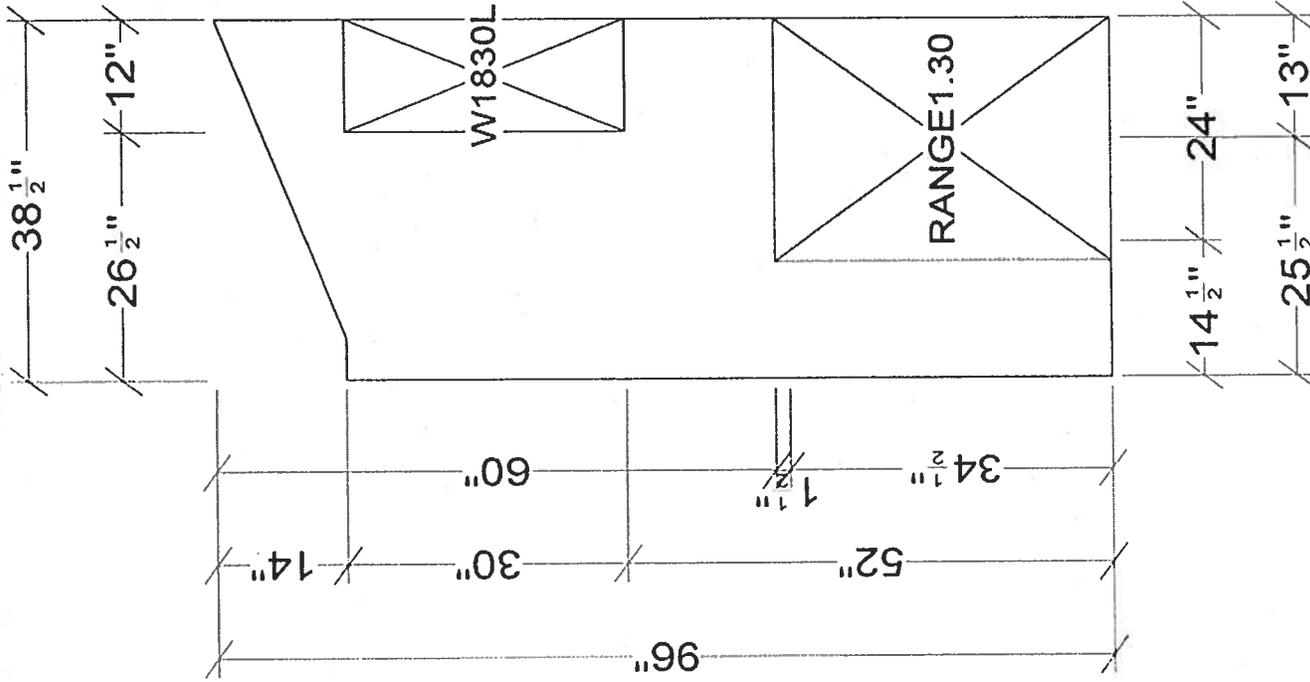


All dimensions .size designations given are subject to verification on job site and adjustment to fit job conditions.

2020

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 10/25/2019
Printed: 12/18/2019



All dimensions .size designations given are subject to verification on job site and adjustment to fit job conditions.

2020

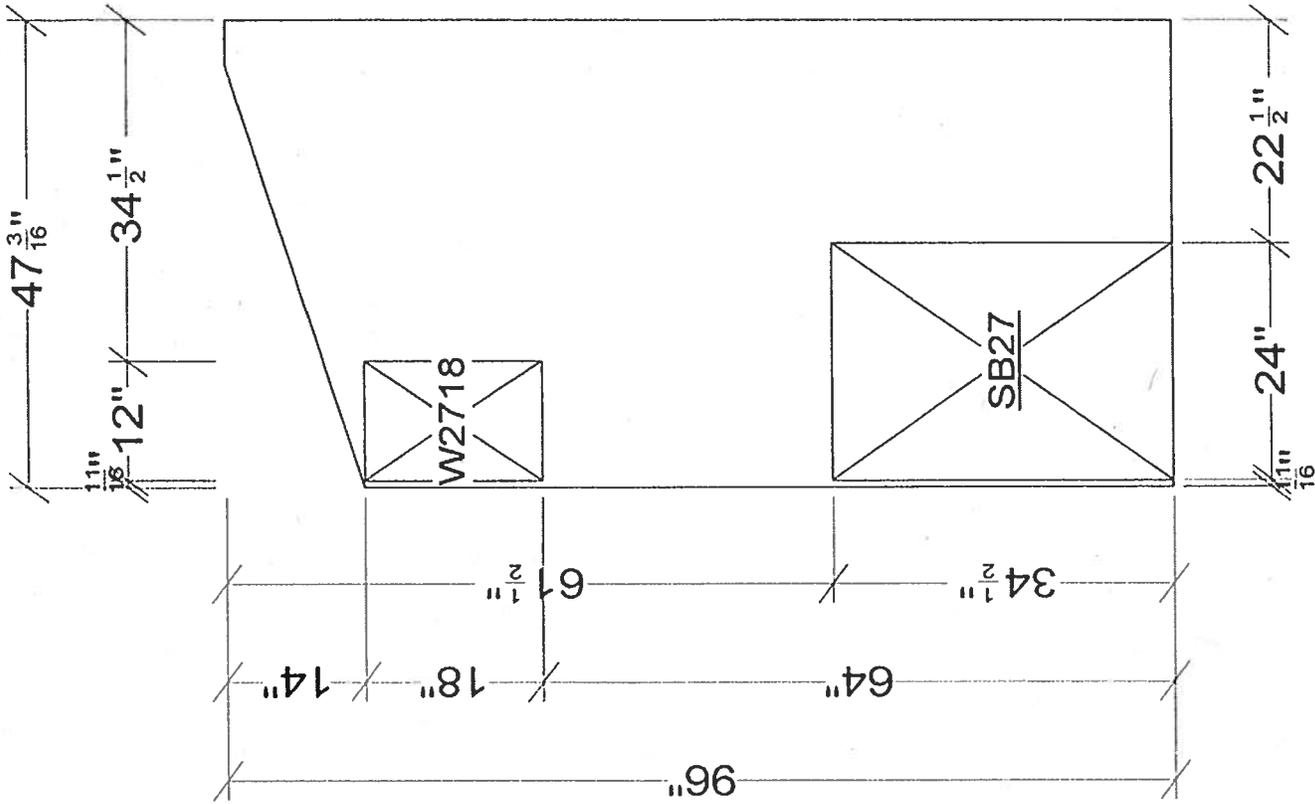
This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 10/25/2019
Printed: 12/18/2019

Drawing #: 1 | No Scale.

E1 1\3

td2coley



Designed: 10/25/2019 Printed: 12/18/2019	This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.	2020	All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.
Drawing #: 1	No Scale.	EI 1/4	ld2colcy

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 1



Memo

To: Terry L. Coley

From: Linda Reichard *LR*

Date: 3/13/20

Subject: Real estate taxes for 1306 Graham Dr. Fredericksburg VA 22401

Real estate taxes for 1306 Graham Dr. with the GPIN 7768-97-1948 are paid in full through December 31, 2019.
Your next real estate tax bill will be due May 15, 2020.

Exhibit 1

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 2

CITY OF FREDERICKSBURG
 FREDERICKSBURG VA 22404 7447
 LIEN AGENT: -

PLUMBING 2: RESIDENTIAL

PERMIT NUMBER: 0006931 - 2007
 USBC: 2008
 APPLICATION DATE: 10/18/2007
 ISSUANCE DATE: 2/25/2008
 RENEWAL DATE:
 DATE: 2/25/2008

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA M 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER PHONE: 000 000 0000

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION
PAX MAP NO.:	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN: N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DEVELOPMENT-RESIDENTIAL
CNTR: FRTGS:	RIGHT-OF-WAY:	S/E CUE NO.: SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP: RESIDENTIAL	USE CODE: SF DWELLING - DETACHED	30 FEET:
CONSTR. TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

PLUMBING 2: RESIDENTIAL	WATER SERV	SEWER SERV
4 FIXTURES 1.5" BAR SINK	SIZE	SIZE
13KPLW PRV	MATERIAL	MATERIAL
OTHER	TO INCLUDE A BAR SINK	NOTE
OTHER		AMENDING ORIGINAL PERMIT
		NOTE

JOB VALUE:	50.00
PERMIT FEE:	10.00
ADM FEE:	
1.75% SURCHARGE:	.88
DEPOSIT:	
TOTAL FEES:	60.88

INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL PLUMBING CODE

REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (340) 373-1000 BEFORE 3:30 P.M.

WORK MUST COMMENCE WITHIN A 6 MONTH PERIOD OR PERMIT IS VOID UNLESS RENEWED.

REQUIRED SIGNATURES

CODE OFFICIAL _____ DATE _____

permits total: 8600

Exhibit 2

CITY OF FREDERICKSBURG
 FREDERICKSBURG VA 22404 7447
 LIEN AGENT:

BUILDING : RESIDENTIAL

PERMIT NUMBER: 0000931 - 2607
 USEC: 2003
 APPLICATION DATE: 10/18/2007
 ISSUANCE DATE: 10/18/2007
 RENEWAL DATE:
 DATE: 10/18/2007

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA W 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER
PHONE:		PHONE: 000 000 0000

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION
TAX MAP NO.:	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN: N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMNT-RESIDNTL
CNTR : FTGS:	RIGHT-OF-WAY:	S/E CUP NO.: SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP: RESIDENTIAL	USE CODE: 3F DWELLING - DETACHED	30 FEET: 1170
CNST. TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

BUILDING : RESIDENTIAL			
4 STORIES	MANF TRUSS	1 FLR SQFT	DECK SQFT
4 BEDROOMS 1/ADDING	FRONT TYPE	2 FLR SQFT	GARAG SQFT
4 FULL BATH 1/ADDING	WALL TYPE	3 FLR SQFT	_____ SQFT
3 HALF BATH	SIDING TYPE	BSMNT SQFT 1170	_____ SQFT
4 FIREPLACE	FLOOR TYPE	MOBILE HM	
PCOL	NOTE	BASEMENT FINISH	

JOB VALUE:	7,500.00
PERMIT FEE:	117.00
ADM FEE:	
CERT OF OCCUP:	20.00
1.75% SURCHARGE:	2.40
AMMENDMENT FEE:	
1.75% SURCHARGE:	
TOTAL FEES:	139.40

THIS PERMIT IS ISSUED IN ACCORDANCE WITH CHAPTER 18 OF THE CODE OF THE CITY OF FREDERICKSBURG, VA. THE PERMIT HOLDER AGREES TO COMPLY WITH ALL APPLICABLE PROVISIONS OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE AND THE ZONING AND SUBDIVISION ORDINANCES OF THE CITY OF FREDERICKSBURG, VA. WORK MUST COMMENCE WITHIN 6 MONTHS OR PERMIT IS VOID AND MUST BE RENEWED. REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT(540) 372-1080 BEFORE 3:30 P.M.

REQUIRED SIGNATURES

CODE OFFICIAL

ZONING ADMINISTRATOR

10/19/07
 DATE

CITY OF FREDERICKSBURG
FREDERICKSBURG VA 22404 7447
LIEN AGENT:

ELECTRICAL : RESIDENTIAL

PERMIT NUMBER: 0000931 - 2007
USBC: 2003
APPLICATION DATE: 10/18/2007
ISSUANCE DATE: 10/18/2007
RENEWAL DATE:
DATE: 10/18/2007

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA N 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER PHONE: 000 000 0000

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION
TAX MAP NO.:	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN:, N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMNT-RESIDENTL
CNTR : PRTEGE:	RIGHT-OF-WAY:	S/E CUP NO. : SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP: RESIDENTIAL	USE CODE: SF DWELLING - DETACHED	SQ FEET:
ONST.TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

ELECTRICAL : RESIDENTIAL	
# RECEPTCLS 32	SERV UPGRD MOBILE HM
# LIGHTS 12	SERV AMPS
# SWITCHES 4	SERV RECWT
# FANS 1	TEMP SERV
#HVAC UNIT	POOL BOND
OTHER	OTHER
NOTE	NOTE

JOB VALUE:	300.00
PERMIT FEE:	74.50
ADM FEE:	
1.75% SURCHARGE:	1.00
AMMENDMENT FEE:	
1.75% SURCHARGE:	
TOTAL FEES:	75.50

INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL ELECTRIC CODE

REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080 BEFORE 3:30 P.M.

WORK MUST COMMENCE WITHIN 6 MONTHS OR PERMIT IS VOID UNLESS RENEWED.

REQUIRED SIGNATURES


CODE OFFICIAL

10/19/07
DATE

CITY OF FREDERICKSBURG
 FREDERICKSBURG VA 22404 7447
 LIEN AGENT:

MECHANICAL : RESIDENTIAL

PERMIT NUMBER: 0000931 - 2007
 USBC: 2093
 APPLICATION DATE: 10/18/2007
 ISSUANCE DATE: 10/18/2007
 RENEWAL DATE:
 DATE: 10/18/2007

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA H 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER PHONE: 000 000 0000

RE ACCOUNT#:	7931	DESCRIPTION OF CONSTRUCTION LOCATION
TAX MAP NO.:	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN:, N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMNT-RESIDENTL
CNTR : FTCE:	RIGHT-OF-WAY:	S/E CUF NO. : SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP: RESIDENTIAL	USE CODE: SF DWELLING - DETACHED	SQ FEET:
CNST.TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

MECHANICAL : RESIDENTIAL	
#HVAC UNIT	#WOOD STOV GAS PIPE
#SPACE HTR	#PREFAB PF DUCT WORK ALTERATION
# BOILERS	#GAS LOGS MISC EQUIP
#HTWR HTR	#SPKLR HD
#ELEVATORS	OTHER # FANS
OTHER	ALTERATIONS TO DUCTWORK
	NOTE

JOB VALUE:	50.00
PERMIT FEE:	50.00
ADM FEE:	
1.75% SURCHARGE:	.88
AMMENDMENT FEE:	
1.75% SURCHARGE:	
TOTAL FEES:	50.88

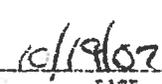
INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL MECHANICAL CODE

REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080 BEFORE 3:30 P.M.

WORK MUST COMMENCE WITHIN 6 MONTHS OR PERMIT IS VOID UNLESS RENEWED.

REQUIRED SIGNATURES


 CODE OFFICIAL


 DATE

CITY OF FREDERICKSBURG
FREDERICKSBURG VA 22404 7447
LIEN AGENT:

PLUMBING : RESIDENTIAL

PERMIT NUMBER: 0000931 - 2007
USBC: 2003
APPLICATION DATE: 10/18/2007
ISSUANCE DATE: 10/18/2007
RENEWAL DATE:
DATE: 10/18/2007

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA M 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER PHONE: 000 000 0000

RE ACCOUNT#:	TAX MAP NO.:	DESCRIPTION OF CONSTRUCTION LOCATION
7831	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN: N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMT-RESIDENTL
CNTR : FRTGE:	RIGHT-OF-WAY:	S/E CUR NO. : SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP:	USE CODE:	SQ FEET:
RESIDENTIAL	SF DWELLING - DETACHED	
CNST.TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

PLUMBING : RESIDENTIAL	WATER SERV	SEWER SERV
	SIZE	SIZE
	MATERIAL	MATERIAL
OTHER	NOTE	SHOWER STALL, LAV, TOILET NOTE

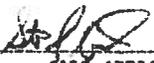
JOB VALUE:	700.00
PERMIT FEE:	55.00
ADM FEE:	
1.75% SURCHARGE:	1.14
TOTAL FEES:	66.14

INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL PLUMBING CODE

REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080 BEFORE 3:30 P.M.

WORK MUST COMMENCE WITHIN A 6 MONTH PERIOD OR PERMIT IS VOID UNLESS RENEWED.

REQUIRED SIGNATURES


CODE OFFICIAL

10/19/07
DATE

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 3

CITY OF FREDERICKSBURG
 FRÉDERICKSBURG VA 22404 7447
 LIEN AGENT:

ELECTRICAL : RESIDENTIAL

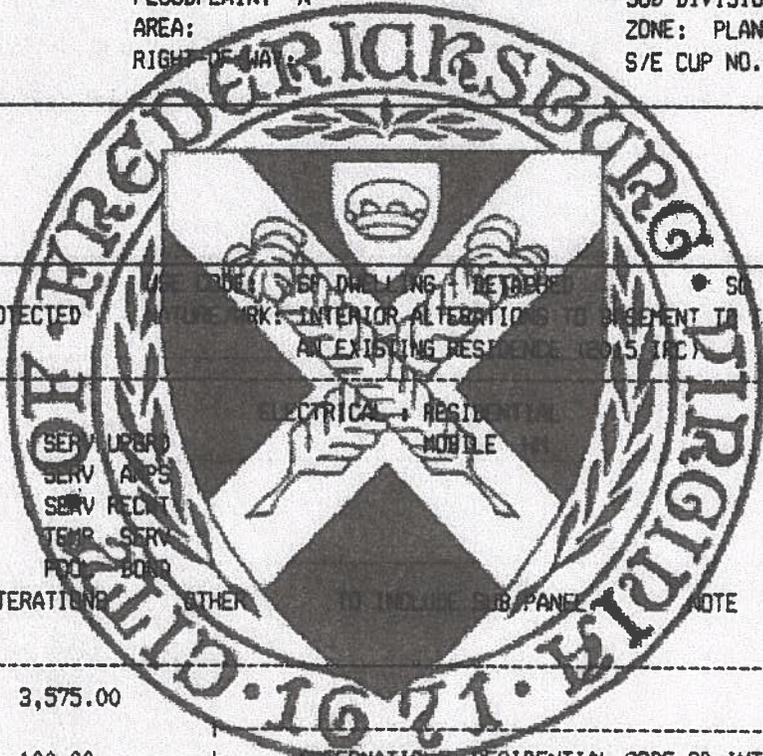
PERMIT NUMBER: 0000108 - 2020
 USBC: 2015
 APPLICATION DATE: 1/31/2020
 ISSUANCE DATE: 2/05/2020
 RENEWAL DATE:
 DATE: 2/05/2020

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
COLEY TERRY L 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE	ACCURATE ELECTRIC CORP 208 TAYLOR STREET FREDERICKSBURG, VA 22405
PHONE:		PHONE: 540 295 6244

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION	SECTION:	BLDG NO.:
TAX MAP NO.:	315 KL275	LOT:	BLOCK:	

SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK: RIGHT: LEFT: CNTR : FRTGE:	FLOODPLAIN: N AREA: RIGHT OF WAY:	SUB-DIVISION: ZONE: PLANNED DVLPMNT-RESIDNTL S/E CUP NO.:
		SITE PLAN:

DIRECTIONS TO SITE:



USE GROUP: RESIDENTIAL	MIN. SET-BACKS: 5 FT. (SEE DWELLING UNIT)	MIN. SIDE SET-BACKS: 5 FT.	MIN. FRONT SET-BACKS: 5 FT.	MIN. REAR SET-BACKS: 5 FT.	MIN. CORNER SET-BACKS: 5 FT.	MIN. SIDE SET-BACKS: 5 FT.	MIN. FRONT SET-BACKS: 5 FT.	MIN. REAR SET-BACKS: 5 FT.	MIN. CORNER SET-BACKS: 5 FT.
CNST. TYPE: SB COMB. UN-PROTECTED	MIN. SIDE SET-BACKS: 5 FT. (SEE DWELLING UNIT)	MIN. SIDE SET-BACKS: 5 FT.	MIN. FRONT SET-BACKS: 5 FT.	MIN. REAR SET-BACKS: 5 FT.	MIN. CORNER SET-BACKS: 5 FT.	MIN. SIDE SET-BACKS: 5 FT.	MIN. FRONT SET-BACKS: 5 FT.	MIN. REAR SET-BACKS: 5 FT.	MIN. CORNER SET-BACKS: 5 FT.

#RECEPTCLS	SERV. UPGRD	OTHER	NOTE
# LIGHTS	SERV. UPS		
# SWITCHES	SERV. RECD		
# FANS	TEMP. SERV		
#HVAC UNIT	POL. BORD		
OTHER	ELECTRICAL ALTERATION	OTHER	UPGRADE
NOTE			

JOB VALUE:	3,575.00	INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL ELECTRIC CODE
PERMIT FEE:	100.00	
ADM FEE:		
2.0% SURCHARGE :	2.00	REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT
AMMENDMENT FEE:		LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE
2.0% SURCHARGE :		BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080
DEPOSIT:		BEFORE 3:30 P.M.
		WORK MUST COMMENCE WITHIN 6 MONTHS OR PERMIT IS VOID UNLESS
		RENEWED.
TOTAL FEES:	102.00	

REQUIRED SIGNATURES

Jim Bahre
 CODE OFFICIAL
 (For JFS)

2/5/2020
 DATE

Exhibit 3

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 4

CITY OF FREDERICKSBURG
 FREDERICKSBURG VA 22404 7447
 LIEN AGENT:

PLUMBING : RESIDENTIAL

PERMIT NUMBER: 0000108 -
 WERC: 2019
 APPLICATION DATE: 1/31/2020
 ISSUANCE DATE: 2/27/2020
 RENEWAL DATE:
 DATE: 2/27/2020

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
COLEY TERRY L 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE	OWNER

PHONE: PHONE: 000 000 0000

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION	SECTION:	BLDG NO.:
TAX MAP NO.:	315 KL275.	LOT:	BLOCK:	

SETBACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOOR FIN:	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMNT-RESIDNTL
CNTR : FRTGE:	HIGH:	CUP NO.:
		SITE PLAN:

DIRECTIONS TO SITE:



USE GROUP: RESIDENTIAL
 CNST.TYPE: 5B COMB. UN-PROTECTED
 SE DRAINAGE - DETENTION 5 FEET;
 INTERIOR INTERIOR PERMIT TO INCLUDE ADDING KNEE WALL AT
 IN EXISTING ROOMS TO BE DONE

FIXTURES 3
 #BKFLW PRV

PLUMBING : RESIDENTIAL
 WATER SERV SIZE MATERIAL
 SEWER SERV SIZE MATERIAL

OTHER NOTE REFRIGERATOR, WASHER, DRYER, OTHER NOTE

JOB VALUE: 2,000.00
 PERMIT FEE: 105.00
 ADM FEE:
 2.0% SURCHARGE : 2.10
 DEPOSIT:
 TOTAL FEES: 107.10

INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL PLUMBING CODE
 REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT
 LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE
 BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080
 BEFORE 3:30 P.M.
 WORK MUST COMMENCE WITHIN A 6 MONTH PERIOD OR PERMIT IS VOID
 UNLESS RENEWED.

REQUIRED SIGNATURES

Jim Bahre
 CODE OFFICIAL
 (For JFS)

2/27/2020
 DATE

Exhibit #

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

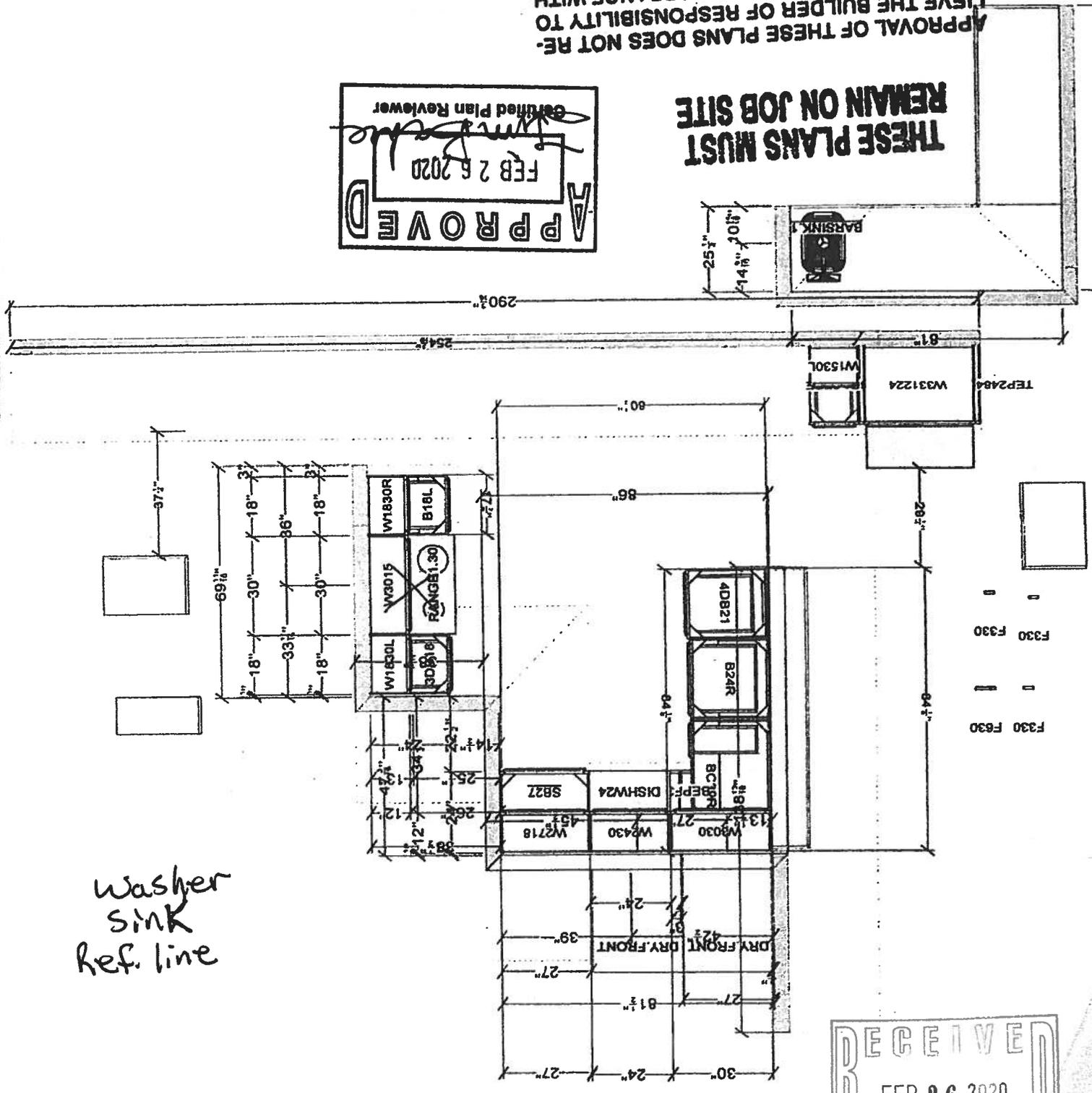
2020

All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.

APPROVAL OF THESE PLANS DOES NOT RELIEVE THE BUILDER OF RESPONSIBILITY TO PERFORM THE WORK IN ACCORDANCE WITH THE REQUIREMENTS OF VIRGINIA UNIFORM STATEWIDE BUILDING CODE FOR ITEMS WHICH MAY HAVE BEEN MISSED OR OMITTED.

THESE PLANS MUST REMAIN ON JOB SITE

APPROVED
 FEB 26 2020
 [Signature]
 Licensed Plan Reviewer



- F330 F630
- F330 F630

RECEIVED
 FEB 26 2020
 By _____

Washer
 Sink
 Ref. line

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 5

Coronavirus Disease 2019 (COVID-19)

People at Risk for Serious Illness from COVID-19

If you are at **higher risk** of getting very sick from COVID-19, you should:

- Stock up on supplies.
- Take **everyday precautions** to keep space between yourself and others.
- When you go out in public, keep away from others who are sick, limit close contact and wash your hands often.
- Avoid **crowds** as much as possible.
- Avoid **cruise travel** and non-essential air travel.
- During a COVID-19 outbreak in your community, **stay home** as much as possible to further reduce your risk of being exposed.

COVID-19: What Older Adults Need to Know

Jay Butler, Deputy Director for Infectious Diseases at CDC, describes preventative measures to help protect older adults from COVID-19.

Who is at Higher Risk?

Early information out of China, where COVID-19 first started, shows that some people are at higher risk of getting very sick from this illness. This includes:

- Older adults
- People who have serious chronic medical conditions like:
 - Heart disease
 - Diabetes
 - Lung disease

If a COVID-19 outbreak happens in your community, it could last for a long time. (An outbreak is when a large number of people suddenly get sick.) Depending on how severe the outbreak is, public health officials may recommend community actions to reduce people's risk of being exposed to COVID-19. These actions can slow the spread and reduce the impact of disease.

If you are at higher risk for serious illness from COVID-19 because of your age or because you have a serious long-term health problem, it is extra important for you to take actions to reduce your risk of getting sick with the disease.

Get Ready for COVID-19 Now

- Have supplies on hand
 - Contact your healthcare provider to ask about obtaining extra necessary medications to have on hand in case there is an outbreak of COVID-19 in your community and you need to stay home for a prolonged period of time.
 - If you cannot get extra medications, consider using mail-order for medications.
 - Be sure you have over-the-counter medicines and medical supplies (tissues, etc.) to treat fever and other symptoms. Most people will be able to recover from COVID-19 at home.
 - Have enough household items and groceries on hand so that you will be prepared to stay at home for a period of time.
- Take everyday precautions
 - Avoid close contact with people who are sick
 - Take everyday preventive actions
 - Clean your hands often
 - Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place.
 - If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.
 - To the extent possible, avoid touching high-touch surfaces in public places – elevator buttons, door handles, handrails, handshaking with people, etc. Use a tissue or your sleeve to cover your hand or finger if you must touch something.
 - Wash your hands after touching surfaces in public places.
 - Avoid touching your face, nose, eyes, etc.
 - Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks & cell phones)
 - Avoid crowds, especially in poorly ventilated spaces. Your risk of exposure to respiratory viruses like COVID-19 may increase in crowded, closed-in settings with little air circulation if there are people in the crowd who are sick.
 - Avoid all non-essential travel including plane trips, and especially avoid embarking on [cruise ships](#).
- If COVID-19 is spreading in your community, take extra measures to put distance between yourself and other people to further reduce your risk of being exposed to this new virus.
 - Stay home as much as possible.
 - Consider ways of getting food brought to your house through family, social, or commercial networks
- [Have a plan for if you get sick](#):
 - **Consult with your health care provider for more information about [monitoring your health for symptoms suggestive of COVID-19](#).**
 - Stay in touch with others by phone or email. You may need to ask for help from friends, family, neighbors, community health workers, etc. if you become sick.
 - Determine who can provide you with care if your caregiver gets sick

Watch for symptoms and emergency warning signs

- Pay attention for potential COVID-19 symptoms including, fever, cough, and shortness of breath. If you feel like you are developing symptoms, call your doctor.
- If you develop emergency warning signs for COVID-19 get medical attention immediately. In adults, emergency warning signs*:
 - Difficulty breathing or shortness of breath

- Persistent pain or pressure in the chest
- New confusion or inability to arouse
- Bluish lips or face

*This list is not all inclusive. Please consult your medical provider for any other symptoms that are severe or concerning.

What to Do if You Get Sick

- Stay home and call your doctor
- Call your healthcare provider and let them know about your symptoms. Tell them that you have or may have COVID-19. This will help them take care of you and keep other people from getting infected or exposed.
- If you are not sick enough to be hospitalized, you can recover at home. Follow CDC instructions for [how to take care of yourself at home](#).
- Know when to get emergency help
- Get medical attention immediately if you have any of the emergency warning signs listed above.

What Others can do to Support Older Adults

Community Support for Older Adults

- Community preparedness planning for COVID-19 should include older adults and people with disabilities, and the organizations that support them in their communities, to ensure their needs are taken into consideration.
 - Many of these individuals live in the community, and many depend on services and supports provided in their homes or in the community to maintain their health and independence.
- Long-term care facilities should be vigilant to prevent the introduction and spread of COVID-19. [Information for long-term care facilities can be found here](#).

Family and Caregiver Support

- Know what medications your loved one is taking and see if you can help them have extra on hand.
- Monitor food and other medical supplies (oxygen, incontinence, dialysis, wound care) needed and create a back-up plan.
- Stock up on non-perishable food items to have on hand in your home to minimize trips to stores.
- If you care for a loved one living in a care facility, monitor the situation, ask about the health of the other residents frequently and know the protocol if there is an outbreak.



Prevention and
Treatment



Get Your
Household
Ready



What to Do if
You are Sick

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 6

Fredericksburg, Virginia

GPIN
7768-97-1948

Property Address
1306 GRAHAM DR

Record #
7831

General

Owner's Name:	COLEY TERRY L	Site Information	
Mailing Address:	1306 GRAHAM DR FREDERICKSBURG, VA 22401	Acres:	0.14912800
Description:	LT 275 6,496SF BL 315-K- L275 VILLAGE OF IDLEWILD PHASE 2 1306 GRAHAM DR	Zoning :	PDR
		Terrain Type:	On
		Terrain Character:	Rolling/Sloping
		Right of Way:	Public
		Easements:	Paved
		Other Description:	LOT: 6,496 SQ FT



Details

Size in Sq. Ft.:	3,229		
Value:	\$409,800.00		

Exterior Information		Interior Information		Total SqFt:	3,229	Utilities	
Year Built:	2005	# of Rooms:	9	Basement Type:	Full	Water:	Public
Occupancy:	Dwelling	# of Bedrooms:	5	Basement SqFT:	0	Sewer:	Public
Foundation:	Concrete	Full Bathrooms:	3	Finished Basement SqFt:	1170	Electric:	Yes
# of Stories:	2.0	Half Bathrooms:	1	Interior Walls:	Drywall	Gas:	Yes
Ext. Walls:	No Data	Floors:	Wood, Carpet, Vinyl	Heating:	Forced Air	Fuel Type:	Gas
Roofing:	Comp Shg	Fireplaces:	0	A/C:	Yes		
Roof Type:	Hip	Stacked Fireplaces:	0				
Garage:	Frame	Flues:	0				
Garage - # Of Cars:	2	Metal Flues:	0				
Built-In Garage - # Of Cars:	0	Stacked Flues:	0				
Carport:	None	Inoperable Flues/Fireplaces:	0				
Carport - # Of Cars:	0	Gas Log Fireplaces:	1				

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm, or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as City of Fredericksburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Exhibit 6

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 7

ACCESSORY DWELLING PERMIT FILING INSTRUCTIONS

ARLINGTON COUNTY ZONING ORDINANCE (ACZO) §12.9.2



FILING INSTRUCTIONS

Applications for an Accessory Dwelling Permit may be submitted to the Zoning Division (2100 Clarendon Boulevard, Suite 1000, Arlington, Virginia, 22201) weekdays, between 8:00 am and 4:00 pm. Staff will typically complete review within 30 days of receipt of a completed application and supporting documents.

All applicants must submit one (1) set of the following materials (1-3). These materials are available for download on the Building Arlington website as the "AD Application Packet", or hard copies may be picked up at the above address.

1. Accessory Dwelling Permit Application
2. Declaration of Covenants (to be submitted prior to the issuance of a building permit)
3. Affidavit of Compliance (to be submitted prior to the issuance of a Certificate of Occupancy)

NOTE: Following approval of the Accessory Dwelling Permit Application by the Zoning Administrator, the original copy of the Declaration of Covenants must be recorded with the Land Records Division of the Clerk of the Circuit Court (1425 N. Courthouse Rd., Suite 6200, Arlington, VA 22201). A copy of the receipt of recordation must be submitted to the Zoning Administrator before the Inspection Services Division (ISD) will issue a building permit.

All applicants must also submit one (1) set of the following materials (4-5). Applicants are encouraged to work with a professional architect, designer, and/or surveyor in the preparation of these materials.

4. A floor plan of the existing main dwelling and proposed accessory dwelling, as well as a site plan drawing that shows all proposed alterations to buildings and the property (to scale and with dimensions).
5. A certified plat showing all existing improvements on the property (to scale and with dimensions).

NOTE: The maximum permitted size for floor plans and certified plats is 11" x 17". Larger sizes will not be accepted.

Once complete, applicants must bring all the above materials (1-5) to the Zoning Division for preliminary review. A filing fee (see Fee Schedule) made payable to the "Arlington County Treasurer" should be submitted upon filing. If no issues are identified, all materials will be forwarded to the Zoning Administrator for final review and approval.

For more detailed information on the approval process for an accessory dwelling, please proceed to page 2.

ACCESSORY DWELLING PERMIT APPROVAL PROCESS

ARLINGTON COUNTY ZONING ORDINANCE (ACZO) §12.9.2



APPROVAL PROCESS

In order for the Zoning Administrator to approve an Accessory Dwelling Permit, the following steps must take place. The information below is not intended to substitute for the accessory dwelling regulations established in the ACZO §12.9.2.

1. Prior to applying for an Accessory Dwelling Permit, applicants are encouraged to determine if their proposed accessory dwelling meets the below minimum requirements of the ACZO. All applicants should e-mail the Zoning Division to schedule a code consultation meeting to discuss these requirements, as well as the associated requirements of the Virginia Uniform Statewide Building Code (USBC).
 - a. Accessory dwellings may be added on lots containing one-family detached dwellings in Residential (**R**) zoning districts, i.e. **R-20, R-10, R-8, R-6, R-5, R-10T, R-15-30T, and R-2-7**. If uncertain, please use the Real Estate Assessments database to query an address and determine its dwelling type and/or zoning district.
 - b. A single lot may have either one (1) accessory dwelling or one (1) family/caregiver suite, but not both. A proposed accessory dwelling cannot be added to a lot that already has either one (1) accessory dwelling or one (1) family/caregiver suite.
 - c. The applicant must be the owner of the property where the accessory dwelling is proposed to be located.
2. Applicants must submit an application for an Accessory Dwelling Permit to the Zoning Division, consistent with the Filing Instructions listed on page 1.
3. Once the application is deemed complete, Zoning Division staff will conduct a preliminary review of the application (including the floor plan and certified plat) to determine:
 - a. If the proposed accessory dwelling is an independent dwelling unit with its own kitchen and bath.
 - b. If the proposed alterations meet ACZO requirements for the zoning district, including coverage, density, and dimensional requirements.

(NOTE: Step 3.b above does not prohibit the creation of an accessory dwelling in a nonconforming one-family detached dwelling or a nonconforming detached accessory building, so long as any required alterations are completed in accordance with the requirements of the ACZO §12.9.2 and §16).
 - c. If the proposed square footage of the accessory dwelling is compliant with the below size limitations:
 - i. If located wholly within a basement, there is no maximum gross floor area for the accessory dwelling.
 - ii. If the gross floor area of the main dwelling is at least 1,000 sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 35% of the combined floor area of the main and accessory dwelling, up to maximum of 750 sf.
 - iii. If the gross floor area of the main dwelling is less than 1,000 sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 45% of the combined floor area of the main and accessory dwelling, up to a maximum of 500 sf.
 - d. If the accessory dwelling has an entrance above the first floor, that no exterior stairs to that entrance are located on the side of the lot fronting a street.

(NOTE: Step 3.d above does not apply to accessory dwellings located in detached accessory buildings constructed prior to May 18, 2019).
 - e. If the proposed accessory dwelling is compliant with the below parking requirements established in the ACZO §14.3.

- i. If the existing main dwelling has one (1) dedicated off-street parking space, an accessory dwelling is permitted, subject to the maintenance of one (1) off-street parking space on the property.
 - ii. If the existing main dwelling has two (2) or more dedicated off-street parking spaces, an accessory dwelling is permitted, subject to the maintenance of two (2) dedicated off-street parking spaces on the property. These two (2) parking spaces can be in any configuration that complies with the ACZO §14.3.
 - iii. If the existing main dwelling has no dedicated off-street parking, an accessory dwelling is permitted, subject to the creation and maintenance of one (1) off-street parking space on the property. If the applicant requests to instead utilize on-street parking to meet this parking requirement, a parking survey performed by the Department of Environmental Services (DES) will be triggered (see step 4 below).
4. As described in step 3.e.iii above, DES may perform a parking survey to determine if the applicant can provide one (1) on-street parking space instead of one (1) dedicated off-street parking space on the property.
- a. If the results of the parking survey indicate that the block is less than 65% parked, an accessory dwelling is permitted with no dedicated off-street parking on the property.
 - b. If the results of the parking survey indicate that the block is at least 65% parked, the applicant is obligated to create and maintain one (1) off-street parking space on the property.

For more information on the [DES Residential Parking Program](#), including how long a parking survey may take and any associated fees, please call (703) 228-3344.

5. Following a preliminary review by Zoning Division staff, the Zoning Administrator will review the application. If no issues are identified, the Zoning Administrator will sign and issue the Accessory Dwelling Permit. Following the completion of several follow-up activities (steps 6-10 below), the Accessory Dwelling Permit will allow an accessory dwelling to be occupied on the property.
- (NOTE: please allow approximately thirty (30) days to process the Accessory Dwelling Permit after the application is accepted as complete by Zoning Division staff).
6. The applicant must file for a [building permit](#) (or permits) with the Inspection Services Division (ISD) to carry out all proposed alterations. The Chief Building Official (or other appropriate ISD staff) issues a building permit, as well as permits for associated trades (i.e. electrical, mechanical, plumbing, etc.)
- (NOTE: An application for a building permit may be submitted at the same time that an application for an Accessory Dwelling Permit is submitted to the Zoning Division (step 2 above). However, a building permit for an accessory dwelling cannot be issued until after an Accessory Dwelling Permit has been issued).
7. As part of obtaining a building permit, the applicant must also file the original copy of the Declaration of Covenants signed by the Zoning Administrator with the Land Records Division of the Clerk of the Circuit Court (1425 N. Courthouse Rd., Suite 6200, Arlington, VA 22201). The Declaration of Covenants must include a floor plan of the accessory dwelling. A copy of the receipt of recordation must be submitted to the Zoning Administrator before ISD will issue a building permit.
8. Once a building permit is issued, construction can proceed. Upon its completion, applicants must file for a [Certificate of Occupancy](#) (CO) with the Zoning Division. Staff from ISD and the Zoning Division will conduct inspections of the accessory dwelling to determine if all applicable requirements of the building code and the ACZO have been satisfied.
9. As part of obtaining a CO, the applicant must also file an Affidavit of Compliance with the Zoning Administrator, indicating that all applicable requirements of the ACZO will be observed.
- (NOTE: The Affidavit of Compliance must be re-filed if/when structural alterations are made to the accessory dwelling and if/when ownership of the main dwelling changes).
10. Once the Affidavit of Compliance is accepted by the Zoning Administrator, the CO will be issued by the Chief Building Official and the Zoning Administrator. At this point, the accessory dwelling is complete and ready for occupancy.

ACCESSORY DWELLING PERMIT APPLICATION

ARLINGTON COUNTY ZONING ORDINANCE (ACZO) §12.9.2

Department of Community Planning, Housing & Development – Zoning Division
2100 Clarendon Boulevard, Suite 1000, Arlington, Virginia 22201
building.arlingtonva.us | contactzoning@arlingtonva.us
Phone (703) 228-3883 | Fax (703) 228-3896



ACCESSORY DWELLING INFORMATION

<i>Address</i>	<i>Zip Code</i>
<i>Real Property Code (RPC) #</i>	<i>Zoning District</i>
(NOTE: Accessory dwellings are only permitted on lots with one-family detached dwellings in the R-20, R-10, R-8, R-6, R-5, R-10T, R15-30T, and R2-7 districts).	

APPLICANT/PROPERTY OWNER INFORMATION

<i>Full Name (First, Last)</i>	
<i>Phone Number</i>	<i>E-Mail Address</i>

CHECKLIST

The above-referenced applicant/ property owner wishes to establish an accessory dwelling on the above-referenced property. The applicant/property owner has demonstrated the following (check all that apply):

- The existing property is improved with a one-family detached dwelling.
- The property does not/will not contain a family/caregiver suite.

Where is the accessory dwelling located?

- Basement level of main dwelling First floor/ground level of main dwelling
- Above the first floor/ground level of main dwelling In a detached accessory building

If located in a detached accessory building, was it existing prior to May 18, 2019?

Yes No

If located in a new detached accessory building, does it comply with the placement requirements of the ACZO §12.9.2.A.2(b)?

Yes No

Where is the entrance to the accessory dwelling located?

- Basement level First floor/ground level Above the first floor/ground level

If the entrance to the accessory dwelling is located above the first floor/ground level, are exterior stairs located on the side of the lot fronting a street?

Yes No

Where is parking located?

On the property On the street

(NOTE: On-street parking requires a parking study performed by DES that finds the block is less than 65% parked. All off-street parking must meet the requirements established in the ACZO §14.3).

If parking is located on the property, how many total parking spaces are provided?

1 2 >2

(NOTE: If the property has 1 existing parking space on the property, 1 space must be maintained. If the property has 2 existing parking spaces on the property, 2 spaces must be maintained. If property has >2 existing parking spaces on the property, at least 2 spaces must be maintained).

If the main building or the detached accessory building used for the accessory dwelling is nonconforming, do all proposed alterations comply with the ACZO§12.9.2 and §16?

Yes No

Size of the Main Dwelling: _____ sf

Size of the Accessory Dwelling: _____ sf

Meeting with Assistant to the Zoning Administrator occurred on: _____

Is the checklist (and all related documents) complete and attached?

Yes No

Has a filing fee (see Fee Schedule) made payable to the "Arlington County Treasurer" been submitted?

Yes No

Signature of Applicant/Property Owner (Or Property Owner's Agent)

Date

FOR STAFF USE ONLY

Approved Denied

Date Approved/Denied: _____

Approved/Denied by: _____

ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE CONDITIONS OF AN ACCESSORY DWELLING CONDITIONS

1. Before approval of a building permit, the property owner shall record a covenant on the property in the land records in a form acceptable to the Zoning Administrator, which identifies the accessory dwelling use and that it is subject to the restrictions imposed by the ACZO.
2. No more than three persons shall occupy the accessory dwelling.
3. The property owner must occupy either the main dwelling or the accessory dwelling as his/her primary residence; provided, however, if the property owner does not occupy one of the dwelling units as his/her primary residence, the entire property may be occupied by no more than one family.
4. Before a Certificate of Occupancy is issued for the accessory dwelling, the property owner shall file an affidavit of compliance with the Zoning Administrator in a form acceptable to the Zoning Administrator attesting to compliance with the conditions of this section, and shall re-file the affidavit of compliance whenever the following occurs:
 - (a) When any structural alterations are made to the accessory dwelling; and
 - (b) Upon change in ownership of the main dwelling.
5. The property owner shall permit annual inspections of the accessory dwelling by the Zoning Administrator or his/her designee upon reasonable notice to ensure compliance with the conditions of this section.
6. The property owner shall cooperate with the Zoning Administrator and his/her designee in ensuring compliance with conditions of this section and in the investigation of complaints of violations of this section.
7. The property owner shall advise all tenants of the accessory dwelling of the annual inspection requirement and obligation to cooperate with the Zoning Administrator in ensuring compliance with the conditions of this section.
8. Accessory uses shall not be allowed in the accessory dwelling except home occupations, including accessory homestay, as permitted and regulated in the ACZO §12.9.11 and §12.9.12.
9. Failure to comply with the conditions in the ACZO §12.9.2 will result in revocation of the Accessory Dwelling Permit and of the Certificate of Occupancy for the accessory dwelling by the Zoning Administrator. Revocation of the Accessory Dwelling Permit and Certificate of Occupancy shall be effective after:
 - (a) A finding by the Zoning Administrator of violation;
 - (b) Notice with 30-day opportunity to correct the violation; and
 - (c) A finding by the Zoning Administrator after 30 days that the violation has not been corrected.
 - (d) Notwithstanding (a)-(c) above, if more than three violations of the provisions in the ACZO §12.9.2 are found to exist by the Zoning Administrator within a one-year period, the Accessory Dwelling Permit may be revoked.

CERTIFICATION

By signing below, I acknowledge that I am entering into an agreement with the Zoning Administrator certifying that I will comply with the requirements for an Accessory Dwelling, per the ACZO §12.9.2. I certify that I am the bona fide resident of the premises identified above; I have read and understand the above conditions; and I can and will comply with each condition without exception. I consent to the use of e-mail for communication with the Zoning Administrator and/or their designee concerning my Accessory Dwelling. I further certify all the information is complete and correct to the best of my knowledge and belief.

Applicant Signature

Date

DECLARATION OF COVENANTS



THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this

_____ day of _____, 20__ by and between _____ hereinafter known as "Declarant" and ARLINGTON COUNTY, VIRGINIA, by and through Arlova Vonhm, its Zoning Administrator.

WHEREAS, the Declarant is the sole owner of certain real property located at _____ in Arlington County, Virginia known as: Lot _____, Block _____, Subdivision _____ as the same is duly dedicated, platted, and recorded in Deed Book _____ at Page _____, among the land records of Arlington County, Virginia.

WHEREAS, the Declarant desires to construct on aforesaid property an accessory dwelling as defined in the Arlington County Zoning Ordinance (ACZO),

WHEREAS, in order to construct and use said accessory dwelling on the aforesaid property, it is necessary to comply with certain zoning requirements and amendments thereto relating to accessory dwelling adopted by the Arlington County Board on May 18, 2019 as Article 12.9.2 of the ACZO.

NOW THEREFORE, Declarant, for and in consideration of the premises and the covenants contained herein does hereby agree to construct said accessory dwelling, to be used, held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, and conditions hereinafter set forth, which are for the purpose of protecting the value and desirability of the premises and the character of the surrounding neighborhood and which covenants, restrictions, and conditions shall run with the real property and be binding on all parties having any right, title, or interest in the described property or any part thereof, their successors and assigns, and shall inure to the benefit of each owner thereof.

Article I

The accessory dwelling to be constructed on the above premises shall consist of not more than 750 square feet (unless fully contained within a basement) and shall be designed, arranged, used, and occupied by not more than three (3) persons.

Article II

In constructing and using this accessory dwelling, in order to meet zoning requirements for all accessory dwellings in all "R" Districts subject to approval by the Zoning Administrator, the Declarant hereby covenants that the following conditions will be binding on the declarant, his successors, and assigns:

- (1) Only one (1) accessory dwelling shall be permitted on the property.
- (2)
 - (a) For attached accessory dwellings located wholly within a basement, the gross floor area shall not exceed the footprint of the basement.
 - (b) When the gross floor area of the main dwelling is at least one thousand (1,000) sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 35% of the combined floor area of the main and accessory dwelling, up to maximum of seven hundred and fifty (750) sf. This provision applies to both attached and detached accessory dwellings.
 - (c) When the gross floor area of the main dwelling is less than one thousand (1,000) sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 45% of the combined floor area of the main and accessory dwelling, up to maximum of five hundred (500) sf. This provision applies to both attached and detached accessory dwellings.
 - (d) For detached accessory dwellings constructed after May 18, 2019, height shall not exceed either 25 feet or 1-½ stories. Detached accessory buildings constructed prior to May 18, 2019 are eligible for conversion to an accessory dwelling, even if that detached accessory building exceeds either 25 feet or 1-½ stories.
 - (e) For detached accessory dwellings constructed after May 18, 2019, the footprint is restricted to 560 sq. ft. (in the *R-5* and *R-6* districts) and 650 sq. ft. (in all other *R*

districts).

- (3) A valid Certificate of Occupancy shall be effective for the accessory dwelling.
- (4) Required parking for the accessory dwelling, as established in the ACZO §14.3, shall remain in existence.
- (5) A floor plan of the accessory dwelling that identifies its relationship to the rest of the dwelling shall be filed with the Zoning Administrator.
- (6) No more than three (3) persons will occupy the accessory dwelling.
- (7) The owner of the property will permit annual inspections of the accessory dwelling by the County.
- (8) The Owner will advise all tenants of the accessory dwelling annual inspection requirement and of their obligation to cooperate with the Zoning Administrator in ensuring compliance with all applicable Zoning requirements.
- (9) For accessory dwellings constructed after May 18, 2019 with an entrance above the first floor, exterior stairs to that entrance shall not be located on the side of the lot fronting a street. Detached accessory buildings constructed prior to May 18, 2019 may maintain exterior stairs to an entrance above the first floor, even if those exterior stairs are located on the side of the lot fronting a street.
- (10) There shall be one (1) address for the property when the accessory dwelling is located within or attached to the main dwelling. If the accessory dwelling is located in a detached accessory building, it may require a separate address from the main dwelling.
- (11) The Owner of the property will occupy a dwelling on the property. If the Owner does not occupy either the main dwelling or the accessory dwelling as his/her primary residence, the entire property may be occupied by no more than one (1) family.
- (12) The Owner of the property will file with the Zoning Administrator, before the issuance of the Certificate of Occupancy, an affidavit of compliance with ACZO requirements for accessory dwellings. An affidavit of compliance will be re-filed whenever any structural alterations are made to the accessory dwelling and when there is a change in ownership of the main dwelling

IN, WITNESS WHEREOF the following signatures and seals:

COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON

Subscribed and sworn before me this this _____ day of _____, 20_____.

Notary: _____

My Commission expires: _____

APPROVED: _____
Arlova Vonhm, Zoning Administrator
Arlington County, Virginia

AFFIDAVIT OF COMPLIANCE



I, _____, make this affidavit in order to comply with Section 12.9.2 of the Arlington County Zoning Ordinance ("ACZO"). Under penalty of perjury, I swear that the following statements are true and correct.

I am the owner of the property known as _____ (street address of the "Property"). My ownership is shown among the land records of the Clerk of the Circuit Court of Arlington County at Deed Book _____, page _____. The Property is improved with a one-family detached dwelling. The one-family detached dwelling contains an Accessory Dwelling ("AD") which complies in all respects with the requirements of the ACZO, including by way of illustration and not limitation, the following:

- a. No more than three (3) persons do now, or will at any time, occupy the AD;
- b. I occupy, as my full-time residence, one of the dwelling units on the Property. At any point, if I do not occupy either the main dwelling or the AD as my full-time residence, the Property may be occupied by no more than one (1) family.
- c. I hereby agree to permit the Arlington County Zoning Administrator or his or her designee to make annual inspections of the AD to ensure compliance with the ACZO.
- d. I hereby agree to cooperate with the Zoning Administrator and his or her designee to ensure compliance with the ACZO.
- e. I have advised all tenants residing in the AD of the annual inspection requirement and of their obligation to cooperate with the Zoning Administrator to ensure compliance with the ACZO.
- f. I hereby certify that no accessory use is being conducted in the AD, except home occupations as permitted and regulated in Sections 12.9.11 and 12.9.12 of the ACZO.
- g. I hereby certify that I have made no alterations in the physical structure located on the Property or the parking located on the Property, nor have I changed the use of the Property in any material way since the last Affidavit of Compliance, which I executed.
- h. I hereby certify that if I make any structural alterations to the AD, or if there is a change in ownership

of the main dwelling, I will execute, within ten calendar days of such change, a new Affidavit of Compliance, consistent with ACZO requirements.

i. The Property and all structures thereon, including the AD, comply with all requirements of the ACZO.

I make this affidavit on this _____ day of _____, 20_____.

Signature of Owner

Printed Name of Owner

COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON

Subscribed and sworn before me this this _____ day of _____, 20_____.

Notary:

My Commission expires:

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 8





EXIT 8 (16)



Exhibit 8c

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 9

LOG IN

[Register \(/user\)](#)
[Forgot password \(/user/password\)](#)

LEAGUE OF WOMEN VOTERS®
OF FREDERICKSBURG AREA
(/VIRGINIA/FREDERICKSBURG-AREA)

MAKING
DEMOCRACY WORK®

Empowering Voters & Defending Democracy in the Fredericksburg Area!

Affordable Housing for Low-Income Seniors in the Fredericksburg Area

 SHARE

The League of Women Voters of the Fredericksburg Area supports the need for local governments in Planning District 16 to effectively address the identified affordable housing needs in the the Fredericksburg Area, specifically for low-income seniors.

Position History:

Adopted March 25, 2019

Ratified June 24, 2019

Study Report (https://my.lwv.org/sites/default/files/leagues/wysiwyg/%5Bcurrent-user%3Aog-user-node%3A1%3Atitle%5D/final_-_affordable_housing_report_2-9-19_2_.pdf)

Background

The League of Women Voters of the Fredericksburg Area (LWVFRA) adopted a study in 2017 on the relevant problems and issues for low-income seniors in Planning District 16 (Stafford, Spotsylvania, Caroline and King George Counties and the City of Fredericksburg). The study included an examination of current and future lowincome senior population projections, existing federal, state and local programs, and housing support options in other Virginia jurisdictions. The League used a consensus process to determine how local governments in Planning District 16 could effectively begin to address our area's identified affordable housing needs.

Exhibit 9

The League's Position

The League of Women Voters of the Fredericksburg Area believes that it is becoming increasingly necessary for local governments to take a more prominent role in assuring that there are affordable housing options for low-income senior residents in Planning District 16. Local government jurisdictions are in a position to consider a variety of actions and to act independently or collaboratively to meet the current and future housing needs of our low-income seniors. The LWVFRA recommends the following practical and affordable actions because they can be accomplished without additional state legislative approval and have the potential to increase the affordable housing options for low-income seniors in a relatively short period of time. The League supports:

- Revisions to local zoning ordinances to allow expanded house-sharing options and accessory dwellings for low-income seniors.
- A consortium (contiguous units of local governments with a binding agreement) of the City of Fredericksburg with a sufficient number of counties to meet the population requirements of the HUD Home Investments Partnership Program (HOME), so that the area can compete for the funds allocated to the Commonwealth, with the understanding that participating jurisdictions will provide a ¼ match of the HOME funds received.
- A local Housing Trust Fund composed of one or more local government jurisdictions in Planning District 16, with a dedicated funding source in order to leverage private and public financing to develop and/or rehabilitate affordable housing projects that benefit low-income seniors.
- A land bank to acquire and maintain surplus, foreclosed or abandoned properties, then transfer them back to responsible ownership and productive use in accordance with local government housing priorities, including affordable housing for low-income seniors.
- A timely update of the Affordable Housing Task Force Mid-Year Report (George Washington Regional Commission, September 26, 2008), with particular emphasis on the low-income senior population.
- An "Affordable Housing Advisory Committee" for Planning District 16 that includes broad community representation to evaluate recommendations and proposals developed by The League and other civic organizations, in addition to serving as a coalition to help set priorities for action and advocacy.

In response to the adoption of this position on affordable housing for low-income seniors in the Fredericksburg area, LWVFRA has formed the **Senior Affordable Housing Committee**, chaired by Gerald Anderson. Those interested in supporting our League's efforts are encouraged to contact Gerald via email.

Issues:

[HOUSING \(/MYLO/ISSUES/SOCIAL-POLICY/HOUSING\)](#)

League to which this content belongs: [Fredericksburg Area \(https://my.lwv.org/virginia/fredericksburg-area\)](https://my.lwv.org/virginia/fredericksburg-area)

★ [HOME \(/VIRGINIA/FREDERICKSBURG-AREA\)](#)

★ [ACTION ALERTS \(/VIRGINIA/FREDERICKSBURG-AREA/ACTION-ALERTS\)](#)

★ [ABOUT \(/VIRGINIA/FREDERICKSBURG-AREA/ABOUT\)](#)

★ [JOIN THE LEAGUE \(/VIRGINIA/FREDERICKSBURG-AREA/JOIN\)](#)

★ [CALENDAR \(/VIRGINIA/FREDERICKSBURG-AREA/CALENDAR\)](#)

★ [COMMITTEES \(/VIRGINIA/FREDERICKSBURG-AREA/COMMITTEES\)](#)

★ [LWVFRA DOCUMENTS \(/VIRGINIA/FREDERICKSBURG-AREA/LWVFRA-DOCUMENTS\)](#)

★ [ISSUES \(/VIRGINIA/FREDERICKSBURG-AREA/ISSUES\)](#)

★ [STUDIES \(/VIRGINIA/FREDERICKSBURG-AREA/STUDIES\)](#)

★ [POSITIONS \(/VIRGINIA/FREDERICKSBURG-AREA/POSITIONS\)](#)

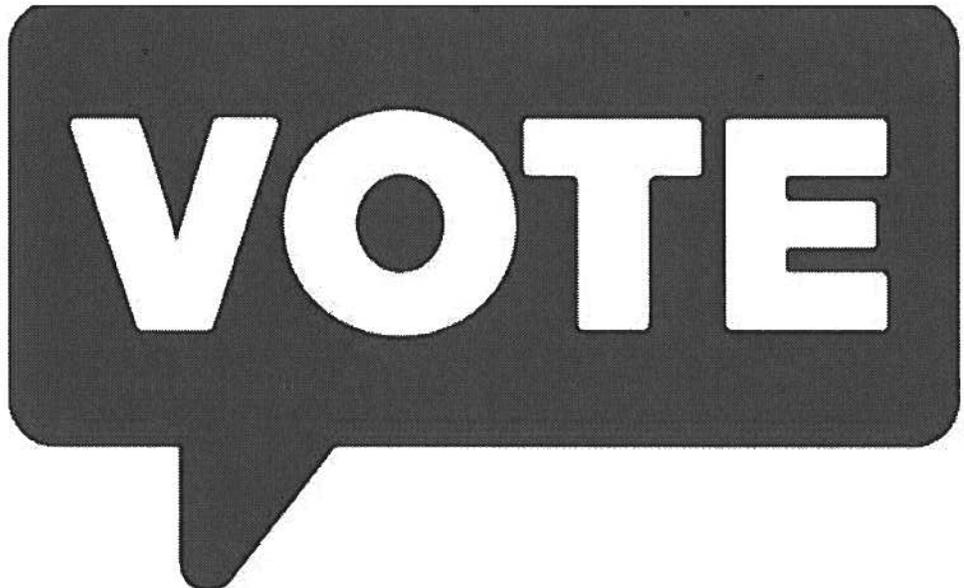
★ [VOTING & ELECTIONS \(/VIRGINIA/FREDERICKSBURG-AREA/ELECTIONS-VOTING\)](#)

★ [CONTACT US \(/VIRGINIA/FREDERICKSBURG-AREA/CONTACT-US\)](#)

★ [DONATE \(/VIRGINIA/FREDERICKSBURG-AREA/DONATE\)](#)

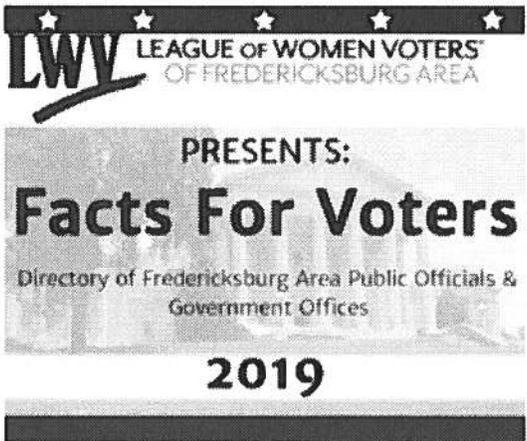
SEARCH

[donate \(https://my.lwv.org/virginia/fredericksburg-area/donate\)](https://my.lwv.org/virginia/fredericksburg-area/donate)



411

https://my.lwv.org/sites/default/files/lwvfra_facts_for_voters_2019.pdf



https://my.lwv.org/sites/default/files/lwvfra_facts_for_voters_2019.pdf

**Our Positions
& Priorities**

<https://my.lwv.org/virginia/fredericksburg-area/positions>

PO Box 271

Fredericksburg, VA 22404

Phone:

☎ (540) 369-3011

Email:

✉ lwvfra@gmail.com (<mailto:lwvfra@gmail.com>)



[_ \(http://facebook.com/LWVFRA/\)](http://facebook.com/LWVFRA/)



[_ \(http://twitter.com/LWVFRA/\)](http://twitter.com/LWVFRA/)

© Copyright League of Women Voters of Fredericksburg Area (<https://my.lwv.org/virginia/fredericksburg-area>). All rights reserved.

[My League Online \(/\)](#) [Privacy Policy \(/mylo/privacy-policy\)](#) [Disclaimer \(/lew/disclaimer\)](#)

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 10



AFFORDABLE HOUSING FOR LOW-INCOME SENIORS IN THE FREDERICKSBURG AREA

STUDY COMMITTEE REPORT

February 9, 2019

Study Committee Members

Gerald Anderson, Chair

Diane Shea

Elaine Diepenbrock

Caroline Parr

Cathie Braman

Exhibit 10

ACKNOWLEDGEMENTS

This report would not have been possible without the input and assistance from a number of outstanding individuals. The authors wish to gratefully acknowledge the contributions from the following:

Ms. Kim McClellan, Public Policy Director, Fredericksburg Area Association of Realtors

Ms. Sarah Walsh, Vice President of Strategic Initiatives, Rappahannock United Way

Ms. Dee Smith, Executive Director, Central Virginia Housing Coalition

Mr. Bob Straight, Virginia Organizing/Fredericksburg Chapter

Ms. Susanna Finn, Community Development Planner, Community Planning and Building, City of Fredericksburg

Mr. Mike Craig, Senior Planner, Community Planning and Development, City of Fredericksburg

Dr. Linda Millsaps, Executive Director, George Washington Regional Commission

TABLE OF CONTENTS

INTRODUCTION		1
I. DEFINING THE PROBLEM		1
	<i>Current Senior Population</i>	2
	<i>Future Senior Population Projections</i>	7
II. CURRENT PROGRAMS ADDRESSING AFFORDABLE HOUSING FOR SENIORS		10
A. Federal Programs		10
	<i>Internal Revenue Service (IRS) Low-Income Housing Tax Credit (LIHTC)</i>	11
	<i>HUD Supportive Housing for the Elderly (Section 202)</i>	12
	<i>HUD Housing Choice Voucher Program (Section 8)</i>	12
	<i>HUD Self-Help Ownership Opportunity Program (SHOP)</i>	13
	<i>HUD Home Investments Partnership Program (HOME)</i>	13
	<i>HUD Public Housing</i>	14
....	<i>USDA Housing Direct Loans</i>	15
	<i>National Housing Trust Fund</i>	15
B. Virginia State Programs		16
	<i>Virginia Housing Development Authority (VHDA)</i>	16
	<i>Department of Housing and Community Development (DHCD)</i>	17
	<i>Virginia Housing Trust Fund</i>	19
C. Planning District 16 Affordable Housing Programs and Policies		19
	Programs	19
	<i>Tax Relief</i>	19
	<i>Funds for House Repair and Accessibility</i>	20
	Policies	20
	<i>Land Use and Zoning Policies</i>	20
	<i>Occupancy Regulations and Potential Senior House Sharing</i>	21
	<i>Accessory Dwelling Unit Regulations (“In-Law Suites”)</i>	22
D. Housing Support Options in Other Virginia Jurisdictions		23
	<i>Donated Public Land</i>	23
	<i>Faith-Based Development</i>	23
	<i>Inclusionary Zoning/Density Bonus Offsets</i>	23
	<i>Local Housing Trust Fund</i>	24
	<i>Affordable Housing Overlay Zone</i>	25
	<i>Reduced Parking Requirements</i>	25
	<i>Tax Increment Financing</i>	25
	<i>Inventory of Naturally Occurring Affordable Housing</i>	25
	<i>Land Banks</i>	26
III. SUMMARY		27

TABLE OF CONTENTS (cont.)

IV. CONCLUSIONS.....	Page
V. RECOMMENDATIONS.....	27
VI. REFERENCES.....	29
	30

LIST OF TABLES

	Page
Table 1. HOUSING COST BURDENED SENIOR HOUSEHOLDS IN AREA.....	3
Table 2. HOUSING COST BURDENED SENIOR HOUSEHOLDS BY RESIDENCE TYPE.....	3
Table 3. MEDIAN ANNUAL INCOMES FOR SENOR HOUSEHOLDS IN REGION BY HOUSEHOLD TYPE.....	5
Table 4. MEDIAN AFFORDABLE HOUSING COSTS FOR SENIOR HOUSEHOLDS BY JURISDICTION AND HOUSEHOLD TYPE.....	6
Table 5. MEDIAN MONTHLY HOUSING COSTS BY TYPE AND JURISDICTION.....	7
Table 6. NUMBER OF HOUSEHOLDS IN AREA WITH LOW TO SEVERELY LOW ANNUAL INCOME IN 2016 BY AGE GROUP.....	9

INTRODUCTION

For the last 18 months, the Fredericksburg League of Women Voters (covering Virginia Planning District 16 which includes Caroline, King George, Spotsylvania, and Stafford Counties, and Fredericksburg City) has examined the local situation as it relates to affordable housing, specifically affordable housing for low income senior residents. While it is well documented that in our area there is a lack of affordable and accessible housing for residents with limited income or other financial resources, it is not as clear how that same lack of affordable housing specifically impacts our senior residents. This report looks at the most recent available data, reviews existing housing-support programs and incentives at the federal, state, and local levels and evaluates how well these programs are meeting existing housing needs. As part of that discussion, we have identified challenges and barriers low-income seniors may face as they search for affordable housing.

Our summary and conclusions lead us to a series of recommendations - principally for local government action - that will be presented to our League's members to enable them us to reach consensus about the official positions we intend to adopt. These positions will be used to help influence our local legislators and other leaders in the effort to ensure that all low-income seniors are able to live in safe, healthy, and affordable homes.

This report is organized into the following sections:

- I. Defining the Problem
- II. Current Programs Addressing Affordable Housing Needs for Seniors
 - A. Federal Programs
 - B. Virginia State Programs
 - C. Planning District 16 (PD 16) Affordable Housing Programs and Policies
 - D. Housing Support Options in other Virginia Jurisdictions
- III. Summary and Conclusions
- IV. Study Committee Recommendations
- V. References

I. DEFINING THE PROBLEM

For the purpose of this study, we use the following definitions for “affordable” housing as developed by the U.S. Department of Housing and Urban Development (HUD).

- **Affordable housing** is housing (e.g., a house or apartment) where the occupying household spends less than 30% of their gross income on housing related costs. This includes not only a mortgage payment or rent payment, as applicable, but also all other housing related costs

passed on to the occupying household. This could include real estate taxes, fees, utilities, and maintenance costs.

- When a household spends more than 30% of its income on housing, it is classified as **housing cost-burdened**. Under these circumstances, the household may find it necessary to cut back on items or services that might otherwise be considered necessities (e.g., food, medicine, medical care, or transportation) or put off basic expenditures to keep the residence in good repair. In some instances, households may find it necessary to spend up to 50% of their income on housing related expenses.
- When a household spends more than 50% of its income on housing related costs, it is classified as **severely housing cost-burdened**. Under these circumstances, the cutbacks could become more severe, to the point of threatening health or even life.

According to the American Community Survey, published by the U.S. Census, Virginia's Planning District 16 (PD 16) has an estimated 7,100 senior households (i.e., includes a 65+ year old householder) that are classified as housing cost burdened. Data on those that are severely housing cost- burdened is difficult to ascertain, but based on percentage estimates computed from U.S. data by the Joint Center on Housing Studies at Harvard University, 16% of senior households are severely housing cost-burdened nationwide. If such an estimate holds true for our area, roughly 3,500 senior households in Planning District 16 are severely housing cost-burdened.

Current Senior Populations

A breakdown of the housing cost-burdened senior households by jurisdiction is provided in Table 1. It indicates that:

- The Fredericksburg City population has the largest percentage of housing cost-burdened senior households (42%);
- 32% of senior households in all of PD 16 are housing cost-burdened;
- By county, Spotsylvania has the largest number of housing cost-burdened senior households followed by Stafford.

Table 1. HOUSING COST-BURDENED SENIOR HOUSEHOLDS IN PD 16

Jurisdiction	Senior Households		
	Total	Number cost burdened	% cost burdened
City of Fredericksburg	1768	743	42
Stafford County	6766	1926	28
Spotsylvania County	9090	3110	34
Caroline County	2685	785	29
King George County	1779	533	30
Total	22088	7097	32

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates.

Table 2 provides a breakdown of housing cost-burdened senior households by residence type. More than 71% of all housing cost-burdened senior households throughout the region are homeowners (i.e., 5048 homeowners vs. 2049 renters). Looking only at homeowners (vs. renters), 27% are housing cost-burdened.

Table 2. HOUSING COST-BURDENED SENIOR HOUSEHOLDS BY RESIDENCE TYPE

Jurisdiction	Renters			Home Owners		
	Total	Number Burdened	%	Total	Number Burdened	%
City of Fredericksburg	744	446	60	1024	297	29
Stafford County	755	483	64	6011	1443	24
Spotsylvania County	1449	971	67	7641	2139	28
Caroline County	261	74	28	2424	711	29
King George County	212	75	35	1567	458	29
Total	3421	2049	60	18667	5048	27

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates.

The fact that fewer owners than renters are cost-burdened may reflect a variety of factors. First, many seniors have likely paid off their mortgage and have to pay only maintenance, utility, and tax expenses. Second, even if senior homeowners are still paying off a mortgage that was obtained years ago, they are very likely to have purchased a house that cost significantly less than current house prices, providing equity value upon which they can draw if necessary. In addition, fixed mortgage payments typical of older mortgages do not inflate as quickly over time as monthly rent payments. Long term ownership of a home with a fixed rate mortgage provides some expense stability that may help prevent low income seniors from facing rapidly increasing housing costs.

It has been argued that the numbers included in Table 2 may not accurately represent real life conditions and that individuals counted in these categories may be spending more than 30% of their gross income on housing but are not cost-burdened. One example is given that a senior household making several hundred thousand dollars per year from investments and retirement accounts may be able to spend more than 30% of their income on housing without being burdened. Census Bureau data strongly suggests this is not the case. The median income of senior households in our area by type of household (single or non-single) is shown in Table 3.

Households comprised of a single senior female, which represent 5,793 of the senior households in PD 16, have median incomes ranging from \$22,471 in Caroline County to \$32,893 in King George County. Households comprised of a single senior male, which represent 2141 households in our region, have median annual incomes ranging from \$25,394 in Caroline County to \$55,759 in the City of Fredericksburg. Other types of senior households (e.g., senior couples), which represent 14,165 households in our region, have median annual incomes ranging from \$50,674 in Caroline County to \$77,042 in Stafford County. Based on salary information, it is clear that most seniors living in PD 16 do not enjoy an income level that easily supports current high housing costs.

Table 3. MEDIAN ANNUAL INCOMES FOR SENIOR HOUSEHOLDS IN PD 16 BY HOUSEHOLD TYPE

Jurisdiction	Single Male Household, 65+		Single Female Household, 65+		Other Senior Households	
	Number	Median Income	Number	Median Income	Number	Median Income
City of Fredericksburg	327	\$55,759	711	\$23,698	741	\$67,337
Stafford County	488	\$40,952	1577	\$30,799	4701	\$77,042
Spotsylvania County	862	\$35,888	2307	\$28,710	5921	\$67,029
Caroline County	227	\$25,394	775	\$22,471	1683	\$50,674
King George County	237	\$42,708	423	\$32,893	1119	\$67,881
Total	2141		5793		14165	

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates

It is possible to calculate the average housing cost that would be affordable for each of these household types in the jurisdiction where they live (see Table 4). To avoid being cost-burdened, a senior female living alone with a median income can afford between \$562 and \$822 in housing costs, which include utilities, taxes, and maintenance where appropriate. Senior males living alone with a median income for their jurisdictional area can afford between \$635 and \$1394 per month. Finally, seniors living in non-single households with a median income in their jurisdiction can afford between \$1267 and \$1926 per month.

Table 4. MEDIAN AFFORDABLE HOUSING COSTS FOR SENIOR HOUSEHOLDS BY JURISDICTION AND HOUSEHOLD TYPE

Jurisdiction	Single Male Household, 65+		Single Female Household, 65+		Other Senior Households	
	Median Annual Income	Affordable Monthly Housing Cost	Median Annual Income	Affordable Monthly Housing Cost	Median Annual Income	Affordable Monthly Housing Cost
City of Fredericksburg	\$ 55,759	\$ 1,394	\$ 23,698	\$ 592	\$ 67,337	\$ 1,683
Stafford County	\$ 40,952	\$ 1,024	\$ 30,799	\$ 770	\$ 77,042	\$ 1,926
Spotsylvania County	\$ 35,888	\$ 897	\$ 28,710	\$ 718	\$ 67,029	\$ 1,676
Caroline County	\$ 25,394	\$ 635	\$ 22,471	\$ 562	\$ 50,674	\$ 1,267
King George County	\$ 42,708	\$ 1,068	\$ 32,893	\$ 822	\$ 67,881	\$ 1,697

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates.

Table 5 provides a picture of the median housing costs for each jurisdiction by housing type. As one might expect, the data show that owning a home without a mortgage is the least expensive housing available. However, if one looks at these data along with that in Table 4, it becomes apparent that for senior females in the area, a mortgage-free home is likely the *only* affordable means of living alone. Homes without a mortgage are the only option shown in these data to be affordable when compared to a single female’s calculated 30% of income limit for housing. Note that the median affordable housing cost for senior females is less than the median housing cost for single males and all other senior living configurations. Clearly, there is a range of available housing costs for each category, but finding affordable options becomes less likely as the median costs increase.

Table 5. MEDIAN MONTHLY HOUSING COSTS BY TYPE AND JURISDICTION

Jurisdiction	Own Home with Mortgage	Own Home without Mortgage	Zero bedroom rental	One bedroom rental	Two bedroom rental
City of Fredericksburg	\$1,846	\$480	\$784	\$922	\$1,119
Stafford County	\$2,066	\$514	\$1,160	\$1,093	\$1,255
Spotsylvania County	\$1,671	\$452	\$1,362	\$1,032	\$1,198
Caroline County	\$1,437	\$379	\$677	\$759	\$826
King George County	\$1,864	\$482	--	\$802	\$960

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates.

The data in Tables 4 and 5 suggest that seniors *not* living alone are most likely to find affordable housing in PD 16 except under non-typical circumstances. The median annual income for these households is within a few hundred dollars per month of the median housing costs for all housing types.

The ability of a senior male living alone to find affordable housing is moderate. His median annual income is likely to be great enough to live comfortably in an owned home without a mortgage or in a zero or one-bedroom rental in any of the jurisdictions. He may have difficulty, however, finding an affordable home to buy with a mortgage or a larger rental unit.

It is evident that a significant senior population exists in PD 16 that has difficulty finding affordable housing at this time. It appears that there are nearly 7,100 senior households that are housing cost-burdened (i.e., spending more than 30% of household income for housing related costs) and nearly 3,500 senior households that are severely housing cost-burdened (i.e., spending more than 50% of household income on housing related costs).

Future Senior Population Projections

The data seems to demonstrate that there is a substantial affordable housing problem facing our area today. If current trends continue, the situation is likely to worsen over time. The U.S. Census Bureau projects that by 2030, the 65+ population will exceed 74 million, an increase of 55% from 2015. By 2060, it projects that the 65+ population will exceed 98 million, a 102% increase from 2015. Housing affordability for low-income seniors, therefore, is likely to become more severe in future years unless forthcoming generations are more prepared for their senior years.

Looking into the future of household income for today's seniors versus the household income of the next generation of seniors, Table 6 provides a partial listing of the annual household income for households aged 65+ and households aged 46 to 64. The number of households aged 65+ are shown with annual incomes between \$0 and \$39,999. The number of households aged 45-64 years old are shown with annual incomes between \$0 and \$59,999. The extension to an income of \$59,999 for the 45-64 year old group was made because published studies suggest that retirement income for households is typically between 50% and 75% of pre-retirement income. Therefore, households making \$60,000 per year in pre-retirement will likely have an income of approximately \$30,000 - \$45,000 per year after retirement.

Table 6 shows that today there are 7,999 senior households in PD 16 with annual household incomes ranging from \$0 to \$40,000 per year. In twenty years, it is projected that there will be roughly 12,312 current households that will be in the 65+ category and have household incomes between \$0 and \$40,000 per year (assuming that upon retirement, those households will earn approximately 60 percent of their pre-retirement income).

This suggests a 54% increase in housing cost-burdened senior households in our area twenty years from now. This assumption is based upon no growth in area population over the next 20 years and that the survivors in the current 65+ group will equal the loss of members of the 46 to 64 group. It also assumes that the economic conditions of households in twenty years will be about the same as today.

Significant population growth or deterioration in the area's economy could easily increase the change in housing cost-burdened senior households well beyond 54% in twenty years. Conversely, a substantial loss of area senior population or considerable improvement in the local economy potentially could decrease the number of disadvantaged senior households over the next twenty years.

Table 6. NUMBER OF HOUSEHOLDS IN AREA WITH LOW TO SEVERELY-LOW ANNUAL INCOME IN 2016 BY AGE GROUP.

Annual Household Income/ Age Group	City of Fredericksburg	Stafford County	Spotsylvania County	Caroline County	King George County	Total
Less than \$10,000						
65+	79	237	419	174	33	942
45 to 64	305	297	502	269	101	1474
\$10,000 to \$14,999						
65+	225	166	419	142	130	1082
45 to 64	77	185	317	92	78	749
\$15,000 to \$19,999						
65+	119	374	384	265	43	1185
45 to 64	107	420	306	61	53	947
\$20,000 to \$24,999						
65+	121	204	489	165	126	1105
45 to 64	103	280	316	104	43	846
\$25,000 to \$29,999						
65+	38	401	606	240	142	1427
45 to 64	102	313	476	179	76	1146
\$30,000 to \$34,999						
65+	111	320	396	135	92	1054
45 to 64	162	342	379	254	57	1194
\$35,000 to \$39,999						
65+	41	368	505	206	84	1204
45 to 64	128	373	362	261	74	1198
\$40,000 to \$49,999						
45 to 64	87	477	732	214	102	1612
\$50,000 to \$59,999						
45 to 64	232	919	1,268	560	167	3146
TOTAL(<\$40K retirement income)						
65+	734	2070	3218	1327	650	7999
45 to 64 (65+ in 20 yrs)	1303	3606	4658	1994	751	12312

Source: 2012-2016 American Community Survey 5-year estimate.

The projected increase of 54% in housing cost burdened senior households in PD 16 over the next twenty years is consistent with national projections by the Joint Center for Housing Studies at Harvard University. It projected the growth in all severely cost-burdened renters throughout the United States from 2015 until 2025. It also projected an increase of between 30.4% and 62% for senior renters over that ten year period. At the same time, the study projected income changes from a best case scenario where increases in income (3.0% per year) exceeded the increase in rents (2% per year), to a worst case scenario where rents increased faster than incomes (3% per year rent increase and 2% per year income increase).

Assuming that national estimates are reflected in PD 16, an even greater need for lower-cost housing for seniors -- especially single female seniors -- appears likely during the next twenty years. Based on data from our area on the current population and income distribution by age, the number of senior households with earnings of less than \$40,000 will likely increase by approximately the same 54% as is projected for the rest of the country.

II. CURRENT PROGRAMS ADDRESSING AFFORDABLE HOUSING NEEDS FOR SENIORS

Providing affordable housing for lower income households, including seniors, is not a new topic. Since the Great Depression, Federal, state and local programs have been developed over time to help provide affordable housing for economically disadvantaged households.

Even though the United States currently has numerous affordable housing programs under various statutes, a shortage of affordable housing for low income seniors remains and is likely to increase. Most of the existing affordable housing programs do not appear to be fully meeting current and projected needs. Many of those that were enacted to subsidize housing costs for the most disadvantaged households are not accepting any new households into the programs. Other programs may be producing "affordable" housing but not necessarily for extremely low and very low income families.

In the following sections, Federal, State, and local programs that could have an impact on affordable housing for low income senior households are outlined. Some were designed specifically for senior households.

A. Federal Programs

Over the decades the federal government funded a number of different supportive programs. These programs are administered primarily by the Internal Revenue Service (IRS), U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture (USDA). While low-income seniors are eligible for most of the programs, very few are specifically designated for very-low income elderly individuals. Key programs are summarized below.

Internal Revenue Service (IRS) Low-Income Housing Tax Credit (LIHTC)

The IRS' Low Income Housing Tax Credit (LIHTC) program is the most widely available program for developers to build affordable housing for individuals and families. Investors receive federal tax credits which can be directly subtracted from their annual federal income taxes. This permits developers to finance a project at almost zero interest, resulting in making the project much less expensive to develop and build, particularly when the income from the tax credits is combined with other sources of public financing. It is expected that the cost of owning or renting these homes will be lower than the general market rates.

The City of Fredericksburg currently includes numerous projects that used the LIHTC as one part of their financing package. These are:

- Townsend Square
- Madonna House
- Crestview
- Riverside Manor
- Wicklow Square
- Forest Village
- Weston Circle
- Mill Park Terrace
- Hazel Hill
- Colonial Heights

In reality, the rent charged at some of these projects is not necessarily affordable to low-income renters. Under the program, some of the apartments within the project must rent at a price of roughly 50--60% of the average median income (AMI) for the metropolitan area in which the project is located. Fredericksburg and most of the surrounding counties is classified by the U.S. Department of Housing and Urban Development (HUD) as part of the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro FMR Area. This means that the average median income takes into account the annual income of the families residing within the northern Virginia suburbs of Washington, DC. As a result, the AMI for a family of four residing in any of the covered jurisdictions - including Fredericksburg and most of the surrounding counties - is set at \$117,200 per year. For a family of two the AMI is \$93,800 per year. As a result, the corresponding target rent under this program for a two-bedroom apartment is \$1318 to \$1582 per month, and for a one-bedroom apartment, it is \$1099 to \$1319 per month.

In contrast, the annual medium household income in the City of Fredericksburg is estimated at \$53,980 per year by the 2012-2016 U.S. Census American Community Survey 5-year estimates. Using the 30% rule for affordability, an affordable rent for the *average* household in Fredericksburg is \$1350 per month (including utilities). An affordable rent for a *low income* household with an income of 50% of the AMI for the city is \$675 per month (including utilities).

This clustering of most jurisdictions in our area with the wealthier Virginia cities and counties to our north results in a very small number of rental units being built using the LIHTC program that are affordable to low-income families and individuals.

Only Caroline County is classified within the Richmond HUD Metro FMR Area, which results in an AMI for Caroline County low-income residents of \$83,000. Such an income would translate to a monthly rental of approximately \$2045. To be affordable, rents need to be subsidized. There are two LIHTC-funded rental complexes in Bowling Green with 32 units in the first, and 56 units in the second.

HUD Supportive Housing for the Elderly (Section 202)

The Housing Act of 1959 created the Supportive Housing for the Elderly program, which has two components. The first is a capital advance to develop rental housing through new construction, rehabilitation, or acquisition. Capital advance funds bear no interest and repayment is not required as long as the housing remains available for the intended, low-income seniors for at least 40 years. Private nonprofit organizations may apply to develop Section 202 projects. The organizations must contribute a minimum capital investment of 0.5 percent of the amount that HUD advances. Eligible residents must be at least 62 years of age and of *very low* income (i.e., less than 50% of AMI).

The second component of Sec. 202 is a rental assistance fund. This fund makes up the difference between the HUD-approved operating expenses of the development and the amount of rent the resident pays (30% of adjusted income). These funds may also be used by the nonprofit organization to hire a service coordinator and pay for supportive services (e.g., emergency repair contractors).

This area has only one apartment complex that was built under the Section 202 program and which continues to be supported under the program. Mill Park Terrace Apartments in the City of Fredericksburg also used the LITTC program for some of its construction costs. It has 128 senior apartments. According to information from its service coordinator, there is a waiting list of roughly 150 seniors seeking an apartment at any one time. The coordinator has estimated that the typical waiting time to rent an apartment at Mill Park Terrace is two or more years.

HUD has stopped providing funding for capital advances to develop new housing under Sec. 202, so it does not appear likely that this area will get any additional Section 202 - assisted apartment complexes. HUD continues to provide project rental assistance funding for Mill Park Terrace.

HUD Housing Choice Voucher Program (Section 8)

The Housing Choice Voucher Program, also known as the Section 8 voucher program, is the primary HUD program for providing rental assistance to *very low* income families, including the disabled, and the elderly. The vouchers received under this program may be

used to subsidize rent at any single-family home, townhouse or apartment whose owner accepts a Section 8 voucher.

This program is administered locally by public housing agencies that receive HUD funding. In the Fredericksburg area, Section 8 vouchers are managed by the Central Virginia Regional Housing Coalition.

Under this program, HUD pays the property owner the difference between what the resident can afford to pay for rent and the actual rent for the unit. Eligibility for a voucher is based upon the family's total gross income and size. A family's income may not exceed 50% of the median income for the metropolitan area in which the unit is located. Because most of the Fredericksburg area is considered by the federal government to be within the Northern Virginia housing market, with its higher median incomes and rents, it results in significantly higher rents at any apartment complexes in our region that might otherwise be affordable to persons seeking to use a Section 8 voucher.

A person or family with a housing voucher must pay 30% of their monthly adjusted gross income for rent and utilities, and if the unit rent is greater than the payment standard, the renter is required to pay the additional amount. Currently, the Central Virginia Regional Housing Coalition is not accepting new applications for Section 8 vouchers even if a family qualifies in terms of income.

HUD Self-Help Ownership Opportunity Program (SHOP)

The Self-Help Homeownership Opportunity Program (SHOP) is a HUD program designed to help people with lower incomes to own a home. Under this program, HUD awards grant funds to eligible national and regional non-profit organizations to purchase home sites and develop or improve the infrastructure for new or rehabilitated housing. At the same time, the homebuyers must be willing to contribute significant amounts of their own sweat equity toward the construction or rehabilitation of their home.

To apply for SHOP grants, organizations must have experience in using homebuyer and volunteer labor to build housing and must have completed at least 30 units of self-help homeownership housing within the last 24 months. SHOP grant funds are made available through HUD's annual SHOP NOFA competition. Eligible homebuyers must apply to participate in the SHOP program through a current SHOP grantee or one of their affiliates.

HUD Home Investments Partnership Program (HOME)

The HOME Program administered by HUD provides grants to states and units of local government for a variety of housing activities, according to local housing needs. Eligible uses of funds include tenant rental assistance, housing rehabilitation, assistance to homebuyers, and new construction of housing. HOME funding may also be used for site acquisition, site improvements, demolition, relocation, and other necessary and reasonable

activities related to the development of non-luxury housing. Funds may not be used for public housing or for Section 8 tenant rent subsidies.

All housing developed with HOME funds must serve low- and very low-income families and individuals. For rental housing, at least 90 percent of the families benefited must have incomes at or below 60 percent of the area median income; the remaining 10 percent of the families benefited must have incomes at or below 80 percent of area median income. For home ownership, assistance must be to families with incomes at or below 80 percent of the area median income.

Each year, HUD publishes the applicable HOME rent limits by area, adjusted for bedroom size. For projects with five or more HOME assisted rental units, 20 percent of the units must be rented to very low-income families.

Eligibility is limited to states, cities, urban counties, and consortia (contiguous units of local governments with a binding agreement). Participating jurisdictions must provide a 25 percent match of their HOME funds. Participating jurisdictions must also set aside at least 15 percent of their allocations for housing to be owned, developed, or sponsored by community housing development organizations.

HOME funds are allocated using a formula designed to reflect relative housing need. Forty percent of the funds are allocated to states, and 60 percent is allocated to units of local government. Virginia receives at least \$3 million per year.

Large local jurisdictions that are eligible for at least \$500,000 in direct funding also can receive an allocation from the state. Smaller population communities like Fredericksburg and/or its surrounding counties that do not qualify for an individual allocation under the formula can team up with one or more neighboring counties to form a consortium whose members' combined allocation would meet the threshold for direct funding.

The City of Fredericksburg could separately participate in HOME by applying for program funds made available by Virginia, but it would have to compete with other lower population jurisdictions within the state.

HUD Public Housing

HUD provides federal aid to local housing agencies (HAs) that manage public housing units for low-income residents. Public housing is limited to low-income families and individuals. Eligibility is based on annual gross income and status as elderly, as a person with a disability, or as a family, as well as on citizenship or immigration status.

HA's use the same income limits set by HUD for most other HUD programs -- the low income limits at 80% and very-low income limits at 50% of the median income for the

county or metropolitan area in which the housing is located. At this time there are no local housing agencies in PD 16 that manage public housing units.

USDA Housing Direct Loans

The U.S. Department of Agriculture operates programs for affordable housing projects in rural areas, as designated by each state's USDA Rural Development office. The Multi-Family Housing Direct Loan program provides competitive-priced financing for developers of affordable multi-family housing for low-income, elderly, or disabled individuals and families. Developers, including private and non-profit organizations, are eligible to apply for purchase, improvement and construction loans if they cannot obtain commercial credit that would allow them to charge rents that are affordable. Applications are accepted on an annual basis.

Other USDA housing programs include:

- single family low-interest loans
- fixed rate direct home loans and guarantees
- single family housing repair loans and grants, and
- competitive grants to public and private non-profit Self-Help Housing organizations and Federally Recognized Tribes to be used by families to build their own homes

The City of Fredericksburg, Stafford County, and the urban portion of Spotsylvania County do not qualify for USDA's housing programs, but King George, Caroline, and the rural portions of Spotsylvania are eligible.

National Housing Trust Fund (HTF)

The National Housing Trust Fund (HTF) is a fund created by the Housing and Economic Recovery Act of 2008. The purpose of the HTF is to help provide for the construction and preservation of housing, principally rental units, for *extremely low-income households* (i.e., households with incomes less than 30% of the area AMI). To a lesser extent, HTF also supports homeowner housing, for *very low-income households* (i.e., households with incomes between 30% and 50% of the area AMI).

Unlike other federal housing assistance programs, the HTF has a dedicated funding source. Freddie Mae and Freddie Mac are assessed 0.042% of their total business volume for various federal programs. Sixty five percent of the total assessment goes to the HTF.

HUD administers the funds by providing annual general purpose grants to states based on population ("block grants") to the states and U.S. possessions after approval of their spending plans. A State must use at least 80% of each annual grant for rental housing. Up to 10% may be used for homeownership, and up to 10% may be used for the grantee's reasonable administrative and planning costs.

The HTF funds may be used for the production or preservation of affordable housing through the acquisition, new construction, reconstruction, and/or rehabilitation of non-luxury housing with suitable amenities. Eligible activities and expenses include:

- Real property acquisition
- Site improvements and development hard costs
- Related soft costs
- Demolition
- Financing costs
- Relocation assistance
- Operating cost assistance for rental housing, and
- Reasonable administrative and planning costs

All HTF-assisted units are required to have a minimum affordability period of 30 years. Eligible forms of assistance include:

- Equity investments
- Interest-bearing loans or advances
- Non-interest bearing loans or advances
- Interest subsidies
- Deferred payment loans
- Grants, and
- Other forms of assistance approved by HUD.

The first allocation of HTF funds was made in 2016; Virginia received \$3,139,830. In 2017, Virginia was allocated \$4,672,562, and in 2018, the state distribution was identical to 2017. Local governments must compete for the funding by filing proposed projects or programs with the Virginia Department of Housing and Community Development.

As a relatively new program, HTF is yet to be widely utilized in Virginia.

B. Virginia State Programs

There are a variety of programs administered within Virginia that focus on supporting residents' ability to locate and use affordable, accessible, and acceptable housing. The most prominent are discussed below.

Virginia Housing Development Authority (VHDA)

VHDA is a self-supporting, not-for-profit organization created by the Commonwealth of Virginia that is designed to help Virginians attain affordable housing. VHDA provides mortgages, primarily for first-time homebuyers and developers of quality rental housing. VHDA uses no state taxpayer dollars but raises money in the capital markets to fund loans. It also teaches free

homeownership classes and helps people with disabilities and the elderly make their homes more livable. VHDA works with lenders, developers, local governments, community service organizations and others.

VHDA has many different programs to help individuals buy or rent an appropriate home. To qualify for a VHDA loan, an applicant must demonstrate credit worthiness and have both a stable income and adequate funds for a down payment and other purchase costs. By definition, this requirement may effectively exclude those in the very or extremely low-income levels. To obtain a loan, the applicant must be a first time homebuyer (unless the purchase is for a home in an Area of Economic Opportunity), and intend to live in the residence – it may not be used for a trade or business. The VHDA loan program requires applicants to complete the VHDA’s Homeownership Education Class. .

The Housing Choice Voucher Program helps provide affordable housing to very low- and low-income individuals and families, including people with disabilities and senior citizens. Vouchers are distributed through VHDA in partnership with local housing agency partners and allow qualifying prospective tenants to select from a wide range of housing options. In Planning District 16, the voucher program is administered by the Central Virginia Housing Coalition.

The tenants pay the landlord a percentage of their monthly income, with the voucher subsidizing the remainder. A rental unit qualifies for subsidy only if it is in decent, safe, and sanitary condition as defined by program Housing Quality Standards. A unit may include single family homes, apartments, or mobile homes.

VHDA also has some “accessibility grants” available through the Rental Unit Accessibility Modification (RUAM) program. These grants are for modifications that would improve daily living for persons with disabilities. While fair housing laws generally permit modifications, tenants typically bear the cost of having the modifications made. Grants of up to \$4,000 per rental unit are available to qualified tenants who earn 80% or less of the area median income based on HUD guidelines.

Department of Housing and Community Development (DHCD)

The VA Department of Housing and Community Development invests more than \$100 million each year into housing and community development projects throughout the state - the majority of which are designed to help low- income to moderate-income citizens. Programs and partnerships are designed to support economic development, revitalization, infrastructure improvements, housing, and other community issues. DHCD programs generally fall into four categories:

- housing finance services,
- housing preservation,
- community infrastructure development, and
- shelter services.

Examples include: down payment assistance (DPA); gap financing to support production of affordable housing; preservation and rehabilitation support for existing affordable housing stock; Virginia Community Development Block Grant (VCDBG); grant assistance to homeless shelters; and support for child care and services for children from homeless families. The DHCD also administers the National Housing Trust Fund (see below). Direct shelter and child care services will not be discussed here.

Among finance services, the Down Payment Assistance (DPA) program provides flexible gap financing for first-time homebuyers with household incomes at or below 80% of the Area Median Income (AMI) to purchase homes that are safe, decent and accessible. Home buyers access funds through local DPA provider agencies that are selected by the state through a competitive application process.

There is considerable flexibility in the type of home, including condos and manufactured homes that can be purchased under the program. Houses purchased under the DPA must pass a Uniform Physical Condition Standards inspections, and a visual paint Assessment by a certified lead inspector if built before 1978. The DHCD grants require that the buyer completes a homebuyer education counseling course.

Housing and associated costs cannot exceed 95% of the area median home sales price as established by HUD. The homebuyer must provide 1% of the sales price from their personal income, or a contribution of \$500 if their income is below 50% of AMI.

DHCD housing preservation programs generally emphasize development and modification of housing rather than direct support of the owner or renter. A preservation grant requires some long term guarantee of access to permanent utility hook-up and must be located on land that is owned by the participant or leased for a period at least equal to the affordability period.

Comprehensive community development assistance is available through the Virginia Community Development Block Grant (VCDBG) program in non-urban parts of the state. This federally funded program provides grants to eligible units of local government for projects that address critical community needs, including housing, infrastructure, economic development and telecommunications.

The DHCD also administers the funding from National Housing Trust Fund (HTF) that is allocated to the state (see Federal Program section). The DHCD allocates these funds competitively through its annual "Affordable and Special Needs Housing" application process. Non-profits propose projects making use of the funds in various jurisdictions throughout the state and the DHCD selects the most beneficial. The projects must relate to affordable rental properties for **extremely low-income households**. The funds are provided as low interest loans for construction or rehabilitation.

Virginia Housing Trust Fund

The Virginia Housing Trust Fund was established in 2013. The trust fund receives funds as appropriated by the General Assembly from the general fund of the Commonwealth of Virginia. In the most recent biennium budget, this fund is to receive \$5.5 million in 2018 and 2019.

At least 80% of the fund is to be used for short, medium, and long-term loans to reduce the cost of homeownership and rental housing. Up to 20% of the fund may be used to provide grants for targeted efforts to reduce homelessness.

The Virginia Department of Housing and Community Development (DHCD) administers distribution of the funds along with the Virginia Housing Development Authority (VHDA). The 80% that is earmarked for reducing the cost of homeownership and rental housing is included in the semi-annual "Affordable and Special Needs Housing" application process and distributed according to the benefits determined for the various projects (see above).

C. Planning District 16 Affordable Housing Programs and Policies

There are also a number of locally operated programs, policies and incentives to help low income residents obtain or retain affordable housing. Some key local approaches are described below.

PROGRAMS

Tax relief

State law allows local jurisdictions to provide real estate tax relief for seniors (65 and older) and the disabled, but the requirements and amount of tax relief differ from one jurisdiction to the next.

In *Fredericksburg*, tax relief is provided if (1) the home is the sole dwelling of the owner; (2) income from all sources does not exceed \$50,000; and (3) the total net worth of the owner(s) is less than \$200,000. The value of the house and lot are not included in the net worth.

Stafford County provides several programs. Full tax relief (up to \$3000) is provided to seniors whose total income is less than \$35,000 and whose total net worth is \$200,000 or less. Partial relief at 50% is provided to seniors whose income is between \$35,001 and \$40,000 and whose net worth is no more than \$200,000. Fifty percent relief is also provided to seniors whose income is \$30,000 or less and whose net worth is no more than \$400,000. These programs apply only to the applicant's home and one acre of land. The maximum tax relief is \$3000.

Spotsylvania County provides relief to those who meet the following criteria: Income of \$50,000 or less; net worth less than \$200,000 (excluding home and up to 10 acres); and applicants reside in Spotsylvania County at the exempted home. Up to \$1200 in taxes can be exempted under this program.

King George County provides tax relief to those that meet the following criteria: the combined gross income of the household is not greater than \$40,000 and the maximum amount of assets of the household does not exceed \$60,000 excluding the dwelling and five acres of land. Under these circumstances, eligible residents will have their total property tax bill exempted.

Caroline County exempts up to \$1000 in real estate taxes for seniors whose household income does not exceed \$40,000 and net worth, excluding the house and land, is not more than \$85,000.

Funds for House Repair and Accessibility

In all the jurisdictions, some funds are available for house repair and accessibility needs for low-income homeowners including seniors. In Stafford, Spotsylvania, Caroline and King George Counties, the state-funded Emergency Home and Accessibility Repair Program (EHARP) provides funds to low-income residents to remove urgent, emergency health and safety hazards. It also addresses physical accessibility barriers for low-income Virginians. The program provides funding to local administrators to undertake physical repairs that improve housing conditions. Eligible repairs can include plumbing, structural, electrical, roofing, as well as installation of wheelchair ramps and other accessibility modifications. Up to \$4000 is available for applicants.

Healthy Generations, formerly known as the Rappahannock Area on Aging, previously was the local administrator of this program, but this year the program was transferred to the Caroline County Habitat for Humanity organization.

As an “entitlement community” based on need, Fredericksburg does not qualify for the EHARP program but instead receives a Community Development Block Grant (CDBG) from the Virginia Department of Housing and Urban Development (DHUD). This grant, which provides emergency funds for plumbing, electricity and roof repair, is open to all income-eligible homeowners (at or below 50% of the area median income). Loans are forgiven over five years at 20% of the loan each year. In the 2018-2019 fiscal year the City received approximately \$186,000 from the CDBG, which funds home repair as well as other programs, including down payment assistance, removing architectural barriers, etc. Assistance can range from a few thousand dollars to \$22,000, depending on need. The DHUD takes applications year-round and maintains a waiting list.

POLICIES

Land Use and Zoning Policies

Land use and zoning policies have the potential to provide incentives for producing or preserving housing for low-income households, including seniors. The ability of a city or county

in Virginia to adopt zoning tools to control land use or provide incentives for expanded housing is constrained by state statute. Virginia is a “Dillion’s Rule” state in which the legal authority of local governments is limited by what state statutes have “expressly granted” or “fairly implied” to the jurisdiction. If a Virginia jurisdiction is interested in regulating the use of property, such as requiring developers to set aside some rental apartments for low-income residents, it may be necessary to change state law to allow the city or county to exercise that specific authority. Some changes to local housing policies may be achieved by other means, such as city or county ordinances or voluntary incentive programs.

Occupancy Regulations and Potential Senior House Sharing

By using creative shared housing situations, seniors may be able to ensure that the cost of their total housing expense is affordable although some of these possibilities also may be limited by local occupancy regulations and other zoning policies.

In *Fredericksburg*, occupancy regulations in the zoning code place a limit of no more than three unrelated people living together as a family. The definition of “family” is “one person or two or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, with no more than two boarders, or a group of not more than three unrelated persons living together as a single housekeeping unit.” A larger group may share a residence only if they are identified in Sec. 15.2-2291 of the Code of Virginia (e.g., mental illness, intellectual disability, or developmental disabilities).

In a summary sheet that outlines occupancy restrictions, the City portrays overcrowding as the reason for limiting the size of households with unrelated residents. It refers to health studies that show risks from overcrowding (e.g., limiting children’s exercise and play areas, reducing privacy, fatigue from routine household tasks, spread of infection and disease). According to conversations with local officials, it appears that the current restrictions were devised primarily to address overcrowding in housing rented to students.

For *King George and Caroline Counties*, there are no zoning regulations regarding who occupies a dwelling. Instead, the total number of people who may reside in a dwelling is based upon an adequate number of bedrooms and adequate drainage of the property. House sharing, therefore, is an alternative option in those counties.

In *Stafford County*, a group of up to 4 unrelated persons living and cooking together is permitted under the zoning code. The limitation on the number of unrelated persons does not apply to any of the residents who are handicapped. While not as flexible as the regulations in King George or Caroline Counties, Stafford County’s requirements are more open to the option of house sharing for senior citizens.

Spotsylvania County has an identical residential occupancy ordinance to that in the City of Fredericksburg.

Accessory Dwelling Unit Regulations (“In-Law Suites”)

Accessory dwelling unit is the legal designation for a private living area either within, attached to or on the same property as a house. These units are also often referred to as “in-law suites”, “granny flats” or “carriage houses.”

In *Fredericksburg*, current zoning laws allow accessory dwellings, but only when the accessory dwelling does not make the number of dwellings on the property exceed the existing zoning code. For example, if a property is zoned Residential-4, four dwellings are permitted per acre. Lots where an accessory dwelling could be permitted are very rare because most residentially-zoned areas in the city already have the maximum number of dwellings per acre. Developers generally sub-divide their property to take maximum advantage of the zoning limits so that they can build as many units as are allowed. As a result, particularly in the older city neighborhoods, “infill” building projects have reached the limits of the dwelling site maximums. The city council has recently, however, asked the zoning department to investigate how the rule might be relaxed to permit more accessory dwelling units in the future.

In *Stafford County*, accessory dwellings are permitted in areas zoned A-1 Agricultural, A-2 Rural Residential, and R-1 Suburban Residential. The dwellings are subject to the following regulations:

- An accessory dwelling shall not exceed twenty-five (25) percent of the total gross floor area of the principal dwelling unit.
- There shall be no more than one accessory dwelling per lot.
- When an accessory building is located in the principal dwelling, the entry to the unit and its design shall be such that the appearance of the building shall remain a one-family residence.
- An accessory dwelling shall have the same address as the principal dwelling.
- This term shall not include a carriage house.

In *Spotsylvania County*, “accessory apartments” are the only accessory dwellings permitted and are permitted only in mixed-use districts (MU-1 through MU-4). These units can be above a garage or elsewhere. They must be at least 200 square feet and meet all property set-back limits. A discussion with the planning department indicates that no requests have been made for such units in the county.

Caroline County permits only a separate dwelling unit within a Rural Preservation District and they are termed “family apartments”. These dwellings have several stringent restrictions, including the following:

- Units may not be occupied by more than three (3) persons, at least one of which must be the natural or adopted parent, grandparent, child, grandchild, brother, or sister of the owner and occupant of the single family residence on the same lot;

- Unit can contain no more than 1,000 square feet of living space, with a single bedroom
- No dwelling units other than the principal structure (a single-family dwelling) and only one such family apartment shall be located on a lot;
- When such a unit is no longer needed by a member of the immediate owner's family and the three (3) year period following the date it passes final inspection by the County Building Official has expired, the unit shall be considered a nonconforming use and as such can be rented to anyone.

In *King George County*, accessory dwellings are permitted only within the R-1 district (one dwelling per lot) by special exception and require at least two public hearings and approval by the board of supervisors. The accessory dwelling unit can be no larger than 800 square feet. Other restrictions include that the overall property continue to have the appearance of a single dwelling, and that if no public or well water or community sewer is available at the property, the overall lot size requirement for the single dwelling must be increased by at least 5,000 square feet.

D. Housing Support Options in Other Virginia Jurisdictions

There are some creative approaches being used in other areas of the state to address the problem of insufficient affordable housing. Several of these are described below.

Donated Public Land

Some local governments have made land available at reduced or no cost for affordable housing. Excess land can be owned by the city or county, a school district, a parks authority or other local entity and can be either vacant or underutilized. Both Arlington County and the City of Alexandria have programs that use public land for affordable housing.

Faith-Based Development

There are many houses of worship, some of which have valuable surplus land or underutilized areas on their property. All or part of such land might be sold or leased for the purpose of turning it into living space for low-income seniors. According to David Bowers, vice-president of the non-profit Enterprise Community Partners, as reported in the Washington Post, the Mid-Atlantic region has become a national leader in this area.

Such projects are typically a public-private partnership between the developer, the church, and city or county housing offices which assist with long-term loans. Arlington County and the City of Alexandria have both used this method to build low-income housing.

Inclusionary Zoning/Density Bonus Offsets

Inclusionary zoning is a set of mechanisms, both voluntary and mandatory, that are designed to address local policy goals. Local jurisdictions are allowed by state law to enact voluntary

inclusionary zoning ordinances. Approximately 13 cities and counties in Virginia, including Fredericksburg City, have adopted inclusionary-type ordinances.

These types of ordinances cannot require developers to include affordable housing units in new projects unless the developer is compensated with some type of benefit in exchange for doing so. A benefit, such as allowing the developer to build the project with more units than would otherwise be permitted (a “density increase”) makes inclusionary zoning in most Virginia communities essentially a voluntary incentive. Jurisdictions in Planning District 16 can only encourage developers to include affordable housing in their projects by offering project incentives. These can include offering the developer the ability to construct at a higher density than the underlying zoning allows (e.g., allowing an 80-apartment complex where the underlying zoning allows only 60 apartments), or providing a faster project approval process than other developers are normally provided.

Some Virginia jurisdictions have obtained statutory authority from the General Assembly to adopt ordinances that can mandate developers to provide inclusionary zoning. None of the jurisdictions in Planning District 16 are in this category, so counties and the City of Fredericksburg have no authority to require that developers negotiate with them when new projects are planned. State legislation would have to be introduced and passed to give local governments in our area the ability to require inclusionary zoning.

Arlington County has an Affordable Housing Ordinance that gives developers additional density for a project if they include a certain number of affordable units or contribute to the county’s Affordable Housing Investment Fund. The City of Alexandria provides an incentive to build affordable housing units by providing a “bonus density” of up to 20 percent and a bonus height of up to 25 feet in exchange for affordable units or by making an equivalent contribution to the City’s Housing Trust Fund. The counties of Loudoun, Fairfax, Albemarle and Fairfax City and also have similar programs, although none of them appear to be reserved for low-income senior housing.

Local Housing Trust Fund

Local governments in Virginia have statutory authority to establish a local housing fund. The requirements are somewhat different for cities than for counties. Generally a local trust fund receives its revenues from a dedicated funding source - such as developer contributions, loan repayments and interest. It can be used to leverage private and public financing to develop and rehabilitate affordable housing projects. It can also be used as a match for federal HOME funds, homebuyer education and foreclosure prevention, and a variety of other local projects.

The City of Alexandria Housing Trust Fund is nearly 30 years old and has helped to create more than 260 units and over 150 rehabilitation and accessibility projects. It is overseen by an advisory committee, administered by the City’s Office of Housing and the disbursement of funds is authorized by the city council. The City of Richmond began a Housing Trust Fund in 2015-2016 with \$2.2 million and attracted \$78 million in private and public funds. As a result,

1100 families, seniors and previously homeless individuals now have safe, affordable housing. By the city's estimates, over 700 jobs have been created and more than \$50 million in economic activity has been generated.

Affordable Housing Overlay Zone

Overlay zones are generally used to protect special features in a community such as historic buildings, wetlands, and waterfronts. Such zones are applied over one or more existing zoning districts and provide additional or stricter standards for properties inside the zone.

If authorized by Virginia statute, local jurisdictions can use an overlay district to require the development of affordable housing, particularly housing targeted at specific groups such as low-income seniors. Arlington County has established such zones to retain affordable housing in parts of the county that are proposed to be redeveloped. Rather than allowing a developer to demolish existing units and construct new units at higher densities charging market rates, the county requires the development to be built only if the old units are replaced on a one-for-one basis.

Reduced Parking Requirements

Another voluntary incentive for developers to set-aside units for low-income seniors in a housing development is a reduction of the number of parking spaces per unit, as would be required under current zoning. The City of Alexandria currently provides optional parking unit reductions to developers in exchange for an increased number of units set aside for low-income households.

Tax Increment Financing

Tax increment financing (TIF) is generally considered a source of revenue for economic development, but it also can be used to leverage the development of housing. A TIF anticipates future incremental tax revenues resulting from new development within a designated district and dedicates the projected revenues to finance bonds or to support community projects, including affordable housing. Both Arlington County and the City of Alexandria have utilized TIF-financed bonds to build affordable housing units.

Inventory of Naturally Occurring Affordable Housing

Existing rental properties that might become unavailable to low-income seniors due to demolition, unaffordable rent increases, condominium conversions, etc. may be unknown to the local government in the absence of a method of identifying them in advance. An interactive website, called the National Housing Preservation Database provides information on all available data on federally subsidized housing properties developed with nine distinct funding sources. Virginia also tracks housing units produced or preserved with federal subsidies.

Land Banks

Land banks are entities established by local ordinance to acquire, hold, and manage foreclosed and/or abandoned properties in their jurisdiction(s). These entities can be either governmental or nonprofit and can cover more than one jurisdiction. In Virginia, their establishment and operation are allowed for all local governments under the Land Bank Entities Act. Currently, none of the local jurisdictions that are the subject of this report have elected to establish land banks. However, they have the power to form one or more through a public hearing and the enactment of a local ordinance.

Land banks are designed to acquire and maintain problem properties in their jurisdictions and then transfer them back to responsible ownership and productive use in accordance with local land use goals and priorities, creating an efficient and effective system to eliminate blight.

In order to accomplish these tasks, land banks are not given the power of eminent domain, but are generally granted the ability to:

- Obtain property at low or no cost through the tax foreclosure process
- Hold land tax-free
- Clear title and/or extinguish back taxes
- Lease properties for temporary uses
- Negotiate sales based not only on the highest bid but also on the outcome that most closely aligns with community needs, such as workforce housing, a grocery store, or expanded recreational space

While all land banks exist to serve the same primary purpose of acquiring problem properties and returning them to productive use, they are quite diverse in their structure and operations. There are approximately 170 land banks and land banking programs in operation throughout the country (as of January 2018) but only one in Virginia (The City of Danville). They vary greatly in terms of the types of cities, regions, and economic conditions in which they operate, the size of their inventories, their staff capacity, their legal authorities, and their goals and programs.

Land banks are generally funded through a variety of sources, which may include revenue from the sale of properties, foundation grants, general fund appropriations from local and county governments, and federal and state grants. Several of the more successful land banks from around the country are capitalized by their local units of government either through yearly budget allocations or in-kind assistance such as shared staffing. A unique funding mechanism in the code for Virginia jurisdictions is the ability to return 50% of tax revenue from a property returned to productive use to the land bank entity for the first ten years.

III. SUMMARY

The problem of insufficient affordable housing in our local area is well known and documented. Statistical analyses by a variety of sources demonstrate that this problem extends to and includes low-income seniors, and the problem is expected to grow in the future. There are roughly 7,100 senior households in PD 16 that are housing cost-burdened at this time. Of those households, roughly 3,600 are severely housing cost burdened. These numbers are expected to increase more than 50% over the next 20 years, and more than double by 2060. This is an expanding problem that requires a well coordinated effort to ensure that all low-income seniors are able to live in homes that are affordable, accessible, decent, and safe.

While there are a number of different programs and incentives in place to address the problem of insufficient affordable housing, few of them are intended to specifically target the low-income senior population. Generally, most affordable housing programs focus on workforce housing, families with children or persons with disabilities. While low-income seniors may be included in each of these eligibility categories, they remain a relatively small but growing proportion of the total group, and their needs often do not attract much of the public's attention.

IV. CONCLUSIONS

Funding for existing federal and state programs has continued to decline in recent years while the cost of housing has continued to increase, particularly for retired seniors whose income is generally lower than when they were employed. While we strongly encourage our national and state League of Women Voters to continue their advocacy work to improve the affordable housing laws and policies at all levels of government, given current federal and state funding and program limitations identified in this report, it is evident to us that future progress must be addressed at the local government level. It is becoming increasingly necessary for our local governments to step into the gap and take a more prominent role in assuring that there are affordable housing options for low-income older residents. And it seems apparent that the problems must be addressed proactively now, before they grow beyond reach.

A number of actions present themselves as possible avenues for making positive change that will help ensure safe and affordable housing for low-income seniors in Planning District 16. While each may not be immediately possible, they all should be considered as part of a long term plan for improving the housing options for our area's growing low-income senior population.

- Cooperation between the counties and the City of Fredericksburg is crucial to providing more effective federal and state assistance to low-income seniors in PD 16. The combined populations could also help our area qualify for certain federal and state programs.
- More comprehensive and current information about the scope of the problem for low-

income seniors in Planning District 16 is needed so that the City, its surrounding counties and the development community can fully understand the costs and benefits of adequate affordable housing for this growing population.

- Local zoning codes should be updated to allow innovative housing options for low-income seniors. For example, limitations on occupancy regulations may have the unintended consequences of restricting a group of low-income seniors from sharing a large house or apartment that might otherwise be too expensive for 1-3 unrelated individuals. In today's market, newer house construction generally includes four, five, or more bedrooms in one structure. If four or five seniors were allowed to rent such houses, it could result in not only affordable housing for all the residents but also create a residence with more social interaction and mutual assistance with aging issues.
- Accessory dwelling requirements may prevent aging parents to live close to their children and still have a private space. Converting a basement or garage to an accessory dwelling or constructing a "grannie flat" in the back yard would make that possible and financially beneficial to both parents and children. Similarly, many seniors' homes are bigger than they might want to take care of. Some might prefer to construct an accessory dwelling on their property and rent out the old, large home to a younger couple or family while they move to a newly-constructed accessory dwelling on the same lot. This would not only increase the stock of affordable housing for low-income seniors, but provide them with added income to be able to continue to afford living in the area. A senior individual or a couple in a grannie flat are unlikely to create an additional demand on parking since they may not drive or the size of the lot is likely to be large enough to accommodate an additional vehicle.
- The donation or reduced price of local government-owned land can be a no- or low-cost method for providing affordable housing without costing the public entity a large expenditure of public funds. The cost of development is reduced for builders and infrastructure improvements can be significantly less expensive. In addition, low income seniors living in apartments built on donated public land typically do not cost the local government substantial new expense since there is no need to build additional schools or parks to serve the residents.
- Houses of worship or not-for-profit organizations sometimes have unused or underutilized land that they could be interested in selling for low-income housing. Such organizations may be less concerned with getting the highest sale price, thereby reducing the cost of an affordable senior housing project to a non-profit developer.
- Sometimes affordable housing on the private market may be available to low-income seniors who have no easy way to access the information. While there is online data that tracks federal and state-funded housing properties, there is no similar regional inventory or "available housing" clearinghouse as a method to identify and track affordable units.

- Land banks are not a necessary entity in all jurisdictions, but in the right environment and with the right legal structure, a land bank can be a key tool for returning vacant and poorly maintained property to productive use, including the development of affordable housing for low-income seniors.
- Local Housing Trust Funds permit jurisdictions to move quickly and decisively when opportunities arise. They also are used by localities as leverage to obtain money from other sources such as the HUD HOME grants for affordable housing projects.

V. RECOMMENDATIONS

The Study Committee makes several recommendations for the League of Women Voters of Fredericksburg to consider in determining a position on ensuring affordable housing for low-income seniors in Planning District 16. If adopted, the recommendations would become the position of the League and the basis for advocacy directed toward local city and county elected officials, appointed planning officials and staff, as well as regional bodies. The recommendations were selected based upon several key factors:

- they can be accomplished without additional state legislative approval;
- they can be adopted by one or more local political jurisdictions in Planning District 16, either individually or jointly;
- they have the potential to increase the affordable housing options for low-income seniors in a relatively short period of time; and
- they are practicable and affordable.

Those recommendations are:

1. Amend local zoning ordinances to allow accessory dwellings on lots where they are currently prohibited.
2. Alter local occupancy restrictions so as to permit a greater number of unrelated seniors to occupy a residence.
3. Create a consortium of an adequate number of government jurisdictions in Planning District 16 to qualify for the federal HOME program in order to compete for the funds that are allocated to the Commonwealth, with the understanding that participating jurisdictions must provide a ¼th match of the HOME funds received.
4. Create a local Housing Trust Fund, composed of one or more government jurisdictions.
5. Create a land bank, when needed, to manage surplus housing supply.
6. Update the 2008 George Washington Regional Commission "Affordable Housing Task Force Mid-Year Report with current information and particular emphasis on the low-income senior population, both current and projected.

7. Create an “Affordable Housing Advisory Committee” for Planning District 16. A broadly representative community-wide effort is needed to help evaluate the proposals developed by the League of Women Voters of the Fredericksburg Area and other civic organizations. It can also help set priorities for action and work with the League in a coalition to advocate for solutions to the growing problems of affordable housing for low-income seniors.

VI. REFERENCES

1. https://www.huduser.gov/portal/glossary/glossary_a.html
2. <https://www.huduser.gov/portal/pdredge/pdr edge featd article 092214.html>
3. www.jchs.harvard.edu/blog/older-adults-increasingly-face-housing-affordability-challenges/
4. <https://www.newretirement.com/retirement/average-retirement-income-2018-how-do-you-compare/>
5. https://nlihc.org/sites/default/files/Sec1.03_Historical-Overview_2015.pdf
6. <https://www.nhlp.org/resource-center/low-income-housing-tax-credits/>
7. <https://www.huduser.gov/portal/datasets/il.html#2018>
8. https://www.hud.gov/program_offices/housing/mfh/progdesc/eld202
9. <https://www.hud.gov/programdescription/cert8>
10. <https://www.hud.gov/hudprograms/shop>
11. https://www.hud.gov/program_offices/comm_planning/affordablehousing/programs/home
12. https://www.hud.gov/topics/rental_assistance/phprog
13. <https://www.rd.usda.gov/programs-services/single-family-housing-direct-home-loans>
14. <https://www.hudexchange.info/programs/hft>
15. www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/housing-development/affordable-and-special-needs-housing-program-asnh/national-housing-trust-fund.html
16. <https://www.vhda.com>
17. www.dhcd.virginia.gov
18. www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/virginia-housing-trust-fund.html
19. www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/71-emergency-home-and-accessibility-repair-program-eharp.html
20. <https://www.fredericksburgva.gov/DocumentCenter/view/10496>
21. Code of Virginia, Title 15.2-Counties, Cities, and Towns, Chapter 75-Land Bank Entities Act.

22. Code of Virginia, Counties, Cities and Towns-Chapter 7. County Manager Plan of Government-Section 15.2-735. Local Housing Fund and Voluntary Housing Preservation and Development Districts.
23. Code of Virginia, Title 15.2-Counties, Cities and Towns, Chapter 22. Planning, Subdivision of Land and Zoning-Section 15.2-2305 Affordable Dwelling Unit Ordinances.
24. "Revitalizing Foreclosed Properties with Land Banks", Prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research by Sage Computing, Inc., Reston Virginia, August 2009
<https://www.huduser.gov/portal/publications/landbanks.pdf>
25. Land Banking FAQ, Center for Community Progress,
<https://www.communityprogress.net/land-banking-faq-pages-449.php>
"Danville land bank, non-profit being created to help fight blight" Colter Anstaett, WSLs
26. News, June 12, 2017. <https://www.wsls.com/news/virginia/southside/danville-land-bank-non-profit-being-created-to-help-fight-blight>
27. Miscellaneous Zoning Ordinances of the City of Fredericksburg, and Stafford, Caroline, Spotsylvania and King George Counties
28. A Guidebook for Increasing Housing Affordability in the Greater Washington Area, Prepared for the Housing Leaders Group of Greater Washington, Lisa Sturtevant, PhD, June 2017.

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 11

https://www.fredericksburg.com/opinion/editorial-give-adus-a-chance/article_4b80bf7a-bd22-53dc-a7c7-5c8913bd320f.html

EDITORIAL: Give ADUs a chance

BY THE EDITORIAL PAGE STAFF OF THE FREE LANCE-STAR
Aug 6, 2019



A one-bedroom, one-bath accessory dwelling unit installed over a garage in Mt. Pleasant, S.C.
Arlington County

Exhibit 11

IN SOME cities where affordable housing is hard to find, public officials are looking at “infill development” to expand their housing stock. Infill development can range from shoehorning new homes into established neighborhoods, retrofitting vacant commercial buildings for residential use, or changing zoning ordinances to allow accessory dwelling units (ADUs) in single-family homeowners’ backyards.

In late June, the Oregon state Senate became the first in the nation to replace single-family residential zoning with residential zoning that allows ADUs as well as multi-family dwellings to be built in what were formerly detached single-family neighborhoods.

Seattle, Portland, Los Angeles and Austin have ADU-friendly ordinances. But they are the only major U.S. cities with more than 1,000 ADUs.

Opposition to ADUs comes mostly from homeowners, who view a proliferation of “granny flats” in the neighborhood as a threat to their property values. They fear that increased density will add to traffic congestion, overcrowded schools and public services, and all the other ills associated with unrestrained population growth.

However, ADUs can also provide those same homeowners with a steady source of rental income while providing relatively low-cost housing for seniors, the disabled, and workers whose annual income cannot keep pace with rising housing costs. In the greater Fredericksburg area, that includes 115,884 ALICE (Asset Limited, Income Constrained, Employed) households.

The region's affordable housing shortage is exacerbated by the high cost of land, which does not encourage construction of moderately-priced homes. But proposals to do something about the affordable housing crisis usually center on government solutions, which require higher taxes. But higher taxes just add to the cost of a mortgage or rent, making housing even less affordable.



00:14 / 00:30

AD

SKIP AD >

The Virginia Code allows jurisdictions to set up ADU programs to “address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low and moderate income citizens.”

In May, the Arlington County Board voted to relax its zoning regulations to allow ADUs to be installed without the county’s permission as long as they are at least five feet from the property line, have a separate entrance, their own kitchen and bathroom, and be no larger than 750 square feet.

But building and financing ADUs can be tricky.

“Building a free-standing, 250-square-foot ADU with a bathroom and compact kitchen can be as complicated as building an entirely new, three-story, 2,500-square-foot house,” Washington Post architectural columnist Roger Lewis points out, which explains why only 20 ADUs have been approved in Arlington over the past decade even though the median price of a single-family home there is up to \$689,400.

Last August, Fredericksburg City Council member Jason Graham suggested that the council “begin a public dialogue” on the pros and cons of ADUs, which are not currently allowed in the city. If city officials are serious about fixing the city’s affordable housing crisis, ADUs would be a good place to start.

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 12

Accessory Dwelling Unit Ordinance

The following model ordinance allows the construction or conversion of a second housing unit sharing a parcel with the primary unit. It is enabled by Virginia Code under a locality's standard zoning authority to regulate the health, safety, and welfare of residents. Sample language is selected from a survey of 16 Virginia jurisdictions, ranging from rural to urban. Many zoning codes do not have a section devoted to ADUs, but rather include the term in the definitions section and apply the term to the appropriate zones. A chart is provided to detail various restrictions Virginia localities have placed on ADUs.

Virginia Code Enabled : § 15.2-2280

- Localities have the authority to zone for land uses where appropriate
- Ability to restrict "size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures"

Purpose:

Most zoning codes have omitted a purpose statement on ADUs, but it can help defend the ordinance in event of a lawsuit and explain to citizens how the ordinance is intended to benefit them.

"Accessory apartments afford an opportunity for the development of small rental units designed to meet the special housing needs of single persons, persons with fixed or limited income, and relatives of families who live or desire to live in the county. Accessory apartments provide a degree of flexibility for homeowners with changing economic conditions and/ or family structure, while providing a reasonable degree of protection for existing property values. In addition, these provisions are provided to recognize formally previously established apartments and provide for improved safety and physical appearance." (Bedford County, Sec. 30-82-1)

Definitions:

"Accessory apartment. A separate, independent dwelling unit located on the same property as the primary dwelling unit subject to the following:

- (1) A dwelling unit contained within a single-family dwelling that may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level; or
- (2) A dwelling unit attached to the primary single-family dwelling, or as a dwelling unit located above a detached accessory unit; that shall be no more than one half the size of the finished square footage of the primary dwelling unit located on the subject property." (Louisa County, 86-2)

"Dwelling, Accessory. A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than two (2) persons for living purposes and meeting the standards of Subsection 31.A.18." (Arlington County, Section 1 B)

Applications to Zones:

The simplest way amend an existing zoning code is to add Accessory Dwelling Unit, as defined, to the list of uses deemed appropriate. These are typically single-family residential areas.

Additional Restrictions:

Exhibit 12

A wide range of restrictions have been places on ADUs by Virginia localities in an attempt to balance between benefits and costs. The following language is a sample.

"There shall be no more than one accessory dwelling per lot." (Stafford County, Section 28-25)

"(1) One (1) of the two (2) dwelling units on the subject property must be occupied by the owner of the property." (City of Charlottesville, Sec. 34-1171)

"Occupancy of such accessory apartments shall be limited to no more than one family (as defined) or up to three persons (as permitted by code), and shall not be rented in less than six-month increments, and the primary dwelling unit must be occupied by the owner of the subject property or an immediate family member (as defined)." (Louisa County, Section 86-2) **Note:** Most zoning ordinances with ownership restrictions allow the homeowner to occupy either the primary structure or the accessory unit.

Disclaimer: This model ordinance is provided for reference purpose only. It does not constitute legal advice. Please consult with an attorney before adopting any local ordinance, as legal conditions may vary by specific locality.

June 17, 2020

City Hall
Planning Commission
715 Princess Anne St
Fredericksburg, VA 22401

Re: 1306 Graham Special Exception Permit for Accessory Dwelling Unit

Dear Planning Commission Members:

On behalf of the Board of Directors of Village of Idlewild, I am writing to you to provide the Homeowners position on the application of Special Exception from Terry Coley of 1306 Idlewild Blvd, Fredericksburg VA 22401.

The homeowners of the Village of Idlewild are against this request until a further understanding of how such a special use for accessory dwelling can be monitored, reviewed, and enforced within the confines of the city's ordinance. Please see below for specific points on this matter.

1. An acceptance of modifying a home meant for a family with only a singular kitchen space is what was designed and purchased, generally when a family outgrows or has a life-changing event as this is becoming the case they search for another type of dwelling to accommodate their change. There are instances where a home modification may be possible to address their needs but this is not one of them as it violates the intent for the home was built and community established upon.

2. The Village of Idlewild was granted for development of 785 homes in a number of different configurations, the establishment of apartment like areas within homes was not one of options as approved by the city council. Therefore, it would be prudent to maintain the city's intent for its communities.

3. The amenities within the Village of Idlewild were set for a projected number of families and family members. Even understand the current ordinance for "family" this approval would certainly open an array of living arrangements which would not be in-line with the city's present ordinance unless there was some level of established oversight and enforcement which quite frankly does not exist today. Principally because it's built upon a reporting process that leads to neighbors intervening in each other's affairs which leads to unfortunate consequences and again violates the city's good neighbor culture.

4. In this particular matter, it is for a family member, what necessary stipulations can or should be emplaced if this went forward to ensure that only another family member could occupy this space in the unfortunate circumstances that the current family member decides to leave or is no longer occupying the premises?

Sincerely,

Joanne James

Joanne M James

FirstService Residential, Inc.

Managing Agent for Village of Idlewild Home Owner's Association

From the desk of:
Theron P. Keller
1108 Winchester Street
Fredericksburg, VA 22401
June 17, 2020

Fredericksburg Planning Commission
715 Princess Anne St., Room 209
Fredericksburg, VA 22401

Re: Meeting, June 17, 2020; Public Hearing: Agenda Item 7a-Coley ADU

Chair Rodriguez, and Members of the Planning Commission,

There are several concerns with Special Exception request 7a-Coley ADU.

1. The Zoning Administrator disqualifies the use of a Special Exception right in the General Background section of the agenda item.

Page 2: "In the past year there have been several requests for Accessory Dwelling Units. So far in 2020 alone there have been 4 requests for accessory dwelling units. Using this code section to approve them would no longer be a case-by-case review but rather a **frequent review**. This issue of a recurring request for a use not listed in the Ordinance is best addressed by City Council through a text amendment. In the interim, Special Exceptions are the process to use." [Emphasis added.]

However, City Code section 72-22.7 Special exceptions states:

72-22.7 (A.) "The granting of a special exception for a use not otherwise permitted by the zoning regulations may be appropriate for uses which are **unique and unlikely of recurrence**." [Emphasis added.]

Staff offers no explanation for this contradiction.

2. The "special, extraordinary or unusual" requirement for a Special Exception is not met, or even addressed in the application.

In another manifestation of the conflict between the "frequent" nature of these kinds of requests and the requirement that Special Exceptions be reserved for - well - the "exception" rather than the "rule," we find that in the Special Exceptions Analysis section of the application, Section 5, which asks for a response to this requirement, the answer provided is quite sparse, and in no way answers the requirement:

Page 4: "**5. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.**

The applicant wants to provide independent living space for her mother within the confines of the existing home."

As clearly stated by staff in the General Background section, this application is neither special, extraordinary, nor unusual, and this answer does nothing to support such a finding.

By its literal definition in the city ordinance cited above, the use of a Special Exception to grant a "frequent" request is not appropriate.

And perhaps the most important:

3. A bit of hand-waiving with the definition of "Family"

Much use is made of the term "Family" in the application, despite its somewhat misleading legal definition in the City Ordinance. The entire definition from the city's code is provided, but nowhere does the package discuss or highlight that "Family" includes any number of ("two or more") persons "related by blood, adoption or marriage," **plus** "with no more than two boarders."

The application goes to great length to describe a mother with no car. But here's the question that demands an answer:

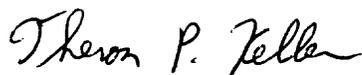
One day after a Special Exception is granted, what is there to stop the applicant from moving the mother upstairs into one of the other four bedrooms, and then renting out the basement as an entirely self-contained apartment to two borders, who might have **two** cars? As best I can tell, even though this Special Exception would have been granted based on the assurance it was for mom, with no car, they would be in full compliance from Day 2 forward with mom shuffled to a small bedroom, and two unrelated borders living in the basement apartment.

There is an even greater risk of this higher impact should the current owner decide to move. The application tries to assure us that there would be no adverse impact. Page 5: "Even if the applicant were to move and a new owner to take occupancy, the limit of the accessory dwelling unit to a "family" would ensure no impacts beyond what is typical of a family," but again, without addressing the fact that the legal definition of "family" includes any number of actual family members **plus** two additional borders.

This application appears to be little more than an attempt to circumvent existing zoning restrictions that preclude homes in PD-R zoned areas from having an Accessory Dwelling Unit located within. Out of the 109 pages which make up the package, roughly **half** of them are unrelated to the particulars of this application, but instead attempt to support allowing ADUs and other non-conventional zoning designations in general. Such lobbying material has no place in the process to determine the suitability of a Special Exception – the merit of ADUs is not in question here, and should play no role in evaluating this application. Instead, such material would more appropriate for use at some future time, should the Planning Commission be tasked with evaluating such changes to the Unified Development Ordinance.

Let's stick with the process here. If allowed uses in PD-R or other zoning designations need to be changed, then let's do it the right way, by following the well-defined procedures to initiate, evaluate, and approve changes to the UDO.

Thank you for your time.

A handwritten signature in black ink that reads "Theron P. Keller". The signature is written in a cursive, flowing style.

Theron P. Keller

From: [REDACTED]
To: [Planning](#)
Subject: [EXTERNAL] GPIN Number 7768-97-1948 for Property Address 1306 Graham Drive Fredericksburg Va 22401
Date: Wednesday, June 17, 2020 12:48:43 PM
Attachments: [image001.png](#)

To Whom it may concern,

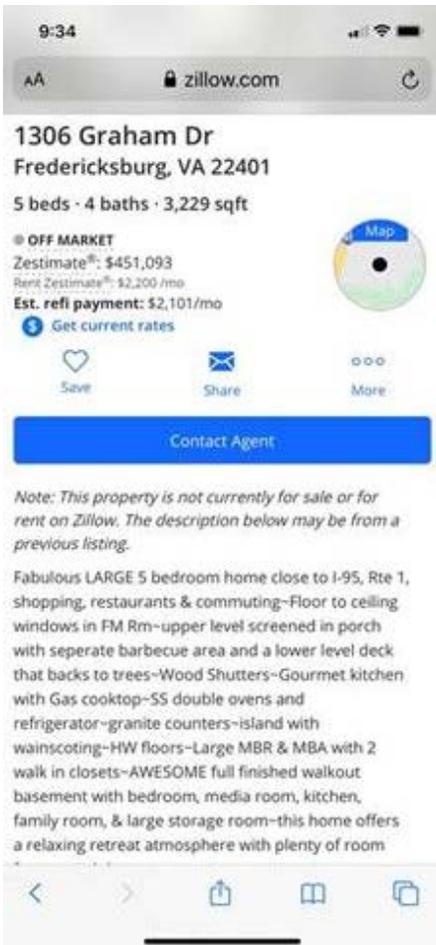
It was brought to my attention through a certified letter that my neighbor at 1306 Graham Drive in Idlewild was looking for a Special Exception from the City Code 72-42.5, Table of Common Accessory Uses, which does not list an "Accessory Dwelling Unit" as an allowed use. "Accessory Dwelling Unit" is defined in 72-84, Definitions. Granting this Special Exception would permit an accessory dwelling unit at 1306 Graham Drive.

After carefully reading the Issue Description from Ms. Terry Coley I come with the following rebuttal.

I have lived at 1401 Graham Drive for the past 15 years with my husband Charles S Hedrick which is directly across the street from 1306 Graham Drive. We originally moved to this community because of the amenities it had to offer and the fact that it was Governed by an Homeowners Association with FirstService Residential. I have been employed by FirstService Residential and I have worked in the Management industry for many years now and know that having a Homeowners Association is a benefit to a community of this size and caliber to maintain our property values and keep our residents in line with the HOA bylaws and guidelines.

With that being said, when Ryland built that home across the street it had an unfinished basement, the Taylor's, Jeff and Tonya bought that home and finished the basement with an office (not a bedroom) it has no egress window, a common area, a wet bar with a sink because Tonya was a hair dresser and wanted a space for her parents when they came to visit from Roanoke. The basement already had an exit door when it was built to follow the City Guidelines. When the house went on the market a Real Estate Agent marketed the home with a full finished walk out basement with a bedroom and a kitchen etc. as you can see in my attachment. In the other section of the listing it states:

Mother-in-Law Apartment. When prospected buyers were looking at the home of course they saw this as an opportunity to rent this out which is what Terry Coley has done from day one (1).



I have watched people come and go from that home for the past 7 years that Ms. Coley has owned it. How do I know this you are probably wondering because I can see everything that happens across the street. This home has a front loading garage and my home has a rear loading garage in the alleyway. Because of the way the homes sit on our street the parking has been an issue since day one. In front of my home is a fire hydrant and a mailbox (no one can park there) and across the street at 1306 Graham and 1400 Graham there is a small street area for extra cars. For almost 2 years a gentleman had 3 cars that he parked along the street and lived in Ms. Coley's basement. I met him doing yardwork, he would stop and talk as he walked to his 1 of 3 cars in front of my home and would share how his family that lived out of state. Well he moved out and then another couple moved in. This couple owned 2 vehicles and had a small daughter that lived in the basement. They would come from the rear of

the home and walk through the side yard to the vehicles that were parked along the road in front of Ms. Coley's house. They then moved out and then another woman moved in named Lisa Warren. This was the wife of Rodney Warren who lived down the street. Mr. Warren was renting a home at 1205 Graham Drive down the street with his wife Lisa Warren. He was my mechanic I knew him well. His landlord wanted to sell, so The Warrens had to move. They were having some marital issues and decided to split, so Lisa the wife moved into Terry Coley's home at 1306 Graham Drive and rented her basement. As you will see with another attachment, a Death Certificate of Ms. Lisa Warren who passed away while living in my Coley's basement a year ago in May. I am sorry for the loss.

Since then, I have watched cars come and go, different people all the time walking up the side yard of this home into the basement. I have watched cars pull into the driveway and unpack suitcases and clothing and boxes, I have seen U hauls pull out front and unload beds and furniture on many occasions. It has been a revolving cycle since day 1 of people coming and going into this home.

COMMONWEALTH OF VIRGINIA - CERTIFICATE OF DEATH
DEPARTMENT OF HEALTH - DIVISION OF VITAL RECORDS - REVENUE

129		0155	
NAME: LISA		WARREN	
DATE OF BIRTH: MAY 25, 1917		AGE: 82	
PLACE OF BIRTH: GEORGIA		MARRIAGE: 206-45-8398	
RESIDENCE: 1500 GIBSON DRIVE		FREDERICKSBURG, VIRGINIA 22401	
DECEASED BY: WILLIAM PIERCE		MARY ABICE SCOTT	
PLACE OF DEATH: INOVA VAFFAX HOSPITAL		FALLS CHURCH, VIRGINIA 22042	
CITY: FALLS CHURCH		COUNTY: FAIRFAX COUNTY	
CEMETERY: NEW GARDNER COGIC CEMETERY		408 GARDNER CIRCLE, OCONEE, GEORGIA 31807	
FUNERAL HOME: METROPOLITAN FUNERAL SERVICE INC.		3017 VINE STREET ALEXANDRIA VIRGINIA 22304	
CAUSE OF DEATH: <i>Multisystem Failure</i>		DURATION OF ILLNESS: <i>1 Day</i>	
IMMEDIATE CAUSE OF DEATH: <i>Cardiac Arrest</i>			
UNDERLYING CAUSE OF DEATH: <i>Hypertension</i>			
SIGNATURE: <i>[Signature]</i>		DATE: 2/11/19	
PRINTED NAME: <i>Massachusetts</i>		ID NUMBER: <i>06-13-2019</i>	

I have not seen an elderly woman (the 76 year-old mother) at all. As per Ms. Coley's description for this Accessory Dwelling Unit and wanting to change the kitchenette into a kitchen by adding a range/oven I feel is a bold misrepresentation of what is really going on over there. She has never had her mother living in this home and has had nothing but multiple people subletting constantly in this home. I am sure by adding this range/oven would make it more convenient for whomever lives in the basement a more private dwelling unit and Ms. Coley would not have strangers constantly using the appliances in her SINGLE FAMILY DWELLING, which is what our HOA bylaws and governing

documents describe this home to be.

I sent a complaint to our Property Manager on June 5th, 2020 about the parking on the street prior to knowing anything about this Hearing for Ms. Coley and her basement exception. My concern is if every home who has this so-called basement apartment has a sublease then this adds more vehicles to our roads, more wear and tear on our streets. Our bylaws state in Section 11 under leases which is for Owners to rent their homes, not owners to sublease space in there Single Family Dwelling the following:

Section 11. Leases. No Owner of a Lot or Dwelling Unit shall lease to another any such Lot or part thereof or any such Dwelling Unit unless such lease shall be in writing for an initial term of not less than twelve (12) months and shall expressly provide that the terms of such lease shall be subject in all respects to the provisions of this Declaration and

Page 18

33

the Articles of Incorporation, Bylaws and rules and regulations of the Association, and that any failure by the lessee to comply with the terms of such documents shall be a default under such lease.

If the exception is granted to Ms. Coley, that means she can sublease her basement, rent rooms in her 5 bedroom home and maybe even make her home an Air BNB. If you allow Ms. Coley an exception to add a range/oven in her basement so called kitchenette then all homes in this community will be doing the same.

Say that the basement is for her so-called 76 year old mother, what happens when she is deceased and the exception is in place she can then rent to whomever she pleases?

This is not what we people who bought our homes in Idlewild signed up for. We do not want owners renting out rooms like a boarding house. We do not want our basements rented out to perfect strangers, the in-law suites were meant for family members and family members only who share the common areas of the

home like your kitchen and not have your own range/oven in the basement. I would think that this would also be a fire hazard.

Will an Insurance company even cover this situation in a single family dwelling unit? We need to hold our homeowners accountable to the rules and regulations set in place by a Homeowners Association and an elected Board representing our communities.

Why does a homeowner have the right to ask our City for an Exception to rules put in place by governing HOA documents?

Kindly,

Teri Hedrick

ACTIVITIES DIRECTOR & RESIDENT LIFESTYLE COORDINATOR

1201 Ashford Circle Fredericksburg, VA 22401

540.370.1000 | silvercollection.com | [REDACTED]

PEGASUS RESIDENTIAL | *we help people find* HOME

From: [Angie Jones](#)
To: [Planning](#)
Subject: [EXTERNAL] 1306 Graham Drive, Fredericksburg, Va 22401, VOI
Date: Monday, June 22, 2020 10:05:36 PM

i vote NO to the planning committee allowing this Village of Idlewild member to commute their basement into separate dwelling for rent. We already suffer from those whose chosen to rent to Section8 members who for the most part know nothing about rules and regulations of an HOA. Violations from parking,, littering, loud and obscene behaviors and now this request will be the gateway to more rentals. I purchase my home here because it was a community with a look, appearance and feeling of safe. Now I'm afraid to walk between kids walking large dogs they can't control and low income either renters or the guests that end up being permanent fixture in the neighborhood. The basement approval could lead to more rentals and then we might as well be apartments/condos.

R/s

Angela Jones
Home Owner in VOI

[Sent from Yahoo Mail on Android](#)

From: [Dan Guy Fowlkes](#)
To: [Planning](#)
Subject: [EXTERNAL] Terry Coley SE2020-02 / special exception for accessory dwelling unit at 1306 Graham Drive/GPIN 7768-97-1948
Date: Monday, June 22, 2020 10:40:17 PM

Planning Committee,

I am writing in support of Ms. Coley's special exception request. I don't understand why some of my neighbors have objected to this and thank them for bringing it to my attention.

Whereas Ms. Coley is going through the proper channels (whereas some others are renting out their basements under the table), and

Whereas this is a special use exemption that is not automatically applied to other similar situations, and

Whereas it limits the exception to the defining an accessory dwelling unit within the existing, primary dwelling AND maintains the limitation of the occupancy of the combined units to remain single family dwelling, and

Whereas the requested change would not increase the fire risk,

I see no reason to oppose it.

That stated objection that allowing this request would increase the resale value of the home is laughable. Increasing the resale value of home in the neighborhood benefits all parties.

Thank you.

Dan Fowlkes, Idlewild resident
1003 Hoke Ln, Fredericksburg, VA 22401

From: [Anne Timpano](#)
To: [Planning](#)
Subject: [EXTERNAL] RE: Terry Coley SE2020-02
Date: Monday, June 22, 2020 10:58:26 PM

I understand you are taking comments regarding this topic:

Terry Coley SE2020-02 requests a special exception to have an accessory dwelling unit at 1306 Graham Drive/GPIN 7768-97-1948. This property is located approximately 220 feet south-east of the intersection of Graham Road and Patrick Street, within the Idlewild neighborhood. The property is zoned Planned Development – Residential (PDR).

I am a homeowner in Idlewild. I live at 1118 Innis Drive.

I support the approval of this application. It seems like a reasonable request to me and I think that people opposing it are over-reacting and dreaming up wild assumptions, as if everyone in Idlewild will want to do the same thing and cause a run on stoves at Home Depot or something. I just don't see that or anything close to it happening. This applicant wants to have a nice home for her mother. Why anyone would want to stand in her way is beyond me. Adding a stove doesn't change the number of people who could live in the home. So fears of overcrowding in Idlewild being caused by adding a stove in a basement are just ridiculous. Please let this lady have her stove.

Thank you,

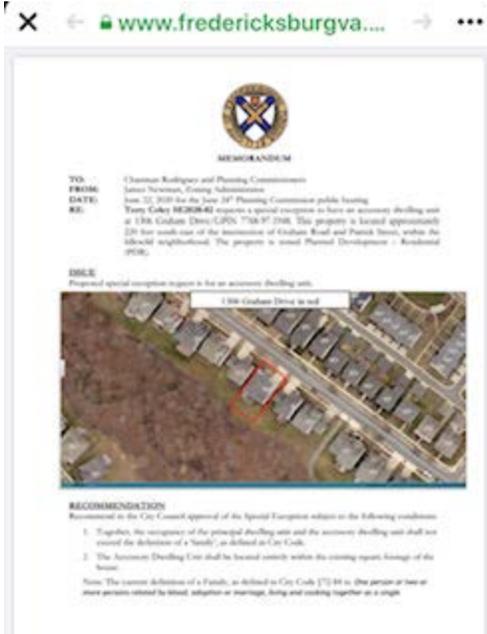
Margaret Anne Timpano

From: [Elizabeth LeDoux](#)
To: [Planning](#)
Subject: [EXTERNAL] 1306 Graham Dr
Date: Monday, June 22, 2020 11:00:58 PM

I'm writing in support of the petition to create an apartment with a stove in the basement of 1306 Graham Dr.

I am a neighbor who lives around the corner from this property.

Please see the attached screen shot for reference.



-Elizabeth LeDoux
1202 Wright Ct
Fredericksburg VA 22401

From: [Jeff Ely](#)
To: [Planning](#)
Subject: [EXTERNAL] Request on 1306 Graham Drive.
Date: Tuesday, June 23, 2020 12:44:46 PM

Regarding the memorandum found here:

<https://www.fredericksburgva.gov/AgendaCenter/ViewFile/Item/11563?fileID=9455>

I live in Idlewild too.

I do NOT agree with preventing anyone from improving their property, in any way. The fitness of the basement for independent rental, and the *legality* of it, are two entirely different things. I'd vote the stove should be allowed.

I DO agree that splitting single family units into multi-family rentals is a substantial change to the character of the neighborhood, and should be subject to review, and disallowed if that's the prevailing consensus.

If it is not possible to separate those two things, I'd rather allow both the property improvements AND the subletting than disallow both of them.

In the case of the CITY's involvement, I would be pleased if they allowed the stove to be developed, but either through CITY law or HOA regulations, disallowed single family dwellings from being split into multi-family and subleased.

From: [Wycessa Small](#)
To: [James D. Newman](#)
Subject: [EXTERNAL] Letter of Support of T. Coley : ADU 1306 Graham Dr
Date: Tuesday, June 23, 2020 3:41:41 PM

Dear Mr. Newman and Committee members,

I submit this letter of support of the request of Ms. Coley to add the addition of a stove unit to her basement. She has taken the proper steps to request such and there appears to be no adverse impact on the neighborhood now or in the future. Because the proper protocols are being followed I am quite confident that all construction safety issues will be met as well. One should be entitled to the full use of their private property without the interference of intrusive neighbors as long as safety and enjoyment of the community is upheld.

Thank you,
Neighbor Wycessa Small
1200 Graham Drive

[Sent from Yahoo Mail on Android](#)

From: [Thomas Mon](#)
To: [Planning](#)
Subject: [EXTERNAL] 1306 Graham Drive/GPIN 7768-97-1948
Date: Tuesday, June 23, 2020 4:58:59 PM

With regards to this application:

<https://www.fredericksburgva.gov/AgendaCenter/ViewFile/Item/11563?fileID=9455>

I would ask that if this is approved that some sort of check be put in place to prevent the rental of this basement to someone else other than the mother.

To me this sounds like a loop-hole that could be exploited by other home owners and cause over-crowding in idledwild.

Basically make the terms of the approval contingent upon the mother living there and revoking it if she is found to not be living in that designated space. Meaning, if the mother moves upstairs, and they rent out the basement.... then what?

Tom

From: [T.O'Brien](#)
To: [Planning](#)
Subject: [EXTERNAL] SE2020-02 Terry Coley ADU
Date: Tuesday, June 23, 2020 9:14:16 PM

As a property owner in Villages of Idlewild I oppose the approval of the action in the subject line above. While I understand this may be an isolated case based upon family circumstances, this would open the door for granting of other similar use permits, creating a multitude of issues for the development. This precedent could lead to additional parking, traffic and HOA service related problems which would impact all residents. As the largest residential tax revenue generating development in the city, the council should seriously consider the impact to this body before voting to approve this request.

Tom O'Brien
1112 Taylor St

From: [Janet MarshallWatkins](#)
To: [Planning](#)
Subject: [EXTERNAL] Village of Idlewild 1306 Graham Special Exception Permit for Accessory Dwelling Unit
Date: Wednesday, June 24, 2020 8:06:04 AM

Dear Planning Commission members,

I'm writing as a resident of the Village of Idlewild to support the request for a special exception by the homeowners at 1306 Graham Drive. I understand VOI's Board of Directors has submitted a letter saying "the homeowners of the Village of Idlewild" oppose this request. However, the Board does not speak for me. I'm fine with what's being requested. I support the ability of Fredericksburg homeowners to modify their homes to create living comfortable living spaces for family members, especially those who are elderly.

Thanks,

Janet Watkins
1206 Walker Drive
Fredericksburg, VA 22401

From: [Erin Palko](#)
To: [Planning](#)
Subject: [EXTERNAL] SE2020-02 Terry Coley ADU
Date: Wednesday, June 24, 2020 8:32:05 AM

To whom it may concern,

I am writing to address my concerns with the City granting an exemption to the resident of the Village of Idlewild, Terry Coley of 1306 Graham Drive. I am concerned that by granting an exemption, the precedent will then be set for others in the neighborhood to also apply, and potentially be granted, an exemption as well. Our neighborhood has roughly 785 single family homes, town homes, and condominiums and would not be able to handle the added residents. I am concerned that other homeowners in the neighborhood would apply for an exemption and then would be able to rent out their basement for additional income. If a couple or a small family with children now share the single family home with the existing homeowner, we now have added cars to city streets, more traffic, students attending our already overcrowded schools, etc. I am asking that the City Planning Commission please take a stance against granting this exemption due to the precedent it will set for others.

Thank you,

Erin Palko
1018 Wright Ct.

From: [Belinda Watkins](#)
To: [Planning](#)
Subject: [EXTERNAL] Letter of support 1306 Graham exception
Date: Wednesday, June 24, 2020 12:11:50 AM

I am a homeowner in Idlewild. I support this exception application filed by Terry Coley. Ms. Coley is honest, selfless and the most considerate person that I know. I think it is admirable that she desires to provide a place in her home that makes her mother feels comfortable.

Ms. Coley's younger sister passed away near the Thanksgiving holiday last year. Her sister was providing transportation, running errands, taking care of all things pertaining to their mother. Ms. Coley's mother is now living in the hometown alone. Ms. Coley is attempting to create a suitable place for her mother to remain independent. There isn't a full bath or a bedroom on the first floor. The stairs leading to the second floor are steep for a woman of her age. The basement is spacious and allows her mother to sleep, eat and have access to a bathroom without climbing stairs. My floor plan is very similar to Ms. Coley's home. My 86 year old mother is unable to climb my stairs.

I think this exception should be granted because her mother needs to have the peace of mind in knowing she would not be a burden and could maintain some level of privacy and independence.

We have seen the horrendous effect that COVID-19 has on extended care facilities. I believe it is very admirable that Ms. Coley has invested her monetary resources to insure her mother will have a safe and suitable place to live and be with her. Please allow this daughter to do what she believes is best for her mother.

Belinda Watkins
[2148 Idlewild Blvd.](#)

Sent from my iPad

From: [LaToya Gronhoff](#)
To: [Planning](#)
Subject: [EXTERNAL] Fwd: Rent
Date: Wednesday, June 24, 2020 12:15:46 PM
Attachments: [IMG_3876.PNG](#)
[IMG_3877.PNG](#)
[IMG_3878.PNG](#)
[IMG_3879.PNG](#)
[IMG_3880.PNG](#)

June 24, 2020

RE: Agenda Item 8.1 SE2020-02 Terry Coley ADU, 1306 Graham Drive/GPIN 7768-97-1948

To the Members of the Fredericksburg City Council Planning Committee:

My comments below are regarding the concerns brought by the HOA and others on Ms. Coley's application:

- A family should not be required to search for another type of dwelling during a recession or a pandemic when they have a life-changing event, as is the case in this situation. The addition of one family member (elderly parent, sibling or a new child) should not necessitate what the HOA refers to as an "outgrowing" of one's home.
- This proposal is for a special exception to permit an accessory dwelling unit within an existing single-family detached home. Why is this "exception", not considered by the HOA as a viable way to address her needs? It has been made abundantly clear that other homeowners in the Idlewild development already have stoves in their basements and did not go through this legal process. That is an entirely separate issue, but it does provide us with what I believe is a little insight into Ms. Coley's intent to follow a law-abiding process.
- Many of the residents in our neighborhood may have non-relative individuals (significant others, roommates, friends) living with them that would qualify under the current definition of "family" in the City Code. The HOA contends that "the Village of Idlewild (VOI) [was] set for a projected number of families and family members." In this situation, it is specifically recorded in the application that this would be a relative/family member. Why should the approval of Ms. Coley's application be unjustly considered based on what other future residents may or may not do with this property?
- It would also be prudent to inform the Council that the renting of basements has been posted on the Idlewild Facebook site in clear visibility of the HOA, who is

the administrator for the page. So, if the idea is to eliminate the possibility of “renters” or extra families in a single-family home, denying Ms. Coley her modification for her mother will surely not achieve that goal (please see attached for multiple examples).

- Ms. Coley has already showed a reasonable duty to her neighbors by requesting the modification to her home and by going through the proper approvals and City process(es). If she continues following the current process and required approvals, the modification will undoubtedly meet building code standards, which would eliminate the general concern presented about fire/building safety.

I stand in full support of her request for modification to her basement. Please let your decision be based only on the facts set forth in this case and not by individual biases concerning the character of our neighbor. Please not allow the probability of unknown future fears already submitted about changes in the VOI that may never even come to pass, obscure your judgment.

Thank you to the members of the Planning Committee for your time.

Respectfully,

Village of Idlewild Homeowner, since 2005
LaToya Marshall-Gronhoff, CPCU
1858 Idlewild Blvd
Fredericksburg VA 22401

Sent from my iPhone

< 🔍 rent in Village of Idlewild Hom...

🔗 Filters

Posts You've Seen

Most Recent

Pos



Jeff Buziak ▶ Village of Idlewild Homeowners Association Official

Jan 1 · 🌞 · My house is for rent. Has a huge in law suite (or for private guest area, college aged kids, etc). Available 15 Jan.

REALTOR.COM

1305 Sands Cir, Fredericksburg, VA 22401 - Home for Rent - realtor.co...



👍 3

4 Comments

Matching comment



RJ Mariner
Hm is rent ?



Paula Recchio Joseph ▶ Village of Idlewild Homeowners Association Off...

Apr 17 · - Is anyone looking to rent their home in the very near future. My friend and her family are looking for a house to rent. Thank you!

👍 2



< 🔍 rent in Village of Idlewild Hom...

🔗 Filters

Posts You've Seen

Most Recent

Pos



Erik Eaton ▶ Village of Idlewild Homeowners Association Official

Mar 5 · 😊 · Trying this again since people wanted to argue on the last post... (admin/mod, if this isn't allowed, please let me know) Does anyone have a b...

👍 1

5 Comments

Matching comment



Dana Carter

...I am pretty certain we're not able to rent out our basements or rooms per HOA rul...

👍 2



Annie Langdon Thompson ▶ Village of Idlewild Homeowners Association Off...

Dec 31, 2019 · 😊 · Has anyone rented a carpet cleaner from HD or Lowe's? Is it worth the hassle or should I just call a pro? My kids' rooms are embarrassing 😬...

👍 1

7 Comments



Jennifer Gibson ▶ Village of Idlewild Homeowners Association Official

Apr 18, 2019 · 😊 · I am probably going to rent my house out to the right family and at a low price. No cats, but dogs will be considered and no smoking. P...



< 🔍 rent in Village of Idlewild Hom...

🔗 Filters

Posts You've Seen

Most Recent

Pos



Freedom Fran ▶ Village of Idlewild Homeowners Association Official

Oct 16, 2019 · 😊 · ...of house... Getting it ready for rent or sale. All Floors being replaced... new a/c heat, new roof..., New fencing, patio, etc... My...



👍 🤔 🗨️ 11



Chelsea Morse ▶ Village of Idlewild Homeowners Association Official

Aug 13, 2019 · 😊 · ...is looking for a room possibly to rent occasionally to break up the weeks with commuting around \$25/night. If anyone has a studio...

👍 5

1 Comment



Debbie Zbrzezny ▶ Village of Idlewild Homeowners Association Official

Oct 13, 2018 · 😊 · ...for the repeat. Is anyone going to rent a lawn aerator? I think my lawn needs it. Not sure if I can do it, but would give it a try. It's probably les...

👍 2

4 Comments

2 Matching comments



< 🔍 rent in Village of Idlewild Hom...

🔗 Filters

Posts You've Seen

Most Recent

Pos



Jessica Cornejo ▶ Village of Idlewild Homeowners Association Official

Jun 13, 2018 · - Hi neighbors, does anyone know of someone renting their basement in Idlewild? I know someone looking and they want to definitely be in th...

👍 2

3 Comments

Matching comment



Jeff Buziak

I'm renting mine. Let me know if they're still interested



Paula Recchio Joseph ▶ Village of Idlewild Homeowners Association Off...

Nov 15, 2019 · - Is the clubhouse available to rent out? (I am a renter in the neighborhood.)

👍 1

5 Comments

2 Matching comments



Molly Synan

When I last rented it, it was \$75 an hour with a \$500 security deposit. It included...

👍 1



< 🔍 rent in Village of Idlewild Hom...

🔗 Filters

Posts You've Seen

Most Recent

Pos



Brooke Lee ▶ Village of Idlewild Homeowners Association Official

Jun 24, 2019 · 🌐 · Anyone have a basement for rent?

👍 2

6 Comments

Matching comment



Elizabeth Rickert Dowdy

Yes! I have a bedroom on the first floor of our townhouse for rent! En suite full bath...



Brett Rouzer ▶ Village of Idlewild Homeowners Association Official

Mar 19, 2019 · 🌐 · Does anyone have a house coming up for sale or rent in mid August?

👍 3

3 Comments



Carrie Anne ▶ Village of Idlewild Homeowners Association Official

Apr 10, 2018 · 🌐 · ...planning on putting their house for rent or sale between now and July/August? A friend, and fellow military family, is moving to the area. The...

👍 2

14 Comments



From: [Salty Troye](#)
To: [Planning](#)
Subject: [EXTERNAL] Idlewild re-zoning permit
Date: Wednesday, June 24, 2020 12:36:18 PM

To the planning board,

I am a current resident of Idlewild and it has come to my attention that there is currently a petition to change the zoning of a house here in the community to allow a homeowner to create a separate living compartment in their home. When I first moved here, I was told that renting out rooms or your basement was not permitted which was later downgraded to not encouraged being almost impossible to enforce as it taxed the community resources. In my opinion, permitting this home to create a 2nd dwelling will set a nasty precedent to which it will be difficult to recover. While this person has also made claims to house an elderly family member, there has been for a long time an issue with this home renting out all available rooms to whomever is around - with those renters bringing their extended network as well, creating a rather messy situation around their home and in the community. I vividly remember there being a huge issue 2 years ago because the 1 renter wanted to go to the pool and bring their entire family of ~ 10 ppl and raising a ruckus at the guard shack. While I do not know the owner personally, or anything about them, I have seen many complaints as well have walked past the house taking notice of the numbers of cars and items in the driveway and in the yard around and later putting the 2 together to realize I found "that house". I am also a pragmatist and while this story of the owner wanting this for their aging parent, there is not a single doubt that they would turn this into a benefiting situation of being able to rent out this second unit of their home as a complete living situation for a whole family. The basements of these homes are quite large and some friends have joked they could fit their house inside of my basement; therefore, it is not beyond reason that a complete family could live below with the owner and 3-4 renters living above. This home constantly pushes the boundaries in their own favor and it is because of this fact and the establishing of a precedent allowing this nice community to become a series of dual-dwelling homes- perhaps eventually petitioning for their own mailing address too.... Please vote this down as there are traditionally, established ways to bring in your parents without having a legal document giving this owner a separate dwelling. Thank you for your time.

Troy Widgren



**CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES**

June 24, 2020

7:30 p.m.

ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website:

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman (live)
Steve Slominski, Vice-Chairman (electronic)
David Durham (electronic)
Kenneth Gantt (live)
Chris Hornung (live)
Tom O'Toole (electronic)
Jim Pates (absent)

CITY STAFF

Chuck Johnston, Director, (live)
Planning and Building Dept.
Mike Craig, Senior Planner (live)
James Newman, Zoning Administrator (live)
Susanna Finn, Community Development Planner
Cathy Eckles, Administrative Assistant (live)

ALSO PRESENT

Terry Coley, ADU Applicant (live)
Jeh Hicks, Cowan Station Applicant (live)

1. CALL TO ORDER

This meeting was held live and electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend in person with social distancing practices and masks required or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present except Jim Pates.

4. APPROVAL OF AGENDA

Mr. Hornung moved for approval of the agenda as submitted. Mr. Gantt seconded.

Motion passed 6-0-1

5. APPROVAL OF MINUTES

- June 17, 2020

Mr. Durham motioned to approve the minutes as submitted. Mr. Hornung seconded.

Motion passed 6-0-1

6. DECLARATION OF CONFLICT OF INTEREST

Mr. Gantt stated he had a conflict with 8A, Special Exception request regarding an Accessory Dwelling Unit at 1306 Graham Drive.

7. PUBLIC HEARING

A. Area 7 Small Area Downtown Plan – The City of Fredericksburg proposes to amend Chapter 10 Land Use Plan and Chapter 11 Planning Areas of the City’s Comprehensive Plan to adopt the Area 7 Small Area Plan.

Ms. Finn reviewed the staff report showing what has changed since the February 26, 2020 presentation to the Commissioners, with a power point presentation (Att. 1) and noted this would be held open until the Commissioner’s July 8, 2020 meeting.

Chairman Rodriguez opened the public hearing and Ms. Finn read in the public comment letters received from the following:

Mo Deadman, 214 Princess Anne Street (Att. 2);
Debra Joseph, 331 Princess Anne Street (Att. 3);
Joseph Caliri, 217 Princess Anne Street (Att. 4); and
Maureen & Frank Widic, Paula & Ed Sandtner, Rebecca Hammer, and Carl & Anne Little (Att. 5).

There being no public speakers, Chairman Rodriguez closed the public hearing.

Mr. Hornung asked for clarification on the conversion of one-way streets. Ms. Finn stated that this opens the door for evaluation and studying of a possible conversion of some one-way streets and that it is not settled. One of the main aspects to be evaluated would be parking on converted street.

Mr. Gantt questioned the train station parking being shared. Mr. Craig noted that on pg 11(7)-27 the vision is to build a structure that is used 24 hours a day but that VRE may have some control over that vision. This will be worked out further in the train station master plan.

Mr. Durham asked about road speeds and if the plan was for the converted 2-way streets to still have parking on both sides of the street. Ms. Finn stated that the experience is that 2-way streets actually slow down drivers.

Mr. Durham mentioned the Darbytown residents request to formally name Trestle Park and in the Comprehensive Plan when “parks” and “open spaces” are mentioned there is not much differentiation. He asked if the difference is that “open spaces” are maintained by public works and parks are maintained by parks and recreation. Ms. Finn is unclear on that but will get clarification to help the Commissioners make a determination if it should be formally designated.

Mr. Gantt asked if the studies regarding speed are available to the public. Mr. Craig said the Fredericksburg Police Department (FPD) has cataloged numerous speed study reports which he believes are available to the public. Mr. Craig discussed the possibilities of the study regarding the physical infrastructure.

There being no further discussion, Chairman Rodriguez held this matter open until the July 8, 2020 meeting.

- B. UDOTA2020-02 Creative Maker District - The City of Fredericksburg** proposes to amend the Unified Development Ordinance to establish a new zoning district entitled “the Creative Maker District”.
- C. RZ2020-02 – The City of Fredericksburg** proposes to amend the Zoning Map to change the existing zoning of about 78 acres of land to the Creative Maker Zoning District.

Chairman Rodriguez opened the public hearing and Mr. Craig read in the public comment letters received from the following:
Sabina Weitzman, 913 Marye Street (Att. ?); and
Rea Mandarino, 1105 Nolan Street (Att. ?).

8. UNFINISHED BUSINESS

- A. Terry Coley** requests a Special Exception from City Code §72-42.5, Table of Common Accessory Uses, for an ‘Accessory Dwelling Unit’ at 1306 Graham Drive. SE2020-02

Chairman Rodriguez opened the public hearing and Mr. Newman read in the public comment letters received from the following:

Angela Jones, 1201 Ellis Avenue (Att. ?);
Dan Guy Fowlkes, 1003 Hoke Lane (Att. ?);
Anne Timpano, 1118 Innis Drive (Att. ?);
Elizabeth LeDoux, 1202 Wright Court (Att. ?);
Jeff Ely, (Att. ?);
Wycessa Small, 1200 Graham Drive (Att. ?);
Thomas Mon, (Att. ?);
Tom O'Brien, 1112 Taylor Street (Att. ?);
Janet Marshall Watkins, 1206 Walker Drive (Att. ?);
Erin Palko, 1018 Wright Court (Att. ?);
Belinda Watkins, 2148 Idlewild Boulevard (Att. ?);
LaToya Gronhoff, 1858 Idlewild Boulevard (Att. ?);
Troy Widgren, 1603 Gayle Terrace (Att. ?)

B. JFH - Fredericksburg II, LLC requests amendments to the Comprehensive Plan for sub-planning area 5B and the Future Land Use Map to permit a commercial office park on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. CPA2020-02

C. JFH – Fredericksburg II, LLC requests:

1. A rezoning from Residential Mobile Home, Residential 4, and Commercial / Transitional Office to Commercial Highway with proffered Conditions of 50 Geographic Parcel Identification Numbers (GPINs) generally located on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. RZ2020-03
2. A determination that the vacation of a portion of the Spotsylvania Avenue and Dandridge Street rights-of-way and the rededication of new public right-of-way for a realigned Spotsylvania Avenue is in conformance with the Comprehensive Plan. VAC2020-01

Chairman Rodriguez opened the public hearing and Mr. Craig read in the public comment letter received from Meghann Cotter, 1222 Brent Street (Att. ?).

9. GENERAL PUBLIC COMMENT

None.

10. OTHER BUSINESS

A. Planning Commissioner Comments

None.

B. Planning Director Comments

8. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at ____ p.m.

Next meeting is July 8, 2020.

Rene Rodriguez, Chairman



**CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES**

June 17, 2020

7:30 p.m.

ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website:

<https://amsva.wistia.com/medias/lhna8qc4wq>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Rene Rodriguez, Chairman (live)
Steve Slominski, Vice-Chairman (electronic)
David Durham (electronic)
Kenneth Gantt (live)
Chris Hornung (live)
Tom O'Toole (electronic)
Jim Pates (electronic)

ALSO PRESENT

Bill Monteleone, GreenChip Applicant (electronic)
Maggie McDonald, GreenChip Attorney (electronic)
Charlie Payne, GreenChip Attorney (electronic)
Terry Coley, ADU Applicant (electronic)
Jeh Hicks, Jarrell Properties Representative (live)

CITY STAFF

Chuck Johnston, Director, (live)
Planning and Building Dept.
Mike Craig, Senior Planner (live)
James Newman, Zoning Administrator (live)
Marne Sherman, Development Administrator (electronic)
Erik Nelson, Transportation Administrator (live)
Cathy Eckles, Administrative Assistant (live)
Angela Freeman, City Economic Development (live)

1. CALL TO ORDER

This meeting was held live and electronically by "Go to Meeting" application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to attend in person with social distancing practices and masks required or access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Chairman Rodriguez called the meeting to order at 7:31 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All members were present.

4. APPROVAL OF AGENDA

Mr. Gantt moved for approval of the agenda as submitted. Mr. Hornung seconded.

Motion passed 7-0

5. APPROVAL OF MINUTES

March 11, 2020

June 10, 2020

Mr. Hornung motioned to approve the minutes as submitted. Mr. Gantt seconded.

Motion passed 7-0

6. DECLARATION OF CONFLICT OF INTEREST

Mr. Gantt stated he had a conflict with 7A, Special Exception request regarding an Accessory Dwelling Unit at 1306 Graham Drive.

7. PUBLIC HEARING

- A. Terry Coley** requests a Special Exception from City Code §72-42.5, Table of Common Accessory Uses, for an 'Accessory Dwelling Unit' (ADU) at 1306 Graham Drive. SE2020-02

Mr. Newman reviewed the staff report with a power point presentation (Att. 1). Three public comments were received opposing the Special Exception. Mr. Newman reiterated that the public comment period would remain open until 4:30 June 24, 2020, with a vote scheduled for that date.

Mr. Hornung clarified that what defines an ADU is the addition of a cooking range. Mr. Newman agreed and noted that it is the addition of a 220V outlet (which supports ranges and larger refrigerators) that has been considered the indicator of a full kitchen.

Mr. Pates does not feel this Special Exception has any special circumstances that warrants going against or out of conformance with an ordinance. He does not feel this is special enough to go against the ordinances and a Special Exception should only be granted in rare circumstances. Mr. Pates further stated that too many Special Exceptions are being recommended for approval by staff and questioned why staff felt this should be recommended for approval. Mr. Newman stated that while there was nothing special about the property per se, the use is unusual and therefore valid for a Special Exception. Mr. Durham stated that he feels the staff report provides an extensive and valid analysis as to why the Special Exception should be recommended for approval.

Chairman Rodriguez discussed two previous situations, where accessory dwelling units (ADU) were approved, where staff used a case by case interpretation. Discussion ensued regarding the circumstances surrounding those two matters and the differences between those exceptions and the current proposal. Further discussion ensued regarding the current definition of family, and conformance with the Comprehensive Plan where the neighborhood quality is enhanced and affected by providing additional living space.

Applicant, Terry Coley, was available by telephone and stated that she had previously had renters but her decision to remodel her basement and apply for the Special Exception was based on her mother moving into the home and having her own independent living space. She wants to be in compliance and permitted to allow her mother to reside with her but independently. Ms. Coley stated her concern with the opposing views possibly being based on race. Chairman Rodriguez noted that the Commissioners do not discriminate and are not provided any demographic information.

Chairman Rodriguez opened the public hearing and Mr. Newman read in the three public comment letters received from the following, all opposing the Special Exception request:

Joanne M. James, First Service Residential, Managing Agent for Village of Idlewild HOA, (Att. 2);
Theron P. Keller, 1108 Winchester Street (Att. 3); and
Teri Hedrick, 1201 Ashford Circle (Att. 4).

In addition, the following members of the public spoke:

Laura Reed, 1307 Graham Drive, spoke in opposition of the request and stated that she feels the addition of an oven to the basement apartment just makes it a more attractive rental. Ms. Reed stated the notification letters were not received within the 14 days required. Additionally, the public notice was posted in the right-of-way and was blocked from view by parked cars.

Debra Jean Zbrzezny, 1403 Graham Drive, spoke in opposition of the request and also was unhappy with the public notice posting being barely visible. Ms. Zbrzezny is also concerned with the excessive amount of cars around the property due to the rentals happening and she had been informed by HOA when she was buying that this wouldn't happen.

Bryan Stelmok, 1117 Wright Court, spoke in opposition of the request and doesn't feel this is right for the neighborhood. The neighborhood is scaled and set for amenities for 750 units; by adding renters to the units it could potentially double the amount of people using the amenities. Mr. Stelmok believes that the definition of family is inadequate to prevent this unit from becoming a standalone unit and the HOA restrictions are set in place for a reason. He believes the City should not be overriding and granting a Special Exception to the restrictions. Mr. Stelmok further discussed fire and safety due to the addition of a second kitchen and whether the ingress/egress issue has been met. Mr. Stelmok believes that further restrictions should be added if this matter is recommended for approval in that the owner must live in the property and that inspections should be conducted by the City.

Chairman Rodriguez closed the public hearing.

Mr. Durham questioned the legal differences between leasing and subleasing. Mr. Newman stated that in terms of land use regulations, none. Mr. Newman also said that the City regulations and Home Owners Association rules operate independently. Mr. Craig confirmed that the ownership of the property is not considered by the City in their determination of land use regulations.

Mr. Pates agreed with Mr. Newman that the covenants of an HOA are totally separate from any zoning regulations. He asked about the differentiation between an ADU and a duplex. Mr. Craig stated that a duplex is two separate families where an ADU only allows one family as is defined in the Code. Recommending approval of this exception request will not change intensity of the use of this property. Mr. Craig noted that an ADU is a secondary use of the property, not equal size to the primary use of the property.

Mr. Hornung asked if building officials have looked into fire separation issues with the ADU. Mr. Newman said there are building code requirements and that the home will be inspected prior to final approval.

Mr. O'Toole still disagrees with the need for a Special Exception as to why the mother needs a separate area to cook. Ms. Coley stated that the basement is all one level, her mother wants to live independently and be able to live and cook on her own, while still being close enough to be helped if necessary. Ms. Coley stated it would be different if she lived in a rambler style home, but the request for the Special Exception allows her mother to have that type of living.

Chairman Rodriguez asked about the notification issue mentioned and if that affects the Commissioners from taking action during the meeting. Mr. Newman stated that this matter is recommended to be left open and voted on at the Commissioner's June 24, 2020 meeting. Mr. Newman noted that he will move the public notice hearing sign to a more prominent location.

Mr. Hornung asked if the HOA was notified by the adjoining property owner's letters. Mr. Newman stated the HOA were not sent a certified notice. Ms. Coley stated that she notified the HOA of her Special Exception request by email back in April, but she did not notify them specifically about this public hearing.

There being no further discussion, Chairman Rodriguez held this matter open until the June 24, 2020 meeting.

B. JFH - Fredericksburg II, LLC requests amendments to the Comprehensive Plan for sub-planning area 5B and the Future Land Use Map to permit a commercial office park on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. CPA2020-02

C. JFH - Fredericksburg II, LLC requests:

- a. A rezoning from Residential Mobile Home (R-MH), Residential 4 (R-4), and Commercial/Transitional-Office to Commercial Highway (C-H) with proffered conditions for 50 Geographic Parcel Identification Numbers (GPINs) generally located on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. RZ2020-03
- b. A determination that the vacation of a portion of the Spotsylvania Avenue and Dandridge Street rights-of-way and the rededication of new public right-of-way for a realigned Spotsylvania Avenue is in conformance with the Comprehensive Plan. VAC2020-01

Mr. Craig reviewed the staff report for Items 7B and 7C with a power point presentation (Att. 5) and noted that separate votes will be considered for both items at the June 24, 2020 meeting.

Mr. Durham noted that the City should consider zoning that would permit University housing type developments along Route 1 due to University students occupying neighboring areas. Mr. Durham further stated that the GDP is referred to as the governing document, but feels the GDP doesn't indicate how the applicant will maintain portions of the property not covered by elements of the development, specifically the portion not to be built out, the realignment of Spotsylvania Avenue, the RPA, and within the power line easement. Mr. Durham expressed concerns about the impacts of the Brent Street trail on existing tree canopy. Mr. Craig stated staff would look into the impact of the Brent Street trail and will have applicant respond to Mr. Durham's concerns about the GDP.

Mr. Pates stated his concerns about the tree canopy and believes the City should give serious consideration to a tree canopy ordinance as complete decimation of tree canopy is harmful to the City's environment and wildlife.

The Applicant, JFH Fredericksburg II, LLC, represented by its Director of Community Relations, Jeh Hicks, was present and spoke about the history of the project. The Applicant noted that the amenities and particulars of this project are governed by Dominion Power in this area, but the Applicant is willing to work with the City on the unmentioned areas in the GDP. The Applicant is mindful of the concerns about the tree canopy and of the 1.09 acres of woods in the RPA, 1.0 acres of it will not be disturbed. The Applicant noted that other areas will have replacement trees added along the trails, islands, and street borders.

Mr. Durham stated that the GDP should be in agreement with the Applicant's plan as discussed. Mr. Pates asked if it was possible to add in details on the GDP or proffers to ensure maximum tree canopy coverage Applicant is able to do. Mr. Craig recommended that the Applicant add indications to the GDP showing

the addition of tree canopy to the project, specifically where street trees, perimeter landscaping strips, the buffer area, and foundation plantings will be added. Applicant agreed to this addition to the GDP.

Chairman Rodriguez opened the public hearing and Mr. Craig read in the seven public comments received from the following:

Meredith Beckett, President, College Heights Civic Association (Att. 6);

Daniel Finn, 1514 Stafford Avenue (Att. 7);

Matt Haney, 1425 Brent Street (Att. 8);

Thomas Fines, 1300 Rappahannock Avenue (Att. 9);

E-mail Exchange (Atts. 10, 11 and 12)

- o Timothy Duffy, 1217 Brent Street;
- o Meredith Beckett, 1401 Brent Street; and
- o Susan Nelson-Sargeant, 812 Daniel Street.

In addition, the following members of the public spoke:

Dennis Lister, 1108 Rappahannock Avenue, spoke in favor of the project but expressed concerns about the Brent Street trail and proposed an alternate direction for the trail.

Meredith Beckett, 1401 Brent Street, spoke in favor of the project but against the proposed trails. She would like to keep the tree canopy but eliminate the Brent Street trail connection. If the Brent Street trail is not eliminated she proposed that it be diverted through the Dominion Power easement

Katherine Piper, 1018 Rappahannock Avenue, expressed concerns about the Brent Street trail.

Chairman Rodriguez noted that public comments will be received until June 24, 2020.

Mr. Hicks commented regarding the questions on the trails and stated the trails are not required but added to enhance. He agrees that the Payne Street connection is a better alternative and will consider the proposed alternatives. He noted that the proposed renaming of Spotsylvania Avenue for a long-time College Heights resident is a unique issue. He observed that there is a Spotsylvania Avenue in Spotsylvania County Lee's Hill area, so the Applicant can definitely consider renaming.

Chairman Rodriguez asked if the trails are a specific requirement of this project. Mr. Craig stated no and that staff would consider these comments and get back to the Commissioners about the trails.

Regarding the proposed right of way vacation, Mr. Hornung asked if the Commissioners can make recommendations to Council regarding payment for the abandonment of right of way as he believes it is punitive in this instance given the extent of street improvements the applicant is proposing to make. Mr. Craig noted that this could be added in as a bullet once the Commissioners make a determination if the street vacation is in conformance with the Comprehensive Plan.

Mr. Durham noted the right-of-ways are unused and unimproved by the City and vacation of them makes sense.

Mr. Pates asked why staff wants two connections to the trails. Mr. Craig said that staff will consider and evaluate this issue with an additional analysis at the next meeting.

8. OLD BUSINESS

A. GreenChip Inc. requests a Special Use Permit to operate a recycling center within an existing building at 10 Harkness Boulevard/GPIN 7778-78-5342, which is in the General Industrial (I2) Zoning District. SUP2020-03

B. GreenChip Inc. requests four Special Exceptions to permit development of a recycling center within an existing building at 10 Harkness Boulevard/GPIN 7778-78-5342, which is in the General Industrial (I2) Zoning District.

The applicant seeks exceptions to the following Code Sections:

- 72-41.4.E.1, requiring a recycling center to be on a parcel with an area of at least 5 acres.
 - The subject parcel contains 3.85 acres.
- 72-41.4.E.2, requiring a recycling center to be at least 250 feet from any residential zoning district.
 - The proposed recycling center is 30 feet from the closest residential zoning district.
- 72-41.4.E.3, requiring no part of a recycling center other than a free standing office be located within 50 feet of a lot line.
 - The proposed recycling center is 30 feet from a lot line.
- 72-41.4.E.9, requiring a recycling center within 500 feet of a property in a residential zoning district not be in operation between the hours of 7PM-7AM.
 - The proposed operating hours of the recycling center would be continuous with truck delivery limited to 7AM-7PM.

SE2020-01

Mr. Newman reviewed the staff report with one update regarding lead soldering and employee protection protocols.

Mr. Pates asked about the National Park Service comment and the City's response, specifically regarding the buffer. This was discussed on page 3 of the June 10, 2020 minutes. Discussion ensued regarding Cedar Lane, the appropriate land use category, and that all deliveries will only use the Battlefield Industrial Park roads. Mr. Durham noted it is important for the community to understand that in his opinion the term recycling center doesn't describe this project.

Mr. Hornung motioned to recommend approval of SUP2020-03 as submitted. Mr. Slominski seconded.
Motion passed 7-0.

Mr. Hornung motioned to recommend approval of SE2020-01 as submitted. Mr. Gantt seconded.
Motion passed 7-0.

C. The City of Fredericksburg proposes amendments to the Unified Development Ordinance, §72-59 Signage, to allow for:

- additional building signage for multi-story buildings of three or more stories in the Commercial (C) and Planned Development (PD) Districts,
- increase the proportion of signage permitted per building side in the C, Industrial, and PD Districts,
- differentiate building signage standards for non-residential and mixed-use buildings vs. residential buildings in the C and PD Districts, and
- update the freestanding sign standards in all PD Districts.

UDOTA 2020-05

Ms. Sherman noted that no further public comments have been received and no changes have been made to the draft ordinance.

Mr. Hornung asked if pole-mounted signs were still permitted in the draft and questioned why the City was reverting back to allow pole-mounted signs. Ms. Sherman noted that it was originally drafted to remove the monument sign standard in the PD-C to provide more flexibility, but the Commissioners can remove that recommendation. Mr. Hornung noted that he is opposed to this type of signage and sees no need for it in the PD-C, but questioned the other Commissioners. Mr. Pates and Mr. Slominski said they are also not in favor of pole signage and believe there should be less signage in the City. Discussion ensued

regarding possibly withdrawing the pole-mounted sign recommendation or doing further research on it. Mr. Gantt is concerned if the ordinance is too prescriptive and limits some businesses.

Mr. Durham asked if the ordinance could move forward with deleting amendment language regarding pole-mounted signage, and if any sign applications were currently being held pending the approval of this ordinance. Ms. Sherman noted that three sign applications by Wegmans and Walmart are currently pending. Mr. Pates asked if the Commissioners could amend the ordinance to deal with total signage only. He also asked current pole signs that have been abandoned and what could be done about it. Ms. Sherman stated that those are structures that are approved and building permits issued and when a business leaves they are required to remove their sign, but it does not state that the pole has to be removed. Mr. Johnston asked Mr. Pates for clarification as to what would he would like left in the ordinance. Mr. Pates stated he did not have the ordinance, but thought there were several issues covered in the proposed sign ordinance. Mr. Johnston clarified that Mr. Pates wants to just move forward with sign area standard changes, but not with the three story building signage change. Mr. Pates was unsure on that provision. Mr. Durham noted that the last item in the list of changes was to "Update the freestanding sign standards in all Planned Development Districts" and feels that is the issue Mr. Pates is questioning. Mr. Durham noted that Mr. Hornung's desire to make a motion to not allow pole signs could address Mr. Pates' concern.

Ms. Sherman clarified that currently monument signs are specific to individual parcels and their freestanding signs. In the PDC district there are allowances for larger signs, but do not have to be monument style. Ms. Sherman also addressed Mr. Pates' questioning changing the existing regulations, there was one change to reduce the height of PD-C development project signs from 175 ft. maximum to 150 ft.

Mr. Hornung motioned to recommend approval of the draft ordinance, eliminating the inclusion of pole-mounted signs in the individual tenant mounted signage provisions. Mr. Durham seconded.

Motion passed 7-0

D. The City of Fredericksburg proposes amendments to Chapter 3 of the Comprehensive Plan, to support the submittal of five transportation funding requests to VDOT. Tables 3-2 and 3-3 will be updated and consolidated into a single table of City Street Projects. The five projects include:

- o construction of Gateway Blvd.,
- o intersection improvements at U.S. Route 1/Augustine Ave.
- o intersection improvements at U.S. Route 1/State Route 3 and Spotsylvania Avenue,
- o a bicycle-pedestrian route on the west side of U.S. Route 1 from Idlewild Boulevard to the VCR Trail, and
- o an interjurisdictional project for sidewalks and transit improvements on Lafayette Boulevard.

CPA 2020-01

Mr. Nelson stated he had received no public comments and had no further changes.

Mr. Durham motioned to recommend approval as submitted. Mr. Hornung seconded.

Motion passed 7-0

9. GENERAL PUBLIC COMMENT

None.

10. OTHER BUSINESS

A. Planning Commissioner Comments

None.

B. Planning Director Comments

Mr. Johnston reminded the Commissioners there will be another in-person and electronic Planning Commission meeting next week, June 24, 2020, where the Commissioners will vote on the public hearing items heard tonight. In addition, on July 8, 2020, there will be another in-person and electronic Planning Commission meeting with business items, no public hearings.

Mr. Durham asked about when the height restrictions would be taken back up. Mr. Johnston noted that possibly with no August agenda, staff will be able to address this topic.

8. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 10:10 p.m.

Next meeting is June 24, 2020.



Rene Rodriguez, Chairman

Terry Coley
Special Exceptions for an Accessory
Dwelling Unit
SE 2020-02

Fredericksburg

Overview

Issue– Request for a Special Exception at 1306 Graham Drive, zoned PDR.

Accessory Dwelling Unit

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

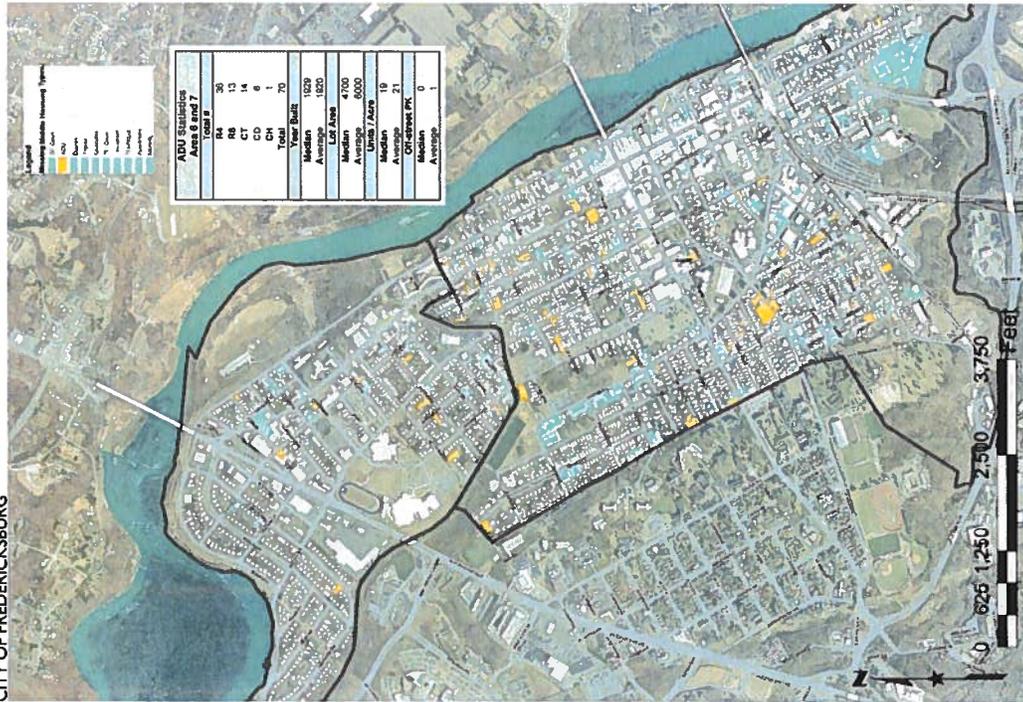
- Use not listed on the 'Table of Common Accessory Uses'
- Use request is frequent enough that a Special Exception, rather than Zoning Administrator review, is the appropriate path
- Subject to conditions

Recommendation: Approval

Overview

- Single family detached dwelling
- Applicant wants to add living space for her mother
- ADU would be located in the basement, with living, eating, sleeping, bathing, and cooking space all inside the house
- Use is not listed in Table of Common Accessory Uses.

**ACCESSORY DWELLING UNITS
AREAS 6 AND 7
CITY OF FREDERICKSBURG**



1. Why Accessory Dwelling Units?

- Housing is evolving
- Current dichotomy of single family homes vs. multi-family garden apartments is not compatible with City neighborhoods.
- Empower people to address housing needs
- Historical pattern of missing middle / innovative housing in City neighborhoods

Public Comment

- Received 3 comments via email on June 17, 2020
- All opposed to ADU
- Common themes:
 - SE is for unique/non-recurring uses,
 - Use not allowed at all in Code
 - Change character of neighborhood: more renters, vehicles and impact on neighborhood

Definitions

Family, as defined in the UDO:

One person or two or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, with no more than two boarders; or a group of not more than three unrelated persons living together as a single housekeeping unit.

Dwelling Unit, as defined by The Virginia State Building Code;

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Approval Criteria

- 1. Consistency with the Unified Development Ordinance**
- 2. Conformance with the Comprehensive Plan**
- 3. Whether there has been a sufficient period of time for investigation and community planning with respect to the application.**
- 4. Whether the special exception is consistent with the principles of good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, and the characteristics of the property involved.**
- 5. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.**
- 6. Whether the proposed exception potentially results in any adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.**

1. Consistency with UDO

1. Use is not listed in the *Table of Common Accessory Uses*

2. Use is defined in the UDO as:

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

3. Purpose of the PD-R Zoning District;

“To encourage innovative and creative design, to facilitate use of the most advantageous construction techniques, and to protect watercourses, stream valleys, forest cover in watersheds, and areas with scenic vistas. The district is designed to permit a greater degree of flexibility in terms of layout, design and construction of planned development than is found in conventional zoning classifications. It will permit planned mixed use communities comprising residential, commercial, office and service uses...”

2. Conformance with the Comprehensive Plan

1. The property lies within Land Use Planning Area 3: Plank Road/Route 3. The Future Land Use map identifies this area as Transect-3 (Sub-Urban). This category states: *“The Idlewild neighborhood is designated as a T-3. It contains a mix of house types and scales including both attached and detached single-family housing. The neighborhood has a strong inclusion of public shared open space and values their connection to the designated trails as part of the T-1 space surrounding the neighborhood.”*
2. Supports environmental protection goals, residential neighborhood goals, and affordable housing goals:
 - Compact development
 - Provide a sense of community with a variety of housing choices
 - Support inclusive neighborhoods for the elderly
 - Provide affordable housing

3. Whether there has been a sufficient period of time for investigation and community planning with respect to the application.

Applicant applied for a building permit who then brought it to attention of Planning Dept. Application has been through staff review process.

4. Whether the special exception is consistent with the principles of good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, and the characteristics of the property involved.

1. PD-R is a planned residential zoning district, specifically made for planned neighborhoods. Proposed Use is residential and accessory to a primary dwelling unit.
2. Property is a typical residential lot. Proposed use would occur inside existing structure, not expand footprint
3. Would not block light, air, or add to flood hazard
4. Will permit a mother to move in with her daughter while allowing independence

5. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.

1. Special Exceptions are for uses that are unique/unlikely to recur or not otherwise permitted by the Code

2. Requests are common and use is defined in UDO, but this is the first Special Exception Application for an Accessory Dwelling Unit in at least 2 years

6. Whether the proposed exception potentially results in any adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.

Proposed conditions would limit occupancy of house to one family, and would require the ADU be placed within the existing footprint of the house.

Conditions:

1. Together, the occupancy of the principal dwelling unit and the accessory dwelling unit shall not exceed the definition of a 'family', as defined in City Code.
2. The Accessory Dwelling Unit shall be located entirely within the existing square footage of the house.

Conclusion

1. Accessory dwelling unit would allow for extra kitchen in basement
2. Use requests are frequent but applications are rare
3. Conditions would limit home occupancy to one family
4. Meets goals of Comprehensive Plan, UDO, and Special Exception Criteria

Staff Recommendation

Recommend approval to the City Council, with conditions

Recommend approval, denial, or defer to late date

June 17, 2020

City Hall
Planning Commission
715 Princess Anne St
Fredericksburg, VA 22401

Re: 1306 Graham Special Exception Permit for Accessory Dwelling Unit

Dear Planning Commission Members:

On behalf of the Board of Directors of Village of Idlewild, I am writing to you to provide the Homeowners position on the application of Special Exception from Terry Coley of 1306 Idlewild Blvd, Fredericksburg VA 22401.

The homeowners of the Village of Idlewild are against this request until a further understanding of how such a special use for accessory dwelling can be monitored, reviewed, and enforced within the confines of the city's ordinance. Please see below for specific points on this matter.

1. An acceptance of modifying a home meant for a family with only a singular kitchen space is what was designed and purchased, generally when a family outgrows or has a life-changing event as this is becoming the case they search for another type of dwelling to accommodate their change. There are instances where a home modification may be possible to address their needs but this is not one of them as it violates the intent for the home was built and community established upon.

2. The Village of Idlewild was granted for development of 785 homes in a number of different configurations, the establishment of apartment like areas within homes was not one of options as approved by the city council. Therefore, it would be prudent to maintain the city's intent for its communities.

3. The amenities within the Village of Idlewild were set for a projected number of families and family members. Even understand the current ordinance for "family" this approval would certainly open an array of living arrangements which would not be in-line with the city's present ordinance unless there was some level of established oversight and enforcement which quite frankly does not exist today. Principally because it's built upon a reporting process that leads to neighbors intervening in each other's affairs which leads to unfortunate consequences and again violates the city's good neighbor culture.

4. In this particular matter, it is for a family member, what necessary stipulations can or should be emplaced if this went forward to ensure that only another family member could occupy this space in the unfortunate circumstances that the current family member decides to leave or is no longer occupying the premises?

Sincerely,

Joanne James

Joanne M James

FirstService Residential, Inc.

Managing Agent for Village of Idlewild Home Owner's Association

From the desk of:
Theron P. Keller
1108 Winchester Street
Fredericksburg, VA 22401
June 17, 2020

Fredericksburg Planning Commission
715 Princess Anne St., Room 209
Fredericksburg, VA 22401

Re: Meeting, June 17, 2020; Public Hearing: Agenda Item 7a-Coley ADU

Chair Rodriguez, and Members of the Planning Commission,

There are several concerns with Special Exception request 7a-Coley ADU.

1. The Zoning Administrator disqualifies the use of a Special Exception right in the General Background section of the agenda item.

Page 2: "In the past year there have been several requests for Accessory Dwelling Units. So far in 2020 alone there have been 4 requests for accessory dwelling units. Using this code section to approve them would no longer be a case-by-case review but rather a **frequent review**. This issue of a recurring request for a use not listed in the Ordinance is best addressed by City Council through a text amendment. In the interim, Special Exceptions are the process to use." [Emphasis added.]

However, City Code section 72-22.7 Special exceptions states:

72-22.7 (A.) "The granting of a special exception for a use not otherwise permitted by the zoning regulations may be appropriate for uses which are **unique and unlikely of recurrence**." [Emphasis added.]

Staff offers no explanation for this contradiction.

2. The "special, extraordinary or unusual" requirement for a Special Exception is not met, or even addressed in the application.

In another manifestation of the conflict between the "frequent" nature of these kinds of requests and the requirement that Special Exceptions be reserved for - well - the "exception" rather than the "rule," we find that in the Special Exceptions Analysis section of the application, Section 5, which asks for a response to this requirement, the answer provided is quite sparse, and in no way answers the requirement:

Page 4: "**5. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.**

The applicant wants to provide independent living space for her mother within the confines of the existing home."

As clearly stated by staff in the General Background section, this application is neither special, extraordinary, nor unusual, and this answer does nothing to support such a finding.

By its literal definition in the city ordinance cited above, the use of a Special Exception to grant a "frequent" request is not appropriate.

And perhaps the most important:

3. A bit of hand-waiving with the definition of "Family"

Much use is made of the term "Family" in the application, despite its somewhat misleading legal definition in the City Ordinance. The entire definition from the city's code is provided, but nowhere does the package discuss or highlight that "Family" includes any number of ("two or more") persons "related by blood, adoption or marriage," **plus** "with no more than two boarders."

The application goes to great length to describe a mother with no car. But here's the question that demands an answer:

One day after a Special Exception is granted, what is there to stop the applicant from moving the mother upstairs into one of the other four bedrooms, and then renting out the basement as an entirely self-contained apartment to two borders, who might have **two** cars? As best I can tell, even though this Special Exception would have been granted based on the assurance it was for mom, with no car, they would be in full compliance from Day 2 forward with mom shuffled to a small bedroom, and two unrelated borders living in the basement apartment.

There is an even greater risk of this higher impact should the current owner decide to move. The application tries to assure us that there would be no adverse impact. Page 5: "Even if the applicant were to move and a new owner to take occupancy, the limit of the accessory dwelling unit to a "family" would ensure no impacts beyond what is typical of a family," but again, without addressing the fact that the legal definition of "family" includes any number of actual family members **plus** two additional borders.

This application appears to be little more than an attempt to circumvent existing zoning restrictions that preclude homes in PD-R zoned areas from having an Accessory Dwelling Unit located within. Out of the 109 pages which make up the package, roughly **half** of them are unrelated to the particulars of this application, but instead attempt to support allowing ADUs and other non-conventional zoning designations in general. Such lobbying material has no place in the process to determine the suitability of a Special Exception – the merit of ADUs is not in question here, and should play no role in evaluating this application. Instead, such material would more appropriate for use at some future time, should the Planning Commission be tasked with evaluating such changes to the Unified Development Ordinance.

Let's stick with the process here. If allowed uses in PD-R or other zoning designations need to be changed, then let's do it the right way, by following the well-defined procedures to initiate, evaluate, and approve changes to the UDO.

Thank you for your time.



Theron P. Keller

From: [REDACTED]
To: [Planning](#)
Subject: [EXTERNAL] GPIN Number 7768-97-1948 for Property Address 1306 Graham Drive Fredericksburg Va 22401
Date: Wednesday, June 17, 2020 12:48:43 PM
Attachments: [image001.png](#)

To Whom it may concern,

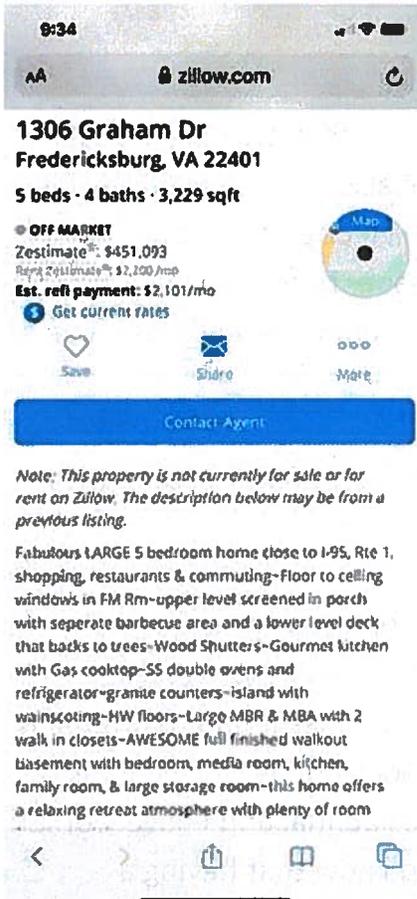
It was brought to my attention through a certified letter that my neighbor at 1306 Graham Drive in Idlewild was looking for a Special Exception from the City Code 72-42.5, Table of Common Accessory Uses, which does not list an "Accessory Dwelling Unit" as an allowed use. "Accessory Dwelling Unit" is defined in 72-84, Definitions. Granting this Special Exception would permit an accessory dwelling unit at 1306 Graham Drive.

After carefully reading the Issue Description from Ms. Terry Coley I come with the following rebuttal.

I have lived at 1401 Graham Drive for the past 15 years with my husband Charles S Hedrick which is directly across the street from 1306 Graham Drive. We originally moved to this community because of the amenities it had to offer and the fact that it was Governed by an Homeowners Association with FirstService Residential. I have been employed by FirstService Residential and I have worked in the Management industry for many years now and know that having a Homeowners Association is a benefit to a community of this size and caliber to maintain our property values and keep our residents in line with the HOA bylaws and guidelines.

With that being said, when Ryland built that home across the street it had an unfinished basement, the Taylor's, Jeff and Tonya bought that home and finished the basement with an office (not a bedroom) it has no egress window, a common area, a wet bar with a sink because Tonya was a hair dresser and wanted a space for her parents when they came to visit from Roanoke. The basement already had an exit door when it was built to follow the City Guidelines. When the house went on the market a Real Estate Agent marketed the home with a full finished walk out basement with a bedroom and a kitchen etc. as you can see in my attachment. In the other section of the listing it states:

Mother-in-Law Apartment. When prospected buyers were looking at the home of course they saw this as an opportunity to rent this out which is what Terry Coley has done from day one (1).



I have watched people come and go from that home for the past 7 years that Ms. Coley has owned it. How do I know this you are probably wondering because I can see everything that happens across the street. This home has a front loading garage and my home has a rear loading garage in the alleyway. Because of the way the homes sit on our street the parking has been an issue since day one. In front of my home is a fire hydrant and a mailbox (no one can park there) and across the street at 1306 Graham and 1400 Graham there is a small street area for extra cars. For almost 2 years a gentleman had 3 cars that he parked along the street and lived in Ms. Coley's basement. I met him doing yardwork, he would stop and talk as he walked to his 1 of 3 cars in front of my home and would share how his family that lived out of state. Well he moved out and then another couple moved in. This couple owned 2 vehicles and had a small daughter that lived in the basement. They would come from the rear of

the home and walk through the side yard to the vehicles that were parked along the road in front of Ms. Coley's house. They then moved out and then another woman moved in named Lisa Warren. This was the wife of Rodney Warren who lived down the street. Mr. Warren was renting a home at 1205 Graham Drive down the street with his wife Lisa Warren. He was my mechanic I knew him well. His landlord wanted to sell, so The Warrens had to move. They were having some marital issues and decided to split, so Lisa the wife moved into Terry Coley's home at 1306 Graham Drive and rented her basement. As you will see with another attachment, a Death Certificate of Ms. Lisa Warren who passed away while living in my Coley's basement a year ago in May. I am sorry for the loss.

Since then, I have watched cars come and go, different people all the time walking up the side yard of this home into the basement. I have watched cars pull into the driveway and unpack suitcases and clothing and boxes, I have seen U hauls pull out front and unload beds and furniture on many occasions. It has been a revolving cycle since day 1 of people coming and going into this home.

documents describe this home to be.

I sent a complaint to our Property Manager on June 5th, 2020 about the parking on the street prior to knowing anything about this Hearing for Ms. Coley and her basement exception. My concern is if every home who has this so-called basement apartment has a sublease then this adds more vehicles to our roads, more wear and tear on our streets. Our bylaws state in Section 11 under leases which is for Owners to rent their homes, not owners to sublease space in there Single Family Dwelling the following:

Section 11. Leases. No Owner of a Lot or Dwelling Unit shall lease to another any such Lot or part thereof or any such Dwelling Unit unless such lease shall be in writing for an initial term of not less than twelve (12) months and shall expressly provide that the terms of such lease shall be subject in all respects to the provisions of this Declaration and

Page 18

1. 33

the Articles of Incorporation, Bylaws and rules and regulations of the Association, and that any failure by the lessee to comply with the terms of such documents shall be a default under such lease.

If the exception is granted to Ms. Coley, that means she can sublease her basement, rent rooms in her 5 bedroom home and maybe even make her home an Air BNB. If you allow Ms. Coley an exception to add a range/oven in her basement so called kitchenette then all homes in this community will be doing the same.

Say that the basement is for her so-called 76 year old mother, what happens when she is deceased and the exception is in place she can then rent to whomever she pleases?

This is not what we people who bought our homes in Idlewild signed up for. We do not want owners renting out rooms like a boarding house. We do not want our basements rented out to perfect strangers, the in-law suites were meant for family members and family members only who share the common areas of the

home like your kitchen and not have your own range/oven in the basement. I would think that this would also be a fire hazard.

Will an Insurance company even cover this situation in a single family dwelling unit? We need to hold our homeowners accountable to the rules and regulations set in place by a Homeowners Association and an elected Board representing our communities.

Why does a homeowner have the right to ask our City for an Exception to rules put in place by governing HOA documents?

Kindly,

Teri Hedrick

ACTIVITIES DIRECTOR & RESIDENT LIFESTYLE COORDINATOR

1201 Ashford Circle Fredericksburg, VA 22401

540.370.1000 | silvercollection.com | [REDACTED]

PEGASUS RESIDENTIAL | *we help people find* **HOME**



**Cowan Station – Commercial / Office Park
CPA2020-02, RZ2020-03, VAC2020-01**

Introduction:

1. Existing Conditions.
2. Comprehensive Plan Amendment
3. Proposed Zoning Map Amendment:
 - a. Existing and Proposed Zoning
 - b. General Development Plan
 - c. Proffer Statement
 - d. Vacation of Right-of-Way
4. Potential impacts / mitigation
5. Next Steps / Recommendation

1. Existing Conditions –



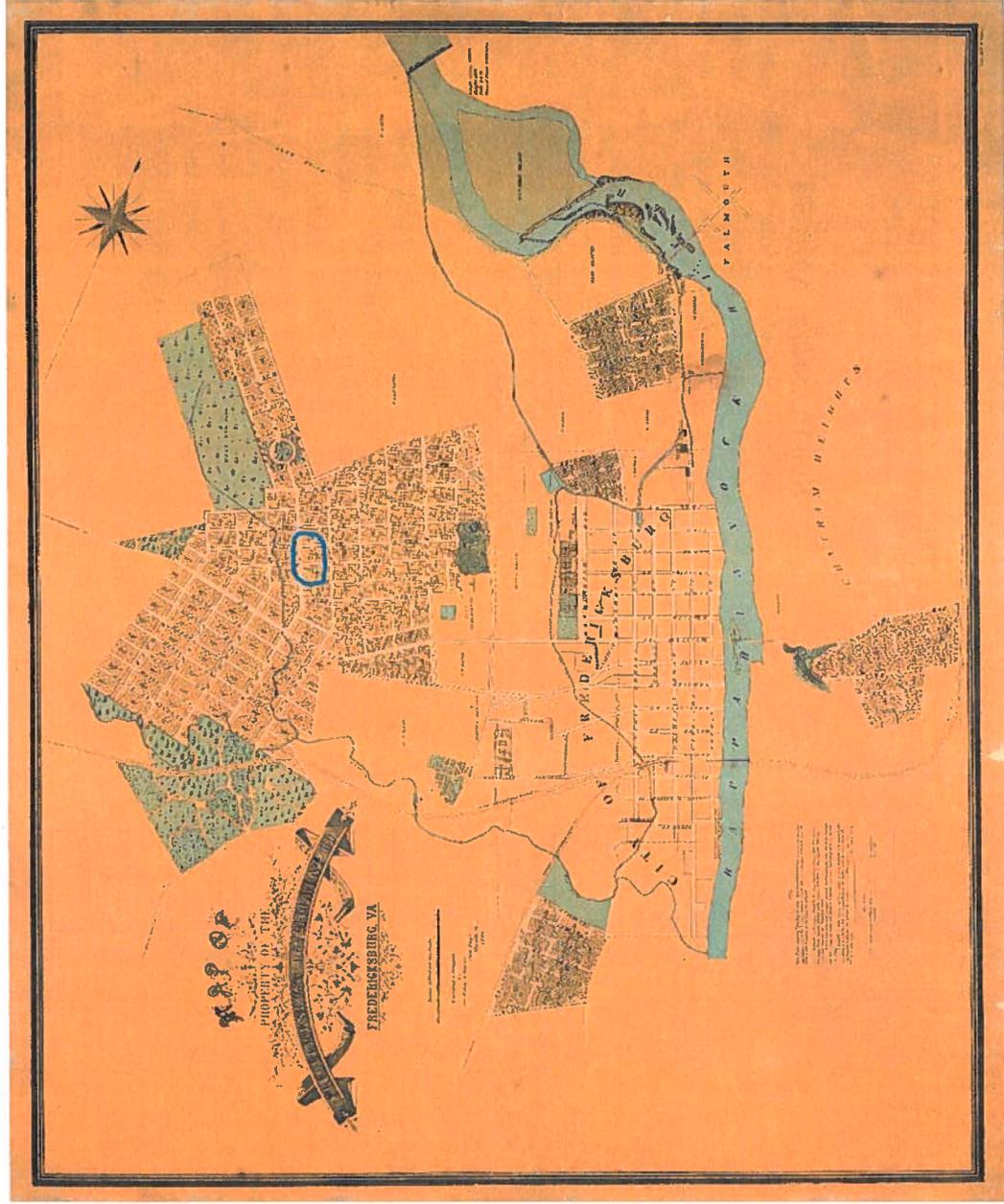
- 50 GPINs totaling 9.37 acres.
- Includes vacant mobile home park and adjacent areas.
- Access by Spotsylvania Avenue. Spotsylvania Avenue is a substandard roadway.
- Dandridge Street is an existing substandard access serving vacant mobile homes.

1. Existing Conditions –

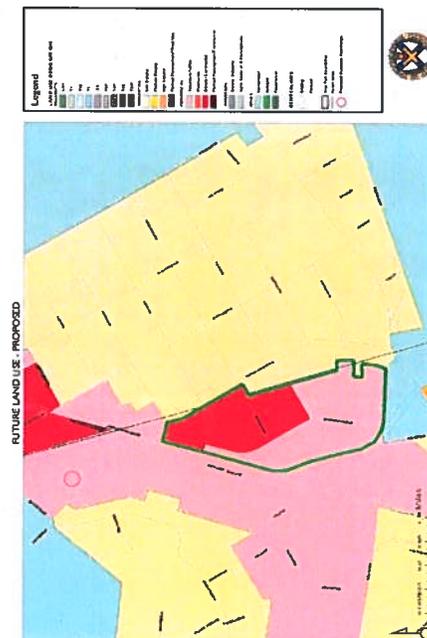
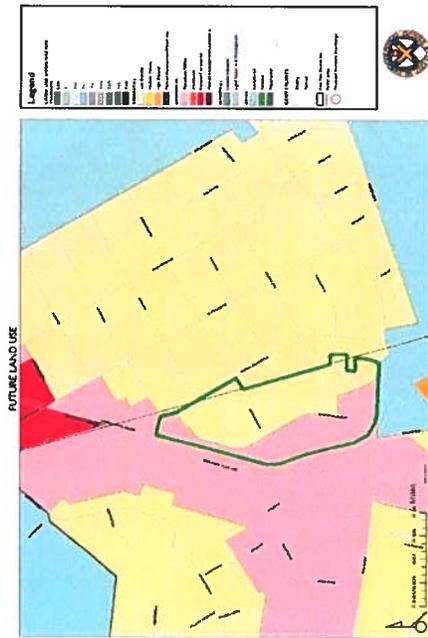


- Smith Run and associated RPA borders the site to the south west.
- Eastern stream and impacted RPA borders the site to the east. Impacts to the existing RPA include existing pavement and mobile homes and the Dominion Power transmission Easement.
- 180 foot wide Dominion Power Transmission Easement separates the site from College Heights.

1. Existing Conditions –



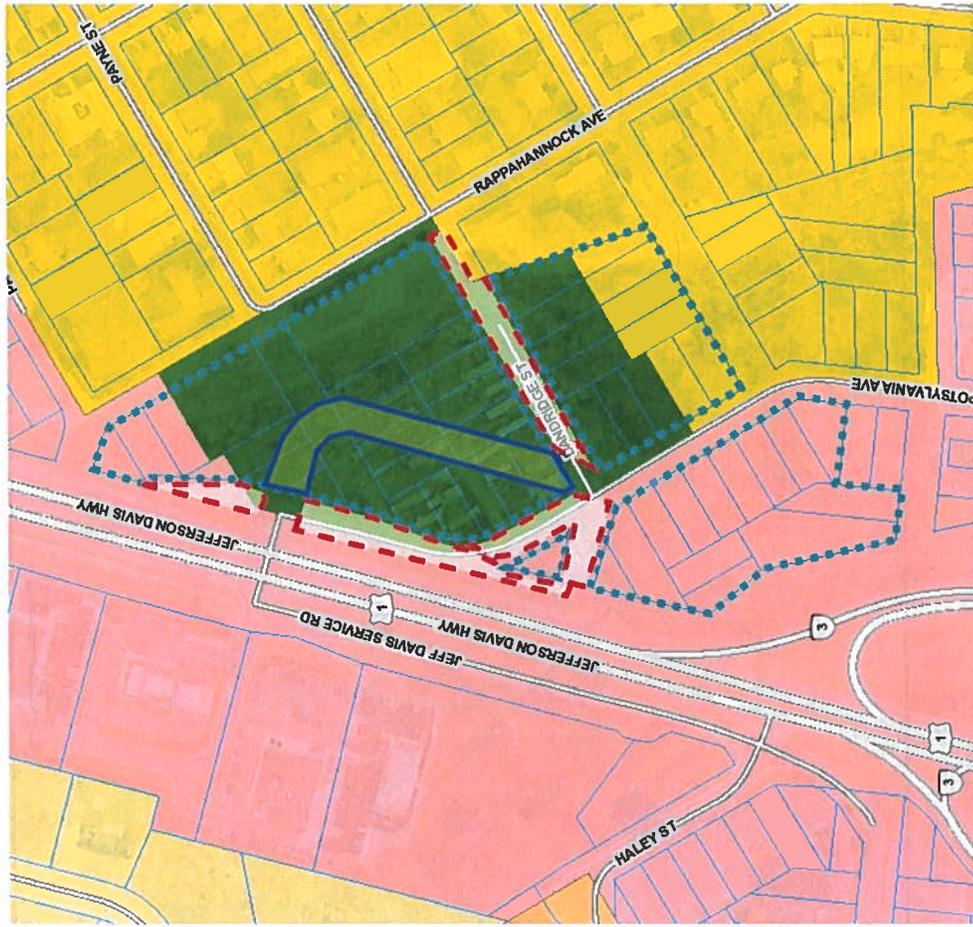
2. Comprehensive Plan Amendment –



SUB PLANNING AREA 5B

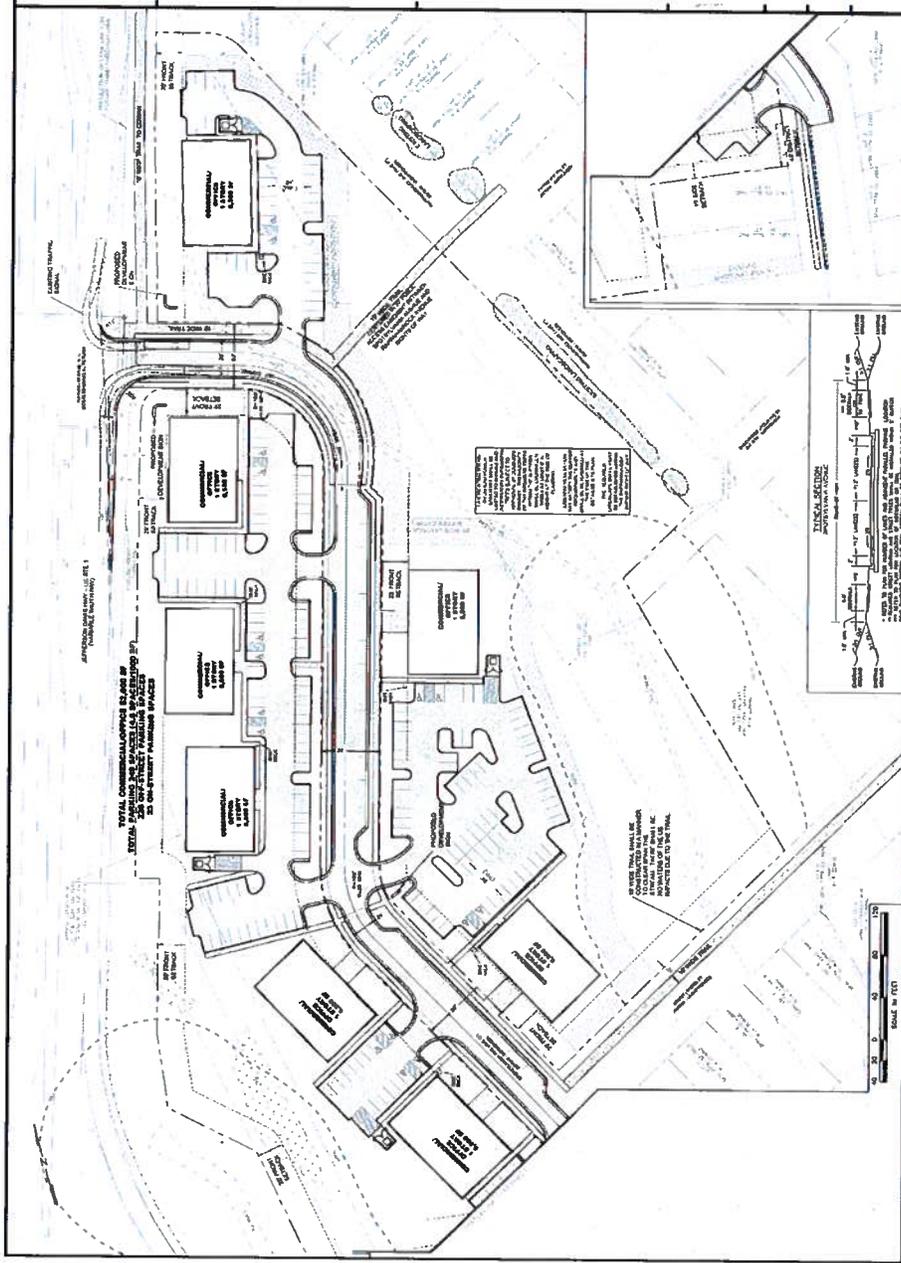
The northeast quadrant of the intersection of State Route 3 and U.S. Route 1 exists currently as a remnant of the original Fredericksburg Development Company's platting with an assemblage of uses. Natural features and the Dominion Transmission Line functionally separate this area from the College Heights Neighborhood. The original configuration of streets and small lots is no longer practical particularly given the proximity to U.S. Route 1 and disconnection from College Heights. The existing layout, including vestiges of undeveloped rights-of-way, could be reassembled to support future evolution of the site. This area is uniquely positioned near major roadways, regional transit, and two major institutional anchors and could provide space for commercial and office activity. Serving as a walkable center, future development should link neighborhoods and local goods and services. A cohesive redevelopment could provide new uses where appropriate buffering ensures minimal effect to the adjoining neighborhood. To ensure this sensitivity, automobile centered uses and activities should only be considered under special review.

3. Proposed Zoning Map Amendment – Existing and Proposed Zoning



- Existing zoning consists of:
 - Residential-Mobile Home (Green);
 - Commercial Transitional / Office (Pink);
 - Residential – 4 (Yellow).
- Proposed zoning is Commercial – Highway with proffered conditions.

3. Proposed Zoning Map Amendment – General Development Plan

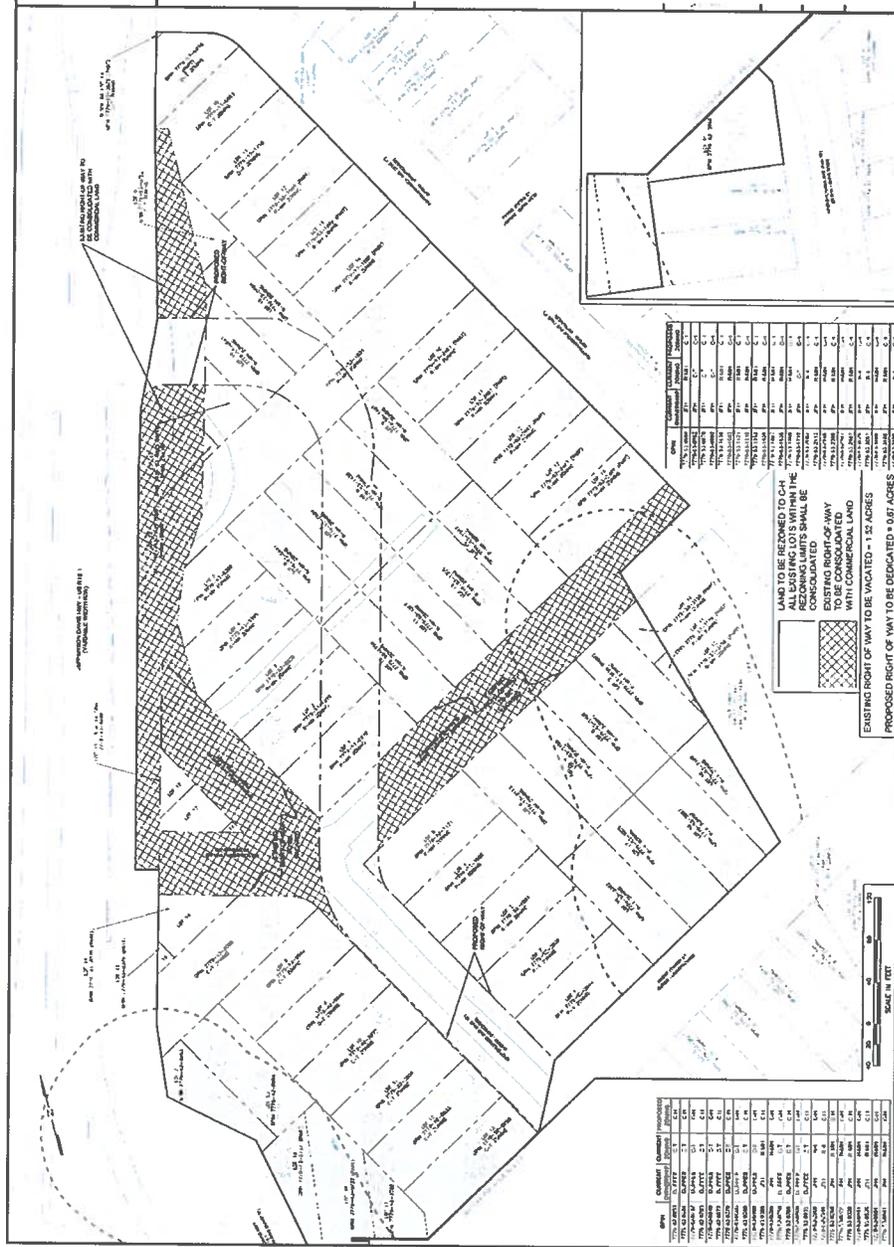


- **52,000 square feet of commercial / office space.**
- **8 – 1 story 6,500 square foot buildings.**
- **No residential.**
- **Re-alignment and reconstruction of Spotsylvania Avenue.**
- **Construction of sidewalk network and off-site trails to connect project into the remainder of the network.**

3. Proposed Zoning Map Amendment – Proffer Statement

- **Proffer 1:** Conformance with the General Development Plan.
- **Proffer 2:** Prohibition of establishments, automotive sales and rental (both small and large), automotive service, automobile towing and impoundment, and fast food restaurants.
- **Proffer 3:** Requires a special use permit for any future drive-through.
- **Proffer 4:** Motor vehicle access to College Heights residential neighborhood prohibited.
- **Proffer 5:** Applicant to construct off-site trails from Payne Street, Brent Street, and the Cowan Trail along US Route 1.
- **Proffer 6:** Enhanced Type D Buffer separating the neighborhood from the project.
- **Proffer 7:** Screening of service utilities from US Route 1 and building material standards.

3. Proposed Zoning Map Amendment – Vacation of Right-of-Way



- 0.85 acre net vacation of right-of-way.
- 1.52 acre vacation.
- 0.65 acre rededication of Spotsylvania Avenue right-of-way.

4. Potential Impacts and Proposed Mitigation

- **Access and mobility:**
 - No automobile connection to College Heights.
 - Reconstruction of Spotsylvania Avenue.
 - Pedestrian network – creation and linkages.
- **Environmental:**
 - Previously proposed encroachment into Resource Protection Area --- REMOVED after discussion with the Applicant.
 - Impacts to existing tree canopy.
- **Intensity of Use:**
 - Proffer statement prohibits high impact uses.
 - Proffer statement provides for enhanced buffering.
 - Proffer statement requires building material standards.

5. Next Steps / Recommendation

In accordance with the established e-meeting policies, the Planning Commission continue this item until the June 24th meeting. At that meeting, the Planning Commission should:

- Recommend to the City Council that the Comprehensive Plan be amended to reflect this change in land use vision.
- Determine that the vacation of portions of Spotsylvania Avenue and Dandridge Street right-of-ways are in conformance with the Comprehensive Plan in accordance with Virginia Code § 15.2-2232.
- Recommend approval of the proposed zoning map amendment of 50 GPINs from Residential Mobile Home, Residential 4, and Commercial / Transitional Office to Commercial Highway in accordance with the General Development Plan and Proffer Statement.

Planning Commission Meeting
Wednesday, June 17, 2020

ATT. 6

Cowan Station Rezoning

The Board of Directors of the College Heights Civic Association (CHCA) met with Mr. Jeh Hicks of J Jarrell Properties at its July 17, 2019, board meeting. At that meeting, Mr. Hicks provided us with his company's initial proposal, with artist renderings, of what the Cowan Station project would entail and he carefully listened to the concerns of the board as to what types of businesses would be allowed to operate in the development and to the board's adamant objection to allowing any vehicular traffic from Rte 1 and/or the development to be directed into the College Heights neighborhood.

Since that meeting, it is our understanding that Jarrell Properties has been working with the city's Planning Department to come up with the plan currently proposed and now under discussion.

The CHCA Board of Directors has reviewed the current proffers and maps of the proposed Cowan Station project and has some questions and concerns about the project. While it is very similar to the initial proposal, there are some differences.

The initial proposal showed 6 separate buildings in the office park complex along Spotsylvania Ave. with 227 parking spaces. The current proposal shows that Spotsylvania Ave will be repositioned for better traffic flow through the development and for better alignment where it intersects with Rte 1. While we have no concerns about the road realignment, there are now 2 additional buildings proposed, bringing the total to 8, with 228 off-street and 23 on-street parking spaces. Are an additional net total of 24 spaces adequate for the extra 2 buildings?

Proffers #4 states "there will be no direct motor vehicle access from Cowan Station to the College Heights residential neighborhood". We need to have clarification that there will be no motor vehicle traffic, direct or indirect, from Cowan Station and/or Rte 1 into the College Heights neighborhood, now or in the future, especially if the property north or south of Cowan Station were to be developed.

The initial proposal showed one walking trail from Spotsylvania Ave. through the office complex and into the neighborhood, emerging on Dandridge St. The current proposal shows 2 walking trails, one emerging at Payne St. and the other at Brent St. Why the need for 2 trails? There is concern that, should the parking lots become full, patrons of the office complex could park along Rappahannock Ave., where there is currently no Residential Permit Parking, and utilize the walking trail to access the parking lots. In addition, a trail emerging at Brent St. has the potential of adversely affecting the owners of 1212 and 1300 Rappahannock Ave with the trail being basically in their side yards. The trail emerging at Payne St., should there be a need for a trail at all, makes more sense as there are no houses to be impacted on the west side of Rappahannock Ave. at that intersection.

Have the owners of 1212 and 1300 Rappahannock Ave. been notified of the proposed trail that would run between their two properties and what are their responses?

Will the trails be maintained by the city? What assurances are there that trash and waste that could be generated by users would be promptly removed?

Proffer 6 states that a buffer of evergreen trees will be planted between the complex and the neighborhood. Who would be responsible for maintaining the buffer, the city, the developer or Dominion Power, especially since there is a Dominion Power easement nearby?

The CHCA Board appreciates the efforts of the Jarrell Companies and the city's Planning Department to minimize the impact of the development on the College Heights neighborhood and we look forward to having our neighborhood's concerns and questions addressed.

Submitted respectfully on behalf of the CHCA Board of Directors,

Meredith Beckett
President, College Heights Civic Association

Cathryn A. Eckles

ATT. 11

From: Meredith Beckett [REDACTED]
Sent: Wednesday, June 10, 2020 2:07 PM
To: Timothy P. Duffy
Cc: Planning; Diane Clark; Ted Clark; John Nere; Dennis Lister; Cat Paccasassi; Ellen Brown; Sue Sargeant; Rachel Sargeant
Subject: [EXTERNAL] Re: Cowan Station

CHCA would definitely support the renaming of Spotsylvania Ave. to a road named in honor of Clyde Matthews. It would be a great tribute to a man who did so much for College Heights and for the entire city. I'm not sure who would have the authority to approve the renaming, should it be considered. Council, Planning Commission, VDOT?

That being said, would a renaming affect some of the businesses along that road? To the best of my knowledge, they all currently have Olde William St. addresses so I'm assuming that the current Spotsylvania Ave. is only that portion of the road that runs along where the office park will be located and only that portion would be in consideration for a name change?

Thanks,

Meredith

On Tue, Jun 9, 2020 at 4:51 PM Timothy P. Duffy <tpduffy@fredericksburgva.gov> wrote:

Regarding the Cowan Station development, I note that early on in discussions with Mr. Hicks, he seemed supportive of the plan to rename Spotsylvania Ave. after a long-time neighborhood resident and civic leader, Clyde Matthews. During my most recent conversation with Mr. Hicks several months ago, he seemed unenthusiastic about the idea. I hope that this proposal can be a part of the plan.

Tim

Tim Duffy
Fredericksburg City Council, Ward 3
571-402-9485

From: nelson Sargeant [REDACTED]
Sent: Wednesday, June 10, 2020 3:14 PM
To: Timothy P. Duffy; Meredith Beckett
Cc: Planning; Diane Clark; Ted Clark; John Nere; Dennis Lister; Cat Paccasassi; Ellen Brown; Rachel Sargeant
Subject: [EXTERNAL] Re: Cowan Station

Renaming Spotsy Ave for Clyde is awesome. wow!

On Wednesday, June 10, 2020, 02:07:34 PM EDT, Meredith Beckett <mbeckett492@gmail.com> wrote:

CHCA would definitely support the renaming of Spotsylvania Ave. to a road named in honor of Clyde Matthews. It would be a great tribute to a man who did so much for College Heights and for the entire city. I'm not sure who would have the authority to approve the renaming, should it be considered. Council, Planning Commission, VDOT?

That being said, would a renaming affect some of the businesses along that road? To the best of my knowledge, they all currently have Olde William St. addresses so I'm assuming that the current Spotsylvania Ave. is only that portion of the road that runs along where the office park will be located and only that portion would be in consideration for a name change?

Thanks,

Meredith

On Tue, Jun 9, 2020 at 4:51 PM Timothy P. Duffy <tpduffy@fredericksburgva.gov> wrote:

Regarding the Cowan Station development, I note that early on in discussions with Mr. Hicks, he seemed supportive of the plan to rename Spotsylvania Ave. after a long-time neighborhood resident and civic leader, Clyde Matthews. During my most recent conversation with Mr. Hicks several months ago, he seemed unenthusiastic about the idea. I hope that this proposal can be a part of the plan.

Tim

Tim Duffy
Fredericksburg City Council, Ward 3
571-402-9485