

**MEMORANDUM**

**TO:** Timothy J. Baroody, City Manager  
**FROM:** James Newman, Zoning Administrator  
**DATE:** September 17<sup>th</sup>, 2020 for the September 22<sup>nd</sup> Council Meeting  
**RE:** **SE 2020-04: Haven for Heroes Inc.** requests a Special Exception from City Code §72-40.2, Use Table, to permit a duplex at 315/317 McKinney Street/GPIN 7788-18-9981.

**ISSUE**

Proposed special exception request is to permit a former duplex to be renovated into a duplex.



**PROPOSED SPECIAL EXCEPTION REQUEST**

The applicant seeks an exception to Code §72-40.2, Use Table, which does not list ‘Dwelling, Duplex’ as an allowed use. ‘Dwelling, Duplex’ is defined in §72-84, Definitions. Granting this Special Exception would permit a duplex at 315/317 McKinney Street/GPIN 7788-18-9981.

**RECOMMENDATION**

Recommend to the City Council approval of the Special Exception subject to the following conditions:

1. Prior to occupancy the three lots must be consolidated to make the structure conform to the Unified Development Ordinance;
2. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months.

## **GENERAL BACKGROUND**

The applicant wishes to renovate a dilapidated duplex to make it habitable. The property is zoned R4, and a duplex is not a permitted use in the R4 Zoning District. The use is **not** legally non-conforming as the structure has not been inhabited for over two years.

City Code §72-82.4 defines a “**Dwelling, Duplex**” as

*A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall. Each dwelling unit may be located on its own lot, or both may be located on a single lot.*

The structure is a duplex. The house dates to 1949, is 1,426 sq. ft. in area, and is one story with a basement below. The structure is split down the middle, with two separate entrances for each unit. The applicant proposes to remodel the building and split the units horizontally, with one unit in the basement and the other unit on the main floor. Each unit would have its own utility hookup.

The applicant is ‘Haven For Heros’. It works to provide affordable housing for veterans and their families. The applicant proposes to use this duplex for affordable housing for low income veterans.

While the applicant has chosen to pursue this special exception as a way to provide affordable housing, approval should be granted regardless. The property was historically used as a duplex. There are eight duplexes in the surrounding neighborhood and they serve as a source of naturally occurring affordable housing. The approval of the exception would maintain the historic variety of missing-middle housing options available in the neighborhood and approval would lead to the renovation of a visually blighted structure. Should the property owner desire to make this housing opportunity available for veterans exiting homelessness, it is recommended that he connect with the Fredericksburg Regional Continuum of Care’s [Stable Homes Partnership](#).

## **PLANNING COMMISSION**

The Planning Commission heard this item at their public hearing on September 9, 2020. There was one public comment at the meeting, from a citizen who wanted assurances that the future tenants for the duplex would not be a nuisance.

The applicant explained that tenants for their program must meet Haven for Hero’s financial hardship criteria, and that their main focus as an organization is providing housing for veterans that qualify under Federal Housing and Urban Development (HUD) guidelines for low and very low income standards, those who are recently unemployed and in poverty, and those suffering from extreme hardships. The focus is on providing housing for low income veterans, not persons suffering from substance abuse, mental health issues, or other hardship factors.

The Commission asked if any blight abatement actions had been taken by the City. Per the Property Maintenance Official, the property owner and applicant have worked with the City to abate violations before they rise to a level where the City is required to take action.

The Commission asked if the Dept. of Veterans Affairs (VA) would do a livability check on the property prior to occupancy by tenants. The applicant stated that such a check would be performed.

The Planning Commission discussed the need for a condition to provide affordable housing. Such a condition would hold the developer to their promise to provide affordable housing, but would run with the land and potentially burden future owners of the property.

The Commission voted on September 17 6-0 (1 absent) to recommend **approval** subject to conditions.

## **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 Residential-4 (R4) Zoning District is:

*“established to provide for single-family detached dwellings in both developed and undeveloped areas of the City at densities of up to four units per acre. The district also allows selected uses which are compatible with the medium density residential character of the district and to implement the stated purposes and intent of the Comprehensive Plan. Cluster-style development configured in accordance with the standards in § 72-51.4, Cluster subdivisions, is permitted.”*

The applicant seeks to rehabilitate a vacant duplex to make it habitable. The property is composed of three lots, which could result in 3 new units with a density of 17 units per acre. Renovating the existing duplex would result in a density of 11 units per acre. As a condition of approval, the lots should be combined to bring the property more into conformance with City Code requirements. Consolidating the lots would maintain the two units while reducing the overall density of the lot to the existing 11 units an acre.

### ***2. Conformance with the Comprehensive Plan***

The property lies within Land Use Planning Area 8: Dixon Street/Mayfield. The Future Land Use map identifies this area as Low Density Residential. This category states: *“Residential development at four units per acre is generally a conventional subdivision. Some parts of the City are zoned for two units per acre, but these districts are typically rezoned to a higher density so that can be developed in a manner more appropriate to an urban location. Where the land has historic resources and/or attractive natural features, the City encourages innovative layouts and clustering, to retain attractive open space and to protect sensitive lands.”*

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 1. Neighborhood Character

*“Preserve the character of the City’s neighborhoods, by respecting and maintaining their functional design (sidewalks, alleys, street trees, etc.)”*

##### 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 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. If approved, work would be required to be performed in accordance with all Building Code requirements, which requires that there must be a complete 1-hour fire separation between units and all supporting construction of the 1-hour horizontal fire separation assembly must be equally fire rated. Egress from the basement unit is possible via the rear door at the basement ground level and via the windows, which meet current Building Code requirements to be emergency egress points.

**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. Approval will allow for the rehabilitation of a vacant, dilapidated structure, and provide housing choice.

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

The property was developed as duplex in 1949. It was inhabited until 2013. The applicant proposes to restore the structure to its historic use.

**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 current structure is vacant and blighted, having a negative impact on the aesthesis of the community. Approval would permit a duplex built to current Building Code requirements, and would eliminate blight. There are eight other duplexes in the neighborhood; approval would not lead to a

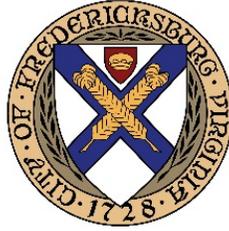
standalone situation. Rehabilitating the structure would keep the number of dwelling units that already exist on site. If the structure was torn down, three dwelling units could be placed on the property.

### **CONCLUSION**

This is a proposal for a special exception to reestablish a duplex use in a structure originally designed and built for that purpose. The use is compatible with the surrounding neighborhood and meets the goals of the Comprehensive Plan. The Planning Commission voted to recommend **approval** to City Council.

### **ATTACHMENTS**

1. Resolution
2. Application



September 22, 2020  
Regular Meeting  
Resolution 20-\_\_

**MOTION:**

**SECOND:**

**RE: Granting a Special Exception to Permit a Duplex Dwelling at 315/317  
McKinney Street**

**ACTION: APPROVED: Ayes: 0; Nays: 0**

Haven for Heros, Inc. has applied for a special exception to permit a duplex dwelling at 315/317 McKinney Street, GPIN #7788-18-9981. The property is situated at the intersection of McKinney Street and King Street in the Mayfield neighborhood, and it is zoned R-4 Residential.

The proposed special exception would permit the applicant to renovate an existing dilapidated structure, which was historically used as a duplex, into a duplex configuration. The primary structure is a 1,426 square-foot one-story duplex with a basement. It is currently split by a vertical wall through the center of the structure, with two separate entrances on the main floor, one for each unit. The proposed renovation would split the units horizontally, with one unit in the basement and the other on the main floor.

The R4 zoning district does not permit a duplex dwelling as a permitted use. However, this particular neighborhood features a variety of housing types, including duplexes, and the proposed renovation would rehabilitate a visually blighted structure and restore the property to its historic use.

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 315/317 McKinney Street from Fredericksburg City Code Section 72-40.2, to permit a duplex in the R4 Zoning District.
- The special exception is subject to the following conditions:
  1. Prior to occupancy, the three existing lots shall be consolidated to make the structure conform to the Unified Development Ordinance.

2. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

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***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 \_\_\_\_\_, 2020, at which a quorum was present and voted.*

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***Tonya B. Lacey, MMC***  
***Clerk of Council***



Application #SE: 2020-04  
Date: 7.1.20  
Fee/Check#: CX 1016 \$900  
**\$750.00 + \$150.00 Per Acre**

## APPLICATION SPECIAL EXCEPTION

**APPLICANT**

NAME: Haven For Heros INC (Barzel Mckinney)

MAILING ADDRESS: 2217 Princess Anne St, Suite 106-1L, Fredericksburg, VA 22401

TELEPHONE: 540-479-1044 E-MAIL: barzel@haven4heros.org

THE UNDERSIGNED HEREBY APPLIES FOR AN EXCEPTION FOR: Duplex use in the R4 zoning district.

**THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:**

Property Location 315/317 Mckinney St, Fredericksburg, VA 22401

Property Owned By Bobby L. Smith

Owner's Mailing Address 616 Spottswood, St, Fredericksburg, VA 22401

Proposed Use of Property (*be specific*) To be renovated and used as a modern duplex for the purpose of providing affordable housing for low income veterans and their families.

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

Anticipated Number of Patrons or Clients 8

Description of the development's impact on neighboring and adjacent properties, please be specific (attach additional sheet if necessary): The neighboring and adjacent properties would benefit from the upgrade of having a blighted eye soar of a property enhance the community and increase other property values. this request would be consisent with the Cities comprehensive plan to increase affordable housing units and to help our fellow veterans. The home is currently a duplex and was previously zoned in R4, the current footprint would not change. This exception in consistent with the principles f zoning and good zoning practice.

(Application Continued)

**Criteria for a Special Exception: Use Separate Sheets for Explanations and be Specific and Thorough.**

Whether the grant of the special exception is consistent with the City's Comprehensive Plan;

1. Whether the special exception is consistent with the goals, purposes and objectives of the City's zoning ordinance;
2. Whether there has been a sufficient period of time for investigation and community planning with respect to the application;
3. Whether the special exception is 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;
4. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual;
5. Whether the applicant has demonstrated that its application meets all these criteria;

*I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.*

*Barzel b. McKinney*  
Signature of Applicant

06/22/2020  
Date

PRINT NAME OF APPLICANT Barzel b. McKinney, President of Haven For Heros Inc

The above oath or affirmation was signed before me and witnessed by me this 22<sup>nd</sup> day of JUNE, 2020 in the County/City of Fredericksburg in the state of Virginia.

Notary Signature *Rebecca Jane Easterling*

Notary Registration # 7546298 Commission Expires 08/31/2021

*Bobbie L. Smith, Sr.*  
Signature of Owner Date

PRINT NAME OF OWNER Bobbie L. Smith, Sr.

The above oath or affirmation was signed before me and witnessed by me this 22<sup>nd</sup> day of JUNE, 2020 in the County/City of Fredericksburg in the state of Virginia.

Notary Signature *Rebecca Jane Easterling*

Notary Registration # 7546298 Commission expires 08/31/2021

REBECCA JANE EASTERLING  
NOTARY PUBLIC  
REG. #7546298  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES AUG. 31, 2021

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**OWNERSHIP**

**Applicant is (Circle One):**

Property Owner

Agent of Owner

Lessee

Property Purchaser

Other

**If 'Other', describe:**

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**Source of Property Title / Instrument #:**

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**If Property is owned by a Limited Liability Corporation (LLC):**

1. Attach a "Certificate of Fact of Existence" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the LLC (add additional sheets if needed):

N/A

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**OR**

**If Property is owned by a Corporation (Inc.):**

1. Attach a "Certificate of Good Standing" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the corporation (add additional sheets if needed):

N/A

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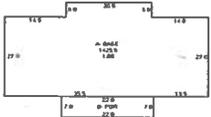
# Fredericksburg, Virginia

**GPIN**  
7788-18-9981

**Property Address**  
315 MCKINNEY ST

**Record #**  
3307

## General

<b>Owner's Name:</b>	SMITH BOBBIE L	<b>Site Information</b>		 
<b>Mailing Address:</b>	616 SPOTTSWOOD ST FREDERICKSBURG, VA 22401	<b>Acres:</b>	0.00000000	
<b>Description:</b>	LTS 56-58 BL 178-38-L56	<b>Zoning :</b>	R4	
	315 317 MCKINNEY ST	<b>Terrain Type:</b>	On	
		<b>Terrain Character:</b>	Open	
		<b>Right of Way:</b>	Public	
		<b>Easements:</b>	Paved	
		<b>Other Description:</b>	LOT: 75 X 105	

## Details

<b>Size in Sq. Ft.:</b>	1,426		
<b>Value:</b>	\$77,400.00		
<b>Exterior Information</b>		<b>Interior Information</b>	
<b>Year Built:</b>	1949	<b># of Rooms:</b>	8
<b>Occupancy:</b>	Dwelling	<b># of Bedrooms:</b>	4
<b>Foundation:</b>	Concrete	<b>Full Bathrooms:</b>	2
<b># of Stories:</b>	1.0	<b>Half Bathrooms:</b>	0
<b>Ext. Walls:</b>	Brick	<b>Floors:</b>	Wood, Carpet
<b>Roofing:</b>	Comp Shg	<b>Fireplaces:</b>	0
<b>Roof Type:</b>	Hip	<b>Stacked Fireplaces:</b>	0
<b>Garage:</b>	None	<b>Flues:</b>	0
<b>Garage - # Of Cars:</b>	0	<b>Metal Flues:</b>	0
<b>Built-In Garage - # Of Cars:</b>	0	<b>Stacked Flues:</b>	0
<b>Carpport:</b>	None	<b>Inoperable Flues/Fireplaces:</b>	0
<b>Carpport - # Of Cars:</b>	0	<b>Gas Log Fireplaces:</b>	0
		<b>Total SqFt:</b>	1,426
		<b>Basement Type:</b>	Full
		<b>Basement SqFT:</b>	0
		<b>Finished Basement SqFt:</b>	0
		<b>Interior Walls:</b>	Plaster
		<b>Heating:</b>	Forced Air
		<b>A/C:</b>	No
		<b>Utilities</b>	
		<b>Water:</b>	Public
		<b>Sewer:</b>	Public
		<b>Electric:</b>	Yes
		<b>Gas:</b>	Yes
		<b>Fuel Type:</b>	Gas

**Assessments**

Improvements Details				Assessment Year:	2016	
				Building Value:	\$14,912	
				Total Other Improvements:	\$0	
				Total Land Value:	\$62,500	
				Rounded Taxable Value:	\$77,400	
				Percent Complete:		
				Assessment Neighbourhood:	3 - MAYFIELD RESIDENTIAL	
Total Other Improvements Value:						
\$						
Description	Size in Acres	Lump Sum/Per Acres	Unit Value	Adj	Utility Value	Acreage Value
Other		Lump Sum	\$62,500	.00%	0	62,500
Total Value:						
\$77,412						

**Ownership**

Current Ownership Details							
Name	Sale Date	Sale Price	Instrument	Plat Book/Page	Deed Book/Page	Will Book/Page	Grantor
SMITH BOBBIE L	1/1/1979	\$17,500.00			171 / 657		
Previous Ownership Details							
Name	Sale Date	Sale Price	Instrument	Deed Book/Page	Will Book/Page	Grantor	

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				Rounded Taxable Value:	\$77,400	
				Percent Complete:		
				Assessment Neighbourhood:	3 - MAYFIELD RESIDENTIAL	
Total Other Improvements Value:						
S						
Description	Size in Acres	Lump Sum/Per Acres	Unit Value	Adj	Utility Value	Acreage Value
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Previous Ownership Details							
Name	Sale Date	Sale Price	Instrument	Deed Book/Page	Will Book/Page	Grantor	

# Fredericksburg, Virginia

**GPIN**  
7788-18-9981

**Property Address**  
315 MCKINNEY ST

**Record #**  
3307

## General

<b>Owner's Name:</b>	SMITH BOBBIE L	<b>Site Information</b>	
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<b>Description:</b>	LTS 56-58 BL 178-38-L56	<b>Zoning :</b>	R4
	315 317 MCKINNEY ST	<b>Terrain Type:</b>	On
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		<b>Right of Way:</b>	Public
		<b>Easements:</b>	Paved
		<b>Other Description:</b>	LOT: 75 X 105



## Details

<b>Size in Sq. Ft.:</b>	1,426		
<b>Value:</b>	\$77,400.00		
<b>Exterior Information</b>	<b>Interior Information</b>	<b>Total SqFt:</b> 1,426	<b>Utilities</b>
<b>Year Built:</b> 1949	<b># of Rooms:</b> 8	<b>Basement Type:</b> Full	<b>Water:</b> Public
<b>Occupancy:</b> Dwelling	<b># of Bedrooms:</b> 4	<b>Basement SqFT:</b> 0	<b>Sewer:</b> Public
<b>Foundation:</b> Concrete	<b>Full Bathrooms:</b> 2	<b>Finished Basement SqFt:</b> 0	<b>Electric:</b> Yes
<b># of Stories:</b> 1.0	<b>Half Bathrooms:</b> 0	<b>Interior Walls:</b> Plaster	<b>Gas:</b> Yes
<b>Ext. Walls:</b> Brick	<b>Floors:</b> Wood, Carpet	<b>Heating:</b> Forced Air	<b>Fuel Type:</b> Gas
<b>Roofing:</b> Comp Shg	<b>Fireplaces:</b> 0	<b>A/C:</b> No	
<b>Roof Type:</b> Hip	<b>Stacked Fireplaces:</b> 0		
<b>Garage:</b> None	<b>Flues:</b> 0		
<b>Garage - # Of Cars:</b> 0	<b>Metal Flues:</b> 0		
<b>Built-In Garage - # Of Cars:</b> 0	<b>Stacked Flues:</b> 0		
<b>Carpport:</b> None	<b>Inoperable Flues/Fireplaces:</b> 0		
<b>Carpport - # Of Cars:</b> 0	<b>Gas Log Fireplaces:</b> 0		

**barzel.mckinney@gmail.com**

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**From:** Nick Feaster <nfeaster@jeswork.com>  
**Sent:** Tuesday, June 30, 2020 8:13 PM  
**To:** Barzel.mckinney@gmail.com  
**Subject:** Fw: 315 McKinney Street Fredericksburg, VA Inspection

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**From:** Nick Feaster  
**Sent:** Monday, June 29, 2020 10:49 PM  
**To:** info@havenforheroes.org <info@havenforheroes.org>  
**Subject:** 315 McKinney Street Fredericksburg, VA Inspection

Mr. McKinney,

Thanks again for having me out to review the foundation of this home, as discussed on site, structurally the building is actually in pretty good shape, the brick that was falling was just sitting on a surface footing (basically formed on top of the loose back fill soil, which settled) After the brick was demoed you can clearly see the foundation which did not appear to have any major issues and was actually down about 3-4' deeper to the footings, no signs of settlement on that. The inside joist have slight amounts of deflection (mostly from moisture and sitting empty for so long) but nothing is in danger of falling down other than the steps going to the front door which can easily be repaired.

It is my personal belief that this house will turn out great and should be able to be repaired. Just make sure to repair any rot as you come in and renovate before installation of siding.

Best of luck and don't hesitate to call if you have any questions.

**Nick Feaster**

Inspection Manager  
JES Foundation Repair

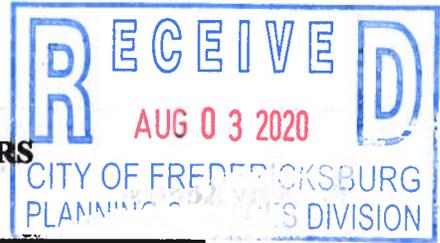
**Office:** 804-425-9912

**Cell:** : 757-435-3197

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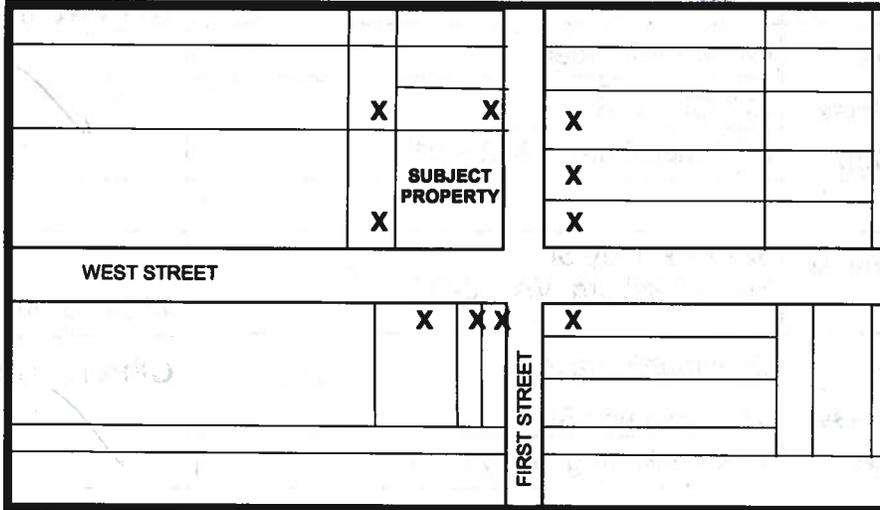
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**EXAMPLE DIAGRAM OF ADJOINING PROPERTY OWNERS**

**X = Property owners to be notified**



**PROPERTY OWNERS LIST**

315 Mckinney St, Fredericksburg, VA 22401

7788-18-9981

**SUBJECT ADDRESS**

**GPIN #**

Adjoining property owner names and addresses can be obtained by visiting the City website at [www.fredericksburgva.gov](http://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**

<b>Property Address</b>	318 Glover St, Fredericksburg VA 22401	7788-19-9032
<b>Owner Name</b>	Lucille B. Jackson	<b>GPIN NUMBER</b> ✓
<b>Mailing Address</b>	318 Glover St,	
<b>City, State, Zip</b>	Fredericksburg, VA 22401	

<b>Property Address</b>		
<b>Owner Name</b>		<b>GPIN NUMBER</b>
<b>Mailing Address</b>		
<b>City, State, Zip</b>		

<b>Property Address</b>	312 Glover St Fredericksburg, VA 22401	7788-29-0013
		<b>GPIN NUMBER</b>
<b>Owner Name</b>	William A Mercer	✓
<b>Mailing Address</b>	312 Glover St	
<b>City, State, Zip</b>	Fredericksburg, VA 22401	

<b>Property Address</b>	321 Mckinney St Fredericksburg, VA 22401	7788-18-9921
		<b>GPIN NUMBER</b>
<b>Owner Name</b>	Christopher Page	✓
<b>Mailing Address</b>	321 Mckinney St	
<b>City, State, Zip</b>	Fredericksburg, VA 22401	

<b>Property Address</b>	311 Mckinney St Fredericksburg, VA 22401	7788-28-0941
		<b>GPIN NUMBER</b>
<b>Owner Name</b>	3337 LLC	✓
<b>Mailing Address</b>	1003 Bragg Rd	
<b>City, State, Zip</b>	Fredericksburg, VA 22407	

<b>Property Address</b>	320 Mckinney St Fredericksburg, VA 22401	7788-18-8787
		<b>GPIN NUMBER</b>
<b>Owner Name</b>	Taylor Jennings and Audrey Young	✓
<b>Mailing Address</b>	10863 Harmel Dr.	
<b>City, State, Zip</b>	Columbia, MD 21044	

<b>Property Address</b>	314 Mckinney St Fredericksburg, VA 22401	7788-28-0768
		<b>GPIN NUMBER</b>
<b>Owner Name</b>	Carlos Calderon Hernandez	✓
<b>Mailing Address</b>	314 Mckinney St	
<b>City, State, Zip</b>	Fredericksburg, VA	



<b>Property Address</b>	308 Mckinney St Fredericksburg, VA 22401	7788-28-1725
<b>Owner Name</b>	Denise Armstead	<b>GPIN NUMBER</b>  /
<b>Mailing Address</b>	308 Mckinney St	
<b>City, State, Zip</b>	Fredericksburg, VA 22401	

<b>Property Address</b>		
<b>Owner Name</b>		<b>GPIN NUMBER</b>
<b>Mailing Address</b>		
<b>City, State, Zip</b>		

<b>Property Address</b>		
<b>Owner Name</b>		<b>GPIN NUMBER</b>
<b>Mailing Address</b>		
<b>City, State, Zip</b>		

<b>Property Address</b>		
<b>Owner Name</b>		<b>GPIN NUMBER</b>
<b>Mailing Address</b>		
<b>City, State, Zip</b>		

<b>Property Address</b>		
<b>Owner Name</b>		<b>GPIN NUMBER</b>
<b>Mailing Address</b>		
<b>City, State, Zip</b>		

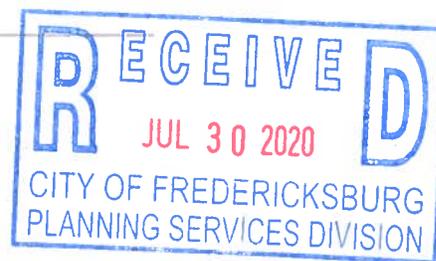
**ATTACH ADDITIONAL SHEETS IF NECESSARY**

**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**

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# Haven For Heros INC

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## Memorandum

To: City of Fredericksbur Planning Services Division  
715 Princess Anne St, Rm 209, P.O. Box 7447  
Fredericksburg, VA 22404

From: Barzel B. Mckiney (Haven For Heros INC)

CC: James Newman

Ref: 315/317 Mckinney St, Fredericksburg VA 22401(Special Exception Application)

Statement: No member of the City Council / 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.

BARZEL B. MCKINNEY

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# Haven For Heros INC

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## Memorandum

To: City of Fredericksburg Planning Services Division  
715 Princess Anne St, Rm 209, P.O. Box 7447  
Fredericksburg, VA 22404

From: Barzel B. Mckinney (Haven For Heros INC)

CC: James Newman

Ref: 315/317 Mckinney St, Fredericksburg VA 22401(Special Exception Application)

1. This request is consistent with the City's Comprehensive Plan Section II (Housing and Affordable Housing Page 7-6) providing safe/secure affordable housing.
2. Th request is consistent with the goals, purpose and standards of the City's UDO. 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
3. This development's impact on adjacent and neighboring properties would eliminate a long standing blighted property eyesore within the community, adding a new more modern and appealing residence within the community with new families adding value to existing adjacent property.
4. This request is consistent with the principles of the zoning and good zoning practice. The subject property was and currently is a multi unit property, the community consist of many multi units so this would not be an unusual project for the area. The characteristics of the property involved does not constitute a tear down but a rehab that would not negatively affect the adjacent property owners at all. There are no adverse impacts on the propsed use.

  
Barzel B. Mckinney



820

BOOK 171 PAGE 657

THIS DEED, made and entered into this 14th day of November, 1979, by and between JOHN W. SCOTT, JR., TRUSTEE under the Last Will and Testament of Webster L. Harris, deceased, grantor, party of the first part; and BOBBIE L. SMITH and LILA C. SMITH, husband and wife, Grantees, parties of the second part.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the said grantor, JOHN W. SCOTT, JR., TRUSTEE under the Last Will and Testament of Webster L. Harris, deceased, does hereby bargain, sell, grant and convey with Special Warranty of Title, unto the Grantees, BOBBIE L. SMITH and LILA C. SMITH, husband and wife, as tenants by the entirety with the right of survivorship as at common law, the following described real estate, to-wit:

315 Mc Kenney St.  
Frog, Va.

Those three certain lots or parcels of real estate, with all buildings and improvements thereon and rights and privileges thereto appurtenant, situate, lying and being in the City of Fredericksburg, Virginia, and described as Lots Numbers Fifty Six (56), Fifty Seven (57) and Fifty Eight (58) in Block Thirty Eight (38) on Map and Plat of the Fredericksburg Development Company, recorded in the Clerk's Office of the Circuit Court of the City of Fredericksburg, Virginia; BEING the same real estate conveyed unto W. L. Harris by deed from McGuire's, Incorporated, dated June 5, 1970, of record in the aforesaid Clerk's Office in Deed Book 140 at page 263.

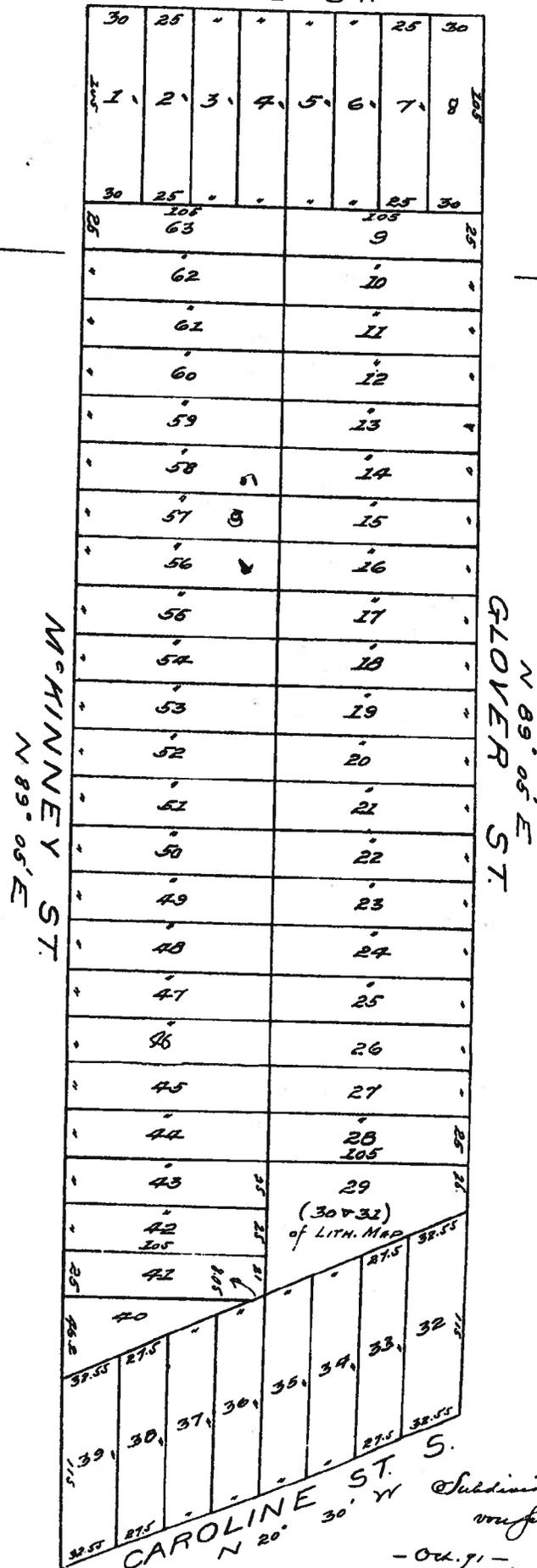
The Last Will and Testament of Webster L. Harris is recorded in the aforesaid Clerk's Office in Will Book R, page 688, and the order appointing the said John W. Scott, Jr., Trustee was entered by the Circuit Court of the City of Fredericksburg, Virginia, on March 1, 1979.

WITNESS the following signature and seal:

*John W. Scott, Jr.* (SEAL)  
John W. Scott, Jr., Trustee under the Last Will and Testament of Webster L. Harris, deceased.

UNITED STATES OF AMERICA  
COUNTY OF KINGDOM  
CITY OF FREDERICKSBURG  
STATE OF VIRGINIA  
JOHN W. SCOTT, JR.  
ATTORNEY AT LAW  
FREDERICKSBURG, VA.

BLOCK No 38  
 N 0° 55' W  
 WHITE ST.

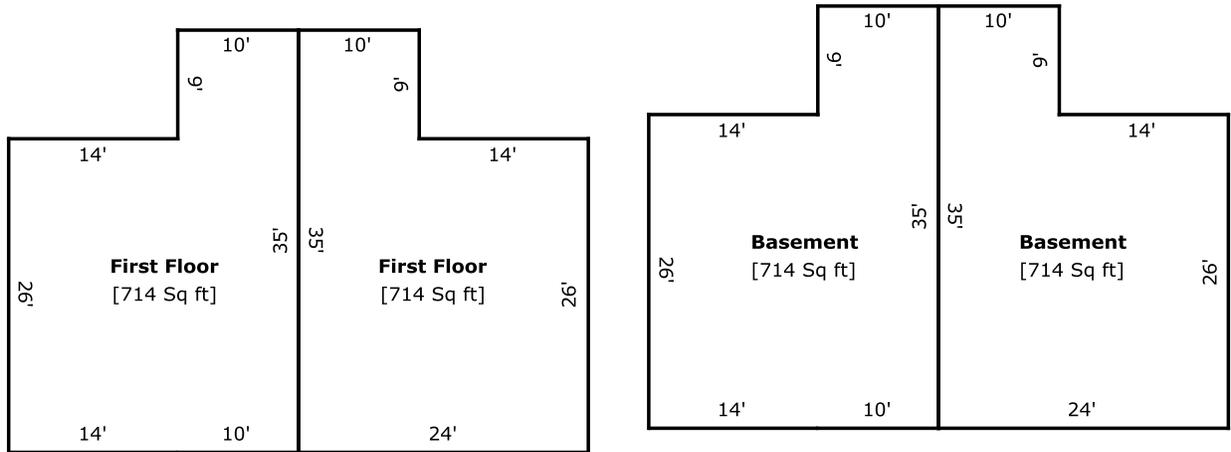


Submitted by  
 [Signature]  
 Eng'g  
 - Oct. 7, 1911 -

# Building Sketch

Borrower	Private				
Property Address	315 McKinney St				
City	Fredericksburg	County	City of Fredericksburg	State	VA
Lender/Client	Private			Zip Code	22401

This sketch is provided in all good faith and intention. The appraiser is neither architect nor surveyor. Dimensions noted are those recorded by the appraiser in the field. They may or may not match those dimensions reported by a survey crew or architectural drawings. No attempt has been made to create a perfect architectural rendering of the improvement.



### Area Calculations Summary

Living Area	Calculation Details	
First Floor	714 Sq ft	24 × 26 = 624 9 × 10 = 90

**From:** [Barzel Mckinney](#)  
**To:** [James D. Newman](#)  
**Subject:** [EXTERNAL] RE: Contact Info - Special Exception requested Info  
**Date:** Friday, September 11, 2020 5:35:28 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[H2 Application answers to 1023 2.pdf](#)

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Hello Mr. Newman, Here's the info in which our application to the IRS was approved under. Please review and see if this provides you with the info you need on our organization. Our organization provides affordable housing solutions for Very Low and Low income veterans, not specifically disabled veterans or solely veterans with mental disabilities. As a member of the COC our role is to meet with housing specialist and case managers and determine if we have a good housing fit for families seeking housing on their list. Our concerns are getting our families out of the shelter into safe and secure homes in decent neighborhoods. We also have a criteria for the families we assist. Those families that are experiencing hardships, and cleared through case management with mental no risk to family or community. So neighbors can rest assured since we screen our families to ensure neighbors are safe and have nothing to worry about can welcome a veteran family in to the neighborhood. Most of the more severe cases required transitional housing and SSVF housing which involve one unit apartments which is not our focus. Our focus is Affordable low income Single family housing. Please see attached and let me know if you have additional questions or concerns.

Thanks

**Barzel B. Mckinney**  
**President/Executive Director**  
**US Army Retired**  
[barzel@haven4heros.org](mailto:barzel@haven4heros.org)  
**540-446-6686**



**From:** James D. Newman <jdnewman@fredericksburgva.gov>  
**Sent:** Friday, September 11, 2020 1:36 PM  
**To:** Barzel Mckinney <info@haven4heros.org>  
**Subject:** Contact Info - Special Exception

Hello Mr. McKinney,

I just tried to call you but the 540-479-1044 number listed on your application and website does not work. Would you please give me a call today at 540-372-1179? Thank you.

James Newman, AICP, CZO  
Fredericksburg Zoning Administrator  
540-372-1179 Ext 231

**DISCLAIMER:** Information contained in this e-mail does not take the place of a written zoning determination and is not intended to be an official zoning decision. To obtain an official written zoning decision, contact the Zoning Administrator for more information.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part IV, Narrative Description of Activities continued:

Program 1: Provide Affordable Housing for Low and Very Low-Income Veterans within Fredericksburg, VA and the Washington, D.C. metro area.

Haven for Hero's, Inc. is a nonprofit organization, organized and operated exclusively to improve the lives of veterans and their families by providing housing and a pathway to home ownership for low income veterans.

Our organization is charitable as defined in Treas. Reg. 1.501(c)(3)-1(d)(2) and operates exclusively to provide relief for the poor and distressed by supporting and providing assistance to low income veterans and their families to help them acquire decent, safe, sanitary and affordable housing within the Washington-Arlington-Alexandria, DC-VA-MD MSA, consistent with Rev. Rulings 67-138, 70-585 and 76-408.

The program intends to offer the following:

- Affordable homes for veterans who cannot afford decent housing
- Housing opportunities for veterans suffering from financial hardships

Our goal is to help people who, by HUD statistical definitions, are low or very low income and have reliable income but who cannot qualify to purchase a home and in most cases cannot even afford a decent rental home at market rates. In other cases, the home they could afford would not be in a safe neighborhood. Our plan is to acquire reasonable, safe and sustainable housing units either through donations from property owners, direct purchase of distressed properties or from HUD and other agencies. The homes purchased will be within a 200-mile radius of Fredericksburg, Virginia within the Philadelphia, Pennsylvania HUD Home Ownership Center (HOC) jurisdiction. Ideally these homes will offer access to public transportation, providing opportunities for employment and access to social services and support groups. There will be an application process and financial suitability testing for people that are interested in participating in the program. We also intend to rely and partner with other approved 501c3 organizations and governmental housing agencies to source and screen potential qualifying renters.

There are five important elements our organization will focus on:

- Relief for poor and distressed within our community.
- Combat community deterioration through the acquisition and repairing of properties as required for occupancy.
- Lessen the burden of government by offering solutions to the affordable housing crisis.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part IV, Narrative Description of Activities continued:

- Elimination of prejudice and discrimination towards the poor by providing access to housing within stable and safe neighborhoods.
- Provide affordable, safe and sustainable housing opportunities for the disadvantaged.

Our intention is to qualify for exemption under the facts and circumstances provisions as outlined in the safe harbor provisions contained in Rev. Proc. 96-32. Specifically, our organization intends to adopt the standards of Sec. 3 of Rev. Proc. 96-32 and / or meet the facts and circumstances test as outlined in Sec. 4. We intend to use Department of Housing and Urban Development (HUD) income statistics for low-income and very low-income veterans living in Fredericksburg, Virginia within the Washington-Arlington-Alexandria, DC-VA-MD MSA to ensure the housing is affordable and that our programs and activities comply with U.S. Department of Housing and Urban Development Office of Housing / Housing Notice 94-74 and all present and future HUD guidelines for affordable housing acquisition as outlined in the HUD Housing Handbook. Additionally, our organization intends to acquire properties under FHA mortgage insurance sections 203(b), 203(i), 203(k) and 234 of the National Housing Act. Our goal is to provide rental and long-term housing opportunities for veterans that cannot otherwise afford to rent or purchase decent, safe housing. We intend to work with other community-based organizations, local and state government agencies, 501c3 organizations, HUD approved, 501c3 local housing counselling agencies (LHCA) and churches to provide additional social and support services at low or no cost and to provide relief to people with unusual and extreme financial burdens that prohibit them from obtaining decent housing.

The purpose of this program is to help hard working, low income veterans to obtain housing and ultimately achieve stability, combat community deterioration, reduce crime due to poverty and hopelessness and build stronger neighborhoods in the process.

Program Administrator: Haven for Hero's, Inc. Officers, Board of Directors and Volunteers.

Implementation Date: This program is in progress. Our present activities include enhancing our board of directors, seeking financial support and developing the core programs. The organization spends 100% percent of the time ensuring the successful outcome of this program and activities. This program is funded with donations from individuals and businesses with the intention of receiving grants in the future.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part V, Question #3a:

Barzel B. Mckinney, President / Director

Average Hours

40 hours per month

Duties

- Create, develop and implement programs in alignment with the mission of the organization.
- Create policies pertaining to the activities of the daily operations.
- Serve on committees or task forces and offer to take on special assignments.
- Inform others about the organization.
- Be informed about the organization's mission, services, policies, and programs.
- Evaluate the performance of the organization in achieving its mission.
- Increase community partnerships.
- Engage new audiences to promote and support our mission.
- Seek new ways to improve and promote the core mission of giving back through leveraging relationships with other like-minded 501(c) (3) organizations.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part VI, Question #1a:

In carrying out the exempt purpose of Haven for Hero's, Inc., our organization is dedicated to providing a pathway to affordable housing for the poor, distressed and economically disadvantaged. We strive to serve low income veterans and less fortunate families primarily in Fredericksburg, Virginia.

There are three specific target groups we have identified:

1. Veterans that qualify under HUD's low and very low-income guidelines and published standards.
2. Veterans who have recently become unemployed and meet federal poverty level guidelines.
3. Veterans suffering extreme hardships on a case by case basis.

Our goals include providing rental and permanent housing opportunities within a 200-mile radius of Fredericksburg, Virginia.

Many of the veterans we intend to serve only know crime ridden neighborhoods with overcrowding, high racial imbalance, tensions and unsafe living conditions. Haven for Hero's, Inc. seeks to provide relief to the disadvantaged by providing access to clean, comfortable and low-cost housing. Housing insecurity is a growing threat as a shortage of affordable housing in our area and within the surrounding communities of Washington, D.C. have experienced property values increasing to record highs, thereby displacing veterans who can no longer afford their old neighborhoods. Haven for Hero's, Inc. intends to acquire homes in areas that could use improvement or would qualify for community development. Our goal is to fix them and rent them to veterans on a long-term basis. We intend to instill in our residents a sense of ownership and pride in their place of residence. If, over time a family can qualify for FHA financing, they will have the opportunity to purchase the property from the organization at below fair market value. Our organization intends to partner with other social service organizations to sponsor workshops where people can learn skills in basic home repair. These will be taught by volunteers who have expertise in these specialties. Coordination with city and county officials should insure that any major improvements meet standard code practices. The organization will not only facilitate education, but will facilitate access, on a need basis, to materials and equipment obtained through donations. The residents of our properties will receive volunteer help for approved projects. Financially and credit challenged veterans would be eligible to participate in the rental program. They will also be encouraged to "pay it forward" and help others within the community.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Part VI, Question #1a continued:

Our goal includes fighting community deterioration and racial discrimination while turning neighborhoods around and teaching people how to take care of themselves and acquire skills that will not only benefit themselves in self-esteem, but also as vested renters and potentially home owners.

Our vision is to create a community of veterans that are connected and supportive of each other. Our goals include combating community deterioration by providing a clear path for renters or transitional tenants to become owners, thereby encouraging pride of ownership through property up-keep consistent with Rev. Rulings 68-17, 68-655, 70-585 and 76-147.

Haven for Hero's, Inc. also strives to lessen neighborhood tensions by focusing on areas that suffer from overcrowding in lower income areas that lack accessible and affordable housing.

Our initial fundraising efforts will include:

- An awareness and educational campaign that encourages individuals and local business owners to participate through volunteerism and individual donations.
- Applications to agencies that award grants to affordable housing providers.
- Leverage our professional relationships within the communities of Fredericksburg.
- Seek support in the form of non-cash donations (construction materials, for example) from local businesses.

Part VI, Question #1b:

To further the exempt purposes of Haven for Hero's, Inc., the organization's goal is to partner with other like-minded 501(c) (3) organizations. Our plan is to work with other outstanding community housing leaders, government housing agencies and nonprofit organizations that focus on issues related to eliminating the affordable housing crisis; making a difference for veterans, their families and communities by providing low cost housing to those in need.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Schedule F – Section I – Narrative Descriptions

1. Our goal is to provide access to rental opportunities of primarily single-family homes to low to very low-income individuals and veterans as described by HUD's published income guidelines for affordable housing providers.
2. Our organization has not yet developed an application. We intend to use an application similar to the one used by the Central Virginia Housing Coalition.
3. Our properties will be registered with the Central Virginia Housing Coalition and on [www.gosection8.com](http://www.gosection8.com)
4.
  - a. Our organization has not purchased any property at this time. We intend to acquire single family homes ranging in size from 750 sq. ft. to 3000 sq. ft. through HUD's special acquisition program for 501c3 affordable housing providers.
  - b. We anticipate the total number of residents per home to be family units of 2 – 7 individuals.
  - c. We do not own any properties at this time, therefore – the number of residents is currently is zero.
  - d. We anticipate many veterans we serve will not make the transition from renters to owners or will require considerable time to transition to ownership. Therefore, the majority of properties the organization will purchase will be occupied by renters. Each facility will consist of a modest single-family home that meets the occupational standards and complies with the Central Virginia Housing Coalition inspection and compliance requirements for Section 8 housing.
5. Please See Attachments "A-1, A-2"
6. Our organization will not participate in joint-ventures, profit sharing or revenue splitting arrangements with any for profit companies.
7. Acquisition, repairs and rehabbing of properties will be conducted exclusively by officers, directors and volunteers of Haven for Hero's, Inc. and / or

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Schedule F – Section I – Narrative Descriptions, continued:

officers, directors and volunteers of other approved 501c3 organizations. Should the need arise for outside consultants or experts (environmental engineers, for example), these arrangements or contracts must be arms-length from any officers, directors, volunteers or donors of Haven for Hero's, Inc. and in compliance with our conflict of interest policy. Additionally, each contract must be competitively bid by a minimum of 3 providers (at no more than fair market value) and approved by the board of directors. Our organization encourages professionals to donate their time and expertise should these unusual situations arise.

8. Haven for Hero's, Inc. will manage its own activities, facilities and properties. There will be no outside management contracts or arrangements.
9. Not at this time. It is our intention to participate in the HUD direct sales program for nonprofit organizations and with any other government agency or 501c3 organization that provides affordable housing. Our organization, upon recognition of exemption, will apply to the Central Virginia Housing Coalition and register under the Housing Opportunity Program (HOP) for landlords that provide access to housing for low and very low-income veterans.
- 10a. The organization does not own any facilities at this time.
  - b. Our intention is to acquire properties through the HUD direct sales program for nonprofits and through donations of property suitable for our exempt purpose.
  - c. The organization is not a party to a lease of a building or land.

Schedule F – Section III – Low-Income Housing - Narrative Descriptions

1. Our organization's criteria for qualifying are the standards set forth in Revenue Procedure 96-32, specifically Section 3, SAFE HARBOR FOR RELIEVING THE POOR AND DISTRESSED. To comply, potential residents will not be charged more than 30% of gross income towards rent and / or Section 4, FACTS AND CIRCUMSTANCES TEST, as renters will be eligible through their participation in HUD's Housing Choice Voucher Program or the Central Virginia Housing Coalition Section 8 Division.
2. Residents will not pay periodic fees or be assessed maintenance charges.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Schedule F – Section III – Low-Income Housing - Narrative Descriptions, continued:

- 3a. We intend to apply the standards set forth in Revenue Procedure 96-32, Sec. 1 SAFE HARBOR FOR RELIEVING THE POOR AND DISTRESSED or Sec. 4, FACTS AND CIRCUMSTANCES TEST. Our organization will use HUD's published statistics to determine the financial criteria to qualify as low-income and / or very low-income for our MSA and the Central Virginia Housing Coalition Payment Standards for allowable Fair Market Rents (FMR). **See Tables 1, 2.**

Housing assistance payments are limited by FMRs established by HUD for different geographic areas. In the Housing Choice Voucher Program (Section 8), the FMR is the basis for determining the "payment standard amount" used to calculate the maximum monthly subsidy for an assisted family and may be adjusted by local housing authorities.

Low and very low income is determined based on the government poverty scale based on family size and geographic region as indicated below. For example, for a family of 4, HUD considers \$58,600 to be very low income. See **Table 2**, below. Our organization will require an application and substantiation of income, such as W-2 forms, paystubs, government assistance forms, tax returns and / or and unemployment statements.

Each veteran and their family who qualifies for the program will be asked to pay rent upon obtaining employment. We anticipate our rents received to be approximately \$1,750/month per 2-bedroom housing unit. These rents may be adjusted higher or lower based on future HUD and Central Virginia Housing Coalition published standards and requirements.

To qualify for the program, the veterans must show proof of being of low or very low- income, such as receiving some form of government assistance (for example, Sec. 8 Housing Vouchers) or demonstrate income below the Federal Government's published poverty income levels.

Individuals and veterans will be able to stay for an indefinite amount of time.

We anticipate at least 75% of our units will be occupied by low-income tenants to include 20% of the occupied units with tenants that qualify as very low-income.

HAVEN FOR HERO'S, INC.

EIN: 82-5086741

FORM 1023

Schedule F – Section III – Low-Income Housing - Narrative Descriptions, continued:

**Table 1**

**HUD Metro Fair Market Rents (FMR) for All Bedroom Sizes**  
FY 2018 Washington-Arlington-Alexandria, DC-VA-MD MSA

Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
\$1504	\$1561	\$1,793	\$2,353	\$2,902

**Table 2 – Section 8 Income Limits**

FY 2018 Washington-Arlington-Alexandria, DC-VA-MD MSA

	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Low Income	\$54,250	\$62,000	\$69,750	\$77,450	\$83,650	\$89,850	\$96,050	\$102,250
Very Low Income	\$41,050	\$46,900	\$52,750	\$58,600	\$63,300	\$68,000	\$72,700	\$77,400

- 3b. Our organization intends to model and adhere to the standards and criteria established by HUD and the state of Virginia.
4. We do not intend to provide social services to residents; however, our organization intends to partner or make arrangements with other approved 501c3 organizations or government agencies that provide social services.



**CITY OF FREDERICKSBURG  
PLANNING COMMISSION MINUTES  
September 9, 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/f9g4ssl6px>

**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 (live)  
David Durham (electronic)  
Kenneth Gantt (live)  
Chris Hornung (electronic)  
Tom O'Toole (electronic)  
Jim Pates (electronic)

**CITY STAFF**

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

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**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](http://www.regionalwebtv.com/fredcc), or Facebook live at [www.facebook.com/FXBGgov](http://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.

**4. APPROVAL OF AGENDA**

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

**Motion passed 7-0.**

**MINUTES APPROVED 9/16/20, NOT YET SIGNED**

**5. APPROVAL OF MINUTES**

- A. June 24, 2020
- B. July 8, 2020

Chairman Rodriguez suggested a combined motion for approval of the minutes. Mr. Hornung motioned to approve both sets of minutes. Mr. Durham seconded.

**Motion passed 7-0.**

**6. DECLARATION OF CONFLICT OF INTEREST**

None.

**7. PUBLIC HEARING**

- A. **Thomas Mitchell** requests a Special Exception to amend the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street. **SE2020-05**

Mr. Newman reviewed the staff report with a power point presentation (Att. 1) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Tommy Mitchell was present electronically.

Mr. Durham questioned how the four on-street public parking spaces become the property of this project. Mr. Craig stated that there are currently seven diagonal spaces that will be converted to four parallel on-street parking spots. While they are not specifically designated for this project, they are allowed to be counted toward the parking requirement. Mr. Durham asked for further specifications on the pedestrian crossings mentioned for Sophia and Hanover Streets. Mr. Johnston said that pedestrian crossing markings are there, but will change based on the design for Riverfront Park, which will include a sidewalk bump-out on Sophia Street and curbside parking on the Park side on Sophia, but no curbside parking in front of the project.

Chairman Rodriguez asked how many handicapped spaces are required for this project. Mr. Newman stated one space is required. Chairman Rodriguez asked if there was a mechanism to designate one of the four public on-street parking spaces as handicapped. Mr. Johnston stated this inquiry would have to be made through the City Public Works and staff would consult with them.

Applicant had no presentation, no written public comments had been received, and no public speakers were present. Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

- B. **Haven for Heroes Inc.** requests a Special Exception for a Duplex at 315/317 McKinney Street. **SE2020-04**

Mr. Newman reviewed the staff report with a power point presentation (Att. 2) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Barzel McKinney was present electronically.

Mr. Pates questioned Council's recent approval of a change to the definition of a duplex and whether that would affect this property. Mr. Newman stated Council modified the definition on September 8, 2020, which was considered by the Planning Commission and recommended for approval in March 2020. Mr. Craig explained the change and the effect on this property.

Mr. Durham asked for confirmation that Lots 56, 57, and 58 are what was shown in the staff report map. Mr. Newman stated that based on the survey and the deed provided in the application the property includes all three lots. Mr. Newman stated that the red boundary lines encapsulate the approximate location of the

## MINUTES APPROVED 9/16/20, NOT YET SIGNED

lots, it is based on GIS, not survey accurate. Mr. Durham questioned whether the driveway is included in the three lots. Mr. Newman said yes, but further clarified that this will be confirmed when a survey of the property is prepared.

Mr. Gantt asked about the Building Code and the proposed use of the property to house low income or disabled veterans. Mr. Newman deferred to the applicant who stated the improvements would consist of universal design elements accommodating wheelchair accessibility. The prospective tenants come from case managers from Veterans' Affairs (VA) and not all are disabled, the proposed improvements would accommodate disabled vets. Mr. Gantt asked if the VA would be inspecting the homes upon completion of the project. Applicant stated yes, the VA would be inspecting the property prior to occupancy.

Chairman Rodriguez asked whether affordable housing was addressed. Mr. Newman said there is language in the staff report if the Commission wants to add a condition requiring affordable housing. Mr. Newman said that this structure was designed to be a duplex and while affordable housing is a good goal, the main goal is to return this structure to a usable duplex. Discussion ensued regarding whether the Commissioner's support a condition of affordable housing for this project. Mr. Johnston noted that Council is working on affordable housing directives regionally and they will be coming to the Commissioner for review. Applicant noted that the U.S. Department of Housing Urban Development (HUD) guidelines are followed and discussed how the VA works with HUD to determine the affordability and the amount of subsidizing that might be necessary.

Chairman Rodriguez asked staff about the current condition of the property. Mr. Newman said that the visual conditions of the property have been improved, no City action has been taken in the last eight years, the property has never been condemned, and is structurally sound.

Mr. Hornung noted that he sees no need for a condition to be added to the Special Use Permit regarding affordable housing eligibility as this is how the applicant's program Haven for Heroes is structured. Additionally, any conditions made with a Special Exception will always run with the property and shouldn't be done to single family structures. Mr. Pates agreed with Mr. Hornung and also commended applicant on this project.

Applicant had no presentation and no public written comments had been received. One public speaker was present.

Christopher Page, 321 McKinney Street, stated he had concerns with the project due to the uncertainty of knowing who may move into the neighborhood and possible drug, alcohol, or mental issues. Mr. Page is also concerned if the project will actually be completed.

Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

Mr. Durham asked applicant if he wished to respond to Mr. Page's concerns. Applicant said that upon approval by City Council, this project will be completed in 2021. Applicant further noted that the potential veterans are typically chosen by VA based on family size and are typically transitioning families. The case managers have assured Haven for Heroes that these veterans do not have medical or mental risk factors nor do they have major disabilities. Mr. Durham asked what was the specific VA program applicant is using. Applicant said the program is HUD VA Supportive Housing (VASH) (<https://www.va.gov/homeless/hud-vash.asp>) and discussed various aspects of the program. Mr. Durham requested staff to include some of this background information when this matter goes to Council so they understand the relationship between Haven for Heroes and HUD-VASH.

**MINUTES APPROVED 9/16/20, NOT YET SIGNED**

- C. **Crown Trophy** requests a Special Use Permit to allow for a retail sales establishment at 1529 Olde William Street. **SUP2020-04**

Mr. Newman reviewed the staff report with a power point presentation (Att. 3) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Crown Trophy and their representative Ron Hicks were present electronically.

There were no questions or discussion from the Commissioners, no public written comments were received, and no public speakers. Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

**8. GENERAL PUBLIC COMMENT**

None.

**9. OTHER BUSINESS**

**A. Status of Land Use Annual Report**

Mr. Craig reviewed the matter for the Commissioners to start updating for this year's report. He included several updated maps for the Commissioners' review (Att. 4). Mr. Durham asked if the draft sent to the Commissioners has been updated with the information presented tonight. Mr. Craig said he didn't believe this information would account for any changes in the draft, but he will review it.

**B. Planning Commissioner Comments**

None.

**C. Planning Director Comments**

Mr. Johnston said the City Council, at its September 8, 2020 meeting, approved the establishment of the Creative Maker Zoning District and the rezoning to this district of portions of the Area 6, Princess Anne/Route 1 North, Small Area Plan. He also said Council approved the amendment of the City Comprehensive Plan for the Area 7, Downtown, Small Area Plan, amendment of the Unified Development Ordinance parking regulations, and UDO amendments regarding duplex and other housing-type definitions.

Mr. Johnston discussed what work staff will be doing on follow up to the Downtown Plan, such as addressing density issues, so special exceptions will not be necessary.

Mr. Johnston reminded the Commission that an electronic special Commission meeting is scheduled for next week for votes on tonight's public hearing matters, and these items will be going to a Council public hearing on September 22, 2020. Additionally, a joint electronic work session will be held with Council on September 23 to further discuss small area plans for Areas 1 and 2.

**9. ADJOURNMENT**

There being no further items to be discussed, the Planning Commission meeting adjourned at 8:42 p.m.

Next meeting is September 16, 2020.

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**Rene Rodriguez, Chairman**



**PLANNING COMMISSION MINUTES**  
**September 16, 2020**  
**7:30 p.m.**  
**ELECTRONIC SPECIAL MEETING**

**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/y6d7miwgkh>

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

**MEMBERS**

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

**CITY STAFF**

Chuck Johnston, Director, Planning and Building Dept.  
James Newman, Zoning Administrator  
Cathy Eckles, Administrative Assistant

**ALSO PRESENT**

Barzel McKinney, Haven for Heroes  
Ray Freeland, Engineer  
Ron Hicks, Crown Trophy Representative  
Chris & Linda Hara, Crown Trophy

All members, staff, and applicant representatives were only present electronically

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**1. CALL TO ORDER**

This meeting was held 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 access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at [www.regionalwebtv.com/fredcc](http://www.regionalwebtv.com/fredcc), or Facebook live at [www.facebook.com/FXBGgov](http://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 Mr. Pates.

**4. APPROVAL OF AGENDA**

Mr. O'Toole moved for approval of the agenda as submitted. Mr. Hornung seconded.

**Motion passed 6-0-1.**

**5. APPROVAL OF MINUTES - September 9, 2020**

Mr. Durham moved to approve the minutes. Mr. Hornung seconded.

**Motion passed 6-0-1.**

**6. DECLARATION OF CONFLICT OF INTEREST**

None.

**7. PUBLIC HEARING**

- A. **Crown Trophy** requests a Special Use Permit to allow for a retail sales establishment at 1529 Olde William Street. **SUP2020-04**

Mr. Newman said there were no updates and no public written comments received. The Crown Trophy operators, Chris and Linda Hara, and property owner, Ron Hicks, were present electronically. There were no questions or discussion from the Commissioners for staff or applicants.

Chairman Rodriguez closed the public hearing. Mr. Durham moved to approve SUP2020-04, Crown Trophy as presented. Mr. Slominski seconded.

Mr. Hornung said that he is still concerned about approving special use permits for retail with no restrictions on the type of sales. Discussion ensued about restrictions, the City Attorney's concerns, and the Commissioner's belief that this is exactly how a special use permit should be used. Mr. Johnston said he will bring the question to the September 23, 2020 electronic work session after discussing it with the City Attorney. Mr. Johnston said that the City Attorney's issue with limitations or restrictions is that the definition of retail doesn't specify detailed retail uses.

**Motion passed 6-0-1.**

- B. **Thomas Mitchell** requests a Special Exception to amend the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street. **SE2020-05**

Mr. Newman said that an updated staff report had been sent and no public written comments had been received. Engineer Ray Freeland was present electronically. Mr. Newman noted that Commissioners had inquired about designating one of the four public on-street parking as handicapped parking and additional pedestrian crossings. Public Works staff has stated that designation of a public handicapped parking spot was a feasible request and should be pursued with the site plan.

Mr. Newman said that additional Sophia/Hanover Street pedestrian crossings will be installed as part of Riverfront Park. Mr. Durham questioned what the specific crossings would be. Mr. Johnston said that the existing pedestrian crossings at Sophia and Hanover will remain, with a curb bump-out to be installed on the Riverfront Park side of Sophia Street. Mr. Durham asked if it is on the GDP but not a feature of the project. Mr. Johnston said: yes. Mr. Durham asked if there will be a pedestrian crossing on the park side crossing Hanover Street. Mr. Johnston said yes.

Chairman Rodriguez asked about the Architectural Review Board's reaction to the project, when reviewed at its September 14, 2020 meeting. Mr. Johnston stated the vote will be taken on September 21, but the reaction was favorable.

Applicant's Engineer had no comment on the project. There were no further questions or comments for staff or applicant from the Commissioners. Chairman Rodriguez closed the public hearing. Mr. Durham moved to approve SE2020-05, Hanover House, as presented. Mr. Hornung seconded.

**Motion passed 6-0-1.**

**C. Haven for Heroes Inc.** requests a Special Exception for a Duplex at 315/317 McKinney Street.  
**SE2020-04**

Mr. Newman said that an updated staff report had been sent, along with a detailed description of “Haven for Hero’s” (Att. 1). No public written comments had been received. Applicant Barzel McKinney was present electronically.

Chairman Rodriguez asked if the City had any obligation to do any further inspections of the duplex due to it being empty for such an extended period of time. Mr. Newman stated that a thorough inspection has been done and the building was structurally sound and deemed safe. There will be additional inspections done to be sure the duplex is up to code as the renovation process occurs.

Applicant had no comment on the project. There were no further questions or comments for staff or applicant from the Commissioners. Chairman Rodriguez closed the public hearing. Mr. Hornung moved to approve SE2020-04, Haven for Heroes, as presented. Mr. Durham seconded.

**Motion passed 6-0-1.**

**8. GENERAL PUBLIC COMMENT**

None.

**9. OTHER BUSINESS**

**A. Planning Commissioner Comments**

None.

**B. Planning Director Comments**

Mr. Johnston noted there will be a joint electronic work session with Council on September 23 at 6:30 p.m. to further discuss small area plans for Area 1 (Central Park/Celebrate Virginia) and Area 2 (Fall Hill Avenue).

Mr. Johnston discussed the notice of an additional joint electronic work session with Council on October 28, 2020 to work on 2020 Housing Affordability Study and Action Plan. Mr. Durham discussed the expectation of work necessary to be prepared to finalize the report. Mr. Johnston stated that Commissioners need to be prepared to move forward. Mr. Durham offered to help Chairman Rodriguez work on focusing this discussion.

Chairman Rodriguez asked about the likelihood of having this session as an in-person meeting with Council. Mr. Johnston noted that Council has decided to do no in-person meetings for the foreseeable future.

**9. ADJOURNMENT**

There being no further items to be discussed, the Planning Commission meeting adjourned at 7:58 p.m.

Next meeting is September 23, 2020.

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**Rene Rodriguez, Chairman**