

INTRODUCED: May 23, 2016

AN ORDINANCE No. 2016-169

To authorize the special use of the property known as 4618 West Grace Street for the purpose of permitting a second floor lodging unit accessory to a dwelling unit, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Jones (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: JUNE 27 2016 AT 6 P.M.

WHEREAS, the owner of the property known as 4618 West Grace Street, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of a second floor lodging unit accessory to a dwelling unit, which use, among other things, is not currently allowed by section 30-410.2 of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    JUNE 27 2016    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2015), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 4618 West Grace Street and identified as Tax Parcel No. W019-0097/023 in the 2016 records of the City Assessor, being more particularly shown on a survey entitled “Lot 23 & Lot 24, Block 17, Monument Avenue Park in the City of Richmond, VA,” prepared by Edwards, Kretz, Lohr & Associates, P.L.L.C., and dated July 30, 2012, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a second floor lodging unit accessory to a dwelling unit, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Steve & Jill Moore’s Garage,” prepared by Pinnacle Home Improvement, LLC, and dated July 12, 2012, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The use of the Property shall be a single-family dwelling and a detached garage containing a second floor lodging unit accessory to the dwelling, substantially as shown on the Plans and the aforementioned survey. This shall not preclude the use of the Property for other uses permitted in the R-5 Single-Family Residential District, pursuant to sections 30-410.1 and 30-410.2 of the Code of the City of Richmond (2015), as amended.

(b) Parking for two vehicles shall be provided on the Property within the detached garage, substantially as shown on the Plans.

(c) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights, or lighting on emergency vehicles.

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

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

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2015), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2015), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2015), as

amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2015), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

# City of Richmond

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

## Item Request

File Number: PRE. 2016-131

RECEIVED

MAY 13 2016

OFFICE OF CITY ATTORNEY

### O & R Request

4-5097

O & R REQUEST

APR 27 2016

EDITION 1  
Chief Administration Office  
City of Richmond

DATE: April 21, 2016

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: P. Lee Downey, Deputy Chief Administrative Officer for Economic Development and Planning

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

RE: Special use of the property known as 4618 West Grace Street for the purpose of a lodging unit accessory to a dwelling unit

ORD. OR RES. No. \_\_\_\_

**PURPOSE:** To authorize the special use of the property known as 4618 West Grace Street for the purpose of a lodging unit accessory to a dwelling unit, upon certain terms and conditions.

**REASON:** The applicant has requested authorization for the second-floor living area of a detached garage that would be considered a lodging unit by the zoning ordinance. Lodging units are not permitted in the R-5 Single-Family Residential District, a special use permit is therefore required.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its June 20, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** The subject property consists of a 7,250 SF (0.166 acre) parcel of land improved with a single-family dwelling constructed, per tax assessment records, in 1954 and an accessory structure containing a garage and second-floor living area that was the subject of BZA Case No. 29-12

and is intended to be authorized through this special use permit request as a lodging unit. The property is located in the Monument Avenue Park neighborhood of the Far West planning district.

The City of Richmond's Master Plan designates the subject property for Single-Family (Low Density) land use. Primary uses in this category are "single-family detached dwellings at densities up to seven units per acre" (p. 133).

The subject property and all adjacent properties are located within the same R-5 Single-Family Residential District that encompasses much of the area. Single-family residential land use predominates the vicinity of the subject property.

**FISCAL IMPACT / COST:** The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

**FISCAL IMPLICATIONS:** Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

**BUDGET AMENDMENT NECESSARY:** No.

**REVENUE TO CITY:** \$300.00

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** May 23, 2016

**CITY COUNCIL PUBLIC HEARING DATE:** June 27, 2016

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, June 20, 2016

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)  
City Assessor (for preparation of mailing labels for public notice)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None.

**REQUIRED CHANGES TO WORK PROGRAM(S):** None.

**ATTACHMENTS:** Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, Map

**STAFF:** Matthew J. Ebinger, AICP, Senior Planner  
Land Use Administration (Room 511)  
646-6308





# Application for SPECIAL USE PERMIT

Department of Planning and Development Review  
Land Use Administration Division  
900 E. Broad Street, Room 511  
Richmond, Virginia 23219  
(804) 646-6304  
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

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

## Project Name/Location

Project Name: \_\_\_\_\_ Date: 2/29/16

Property Address: 4618 West Grace St. Tax Map #: W0190097023

Fee: \$306.00 Total area of affected site in acres: \_\_\_\_\_  
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

## Zoning

Current Zoning: R5

## Proposed Use

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

Existing Use: Single Family  
Is this property subject to any previous land use cases?

Yes ☒ No ☐  
If Yes, ☐ please list the Ordinance Number: \_\_\_\_\_

BZA 29-2012

Applicant/Contact Person: See below

Company: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

Property Owner: Steven D. & Jill P. Moore

If Business Entity, name and title of authorized signee: \_\_\_\_\_

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 4618 West Grace St.

City: Richmond State: VA Zip Code: 23230

Telephone: (804) 360-0735 Fax: (\_\_\_\_\_) \_\_\_\_\_

Email: smoore54@mac.com

Property Owner Signature: St. D. Moore

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

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

To: City of Richmond – Department of Planning and Development Review

From: Steve & Jill Moore  
4618 West Grace St  
Richmond, VA 23230

Re: Approval of a Special Use Permit for 2<sup>nd</sup> Floor Garage Room

6

Date: 2/29/16

We are requesting approval to use the 2<sup>nd</sup> floor space above our detached garage to be considered and extension living space from our main house. Use of this room is primarily to be used as a Guest bedroom, Game Room or flex space within our property.

Currently, our Son is living in this space on a full time basis as we have no other room for him to live. Both of our children have returned home post being away for School and work. Plus, we have an elderly Mother who lives with us on a rotating basis with other family members.

Our intention when took on a large renovation project in our property was to use this room as described above. When plans were submitted and originally approved by the City, we had not idea that we would not be allowed to use this space as a spare bedroom.

We had to present to the Zoning Board and receive approval for the location of the garage on our lot. It was approved at that time but we were not allowed to put a shower in the bathroom. We did place the shower in the room and are currently in violation of Zoning for the shower plus using it as a lodging space for our Son.

We have been advised that we need to seek a Special Use Permit for our space based upon our current situation and that is our request.

We have done a serious renovation of our house originally built in 1954 - we maintained the character of the original building while renovating to modern standards as well as expanding slightly. My wife and I have undergone significant costs to improve our dwelling and all neighbors that we speak with are very pleased with the improvements we have brought to our property and neighborhood.

Our request is to be approved to use the space as current living quarters for our Son as well as future use as the guest bedroom and game room. We are asking for approval to keep the shower in the bathroom as well as consideration for adding a "wet" bar space at some time in the future.

Thank you for your consideration,

Steve & Jill Moore



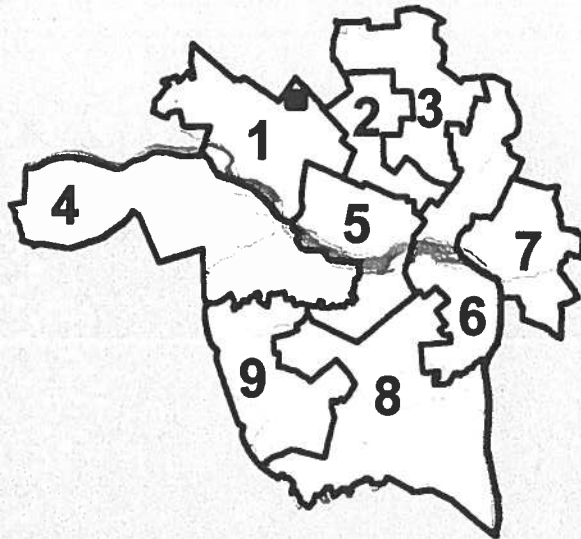
**City of Richmond  
Department of Planning  
& Development Review**

**Special Use Permit**

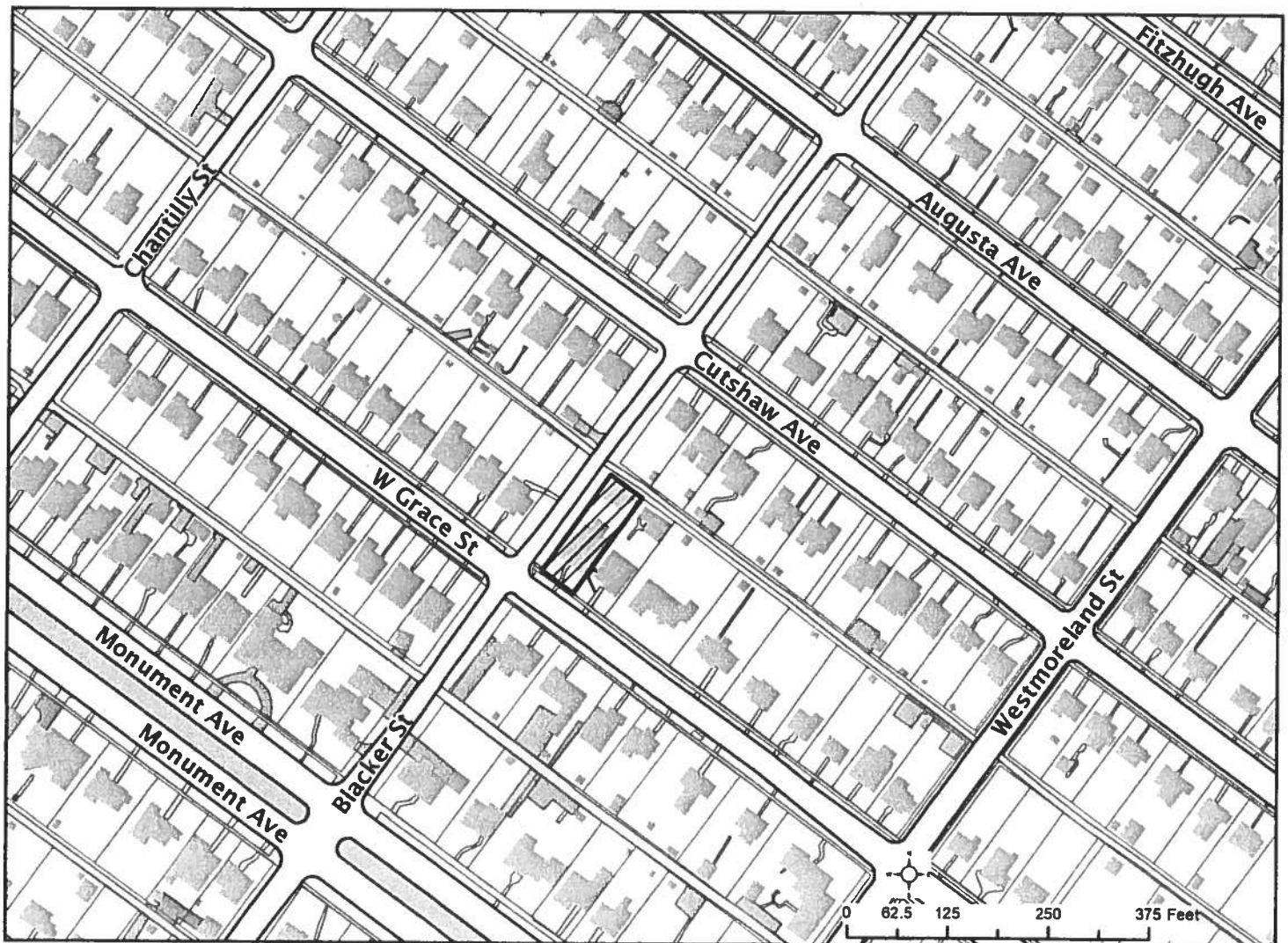
**LOCATION:** 4618 West Grace Street

**COUNCIL DISTRICT:** 1

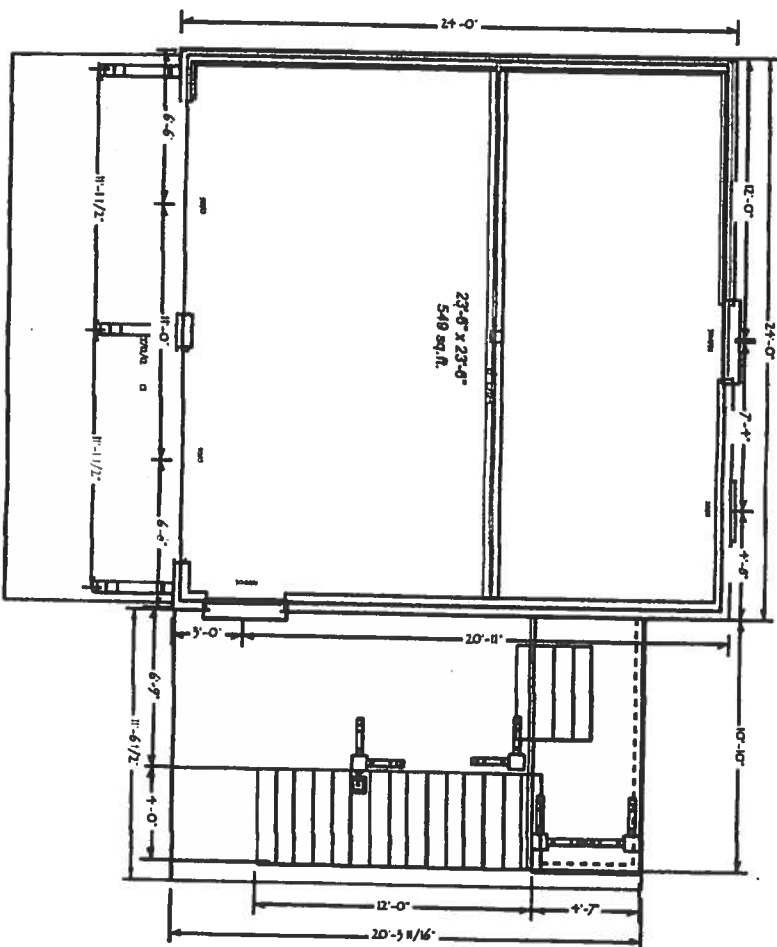
**PROPOSAL:** To authorize a lodging unit accessory to a dwelling unit in the R-5 Single-Family Residential District



*For questions, please contact Lory Markham  
at 646-6309 or [Lory.Markham@richmondgov.com](mailto:Lory.Markham@richmondgov.com)*



## Garage First Floor - Plan



<b>Signature:</b>	<b>Revision Note</b>	<b>Date:</b>	<b>Rev:</b>	<b>Pinetree Home Improvement, LLC 3420 Pump Road  Suite 294  Henrico VA 23233-1111 (804) 239-2567</b>	<b>Project Name: Steve &amp; Jill Moore's Garage</b>  <b>Project Address:</b>  4408 W ORANGE ST Richmond, VA 23230-3720  Property Class: M - R One Story+ (1,2,3,1,3,1,23)  Zoning District: R-3 - Residential (Single Family)  DCD Land Use: SF-LD, Front Sides Y0, Parcel Square Feet: 7350	<b>General Note:</b>
CEN 1203126738A						
Proposed Dimensions: 14'-0" x 24'-0" x 10'-0" x 10'-0" x 10'-0" x 10'-0"						
					Scale:	
					Sheet:	
					1/4" = 1'	
					6 Of 15	

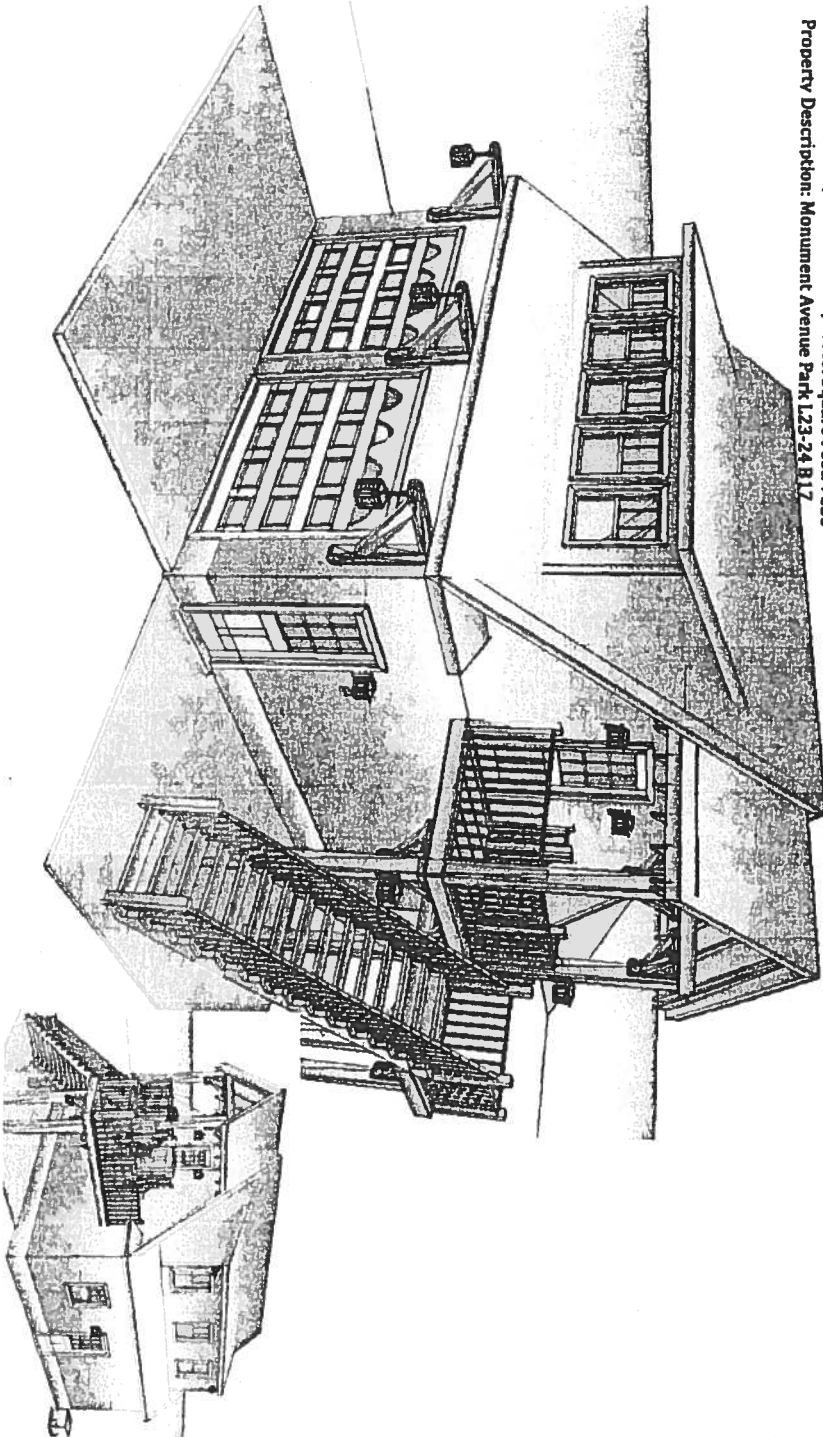
[illegible]

Signature	Revision Note	Date	Rev.
	Pinnacle Home Improvement, LLC	07-27-16	0
	3420 Pump Road		
	Suite 294		
	Hermosa VA 23223-1111		
	(804) 239-2567		
	CL# ZVOT126928A		

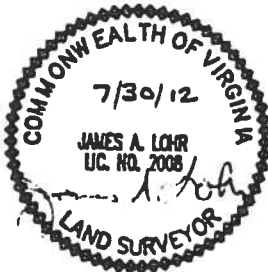
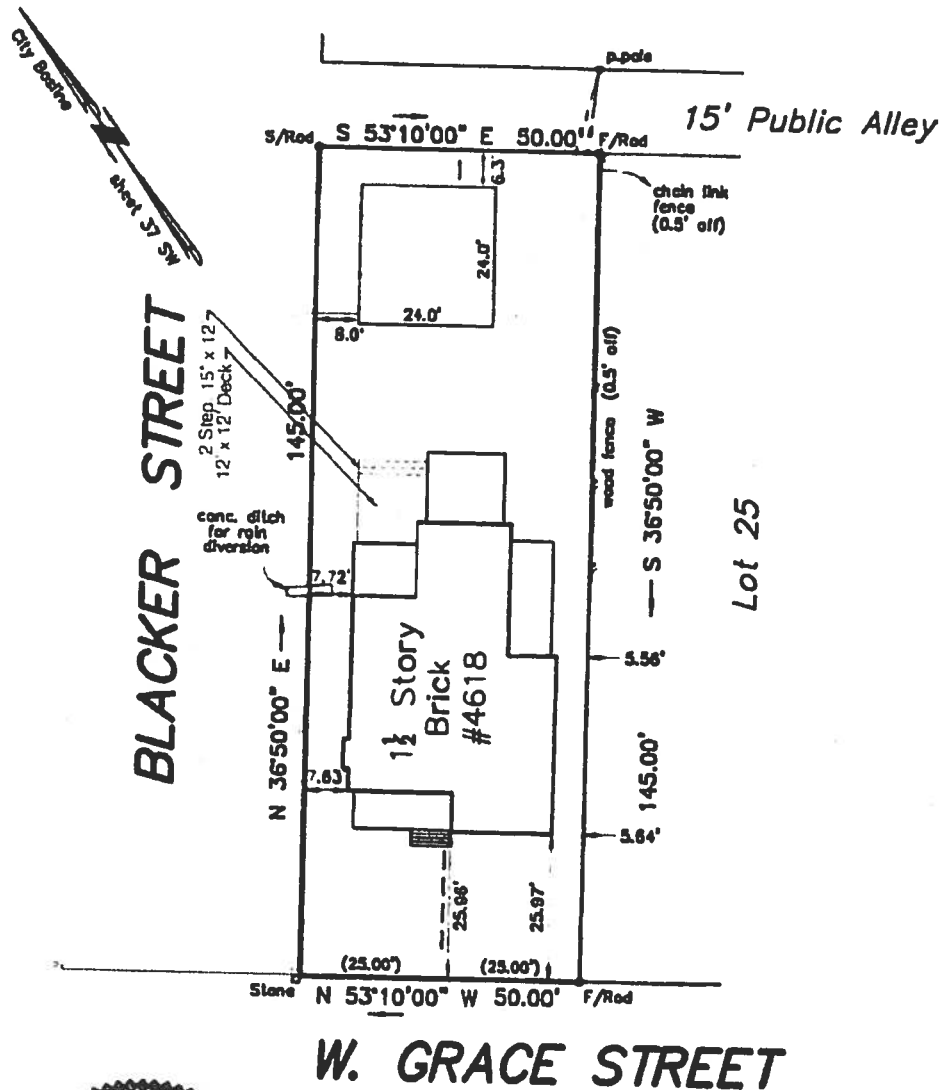
Project Name	Steve & Jill Moore's Garage
Project Address	+404 W. RAILROAD STREET Richmond, VA 23 SO-5720
	Property Class: RES - K One Story (1.25 1st )
	Zoning District: K-9 - Residential Single-Family
	FWD Description: 1 D, Front Side, SO Porch
Covered	1/4
Sheet	10 of 15

Moore's Proposed Garage  
4618 West Grace Street  
Richmond, VA 23230-3720  
Property Class 115-R, Zoning District R-5,  
DCD Land Use SF-1D, Front Size: 50', Parcel Square Feet: 7250  
Property Description: Monument Avenue Park 123-24 B 17



Current Owner: Mary A. Haywood  
Map Ref.: W0190097023  
I.D. 2005 16180

Note: Bearings protracted from City  
Baseline sheet 37 SW.



Lot 23 & Lot 24, Block 17,  
Monument Avenue Park in  
the City of Richmond, VA

This is to certify that on 07/30/12 I made an accurate  
field survey of the premises shown herein that all  
improvements and easements known or visible are shown  
herein, that there are no encroachments by improvements  
either from adjoining premises or from subject premises  
upon adjoining premises other than shown herein. THIS  
PLAN WAS MADE WITHOUT THE BENEFIT OF A TITLE SURVEY  
OR REPORT.

FLOOD INSURANCE NOTE: By graphics plotting only,  
this property is in ZONE X  
of the Flood Insurance Rate Map, Community Panel No.  
51012900280 effective date of 04/02/09  
Exact designations can only be determined by an Elevation  
Certificate. Based on the above information, this property  
IS NOT in a Special Flood Hazard Area.



Edwards, Krutz, Lohr & Associates, PLLC

Land Surveyors-Planners

Virginia-North Carolina

1900 Byrd Avenue, Suite 203  
Richmond, Virginia, 23250  
Phone (804) 673-9666  
Fax (804) 673-9990

Scale: 1"=25'  
Drawn: TCJ  
Job: 1219-12

Date: 07/30/12  
Checked: JAL