

INTRODUCED: July 23, 2018

AN ORDINANCE No. 2018-215

To authorize the special use of the property known as 4410 Kensington Avenue for the purpose of permitting an accessory dwelling unit within an existing detached garage, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: SEPT 10 2018 AT 6 P.M.

WHEREAS, the owner of the property known as 4410 Kensington Avenue, which is situated in a R-5 Single-Family Residential District, desires to use such property for the purpose of an accessory dwelling unit located within an existing detached garage, 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 (2018), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: SEPT 10 2018 REJECTED: _____ STRICKEN: _____

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

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

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

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

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 4410 Kensington Avenue and identified as Tax Parcel No. W019-0235/017 in the 2018 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lots 25 and 26 Block 17 Section B, Colonial Place, Richmond, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated November 22, 2017, 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 dwelling unit located within an existing detached garage accessory to an existing single-family dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Floor Plan & Elevations,” prepared by Andy Daniel, and dated December 11, 2017, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

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

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

(a) The Special Use of the Property shall be a dwelling unit located within an existing detached garage accessory to an existing single-family dwelling, substantially as shown on the Plans.

(b) No off-street parking shall be required for the Property.

(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) The height of the Special Use shall not exceed one story, substantially as shown on the Plans.

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

(f) The accessory 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 member” means a person related to the Owner 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, 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.2018.136

JUL 16 2018

OFFICE OF CITY ATTORNEY

O & R REQUEST

4-7943

JUN 26 2018

O & R Request

Office of the
Chief Administrative Officer

DATE: June 22, 2018

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)
(This in no way reflects a recommendation on behalf of the Mayor)

JS 7/16/18

THROUGH: Selena Cuffee Glenn, Chief Administrative Officer

SCG

THROUGH: Peter L. Downey, Jr., Deputy Chief Administrative Officer for Economic Development and Planning

PLD 6-26

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

MAO

RE: To authorize the special use of the property known as 4410 Kensington Avenue for the purpose of an accessory dwelling unit in an existing detached garage, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To authorize the special use of the property known as 4410 Kensington Avenue for the purpose of an accessory dwelling unit in an existing detached garage, upon certain terms and conditions.

REASON: The applicant is proposing to renovate a one-story, 480 SF, detached garage to include an accessory dwelling unit for use by family. The property is currently located in the R-5 zoning district and the proposed use is not permitted. A special use permit has therefore been requested by the applicant.

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 September 4, 2018, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 7,425 SF or .17 acre parcel of land improved with a

1,406 SF residential building constructed, per tax assessment records, in 1946 as a Single-family dwelling. It is located in the Colonial Place neighborhood of the Far West Planning District.

The City of Richmond's Master Plan designates a future land use category for the subject property as Single-Family Low Density. Primary uses for this category include "...single-family detached dwellings at densities up to seven units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. Typical zoning classifications that may accommodate this land use category: R-1, R-2, R-3, R-4, and R-5."

The density of the parcel if developed would be approximately 12 units per acre. Lot coverage requirements for the R-5 district are currently set at a maximum of 35%. The existing lot coverage of the existing house and detached garage is approximately 23%, within current zoning requirements.

Adjacent properties on the 4400 Block of Kensington Avenue are of similar-sized houses, some with rear garages. Single-family land use predominates the area, with some institutional land uses present as well. All surrounding properties are within the same R-5 Single-family zoning district as 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 application fee.

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: July 23, 2018

CITY COUNCIL PUBLIC HEARING DATE: September 10, 2018

REQUESTED AGENDA: Consent.

RECOMMENDED COUNCIL COMMITTEE: None.

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, September 4, 2018

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, Map

STAFF: Jonathan Brown, Senior Planner
Land Use Administration (Room 511) 646-5734



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.richmond.gov/>

Application is hereby submitted for: (check one)

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

Project Name/Location

Property Address: 4410 Kensington Ave, Richmond, VA 23221 Date: 12/11/2017

Tax Map #: W0190235017 Fee: \$300

Total area of affected site in acres: 0.17

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

Zoning

Current Zoning: R-5

Existing Use: Garage

Proposed Use

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

Modify 280 square feet of existing 480 square foot garage to create a dwelling unit serving primarily as a quiet area to work from home.

Existing Use: Garage

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Andy Daniel

Company: _____

Mailing Address: 4410 Kensington Ave

City: Richmond State: VA Zip Code: 23221

Telephone: (804) 2,488,597 Fax: ()

Email: adaniel@synpartners.com

Property Owner: Andy Daniel & Courtney O'Hara

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: 4410 Kensington Ave

City: Richmond State: VA Zip Code: 23221

Telephone: (804) 2,488,597 Fax: ()

Email: adaniel@synpartners.com

Property Owner Signature:

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)

Andy Daniel & Courtney O'Hara
4410 Kensington Ave, Richmond, VA 23221
(804) 248-8597 | adaniel@synpartners.com

December 11, 2017

Department of Planning & Development Review
900 East Broad Street, Suite 511
Richmond, VA 23219

RE: Applicant's Report for Special Use Permit Application at 4410 Kensington Ave

To Whom It May Concern:

Please accept this letter as the Applicant's Report for the Special Use Permit (SUP) application for 4410 Kensington Ave. With this application, we are petitioning the City Council for authorization to modify the interior of an existing garage at the rear of the property to add a dwelling unit to serve as a home office and suite for overnight family guests. As we are expecting our first child this Spring, we consulted with several contractors and determined that adding the proposed dwelling unit is most cost-efficient manner to expand our 1406 square foot home to accommodate our needs. The dwelling unit will serve primarily as a quiet area to work from home, will only be occupied by family members, and will not be rented out to the general public.

The property is located north of Kensington Ave at the intersection of Kensington Ave and Commonwealth Avenue. The property is comprised of .17 acres (7425 square feet). The existing garage, located at the rear of the property, is a one-story, 480 square foot structure that, today, is used to store household items and lawn equipment. We propose to divide the existing garage's interior space into two sections, leaving 200 square feet as unfinished storage space and modify 280 square feet into a finished dwelling unit. This studio space would include a full bath and kitchenette. With the exception of adding additional windows and modifying existing siding, no exterior modifications are planned. As proposed, the project will not result in a significant change to property's existing use, nor increase the concentration of population, and thus will not:

1. be detrimental to the safety, health, morals and general welfare of the community involved;
2. create congestion in streets, roads, alleys and other public ways and places in the area involved;
3. create hazards from fire, panic or other dangers;
4. tend to cause overcrowding of land and an undue concentration of population;
5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
6. interfere with adequate light and air.

Thank you for your consideration of this application. Please feel free to contact us at adaniel@synpartners.com or (804) 248-8597 if you have any questions or require additional materials to process the application.

Very Truly Yours,



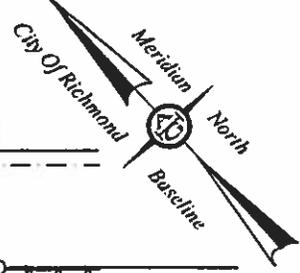
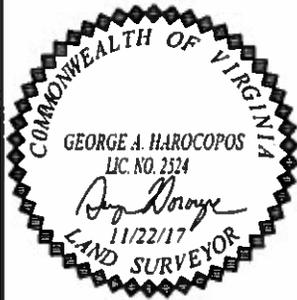
Andy Daniel & Courtney O'Hara

Enclosures

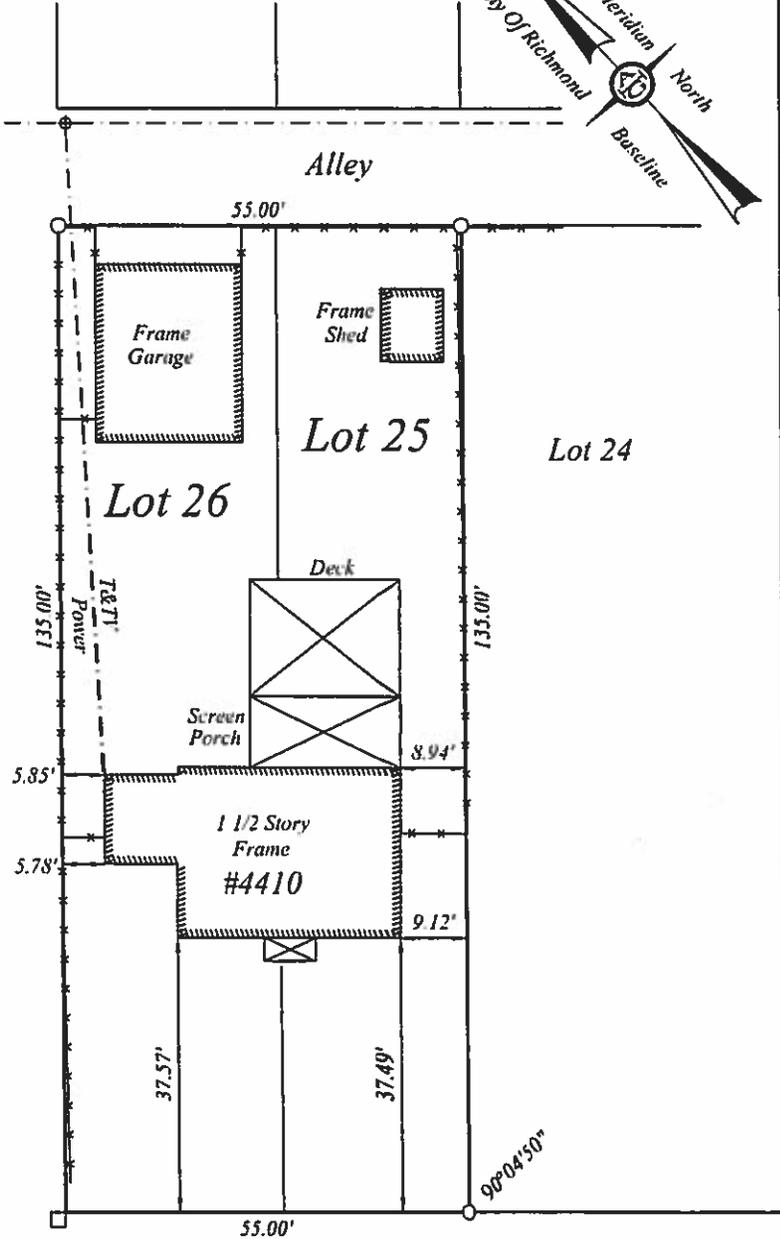
This is to certify that on 11/22/17
 I made an accurate field survey of the known premises shown hereon; that all improvements known or visible are shown hereon; that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises, other than shown hereon.

NOTE: THIS LOT APPEARS TO BE IN FEMA FLOOD ZONE X AS SHOWN ON HUD COMMUNITY PANEL NUMBERS 5101290028D

NOTE: This survey has been prepared without the benefit of a title report and does not therefore necessarily indicate all encumbrances on the property.



COMMONWEALTH AVENUE



LEGEND

- ⊕ Power Pole
- Rod/F
- Stone/F

KENSINGTON AVENUE

SURVEY OF
 LOTS 25 AND 26 BLOCK 17 SECTION B
COLONIAL PLACE
 RICHMOND, VIRGINIA

JN 47011

A. G. HAROCOPOS & ASSOCIATES, P.C.
 CERTIFIED LAND SURVEYOR AND CONSULTANT

4920 E MILLRIDGE PKWY SUITE 200 MIDLOTHIAN VA 23112
 Office 804 744 2630 FAX 804 744 2632
 E-MAIL AGHAROCOPOS@VERIZON.NET

NOTE: PLAT PREPARED FOR THE EXCLUSIVE USE OF ANDY DANIEL

Scale 1"=20' Date 11/22/17 Drawn by GAH

Proposed Floor Plan



Current Elevation – Exterior Perspective View (from Southeast, does not change)



Proposed Elevation – Exterior Perspective View (from Southeast)



Windows on this side become shorter and move out towards corners. New small window to bathroom is added. Similar small windows added to gables.

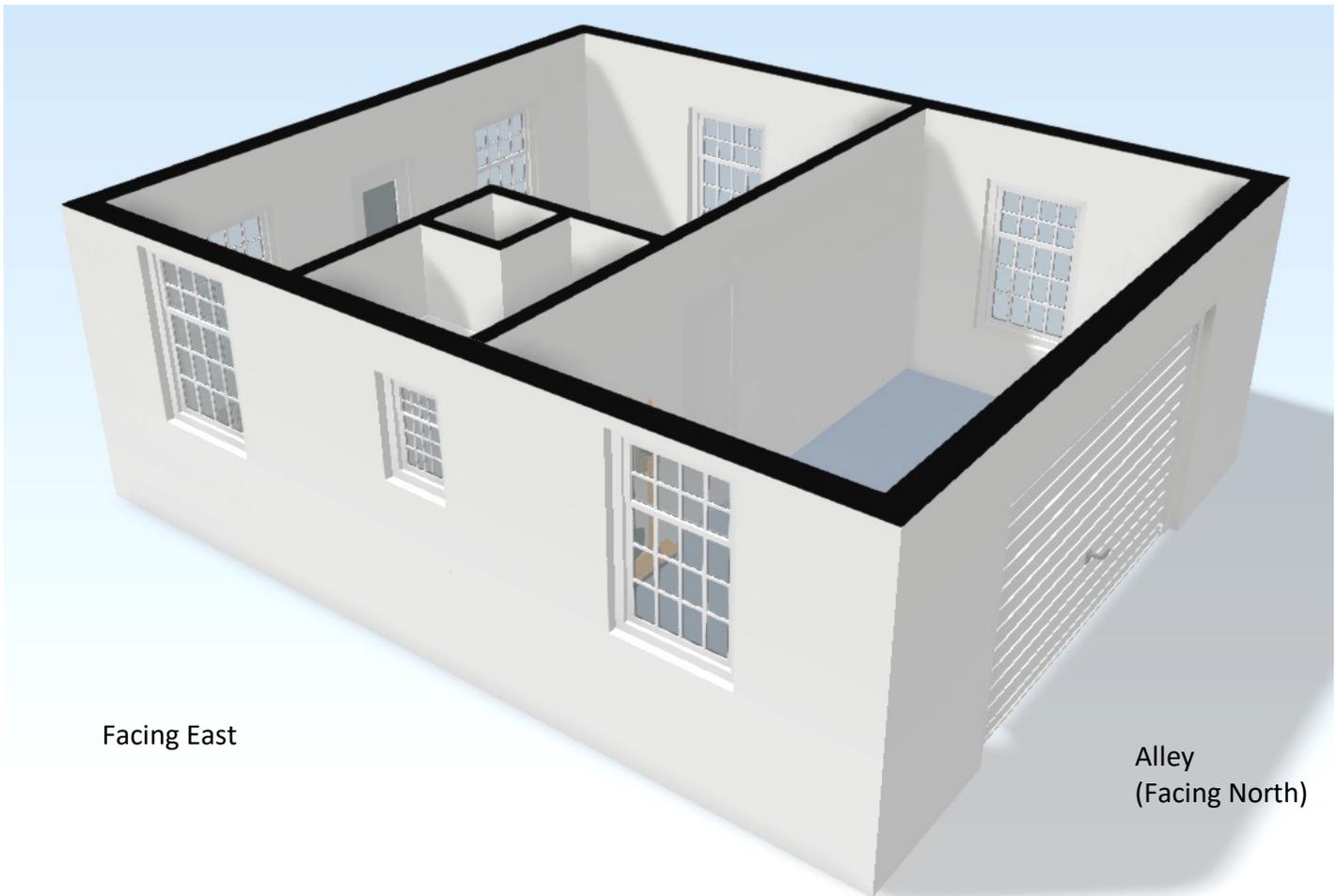
Proposed Elevation – Exterior Perspective View (from Southwest)



Commonwealth Ave Side
(Facing West)

View from house
(Facing South)

Proposed Elevation – Exterior Perspective View (from Northeast)



Facing East

Alley
(Facing North)