

INTRODUCED: March 27, 2023

AN ORDINANCE No. 2023-106

To authorize the special use of the property known as 3019 Moss Side Avenue for the purpose of a dwelling unit within an accessory building to a single-family detached dwelling, upon certain terms and conditions. (3rd District)

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 24 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 3019 Moss Side Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a dwelling unit within an accessory building to a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-412.2(2), concerning permitted accessory uses and structures, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 12 2023 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 (2020), 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 3019 Moss Side Avenue and identified as Tax Parcel No. N000-0968/033 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Topography Survey Showing 3019 Moss Side Avenue, City of Richmond, Virginia,” prepared by JL Surveying, LLC., and dated April 26, 2022, 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 within an accessory building to a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “3019 Moss Side Avenue, Richmond, VA,” prepared by Cortez Architecture + Design, PLLC, and undated, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

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

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

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

(b) No more than two off-street parking spaces shall be provided on the Property, substantially as shown on the Plans.

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

(d) All building materials, elevations, and site improvements shall be 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.

§ 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 (2020), 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 (2020), 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 (2020), 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 (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

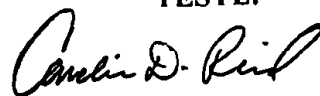
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property 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.

Z

A TRUE COPY:
TESTE:

A handwritten signature in black ink, appearing to read "Camille D. Reed".

City Clerk



City of Richmond

Item Request File Number: PRE.2022.0502

RECEIVED
By City Attorney's Office at 3:07 pm, Mar 17, 2023

RECEIVED
By CAO Office at 4:36 pm, Feb 27, 2023

2023-097

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

O & R Request

DATE: February 27, 2023

EDITION: 1

TO: The Honorable Members of City Council

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

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To authorize the special use of the property known as 3019 Moss Side Avenue, for the
purpose of a dwelling unit within an accessory building to a single-family detached dwelling,
upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 3019 Moss Side Avenue, for the purpose
of a dwelling unit within an accessory building to a single-family detached dwelling, upon certain terms and
conditions.

REASON: The applicant is requesting a Special Use Permit to authorize a single-family detached
dwelling, with an accessory dwelling unit, within an R-6 Single-Family Attached Residential District. While
the use is permitted, it must be existing at the effective date of the ordinance subsection, which for this zone
is 1995. A Special Use Permit is therefore required for the new accessory dwelling unit.

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.

BACKGROUND: The property is located in the Ginter Park Terrace neighborhood on Moss Side Avenue

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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.

BACKGROUND: The property is located in the Ginter Park Terrace neighborhood on Moss Side Avenue

between West Ladies Mile Road and West Brookland Park Boulevard. The property is currently a 7,250 sq. ft. (.16 acre) vacant parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Residential, which is defined as a "Neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature."

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft. Residential density of 2 to 10 housing units per acre. Primary Uses: Single-family houses, accessory dwelling units, and open space. Secondary Uses: Duplexes and small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets (p. 54)

The current zoning for this property is R-6 Single-Family Attached Residential District. All adjacent and nearby properties are located primarily within the same R 6 zone. The area is generally single family residential, with some two-family residential, multi-family residential, and small, neighborhood commercial uses present in the vicinity. The proposed density of the parcel is 2 units upon .16 acres, or 12.5 units per acre.

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: March 27, 2023

CITY COUNCIL PUBLIC HEARING DATE: April 24, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
April 17, 2023

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Plans, Survey, 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.richmondgov.com/>

Application is hereby submitted for: (check one)

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

Project Name/Location

Property Address: 3019 Moss Side Ave Richmond, VA 23222 Date: 7/27/22

Parcel I.D. #: N0000968033 Fee: \$300

Total area of affected site in acres: 0.166

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

Zoning

Current Zoning: R-6 Residential

Richmond 300 Land Use Designation: Abandoned old garage.

Proposed Use

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

Seeking to make improvements on the EXISTING space into an accessory dwelling unit (see attached)

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: Noah Kester

Company: _____

Mailing Address: 3019 Moss Side Ave

City: Richmond State: VA Zip Code: 23222

Telephone: (804) 926-9593 Fax: ()

Email: noahkester@gmail.com

Property Owner: noah kester

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: 3019 Moss Side Ave

City: Richmond State: VA Zip Code: 23222

Telephone: (804) 926-9593 Fax: ()

Email: noahkester@gmail.com

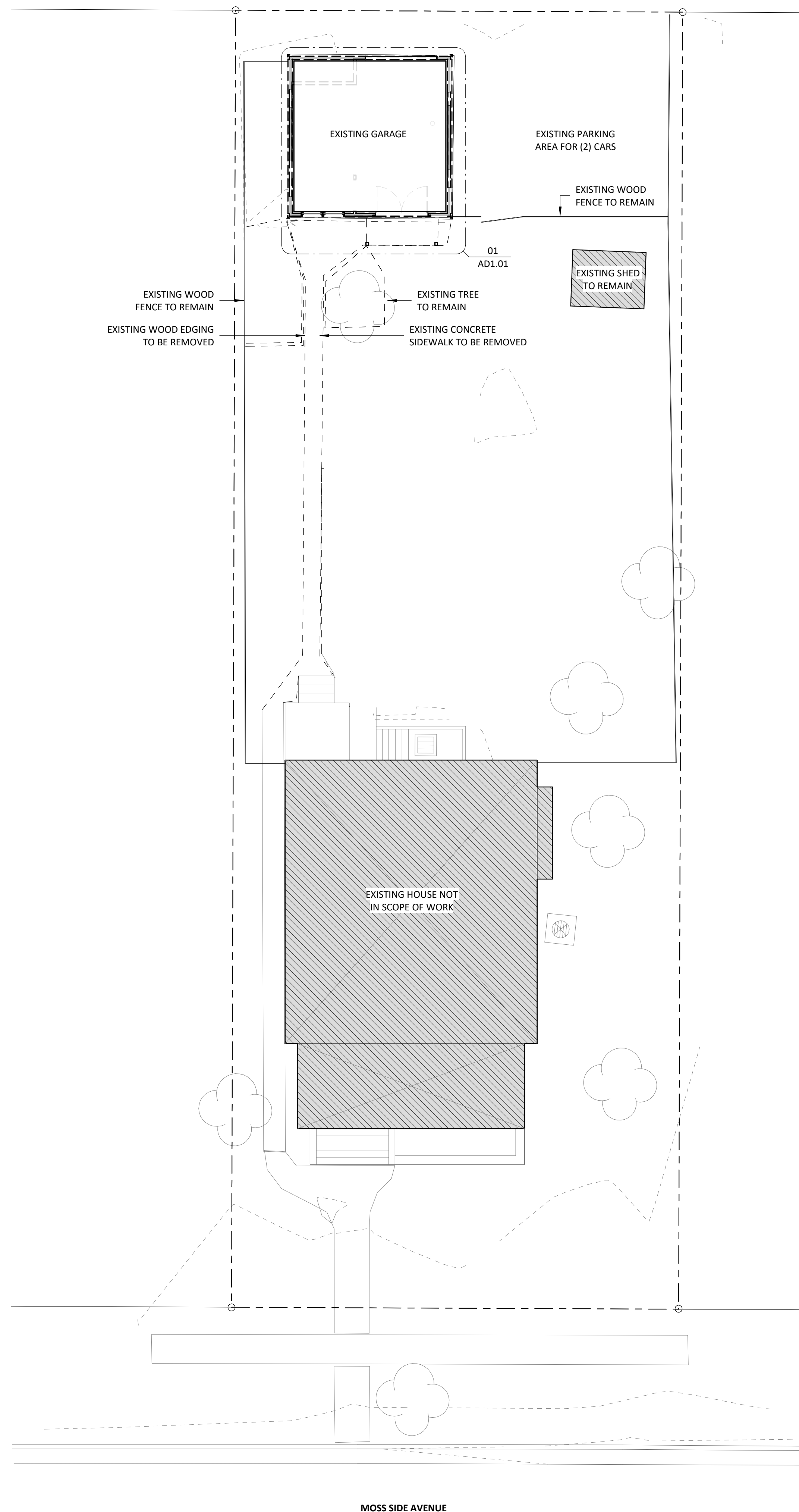
Property Owner Signature: 

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)

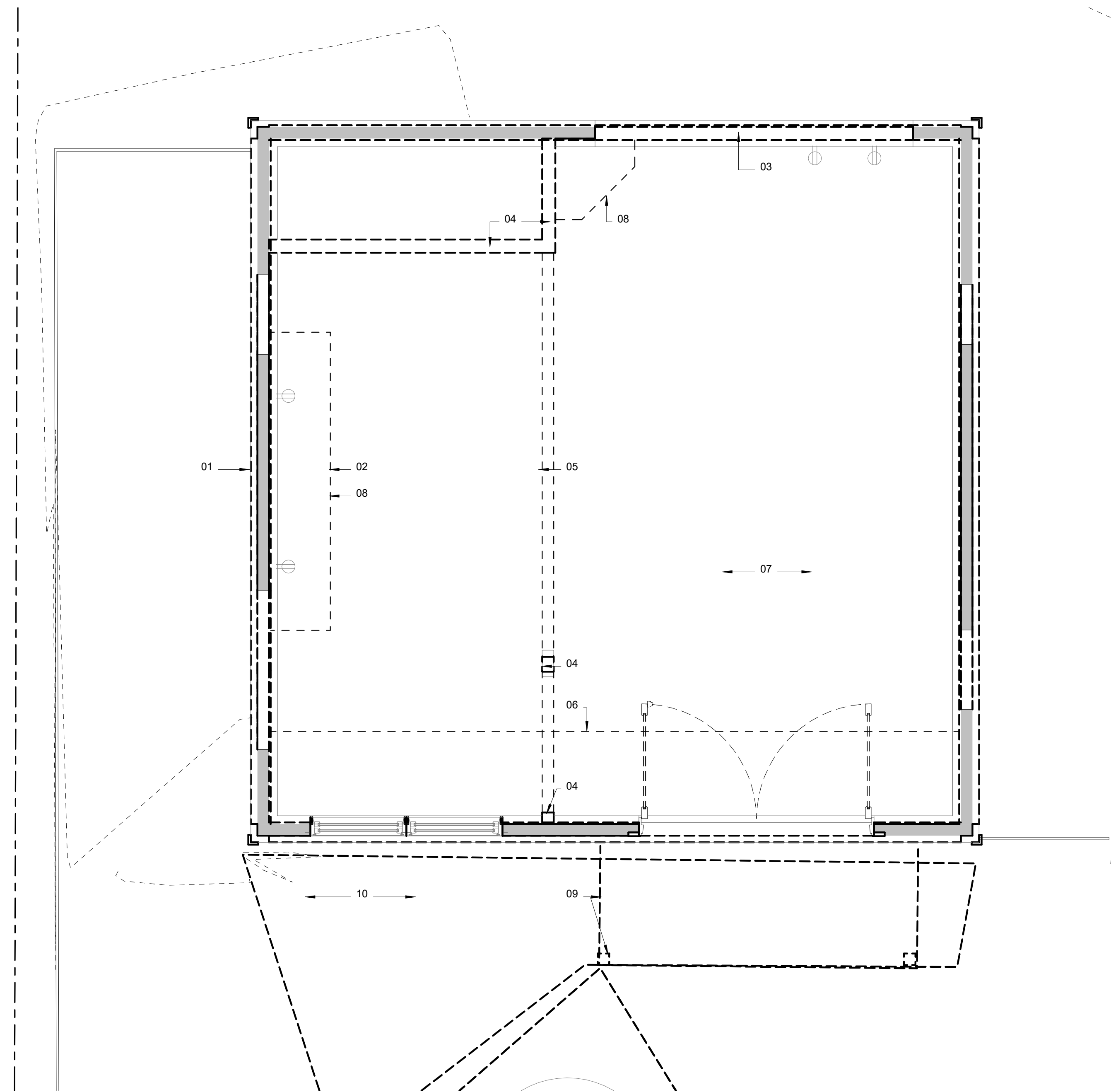
An existing garage is proposed to be converted into an accessory dwelling unit. The existing structure of the existing garage is to remain, and no additions or enlargements to the existing garage are proposed. Existing setbacks are to remain. an existing grass parking area for (2) cars is to be resurfaced with gravel. The exterior will receive new Hardie Panel siding, which is proposed to be painted to match and complement the existing house. new window openings are being proposed as shown. existing double doors to be converted to single exterior door opening. Other modifications evident in attached drawings.

- A. The proposed project seeks only to show hospitality to others, and will not impose any additional burden on the community. It will not be detrimental to the health, safety, and general welfare of the community involved.
- B. Off-street parking is being provided for the use of the Accessory Dwelling Unit, and will not create congestion in the area involved.
- C. The proposed project aims to offer an enjoyable, hospitable place for 1 – 2 guests at a time to stay and experience the Richmond community. The proposed use will not pose hazards to the surrounding neighborhood.
- D. An existing garage is being proposed to be converted into an Accessory Dwelling Unit for use by 1 – 2 people. No additional enlargements, additions, or modifications that would alter the existing lot coverage to the property are proposed. As such, the proposed project will not cause overcrowding of land or undue concentration of population.
- E. With the desired number of guests at 1 – 2 people, the proposed Accessory Dwelling Unit will not cause an increase in burden to the infrastructure of the community involved (such as: public and private schools, public utilities, transportation).
- F. No additional enlargements, additions, or modifications are being proposed to the existing garage. The proposed renovation will not adversely affect the current quality of the light and air to the surrounding community.



01 ARCHITECTURE DEMO SITE PLAN
1/8" = 1'-0"

0 4' 8' 16'



KEYED NOTES - DEMOLITION FLOOR PLAN

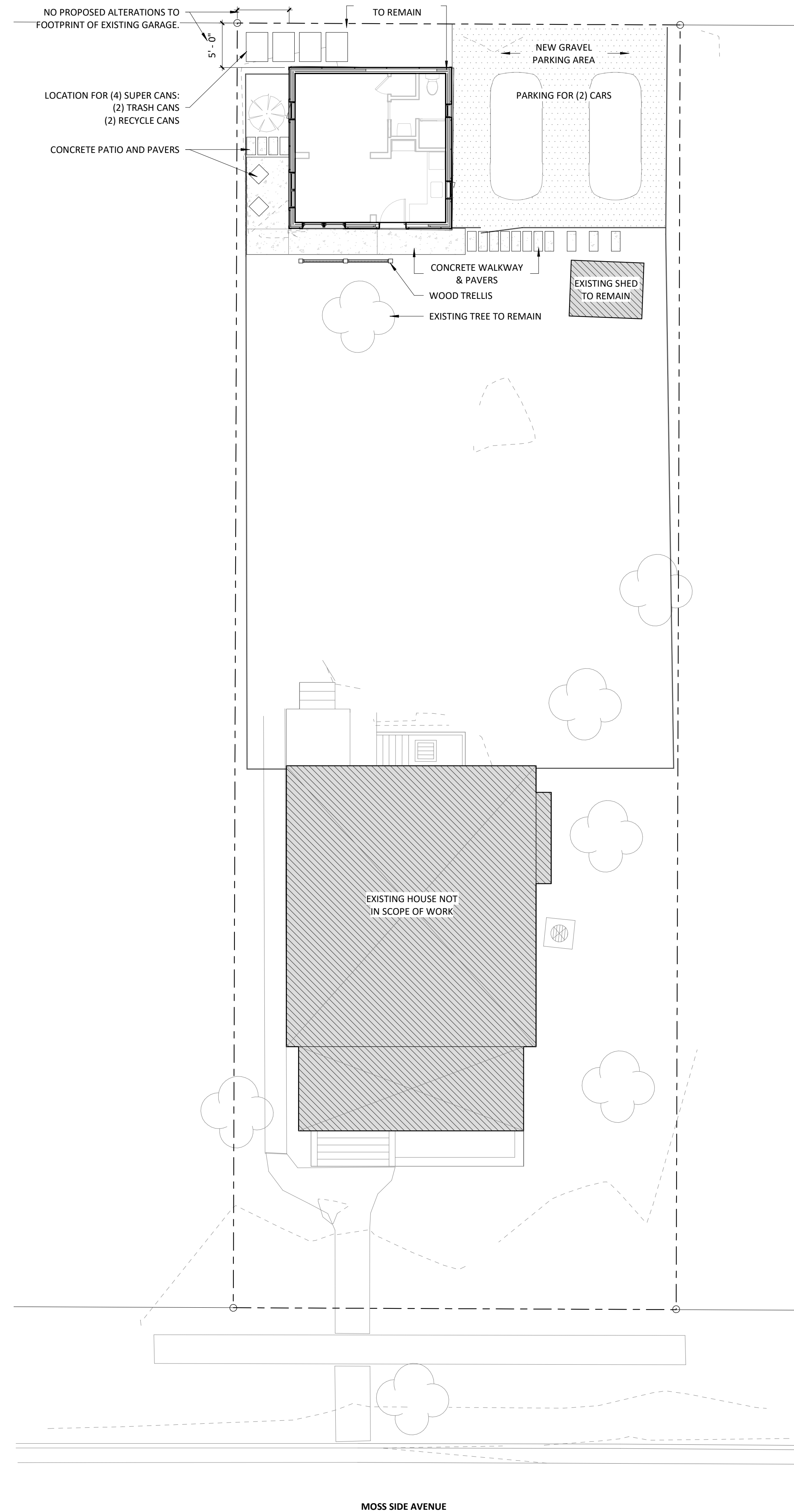
- 01 REMOVE EXISTING EXTERIOR CLADDING AND SHEATHING IN THEIR ENTIRETY TO EXTERIOR FACE OF EXISTING STUDS. EXISTING WALL STUDS TO REMAIN, REPAIR AND/OR REPLACE AS REQUIRED. PREPARE EXISTING STUDS TO RECEIVE NEW EXTERIOR CLADDING AS SCHEDULED.
- 02 REMOVE EXISTING INTERIOR WALL FINISH IN ITS ENTIRETY TO INTERIOR FACE OF EXISTING STUD. CLEAN STUDS AS REQUIRED AND PREPARE TO RECEIVE NEW FINISHES AS SCHEDULED.
- 03 EXISTING INFILL AND TRIM TO BE REMOVED IN ITS ENTIRETY. PREPARE EXISTING OPENING TO RECEIVE NEW FRAMING AND FINISHES (INTERIOR AND EXTERIOR) AS SPECIFIED IN NEW WORK.
- 04 EXISTING 2 x 4 WOOD STUD WALL TO BE REMOVED IN ITS ENTIRETY. COORDINATE SALVAGE OF EXISTING FRAMING WITH OWNERS.
- 05 EXISTING 2 x 8 HEADER ABOVE TO BE REMOVED IN ITS ENTIRETY. COORDINATE SALVAGE OF EXISTING FRAMING WITH OWNERS.
- 06 EXISTING 2 x 6 OVERHEAD SHELF ABOVE TO BE REMOVED IN ITS ENTIRETY.
- 07 EXISTING CONCRETE SLAB TO REMAIN. CLEAN, PATCH, AND REPAIR AS NECESSARY TO RECEIVE SELF-LEVELING CONCRETE IN NEW WORK.
- 08 EXISTING BUILT-IN TO BE REMOVED.
- 09 EXISTING CANOPY AND COLUMNS TO BE REMOVED IN THEIR ENTIRETY.
- 10 EXISTING CONCRETE WALKWAY TO BE REMOVED IN ITS ENTIRETY.

PLAN LEGEND

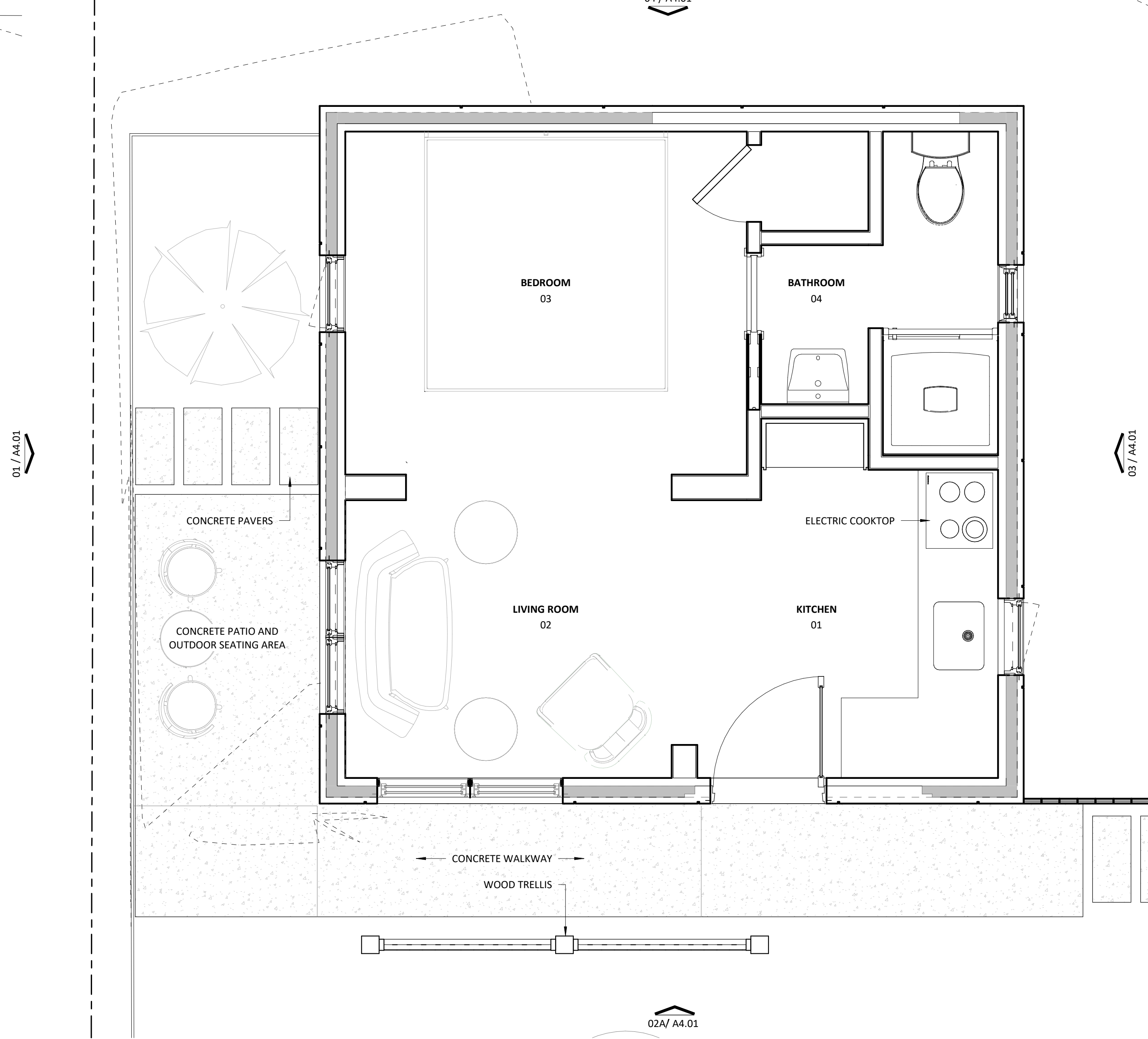
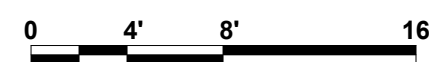
- EXISTING TO BE DEMOLISHED
- EXISTING TO REMAIN
- PROPOSED NEW CONSTRUCTION
- NOT IN SCOPE OF WORK

01 FIRST FLOOR DEMOLITION PLAN
1/2" = 1'-0"

0 1' 2' 4'



01 ARCHITECTURAL SITE PLAN
1/8" = 1'-0"



ZONING REVIEW

ZONING DISTRICT	R-6 RESIDENTIAL
REQUIRED SETBACKS	
FRONT	15' - 0"
SIDE	5' - 0"
REAR	5' - 0"
	NO PROPOSED ADDITIONS OR CHANGES TO EXISTING SETBACKS
LOT COVERAGE	
MAXIMUM ALLOWABLE	55%
PARCEL SQUARE FEET	7250 SF (PER CITY OF RICHMOND)
CURRENT COVERAGE	21.2 % (1534 BUILT SF/7250 LOT SF)
	NO PROPOSED ADDITIONS OR CHANGES TO LOT COVERAGE

PROJECT OVERVIEW

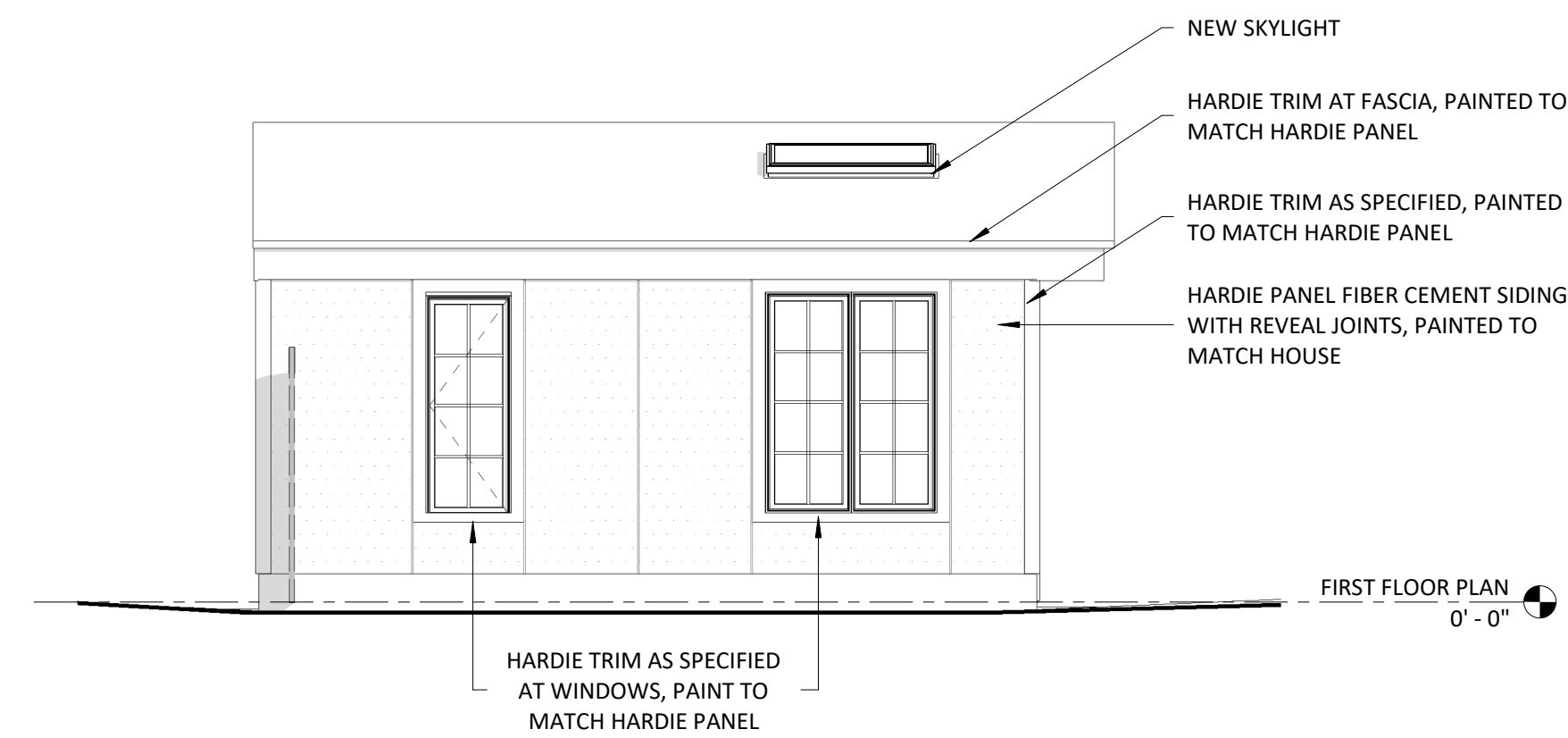
AN EXISTING GARAGE IS PROPOSED TO BE CONVERTED INTO AN ACCESSORY DWELLING UNIT. THE EXISTING STRUCTURE OF THE EXISTING GARAGE IS TO REMAIN, AND NO ADDITIONS OR ENLARGEMENTS TO THE EXISTING GARAGE ARE PROPOSED. EXISTING SETBACKS ARE TO REMAIN. AN EXISTING GRASS PARKING AREA FOR (2) CARS IS TO BE RESURFACED WITH GRAVEL. THE EXTERIOR WILL RECEIVE NEW HARDIE PANEL SIDING, WHICH IS PROPOSED TO BE PAINTED TO MATCH AND COMPLIMENT THE EXISTING HOUSE. NEW WINDOW OPENINGS ARE BEING PROPOSED AS SHOWN.

PLAN LEGEND

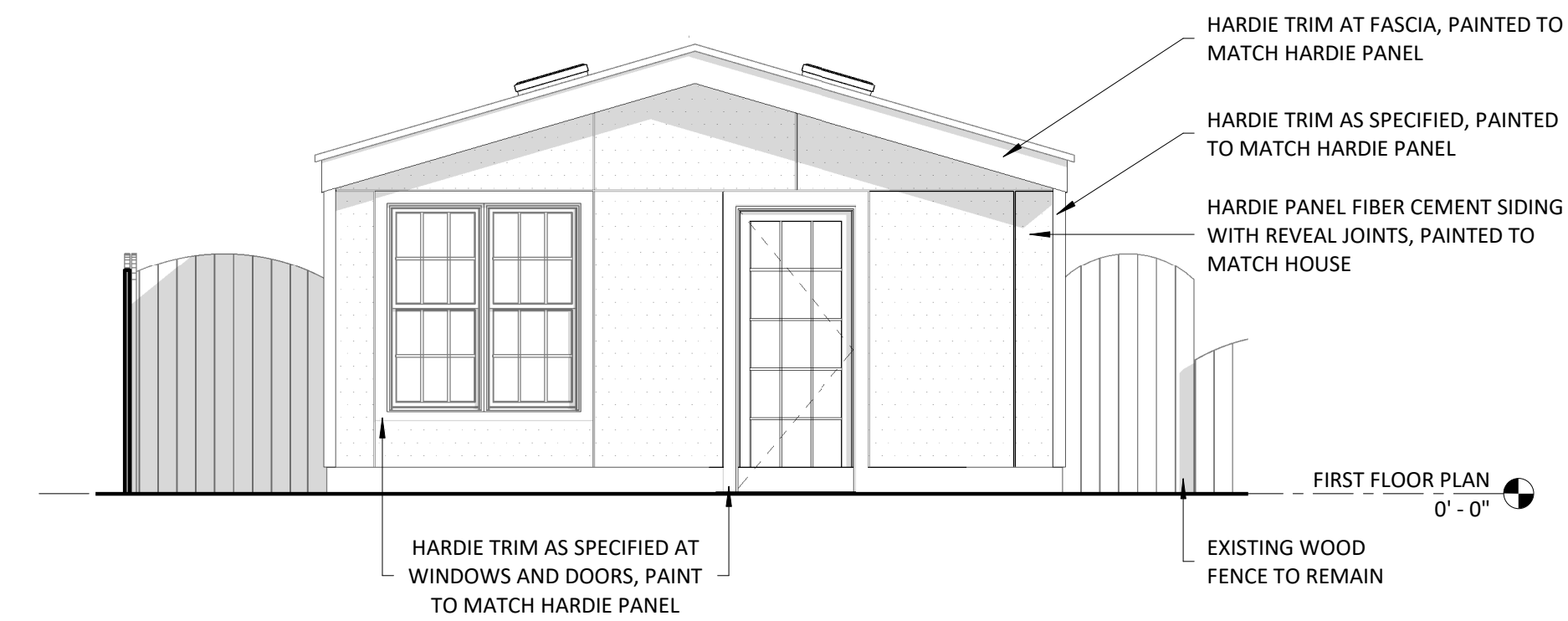
	EXISTING TO BE DEMOLISHED
	EXISTING TO REMAIN
	PROPOSED NEW CONSTRUCTION
	NOT IN SCOPE OF WORK

02 ENLARGED FIRST FLOOR PLAN
1/2" = 1'-0"

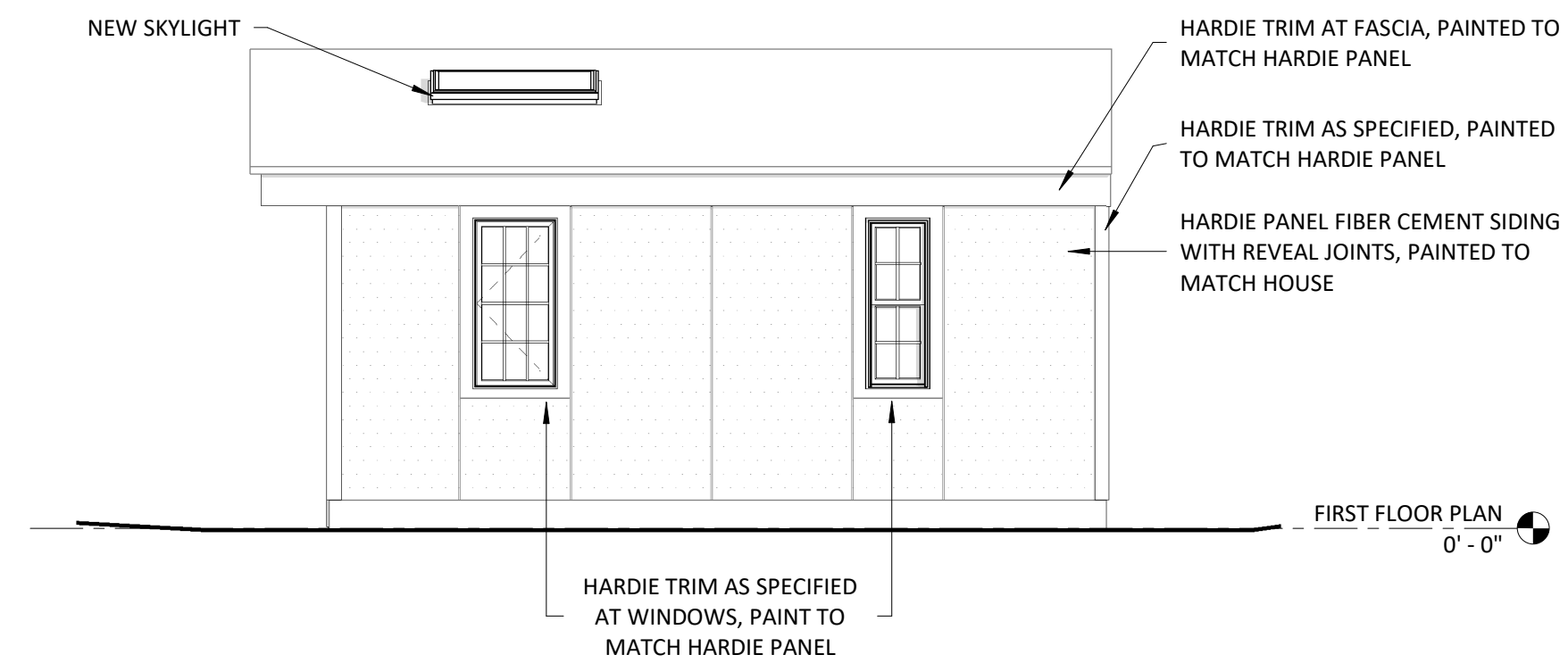




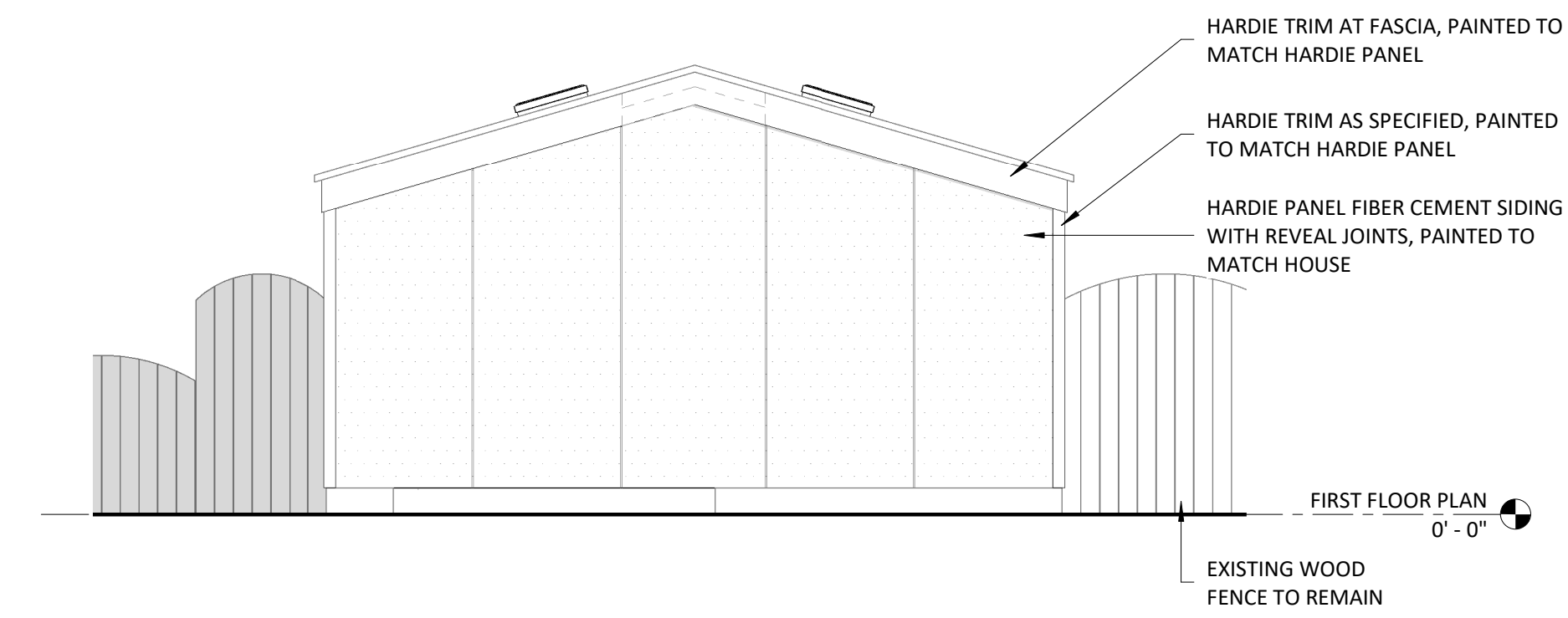
01 NORTH ELEVATION
1/4" = 1'-0"



02 WEST ELEVATION
1/4" = 1'-0"



03 SOUTH ELEVATION
1/4" = 1'-0"



04 EAST ELEVATION
1/4" = 1'-0"



NOTES:

- 1) THIS PLAT REPRESENTS A CURRENT FIELD SURVEY.
- 2) NO CEMETERIES WERE OBSERVED WHILE PERFORMING A PERIMETER SURVEY.
- 3) NO TITLE BINDER WAS PROVIDED, EASEMENTS MAY EXIST THAT ARE NOT SHOWN.

OWNER:
NOAH J. &
PAYTON E. KESTER
DEED REF: ID2020-129219
TM# N0000968033
3019 MOSS SIDE AVE.
RICHMOND, VA 23222

