



## CITY OF RICHMOND

### Department of Planning & Development Review *Staff Report*

**Ord. No. 2015-156:** To authorize the special use of the property known as address 311 Stockton Lane for the purpose of authorizing two accessory dwelling units, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** November 2, 2015

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#### **PETITIONER**

T. Preston Lloyd, Jr.  
Williams Mullen  
200 South 10<sup>th</sup> Street, Suite 1600  
Richmond, VA 23219

#### **LOCATION**

311 Stockton Lane

#### **PURPOSE**

To authorize the special use of the property known as 311 Stockton Lane for the purpose of authorizing two (2) accessory dwelling units, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant is requesting a special use permit to construct two (2) accessory dwelling units, referenced as a pool pavilion and garage pavilion on the attached plans. The two accessory structures and proposed new swimming pool are located in the front yard of the subject property. The pool pavilion is located adjacent to the site of a proposed swimming pool which will replace an existing swimming pool. This structure is proposed to be renovated with a full kitchen, a full bathroom, and a living area. The garage pavilion is proposed to be renovated with a full bath and two office areas. No kitchen facilities are proposed for the garage pavilion. The existing swimming pool is to be demolished and replaced with a new swimming pool and surrounding deck area. It is a long standing interpretation of the Zoning Ordinance that the inclusion of a full bath in an accessory structure constitutes a dwelling unit.

The subject parcel is located in an R-1 Single-Family Residential District. Accessory dwelling units are not permitted uses in the R-1 district. Permitted accessory uses and structures in the R-1 district may be sited in a rear yard and/or side yard so long as they are not sited in advance of the main residential structure and meet the required yard setbacks for the zoning district. In the event that any detached accessory structure were to be constructed under the current Zoning Ordinance, it would have to be located in the rear yard of the property and, in the case of the R-1 district, would have to setback from the rear yard property line not less than ten feet (10') and from the side yard property line not less than ten feet (10').

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Swimming pools, which are permitted accessory uses in the R-1 district, must be sited in the same manner. Neither of the two existing accessory structures nor the proposed swimming pool meet these requirements.

The property is located in the Far West Planning District as defined by the 2000-2020 city-wide Master Plan, which recommends “Single-Family (Low-Density)” uses for the property. The Richmond Master Plan designates this property as Single-Family (Low-Density). Primary use for the Single-Family designation are, “single-family detached dwellings at densities up to seven units per acre” (p. 133).

The zoning ordinance does provide for a special exception for a dwelling unit in an accessory building in a single-family district, granted by the Board of Zoning Appeals, when meeting of certain criteria. One of the criteria for pursuing the special exception is evidence provided by the applicant that the accessory building was previously and lawfully occupied by a dwelling unit for domestic employees. In the case of 311 Stockton Lane, the applicant was unable to provide such evidence and therefore a special use permit was determined to be required.

For the remaining criteria, the applicant adequately meets the requirements. Regarding the criteria intended to prevent overcrowding of the lot or any adverse impact on surrounding properties, the subject property is just over nine acres in size and the proposed accessory dwelling structures are located more than 500 feet off from the end of Stockton Lane. The main building would continue to be used as an owner-occupied single-family detached dwelling. In addition, neither of the accessory structures would contain bedrooms. Finally, neither of the structures would be enlarged and the existing parking area on the property provides for at least one parking space for each accessory structure and the main building.

Staff finds that given the unique conditions particular to the subject property, including the size and existing historic layout, the proposed accessory dwelling units would meet the City Charter criteria for the granting of special use permits. Specifically, the proposal would not be detrimental to the safety, health, morals and general welfare of the community established by the City’s Master Plan and R-1 zoning district. Therefore, staff recommends approval of the special use permit request.

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## **FINDINGS OF FACT**

### **Site Description**

The subject property is located in the City’s Windsor Farms neighborhood at the end of Stockton Lane. The property is 9.052 acres in size and is currently improved with a single-family dwelling and two pavilions, one for the pool and one for the garage.

### **Proposed Use of the Property**

The applicant is requesting a special use permit to construct two (2) accessory dwelling units, referenced as a pool pavilion and garage pavilion on the attached plans. The two accessory structures and proposed new swimming pool are located in the front yard of the subject property. The pool pavilion is located adjacent to the site of a proposed swimming pool, which will replace an existing swimming pool. This structure is proposed to be

renovated with a full kitchen, a full bathroom, and a living area. The garage pavilion is proposed to be renovated with a full bath and two office areas. No kitchen facilities are proposed for the garage pavilion. The existing swimming pool is to be demolished and replaced with a new swimming pool and surrounding deck area.

### **Master Plan**

The property is located in the Far West Planning District as defined by the 2000-2020 city-wide Master Plan, which recommends “Single-Family (Low-Density)” uses for the property. The Richmond Master Plan designates this property as Single-Family (Low-Density). Primary use for the Single-Family designation are, “single-family detached dwellings at densities up to seven units per acre” (p. 133).

### **Zoning & Ordinance Conditions**

The subject parcel is located in an R-1 Single-Family Residential District. Accessory dwelling units are not permitted uses in the R-1 district. Permitted accessory uses and structures in the R-1 district may be sited in a rear yard and/or side yard so long as they are not sited in advance of the main residential structure and meet the required yard setbacks for the zoning district. In the event that any detached accessory structure were to be constructed under the current Zoning Ordinance, it would have to be located in the rear yard of the property and, in the case of the R-1 district, would have to setback from the rear yard property line not less than ten feet (10') and from the side yard property line not less than ten feet (10').

### **Surrounding Area**

The surrounding properties are zoned R-1 and are occupied by single-family detached dwellings.

### **Neighborhood Participation**

Staff has contacted 1<sup>st</sup> District Council Representative, Jonathan Baliles, and the Windsor Farm Association. Staff has received no letters of support nor opposition.

**Staff Contact:** Willy Thompson, Senior Planner, (804) 646-5734