

INTRODUCED: April 14, 2025

AN ORDINANCE No. 2025-078

As Amended

To authorize the special use of the property known as 1843 West Grace Street for the purpose of one dwelling unit within an accessory building to a [~~single-family~~] two-family attached dwelling, upon certain terms and conditions.

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 12 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 1843 West Grace Street, which is situated in a R-48 Multi-Family Residential District, desires to use such property for the purpose of one dwelling unit within an accessory building to a [~~single-family~~] two-family attached dwelling, which use, among other things, is not currently allowed by sections 30-416.2, concerning permitted accessory uses and structures, 30-416.5, concerning yards, 30-416.6:1, concerning lot coverage, and 30-680.4, concerning height and size limits, 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

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: JUN 23 2025 REJECTED: _____ STRICKEN: _____

(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 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 1843 West Grace Street and identified as Tax Parcel No. W000-0862/007 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on No. 1843 W. Grace Street, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated November 10, 2020, 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 one dwelling unit within an accessory building to a [~~single-family~~] two-family attached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Plat Showing Improvements on No. 1843 W. Grace Street, in the City of Richmond, Virginia,” prepared by McKnight & Associates, P.C., and dated November 10, 2020, and “Proposed Accessory Dwelling Unit at 1843 West Grace Street,” prepared by Jim Pociluyko, and dated September 24, 2024, hereinafter referred to, collectively, 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 one dwelling unit within an accessory

building to a [~~single-family~~] two-family attached dwelling, substantially as shown on the Plans.

(b) The height of the accessory structure shall not exceed two stories, substantially as shown on the Plans.

(c) All building materials, elevations, and site improvements shall be substantially as shown on the Plans, and subject to the issuance of a Certificate of Appropriateness by the Commission of Architectural Review.

(d) 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

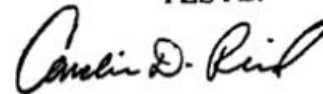
granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in 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 1,096 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.

A TRUE COPY:

TESTE:

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

City Clerk



City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: December 19, 2024

TO: The Honorable Members of City Council

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

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

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

RE: To authorize the special use of the property known as 1843 West Grace Street for the purpose of one dwelling unit within an accessory building to a single-family attached dwelling, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: The applicant is requesting a Special Use Permit to authorize a single-family attached dwelling with an accessory structure containing a dwelling unit within the R-48 Multi-Family Residential District. This special use permit will allow a dwelling unit within an accessory structure, which is not currently permitted in the R-48 district and will waive the requirements regarding side setbacks, rear setbacks, lot coverage, and height limits for accessory structures, as detailed in Sections 30-416 and 30-680.4 of the Code of the City of Richmond, as amended.

BACKGROUND: The property is in The Fan neighborhood, on the southern side of West Grace Street, between North Meadow Street and North Allen Avenue. The property is a 2,310 square foot (.053 acre) parcel of land, improved with a single-family attached dwelling. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which is defined as "Existing or new highly walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses." (Richmond 300, p. 82).

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets (see Street Typologies Map). Parcels are generally between 1,500 and 5,000 sq. ft.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The current zoning for this property is R-48 Multi-Family District. It is also located within the West Grace Street City Old and Historic District. The surrounding area is generally residential.

COMMUNITY ENGAGEMENT: The West Grace Street Association, the Fan District Association, and the Fan Area Business Alliance were notified of this request.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Ordinance to be considered by the Planning Commission on February 18, 2024 (tentative)

FISCAL IMPACT: \$300 Application Fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: February 10, 2025

CITY COUNCIL PUBLIC HEARING DATE: March 10, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission, February 18, 2024

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

STAFF: Alyson Oliver, Planner, Land Use Administration (Room 511) 646-3709



CITY OF RICHMOND, VA
Department of Planning and Development Review
Land Use Administration Division
900 East Broad Street, City Hall - Room 511, Richmond, Virginia 23219

AUTHORIZATION FROM PROPERTY OWNER

TO BE COMPLETED BY THE APPLICANT
Applicant must complete ALL items

HOME/SITE ADDRESS: _____ APARTMENT NO/SUITE _____

APPLICANT'S NAME: _____ EMAIL ADDRESS: _____

BUSINESS NAME (IF APPLICABLE): _____

SUBJECT PROPERTY OR PROPERTIES: _____

APPLICATION REQUESTED

- ☐ Plan of Development (New or Amendment)
- ☐ Wireless Plan of Development (New or Amendment)
- ☐ Special Use Permit (New or Amendment)
- ☐ Rezoning or Conditional Rezoning
- ☐ Certificate of Appropriateness (Conceptual, Administrative Approval, Final)
- ☐ Community Unit Plan (Final, Preliminary, and/or Amendment)
- ☐ Subdivision (Preliminary or Final Plat Correction or Extension)

TO BE COMPLETED BY THE AUTHORIZED OWNER
Owner must complete ALL items

Signing this affidavit acknowledges that you, as the owner or lessee of the property, authorize the above applicant to submit the above selected application/s on your behalf.

PROPERTY OWNER: _____

PROPERTY OWNER ADDRESS: _____

PROPERTY OWNER EMAIL ADDRESS: _____

PROPERTY OWNER PHONE NUMBER: _____

Property Owner Signature: James M Pociluyko

Digitally signed by James M Pociluyko
DN: cn=J.M. Pociluyko, o=City of Richmond, ou=City of Richmond, email=jm.pociluyko@cityofrichmond.com
Location: 1540 W. Grace Street
Reason: I am the author of this document
Contact Info: jm.pociluyko@cityofrichmond.com
Date: 2024.04.09 16:22:51-0400

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.

1843 W Grace Street Richmond, Virginia 23220

NEW GARAGE & STUDIO APARTMENT PROPOSED TO BE ADDED IN REAR COURTYARD & ALLEY PARKING SPACE AS AN AUXILARY DWELLING UNIT. (ADU)

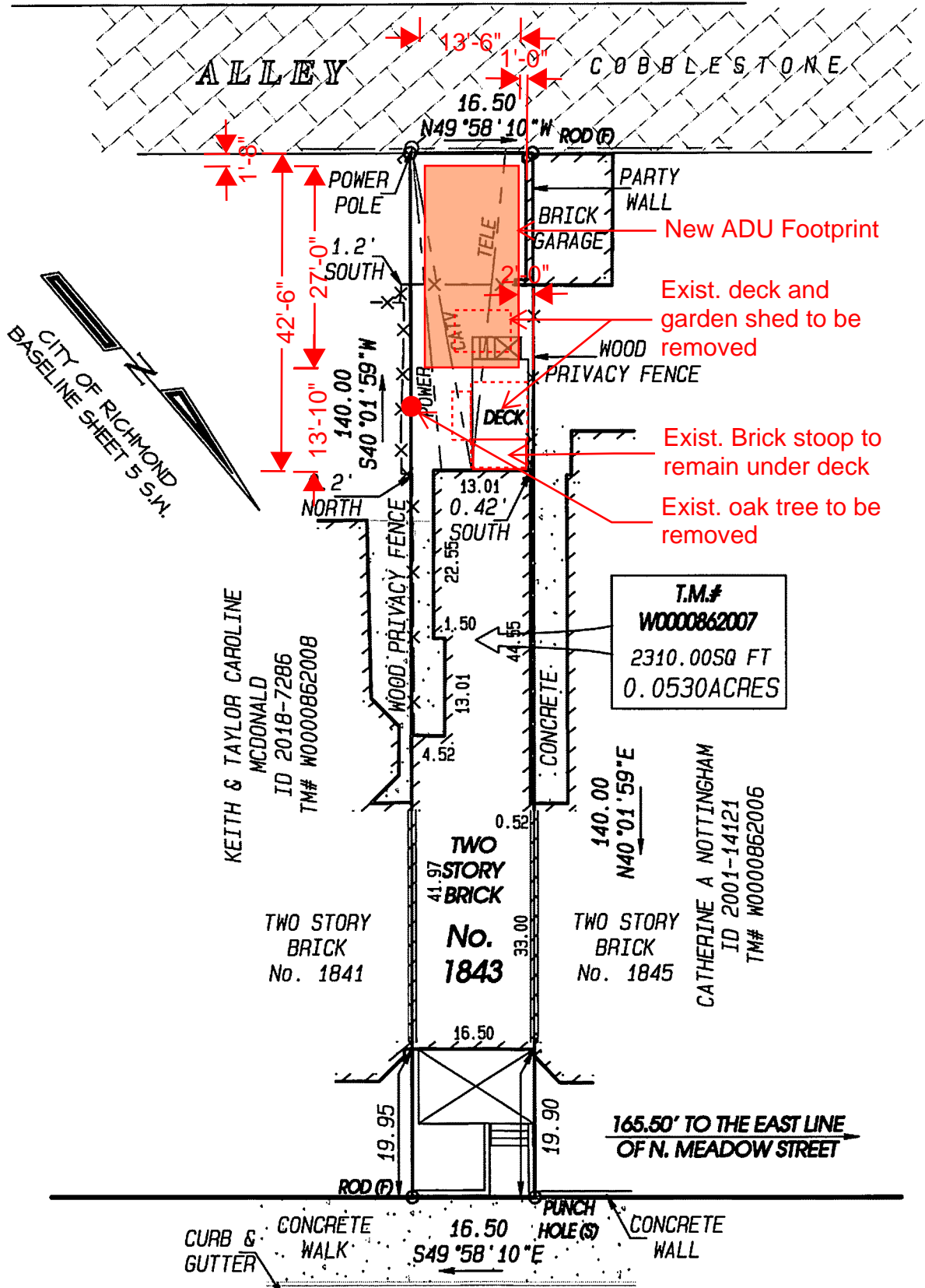
SUMMARY FOR **CAR** REVIEW SUBMITTAL

- EXISTING HOUSE IS A THREE STORY ITALIANATE STYLE BRICK ROW HOUSE WITH TWO APARTMENT UNITS A & B. THE PROPOSED ADU WILL ADD A THIRD APARTMENT.
- NEW ADU IS PROPOSED TO BE BUILT BEHIND THE EXIST. MULTIFAMILY STRUCTURE CLAD WITH THIN BRICK VENEER MATCHING ADJACENT BRICK STRUCTURES USING DOUBLE HUNG CLAD WOOD WINDOWS BY ANDERSON OR EQUAL. TRIM TO BE LOW MAINTENANCE MANUFACTURED BY HARDIE OR EQUAL PAINTED TO MEET THE HISTORIC GUIDELINES.
- PROPORTIONS OF ADU RESPECTS THE EXISTING CARRIAGE HOUSES ALONG THE ALLEY LOCATED DIRECTLY BEHIND PROPERTY.
- NEW ADU WITH GARAGE TO BE BUILT WHERE THE ORIGINAL GARAGE WAS LOCATED BEFORE IT WAS DEMOLISHED. THE ADJACENT GARAGE BRICK WALL IS ON THE OWNER'S PROPERTY AND WILL BE ATTACHED TO THE NEW ADU.
- SIZE OF ADU IS 13'-6" WIDE X 27'-0" DEEP X 18'-0" HIGH WALLS - 25'-0" TO THE PEAK OF THE GABLE.
- STRUCTURE TO HAVE NEW SPREAD FOOTING FOUNDATIONS.
- STANDING SEAM METAL ROOFING WITH 10/12 PITCH & 25 YEAR WARRANTY WILL BE USED. COLOR TO MATCH SURROUNDING METAL ROOFS.
- TRIM WILL BE CUSTOM PAINTED TO MATCH CAR COLOR SELECTIONS.
- THE SECOND LEVEL ABOVE A ONE CAR GARAGE WILL BE A ONE BEDROOM ONE BATH STUDIO APARTMENT. ATTIC ACCESS WITH STORAGE WILL BE PROPVIDED.
- EXIST. SHED, DECK & OAK TREE TO BE REMOVED TO MAKE SPACE FOR ADU.
- EXIST. BRICK STOOP BELOW DECK TO REMAIN
- NEW PRESSURE TREATED WOOD REPLACEMENT FENCE ADDED WHERE INDICATED.
- SITE SURVEY, EXISTING PHOTOS, DIMENSIONED PLANS, ELEVATIONS, PERSPECTIVES IMAGES AND SPECIFICATIONS ATTACHED.
- ADU RESPECTS HISTORIC NEIGHBORHOOD CHARACTER IN SCALE, MATERIALS AND PROPORTIONS.
- REFERENCED RICHMOND CAR PAINT GUIDLINES PAGES 1-20 AND COLOR PALETTE PAGES 8-11 WILL BE USED.
- CURRENT OWNER RESIDES IN THE SECOND LEVEL APARTMENT AND INTENDS FOR THE PROPERTY TO PROVIDE A LONG TERM DWELLING AND INCOME FOR RETIREMENT.

OWNER:

JAMES M POCILUYKO
1843 W GRACE STREET
RICHMOND, VIRGINIA 23220
816-399-7812

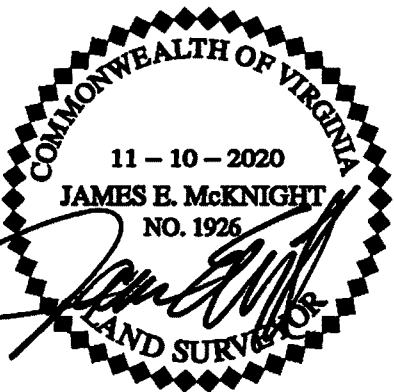
NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".
CURRENT OWNER: GREGORY & KRISTIN CRANDALL ID 98-29735



W. GRACE STREET

PLAT SHOWING IMPROVEMENTS ON No. 1843 W. GRACE STREET, IN THE CITY OF RICHMOND, VIRGINIA.

PURCHASERS:
JAMES M POCILUYKO &
DEBRA K. POCILUYKO



THIS IS TO CERTIFY THAT ON NOVEMBER 10, 2020, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS. SCALE: 1" = 30'



McKNIGHT & ASSOCIATES, P.C.

LAND SURVEYORS PLANNERS

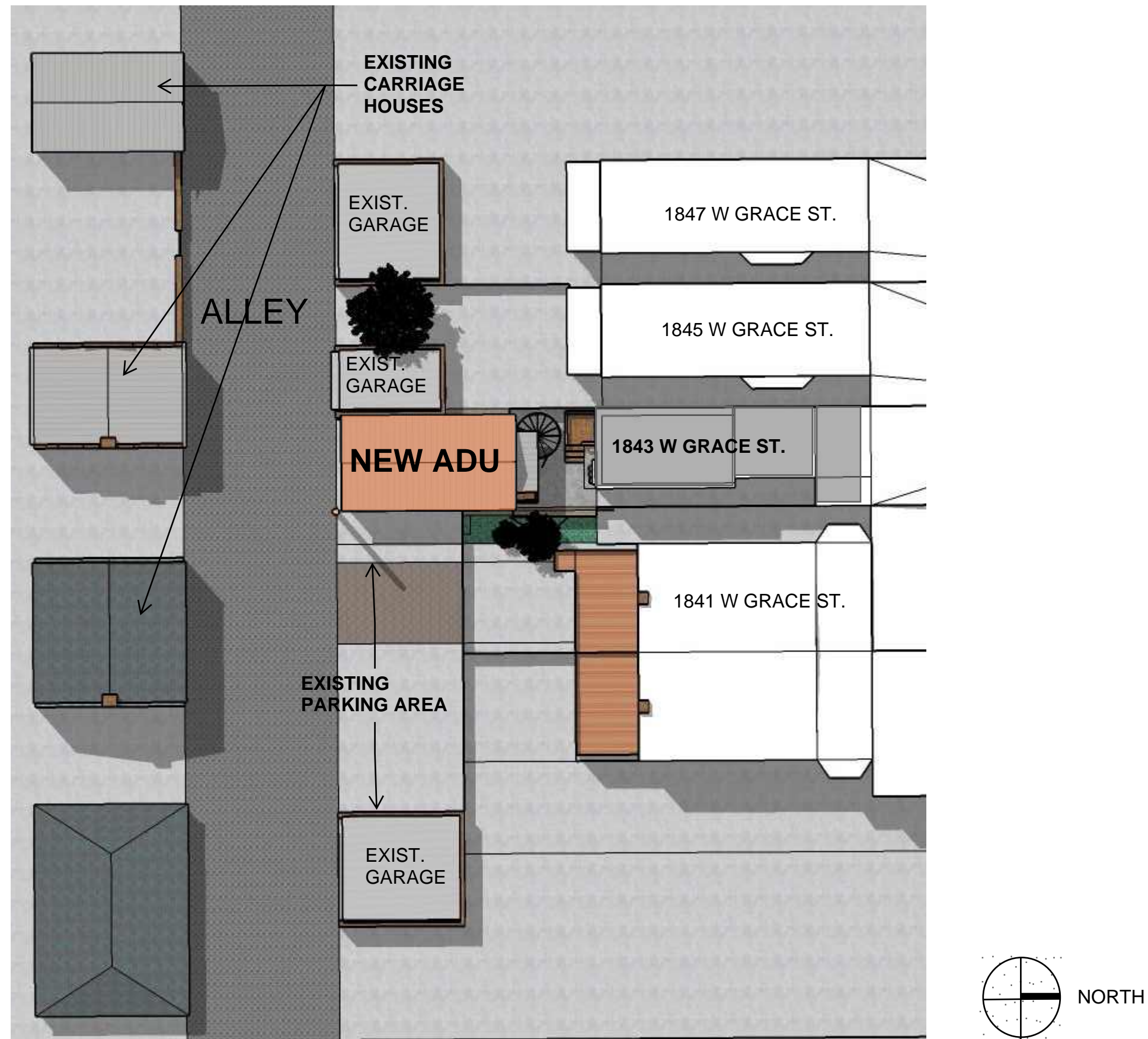
201 TWIN RIDGE LANE
RICHMOND, VIRGINIA 23235
TELEPHONE (804) 320-2646

JOB NUMBER: 89082843

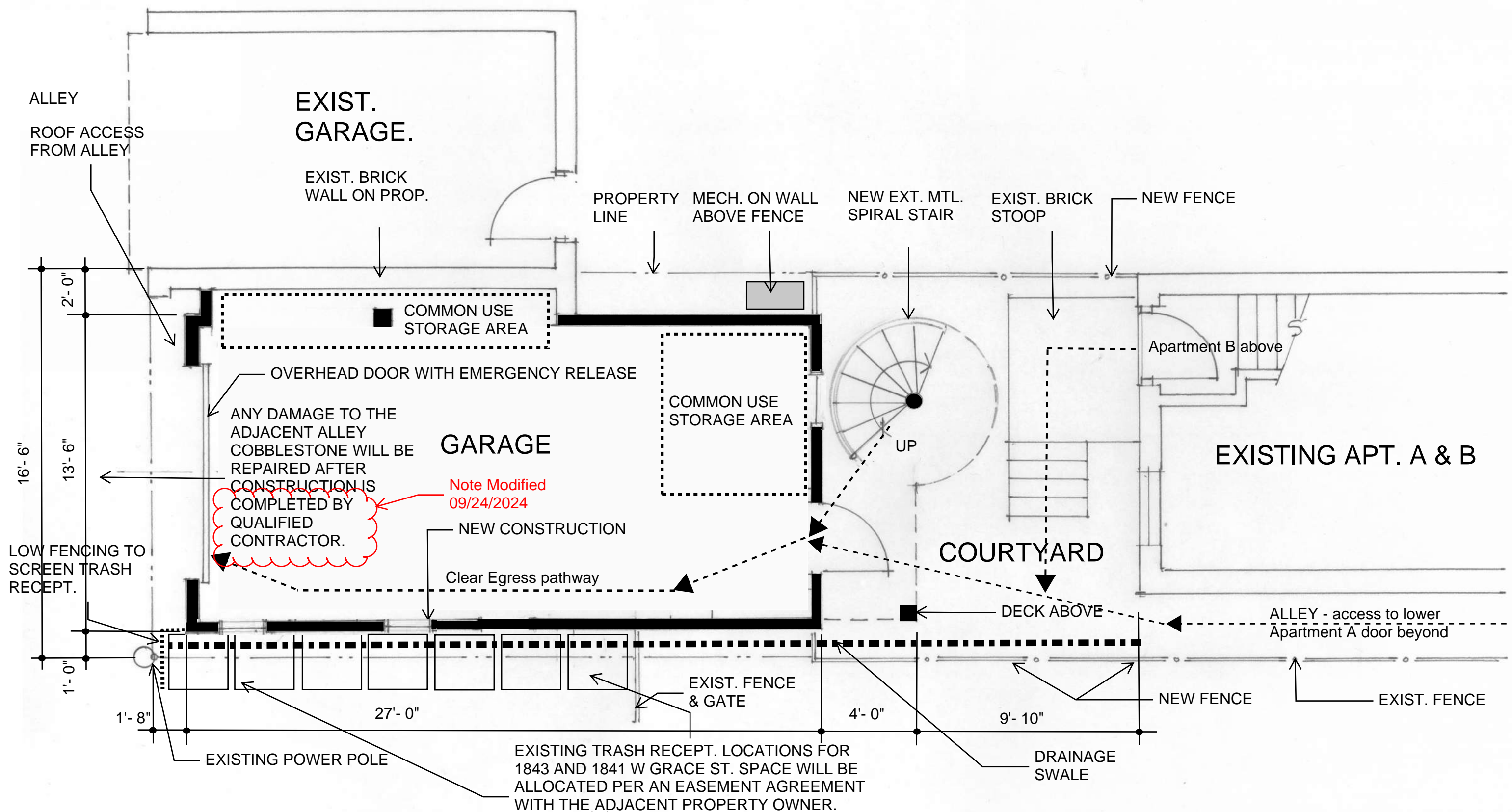
Proposed Accessory Dwelling Unit at 1843 West Grace Street

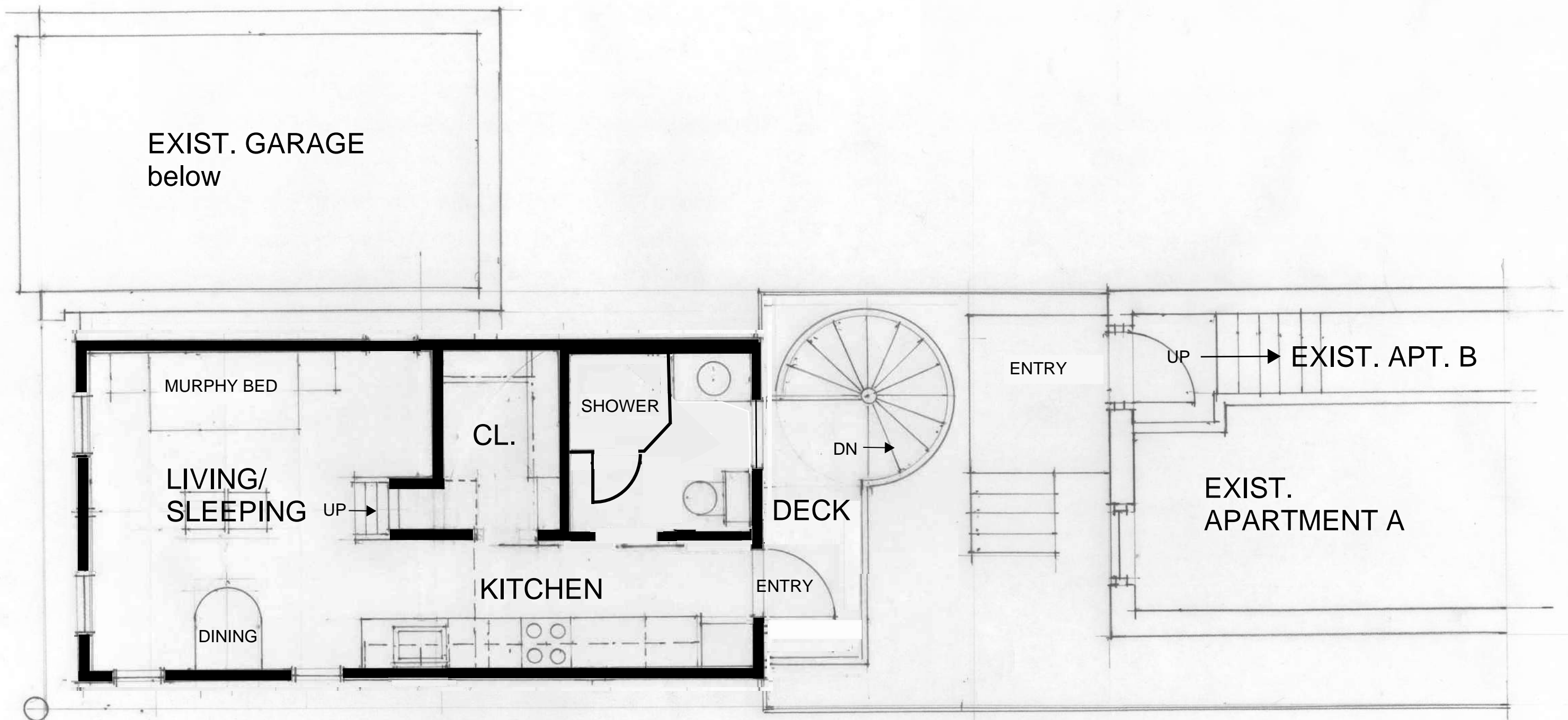
Prepared by Jim Pociluyko

September 24, 2024



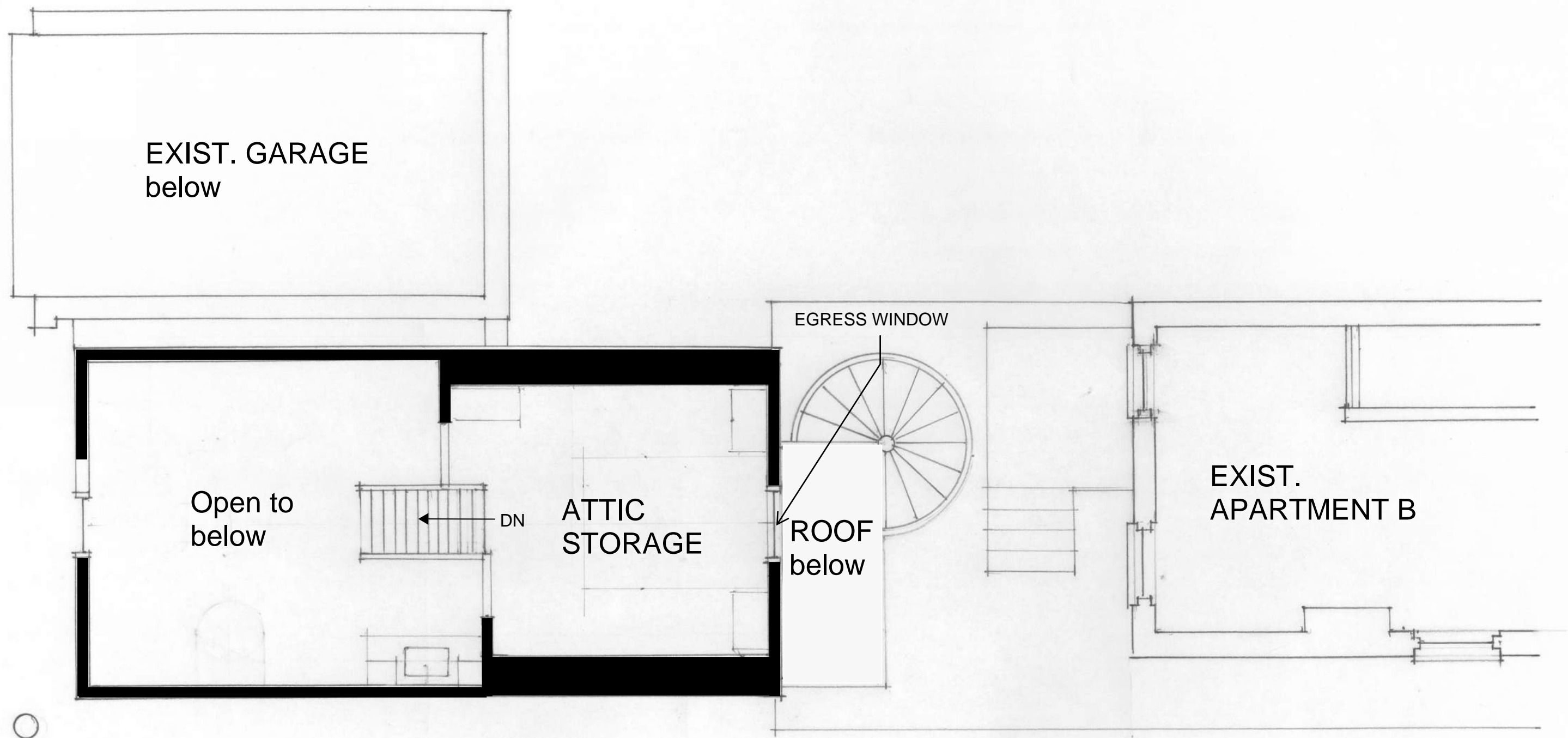
SITE PLAN VIEW - PROPOSED ADU APARTMENT & GARAGE
1843 W GRACE ST.



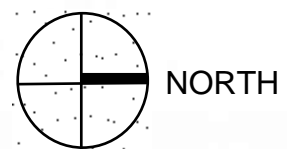


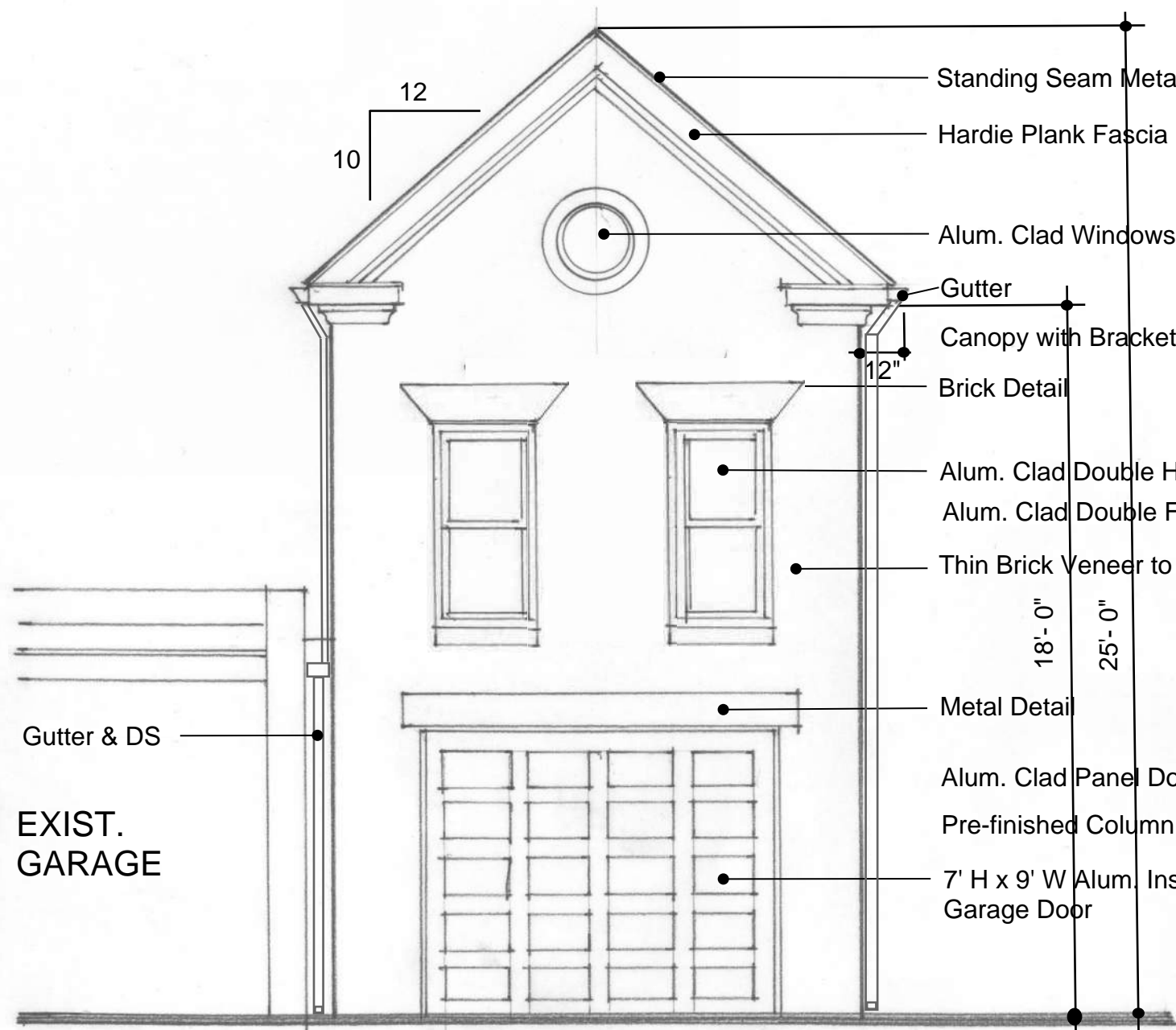
FIRST FLOOR PLAN
1843 W GRACE ST.



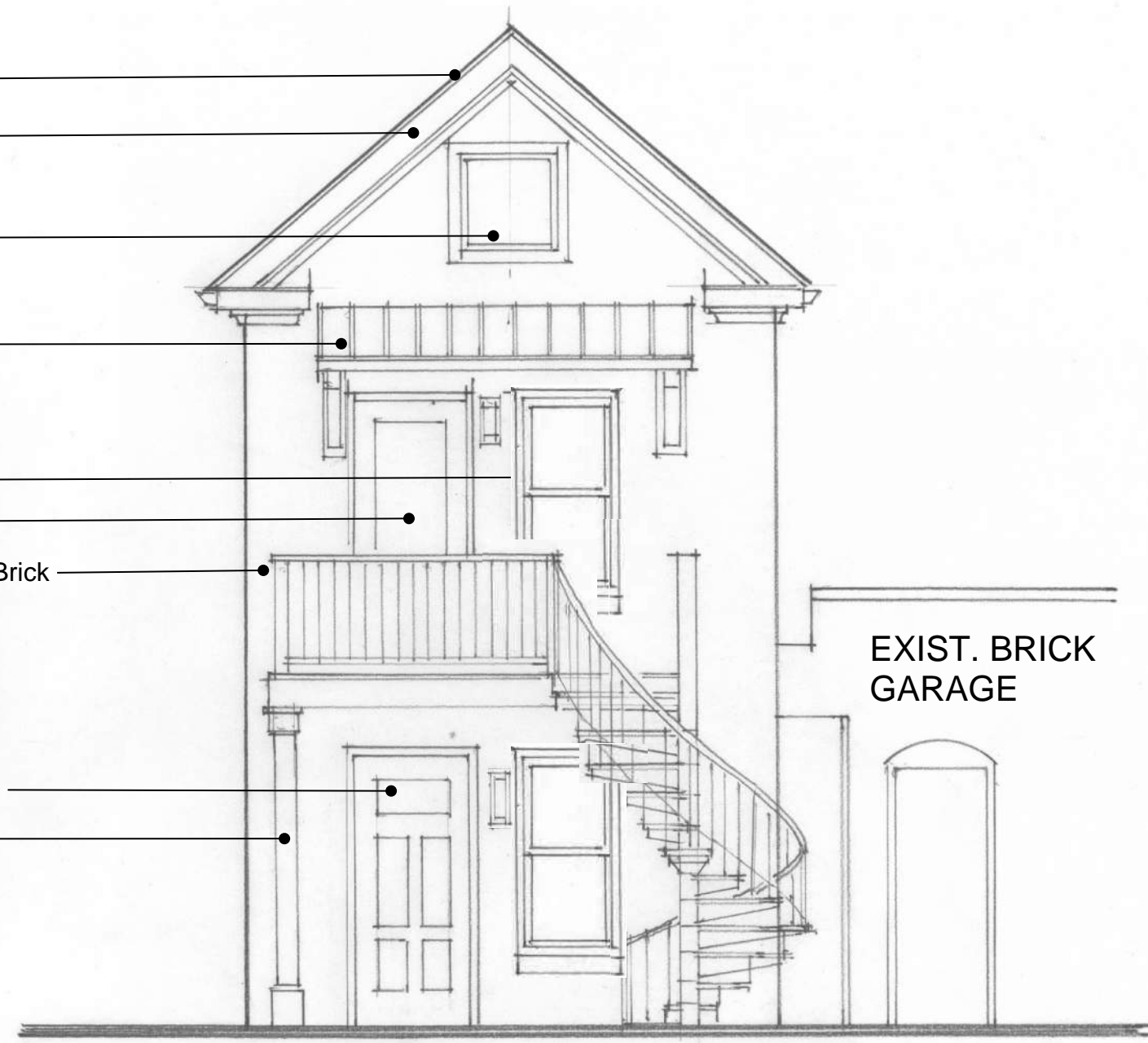


ATTIC PLAN
1843 W GRACE ST.

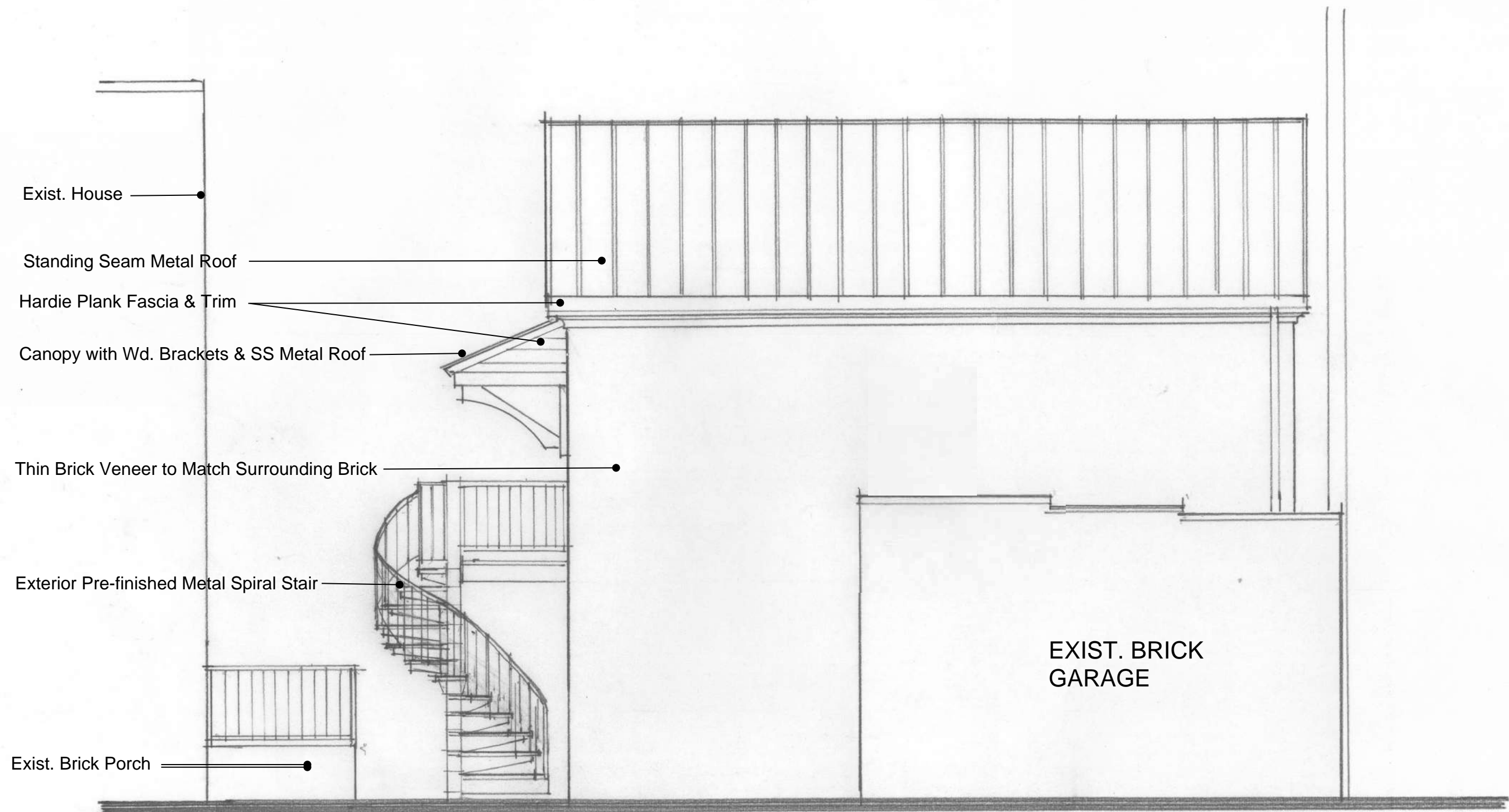




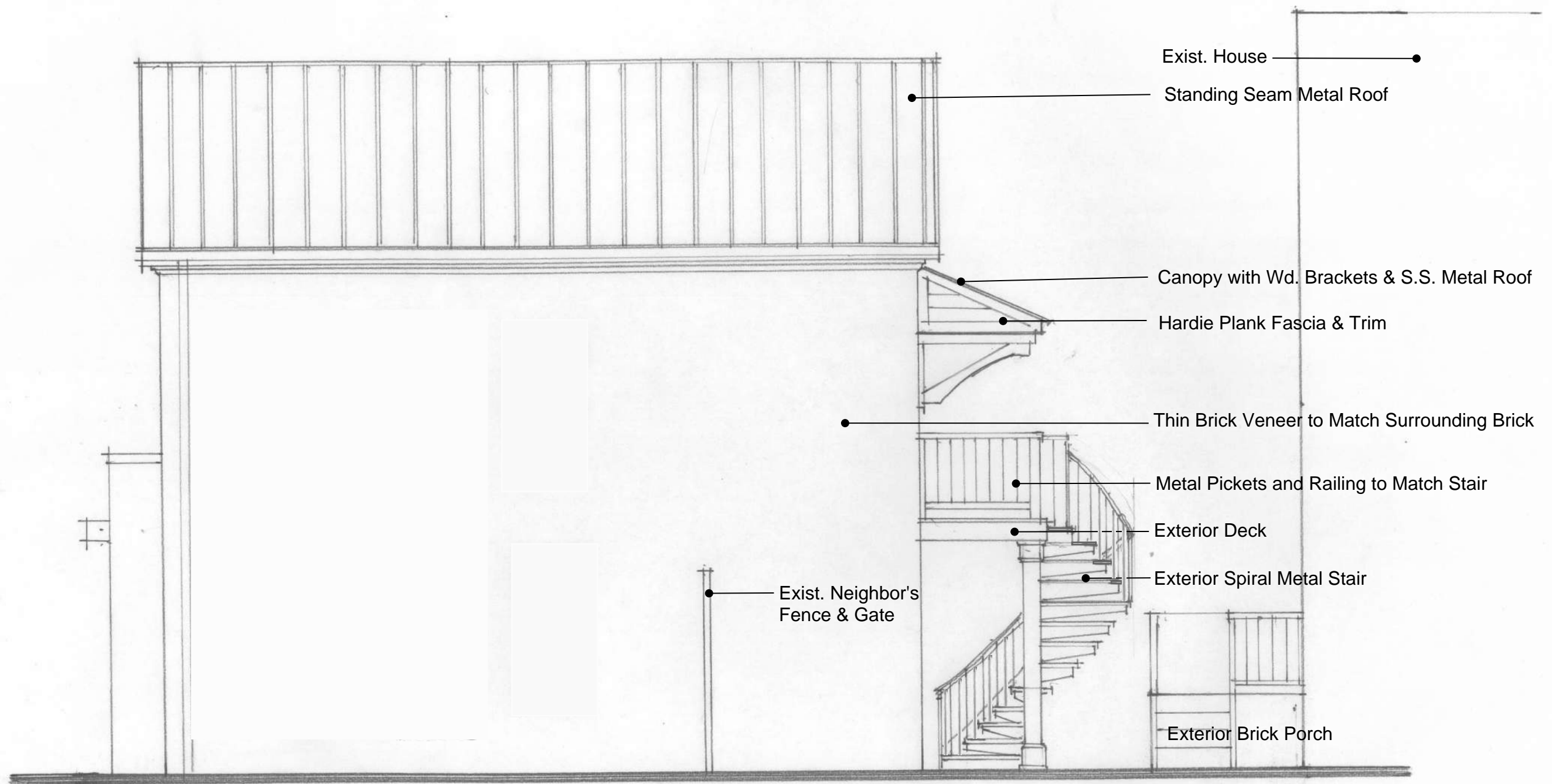
SOUTH ELEVATION ALLEY VIEW
1843 W GRACE ST.



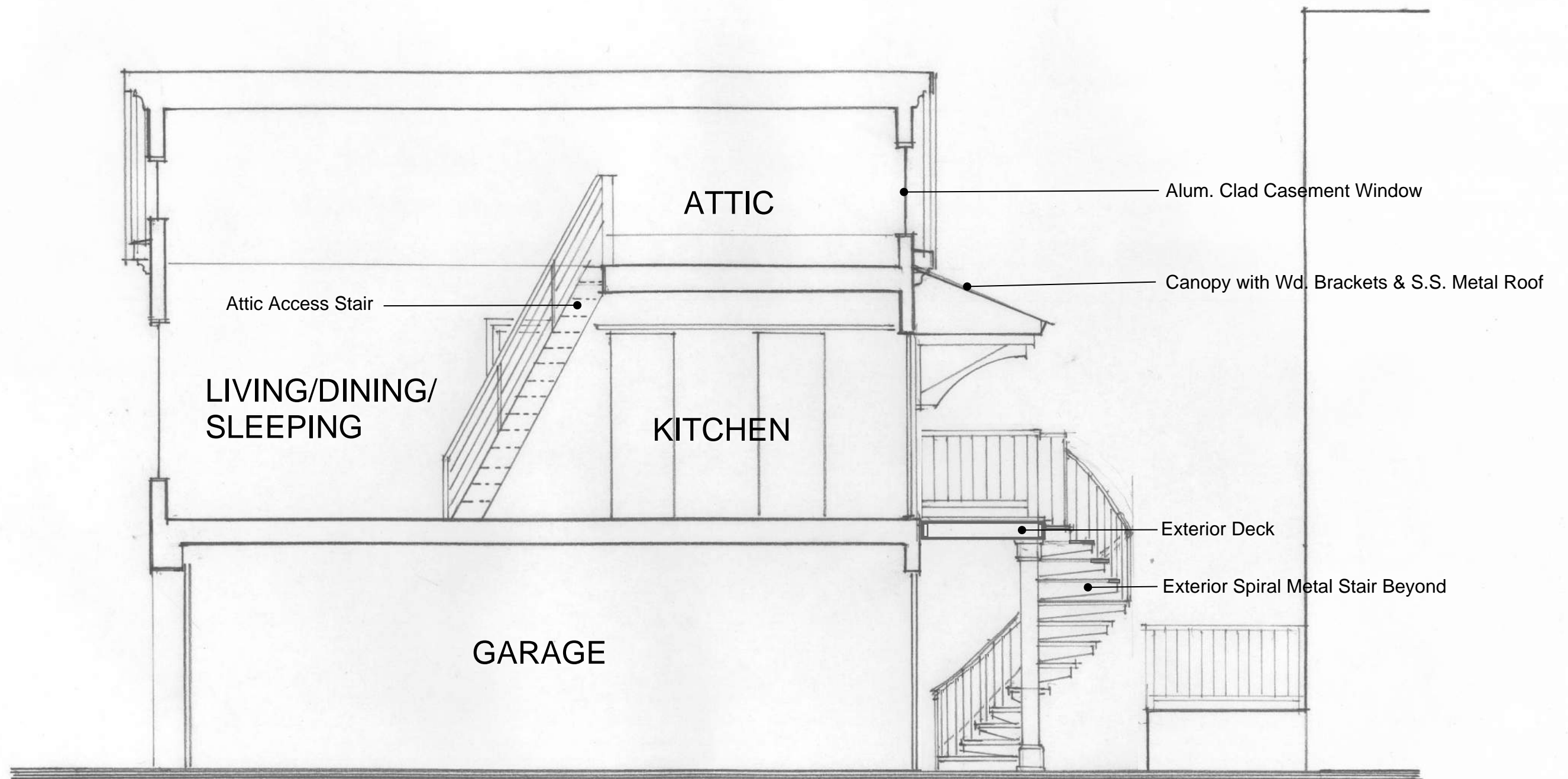
NORTH ELEVATION COURTYARD VIEW
1843 W GRACE ST.



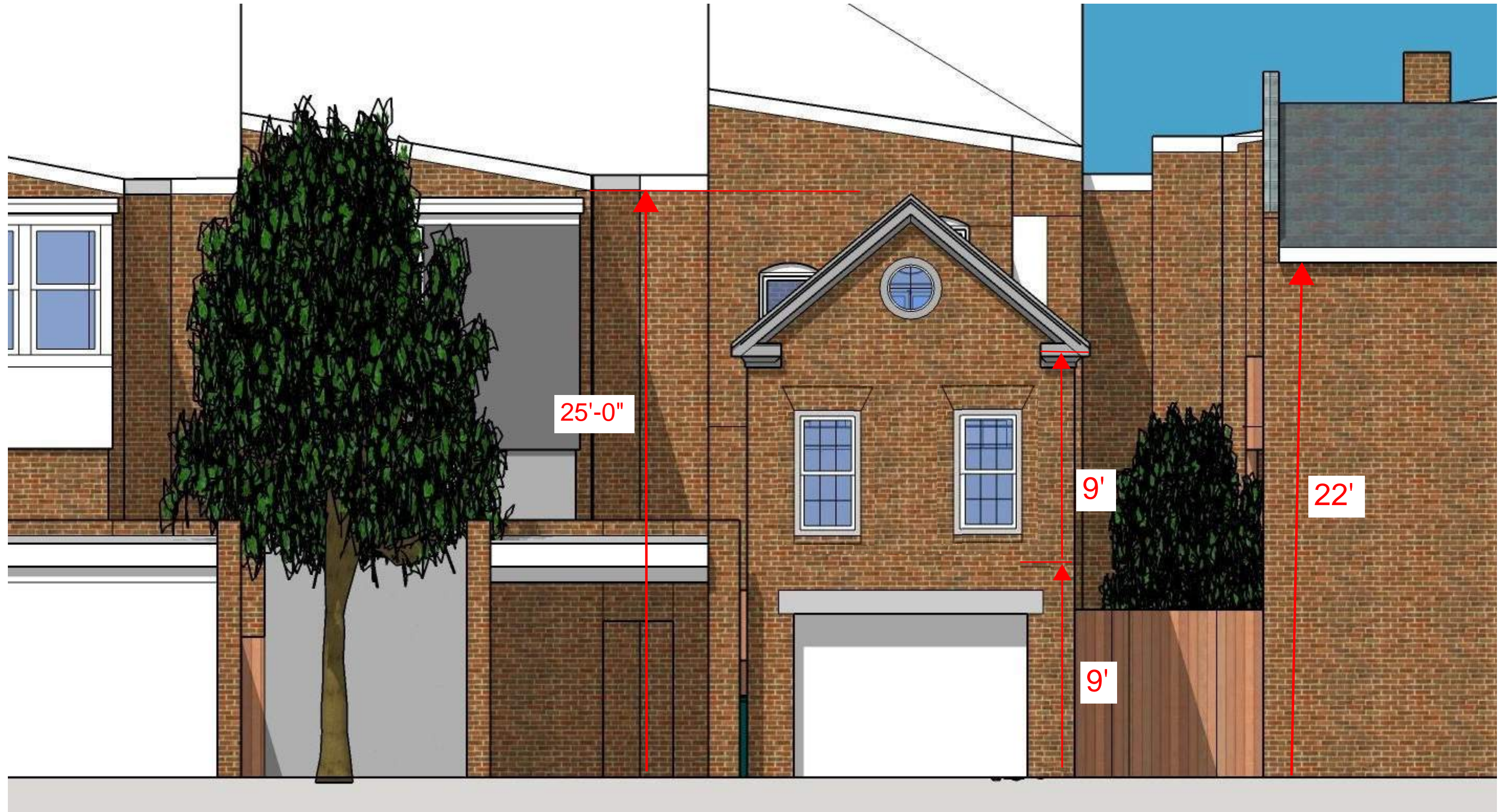
WEST ELEVATION ALLEY VIEW
1843 W GRACE ST.



EAST ELEVATION ALLEY VIEW
1843 W GRACE ST.



Building Section
1843 W GRACE ST.



SOUTH ELEVATION ALLEY VIEW
SCALE COMPARRISON

1843 W GRACE ST
PROPOSED APT C

EXISTING
CARRIAGE HOUSE
ACROSS ALLEY



EAST ELEVATION 1843 W GRACE ST.



WEST ELEVATION ALLEY VIEW 1843 W GRACE ST.



WEST ELEVATION ALLEY VIEW 1843 W GRACE ST.



WEST ELEVATION ALLEY VIEW 1843 W GRACE ST.



AERIAL VIEW FACING NORTH WEST 1843 W GRACE ST.



AERIAL VIEW FACING SOUTH EAST 1843 W GRACE ST.



AERIAL VIEW FACING SOUTH WEST 1843 W GRACE ST.