AN ORDINANCE No. 2021-324

To authorize the special use of the property known as 302 Clovelly Road for the purpose of one lodging unit accessory to a single-family dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: DEC 13 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 302 Clovelly Road, which is situated in a R-1 Single-Family Residential District, desires to use such property for the purpose of one lodging unit accessory to a single-family dwelling, which use, among other things, is not currently allowed by section 30-402.2 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 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

AYES:	9	NOES:	0	ABSTAIN:	
ADOPTED:	DEC 13 2021	REJECTED:		STRICKEN:	

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 302 Clovelly Road and identified as Tax Parcel No. W022-0348/004 in the 2021 records of the City Assessor, being more particularly shown on a site plan entitled "Updated Site Plan," prepared by an unknown preparer, and undated, 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 lodging unit accessory to a single-family dwelling, hereinafter referred to as "the Special Use," substantially as shown on the site plan entitled "Updated Site Plan," prepared by an unknown preparer, and undated, and on the plans entitled "Proposed Lodging Unit for 302 Clovelly Road, Richmond, VA," prepared by Michael Frank Repsher, Architect, and dated May 22, 2021, and "Proposed Addition for 302 Clovelly Road, Richmond, VA," prepared by Michael Frank Repsher, Architect, with sheet A-5 dated February 28, 2021, and last revised March 23, 2021, and sheet A-6, dated February 28, 2021, 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 lodging unit accessory to a single-family dwelling, substantially as shown on the Plans.

- (b) The lodging unit shall not be rented for compensation separately from the main house.
 - (c) All building materials shall be substantially as shown on the Plans.
- (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

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.

A TRUE COPY:

TESTE:

andin D. Ril

City Clerk



City of Richmond

RECEIVED

By City Attorney's Office at 5:38 pm, Oct 06, 2021

RECEIVED

By CAO Office at 8:57 am, Sep 15, 2021

2021-435

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

Item Request

File Number: PRE.2021.819

O & R Request

DATE: September 10, 2021 **EDITION:**1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)

(This in no way reflects a recommendation on behalf of the Mayor)

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

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

Planning

FROM: Kevin J. Vonck, Acting Director, Dept. of Planning and Development Review King Vonck

RE: To authorize the special use of the property known as 302 Clovelly Road for the purpose of

one lodging unit accessory to a single-family dwelling, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 302 Clovelly Road for the purpose of one lodging unit accessory to a single-family dwelling, upon certain terms and conditions.

REASON: The applicant is requesting to authorize the special use of the property known as 302 Clovelly Road for the purpose of one lodging unit accessory to a single-family dwelling, upon certain terms and conditions. The property is located in an R-1 Single-Family Residential District. The proposed lodging unit within a detached accessory building is not permitted in the R-1 District. Therefore, a special use permit is necessary to authorize the proposed lodging 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. This item will be scheduled for consideration by the Commission at its November 1, 2021, meeting.

BACKGROUND: The subject property consists of a single parcel of land that has a lot area of 31,225 square feet (0.717 acres) and is improved with a single-family detached dwelling. The property is located in the Windsor Farms neighborhood on the west side of Clovelly Road, just south of its intersection with Sulgrave Road.

File Number: PRE.2021.819

The subject property is located within the R-1 Single-Family Residential District. The proposed lodging unit within a detached accessory building is not permitted in the R-1 District.

The City's Richmond 300 Master Plan designates the property as Residential. This land use category is described as a neighborhood consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature.

Development Style: Houses on medium-sized and large-sized lots in a largely auto-dependent environment. Homes are setback from the street. Future developments continue and/or introduce a gridded street pattern to increase connectivity. Future single-family housing, accessory dwelling units, duplexes, and small multi-family residential buildings are built to a scale and design that is consistent with existing buildings.

Mobility: Bicycle and pedestrian access are prioritized and accommodated. Low residential density means that it is not possible to provide frequent transit within these areas; however, frequent transit may be found at the edges of these areas within more intense future land use designations. Many homes have driveways and/or garages, which are located off an alley behind the home if an alley is present.

Intensity: Buildings are generally one to three stories. Lot sizes generally range from one to three stories. Lot sizes generally range up to 5,000 to 20,000+ square feet. General residential density of 2 to 10 housing units per acre.

The property is located in the southern portion of the Windsor Farms neighborhood, and is surrounding by other single-family detached dwellings on large lots.

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: October 11, 2021

CITY COUNCIL PUBLIC HEARING DATE: November 8, 2021

REQUESTED AGENDA: Consent

File Number: PRE.2021.819

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

November 1, 2021

AFFECTED AGENCIES: Office of the 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, Site Plan, Map

STAFF: Richard Saunders, Senior Planner, Land Use Administration (Room 511) 646-5648



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: 302 Clovelly Road Tax Map #: Wozzo348004 Fee: 130000 Total area of affected site in acres: 0.717	_Date: 5-18-2021
(See page 6 for fee schedule, please make check payable to the "City of Richmond")	
Zoning Current Zoning: R-1	
Existing Use: Residential (Single Family)	
Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) Single Family Dwelling of Longing Unit Existing Use: Residential (Single Family)	*
Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number:	
Applicant/Contact Person: George Y. Wheeler III + Lucrezia R	. Wheeler Leisinger
Mailing Address: 302 Clovelly Road City: Kichmond State: VA	0.20
Telephone: (202) 256-7162 Fax: (). Email: gwheeler 071941 @gmail.com	Zip Code: 23221
Property Owner: George Y. Wheeler To 4 Lucrezia R. Wheeler Leise If Business Entity, name and title of authorized signed:	niger Revocable Tzust
(The person or persons executing or attesting the execution of this Application on behalf of the she has or have been duly authorized and empowered to so execute or attest.)	Company certifies that he or
Mailing Address: 302 Clovelly Road, City: Richmond State: VA	7in Code 02121
Telephone: (202) 256-7/62 Fax: ()	Zip Code: 23221
Property Owner Signature: Sery Gillia	
The names, addresses, telephone numbers and signatures of all owners of the property are requised as needed. If a legal representative signs for a property owner, please attach an execute photocopied signatures will not be accepted.	uired. Please attach additional d power of attorney. Faxed or

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

June 11, 2021

Kevin Vonck, PhD, Acting Planning Director Department of Planning & Development Review 900 East Broad Street, Suite 511 Richmond, VA 23219

Re: 302 Clovelly Road Special Use Permit

Dear Mr. Vonck,

Please accept this letter as the Applicant's Report with the Special Use Permit (SUP) application for the property located at 302 Clovelly Road. Based on recent discussions with Planning Staff, the attached application requests City Council approval for an SUP to allow a detached structure at the rear of the single family dwelling at the foregoing address to be deemed a Lodging Unit under Article XII, Section 52, Code of Ordinances.

Summary of Request and Unique Circumstances

The request is intended to accommodate an additional bedroom and bath for the main dwelling on the property. The additional bedroom and bath, together with a small sitting area, would be separate from the main dwelling on the property in an accessory building.

While termed a "lodging unit" under the City's Zoning Ordinance, the intent of this request is to allow a previously authorized accessory building ("Accessory Building") to serve as an additional guest bedroom, bath and sitting area for the owner of the main dwelling. Separate independent cooking facilities are not proposed.

The Accessory Building was originally designed as a separate building (from the main dwelling on the property) due to unique circumstances as described below dictating that it be separated by approximately six (6) feet from the rear of the main dwelling. This small separation was necessary to facilitate maintenance access to a number of existing mechanical systems serving the main dwelling and preserving existing exterior pedestrian garden access and maintenance service access at the rear of the main dwelling. See Attachment A hereto.

The unique circumstances are listed as follows:

- The challenging topography at the rear of the main dwelling limits how an accessory building could be constructed on the hillside below the main dwelling;
- The close proximity of the accessory building ensures a tight relationship between the use of the main dwelling and any guest bedroom usage of the lodging unit;
- The narrow separation of the Accessory Building from the main dwelling is needed for service access to two sets of exterior and interior heating/AC units serving the main dwelling, a gas hot water heater for the main dwelling, and a pool heater, pump, filter and other equipment used to take care of the pool behind the main dwelling. All of the

- foregoing equipment is located in utility space in the main dwelling and is only accessible via a six (6) foot wide walkway adjacent to the rear wall of the main dwelling; and
- The location of the Accessory Building adjacent to the main dwelling preserves a large forested buffer area and also a grassy hillside area planted out with new maple trees and crepe myrtle extending down to the bottom of a ravine where there are natural springs and runoff into a stream from all the neighboring properties.

<u>Challenging Topography Limits</u>: Because of the challenging topography that begins at the back of the main dwelling, the Accessory Building proposed as a lodging unit is located almost adjacent, approximately six (6) feet) to the rear of the existing main dwelling.

This was done to preserve an existing walkway on the ground level (as shown on Attachment A hereto) which has long served as an exterior pedestrian way from the pool area behind the main dwelling to the gardens on the north side of the property. It also is used by service personnel coming from the parking and garage areas to bring tools and equipment to service mechanicals in the utility space located at the rear of the main dwelling.

Continued use of this walkway is necessary because of the steep hillside just below this end of the main dwelling. The challenging topography rapidly falls away 10-12 feet which means relocating the existing walkway would have been a challenge to replace with a safe functional passageway serving the safety and practical needs of guests as well as maintenance personnel. The resulting design of the Accessory Building reflects this reality.

No Adverse Physical Impact on Neighbors: It should also be noted that an accessory building containing a non-dwelling use is permitted to be lawfully constructed and occupied in this location. In this case, there would be no physical difference to adjoining neighbors between a lawful accessory building and the proposed lodging unit, thus the "form" and location is not the critical issue here, but rather, simply whether the lodging use of the accessory building is appropriate. Because the topography has forced such a close proximity of the accessory building to the main dwelling, a tight relationship is ensured between the use of the main dwelling and any guest bedroom usage of the lodging unit.

The location of the requested lodging unit would be to the rear of the garage and utility room of the main dwelling, thus would not be visible from Clovelly Road. The proposed location of the proposed lodging unit would be well within normal side setbacks. Most importantly, given the siting of the requested lodging unit, almost immediately adjacent to the main dwelling, the rear yard would remain in excess of sixty eight (68) feet of woods and grassy hillside to the closest point on the rear property line, and the extreme topography in the rear yard preserves the entire distance to the rear property boundary, as is, which is effectively a largely forested buffer area.

Confirmation of Discussions with Area Association, Property Owners, Residents and Council Representative

Listed below are names and properties of all Owners/Residents of properties located within 150 feet of 302 Clovelly Road. Also attached are copies of letters supporting approval by the City Council of my SUP application from Property Owners and Residents within 150 feet of 302 Clovelly Road. See Attachment A hereto. Also included in Attachment C is a message from Windsor Farms Association representative confirming that review of interior uses such as residential uses as proposed in our SUP application is outside the scope of authority of the Windsor Farms Architectural Review Committee.

DIN	OwnerName	MailAddress	MailCity	MailState	MailZip
PIN	Vaiksnoras John lii And Heidi Sigmon	4103 Sulgrave Rd	Richmond	VA	23221
W0220348002	Israel Seth M And Morgan Catherine C	4105 Sulgrave Road	Richmond	VA	23221
W0220348001	4101 Sulgrave Road Llc	4101 Sulgrave Rd	Richmond	VA	23221
W0220348003	Roper Phillip R III And Cathy	303 Stockton Ln	Richmond	VA	23221
W0220348026	Brooke Robert L And Lynn B	304 Stockton Ln	Richmond	VA	23221
W0220348024	Lynde James L Jr & Anne E	306 Clovelly Rd	Richmond	VA	23221
W0220348006		305 Clovelly Rd	Richmond	VA	23221
W0220350033	Spencer Mary Y Wheeler George Y Iii And Leisinger Lucrezia R Trustees	302 Clovelly Rd	Richmond	VA	23221
W0220348004	Little Lloyd T & Tracy G	10487 Lakeridge Pkwy Ste 100	Ashland	VA	23005
W0220350034	Addison James Harold III And Dabney Elizabeth Kennon	3911 Sulgrave Rd	Richmond	VA	23221
W0220350001 W0220348005	White Andrew S And Julia M	304 Clovelly Rd	Richmond	VA	23221

Existing Conditions

The subject property fronts on Clovelly Road in the Windsor Farms neighborhood, a residential neighborhood. The property is improved with one single-family house. City of Richmond Building Permit (R) (BLDR-071778-2020) for the property was granted on April 16, 2021 covering construction of a one-story detached office with a vaulted sitting room and powder room.

Design of Proposed Lodging Unit

Our proposed Lodging Unit space would consist of three rooms, a bedroom, a bathroom and a sitting room. The sole physical change would be to add a shower adjacent to the toilet and sink facilities in the previously approved powder room area. See attached floor plan in Attachment C. In compliance with the definition of Lodging Units in Article XII, Section 52, Code of Ordinances, we are not proposing to add cooking facilities. In addition we will comply with all Short Term Rental restrictions applicable to Lodging Units under Article XII, Section 52, Code of Ordinances.

Current Zoning

The property is currently zoned R-1 - Residential (Single Family), which allows for a single family detached dwelling on the 0.717 acre site.

City's Master Plan for Future Land Use

The City's existing Master Plan recommends single-family low-density development for the property. The primary use for this designation is single-family detached dwellings at densities up to seven units per acre.

The Richmond 300 Plan is drafted to recommend residential uses for this property and the surrounding neighborhood. The Master Plan encourages this exact type of infill development. The proposed homes are fully consistent with the Master Plan recommendation for the use of the property and are in keeping with the existing development pattern of the neighborhood.

City Charter Conditions

We trust that you will agree with us that this proposed Special Use Permits meets the City Charter criteria for the granting of SUPs as the project 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 be 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.

Thank you for your consideration of this Special Use Permit. Please feel free to contact me at gwheeler071941@gmail.com or (202) 256-7162 if you have any questions or require additional materials to process the application.

Very Truly Yours,

George Wheeler and Cocrezia Wheeler Leisinger
Levy Cette & My Mullsh

cc: Matthew Ebinger, Secretary to the City Planning Commission, The Honorable Andreas D. Addison, 1st District Council Representative, Richard L. Saunders - PDR

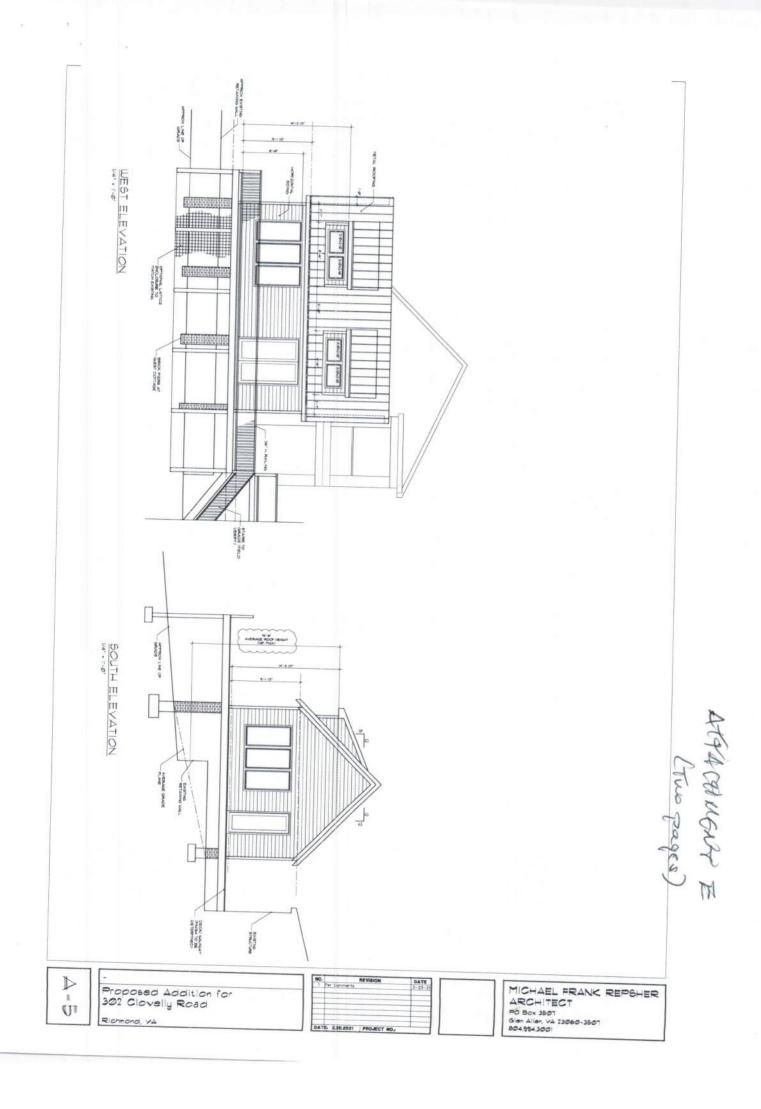
Attachment A - Supporting Letters of Owners/Residents

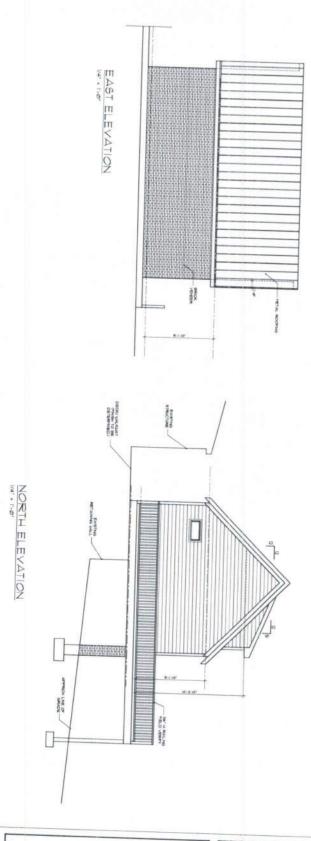
Attachment B - Message from Windsor Farms Architectural Review Committee regarding limited scope of authority

Attachment C - Proposed Floor Plan (also showing existing pathway behind main dwelling)

Attachment D - Survey Plat/Site Plan (copied from City of Richmond Building Permit (R) (BLDR-071778-2020) for the property granted on April 16, 2021)

Attachment E - Elevation Plans (copied from City of Richmond Building Permit (R) (BLDR-071778-2020) for the property granted on April 16, 2021)





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Proposed Addition for 302 Clovelly Road

MO. REVISION DATE

MICHAEL FRANK REPOHER

ARCHITECT

PO BOX 35801

Glori Aller, va 23060-3501

8045943001

