



## CITY OF RICHMOND

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

**Ord. No. 2022-127:** To authorize the special use of the property known as 2417 Stuart Avenue for the purpose of a single-family attached dwelling with an accessory dwelling unit, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** May 16, 2022

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#### **PETITIONER**

Michael Seller

#### **LOCATION**

2417 Stuart Avenue

#### **PURPOSE**

To authorize the special use of the property known as 2417 Stuart Avenue for the purpose of a single-family attached dwelling with an accessory dwelling unit, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The subject property is located in the R-6 Single-Family Attached Residential zoning district and contains a single-family dwelling. The proposal calls for a renovation of an existing accessory structure that will meet the definition of an accessory dwelling unit, which is not an allowed use within the R-6 Single-Family Attached Residential zoning district. The applicant also requests that the accessory dwelling unit be excused from parking requirements which consist of one (1) space. Therefore, a special use permit is requested.

Staff finds that the proposed development would be generally consistent with the recommendations of the Richmond 300 master plan. The recommended land use for the subject property is Neighborhood Mixed Use. Accessory dwelling units are listed as a primary use.

Staff finds that the proposal is consistent with Objective 14.5c, of the Richmond 300 Master Plan, which states "Update Zoning Ordinance to allow for accessory dwelling units by-right with form-based requirements in all residential zones."

Staff finds that the proposed accessory dwelling unit is in keeping with the character of the existing area as other properties include the site design of a townhouse to the front and accessory structure/garage/accessory dwelling to the rear.

Staff finds the proposed development would not pose an undue burden on the availability of on-street parking in the area as the area is accessible to transit, bicycle infrastructure, and is highly walkable.

Staff finds that the safeguards contained within the City Charter, with the proposed ordinance conditions, relative to the granting of Special Use Permits, are met. Specifically, staff finds that the proposed use would not be detrimental to the general welfare of the community involved, would not create hazards for users, does not contribute to overcrowding, would not restrict air or light access, and would not create congestion in the streets in the area involved.

The Fan District indicated concern regarding the accessory dwelling unit being rented to the general public, including short term rental use, rather than used by family. The applicant's attorney has expressed support to amend the ordinance to prohibit such uses.

Therefore, staff recommends approval of the Special Use Permit with the amendments to the ordinance to prohibit rental of the accessory dwelling unit to the general public, including short term rental use.

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## **FINDINGS OF FACT**

### **Site Description**

The subject property is located midblock on the northern side of Stuart Avenue between North Davis and North Stafford Avenues. The subject property is 25 feet wide with a depth of 125 feet for a total area of 3,093 square feet. The subject property is similar to, and compatible with, other properties in the neighborhood.

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

The proposed development would consist of an existing single family home with an accessory structure that will meet the definition of accessory dwelling unit.

### **Master Plan**

The City's Richmond 300 Master Plan designates the property for Neighborhood Mixed Use. This 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."

Development Style: "These areas feature a variety of building types that are close to one another and create a unified street wall. The building size, density, and zoning districts for these areas vary depending on historical densities and neighborhood characteristics."

“Future development should generally complement existing context.”

Mobility: “Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided.”

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.”

### **Zoning and Ordinance Conditions**

The Property is currently located within the R-6 Single-Family Attached Residential District. The R-6 zone does not currently list accessory dwelling unit as an allowed accessory use.

If adopted, the Special Use Permit would impose the following conditions on the properties:

- a. The Special Use of the Property shall be a single-family attached dwelling with an accessory dwelling unit, substantially as shown on the Plans.
- b. No off-street parking shall be required for the Special Use.
- c. All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way

### **Surrounding Area**

All properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential Zoning District. Within the area of the subject property, properties are generally improved with single-family attached dwellings.

### **Neighborhood Participation**

Staff notified area residents and property owners, and the Fan District Association. The Fan District indicated concern regarding the accessory dwelling unit being rented to the general public, including short term rental use, rather than used by family.

**Staff Contact:** Ray Roakes - Associate Planner, Land Use Administration, 646-5467