

INTRODUCED: April 25, 2022

AN ORDINANCE No. 2022-127

As Amended

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 within an accessory building to an existing single-family attached dwelling, upon certain terms and conditions.

\_\_\_\_\_  
Patron – Mayor Stoney (By Request)

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: MAY 23 2022 AT 6 P.M.

WHEREAS, the owner of the property known as 2417 Stuart Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a ~~[single family attached dwelling with an accessory]~~ dwelling unit within an accessory building to an existing single-family attached dwelling, which use, among other things, is not currently allowed by sections 30-402.1 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

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:    JUN 13 2022    REJECTED: \_\_\_\_\_    STRICKEN: \_\_\_\_\_

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 2417 Stuart Avenue and identified as Tax Parcel No. W000-1083/007 in the 2022 records of the City Assessor, being more particularly shown on a survey entitled “Plat of Property Situated on the Southern Line of Stuart Avenue and East of Davis Avenue., Richmond, VA.,” prepared by Steven B. Kent & Associates, P.C., and dated March 3, 1998, 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 ~~[single family attached dwelling with an accessory]~~ dwelling unit within an accessory building to an existing single-family attached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “2417 Stuart Ave., Richmond, VA,” prepared by Buie Harwood, and dated September 10, 2021, and 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 [~~single-family attached dwelling with an accessory~~] dwelling unit within an accessory building to an existing single-family attached dwelling, 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.

(d) The accessory building shall not be used for rental purposes, with the exception of rental to individuals having a familial relationship to the owner by blood, marriage, legal guardianship, or adoption.

§ 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.

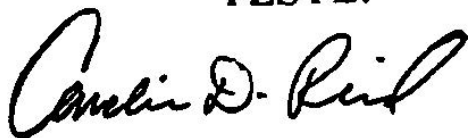
(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property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

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is fluid and cursive, with the first name "Carolin" being more prominent.

**City Clerk**



# City of Richmond

## Item Request File Number: PRE.2022.0088

RECEIVED  
By City Attorney's Office at 9:54 am, Apr 18, 2022

RECEIVED  
By CAO Office at 1:47 pm, Mar 15, 2022

2022-060

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

### O & R Request

**DATE:** March 14, 2022

**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 2417 Stuart Avenue for the purpose of a single-family attached dwelling with an accessory dwelling unit, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_

**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.

**REASON:** The applicant is requesting a Special Use Permit which would allow for one accessory dwelling unit within an R-6 Residential (Single-Family Attached) District and to be excused from parking requirements. Accessory dwelling units are not allowed in the R-6 District, per Section 30-412.2. of the City's Zoning Ordinance. One parking space is required per Section 30-710.1. A Special Use Permit is therefore required.

**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 May 2, 2022, meeting.

**BACKGROUND:** The property is located in the Fan neighborhood at 2417 Stuart Avenue, between North Davis and North Stafford Avenues. The property is currently a 3,093 sq. ft. (.071 acre) parcel of land. The application is for one accessory dwelling unit without off street parking.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use. This designation is defined as a "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."

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-6 Residential (Single Family Attached). Adjacent properties are generally the same R-6 Zone. The density of the proposed development is approximately 28 units per acre. The surrounding land uses include primarily residential uses.

**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:** April 11, 2022

**CITY COUNCIL PUBLIC HEARING DATE:** May 9, 2022

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
May 2, 2022

**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:** Ray Roakes, Associate Planner, Land Use Administration (Room 511) 804-646-5467



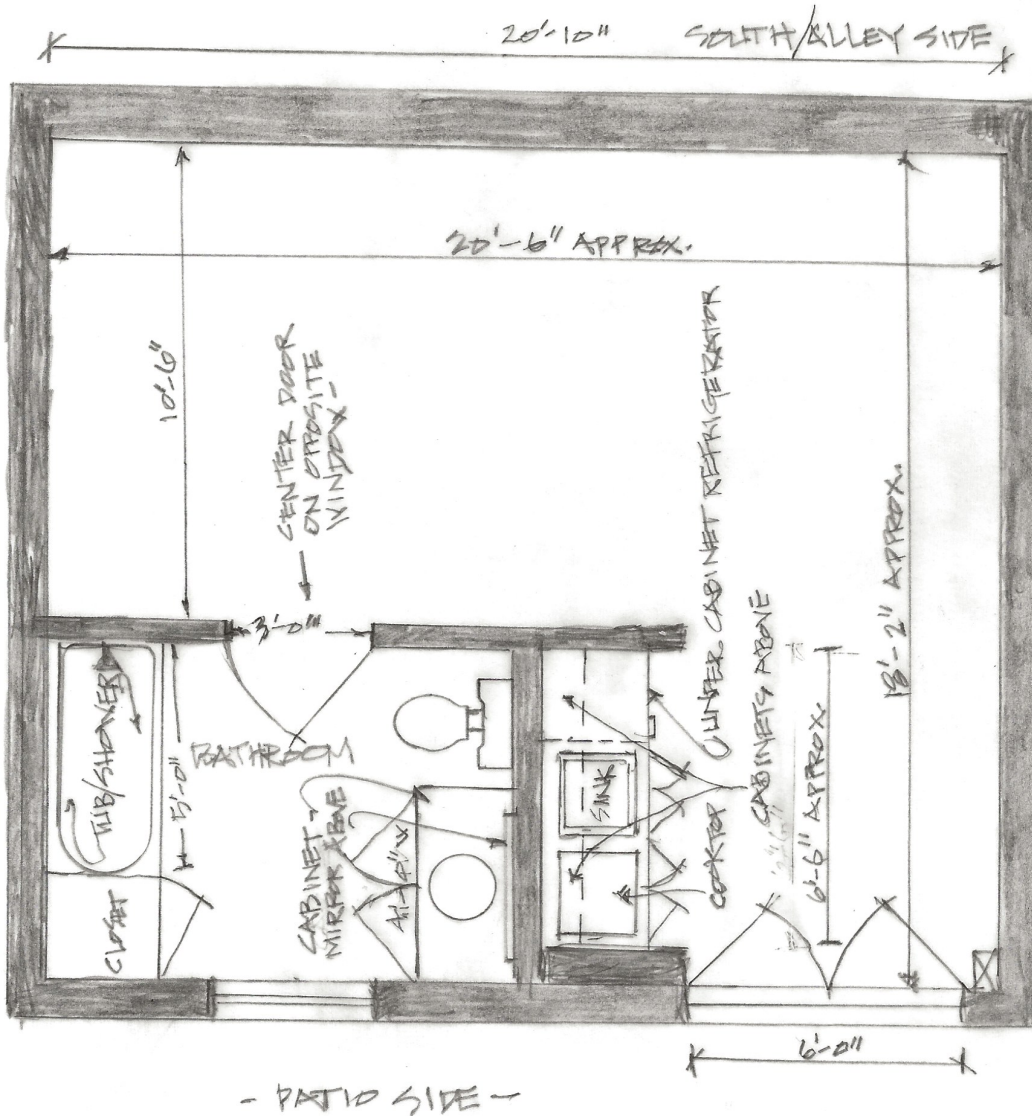
2417 STUART AVE.  
RICHMOND, VA  
GARAGE AREA

SCALE:  $\frac{1}{4}" = 1'-0"$  / DIMENSIONS  
APPROXIMATE

9/10/21

PLAN LAYOUT:

BLIE HARRIS



[illegible]

THIS IS TO CERTIFY THAT WE MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON THAT ALL IMPROVEMENTS AND VISIBLE EASEMENTS ARE SHOWN HEREON. THAT THERE ARE NO ENCHROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES OTHER THAN SHOWN HEREON.

MB 11A

FILE NO. 1003

**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  
[www.richmondva.gov](http://www.richmondva.gov)

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: 2417 Stuart Ave Date: 10/29/2019  
Tax Map #: W0001083007 Fee: \_\_\_\_\_  
Total area of affected site in acres: .071

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

**Zoning**

Current Zoning: R-6

Existing Use: laundry room and storage

**Proposed Use**

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

guest room, extra living space  
Existing Use: laundry room, storage

Is this property subject to any previous land use cases?

Yes ☐ No ☒ If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Michael Sellers

Company: \_\_\_\_\_  
Mailing Address: 316 Fox Walk Path  
City: Garner State: NC Zip Code: 27529  
Telephone: (919+) 538-1653 Fax: ( )  
Email: mwsric@gail.com

**Property Owner:** Peggy Golden

If Business Entity, name and title of authorized signer: \_\_\_\_\_

(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: 16317 Old Ridge Rd.  
City: Montpelier State: Va Zip Code: 23192  
Telephone: (804) 339-8578 Fax: ( )  
Email: peggyanne2@msn.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)

February 22, 2022

Department of Planning and Development Review  
Land Use Administration Division  
900 E. Broad Street, Room 511  
Richmond, VA 23219

RE: 2417 Stuart Avenue - Special Use Permit Plan Amendment

## I. INTRODUCTION

I, Michael Sellers, on behalf of my mother Peggy Golden, owner of 2417 Stuart Avenue, am applying for a special use permit for 2417 Stuart Avenue to convert the original carriage house into finished living space. The property is located on the southside of Stuart Avenue between Davis and Stafford Avenues. The property is zoned as R-6 Single Family Residential.

## II. PROPOSED DEVELOPMENT

The existing carriage house is single story brick structure. It is approximately 430 sq. ft. in size. It already has water, sewer, and electric utilities to it. During our family's ownership, which goes back to shortly after World War II, the carriage house has never been used for parking, as the private alley to the rear of the property is too narrow for vehicle access.

We are proposing adding a full bath, kitchenette and HVAC to the carriage house. In addition, the current electrical circuits will be replaced by a one hundred amp subpanel from the main house. A one-ton ductless HVAC unit will be installed for heating and cooling. A new concrete pad will be poured to level the existing floor and prepare for tile. No changes will be made to the exterior of the carriage house.

## III. FACTORS IN SECTION 17.11 OF THE CHARTER AND SECTION OF 32.1-1050.1 OF THE ZONING ORDINANCE

### a. Effect on Safety, Health, Morals, and General Welfare of the Community.

The proposed changes will have a positive effect on the neighborhood by transforming the original carriage house into finished square feet that can be used by the property owner as a home office, bonus room, and or guest bedroom. The applicant's intention is to renovate the original structure into usable finished square feet while retaining its historical appearance and retaining its compatibility with the historic house on the property. As a result, it will have a positive effect on the neighborhood and property values.

### b. Effect on the Streets, Road, Alleys and Public Ways and Places.

The access to the original carriage house will remain unchanged. The existing access easement to adjacent properties will remain unchanged. There will be no adverse effect on the public streets.

c. Effects on the Hazards from Fire, Panic, and Other Dangers.

The access for emergency vehicles will remain unchanged, therefore there will be no adverse effects.

d. Effect of Crowding of Land and Concentration of Population.

The proposed improvements will not change the density of the underlying zoning.

e. Effect on Schools, Parks, Playgrounds, Water Supplies, Sewage Disposal, Transportation and Other Public Improvements.

The property is served by water and sewer. The demands of the City's services will not be materially affected as the property will continue to be used for residential purposes.

f. Effect on Adequate Light and Air.

The proposed improvements will not adversely affect the light and air of the adjoining parcels.

## CONCLUSION

Permitting the applicant to convert the existing carriage house into living space will allow the applicant to use the finished space as a home office, bonus room, or guest room. It will not burden any adjoining property owner and will add value to the applicant's property and the surrounding parcels.