



City Of Richmond, Virginia

Office of the City Clerk

Request to Withdraw Legislation

Paper Number: Ord. 2023-203

Chief Patron: Mayor Levar Stoney (By Request)

Introduction Date: June 26, 2023

Chief Patron Signature:  10/04/2023

For Office Use Only

Attestation: _____

Effective Date: October 5, 2023

INTRODUCED: June 26, 2023

AN ORDINANCE No. 2023-203

To authorize the special use of the property known as 2301 Grove Avenue for the purpose of a dwelling unit within an accessory building to a single-family detached dwelling, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 24 2023 AT 6 P.M.

WHEREAS, the owner of the property known as 2301 Grove Avenue, which is situated in a R-6 Single-Family Attached Residential District, desires to use such property for the purpose of a dwelling unit within an accessory building to a single-family detached dwelling, which use, among other things, is not currently allowed by section 30-412.2, concerning permitted accessory uses and structures, 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

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

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 2301 Grove Avenue and identified as Tax Parcel No. W000-1039/012 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Survey of Lot and Improvements Thereon Located at #2301 Grove Avenue, Richmond, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated March 14, 2014, 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 dwelling unit within an accessory building to a single-family detached dwelling, hereinafter referred to as “the Special Use,” substantially as shown on the survey entitled “Survey of Lot and Improvements Thereon Located at #2301 Grove Avenue, Richmond, Virginia,” prepared by A.G. Harocopos & Associates, P.C., and dated March 14, 2014, and the plans entitled “2301 Grove Avenue, Carriage House,” prepared by Marc Oosterhuis, and dated December 21, 2022, 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 a dwelling unit within an accessory building to a single-family detached dwelling, substantially as shown on the Plans.

- (b) No parking shall be required for the Special Use.
- (c) The height of the accessory dwelling unit shall not exceed two stories.
- (d) All building materials, elevations, and site improvements shall be substantially as shown on the Plans.
- (e) All mechanical equipment, including heating, ventilation, and air conditioning units, 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made within the time period stated in the previous sentence, 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.



City of Richmond

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

Item Request File Number: PRE.2022.0764

O & R Request

DATE: April 11, 2023

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.)

Handwritten signature of Levar M. Stoney in black ink.

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

Handwritten signature of J.E. Lincoln Saunders in black ink.

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

Handwritten signature of Sharon L. Ebert in black ink.

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review Handwritten signature of Kevin J. Vonck in black ink. for KJV

RE: To authorize the special use of the property known as 2301 Grove Avenue, for the purpose of a dwelling unit within an accessory building to a single-family detached dwelling, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 2301 Grove Avenue, for the purpose of a dwelling unit within an accessory building to a single-family detached dwelling, upon certain terms and conditions.

REASON: The applicant is requesting a Special Use Permit to authorize an accessory dwelling unit, within an R-6 Single-Family Attached Residential District. While the accessory structure is permitted, the dwelling unit is not. A Special Use Permit is therefore required for the new accessory dwelling 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.

BACKGROUND: The property is in the Fan neighborhood on Grove Avenue between Strawberry Street and N Stafford Avenue. The property is currently a 3822 sq. ft. (.08 acre) parcel of land with a two-story single-family home.

The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed-Use, which 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”. The current zoning for this property is the R-6 SingleFamily Attached Residential District. The area is generally single-family attached residential. The proposed density of the parcel is 2 units upon .08 acres, or 25 units per acre.

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets. Parcels are generally between 1,500 and 5,000 sq. ft. Primary Uses: Single-family houses, accessory dwelling units, small multi-family buildings (typically 3-10 units), and open space. Secondary Uses: Large multi-family buildings (10+units), retail/office/personal service, institutional, cultural, and government (Richmond 300, p. 56).

The current zoning for this property is R-6 Single-Family attached Residential District. All adjacent and nearby properties are located primarily within the same R-6 zone. The area is generally single-family attached residential. The proposed density of the parcel is 2 units upon .08 acres, or 25 units per acre.

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: May 8, 2023

CITY COUNCIL PUBLIC HEARING DATE: June 12, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: Planning Commission
June 5, 2023

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: Shaianna Trump, Associate Planner, Land Use Administration (Room 511) 646-7319



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: 2301 Grove Avenue

Date: 12/04/2022

Tax Map #: W0001039012 Fee: \$300

Total area of affected site in acres: 165 sq ft.

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

Zoning

Current Zoning: Residential

Existing Use: Residential

Proposed Use

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

Use the detached two story carriage house as an AirBnB

Existing Use: Home office during Covid, most recent AirBnB (See applicants report).

Is this property subject to any previous land use cases?

Yes

No

☐☒

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Marc Oosterhuis

Company: _____

Mailing Address: 2301 Grove Avenue

City: Richmond

State: VA

Zip Code: 23220

Telephone: (804) 396-5952

Fax: ()

Email: marceasthouse@gmail.com

Property Owner: Marc Oosterhuis and Taylor Bell Falls

If Business Entity, name and title of authorized signee: _____

(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: 2301 Grove Avenue

City: Richmond, VA 23220

State: VA

Zip Code: 23220

Telephone: (804) 396-5952

Fax: ()

Email: marceasthouse@gmail.com

Property Owner Signature:

Marc Oosterhuis

Marc Oosterhuis

Taylor B. Falls

804.399.6339

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)

Special Use Permit Application
2301 Grove Avenue

Applicants Report

December 11, 2022

We respectfully request a Special Use Permit to use our existing two story detached Carriage House as an STR on AirBnB.

On April 10, 2022 we applied for an AirBnB license with the City of Richmond (Permit number STR-100539-2022) for the carriage house. We had participated in some of the Richmond information sessions pertaining to AirBNB with proposed changes and were under the impression that all the requirements were met and that approval would be a formality.

We (owners) live in the house on the same property (2301 Grove Avenue) full time.

In anticipation of the license approval we set up an account with AirBNB to “test the waters” in terms of pricing and interest. AirBnB was satisfied that we had applied for the license with the City of Richmond.

While awaiting a response on our license application:

We rented the carriage house from May 1, 2022 to December 4, 2022 and we had 28 rentals with AirBnB for the Carriage House:

The vast majority of the stays were for two weekend nights (Friday and Saturday)

We had all 5 star (Perfect) ratings.

We have limited the occupancy to two (2) two adults max.

No children or pets permitted. No Parties, etc.

We have included a few of the quotes from guests that may be helpful:

“Didn’t have any issues with offstreet parking and it’s in walking distance to a lot of restaurants/shops”.

“very walkable section of the Fan neighborhood, with plentiful street parking despite the city location”

(Full transcript of all the 20 guest comments is available upon request)

AirBnB is submitting the taxes it collected for these above referenced rentals directly to the City of Richmond.

During this period I checked back frequently on the city portal to check on the status of our license application. We thought that the lack of response was due to the city permit backlog. It was not until I read an article that the city had caught up on all its permits that I contacted the city by phone (November 28, 2022). This is when I learned about a Special Use Permit requirement. Upon learning this news we have blocked open dates and are not accepting any new rentals through AirBnB pending this Special Use Application.

Notes with the plans:

We are not proposing to make any changes to the exterior or interior of the carriage house. No signage, no landscaping, etc.



Street Front

Back

Alley Side

CourtYard side

Access to the carriage house is not from the street but through the door located in the walled courtyard. The original wooden doors on the street side are for emergency exit only.

Parking: is not an issue on our section of Strawberry Street see comments from guests above and Neighbors below. Especially on the weekend parking is very readily available.

Earlier in 2022 we replaced the roof on the carriage house with the same metal roofing as the original roof but added insulation. We also replaced all the windows with more energy efficient windows.

Marc Oosterhuis

Taylor Bell Falls

Neighbor Approvals:

Please find below confirmation from our three 3 immediate neighbors that they do not object to our application:

110 Strawberry Street (Gregg Winter)

2303 Grove Avenue (John Eiler)

2225 Grove Avenue (Kim Wright)

Dec 10, 2022, 9:15

PM (14 hours ago)

Kim Wright

to me

Yes, I approve. 😊

On Sat, Dec 10, 2022 at 5:23 PM Marc Oosterhuis <marceasthouse@gmail.com> wrote:

Kim Wright (Neighbor)

2225 Grove Avenue

Dear Kim,

We are applying for an AirBnB License for our Carriage House and would like your support.

We are limiting the occupancy to a maximum of two (2) adults.

No kids, no pets, no parties.

Rentals will likely be primarily Friday and Saturday evening.

Guests will be entering through the garden door. We are not making any changes to the carriage house.

Would you be willing to reply to this email stating that you have no objections as our neighbor?

Marc and Taylor

[2301 Grove Ave](#)

[\(804\)](#) 396-5952

Sat, Dec 10, 4:58

PM (18 hours
ago)

John Eiler

to me

Dear Marc & Taylor,

I have no objections.

Thank you,

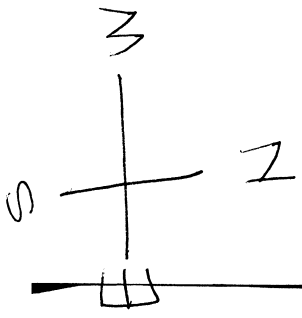
John Eiler

804.687.0305

From Gregg Winter

110 StrawBerry Street

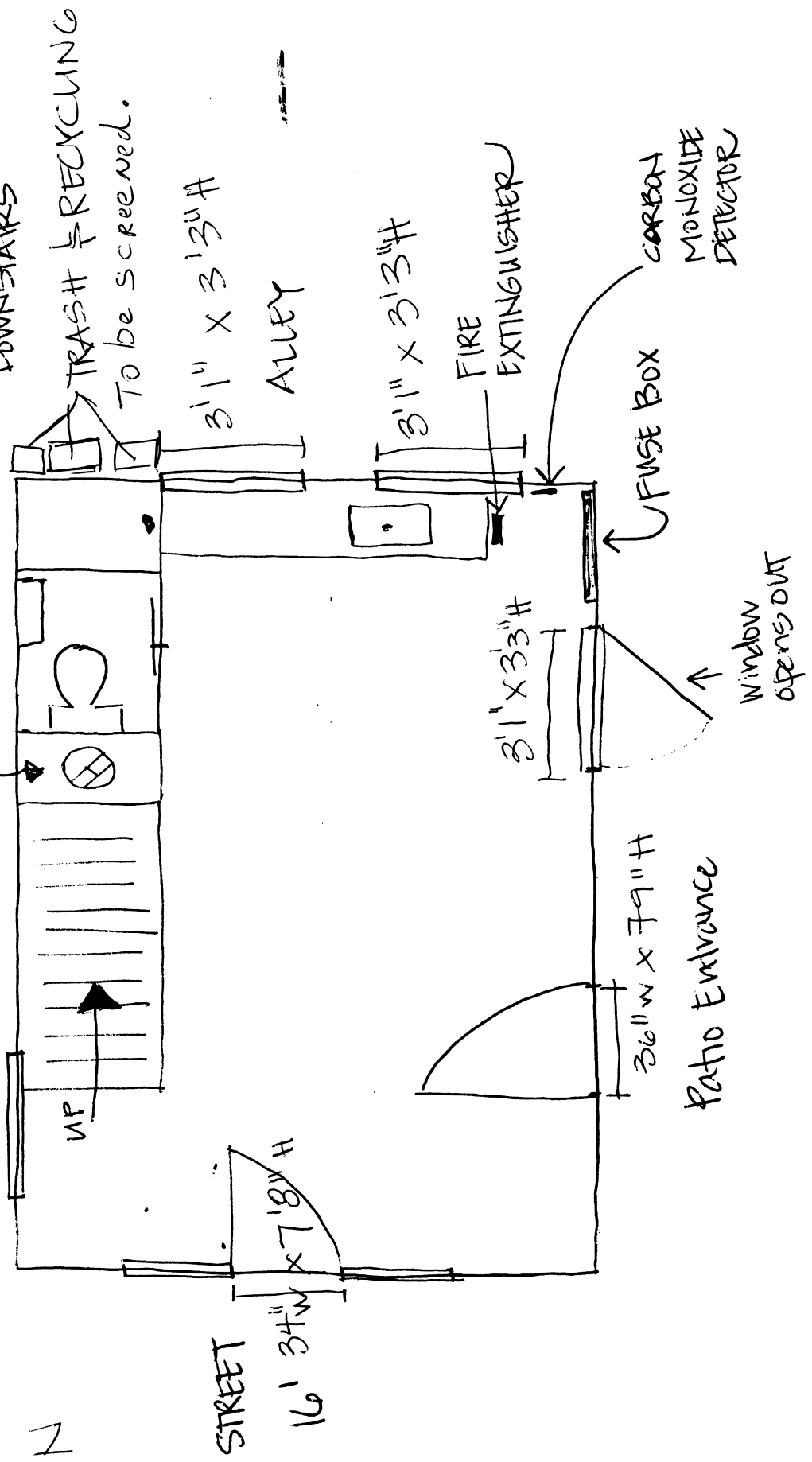
Text message “ Yes to your email, will be good for 2 people”



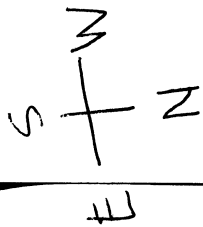
22' ALLEY

2301 GROVE AVENUE
CARRIAGE HOUSE
DOWNSTAIRS

Hot H₂O Heater

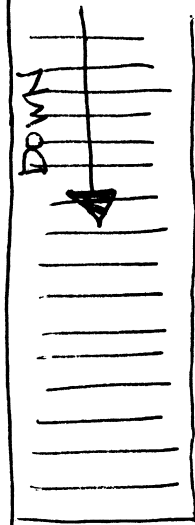


December 21, 2022
Marc Oosterhuis *M.O.*



22' ALLEY

2301 GROVE AVENUE
CARRIAGE HOUSE
UPSTAIRS



STREET

16'

5'1" x 5'7" H

3'1" x
3'3" H

ALLEY

window

opens out

BED

Fire
Extinguisher

SMOKE DETECTOR

PATIO

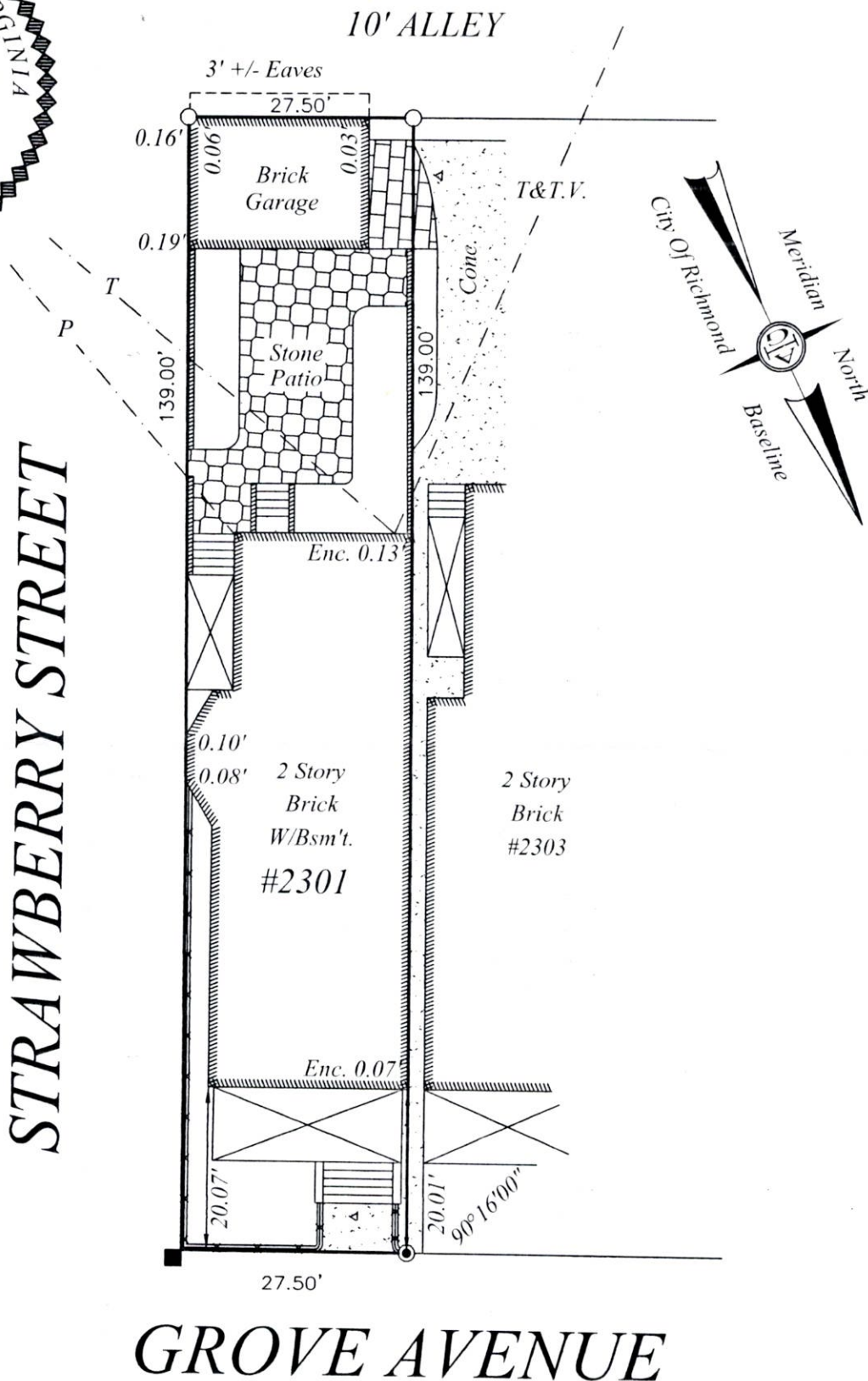
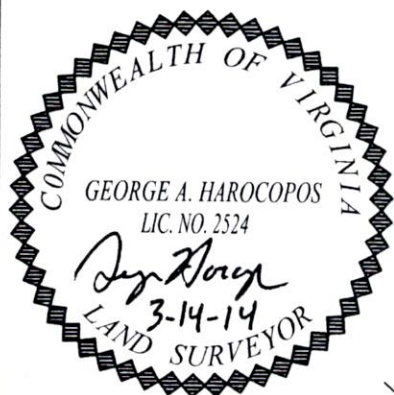
December 21, 2022

Marc Osterhuis *Map & Plot*

This is to certify that on 3/14/14
I made an accurate field survey of the known premises
shown hereon; that all improvements known or visible
are shown hereon; that there are no encroachments by
improvements either from adjoining premises, or from
subject premises upon adjoining premises, other than
shown hereon.

NOTE: THIS LOT APPEARS
TO BE IN FEMA FLOOD ZONE
X AS SHOWN ON HUD
COMMUNITY PANEL NUMBERS
5101290037D

NOTE:
This survey has been prepared without
the benefit of a title report and does
not therefore necessarily indicate all
encumbrances on the property.



LEGEND

- Stone/F
- Rod/F
- Nail/F

SURVEY OF
LOT AND IMPROVEMENTS THEREON LOCATED AT
#2301 GROVE AVENUE
RICHMOND, VIRGINIA

JN 43692

A. G. HAROCOPOS & ASSOCIATES, P.C.

CERTIFIED LAND SURVEYOR AND CONSULTANT

4920 E. MILLRIDGE PKWY. SUITE 200 MIDLOTHIAN VA. 23112

Office 804 744 2630 FAX 804 744 2632

E-MAIL AGHAROCOPOS@VERIZON.NET

Scale 1"=20' Date 3/14/14 Drawn by GAH

NOTE: PLAT PREPARED FOR THE EXCLUSIVE
USE OF THE CONVEYANCE TO
Marc G. Oosterhuis