



## CITY OF RICHMOND

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

**Ord. No. 2019-031:** To authorize the special use of the property known as 521 Craigie Avenue for the purpose of a dwelling unit within an accessory building, upon certain terms and conditions

---

**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** April 1, 2019

---

#### **PETITIONER**

Oscar Thomas

#### **LOCATION**

521 Craigie Street

#### **PURPOSE**

To authorize the special use of the property known as 521 Craigie Avenue for the purpose of a dwelling unit within an accessory building, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant has requested authorization for one dwelling unit above a detached garage for use by a family member. This use is not permitted within the R-5 Single-Family Residential Zoning District. A special use permit is therefore required.

The subject property and surrounding properties in the Highland Terrace neighborhood are located within the R-5 Single-Family Residential District. The adjacent properties on the 500 and 600 blocks of Craigie Avenue contain homes of similar size. Detached garages are prevalent in the area.

Staff finds that while the proposed development would exceed the residential density recommended by the master plan, the proposed dwelling unit would be restricted to use by family members of the property owner.

Staff further finds that the proposed development would not pose an undue burden on the availability of on street parking due to the street frontage of the subject property.

Staff finds that with the ordinance conditions the safeguards contained within the City Charter, 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 and would not create congestion in the streets in the area involved.

Therefore, staff recommends approval of the Special Use Permit request.

---

## **FINDINGS OF FACT**

### **Site Description**

The subject property referenced as 521 Craigie Avenue is located in the Highland Terrace neighborhood of the North Planning District and consists of a 7,810 SF (.179 acre) parcel of land with 55 linear feet of street frontage. The property contains a two-story 1,611 square foot single-family home and a two-story detached garage.

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

The proposed development will consist of a detached garage with a residential apartment on the second floor. Use of the apartment shall be restricted to only immediate family members. The applicant did not obtain a building permit prior to the construction of a two-story detached garage with residential space on the second floor. A Stop Work Order was issued when the violation was discovered. A building permit shall not be issued until the proposed use is allowed by a Special Use Permit. The proposed density of the development would be approximately 11 units per acre.

---

---

### **Master Plan**

The City of Richmond's Master Plan designates a future land use category for the subject property as Single-Family (Low Density). Primary uses for this category include single-family detached dwellings at densities up to seven units per acre.

### **Zoning and Ordinance Conditions**

The subject property is located in the R-5 Single-family Residential zoning district, which does not permit dwelling units within accessory buildings. The applicant has requested authorization for one dwelling unit above a detached garage for use by family. This use is not permitted within the R-5 Single-Family Residential Zoning District. The detached garage has 576 square feet on the ground floor and a 576 square foot dwelling unit on the second level. The zoning ordinance states that accessory structures shall not exceed the area of the principal structure. The 1,152 square foot accessory structure is smaller than the 1,611 square foot principal structure.

The property is a corner lot, fronting Craigie Avenue with a side yard along Wellington Street. Improvements must provide at least eight feet of side yard setback. As built, the upstairs living area is accessed via a stairway and deck that encroaches six feet into the setback, leaving a two foot side yard in this area. The city right-of-way between the curb and property line is approximately eight feet in this area. The Special Use Permit can modify this setback requirement.

The special use permit ordinance will impose conditions on the property, including:

- a) The Special Use of the Property shall be as no more than one dwelling unit within a building accessory to an existing single-family dwelling, substantially as shown on the Plans.
- b) The dwelling unit within the building accessory to the single-family dwelling shall only be occupied by family members of the Owner and shall not be rented out to the general public. For the purposes of this ordinance, "family members" shall be defined as persons related by blood, marriage, legal guardianship or adoption, including foster children.
- c) One off-street parking space shall be provided on the Property.
- d) The main building shall be brought into full compliance with the Department of

Planning and Development Review, Property Maintenance Division's guidelines entitled "Guidelines for Property Maintenance in the City of Richmond."

- e) The height of the Special Use shall not exceed two stories, as shown on the Plans.
- f) All elevations and setbacks pertaining to the Special Use shall be substantially as shown on the Plans.
- g) 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**

The neighborhood surrounding the subject property is within the R-5 Single-family Residential District. The land uses in the neighborhood are consistent with the zoning district and the Master Plan recommendation.

### **Neighborhood Participation**

No letters of support or opposition have been received from the community or neighboring property owners for this application.

Since the March 4, 2019 Planning Commission public hearing, a nearby resident has expressed to staff, via phone, of no objection to the special use permit if occupancy of the dwelling unit within the accessory building is limited to family members.

**Staff Contact:** David Watson, Senior Planner, Land Use Administration, 804-646-1036