



## CITY OF RICHMOND

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

**Ord. No. 2020-107:** To authorize the special use of the property known as 2126 Rosewood Avenue for the purpose of an existing single-family dwelling with an accessory dwelling unit, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** June 15, 2020

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#### **PETITIONER**

Johnye A. Bennett

#### **LOCATION**

2126 Rosewood Avenue

#### **PURPOSE**

To authorize the special use of the property known as 2126 Rosewood Avenue for the purpose of an existing single-family dwelling with an accessory dwelling unit, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The existing single-family home is a permitted use in the R-6 Single-Family Attached Residential District. However, accessory dwelling units are only permitted if the structure existed prior to June 12, 1995. The proposed accessory dwelling unit will be new construction and therefore a special use permit is required. A privacy fence not exceeding 8' in height, and located along property lines to the rear of the main dwelling, is also a part of this proposal.

Staff finds that the proposed special use would be consistent with the historic pattern of development in the area and would contribute to a variety of housing options, as recommended by the Master Plan.

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 ordinance with the following amendments:

1. A privacy fence not exceeding 8' in height shall be permitted along property lines to the rear of the main dwelling
  2. 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.
  3. No off-street parking shall be required, either on the Property or at an alternate location.
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## **FINDINGS OF FACT**

### **Site Description**

The subject property consists of a 2,671 SF parcel of land and contains a 1,732 square foot single-family dwelling that was built in 1921. A 180 sf single-story garage is located adjacent to the alley in the rear of the property. A privacy fence is located along property lines to the rear of the main dwelling. The property is located in the Byrd Park Neighborhood within the City's Near West Planning District, on the corner of Rosewood Avenue and Shields Avenue.

### **Proposed Use of Property**

The proposed special use is a two-story dwelling unit accessory to the existing single-family dwelling. The accessory dwelling unit would be constructed in place of the existing detached garage. A privacy fence not exceeding 8' in height, and located along property lines to the rear of the main dwelling, is also a part of this proposal.

### **Master Plan**

The City of Richmond's current Master Plan designates the subject property for Single-Family (Medium-Density) land use which includes, "...single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses. The density of the parcel if developed as proposed would be approximately 33 units per acre.

The Plan states "Richmond neighborhoods will be recognized as safe, attractive and desirable places to live, work and raise families, while providing a variety of housing choices and homeownership opportunities." (p. 96).

For the Near West End Planning District, the Plan states, "Most of what exists is correct and appropriate" (p. 230).

### **Zoning and Ordinance Conditions**

The current Zoning District for the property is R-6 Single-Family Attached Residential. Review of the proposal by the City's Zoning Administration yielded the following comments:

*The proposal is to construct a two-story detached accessory building with one dwelling unit on the same lot as an existing single-family detached dwelling.*

*Please be advised of the following zoning regulations that are not met and must be addressed in the SUP:*

*Sec. 30-412.2 (2) (permitted accessory uses): One dwelling unit is permitted within a two-story accessory building that existed on June 12, 1995. Additionally, the lot area requirement for a dwelling unit within an accessory building is the same as what is required for a two-family dwelling (6,000 SF) and an additional parking space is required for the new unit. None of these provisions are met for the proposed dwelling unit within the newly constructed accessory building.*

*Sec. 30-412.5 (2) a (front yard): 9.92' (based on front yard of multi-family building at 2133 Idlewood Avenue). This requirement is not met along S Shields Avenue.*

*Sec. 30-620.1 (c) (Side yard): 3'. This requirement is not met along the eastern property line.*

*Sec. 30-680.4 (height limit): The height limit for a building accessory to a single-family dwelling is 20'. This requirement is not met (proposed height of 22' 3.625").*

*Sec. 30-630.9 (fence height limit): The height limit for a fence in the R-6 is 4' if located within a required front yard and 6.5' if located within any other required yard. As documented on a previous site inspection, the existing fence exceeds the height limit and must be addressed in the special use permit.*

*Sec. 30-710.1 (a)1: One parking space is required for the single-family dwelling (this is in addition to the new dwelling unit in the accessory building). No parking spaces are being provided with the proposal.*

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If approved, the Special Use Permit would impose development conditions on the property, including:

3(a) The Special Use of the Property shall be as a single-family dwelling with an accessory dwelling unit, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed the height as shown on the Plans.

(c) All building materials and elevations shall be substantially as shown on the Plans and as described in the Applicant Report dated October 28, 2019, a copy of which is attached to and made a part of this ordinance.

(d) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(e) No off-street parking shall be required on the Property.

4(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.

### **Surrounding Area**

The adjacent properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential zoning district as the subject property. Within the area of the subject property, those properties with improvements contain a mix of single-family detached and single-family attached dwellings. Two buildings containing a total of nine apartments are located on the property across the alley to the north of the subject property.

**Neighborhood Participation**

Staff notified area property owners, residents, and the Byrd Park Civic League of this application. A letter of support from the Byrd Park Civic League and a letter of opposition from an area resident have been received.

**Staff Contact**

David Watson AICP, Senior Planner, Land Use Administration, 804-646-1036