

December 4, 2020

To the City of Richmond, Virginia—Planning Commission:

We own the home at 3305 Warner Rd., Richmond, VA 23225 and we rent the home to family members who have lived in the home for 7 years.

The location of the accessory structure that is the subject of the special use permit on the property at 3206 Blithewood Drive is situated close to the property line with our home.

We do not support the granting of a special use permit for the purpose of establishing a dwelling unit within an accessory building and do not support the use of this accessory building as a short-term rental unit. This accessory building structure has already been used for the short-term rental purpose. This use of this structure changed the nature of our back yard from a neighborhood experience to a commercial experience with public lodging for different travelers. While our home is on a busy corner of Hathaway Road, the back yard is far enough from the street to experience some element of privacy. However, given the recurring travelers to the short-term rental unit next door, the back yard no longer felt private when strangers had total visual access to the back yard and back of our home. We had a low chain link fence at the property line that allowed communication with neighbors across the property line. We recently put up a privacy fence to improve privacy for our tenants.

We do not think that this type of neighborhood with small lots is appropriate for an accessory dwelling unit located so close to the property line, particularly if used as a short-term rental unit. Given that most of the houses in this neighborhood are small and close together, a short term rental unit that necessitates building/modifying an additional structure in the yard may affect neighborhood feel, quality of life, safety and property values of adjoining properties and neighbors.

Respectfully submitted,

Diane Schroeder and George Pavelis

13411 Torrington Drive, Midlothian, VA 23113

Phone number 804-320-3428

Ebinger, Matthew J. - PDR

From: Scott Adams <asa1620@gmail.com>
Sent: Monday, December 7, 2020 9:02 AM
To: PDR Land Use Admin
Cc: Ebinger, Matthew J. - PDR
Subject: 3206 Blithewood Dr. SUP opposition

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

My residence is approximately 400 feet from the accessory building the Applicant is requesting be approved as a dwelling unit. I am voicing my opposition to the request to allow 3206 Blithewood Dr to use their accessory building as a short-term rental ("STR"). The Applicant has failed to demonstrate any special circumstances that would necessitate the granting of an exception to the uses permitted by law in the R-2 District, and I contend that approval of the Application will be detrimental to the safety, health, and general welfare of the community involved. If the Applicant is granted an exception, then every other person who applies for a special use permit to use their freestanding garage, shed or other outbuilding as a STR facility will also be approved, thus the exceptions would render the law meaningless. The general welfare requires that citizens of the City be provided security in knowing that if they reside in an R-2 District, they will not soon be living in a commercial district full of transient shed-dwellers based upon the whim of their neighbors and the approval of SUPs for STRs. I have no issue with short term rentals as permitted by the law but do not want to have this precedent set for others who want to use an outbuilding as a STR. I know there are many folks in the immediate vicinity of my house that have accessory buildings. When these folks submit an application for a SUP to use their garage as a STR, how is the City going to deny their request without being arbitrary and capricious?

While Mr. Kane owns no recorded interest in the subject property, he signed the Applicant's Report for SUP and identified himself as "Domestic and Business Partner." Mr. Kane is a Realtor. As such, he knew, or should have known, the laws regarding STRs in the City when he and the Applicant began operating their AirBnB. Through her relationship with Mr. Kane, one can infer that the Applicant knew the law, too. However, despite their knowledge of the law, the Applicant and her Business Partner have been illegally operating the AirBnB in the accessory unit for years. Even after being reported to the City's zoning office in July 2019 (034-295-2019) and being visited by a City zoning inspector, the rentals continued. I imagine that if violations were never reported and his hand never forced, this would not even be on the agenda today.

In the Application, it is noted that the unit is currently being used as a "part-time office space," but the fact that it is being operated as a STR is omitted. The letter of support from the Southampton Civic Association indicates that the Applicant represented that to it the "accessory dwelling unit" would possibly be used for the Applicant's mother in-law. This representation is contrary to the facts.

For the past several years, the driveway to the AirBnB at the subject property has been a revolving door of vehicles with license plates from all over the country - transients, who stay "on the cheap" in a neighborhood rather than at a legitimate business in a commercial district. What level of scrutiny does the Applicant give to these guests prior to inviting them to our neighborhood? While I

cannot confirm that any of the guests who have stayed at the Applicant's illegal AirBnB are criminals, I suspect that she cannot confirm that they are not criminals. According to the Applicant's listing on AirBnB, "self check-in" is offered. So, the Applicant does not necessarily even interact with the guests before they enter her property. Is the Applicant actually considering her neighbors and the good of the community when she invites these strangers into our neighborhood, or is she merely considering the money she will collect from the guests?

City Council made the policy decision not broaden the permitted uses of accessory units to include STRs in the R-2 District when it adopted the Ordinance 2019-343. If the Applicant wishes to bring in transients from all over and operate an AirBnB, she should invite them into her house, as permitted by law, rather than allowing them to stay in an accessory unit that abuts her neighbors' property.

A reasonable person cannot dispute that the level of scrutiny given to guest in one's home would be vastly greater than the level of scrutiny given to an individual staying in an accessory unit in virtual anonymity. Based on these concerns, I assert that approval of this Application would be detrimental to the safety of the community involved, contrary to § 30-1050.1 of the Code.

So which is it going to be? We all know that office space and mother in-law are distractor words and that, if the SUP is granted, the accessory dwelling unit will be solely used as a STR 100% of the time. As of right now (12/3/20), I am still able to book a stay at the Applicant's illegal AirBnB on the AirBnB website for any date I want in 2020 and 2021, even though using an accessory building as a STR is still not allowed in the City of Richmond. And, the current pandemic raises a whole new set of issues. We are getting folks from all over the country visiting and staying in our neighborhood, when at Thanksgiving and most likely Christmas, we not even supposed to congregate with our families. Since Mr. Kane and the Applicant have blatantly disregarded the laws put in place by the City regarding STRs, how are we to trust that they would abide by any Pandemic-related restrictions and protocols currently in place or that may be in place in the future, if the Application is granted. The answer is that we cannot. Therefore, I contend that approval of this Application would be detrimental to the health of the community involved, contrary to § 30-1050.1 of the Code.

Finally, I take issue with the way this matter was noticed to the public. I called the phone number (646-6304) on the posted notice at 3206 Blithewood four times. The line was never answered any of the four times I called. The first time I called (on November 27th), I left a message; however, I have yet to receive a return call from the City. Not only is this unacceptable, it is inadequate for purposes of notice. How many other messages from my neighbors were ignored? If the City is going to place a sign indicating that information about a pending issue at this property can be ascertained by calling this number and then no one answers or calls back, how is that adequate notice? **Due process requires notice and an opportunity to be heard.** The City has failed to give adequate notice concerning this issue and who knows how many folks will not be heard because of this inadequacy. The City's notice on this Application was deficient and if for no other reason the Application should be denied for insufficient notice.

Ebinger, Matthew J. - PDR

From: Kimmy Anderson <kimmykar@gmail.com>
Sent: Saturday, December 5, 2020 12:40 PM
To: Ebinger, Matthew J. - PDR
Subject: SUP 3206 Blithewood Dr

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

Good afternoon, Mr. Ebinger,

My name is Kimberly Anderson, and I am a resident of Richmond living on Blithewood Drive.

Although there has not been much notice regarding the SUP for 3206 Blithewood Drive, I have become aware of this request.

For many reasons, I oppose this request.

Safety of your city residents are compromised when guests are allowed to stay in unattached sheds. It is also possible that the safety of the guests is compromised living in such structures. I would have no objection to AirBnB's in the residence/ attached. I do object to free-standing sheds being used as AirBnB's.

It appears that the residents of 3206 Blithewood have used this shed as an AirBnB since at least 2018. My understanding is that this use has not been permitted, thus the residents have been operating illegally for at least 2 years.

Please clarify if I have misunderstood.

Thank you for consideration of this very important matter. Please help keep the Richmond community safe and legal, the way I remember it. (I have lived in Richmond since my birth in the 1960's, as have generations of my family before me.)

Very Respectfully,

Kimberly Anderson, MD

Ebinger, Matthew J. - PDR

From: Kathryn Whittington <klw713@comcast.net>
Sent: Sunday, December 6, 2020 5:53 PM
To: Ebinger, Matthew J. - PDR
Subject: Request for SUP at 3206 Blithewood drive

Importance: High

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

Hello Mr. Ebinger,

Regarding the request for an SUP being considered for the property at 3206 Blithewood Drive, I have the following questions and concerns:

1. Is there an expiration on this permit?
2. Does the property owner have to be re-certified periodically?
3. Does the permit convey to a subsequent owner when the property is sold?
4. If the permit conveys, does the subsequent owner have to be certified?
5. Is the property inspected periodically for code violations?
6. **How are the "guests" screened?** My concern is for **safety** the many new families with young children moving into this neighborhood.

If the permit is issued, It sets a precedent for the neighborhood. The building being used for an Airbnb, is a former tool shed, If approved, it would set a precedent that would allow other neighbors to convert their tool sheds & garages into similar temporary rentals.

In addition, an oversized, visually intrusive, and unattractive portable carport is housed on the property at the entrance to this structure in question. It is questionable whether this size port is permissible and was ever permitted.

I am the property owner at 3133 Blithewood Drive where I have lived for 44 years. From my living room window and my front yard, the property in question is fully visible.

I do not favor a change in the zoning code. Please forward my comments and concerns to city council. Thank you very much.

Kathryn L. Whittington
3133 Blithewood Drive

December 6, 2020

City of Richmond Planning Commission
c/o Matthew J. Ebinger, Secretary to the
Planning Commission
900 East Broad St.
Richmond, VA 23219

RE: Special Use Permit (SUP) Application – Ordinance 2020-24 - 3206 Blithewood Drive, Richmond, VA 23225

Dear City of Richmond Planning Commission,

I own a property on Blithewood Drive north of the subject parcel noted in the SUP application. I do not support the above noted SUP application permit the use of an Accessory Dwelling Unit in an existing accessory building at 3206 Blithewood Drive. The application lacks a meaningful reason for why this use is necessary. The owner of the subject property and her business partner have been operating an illegal Airbnb or Short Term Rental (STR) unit in the accessory structure for past several years (see attached Airbnb listing) and not utilizing it as a part-time office as indicated on the application form. As the application states, the accessory unit was formerly a tool shed that was permitted in 1983 which the subject owner subsequently converted into an accessory dwelling unit. Accessory dwelling units are not permitted in use in the R-2 zoning district. Accessory dwelling units are also not permitted in the R-2 zoning district as a short term rental under the Short Term Rental Ordinance that was recently passed by Planning Commission and City County on June 20, 2020.

It is also my understanding that a zoning complaint was filed regarding this use and this action prompted the property owner to submit this application. I did not see this information noted in the staff report.

I have no issues with neighbors operating STRs within their primary residence as allowed under the City's Zoning Short Term Rental Ordinance in the R-2 district.

The applicant provided no valid reasons for this use as an accessory dwelling unit such as caring for an aging parent or family member. Why didn't the applicant file for a special use permit prior to both operating a short term lodging business and installing all of the necessary improvements? The applicant's business partner is a Realtor and should have basic knowledge of zoning laws. The Airbnb website shows guest reviews from 2018 (this is as far back as Airbnb posted reviews) and it shows the host as a member since 2015. Most of the permits for the improvements were issued in the year or two prior to the UCI races in 2015 when there was surge of short term rentals operating illegally in the city. This surge of illegal rental activity prompted the legislation of the newly enacted STR ordinance. The City spent several years developing this ordinance which incorporated extensive public comment, staff time, and public funds.

I also question how City Zoning and Building Inspection staff who reviewed the building permit applications did not question if these improvements were for an accessory dwelling unit since permits were issued to install a 200-amp electrical service (typical for a single family home), plumbing permits, remodel and alteration permits in 2016. Tool sheds typically don't contain full bathrooms. The tool shed structure doubled in size with the addition of a screened porch and adjoining deck to almost 600 square feet or roughly half the size of the existing dwelling unit. A large metal carport structure of the size used

to house a large RV exists adjacent to the “proposed” accessory dwelling unit on the property. Did the City take into account all the improvements and update the stormwater assessment due the increase in impervious surfaces on the property? These improvements are located very close to the adjoining parcel to the north and this is direction that the water flows towards the river when it rains. A tall freestanding streetlight pole with a large unshielded light is also located in the backyard. Will the City require this fixture to be shielded? The survey included with the application shows a shed structure on the north side of the property which is located in what appears to be the 10’ side yard setback?

The public notice sign posted by the City of Richmond on each side of the public right of ways on Blithewood Drive and Wallowa Drive state that there is a zoning action pending and provide a phone number to an unmanned phone. There is no recording regarding the application if a member of the public calls the number. Only a voicemail option is provided if the mailbox is not full. Is this clearly adequate public notice?

The applicant’s form letter signed by neighbors stated that this application will not set a precedent. By approving an application with no legitimate need will create standing for anyone to request one in the future. How exactly is this use “special”?

I request that the Planning Commission provide a recommendation of denial to the Richmond City Council based on the following:

1. The applicant did not provide a legitimate or valid reason for the need for this accessory dwelling use. This application is solely an attempt to legalize an illegal use for personal financial gain.
2. Approval of this application will set a precedent for future applications of this type in the R-2 zoning district and related zoning districts. The City passed the STR ordinance on June 20, 2020 and it needs to uphold the law it enacted and not make an arbitrary decision to approve this Special Use Permit that has no standing.
3. Approval of an accessory dwelling unit solely for the purpose to provide lodging as a business use is not in harmony with the residential character of the R-2 zoning district.
4. The increase in impervious surface area created by the accessory dwelling unit, driveway and parking structure increase stormwater runoff on adjacent properties.

Thank you for your consideration on this matter.

Clare Novak
3316 Blithewood Dr.
Richmond, VA 23225

December 6, 2020

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c/o Matthew J. Ebinger, Secretary to the
Planning Commission
900 East Broad St.
Richmond, VA 23219

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Clare Novak
3316 Blithewood Dr.
Richmond, VA 23225



Start your search

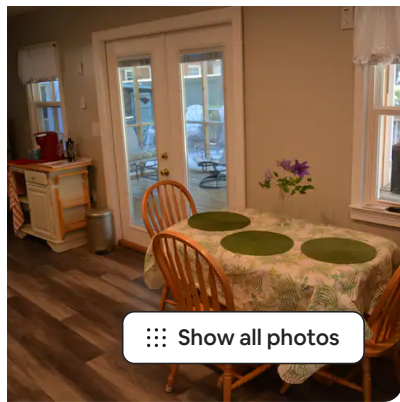
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A Place of Peace

★ 4.98 (159) · Superhost · [Richmond, Virginia, United States](#)

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Entire guesthouse hosted by Mike

2 guests · 1 bedroom · 1 bed · 1 bath



Entire home

You'll have the guesthouse to yourself.



Enhanced Clean

This host committed to Airbnb's 5-step enhanced cleaning process. [Learn more](#)



Self check-in

Check yourself in with the lockbox.



Free cancellation until 3:00 PM on Dec 30

After that, cancel before 3:00 PM on Jan 4 and get a 50% refund, minus the first night and service fee. [Get details](#)



House rules

This place isn't suitable for children (2-12 yrs) and the host doesn't allow pets, parties, or smoking. [Get details](#)

short drive downtown and a 5-minute walk to the James River. Richmond is a foodie town with great brew-pubs everywhere.
All are welcome!

The space

Your cottage has a full bath, heat pump, toaster oven, Keurig coffee maker with pods, microwave, and an induction hot plate with a small but adequate refrigerator. Plates, bowls, silverware, cups, and glassware lets you make meals to enjoy in or out on the deck.
We have a brand new stack washer and dryer installed for your convenience and use.

Guest access


We like to meet and greet our guests and if that cannot happen there is a lockbox by the door.
Please use the key located on the dining table and return the lockbox key back so we have that as a backup.
You are welcome to use the grill, and firepit on windless days after 4 PM.

Other things to note

You are welcome to use our gas grill located in the carport out of the Sun and rain.
We ask that you remember to turn the grill off after using.

Contact host

Sleeping arrangements



Bedroom 1
1 queen bed

Amenities

 Free parking on premises

 Kitchen

 Wifi

 Dryer

 Iron

Washer

Dedicated workspace

Hangers

Show all 38 amenities

2 nights in Richmond

Jan 4, 2021 - Jan 6, 2021

January 2021							February 2021						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28						
31													

\$74 / night

★ 4.98 (159)

CHECK-IN
1/4/2021

CHECKOUT
1/6/2021

GUESTS
1 guest



Reserve

You won't be charged yet

\$74 x 2 nights	\$148
Cleaning fee	\$40
Service fee	\$27
Occupancy taxes and fees	\$11

Total **\$226**

This is a rare find. Mike's place is usually booked on Airbnb.

[Clear dates](#)



[Report this listing](#)

★ 4.98 (159 reviews)

Cleanliness	5.0	Accuracy	5.0
Communication	5.0	Location	5.0
Check-in	5.0	Value	5.0



Mai

November 2020

Mike and Kathryn are quite possibly the best hosts I've ever had. They were very accommodating, attentive and incredibly pleasant to work with. Their home is in the perfect location for what we needed and the perfect size as well. It was immaculate and cozy with all these great



Savannah

October 2020

A really cute little place! Such nice amenities and touches. There's a small kitchen area to make breakfast or even a small dinner. Which is great for a night in or long term stay. Bonus outdoor area with comfy seating and a quite neighborhood but must like cats as property ambassador JD will stop by a visit and he's a lover! Overall would 100% recommend to anyone looking for a nice quite stay



Jenny

October 2020

Really comfortable place to stay with all the amenities and the best hosts!



Vicki

October 2020

A Place of Peace is a very nice B&B. I have not stayed at a B&B in a very long time, and I was pleased with the accommodations and the experience.



Courtney

September 2020

Amazing people, amazing place, amazing location! Mike and Kat are people hospitable in every way and makes sure you time there is worth it. I would recommend this place to anyone who wants to stay in Richmond.



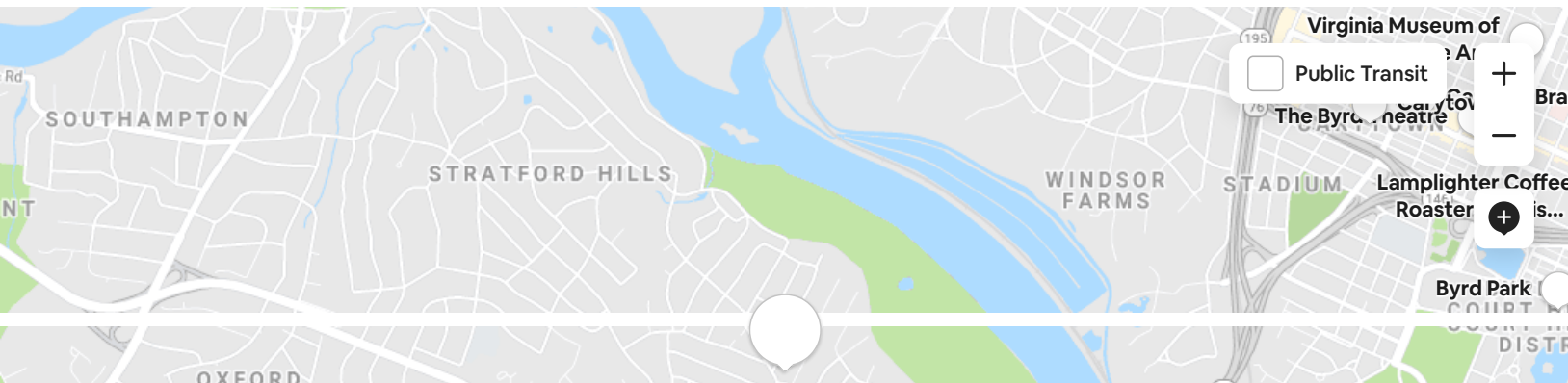
Joe

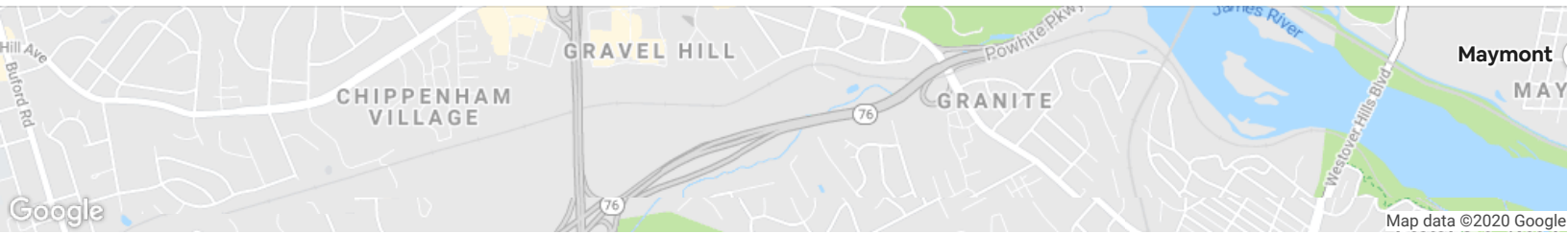
September 2020

Great place to stay! Excellent host, super clean, relaxing, great location, what else can you ask for?

Show all 159 reviews

Location





Richmond, Virginia, United States

The neighborhood is quiet and residential. Local restaurants (Positive Vibe and Galley, Eat 66), grocery stores (Food Lion, Publix, and Target)., wine and beer shop(Once Upon A Vine)pharmacy (Walmart), and yoga studios all within 3 blocks. Riverside Outfitters--kayaks, canoes, paddleboards, and rafts within walking distance as well. The best part of our neighborhood is the access to the James River!

More about the location



Hosted by Mike

Joined in April 2015

★ 159 Reviews ✓ Identity verified 🏆 Superhost

I am a local realtor/investor/Life and Business Coach. I am partners with Kathryn Spring. We are both outgoing and adventurous and we are excited to be hosting and taking part in your experiencing all Richmond has to offer. We use Air BnB anytime we travel, and our experience with this community of hosts has been fun, enlightening, spiritual, and fulfilling! When you come to stay with us we use our experience of staying with Superhosts to make your stay as good as we can make it. We love animals and the natural bounty of the James River Parks that lay almost at our doorstep! We think Richmond is so evolved from a mere Southern historical place to a rich metropolis filled with diversity in cultures; food; art (especially tattoos and urban murals) experiences of music and extreme (Website hidden by Airbnb) other words, Richmond is a happening place. We look forward to meeting all of you, so C'mon down and stay awhile! "If even one life has breathed easier because you have lived, that is to have succeeded."

Co-hosts



Kathryn

During your stay

Languages: English, Sign Language

Response rate: 100%

Response time: within an hour

Contact host



To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

Please note that there is a cat door access to the screened porch. One of our cats likes to be on the porch and will sit in your lap if you like.

Mike is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Things to know

House rules

- 🕒 Check-in: After 3:00 PM
- 🕒 Checkout: 10:00 AM
- 🔑 Self check-in with lockbox
- 🚫 Not suitable for children (2-12 years)
- 🚭 No smoking
- 🚫 No pets
- 🚫 No parties or events

[Show all](#) >

Health & safety

- ✳️ Committed to Airbnb's enhanced cleaning process. [Learn more](#)
- 🧼 Airbnb's social-distancing and other COVID-19-related guidelines apply
- ✅ Carbon monoxide alarm
- ✅ Smoke alarm

[Show all](#) >

Cancellation policy

Free cancellation until 3:00 PM on Dec 30
After that, cancel before 3:00 PM on Jan 4 and get a 50% refund, minus the first night and service fee.

[More details](#) >

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Charlottesville

Lake Anna

Alexandria

Washington

Charlotte

Myrtle Beach

Airbnb Luxe
Olympics

HotelTonight
Careers

Airbnb for Work

COMMUNITY

Diversity & Belonging
Airbnb Associates
Gift cards

Against Discrimination
Frontline Stays

Accessibility
Invite friends

HOST

Host your home
Responsible hosting
Community Center

Host an Online Experience
Open Homes

Host an Experience
Resource Center

SUPPORT

Our COVID-19 Response
Neighborhood Support

Help Center
Trust & Safety

Cancellation options