



## CITY OF RICHMOND

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

**Ord. No. 2021-195:** To authorize the special use of the property known as 5005 Riverside Drive for the purpose of a short-term rental within an accessory structure to an existing single-family dwelling, upon certain terms and conditions.

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**To:** City Planning Commission  
**From:** Land Use Administration  
**Date:** July 19, 2021

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#### **PETITIONER**

Lory Markham, Markham Planning

#### **LOCATION**

5005 Riverside Drive

#### **PURPOSE**

To authorize the special use of the property known as 5005 Riverside Drive for the purpose of a short-term rental within an accessory structure to an existing single-family dwelling, upon certain terms and conditions.

#### **SUMMARY & RECOMMENDATION**

The applicant is requesting a special use permit to allow short term rental use that includes an accessory structure to an existing single-family dwelling, specifically a treehouse. Short-term rental use of the property is permitted by the city-wide short term rental ordinance, however, these regulations are applicable to dwelling units, not to accessory structures. A special use permit is therefore required.

Staff finds that short term rental use of the property is permitted by the underlying zoning, however, a Special Use Permit is necessary because the short-term rental regulations do not pertain to accessory structures such as the tree house. An engineer has certified that the treehouse is structurally sound to support the loads for habitable use. Moreover, sleeping and sanitation facilities are provided within the residential dwelling, for exclusive use by short term renters.

Staff finds that the proposal to include the treehouse in the short term rental use of the property is generally consistent with the recommendations of Richmond 300. As shown in Figure 33 of Richmond 300, the James River Park System is by far the largest tourist attraction in the region. Objective 12.3 of Richmond 300 is to "increase the availability and options for lodging in the city." The "treehouse" offers a unique opportunity to provide an outdoor lodging experience with direct access to the region's largest tourist attraction.

Staff further finds that the proposal would not pose an undue burden on the availability of on-street parking in the area due to the off-street parking provided as a part of this application.

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.

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## **FINDINGS OF FACT**

### **Site Description**

The subject property consists of 199,054 square feet (4.57 acres) that contains a single-family dwelling and tree house, and is mostly wooded. The property is located in the Westover Hills neighborhood and is a flag lot located on Riverside Drive just west of Westover Hill Boulevard.

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

Short-term rental that includes an accessory structure to an existing single-family dwelling, specifically a treehouse.

### **Master Plan**

The Richmond 300 master plan recommends a future land use of “Residential” for the property. The primary uses recommended for Residential are single family homes, accessory dwelling units and open space. Secondary uses include duplexes and small multi-family buildings (3-10 units), institutional and cultural uses. These uses should typically be located on major streets. The development style for Residential is houses on medium or large sized lots with homes setback from the street. Future development should continue or introduce a gridded pattern of development and new buildings should be built to a scale and design that is consistent with existing buildings. Buildings are generally one to three stories, with lots generally ranging up to 5,000 SF to 20,000 SF. General density should be 2-10 units per acre.

### **Zoning and Ordinance Conditions**

The Property is currently located within the R-3 Single-Family Residential District. Short term rental use is permitted in this District, however, a Special Use Permit is necessary because the short-term rental regulations do not pertain to accessory structures.

If adopted, the ordinance for the Special Use would impose conditions on the Property, including:

- (a) The Special Use of the Property shall be as a short-term rental that includes an accessory structure to an existing single-family dwelling, substantially as shown on the Plans.
- (b) A minimum of two parking spaces shall be provided for the Special Use on the Property.
- (c) All guests of the short-term rental shall be provided access to the sanitation facilities shown on Sheet 2 of the Plans for the entire duration of any such guest’s stay on the Property.

- (d) All requirements of section 30-697.1 of the Code of the City of Richmond (2020), as amended, shall be met.
- (e) The maximum occupancy for the short-term rental use shall be eight persons.
- (f) Outdoor lighting shall be located, directed or shielded so as not to shine directly on adjoining properties or to create a traffic hazard by means of glare or similarity to or confusion with traffic signals, warning lights, or lighting on emergency vehicles.
- (g) Prior to the issuance of a certificate of occupancy, the Owner shall provide the Director of Planning and Development Review with a certification from a professional engineer that the accessory structure is structurally adequate for occupancy.

### **Surrounding Area**

The subject property and properties to the north, south, east, and west are located in the R-3 Single-Family Residential District.

Single-family dwellings are located to the west, south and east of the property. The James River Park System and Norfolk Southern railroad is located to the north of the property, and an access easement for James River Park trail system runs across the northernmost portion of the property.

### **Neighborhood Participation**

Staff notified area residents, property owners, and the Westover Hills Neighborhood Association of the proposed special use permit. Letters of support, including a letter of support from the Westover Hills Civic Association, letters of no opposition, and letters of opposition have been received.

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