

CITY OF
CHARLOTTESVILLE
VIRGINIA
MEMO

ATTACHMENT 7

TO: Satyendra S. Huja, Director of Planning & Community Development
FROM: Jim Herndon, Planner I *JH*
DATE: January 10, 1990
RE: Accessary Apartment Data

The purpose of this memorandum is to provide you with information concerning accessory apartments and the minimum square footage allowed by the housing code of Virginia. According to information supplied by Jerry Tomlin of the Building Inspection Division, the following formula is used to determine the minimum square footage necessary for occupancy of an individual:

Living space	120 square feet
Dining Space	80 square feet
Kitchen Space	50 square feet
(1st person) Bedroom	70 square feet
add BR space for 2nd person	50 square feet
TOTAL	370 square feet

In this case, a one bedroom apartment would allow two people. According to Jerry, the minimum square footage is for a person regardless of age. Therefore, an accessory apartment of this size could support either two adults or an adult and a child.

An additional scenario that could take place is if an accessory apartment has two bedrooms. The following formula stands true in that case.

Living space	-	120 square feet
Dining space	-	80 square feet
Kitchen space		50 square feet
1st Bedroom		70 square feet
2nd Bedroom		70 square feet*
TOTAL		390 square feet

* Please note that 70 square feet is used because that is the minimum size of a single bedroom.

If 400 sq. feet is used as a maximum for an accessory apartment, no more than two persons would be allowed to occupy the unit.

cc: Ron Higgins
Jerry Tomlin

CITY OF
CHARLOTTESVILLE
VIRGINIA
MEMO

TO: Planning Commission
FROM: Satyendra Singh Huja, Director of Planning and Community Development S.S.H.
DATE: January 24, 1991
RE: "ACCESSORY APARTMENTS" IN THE PROPOSED R-1A ZONE

Please find attached a memorandum from the City Attorney's Office which outlines some of the issues discussed by the sub-committee on the above subject and provides a draft ordinance to allow "Accessory Apartments" by-right in R-1A zones.

I have also attached two "preliminary alternatives" that were used to stimulate discussion by the sub-committee and include other ways to deal with some of the issues raised by the sub-committee.

I also want to take this opportunity to indicate to you that the proposed draft by the sub-committee, in my view, is contrary to the original intent of creating R-1A as a single-family residential zone. I realize the need for some flexibility and would be happy to work with the Planning Commission to find some reasonable alternative limiting the potential number of accessory apartments, so as to not change the character of the single family area.

Once I have reviewed the comments from each Planning Commission member, and if there is a significant agreement with the proposed draft, I will advertise it for the Joint Public Hearing on February 12, 1991. But, if there are significant questions, I will try to arrange another meeting before Monday which is the deadline for the legal ad.

Please call in your comments no later than 4:00 p.m. on Friday, January 25, 1991. If you have any questions, please feel free to contact me or Ron Higgins at 971-3182. Thank you.

RLH/sdp

Attachments

cc: City Council
Cole Hendrix
Gary O'Connell
Clyde Gouldman
Craig Brown

CITY OF CHARLOTTESVILLE

M E M O

TO: Planning Commission

FROM: W. Clyde Gouldman, II, City Attorney
S. Craig Brown, Deputy City Attorney *SCB*

RE: Accessory Apartments in R-1A

DATE: January 24, 1991

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The planning and legal staffs met with Ms. Bowen and Ms. Lewis Wednesday afternoon to discuss a number of issues regarding accessory apartments in the new R-1A district. The following is a list of those issues, with the recommendations made by the Commissioners in attendance:

(1) Should the accessory apartment be allowed by right or by special use permit?

Answer: By right.

(2) How many people should be permitted in the accessory apartment?

Answer: Two.

(3) Is the apartment allowed only in houses in existence when the ordinance is adopted?

Answer: No; single family dwellings constructed in R-1A in the future could have accessory apartments.

(4) Must the apartment be contained within the single family dwelling?

Answer: Yes; the apartment should not be in a garage or accessory building.

(5) Is enlargement or expansion of the single family dwelling allowed to accommodate the apartment?

Answer: Yes.

(6) Should the single family dwelling be required to have a lot size of 7,200 square feet and a floor area of 2,000 square feet in order to have an accessory apartment?

Answer: No.

To: Planning Commission
Re: Accessory Apartments

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(7) What is the maximum floor area requirement for the apartment?

Answer: 400 square feet.

(8) What are the parking requirements for the apartment?

Answer: An additional off-street space should be required for the accessory apartment. Since the Code now requires one space for a single family detached dwelling, the attached draft requires a total of two off-street spaces for a single family dwelling with an accessory apartment.

(9) Should accessory apartments be prohibited when "more than 25% of the dwellings in the census block where the property is located contain more than one unit", as suggested by the Planning staff?

Answer: No.

These recommendations are reflected in the revised drafts of sections 34-146 and 34-150 on the attached page. It should be noted that the Planning Department staff disagrees with several of the recommendations, and believes that additional restrictions on accessory apartments are necessary and appropriate.

The R-1A accessory apartment will be advertised for the Commission's regular February meeting. In the interim, please call us with any questions or suggestions.

cc: Satyendra S. Huja
Ron Higgins

January 24, 1991

[R-1A ACCESSORY APARTMENT]

Sec. 34-146. Permitted uses - By right.

The following uses shall be permitted by right in the R-1A District:

(1) Any uses permitted by right in the R-1 Residential District, subject to the height, yard and area regulations set forth below. However, any two-family or single family attached (up to two) dwelling for which a City building permit has been issued and was at least twenty percent constructed on the site prior to _____[date]_____ shall be considered a conforming use.

(2) Any single family detached dwelling may contain an accessory apartment, provided that it meets all of the following conditions:

(a) A separate entrance to the accessory apartment is not located on the exterior front of the house;

(b) The accessory apartment is contained within the single family building, which building may be expanded or enlarged to accomodate the apartment;

(c) The total floor area of the accessory apartment does not exceed 400 square feet, and the area occupied for sleeping purposes within the apartment is less than 150 square feet; and,

(d) There are at least two off-street parking spaces on the property.

Sec. 34-150. Area Regulations.

(1) A lot to be occupied by a single family detached dwelling, with or without an accessory apartment, shall contain at least six thousand (6,000) square feet.

(2) A lot to be occupied by a two-family dwelling shall contain at least seven thousand two hundred (7,200) square feet.

(3) Cemeteries shall have a minimum site area of twenty acres.

CITY OF
CHARLOTTESVILLE
VIRGINIA
MEMO

TO: Planning Commission
FROM: Satyendra Singh Huja, Director of Planning and Community Development S.S.H.
DATE: February 4, 1991
RE: R-1A - ACCESSORY APARTMENTS

The purpose of this memorandum is to provide you with some additional variables you may wish to consider on the above topic. This list of variables is not what I recommend, but is what has been used by various communities.

- A. Lot Area: Many communities utilize the minimum lot area to reflect the increased density in people per lot. If you consider this variable, we would suggest 7,200 square feet to be consistent with our present ordinance.
- B. Character of the Community - Density: This can limit the number of properties which may have more than single family dwellings, so as not to constitute a sufficient change to modify or disrupt the predominant single family character of the neighborhood. If you intend to use this criteria, we would suggest that 25% is a reasonable number based on our current neighborhood data.
- C. Owner-Occupancy: The City of Lynchburg and Fairfax County allow second unit only when one unit is occupied by the owner. Fairfax County adopted their ordinance in 1983, whereas Lynchburg has had it since 1960. As per your request, I have contacted both the localities and neither have had any legal challenges. Please note that the City Attorney has given you his opinion recommending against this kind of requirement.
- D. Elderly and Handicapped: You could limit the occupancy of one unit at least by elderly or handicapped. Fairfax County does this and only allows second unit by special permit.
- E. Renewal Limit: Some communities require that the special permit for second units be renewed every five years so as to monitor the use and adjust to the changes.

Planning Commission
RE: R-1A - Accessory Apartments
February 4, 1991
Page Two

- F. Building Area: Many communities specify that accessory units cannot be more than a certain percentage of the main unit. They usually require between 25 and 35 percent.

As I indicated earlier, the R-1A zone was primarily created to protect the single family character of residential neighborhoods. I realize the need for flexibility, but hope that you will keep the overriding objective of this zone in mind as you propose any modifications.

We have also collected some additional data on type of units by neighborhood that we will be happy to share with you if you so desire. If you have any questions or need further information, please feel free to contact me at 971-3182. Thank you.

SSH/sdp

PRELIMINARY ALTERNATIVES
"ACCESSORY APARTMENT" PROVISIONS
PREPARED FOR
PLANNING COMMISSION SUB-COMMITTEE MEETING
JANUARY 23, 1991

1. **"By-Right" Alternative**

Sec. 34-146. Permitted Uses - By Right.

The following uses shall be permitted by right in the R-1A District:

(a) Any uses permitted by right in the R-1 Residential District, subject to the height, yard and area regulations set forth below. However, any two-family or single family attached (up to two) dwelling for which a City building permit has been issued and was at least twenty percent constructed on the site prior to _____ (date) _____ shall be considered a conforming use.

(b) Any single family detached dwelling may contain an accessory apartment, provided that it meets all the following conditions:

(i) A separate entrance to the accessory apartment is not located on the exterior front of the house;

(ii) The accessory apartment is wholly contained within the main structure as it exist on _____ (date) _____;

(iii) The total floor area of the accessory apartment does not exceed 400 square feet, and the area occupied for sleeping purposes within that unit is less than 150 square feet;

(iv) The lot has a minimum area of 7,200 square feet;

(v) One additional off-street parking space is provided;

(vi) The house has at least 2,000 square of gross floor area as of _____ (date) _____, and;

(vii) That no more than 25% of the dwellings in the census block where the property is located contain more than one unit.

2. **"Special Permit" Alternative**

Sec. 34-147. Special Use Permit

The following uses shall be permitted by Special Permit in the R-1A District:

(a) Any uses permitted by Special Permit in the R-1 Residential District subject to the height, yard and area regulations set forth below:

(b) Any single family detached dwelling may contain an accessory apartment, provided that it meets all the following conditions:

(i) A separate entrance to the accessory apartment is not located on the exterior front of the house;

(ii) The accessory apartment is wholly contained within the main structure as it exist on _____ (date) _____;

(iii) The total floor area of the accessory apartment does not exceed 400 square feet, and the area occupied for sleeping purposes within that unit is less than 150 square feet;

(iv) The lot has a minimum area of 7,200 square feet;

(v) One additional off-street parking space is provided;

(vi) The house has at least 2,000 square of gross floor area as of _____ (date) _____, and;

(vii) That no more than 25% of the dwellings in the census block where the property is located contain more than one unit.

CITY OF
CHARLOTTESVILLE
VIRGINIA
MEMO

TO: City Council
FROM: Satyendra Singh Huja, Director of Planning and Community Development S. S. H.
DATE: April 11, 1991
RE: ZONING ORDINANCE AMENDMENTS

The purpose of this memorandum is to forward to you Planning Commission recommendations and some comments on the issues which have been raised relating to R-1A zone wording and requirements concerning B-5 zones.

1. Purpose

I would like to remind City Council that R-1A was proposed for stabilizing predominantly single family areas and thus any changes to the ordinance which move away from the single family character would weaken the original intent of single family areas.

2. Accessory Units

I realize the need for some flexibility to allow accessory units, but if the accessory unit was allowed by-right in every unit, it will defeat the purpose of R-1A. It would more appropriately be called R-2A. I also feel that accessory units should be within the existing building and should be limited in overall size and bedroom size so as to limit to no more than two people.

3. By-Right vs. Special Permit

If the conditions can be defined for by-right in R-1, in a manner so as to treat people in an equitable manner, then it will be appropriate to stick to by-right. I think it is hard to imagine all the possible conditions where accessory units might be appropriate. For this reason, I prefer a combination of by-right and special permit. The by-right portion could clearly define the most likely situations (e.g. lot area - 7200 or 6000, building area - 2200 or 1600). Furthermore, the ordinance could allow the opportunity for special permit for accessory units

based upon the impact on the neighborhood which could consider existing densities, ownership characteristics, etc. Special Permit can also be further defended as it will allow everyone who wishes to have accessory units an opportunity to be heard. Whereas, at the same time, the neighborhood will have an opportunity to share their views. The March 5, 1991 draft is one such example where you can provide flexibility with reasonable constraints.

4. Data Relating to Lot and Building Size

Attached is a table which gives you some estimates of the number of units under different lot and building sizes. Please note that all estimated numbers are cumulative.

5. Owner Occupancy

As you are aware, the City Attorney has serious concerns about making this a requirement. Besides that, enforcement of the owner occupancy requirement will take special effort. I realize that owner occupancy can be a positive benefit to the neighborhood and property. Cities like Lynchburg and Fairfax do have such requirements in their ordinance.

6. B-5 Zone

I would highly recommend that City Council include the B-5 zone in the proposed ordinance and map. It does not make any sense to have B-4 and B-6 districts and not deal with the West Main Street issue at the same time. The Height and Bulk controls could have the most positive benefit along the West Main Street corridor given the potential for new development. I also wish to indicate to you that the floor area ratio of four to one by-right is quite generous and reasonable compared to other localities (e.g. Alexandria - 3 to 1; Norfolk - 2.3 - 5 to 1; City of Fairfax - .74 to 1). I would request that City Council adopt B-4, B-5 and B-6 as originally advertised and if there are some practical problems, they could be accommodated at a later date.

Please feel free to contact me or Ron Higgins at 971-3182 if you have any questions or need further information. Thank you.

SSH/sdp

Attachments

cc: Cole Hendrix

March 5, 1991
P.M.

PROPOSED ALTERNATIVE TO FOLLOWING SECTIONS IN THE OFFICIAL TEXT

Sec. 34-146. Permitted Uses - By Right.

The following uses shall be permitted by right in the R-1A District:

(1) Any uses permitted by right in the R-1 Residential District, subject to the height, yard and area regulations set forth below. However, any two family or single family attached (up to two) dwelling for which a city building permit has been issued and was at least twenty percent constructed on the site prior to _____, 19____ shall be considered a conforming use.

(2) Any principal structure containing as of _____, 1991, 2,000 square feet of gross usable floor area as defined in the Virginia Statewide Building Code may contain an accessory unit provided that:

(a) A separate entrance to the accessory apartment is not located on the exterior front of the house;

(b) The lot has a minimum area of 7,200 square feet;

(c) The floor area of the accessory apartment shall not exceed 400 square feet;

(d) The area occupied for sleeping purposes within the accessory apartment is less than 150 square feet; and

(e) Building may not be expanded or enlarged to accommodate the accessory dwelling unit.

Sec. 34-147. Same - With Special Use Permit.

The following uses shall be permitted by special permit in the R-1A District:

(1) Any uses permitted by special permit in the R-1 Residential District subject to the height, yard and area regulations set forth below:

(2) Any single family detached dwelling may contain an accessory apartment, provided that it meets the standards otherwise applicable to special permits and all of the following conditions:

(a) A separate entrance to the accessory apartment is not located on the exterior front of the house;

(b) The accessory apartment is contained within the existing gross floor area of the single family structure, as of _____, 19____, but the building may not be expanded or enlarged to accommodate the apartment;

(c) The total floor area of the accessory apartment does not exceed 400 square feet, and the area occupied for sleeping purposes within the apartment is less than 150 square feet;

(d) There are at least two off-street parking spaces on the property;

(e) Consideration shall be given to possible adverse impact of special permit approval on the single family character of the neighborhood; and

(f) Consideration shall be given to possible adverse impact of special permit approval on the owner occupied character of the neighborhood.

ATTACHMENT 1

NUMBER OF PARCELS ALLOWING ADDITIONAL
UNIT BY DIFFERENT ORDINANCE CRITERIA

Lot Area	Building Area	Estimated Number
7200 sq. ft. w/single family dwelling	> 3,200	59
7200 sq. ft. w/single family dwelling	> 3,000	70
7200 sq. ft. w/single family dwelling	> 2,800	145
7200 sq. ft. w/single family dwelling	> 2,600	221
7200 sq. ft. w/single family dwelling	> 2,400	273
7200 sq. ft. w/single family dwelling	> 2,200	443
7200 sq. ft. w/single family dwelling	> 2,000	664
7200 sq. ft. w/single family dwelling	> 1,800	922
7200 sq. ft. w/single family dwelling	> 1,600	1,132
6,600 sq. ft. w/single family dwelling	> 2,000	686
6,600 sq. ft. w/single family dwelling	> 1,800	938
6,600 sq. ft. w/single family dwelling	> 1,600	1,142
6,000 sq. ft. w/single family dwelling	> 2,000	808
6,000 sq. ft. w/single family dwelling	> 1,800	1,006
6,000 sq. ft. w/single family dwelling	> 1,600	1,238

April 1991

PREPARED BY
DEPARTMENT OF COMMUNITY DEVELOPMENT