



ACCESSORY APARTMENT PROVISIONAL USE PERMIT

Please Return To: Department of Neighborhood Development Services
PO Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3182 Fax (434) 970-3359

A \$100.00 APPLICATION/PERMIT FEE IS REQUIRED

Applicant Information:

Property Owner: _____

Address: _____ Tax Map/Parcel: _____

Phone (C) _____ (W) _____ (H) _____

Email: _____

Interior Accessory Apartment: Y/N ____

Gross Floor Area of Structure: _____ GFA of Apartment: _____

Exterior Accessory Apartment: Y/N ____

Primary Structure Footprint: _____ Accessory Footprint: _____

Existing Structure: Y/N ____ New Structure: Y/N ____ Building Permit Number: _____

Per Section 34-1171 of Charlottesville City Code (attached), I certify that I am the owner of this property, that I reside on the premises, and that I will continue to live on the property while the Accessory Apartment is leased or otherwise occupied. I have read the attached regulations and understand that my permit may be revoked if I fail to comply with all provisions. I further certify that no more than two (2) persons shall occupy the accessory apartment. I give my consent to inspectors initiated by the Zoning Administrator to verify compliance with the requirements for provisional uses and grant a right of access for the Zoning Administrator to make such inspections.

Property Owner Name

Property Owner Signature

Date

Office Use Only:

Date Received: _____ Permit Number: _____

Approvals:

Zoning Administrator: _____ Date: _____

Comments: _____

Building Code Official: _____ Date: _____

Comments: _____

BAR Approval: _____ Date: _____

Date Paid: _____ Amount Paid: _____ Type/No. _____

CITY OF CHARLOTTESVILLE CITY CODE

Sec. 34-1171: Standards--Accessory Apartments

- (a) In addition to the requirements of Sec. 34-1105 (below), Accessory Apartments authorized by a Provisional Use Permit shall be subject to the following regulations. Any property containing an Accessory Apartment shall comply with the following:
- (1) One (1) of the two (2) dwelling units on the subject property must be occupied by the owner of the property.
 - (2) Use and occupancy of each dwelling unit comply with all applicable Building Code regulations.
 - (3) No accessory unit shall exceed twenty-five (25) feet in height or the highest point of the primary dwelling unit's roof, whichever is less.
 - (4) Notwithstanding any other residential occupancy provisions set forth within this zoning ordinance, no accessory apartment may be occupied by more than two persons.
- (b) In addition to the requirements set forth above in paragraph (a), the following shall apply to interior accessory apartments:
- (1) The accessory apartment may not have its own separate entrance located on any façade of the principal structure that fronts on a public street. No exterior stairs providing access to the accessory apartment shall be visible from any public street.
 - (2) The accessory apartment must be entirely contained within the principal structure.
 - (3) The gross floor area of the accessory apartment may not exceed forty percent (40%) of the gross floor area of the principal structure in which it is located.
- (c) In addition to the requirement set forth in paragraph (a), the following shall apply to Exterior Accessory Apartments:
- (1) Must be located within an accessory structure, and the accessory structure must itself be in compliance with all applicable Zoning and Building Code regulations.
 - (2) The footprint of the Exterior Accessory Apartment may not exceed forty (40) percent of the footprint of the primary dwelling on the property.

Sec. 34-1105. Accessory buildings and structures.

- (a) No accessory building or structure shall:
- (1) Be constructed upon a lot until the construction of the main building has been actually commenced;
 - (2) Be used for dwelling purposes (except for Accessory Apartments, where such apartments are otherwise permitted within a residential zoning district);
 - (3) Be located within any front yard; or, on a corner lot, project into the req'd yard adjacent to any street frontage; or
 - (4) Exceed twenty-five (25) feet in height or the highest point of the primary dwelling unit's roof surface, whichever is less, and the eave of the accessory shall not be higher than the eave of the primary structure.
- (b) Accessory buildings may be erected in a required rear yard, provide that in any residential zone, accessory buildings and structures (when located within a required rear yard):
- (1) shall not occupy more than thirty (30) percent of a rear yard, and
 - (2) shall not be nearer than five (5) feet to any side or rear lot line. However, when a garage situated within a required rear yard is entered from an alley, the garage shall not be nearer than ten (10) feet to the property line adjacent to the alley.

Definitions:

Accessory apartment means an independent dwelling unit, the presence and use of which is clearly subordinate to a single-family detached dwelling and in which no more than two (2) persons reside. When contained within the structure of a single family dwelling, such apartment constitutes an "interior accessory apartment."

Accessory building, structure or use means a building, structure or use located upon the same lot as the principal use, building, or structure, the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common residential accessory buildings and structures.

Dwelling unit means a building, or any portion thereof, containing a complete set of living accommodations suitable for occupancy by one (1) or more persons, consisting of sleeping, bathroom, and complete kitchen facilities for the exclusive use of such occupants, and having either direct access from the outside of the building or through a common hall to the outside of the building.

Floor area, gross (GFA) means the sum of all the horizontal areas of the several floors of a building, measured from the interior faces of exterior walls. GFA shall include: (i) basements, elevator shafts and stairwells at each story, (ii) spaces used or occupied for mechanical equipment and having a structural head room of six (6) feet six (6) inches or more, (iii) penthouses, (iv) attic space, whether or not a floor has actually been laid, having a structural head room of six (6) feet six (6) inches or more, (v) interior balconies, and (vi) mezzanines. GFA shall not include outside balconies that do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures below or above grade; or and roof top mechanical structures