

AN ORDINANCE NO. 87-163-158  
ADOPTED JUL 27 1987

To amend and reordain Ordinance No. 78-16-53, adopted March 28, 1978, which authorized the use of the property containing 2700 square feet, more or less, known as 403 North Robinson Street, located on the east side of North Robinson Street south of Kensington Avenue, being more completely described as follows: beginning at a point on the east line of North Robinson Street, said point being 199.80 feet south of the south line of Kensington Avenue; thence fronting 22.37 feet in a southerly direction along the east line of North Robinson Street and extending back between parallel lines 120.00 feet to an alley, for the purpose of an office (other than for medical purposes) with one dwelling unit on the second floor, together with accessory off-street parking, upon certain terms and conditions, to authorize an increase in occupancy from three employees to five employees and to provide for additional parking.

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\_\_\_\_\_  
Patron - City Manager (By Request)

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Approved as to form and legality  
by City Attorney  
\_\_\_\_\_

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the property containing 2700 square feet, more or less, known as 403 North Robinson Street, located on the east side of North Robinson Street south of Kensington Avenue, being more completely described as follows: beginning at a point on the east line of North Robinson Street, said point being 199.80 feet south of the south line of Kensington Avenue; thence fronting 22.37 feet in a southerly direction along the east line of North Robinson Street and extending back between parallel lines 120.00 feet to an

alley, is hereby permitted to be used for the purpose of an office (other than for medical purposes) with one dwelling unit (an apartment) on the second floor, together with accessory off-street parking. A sketch of the property dated September 21, 1977, is attached to the draft of [~~this ordinance~~] Ordinance No. 78-16-53, adopted March 28, 1978, and [~~is~~] made a part of [~~this~~] said ordinance. In addition, a survey entitled: "Plat of 403 North Robinson St. And Nearby Parcel, Richmond, Va.", prepared by Paciulli, Simmons & Associates, Ltd., and dated April 27, 1987, is attached to this amendatory ordinance and is made a part hereof.

§ 2. That the Commissioner of Buildings is hereby authorized to issue to the owner of the real estate a special use permit for such purposes, a building permit for the conversion and adaption of the building and premises, and to permit the occupancy of the property for such purposes. The special use permit shall be transferable to the successor or successors in title to the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land subject to the following terms and conditions:

(a) That the acceptance of the permits and the exercise of the privileges granted by this ordinance by the owner and his successor or successors in title shall constitute a

warranty on the part of the owner and his successor or successors that title to the land and the building will be vested in the same person or persons or corporation or both;

(b) That the owner will be bound by, observe and will comply with all other laws, ordinances and rules and regulations adopted pursuant thereto, applicable to the land and to the building, except as otherwise provided in this ordinance;

(c) There shall be no additions or exterior alterations to the existing building except for normal repair and maintenance;

(d) [~~That not less than three parking spaces shall be provided at substantially the locations shown on the attached plat. The parking area shall be improved with a dust-free oil and gravel surface;~~] That five parking spaces shall be provided in the existing parking area known as "rear of 407 N. Robinson Street" and one additional parking space shall be provided at the rear of 403 N. Robinson Street as shown on the attached survey. Such parking spaces shall be delineated;

(e) That use of the building shall be limited to [~~one apartment and one professional, business, or administrative office occupying not more than one floor. Medical office use shall not be permitted. Occupancy of office space shall~~

~~be-restricted-to-no-more-than-three-persons]~~ an apartment on the second floor and non-medical office use on the first floor. Not more than five persons shall be employed on the premises in the conduct of the office use;

(f) Identification of the premises shall be limited to one sign not exceeding six square feet in area mounted flat on a vertical surface of the building;

(g) That final grading and drainage plans shall be approved by the Director of Public Works prior to the issuance of building permits;

(h) That storm or surface water shall not be allowed to accumulate on the land, and adequate facilities for drainage of storm or surface water from the land or building shall be provided and maintained at all times by the owner at his cost and expense so as not to adversely affect or damage adjacent properties or public streets and alleys and the use thereof;

(i) That facilities for the collection of refuse shall be provided in accordance with the requirements of the Department of Public Works, and such facilities shall be so located or screened as not to be visible from adjacent public streets or properties;

(j) That should the owner use the premises for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions of

foregoing paragraphs (a) through (i) and does not terminate such use or comply with such provisions within ninety days after written notice so to do has been given to the owner by the [~~Commissioner-of-Buildings~~] Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void;

(k) That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the premises is abandoned for a period of twenty-four consecutive months, use of the real estate shall be governed thereafter by the zoning regulations prescribed for the district in which the real estate is then situated; and

(l) That application for a building permit to convert and adapt the building will be made within twelve months from the effective date of the ordinance granting the special use permit, which building permit will expire by limitation and become null and void if the building or structural alterations are not commenced within one hundred eighty days from the date of the building permit or if the work of converting and adapting the building is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced, as provided in Section [~~8-15-of-the-Richmond-City-Code-of-1975~~] 109.1 of the Uniform Statewide Building Code. Should application for

the building permit not be made within twelve months from the effective date of the ordinance granting the special use permit or should the building permit expire and become null and void, the privileges granted by the ordinance will terminate and the special use permit will become null and void.

SPECIAL USE PERMIT APPLICATION  
CITY OF RICHMOND, VIRGINIA

DATE: May 13, 1987

TO: The Honorable Council of the City of Richmond  
C/O The Department of Planning & Community Development  
900 East Broad Street, Room 511  
Richmond, Virginia 23219

Application is hereby made for a SPECIAL USE PERMIT for (proposed use):

General Office restricted to six persons on site

at the premises designated or described as follows: 403 NORTH

ROBINSON Street, Richmond, Va 23220

in accordance with attached plans designated (title, sheet numbers,  
preparer, date)

plot of 403 NORTH ROBINSON Street by PACIULLI, SIMMONS & ASSO  
dated April 27, 1987.

The current zoning of the property is: Special Use

Attached is a check for \$ 250<sup>00</sup>, payable to "City of Richmond."

Signature of owner of property: Randolph L. Herring

Mailing Address: 21 TOWANA ROAD  
Richmond, Va 23226

ZIP CODE: \_\_\_\_\_

PHONE: 359-1639 off.

Applicant or owner's representative: N/A

Mailing Address: \_\_\_\_\_

ZIP CODE: \_\_\_\_\_

PHONE: \_\_\_\_\_

STAFF NOTE:

Application, plans, report, fee and other required information received:

AFFECTS MASTER PLAN

YES \_\_\_\_\_

NO \_\_\_\_\_

## APPLICATION FOR MODIFIED SPECIAL USE PERMIT

The following is submitted pursuant to the City Charter:

The property known as 403 North Robinson Street, Richmond, Virginia was granted a special use permit by ordinance number 78-16. At the time of the application only three parking spaces were available.

Attached are sketches of the layout of the upstairs and downstairs of 403 North Robinson Street along with a survey of 403 North Robinson Street and a gravel parking area 45' X 22' which I purchased by deed dated February 23, 1978 and recorded March 17, 1978 in deed book 734, page 471 in the Clerk's Office, Circuit Court, City of Richmond, Virginia. This lot provides up to five additional parking spaces.

The proposed modified use is to use the downstairs only for general office use with no more than five persons to occupy the premises. The upstairs will continue to be used as an apartment.

North Robinson Street is currently abundant with restaurants and small businesses. There is a restaurant sharing a common wall with 403 North Robinson and several businesses are across the street. The proposed special use of 403 North Robinson would be in keeping with the general makeup of North Robinson Street.

In answering the questions pertaining to the conditions of the City Charter:

1. The proposed special use would not be detrimental to the safety, health, morals, and general welfare of the community involved. A law office should strengthen the morals and safety of the area.
2. The number of occupants on the property as it is currently being used is from three to seven. The proposed use would not be amenable to over seven persons using the premises at a maximum (five would be realistic). I feel that this would not create congestion in the area. There is room in the back of 403 North Robinson to create parking space should it be necessary.
3. The proposed special use should not add to the hazards from fire, panic or other dangers.
4. The proposed special use should not overcrowd the land and cause undue concentration of population.
5. The proposed special use should not affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.
6. The proposed special use should not interfere with adequate light and air.

In summary, I feel that the proposed modified use of 403 North Robinson as set forth will not adversely impact the Robinson Street area or further aggravate the parking situation. The proposed use is compatible with the current commercial and business useages of the large majority of the existing buildings located on Robinson Street.

By Randy L. H. P.

Dated: June 9, 1987

ORDINANCE OR RESOLUTION SUMMARY

CITY OF RICHMOND, VIRGINIA

Resolution	Subject
Ordinance No. <u>87-163</u>	Amendment to a Special Use Permit for an office at 403 N. Robinson Street
Patron(s) <u>City Manager (By Request)</u>	

**SUMMARY**

This Ordinance would amend and reordain Ordinance No. 78-16-53, adopted March 28, 1978 to authorize an increase in occupancy of the office, from 3 employees to 5 employees, at the property known as 403 N. Robinson Street.

The property contains 2700 square feet and is located on the east side of North Robinson Street south of Kensington Avenue.

Conditions to be included in Ordinance are:

1. Condition (d) of the original Ordinance should be amended as follows: "that 5 parking spaces shall be provided in the existing parking area known as "rear of 407 N. Robinson Street, and 1 additional parking space shall be provided at the rear of 403 N. Robinson Street".
2. Condition (e) of the original Ordinance should be amended as follows: "that use of building shall be limited to an apartment on the second floor and non-medical office use on the first floor. Not more than 5 persons shall be employed on the premises in the conduct of the office use.
3. The reference to Commissioner of Buildings in Condition (j) should be changed to Zoning Administrator.
4. All other conditions of the original special use Ordinance should be retained.

Planning Commission granted approval (7-0) July 20, 1987.

**COUNCIL ACTION**

On Docket 07/27/87

Amended \_\_\_\_\_

Adopted \_\_\_\_\_

Rejected \_\_\_\_\_

Stricken \_\_\_\_\_

City of Richmond  
City Planning Commission



900 East Broad Street, Richmond, Virginia 23219  
804 • 780-4347

July 21, 1987

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of July 20, 1987, the City Planning Commission voted (7-0)  
to recommend APPROVAL of:

Ordinance No. 87-163

To amend and reordain Ordinance No. 78-16-53, \*\*\* which authorized the use of the property \*\*\* known as 403 North Robinson Street, \*\*\* for the purpose of an office (other than for medical purposes) with one dwelling unit on the second floor, together with accessory off-street parking, upon certain terms and conditions, to authorize an increase in occupancy from three employees to five employees and to provide for additional parking.

The purpose of this paper is to amend Special Use Ordinance No. 78-16-53 which was adopted on March 28, 1978. That paper authorized the conversion of a dwelling at 403 N. Robinson Street into a non-medical office with not more than three employees on the first floor, and an apartment on the second floor. This amendment would authorize two additional employees for the first floor office use, and would require three additional parking spaces. The property is located on the east side of Robinson Street between Kensington and Stuart Avenues and contains approximately 2700 square feet of lot area.

The subject property and properties to the north, south and east are zoned R-6 Single-Family Attached. Properties across Robinson Street to the west are zoned B-1 Neighborhood Business. To the north are dwelling uses, while to the east are garages located on a mid-block lot. The attached building to the south is occupied by a nonconforming restaurant with a dwelling unit on the second floor. Across Robinson Street to the west are office and retail uses as well as the Boy's Club of Richmond. The Master Plan recommends "Single-Family Attached" use for the subject property, and "Neighborhood Commercial" use for properties located across Robinson Street.

The existing two-story building contains approximately 2000 square feet of floor area. The petitioner's law office is located on the first floor, and an apartment occupies the second floor. The petitioner's initial request was to convert the second floor to office space. The staff objected to full office use of the property because of the transitional nature of this site, the Master Plan designation of residential use, and the fact that most business properties on Robinson Street have residential uses above the

July 21, 1987

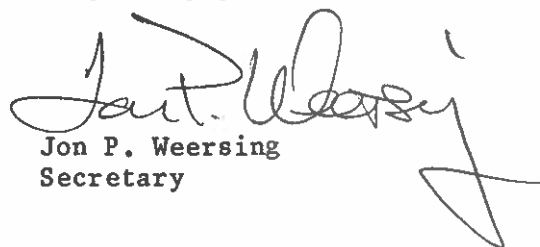
ground floor. The petitioner agreed to revise the request to retain second floor residential use and to increase from three to five, the number of employees permitted in conjunction with the first floor office use.

The employee limitation was placed in the original ordinance since only three parking spaces were to be provided at the rear of the property. However, the petitioner purchased an additional parcel across the alley to the north of the subject property after the adoption of the special use permit, and actually provided five parking spaces on that parcel. It is a legal nonconforming parking area. The petitioner proposes to continue to use that parking, and proposes to provide one additional parking space at the rear of the subject property for a total of six spaces. Normal zoning would require six spaces for the office and apartment use of the building.

At the time the original special use permit was considered, it was recognized that this property is a transitional site in that it is attached to a restaurant on the south and business uses are located across Robinson Street. The Commission continues to feel that first floor office use of the property provides an appropriate transition and is consistent with the established land use pattern of the area. The Commission feels the modest increase in intensity of the office use would be offset by the increase in off-street parking, and would not result in any adverse impact on the area. The normal parking requirement would be met, and the limitation on the number of employees offers further protection for the neighborhood. The conditions and safeguards set forth in the Charter relative to the issuance of special use permits appear to be met, and approval is recommended.

The petitioner has met with the Fan District Association which has indicated they do not oppose the special use request. No opposition has been expressed to the Commission.

Very truly yours,



Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. Randolph L. Herring - Applicant