

INTRODUCED: March 10, 2025

AN ORDINANCE No. 2025-050

To authorize the special use of the property known as 2527 Stuart Avenue for the purpose of a food and beverage service establishment, upon certain terms and conditions. (2nd District)

Patron – Mayor Avula (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 14 2025 AT 6 P.M.

WHEREAS, the owner of the property known as 2527 Stuart Avenue, which is situated in a B-1 Neighborhood Business District, desires to use such property for the purpose of a food and beverage service establishment, which use, among other things, is not currently allowed by section 30-434.3, concerning yards, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: APR 14 2025 REJECTED: _____ STRICKEN: _____

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the property known as 2527 Stuart Avenue and identified as Tax Parcel No. W000-1124/001 in the 2025 records of the City Assessor, being more particularly shown on a survey entitled “Plat of 325 North Robinson Street, City of Richmond, Virginia,” prepared by Charles C. Townes & Associates, P.C., and dated August 20, 1993, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as “the Property,” is hereby permitted for the purpose of a food and beverage service establishment, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “2527 Stuart Avenue, Proposed Awning,” prepared by Johannas Design Group, and undated, hereinafter referred to as “the Plans,” copies of which are attached to and made a part of this ordinance.

(b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as a food and beverage service establishment, substantially as shown on the Plans.

(b) All elevations and site improvements shall be substantially as shown on the Plans.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on

the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws.

(e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly

provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within

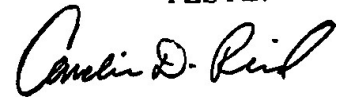
730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Camille D. Rind".

City Clerk



City of Richmond

900 East Broad Street
2nd Floor of City Hall
Richmond, VA 23219
www.rva.gov

Master

File Number: Admin-2025-0034

File ID: Admin-2025-0034 Type: Request for Ordinance or Resolution Status: Regular Agenda

Version: 2 Reference: In Control: City Attorney

Department: File Created: 01/14/2025

Subject: Final Action:

Title:

Internal Notes:

Agenda Date: 03/10/2025

Patron(s): Enactment Date:

Attachments: 2527 Stuart Avenue_Supporting Documents.pdf, AATF SUP - 2527 Stuart Ave Enactment Number:

Contact: Introduction Date:

Drafter: David.Watson@rva.gov Effective Date:

Related Files:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
2	1	2/10/2025	Matthew Ebinger	Approve	2/12/2025
2	3	2/11/2025	Kevin Vonck	Approve	2/17/2025
2	5	2/11/2025	Sharon Ebert	Approve	2/13/2025
2	7	2/28/2025	Jeff Gray	Approve	2/13/2025
2	8	3/3/2025	Sabrina Joy-Hogg	Approve	3/4/2025
2	9	3/3/2025	Mayor Avula	Approve	3/5/2025

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File Admin-2025-0034

City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: February 10, 2025

TO: The Honorable Members of City Council

THROUGH: The Honorable Dr. Danny Avula, Mayor (by request)
(This in no way reflects a recommendation on behalf of the Mayor)

THROUGH: Sabrina Joy-Hogg, Interim Chief Administrative Officer

THROUGH: Sharon L. Ebert, DCAO for Economic Development and Planning

FROM: Kevin J. Vonck, Director of Planning & Development Review

RE: To authorize the special use of the property known as 2527 Stuart Avenue for the purpose of a food and beverage service establishment, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: The property at 2527 Stuart Avenue is currently a two-story Mixed use building. The Restaurant tenant Uliveto seeks to install an awning over the existing outdoor dining. The awning would cover the entire front patio to the corner with the entrance opposite the building entrance. There would be removable panels to enclose the space to use the patio in different weather conditions. This is considered an expansion of a restaurant use within the B-1 Neighborhood Business District. In situations where the property abuts a residential district, a ten-foot setback is required. The R-6 Single-Family Attached Residential District Special is adjacent to the east. The proposed covered patio space encroaches into this side yard setback. Therefore, a Special Use Permit is required.

BACKGROUND: The property is in The Fan neighborhood on the southeast corner of Stuart Avenue and North Robinson Street. The 3,542 square foot parcel is improved with a 2,992 square foot mixed-use structure that shares a party wall with the adjacent residential structure. is currently a 13,939 sq. ft. (.07 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land use for the subject property as Neighborhood Mixed Use described as

“existing or new highly walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses. These areas feature a variety of building types that are close to one another and create a unified street wall.

The current zoning for this property is B-1 Neighborhood Business District. Adjacent properties to the east, and across Stuart Avenue to the north, are in the R-6 Single-Family Attached zoning district. The property located to the west, across Robinson Street, is located in the R-48 Multi-Family Residential zoning district.

COMMUNITY ENGAGEMENT: The Robinson Street Association, Fan Area Business Alliance, and the Fan District Association were notified; additional community notification will take place after introduction.

STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan

FISCAL IMPACT: \$2,400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: March 10, 2025

CITY COUNCIL PUBLIC HEARING DATE: April 14, 2025

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: Planning Commission April 1, 2025

AFFECTED AGENCIES: Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

ATTACHMENTS: Application Form, Applicant’s Report, Plans, Survey, Map

STAFF: Matthew Ebinger, Planning Supervisor, Land Use Administration (Room 511)
646-6308

David Watson, Senior Planner, Land Use Administration (Room 511) 646-1036



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

Application for **SPECIAL USE PERMIT**
Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<https://rva.gov/planning-development-review>

Application is hereby submitted for: (check one)

- ☒ special use permit, new
☐ special use permit, plan amendment
☐ special use permit, text only amendment

Project Name/Location

Property Address: 2527 STUART AVE Date: 11/22/2024
Parcel I.D. #: W0001124001 Fee: _____
Total area of affected site in acres: 0.081

(See page 6 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: B-1

Richmond 300 Land Use Designation: NEIGHBORHOOD MIXED USE + MICRO NODE

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: RESTAURANT

Is this property subject to any previous land use cases?

Yes

No

☐

☒ If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: NATHAN MARCH
Company: JOHANNAS DESIGN GROUP
Mailing Address: 1901 W. CARY ST
City: RICHMOND State: VA Zip Code: 23220
Telephone: (804) 358-4993 Fax: (804) 358-8211
Email: NATHAN@JOHANNASDESIGN.COM

Property Owner: THE DIRADOUR LLC
If Business Entity, name and title of authorized signee: ALBERT S DIRADOUR, PRESIDENT

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 119 KENNONDALE LANE
City: RICHMOND State: VA Zip Code: 23226
Telephone: (804) 239-8180 Fax: ()
Email: CHARLIE@LIONS PAW DEVELOPMENT.COM

Property Owner Signature: [Signature]

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.

NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)



JOHANNAS design group
1901 West Cary Street
Richmond Virginia 23220

P. 804.358.4993
F. 804.358.8211
W. johannasdesign.com

**2527 Stuart Ave / 325 North Robinson Street
Richmond, VA 23220**

SUP Application Report

The property at 325 North Robinson Street is currently a two-story Mixed use building. The Restaurant tenant Uliveto seeks to install an awning over the existing outdoor dining. The awning would cover the entire front patio to the corner with the entrance opposite the building entrance. There would be removable panels to enclose the space to use the patio in different weather conditions.

There was a previous BZA case in 1993 when this space was Buddy's restaurant, where an awning was built on the patio. The action of the board was to deny the applicant.

The owner of the property is Charlie Diradour of Lion's Paw Development and he is the applicant for the project.

Current Zoning

The zoning for 325 North Robinson Street is B-1, Neighborhood Business District. *The following uses of buildings and premises shall be permitted... Restaurants, tearooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, but not including establishments providing live entertainment or establishments where food or beverage is intended to be consumed on the premises outside a completely enclosed building;*

No front yard shall be required, except that no newly constructed building or addition to an existing building shall extend closer to the street than any building on an abutting lot.

Side yards. No side yards shall be required, except that where a side lot line abuts a property in an R or RO district there shall be a side yard of not less than ten feet in width.

Richmond 300 Master Plan

The area around 325 North Robinson Street is in a Neighborhood Mixed-Use zone and is a part of a Micro Node, *A notable place within a neighborhood that generally provides goods and services to the immediate residents but may attract visitors.*

Neighborhood Mixed-Use

- *Existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.*

- *These areas feature a variety of building types that are close to one another and create a unified street wall.*
- *Future development should generally complement existing context.*
- *Regardless of use, buildings should engage the street with features such as street-oriented façades with windows and door openings along street frontages.*
- *Building heights are generally two to four stories.*

Objective 1.3

Support the growth of jobs and housing in Nodes and Priority Neighborhoods by using placemaking, clustering community-serving facilities at Nodes and Priority Neighborhoods, and prioritizing infrastructure projects that encourage multi-modal accessibility to and from Nodes and Priority Neighborhoods..

Objective 6.1

Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multimodal transportation options.

This location has a 92 Walk Score with close proximity to bus routes. The restaurant is within walking distance to the number 20 bus along Robinson, Number 77 bus on Grove, Number 5 on Main, and access to the Science Museum stop on the BRT (Bus Rapid Transit).

Objective 11.3

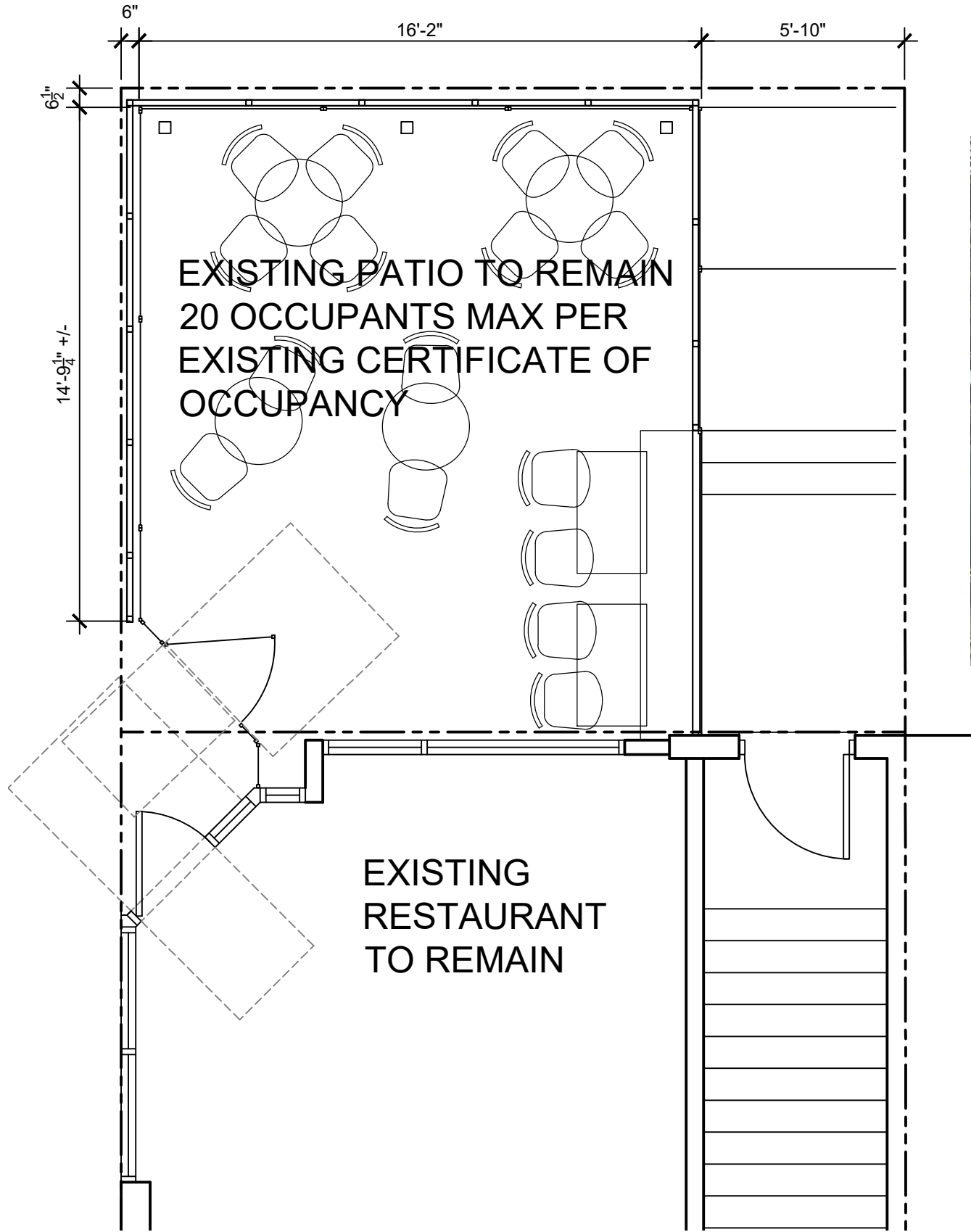
Increase the number and support the growth of small businesses, start-ups, and women-owned and minority-owned businesses.

The application for the special use has specific requests:

1. Relief on the Front and side yard setback

The proposed special use will not:

1. be detrimental to the safety, health, morals and general welfare of the community involved;
2. create congestion in streets, roads, alleys and other public ways and places in the area involved;
3. create hazards from fire, panic or other dangers;
4. tend to cause overcrowding of land and an undue concentration of population;
5. adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements; or
6. interfere with adequate light and air.

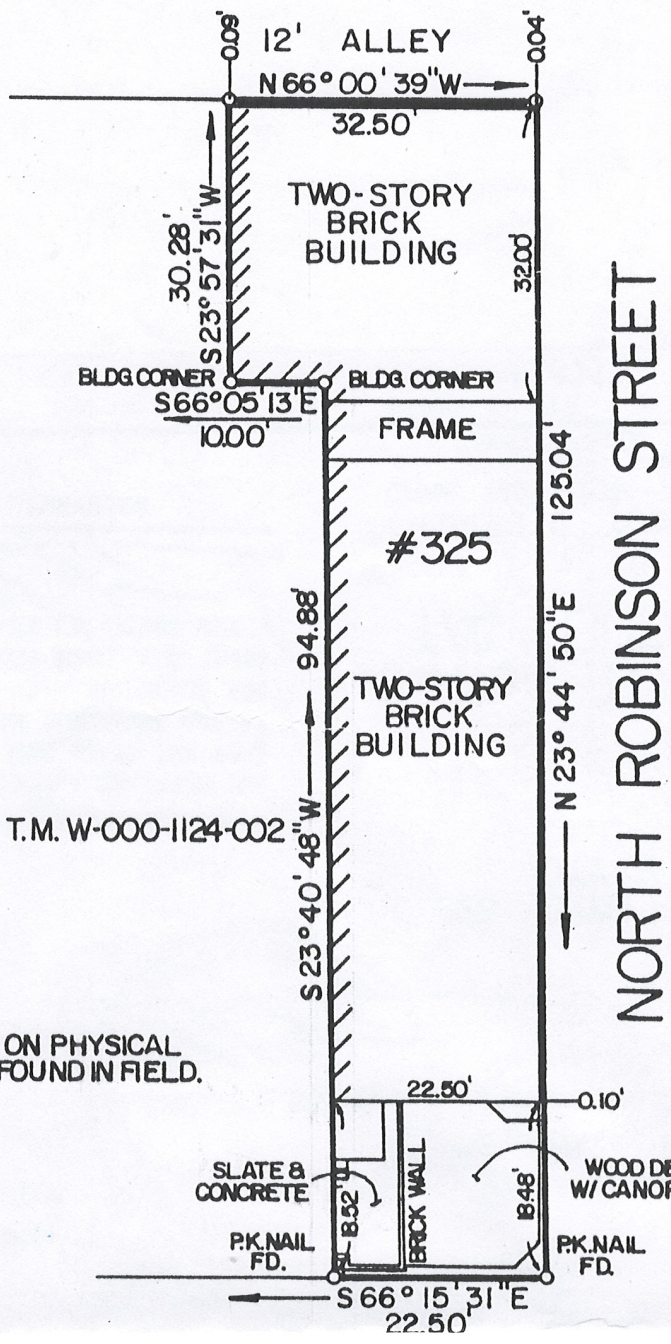


1 PROPOSED PLAN
SCALE: 1/4" = 1'-0"



2 EXTERIOR VIEW - PROPOSED AWNING
NOT TO SCALE

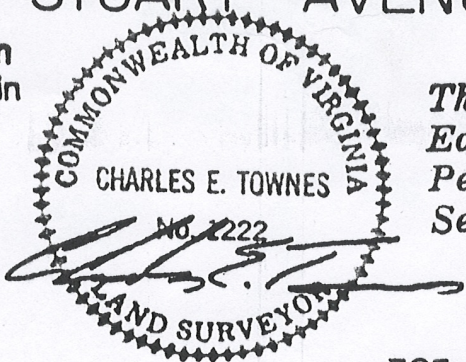
T.M. W-000-1124-035



NOTE:
SURVEY BASED ON PHYSICAL
MONUMENTATION FOUND IN FIELD.

STUART AVENUE

Note:
This Property is Not Within
HUD Defined Flood Plain
FLOOD ZONE C



The Survey Is Subject To Any
Easement Of Record And Other
Pertinent Facts Which A Title
Search Might Disclose.

PLAT
OF
325 NORTH ROBINSON STREET
CITY OF RICHMOND, VIRGINIA

THIS IS TO CERTIFY THAT ON THE 20th DAY
OF August, 1993, I SURVEYED THE
PROPERTY SHOWN ON THIS PLAT. THE TITLE
LINES AND WALLS OF THE BUILDINGS ARE AS
SHOWN ON THIS PLAT. THE BUILDINGS ARE
STRICTLY WITHIN THE TITLE LINES AND THERE
ARE NO ENCROACHMENTS OF OTHER BUILD-
INGS ON THIS PROPERTY

SURVEYOR

FOR
DeALTO EVANS, INC.
T/A BUDDY'S RESTAURANT

SCALE: 1" = 20'
AUGUST 20, 1993
CHARLES C. TOWNES & ASSOCIATES, P.C.
CIVIL ENGINEERS-PLANNERS-LAND SURVEYORS
9842 LORI ROAD, SUITE 201
CHESTERFIELD, VIRGINIA, 23832

ATTN.

DRAWN BY RTT
APPROVED BY

FB932473



**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

LOCATION: 2527 Stuart Avenue

APPLICANT: The Diradour LLC
Represented by Johannas Design Group

COUNCIL DISTRICT: 2

PROPOSAL: To authorize the special use of the property known as 2527 Stuart Avenue for the purpose of a food and beverage service establishment, upon certain terms and conditions.

*For questions, please contact David Watson
at 804-646-1036 or David.Watson@rva.gov*

