

AN ORDINANCE *No. 86-248-228*  
ADOPTED OCT 27 1986

To authorize the use of the real estate known as 1626 Monument Avenue, containing 4,500 square feet, located on the north side of Monument Avenue east of Allen Avenue, being more completely described as follows: beginning at a point on the north right of way line of Monument Avenue, said point being 150 feet east of the point marking the beginning of the radius of the curve at the intersection of Monument Avenue and Allen Avenue; thence extending in an easterly direction 30 feet along the north right of way line of Monument Avenue to a property line; thence extending in a northerly direction 150 feet between parallel lot lines to a 20-foot alley, for the purpose of a five-family dwelling, and to provide for off-street parking, upon certain terms and conditions.

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Patron - City Manager (By Request)

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Approved as to form and legality  
by City Attorney

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1. THE CITY OF RICHMOND HEREBY ORDAINS:
2.           § 1. That the real estate known as 1626 Monument
3. Avenue, containing 4,500 square feet, located on the north
4. side of Monument Avenue east of Allen Avenue, being more
5. completely described as follows: beginning at a point on the
6. north right of way line of Monument Avenue, said point being
7. 150 feet east of the point marking the beginning of the
8. radius of the curve at the intersection of Monument Avenue
9. and Allen Avenue; thence extending in an easterly direction
10. 30 feet along the north right of way line of Monument Avenue
11. to a property line; thence extending in a northerly

1. direction 150 feet between parallel lot lines to a 20-foot  
2. alley, is hereby permitted to be used for multi-family  
3. dwelling purpose (five individual dwelling units) together  
4. with accessory parking, said property being as shown on site  
5. plan and floor plan, entitled: "1626 Monument Avenue",  
6. prepared by John Glave, dated September 5, 1986, a copy of  
7. which is attached to the draft of this ordinance and  
8. incorporated herein as a part hereof.

9. § 2. That the Commissioner of Buildings is hereby  
10. authorized to issue to the owner of said real estate, or  
11. successor or successors in fee simple title, a permit to  
12. occupy the property for such purposes, substantially in  
13. accordance with the site plan and floor plan drawing  
14. attached to the draft of this ordinance. The special use  
15. permit herein authorized shall be transferable to the suc-  
16. cessor or successors in title of the owner, whether acquired  
17. by operation of law, deed or otherwise and shall run with  
18. the land subject to the following terms and conditions:

19. (a) That the acceptance of the permit and the  
20. exercise of the privileges granted by this ordinance by the  
21. owner and successor or successors in title shall constitute  
22. a warranty on the part of the owner and successor or  
23. successors that title to the land and the building shall be  
24. vested in the same person or persons or corporation or both;

1.           (b) That the owner shall be bound by, observe and  
2. shall comply with all other laws, ordinances and rules and  
3. regulations adopted pursuant thereto, applicable to the land  
4. and buildings, except as otherwise provided in this  
5. ordinance;

6.           (c) That use of the main building shall be limited  
7. to five dwelling units substantially as shown on the  
8. attached plan. There shall be no dwelling use of the  
9. basement;

10.          (d) That five parking spaces shall be provided as  
11. shown on the attached plan;

12.          (e) That final grading and drainage plans, if  
13. required, shall be approved by the Director of Public Works  
14. prior to the issuance of building permits;

15.          (f) That facilities for the collection of refuse  
16. shall be provided in accordance with the requirements of the  
17. Director of Public Works;

18.          (g) That storm or surface water shall not be  
19. allowed to accumulate on the land, and adequate facilities  
20. for drainage of storm or surface water from the land or  
21. buildings shall be provided and maintained at all times by  
22. the owner at the owner's cost and expense so as not to  
23. adversely affect or damage adjacent properties or public  
24. streets and the use thereof;

1. (h) There shall be no exterior alterations or  
2. additions to the building other than those shown on the  
3. attached plan and other than normal repair and maintenance;

4. (i) If required, the applicant for the special use  
5. to be authorized for issuance by satisfaction of the terms  
6. and conditions of this ordinance, shall obtain a building  
7. permit within twelve months of adoption of this ordinance,  
8. which building permit shall be issued subject to the  
9. provisions of Section 109.1 of the Uniform Statewide  
10. Building Code. If a building permit is not required,  
11. application for a certificate of occupancy under the terms  
12. and conditions of this ordinance shall be made within one  
13. year of the date of adoption of this ordinance;

14. (j) That should the owner use the premises for any  
15. purpose which is not permitted by this ordinance, or fails,  
16. refuses or neglects to comply with the provisions of fore-  
17. going paragraphs (a) through (i) and does not terminate such  
18. use or comply with such provisions within ninety days after  
19. written notice so to do has been given to the owner by the  
20. Zoning Administrator, the privileges granted by this  
21. ordinance shall terminate and the special use permit shall  
22. become null and void; and

23. (k) That when the privileges granted by this  
24. ordinance terminate and the special use permit becomes null

1. and void or when use of the premises is abandoned for a  
2. period of twenty-four consecutive months, use of the real  
3. estate shall be governed thereafter by the zoning regula-  
4. tions prescribed for the district in which the real estate  
5. is then situated.

6. § 3. This ordinance shall be in force and effect  
7. upon adoption; provided, however, that if it is not  
8. necessary for the applicant for this special use to obtain a  
9. building permit for the conversion authorized herein, and an  
10. application for certificate of occupancy to use the property  
11. for the purposes as authorized under this ordinance is not  
12. made within one year from the date of adoption of this  
13. ordinance, this ordinance shall be null and void and of no  
14. effect.

ZONING ADMINISTRATION



Room 501  
900 East Broad Street  
Richmond, Virginia 23219  
804 - 780-4220

DATE: September 9, 1986

SPECIAL USE PERMIT FEE WAIVER VERIFICATION

TO: Director of Planning & Community Development  
FROM: Zoning Administrator *Roger H. York*  
ADDRESS: 1626 Monument Avenue

Pursuant to City Council Ordinance No. 85-145-146, I have determined that the existing use of the above property is a six-family dwelling, and that such use is not allowed under Section(s) 32-830 of the zoning ordinance for the reason(s) that the fourth and fifth units did not meet parking requirements and the sixth unit did not meet parking and lot area requirements.

The following certificate(s) of occupancy and/or building permit(s) have been issued by the City for the existing use:

- 3/15/78 Certificate of occupancy issued for a six-family dwelling.
- 12/10/79 Certificate of occupancy issued for a six-family dwelling.

SPECIAL USE PERMIT APPLICATION  
CITY OF RICHMOND, VIRGINIA

Date April 21, 1986

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):

Certificate of Occupancy for six (6) unit apartment dwelling

at the premises designated or described as follows: 1626 Monument Avenue

See attached Schedule "A" for metes & bounds description

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

"1626 Monument Avenue, John H. Glave, owner; dated October 14, 1985"

The current zoning of the property is: R-6

Attached is a check for \$ waived payable to "City of Richmond."

Signature of owner of property: 

Address: 704 Westover Road, Richmond, Virginia

Zip Code: 23220

Phone: (w) 355-2020 (h) 353-4655

Applicant or owner's representative: Glenn E. Ayers, Esquire

Address: Suite 209, Hamilton Place, 1301 N. Hamilton S

Zip Code: 23230

Phone: 358-4731

Staff Note:

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

Affects Master Plan YES \_\_\_\_\_ NO \_\_\_\_\_

John H. Glave  
SPECIAL USE PERMIT for 1626 Monument Avenue

APPLICANT'S REPORT

Revised September 8, 1986

Applicant, John H. Glave, by counsel, seeks a Special Use Permit to allow for the issuance of a Certificate of Occupancy hereinafter referred to as "C.O." permitting the use and occupancy of 1626 Monument Avenue as a five (5) unit apartment house. Prior use of the property had been as a six (6) unit apartment house.

The surrounding area of 1626 Monument Avenue is zoned R-6. At Stuart Circle, the eastern terminus of the 1600 block of Monument Avenue, on the north side, is the sixty-three (63) unit Stuart Court Apartments and St. John's United Church of Christ. Proceeding westward along Monument, there is one single-family unit, two three-family units, one four-family unit, one five-family unit, four six-family units, one eleven-family unit and one eighteen-family unit apartment house exclusive of applicant's. At Lee Circle there is a park and parking area to serve the in-progress renovation of the Shenandoah Apartments into an office building at the corner of Grace and Allen Streets. Proceeding eastward on the south side of Monument Avenue from Lee Circle to Stuart Circle, the Lee Circle Medical Building, five (5) single family units, the Grace Covenant Presbyterian Church, a parking lot, Stuart Circle Medical Building, and the First English Lutheran Church and Stuart Circle Hospital. Due to the surrounding area being a combination of densities from single-family units to sixty-three (63) family units and of uses ranging from religious to medical offices, the use of 1626 Monument Avenue as a five (5) unit apartment house is compatible and in some instances identical with the surrounding uses.

The five (5) units of 1626 Monument Avenue are situated as follows:

1. First floor - two (2) units.
2. Second floor - two (2) units.
3. Third floor - one (1) unit.

Each of the units has two (2) means of ingress and egress and both interior and exterior stairway access. Each unit has been renovated since 1983 providing modern conveniences of updated kitchens including range, oven, dishwasher and garbage disposal and updated plumbing including modern bathrooms with tub and shower and washer-dryer hookups. The units are designed with a kitchen-eating area, living area, bath, and one bedroom.

5. The applicant proffers to create two new additional parking spaces, on-site, at the rear of the property. The applicant will remove a concrete embankment, perform grading and provide suitable surface for parking. With the addition of these two parking spaces, applicant will have a total of five parking spaces on-site. With this parking, the applicant meets the code requirements for parking as required by the "F" District zoning regulations, 1942 to 1960. The construction of the parking will commence upon final determination of the Certificate of Occupancy.

The applicant has relied upon the Certificate of Occupancy issued by the city for purchase of 1626 Monument Avenue and has further improved the property based on a six unit Certificate of Occupancy and building permits issued in June 1983 and June 1984. The applicant has voluntarily eliminated one apartment unit from use, thereby decreasing the number of units from six to five and, accordingly, seeks a Certificate of Occupancy for five units. Finally, the applicant is prepared to spend additional money to create sufficient parking to provide on-site parking for five vehicles. With the creation of the two additional parking spaces, 1626 Monument Avenue meets all technical requirements for a Certificate of Occupancy as those requirements existed in 1960. The applicant has complied with all city ordinances, rules and regulations. The applicant is not seeking to introduce a new or more intense use of 1626 Monument Avenue, rather the applicant petitions the city to permit the use of 1626 Monument Avenue as a five unit apartment house. This use is less than the permitted use of 1626 Monument Avenue per previously issued Certificates of Occupancy and this use is a lesser use than what 1626 Monument Avenue has, in fact, been used for the past 26 years.

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As required by the City Charter, the issuance of a C.O. for five (5) units continues the existing use of this property for multi-family purposes and will not:

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

For consideration by the Planning Commission and City Council of this application, the applicant submits the following:

1. The applicant purchased this property on May 13, 1983 for \$119,685.25. At that time, the sellers, Ashton Associates, a Virginia general partnership, presented a Certificate of Occupancy evidencing duly authorized use of 1626 Monument Avenue for six (6) units and the property was used with six (6) apartment units.
2. The applicant applied for building permits to renovate the improvements to the property on June 20, 1983 and on June 19, 1984. Both of these permits were issued and showed authorized use of this property for six (6) units. Applicant spent approximately \$50,000.00 on these improvements and renovated and improved the property for use as a six (6) unit apartment dwelling.
3. Prior to the time of applicant's purchase of the property, Certificates of Occupancy were issued in 1978 and 1979 for six (6) units at 1626 Monument Avenue. Since December 1958, there has existed a C.O. for five (5) units and other public records indicate that as early as 1962, 1626 Monument Avenue has had six (6) units. Additionally there have been numerous opportunities for the City from 1958 to 1983, a 25-year time period, to enforce a different occupancy of 1626 Monument Avenue than as a six (6) unit apartment house.
4. Since initiating the process of the Special Use Permit application, the applicant requested the Department of Building Inspection to inspect the property for compliance with the city building code. All units except the basement unit meet building code requirements and the applicant has discontinued the use of the basement unit as a separate dwelling unit and has amended the application permit to seek a Certificate of Occupancy for five units rather than six units.

City of Richmond  
City Planning Commission



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

October 21, 1986

To the Honorable Council of the  
City of Richmond, Virginia

At its meeting of October 20, 1986, the City Planning Commission voted (8-0) to recommend APPROVAL of:

Ordinance No. 86-248

To authorize the use of the real estate known as 1626 Monument Avenue, containing 4,500 square feet, located on the north side of Monument Avenue east of Allen Avenue,\*\*\*for the purpose of a five-family dwelling, and to provide for off-street parking, etc.

Approval of this special use ordinance would authorize the use of an existing six-unit apartment building at 1626 Monument Avenue for the purpose of five dwelling units. The property is located on the north side of Monument Avenue east of Allen Avenue and contains 4500 square feet of lot area. The existing three-story plus basement brick building contains approximately 4800 square feet of floor area. Five, one-bedroom apartments currently exist on the upper three floors and would remain under this ordinance. The sixth apartment, located in the basement, does not meet building code requirements for dwelling use. The basement unit is now vacant, and this ordinance prohibits its use for dwelling purposes.

The property is zoned R-6 Single-Family Attached, which does not permit multi-family use. However, the property is entitled to three apartment units under the nonconforming use provisions of the zoning ordinance.

This special use request was filed under Ordinance No. 85-145-146, which waives the filing fee in cases where the City has issued in error a building permit or certificate of occupancy for an existing use. The subject building was constructed as a single-family dwelling in 1910 and was legally converted, with a building permit, to a three-family dwelling in 1953. In 1958, a certificate of occupancy was issued in error for five-family use of the property. Although the lot area requirement for five apartments was met at that time, the off-street parking requirement was not met. Four spaces were required and only two were provided. The sixth apartment unit in the basement appears to have been added in the early 1960's. Certificates of occupancy were issued in error for six-family use in 1978 and again in 1979. The petitioner, relying on these certificates of occupancy, purchased the property in 1983. The petitioner subsequently applied for a building permit and completed approximately \$50,000 worth of renovation work to the building. However, there is no record of the building permit having been issued. The renovation was carried out under the City's real estate tax abatement program. The

petitioner requested a variance from the Board of Zoning Appeals in 1984 to legitimize the six existing apartments. The Board denied the request and felt that its limited powers did not give it jurisdiction to grant the variance.

Properties to the east, west and south are also zoned R-6 Single-Family Attached. Properties to the north fronting on W. Grace Street are zoned R-48 Multi-Family. In this block of Monument Avenue (both sides of the street), there are six single-family dwellings, one medical office approved by special use, and two churches. Also in this block are twelve apartment buildings, ten of which have been converted from single or two-family uses. Most of the converted buildings are not legal because they exceed the allowable number of units and/or have off-street parking deficiencies.

The Master Plan recommends "single-family attached" use for the subject property and other properties along Monument Avenue. To the north along W. Grace Street, the Plan recommends "medium density multi-family" use.

The adjacent property at 1628 Monument Avenue was before the Commission in August as a special use request to legitimize seven apartment units with two off-street parking spaces. That property was entitled to five apartments under its nonconforming rights. Primarily because of a lack of off-street parking and the proposed use of the basement for a five-bedroom apartment, the Commission recommended disapproval, and City Council denied the special use. The Commission felt five apartments was a reasonable use of that property.

Two parking spaces are currently available in a garage at the rear of the subject property with access from a 20-foot alley. By removing a cinder block wall and concrete steps adjacent to the garage, the petitioner proposes to create two additional spaces. One of them would be captive--i.e., accessed through another parking space. Another captive space is proposed between the garage and main building. A total of five spaces are proposed. Current zoning regulations would require eight spaces, and captive spaces are not normally counted.

As in the case of previous requests filed under the fee waiver ordinance, the Commission feels it is important to evaluate this request on the basis of reasonable and uniform criteria so as to arrive at an appropriate and justifiable land use decision. The Commission feels there are a number of circumstances in this case which justify approval.

Although not in conformity with the general land use plan, the existing multi-family use of the property is consistent with the established land use pattern of the area. This area was zoned to permit multi-family and lodginghouse uses prior to 1979. At the time of the downzoning of the area, it was recognized that a large number of properties would become nonconforming but would continue to exist as multi-family.

Five units have existed in the subject building since 1958. At that time, the lot area requirement was met and only the off-street parking was

October 21, 1986

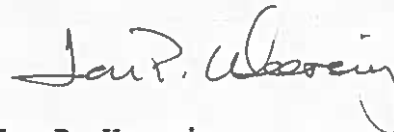
deficient. Certificates of occupancy have since been issued for six units. The petitioner proposes to reduce the number of units from six to five, and is proposing to provide five parking spaces, whereas only four would have been required at the time of conversion to multi-family.

The Commission also feels five-family use of the subject property is reasonable in view of the characteristics of the adjacent property at 1628 Monument Avenue. That property has the same lot area, a smaller building, and fewer off-street parking spaces, and is entitled to five apartments under its nonconforming rights. The Commission is influenced by the similarity of the properties and the provision of additional parking on the subject property. The Commission is also influenced by the quality of the renovation of the subject building, and the fact the petitioner purchased the property in good faith.

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 Board of the Fan District Association has voted not to oppose this request subject to the provision of the additional off-street parking. The Monument Avenue Preservation Society has also indicated it does not oppose the special use. The petitioner has submitted seven letters of support and two letters of opposition from property owners in the 1600 block of Monument Avenue.

Very truly yours,



Jon P. Weersing  
Secretary

JPW:lk

cc: Mr. Glenn E. Ayers - Attorney for Applicant

### ORDINANCE OR RESOLUTION SUMMARY CITY OF RICHMOND, VIRGINIA

<b>Resolution Ordinance No.</b> .....86-248.....	<b>Subject</b>  Special Use Permit -- 5-Family Dwelling/1626 Monument Avenue.
<b>Requested by City Manager, By Request</b> .....	
<b>Received City Manager's Office</b> .....--.....	
<b>Summarized</b> .....10/20/86.....	

**SUMMARY**

This Ordinance would authorize the use of an existing 6-unit apartment building at 1626 Monument Avenue to be used as a 5-dwelling apartment house.

The property is zoned R-6, Single-Family Attached, which does not permit multi-family use. However, the property is entitled to 3-apartment units under the non-conforming use provisions of the zoning ordinance.

The existing multi-family use of the property is consistent with the established land use pattern of the area, although it's not in conformity with the general land use plan. This area was zoned to permit multi-family and lodginghouse uses prior to 1979. At the time this area was down-zoned, it was recognized that a large number of properties would become non-conforming but would continue to exist as multi-family.

The Planning staff feels that 5-family use of the property is reasonable in view of the characteristic of the adjacent property at 1628 Monument Avenue. That property has the same Lot area, a smaller building, and fewer off-street parking spaces, and is entitled to 5-apartments under its non-conforming rights.

Planning Commission granted approval (8-0) on October 20, 1986.

**COUNCIL ACTION**

<b>On Docket</b> .....10/27/86.....
<b>Amended</b> .....
<b>Adopted</b> .....
<b>Rejected</b> .....