

INTRODUCED: June 8, 2020

AN ORDINANCE No. 2020-140

To amend and reordain Ord. No. 85-77-79, adopted Apr. 15, 1985, as amended by Ord. No. 2001-169-164, adopted May 28, 2001, which authorized the special use of the property known as 3103 Ellwood Avenue, to authorize the elimination of the operator occupied residency requirement of the second floor dwelling unit, additional signage and awning installation, to authorize an office use, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUN 22 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 85-77-79, adopted April 15, 1985, as amended by Ord. No. 2001-169-164, adopted May 28, 2001, is hereby amended and reordained as follows:

§ 1. That the [~~real estate,~~] property known as 3103 Ellwood Avenue [~~containing 2,697.5 square feet, more or less, located on the south right of way line of Ellwood Avenue west of Belmont Avenue~~], identified as Tax Parcel No. W000-1406/026 in the [~~2001~~] 2020 records

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 27 2020 REJECTED: _____ STRICKEN: _____

of the City Assessor, [~~being more completely described as follows: *beginning* at a point on the south right of way line of Elwood Avenue, said point being 24.08 feet west of the west right of way line of S. Belmont Avenue; thence extending in a westerly direction along the south right of way line of Ellwood Avenue 21.58 feet to a point; thence extending in a southerly direction between parallel lot lines 125 feet to the north right of way line of a 10 foot east west alley,]~~ is hereby permitted to be used for the purpose of [~~a beauty salon occupying the first floor with exception of a storage room (for use of second floor apartment occupants); that the dwelling on the real estate may be converted for such purpose]~~ office use on both floors, said property being shown on the copy of a plan, entitled: [~~“Proposed Beauty Salon for Andrew Elsea, 3103 Ellwood Avenue.” Prepared by Corbin T. Tomlin, Professional Engineer, dated January 4, 1985, and revised February 8, 1985, attached to Ordinance No. 85 77 79]~~ “3103 Ellwood Avenue, Two Story Building,” prepared by Christian Snowden Design, and dated February 21, 2020, a copy of which is attached to this amendatory ordinance.

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the [~~real estate]~~ property, which shall be transferable to the successor or successors in title of the owner, whether acquired by operation of law, deed or otherwise, and shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue the owner of the [~~real estate]~~ property a building permit for such [~~purpose(s)]~~ purpose, on said [~~real estate]~~ property subject to the following terms and conditions:

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

(b) That the owner shall be bound by, observe and shall comply with all other laws,

ordinances and rules and regulations adopted pursuant thereto, applicable to the land and building, except as otherwise provided in this ordinance;

(c) That two parking spaces shall be provided at the rear of the property as shown on the plans attached to [~~Ordinance No. 85-77-79~~] this amendatory ordinance. The parking area shall be screened from view of the adjacent property to the west by a [~~six-foot high wood~~] fence as shown on the plans attached to [~~Ordinance No. 85-77-79~~] this amendatory ordinance;

(d) That the parking area shall be paved with bituminous asphalt or cement concrete and parking spaces shall be delineated on the pavement surfaces;

(e) [~~There shall be a maximum of four persons employed on the premises in the conduct of the business.;~~

(f) ~~That clients shall be seen by appointment only. Public access to the beauty salon shall be from the rear of the premises]~~ The office use of the property shall consist of business, professional, and administrative offices, medical and dental offices or clinics, and studios of writers, designers, and artists engaged in the graphic arts, substantially as shown on the plans attached to this amendatory ordinance;

~~[(g) There shall be a maximum of four workstations as shown on the attached plans.~~

(h) (f) [~~That identification of the property shall be limited to one eight inch by twelve-inch sign mounted flat on a vertical surface of the rear of the building as shown on the plans attached to Ordinance No. 85-77-79 and an additional eight inch by twelve inch sign mounted flat on a vertical surface of the front of the building indicating that the salon entrance and parking are located at the rear of the property]~~ Signs for the office use shall be in accordance with the regulations for signs in the R-63 Multifamily Urban Residential District;

(i) (g) That 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 as not to be visible from adjacent properties and public streets or public alleys;

~~[(j)]~~ That exterior alterations shall be limited to the erection of awnings attached to the second floor of the rear porch and above the building's Ellwood Avenue entrance. The erection of such awnings shall be subject to approval by the Urban Design Committee. There shall be no other exterior alterations or additions to the existing building except for normal repair and maintenance;

~~[(k)]~~ (h) That site grading and drainage plans shall be approved by the Director of Public ~~[Works]~~ Utilities prior to the issuance of building permits;

~~[(4)]~~ (i) That storm or surface water shall not be allowed to accumulate on the land, and adequate facilities for drainage of storm and 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 the use thereof; and

~~[(m)]~~ (j) That application for a building permit or certificate of zoning compliance shall be made within ~~[twenty-four (24)]~~ 24 months of the effective date of this amendatory ordinance, which building permit shall expire by limitation and become void if construction is not commenced within ~~[one hundred and eighty (180)]~~ 180 days from the date of the building permit, or if work is suspended or abandoned for a period of ~~[one hundred and eighty (180)]~~ 180 days at any time after the work is commenced, as provided in the applicable provision of the Virginia Uniform Statewide Building Code. Should application for the permit not be made within ~~[twenty-four (24)]~~ 24 months from the effective date of this amendatory ordinance or should the permit expire and become null and void after the expiration of a ~~[twenty-four (24)]~~ 24 month time period for making application for the permit, the privileges granted by this ordinance shall terminate and the use of the property shall be governed by the terms and conditions of Ordinance Number 85-77-79, adopted April 15, 1985.

§ 4. That should the owner use the ~~[premises]~~ property for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with the provisions of the

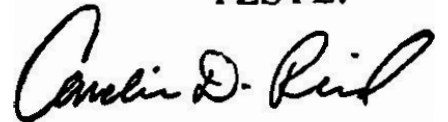
forgoing paragraphs (a) through ~~(h)~~ (i) and does not terminate such use or comply with such provisions within ~~sixty (60)~~ 60 days after written notice to do so has been given to the owner by the Zoning Administrator, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void unless an application for a special use amendment is filed with the Director of ~~Community~~ Planning and Development Review which shall stay the ~~sixty (60) day~~ 60-day period. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of ~~§32-1080~~ section 30-1080 of the Code of the City of Richmond, ~~[1993]~~ (2015), as amended, or other applicable ~~[provision;]~~ provisions of the Code of the City of Richmond (2015), as amended.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when the use of the premises is abandoned for a period of ~~twenty four (24)]~~ 24 months, use of the ~~[real-estate]~~ property shall be governed thereafter by the zoning regulations prescribed for the district in which the ~~[real-estate]~~ property is then situated.

§ 6. This amendatory ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**



City Clerk

City of Richmond

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

Item Request


File Number: PRE.2020.146

O & R Request

DATE: May 11, 2020

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)  6/4/2020

THROUGH: Lenora G Reid, Acting Chief Administrative Officer  5/15/2020

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning 

FROM: Mark A. Olinger, Director, Department of Planning and Development Review 

RE: To amend Ordinance No. 2001-169-164, adopted May 28, 2001, which in turn amended Ordinance No. 85-77-79, adopted April 15, 1985, which authorized the special use of the real estate, property known as 3103 Ellwood Avenue, to authorize additional signage and awning installation, to now authorize office use, upon certain terms and conditions.

ORD. OR RES. No. _____

PURPOSE: To amend Ordinance No. 2001-169-164, adopted May 28, 2001, which in turn amended Ordinance No. 85-77-79, adopted April 15, 1985, which authorized the special use of the real estate, property known as 3103 Ellwood Avenue, to authorize additional signage and awning installation, to now authorize office use, upon certain terms and conditions.

REASON: The applicant is seeking to amend the existing special use permit, which allows a beauty salon, to now allow an office use.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its July 6, 2020, meeting.

BACKGROUND: The subject property consists of a 2,697 SF parcel of land improved with a two-story brick building that was constructed in 1912. The property is located on Ellwood Avenue, one parcel west from its intersection with South Belmont Avenue, in the Carytown neighborhood.

Ord. No. 85-77-79 authorized the use of the building as a beauty salon on the ground floor and a proprietor-occupied residence on the second floor. Ord. No. 2001-169-164 removed the requirement for the residential space to be owner occupied. Office uses are not permitted uses in the R-48 Multi-Family Residential District and were not enabled by the original special use permit nor the subsequent amendment.

The City of Richmond's Master Plan designates a future land use category for the subject property as Single-Family Medium Density. Primary uses for this category include "...single-family and two-family dwellings, both detached and attached, at densities of 8 to 20 units per acre. Includes residential support uses such as schools, places of worship, neighborhood parks and recreation facilities, and limited public and semi-public uses.

The adjacent properties to the west, north, and east of the subject property are located within the same R-48 Multi-Family Residential District. Parcels to the south are located in the RO-2 Residential Office District. A mix of uses are present in the vicinity, as the subject property is located between the Belmont Avenue commercial cluster and the commercial uses along the Cary Street commercial corridor.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: \$1200 application fee

DESIRED EFFECTIVE DATE: Upon Adoption

REQUESTED INTRODUCTION DATE: June 8, 2020

CITY COUNCIL PUBLIC HEARING DATE: July 27, 2020

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
July 6, 2020

AFFECTED AGENCIES: Office of Chief Administration Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2001-169-164

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form & Applicant's Report, Plans, Survey, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036

ELLWOOD
SECTION 1

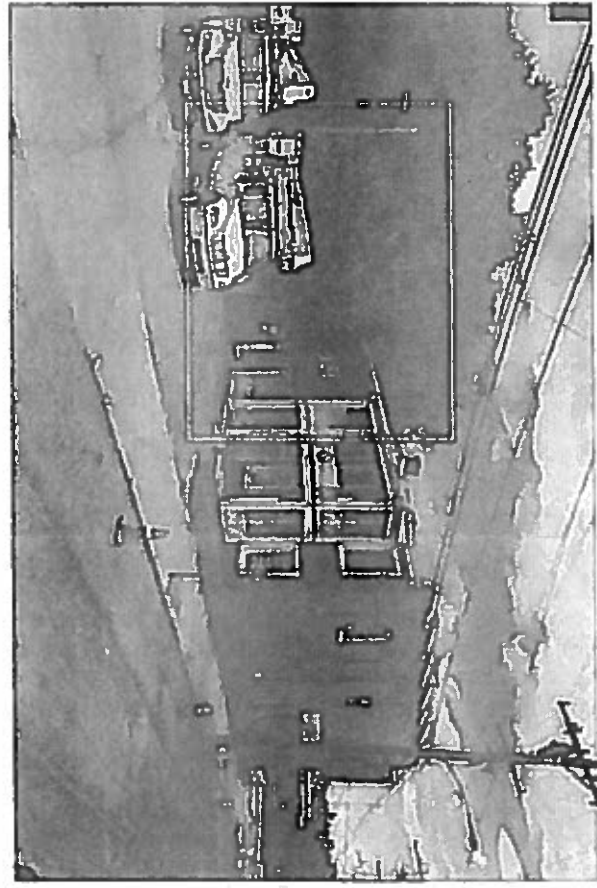
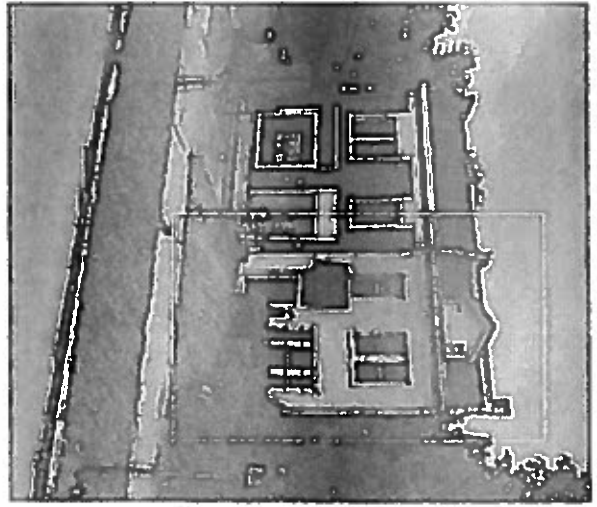
3103 ELLWOOD AVENUE TWO STORY BUILDING

DESCRIPTION OF SERVICES:

PROVIDE A COMPLETE MEASUREMENT OF THE EXISTING BUILDING FOR THE PURPOSES OF OBTAINING A PERMIT TO REPAIR OR REPLACE THE EXISTING BUILDING. THE MEASUREMENTS WILL BE TAKEN FROM THE EXTERIOR OF THE BUILDING AND WILL INCLUDE THE EXTERIOR WALLS, ROOF, AND FLOOR SLABS. THE MEASUREMENTS WILL BE TAKEN AT THE TIME OF THE PERMIT APPLICATION AND WILL BE SUBJECT TO VERIFICATION BY THE CITY ENGINEER.

GROSS SQUARE FOOTAGES PER FLOOR :

FIRST FLOOR	1,000 SF
SECOND FLOOR	1,000 SF
TOTAL	2,000 SF

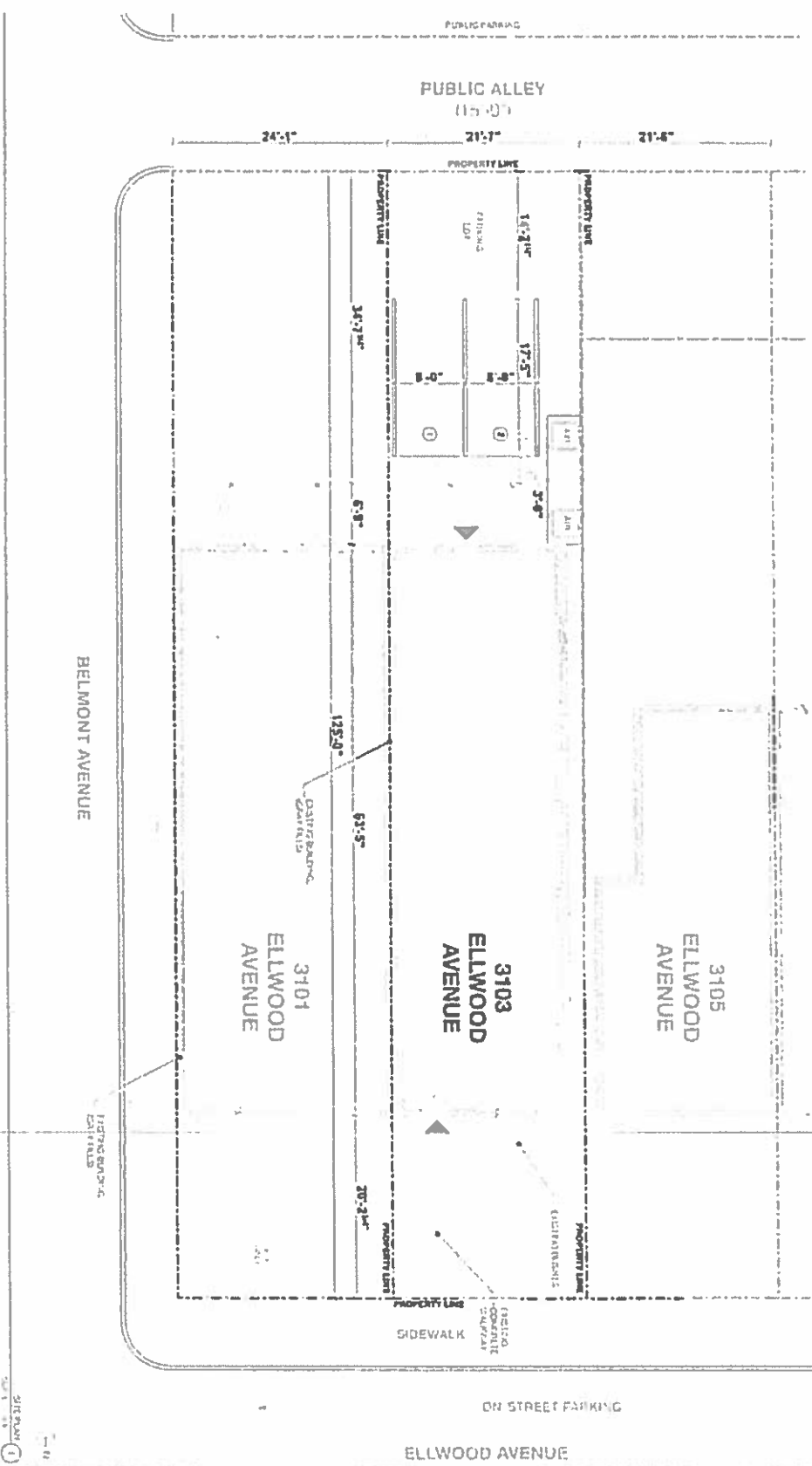


CS
STANDARD
DESIGN

3103 ELLWOOD AVENUE

1000 PLYMOUTH ST. E. FLOOR

CONTRACT
CS



DATE: 05/11/2011

PROJECT: 3103 ELLWOOD AVENUE

CLIENT: [REDACTED]

SCALE: 1/8" = 1'-0"

DATE: 05/11/2011

PROJECT: 3103 ELLWOOD AVENUE

CLIENT: [REDACTED]

SCALE: 1/8" = 1'-0"

3103 ELLWOOD AVENUE

DATE: 05/11/2011

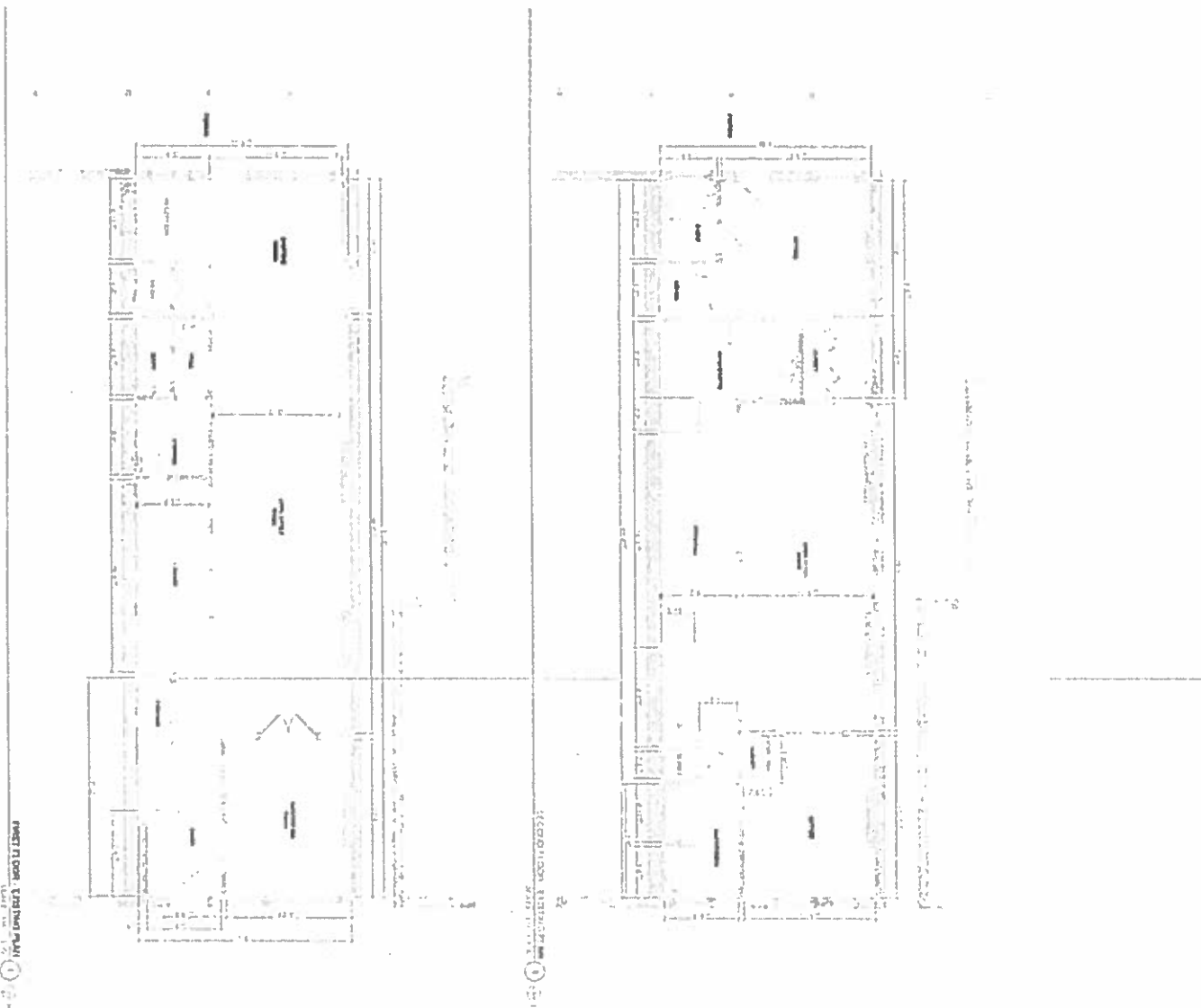
PROJECT: 3103 ELLWOOD AVENUE

CLIENT: [REDACTED]

SHEET PLAN
A.0

NET SQUARE FOOTAGE

NET SQ FT	7,173
STAIRS (SQ FT)	1,313
TOTAL	2,291 SF



PROJECT NO. 10010001
 DATE: 10/1/00

3103 ELLWOOD AVENUE
 1ST FLOOR
 PLANS
A.1





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
<http://www.richmondgov.com/>

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: 3103 Elwood Date: 2/25/20
 Tax Map #: W0001406026 Fee: \$1,200
 Total area of affected site in acres: .062

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

Zoning

Current Zoning: R-48 Residential (Multifamily)

Existing Use: Hair Salon

Proposed Use

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

Office
Existing Use: Hair Salon

Is this property subject to any previous land use cases?

Yes No
 If Yes, please list the Ordinance Number: 2009-201-211, 2001-169-164, 1985-077-79

Applicant/Contact Person: Mark Baker
 Company: Baker Development Resources
 Mailing Address: 1519 Summit Ave., Suite 102
 City: Richmond State: VA Zip Code: 23230
 Telephone: (804) 874-6275 Fax: ()
 Email: markbaker@bakerdevelopmentresources.com

Property Owner: BONJONNIE, LLC
 If Business Entity, name and title of authorized signee: Babette Petrakis, Owner

(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: 8301 Cardif Loop Rd
 City: Richmond State: VA Zip Code: 23236
 Telephone: (804) 771-9500 Fax: ()
 Email: _____

Property Owner Signature: *Babette Petrakis*

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)

APPLICANT'S REPORT

February 26, 2020

*Special Use Permit Amendment Request
3103 Ellwood Avenue, Richmond, Virginia
Map Reference Number: W0001406026*

Submitted to: City of Richmond
Department of Planning and Development Review
Land Use Administration
900 East Broad Street, Suite 511
Richmond, Virginia 23219

Submitted by: Baker Development Resources
1519 Summit Ave., Suite 102
Richmond, Virginia 23230

Introduction

The property owner is requesting a special use permit amendment ("SUP") for 3103 Ellwood Ave. ("the Property"). The SUP would reauthorize the use of an existing commercial building for a general office use, which does not conform to the underlying R-48 Multi-Family Residential district zoning requirements applicable to the Property.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The property is located on the south side of Ellwood Avenue between Belmont and Auburn Streets. The property is referenced by the City Assessor as tax parcel W0001406026. Per the assessment, the property is approximately 21' wide and 125' deep with a lot area of approximately 2,697 square feet. The lot is rectangular in shape with alley access and two parking spaces in the rear.



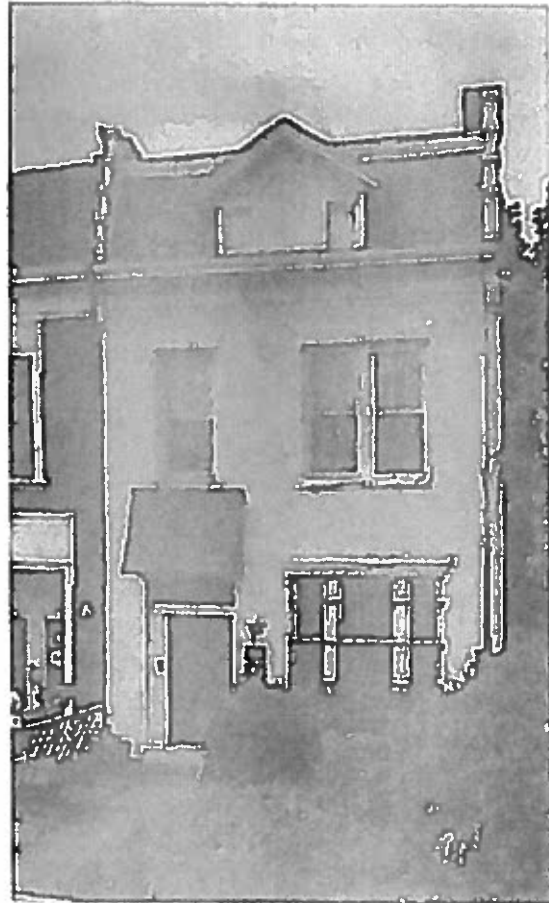
The Property is improved with a two-story brick building constructed in 1912 which includes approximately 2,560 square feet of floor area along with two paved parking spaces. The building has been in operation as a beauty salon with a second-floor dwelling unit since 1985 when the original SUP for the use of the building was granted. In 2001 the SUP was amended to eliminate the operator-occupied residency requirement of the second-floor dwelling unit.

Because of the specificity of the original approval, a special use permit amendment is now needed to authorize the re-use of the Property as an office.

The Property is bordered to the south by a mix of more intense commercial uses located within the Carytown Service Corridor. These commercial/nonresidential uses generally extend north along Belmont Avenue and include office, retail, restaurants, art galleries and institutional uses such as the Belmont Branch of the Richmond Public Library. Properties to the west along Ellwood Avenue are generally two-family dwellings. A mix of single-family, two-family and multi-family dwellings lie to the east.

EXISTING ZONING

The Property is zoned R-48 Multi-Family Residential and falls within the West of the Boulevard Design Overlay District. The Property is subject to a Special Use Permit (Ord. 85-77-79) which permitted the use of the Property as a beauty salon with a second-floor dwelling unit. This SUP was amended in 2001 (Ord. 2001-169-164) to eliminate the owner-occupied residency requirement of the previous SUP. To the north, across Ellwood Ave., buildings are zoned R-6 while other, more intense zoning districts, such as RO-2 and UB-PD2 can be found immediately to the south in the Carytown Service Corridor.



MASTER PLAN DESIGNATION

The current Master Plan recommends "Single-Family (Medium Density)" for the Property. However, the draft Richmond 300 Master Plan recommends "Neighborhood Mixed-Use" for the Property as well as classifying the area the Property is in as a Regional Activity Center. The Richmond 300 Master Plan describes the Neighborhood Mixed Use land use category as "Cohesive highly-walkable urban neighborhoods that are predominantly residential but have a mix of retail, office, personal service, and institutional uses, which are usually found on major roads and at corner sites."

Proposal

PROJECT SUMMARY

The SUP would reauthorize the use of an existing commercial building for the general office use on both floors which does not conform to the underlying R-48 Multi-Family Residential district zoning requirements applicable to the Property.

PURPOSE OF REQUEST

The current R-48 zoning does not permit the current or proposed uses of the Property. The SUP that authorized the current use of the property does not authorize the office use that is now proposed. The proposed office use is consistent in intensity with the uses currently permitted by the SUP and is compatible with the existing building configuration. A special use permit amendment is necessary in order to reauthorize the use of the building for this use.

PROJECT DETAILS

The existing two-story structure would be renovated for the purpose of an office use on both floors. The office space would be upgraded to meet the expectations of high-quality commercial tenants in today's market. The office use would provide for a small-scale commercial use that could serve day-to-day convenience needs of neighborhood residents. The office use is less intense than the existing permitted salon (personal service use) which, from a zoning perspective, is generally a more restricted use than office. At the same time, the office use offers better compatibility with nearby residential uses given the typical daytime public hours of operation associated with that use. Consistent with the original approval and based on the building's modest size and overall residential character, the proposed impact of the use would be limited. The use would offer a reasonable transition from more intense commercial uses within the Carytown Service Corridor and along Belmont to nearby residential uses.

In exchange for the SUP, the intent of this request is to allow for the reasonable re-use of this building as an office and the corresponding remodel of the building as a high-quality commercial space. The proposed use would arguably be less intense than the previously authorized use of the Property, thereby reducing any potential conflict between the use of the Property and nearby residential uses. The assurances conditioned through the SUP would guarantee an appropriate re-use of the building that is complimentary and appropriate in use and scale to the surrounding neighborhood.

Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 114-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit amendment will not:

- *Be detrimental to the safety, health, morals and general welfare of the community involved.*

The proposed special use permit amendment will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

- *Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.*

The proposed special use permit amendment will not result in significant traffic impacts to nearby residential neighborhoods. The traffic generation associated with the proposed uses is negligible and in keeping with the original use of the Property.

- *Create hazards from fire, panic or other dangers.*

The property was developed and will be rehabilitated in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- *Tend to overcrowding of land and cause an undue concentration of population.*

The proposed special use permit amendment will not tend to over crowd the land or create an undue concentration of population. No expansions to the existing building are proposed.

- *Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.*

The proposed special use permit amendment would not adversely affect the above referenced City services. To the contrary, the proposal could provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

- *Interfere with adequate light and air.*

The light and air available to the subject and adjacent properties will not be affected. No expansions to the existing building are proposed.

Summary

In summary, we are enthusiastically seeking approval for this SUP, which would allow for the reasonable re-use and rehabilitation of the of the building with an office use. The proposed

office would be limited in scale and could provide for the day-to-day needs of nearby residents while offering opportunities for residents to live and work within or adjacent to their neighborhood. The project would remain consistent with original SUP that was previously authorized while arguably being less intense given the typical daytime public hours of operation associated with that use. The assurances conditioned through the SUP would guarantee an appropriate re-use of the building that is complementary to the surrounding residential neighborhood.