



**City Of Richmond, Virginia**  
**Office of the City Clerk**

**Request to Withdraw Legislation**

Paper Number: Ord. 2021-129

Chief Patron: Mayor Levar Stoney (By Request)

Introduction Date: May 10, 2021

Chief Patron Signature: 

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*For Office Use Only*

Attestation: 

Effective Date: June 11, 2021

INTRODUCED: May 10, 2021

AN ORDINANCE No. 2021-129

To amend Ord. No. 94-30-133, adopted Jun. 13, 1994, which authorized the special use of the properties known as 205 and 207 North Shields Avenue for the purpose of a restaurant and two dwelling units, together with accessory parking, to allow outdoor dining, upon certain terms and conditions.

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Patron – Mayor Stoney (By Request)

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

PUBLIC HEARING: JUN 14 2021 AT 6 P.M.

I. That Ordinance No. 94-30-133, adopted June 13, 1994, be and is hereby amended and reordained as follows:

§ 1. That the ~~[real estate, property]~~ properties known as 205 and 207 North Shields Avenue, and identified as Tax Parcel Nos. W000-0948/035 and W000-0948/036 in the 2021 records of the City Assessor, respectively, ~~[located on the east side of Shields Avenue between Grove and Hanover Avenues, being more completely described as follows: beginning at the point of intersection of the south right of way line of Hanover Avenue and the east right of way line of Shields Avenue; thence extending in a southerly direction along the east right of way line~~

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

~~of Shields Avenue 135.70 feet to the true point or beginning at the intersection of the east right of way line of Shields Avenue and the south right of way line of a 10.70 foot wide public alley; thence extending in an easterly direction 150.00 feet along said alley to a point; thence extending in a southerly direction along the west right of way line of a 20.00 foot wide public alley 44.00 feet to a point thence extending in a westerly direction 150.58 feet along a 20.00 foot wide public alley to a point on the east right of way line of Shields Avenue; thence extending in a northerly direction along said right of way line 44.00 feet to the true point of beginning,] which are situated in a R-6 Single-Family Attached Residential District, [is] are hereby permitted to be used for the continued purpose of a restaurant and two dwelling units, together with accessory parking and outdoor dining, substantially as shown on the first floor plan and site plan entitled: "Joe's Inn", prepared by William Lee Wienckowski, dated January 13, 1993, as revised November 12, 1993, and the second floor plan, prepared by William Lee Wienckowski, dated January 13, 1993, hereinafter referred to, collectively, as "the Original Plans," copies of which are (i) attached [hereto] to and made a part of [this ordinance] Ordinance No. 94-30-133, adopted June 13, 1994, and (ii) as modified by the untitled plans, prepared by an unknown preparer, and undated, copies of which are attached to and made a part of this amendatory ordinance.~~

§ 2. That adoption of this ordinance shall constitute the granting of a special use permit for the real estate, which shall be transferable from the owner of the real estate to the successor or successors in fee simple 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 to the owner of said ~~[real estate]~~ property a building permit in accordance with the ~~[above referenced plans for such purpose(s)]~~ Original Plans, subject to the following terms and conditions:

(a) That the owner of the property 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;

(b) That application for a building permit for the restaurant use and the improvements depicted on the ~~[attached plans]~~ Original Plans shall be made within ~~[sixty (60)]~~ 730 calendar days from the effective date of this ordinance. ~~[Any work required by this ordinance or made necessary by the building code requirements applicable to the uses authorized herein shall be completed and a certificate of occupancy requested within twelve months from the effective date of this ordinance];~~

(c) That the use of the first floors of the buildings on the properties known as 205 and 207 North Shields Avenue shall be as a single restaurant occupying approximately 3,065 square feet, and that the use of the second floor of each building shall be as a single dwelling unit, each dwelling unit consisting of approximately 1000 square feet, substantially as shown on the ~~[attached plan]~~ Original Plans. Total occupancy of the restaurant as shown on the Original Plans shall not exceed 138 seats. Outdoor dining shall be permitted to the rear of 207 North Shields Avenue, substantially as shown on the untitled plans, prepared by an unknown preparer, and undated, copies of which are attached to and made a part of this amendatory ordinance. Seating capacity of the outdoor dining area shall be limited to 36 patrons. A tent may also be used to enclose the outdoor dining area, subject to all applicable building and fire code requirements;

(d) That ~~[six]~~ three parking spaces shall be provided at the rear of 207 North Shields Avenue~~[, and two parking spaces shall be provided at the rear of 205 North Shields Avenue, substantially as shown on the plans]~~. Such parking ~~[areas]~~ area shall be paved with a dust-free, all weather surface and parking spaces shall be delineated on the pavement surface. ~~[Lighting of the parking area at the rear of 205 North Shields Avenue shall be provided substantially as shown on the plans, with the fixture shielded so that the source of illumination is not visible from adjacent properties];~~

(e) That renovations and alterations shall be as shown on the ~~[attached plans]~~ Original Plans. The design and location of the screens enclosing the compressors on the roof of the garages at 205 North Shields Avenue shall be subject to the review and approval of the Director of ~~[Community]~~ Planning and Development Review;

(f) That any encroachments within the public right of way shall be subject to the applicable requirements of the City Code regarding such encroachments;

(g) That identification of the ~~[premise]~~ properties shall be limited to the signage described on the ~~[attached plans]~~ Original Plans in the table entitled “signage” and a wall sign substantially as shown on the untitled plans, prepared by an unknown preparer, and undated, copies of which are attached to and made a part of this amendatory ordinance, provided that the authorization to permit signage on an awning encroaching within the public right of way shall be subject to approval in accordance with the City Code requirements regarding encroachments;

(h) 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;

(i) 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 and building shall be provided and maintained at all times by the owner at its costs and expense so as not to adversely affect or damage adjacent property or public streets and alleys and the use thereof;

(j) That there shall be no exterior alterations or additions to the buildings other than those shown on the ~~[attached plans]~~ Original Plans, as modified by the untitled plans, prepared by an unknown preparer, and undated, copies of which are attached to and made a part of this amendatory ordinance, and other than routine repair and maintenance;

(k) That there shall be no sales of alcoholic beverages for ~~[off-premise]~~ off-site consumption, and that any business entity occupying the ~~[premises]~~ properties shall not be a holder of a license issued by the Commonwealth to make such sales.

(l) That the owner shall provide a minimum one and one-half square foot sign, located in a conspicuous manner within the restaurant, notifying patrons of the availability of off-street parking located on the premises.

(m) That the restaurant shall close its doors to further acceptance of patrons at 12 midnight each night, except for Friday and Saturday nights, when it shall close at 2:00 a.m. the next morning. The restaurant shall open no earlier than 9:00 a.m. on Monday, Tuesday, Wednesday and Thursday, and no earlier than 8:30 a.m. on Friday, Saturday and Sunday. Outdoor dining shall only be permitted on the property from 4:00 p.m. through 9:00 p.m., Monday through Thursday, and 10:00 a.m. through 9:00 p.m., Friday through Sunday.

(n) No less than two covered trash containers shall be provided in the outdoor dining area.

(o) No live music, amplified music, or public address system shall be permitted in conjunction with the outdoor dining use of the property.

§ 4. That should the owner use the [~~premises~~] properties for any purpose which is not permitted by this ordinance, or fails, refuses or neglects to comply with all applicable terms and conditions, and does not terminate such use or comply with such terms and conditions within sixty days after written notice to do so has been given 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 the Department of [~~Community~~] Planning and Development Review, which shall stay the [~~sixty-day~~] 60-day period. Failure to comply with the terms of this ordinance shall constitute a violation of [~~§ 32-1080~~] section 30-1080 of the Code of the City of Richmond [~~,1993~~] (2020), as amended, or other applicable provision.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void or when use of the [~~premises~~] properties is abandoned for a period of [~~twenty-four~~] 24 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.

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

II. That application for a certificate of zoning compliance and any building permit necessary for the improvements depicted on the untitled plans, prepared by an unknown preparer, and undated, copies of which are attached to and made a part of this amendatory ordinance, shall be made within 730 calendar days from the effective date of this ordinance. If

the application for the certificate of zoning compliance and any necessary building permit is not made within the time period stated in the previous sentence, this amendatory ordinance shall terminate and become null and void.

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



# City of Richmond

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

## Item Request File Number: PRE.2021.560

### O & R Request

**DATE:** March 16, 2021 **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.)

**THROUGH:** J.E. Lincoln Saunders, Acting Chief Administrative Officer *JELS*

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

**FROM:** Kevin Vonck, Acting Director, Department of Planning and Development Review *Kevin Vonck*

**RE:** To authorize the amendment of Ord. 94-30-133 to authorize the special use of the properties known as 205 and 207 North Shields Avenue for the addition of outdoor seating, upon certain terms and conditions.

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To authorize the amendment of Ord. 94-30-133 to authorize the special use of the properties known as 205 and 207 North Shields Avenue for the addition of outdoor seating, upon certain terms and conditions.

**REASON:** The subject property is located in the R-6 Single-Family Attached Residential zoning district. Restaurants are not permitted uses in this zoning district and ordinance 94-30-133 was approved by City Council on June 14, 1994 authorizing a restaurant use under certain terms and conditions. These conditions did not include authorizing outdoor dining and the applicant wishes to provide outdoor dining. Therefore a special use permit amendment is required.

**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 May 3, 2021 meeting.

**BACKGROUND:** The subject property consists of two parcels located on the eastern side of North Shields Lane between Hanover and Grove Avenues in The Fan neighborhood. The properties are improved with two attached mixed-use structures containing a restaurant on the ground floor and two dwelling units on the second floor. The area designated for parking in the back of 207 North Shields is proposed to be used for outdoor dining.

The Richmond 300 Master Plan designates the subject property for Neighborhood Mixed-Uses. Primary uses are single-family houses, accessory dwelling units, duplexes, small multi-family buildings and open space. Secondary uses include retail, office, and personal services.

All properties surrounding the subject property are located within the same R-6 Single-Family Attached Residential zoning district. Within the area of the subject property, properties are improved with single and two-family attached dwellings.

**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:** \$200 application fee

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** April 12, 2021

**CITY COUNCIL PUBLIC HEARING DATE:** May 10, 2021

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission  
May 3, 2021

**AFFECTED AGENCIES:** Office of Chief Administration Officer

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

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

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



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) 646-6374

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: 205 and 207 N. Shields Avenue Date: 12-3-20  
 Tax Map # W0000948035 and -036 Fee: \_\_\_\_\_  
 Total area of affected site in acres 0.152 acres

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

**Zoning**

Current Zoning: R-6 with SUP

Existing Use: Restaurant and dwellings

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
Restaurant and dwellings with outdoor patio area

Existing Use Restaurant and dwellings

Is this property subject to any previous land use cases?

Yes  No   
 If Yes, please list the Ordinance Number 94-30-133

**Applicant/Contact Person:** Kristina Kafantaris  
 Company: Trikala Corporation DBA Joe's Inn  
 Mailing Address: 34 Wilway Avenue  
 City: Richmond State: VA Zip Code: 23226  
 Telephone: (804) 304-0016 Fax: \_\_\_\_\_  
 Email: tkafantaris@gmail.com

**Property Owner:** Trikala Corporation DBA Joe's Inn  
 If Business Entity, name and title of authorized signee TINA KAFANTARIS 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: 34 Wilway Avenue State: VA Zip Code: 23226  
 City: Richmond Telephone: (804) 304-0016 Fax: \_\_\_\_\_  
 Email: tkafantaris@gmail.com

**Property Owner Signature:** *Tina Kafantaris*

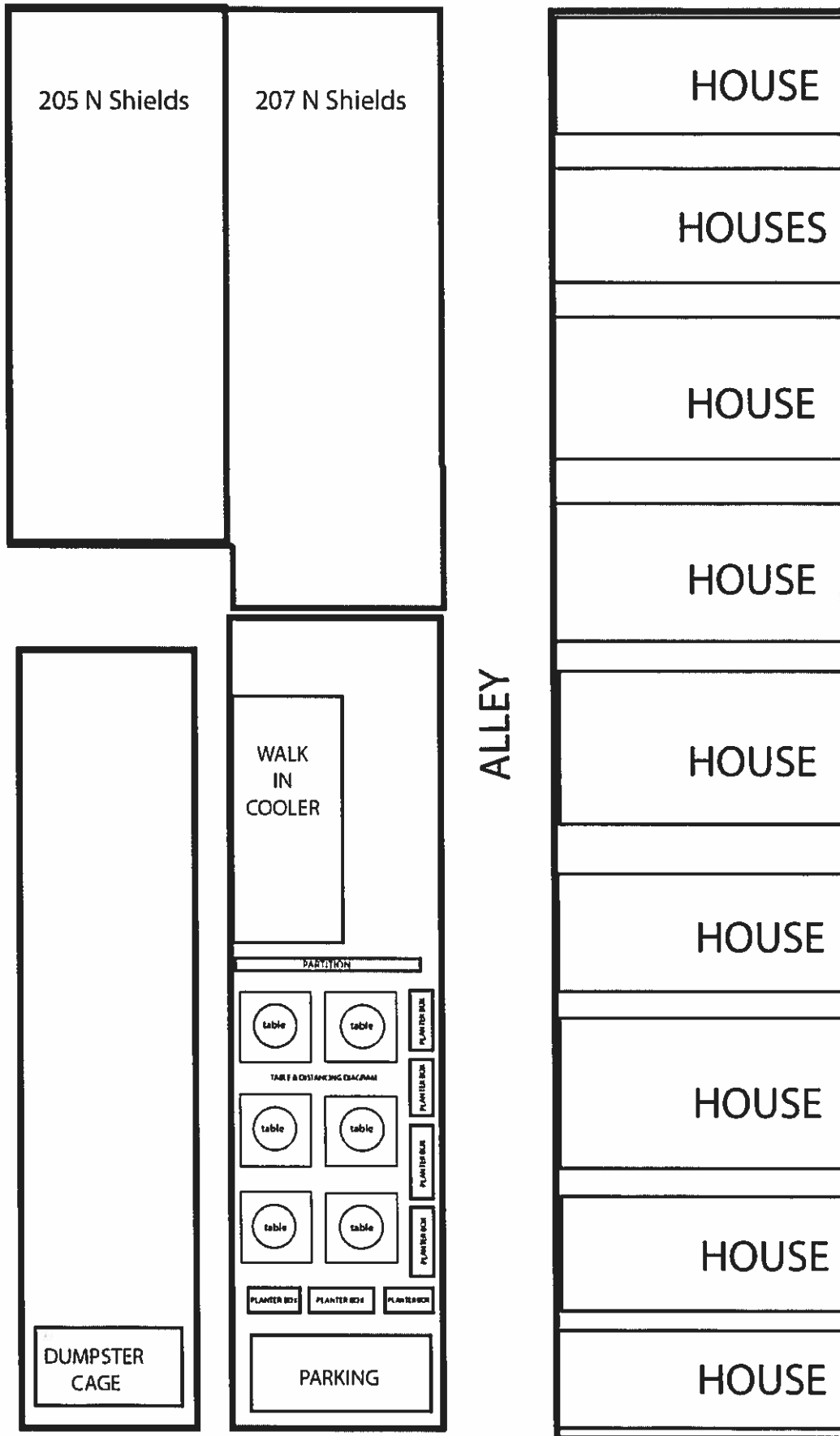
The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

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

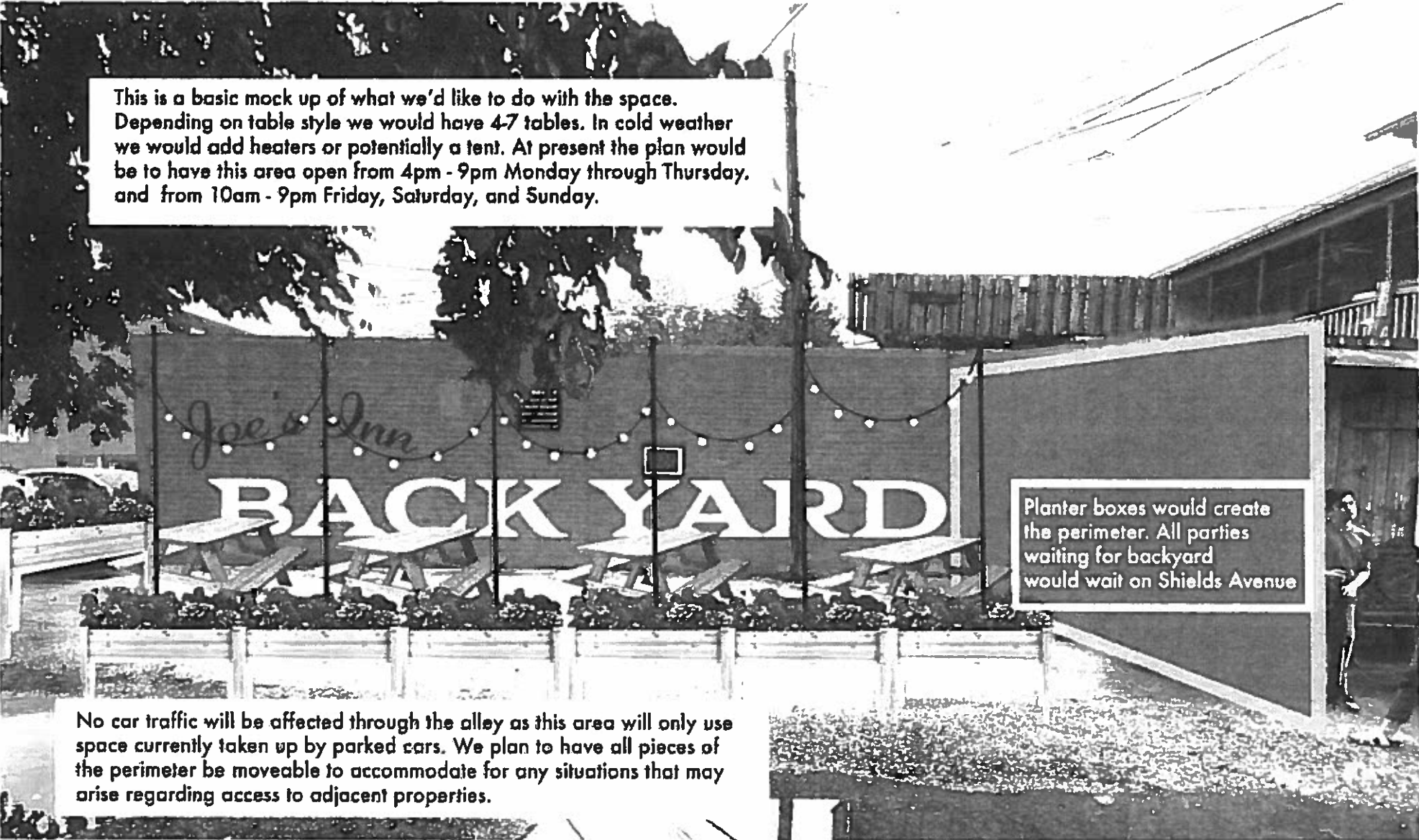
Joe's Inn seeks to amend its Special Use Permit to permit outdoor dining in a portion of the existing parking lot as shown in the enclosed rendering. The proposal is for up to 7 tables with planter boxes and ambient lighting. The pandemic has highlighted the need for outdoor dining which is not possible outside of the parking area for this property. The hours would be 10 a.m. to 9 p.m. and the tables would be secured after hours. Joe's Inn has reached out to the adjacent neighbors and access to the alley will remain clear and open.

The proposed amendment to the existing special use permit will not be detrimental to the safety, health, morals and general welfare of the community involved, tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, create hazards from fire, panic or other dangers, tend to overcrowding of land and cause an undue concentration of population or adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or interfere with adequate light and air.

SHIELDS AVENUE



ALLEY



This is a basic mock up of what we'd like to do with the space. Depending on table style we would have 4-7 tables. In cold weather we would add heaters or potentially a tent. At present the plan would be to have this area open from 4pm - 9pm Monday through Thursday, and from 10am - 9pm Friday, Saturday, and Sunday.

Planter boxes would create the perimeter. All parties waiting for backyard would wait on Shields Avenue

No car traffic will be affected through the alley as this area will only use space currently taken up by parked cars. We plan to have all pieces of the perimeter be moveable to accommodate for any situations that may arise regarding access to adjacent properties.