



## Legislation Details (With Text)

**File #:** ORD. 2020-140      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 5/11/2020      **In control:** City Council

**On agenda:** 7/6/2020      **Final action:** 7/27/2020

**Title:** 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.

**Sponsors:** Mayor Stoney (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord. No. 2020-140, 2. Staff Report, 3. Application Form and Applicant's Report, 4. Plans and Survey, 5. Map, 6. Letter of No Opposition\_Museum District Association

Date	Ver.	Action By	Action	Result
7/27/2020	1	City Council	adopted	Pass
7/6/2020	1	Planning Commission	recommended for approval	
6/8/2020	1	City Council	introduced and referred	

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.

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 of the City Assessor, [being more completely described as follows: *beginning* at a point on the south right of way line of Ellwood 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;

(c) ~~[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;

~~[(H)] (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 ~~[(4)]~~ (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.