AN ORDINANCE No. 2023-352

To authorize the special use of the property known as 1210 Westover Hills Boulevard for the purpose of a vocational school on the ground floor, upon certain terms and conditions.

Patron Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING:

AT6P.M.

WHEREAS, the owner of the property known as 1210 Westover Hills Boulevard, which is situated in a B-2 Community Business District, desires to use such property for the purpose of a vocational school on the ground floor, which use, among other things, is not currently allowed by section 30-436.1 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 create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause

AYES:	8	NOES:	0	ABSTAIN:
ADOPTED:	DEC 11 2023	REJECTED:		STRICKEN:

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 1210 Westover Hills Boulevard and identified as Tax Parcel No. S006-0343/025 in the 2023 records of the City Assessor, being more particularly described in Exhibit A of a deed recorded in the Office of the Clerk for the Circuit Court of the City of Richmond as Instrument #05-003975, and dated January 31, 2005, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a vocational school on the ground floor, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "LB Beauty Academy," prepared by Brad Price, and dated June 22, 2023, 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 vocational school on the ground floor, substantially as shown on the Plans.
- (b) 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 Jaw, 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:

Ct_{nomey's Office}



City of Richmond

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

Master

File Number: Admin-2023-1648

File ID: Admin-2023-1648 Type: Request for Ordinance or Status: Regular Agenda

Resolution

Version: 1 Reference: In Control: City Clerk Waiting

Room

Department: Cost: File Created: 09/18/2023

Subject: Final Action:

Title:

Internal Notes:

Code Sections: Agenda Date: 11/13/2023

Indexes: Agenda Number:

Patron(s): Enactment Date:

Attachments: Admin-2023-1648 - Ordinance - Approved as to Form, Enactment Number:

Admin-2023-1648 - Application Documents, Admin-2023-1648 - O&R Transmital Memo

Contact: Introduction Date:

Related Files:

Approval History

Version	Seq#	Action Date	Approver	Action	Due Date
1	1	10/24/2023	Matthew Ebinger	Approve	10/26/2023
1	2	10/24/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	10/24/2023	Kevin Vonck	Approve	10/31/2023
1	4	10/24/2023	Alecia Blackwell - FYI	Notified - FYI	
1	5	10/24/2023	Sharon Ebert - FYI	Notified - FYI	
1	6	10/24/2023	Caitlin Sedano - FYI	Notified - FYI	
1	7	10/26/2023	Jeff Gray	Approve	10/27/2023
1	8	10/27/2023	Lincoln Saunders	Approve	10/30/2023
1	9	11/9/2023	Mayor Stoney	Approve	10/31/2023

History of Legislative File

Mactor	Continued	(Admin.	2023-1648)
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City of Richmond

Intracity Correspondence

O&R Transmittal

DATE: October 19, 2023

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (by request)

(This is no way reflects a recommendation on behalf of the Mayor)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

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

RE: To authorize the special use of the property known as 1210 Westover Hills Blvd

for the purpose of a vocational school on the ground floor, upon certain terms and

conditions.

ORD. OR RES. No.

PURPOSE: The applicant is requesting a Special Use Permit to authorize a ground floor vocational school, which use, among other things, is not currently allowed by section 30-436.1, concerning permitted principal and accessory uses, of the Code of the City of Richmond (2020), as amended. A Special Use Permit is therefore required.

BACKGROUND: The property is in the Forest View neighborhood situated on a block bounded by Clarence Street, Forest Hill Ave, Jahnke Road, and Westover Hills Blvd. The property is currently a 26,902 sq. ft. (0.6 acre) parcel of land. The City's Richmond 300 Master Plan designates a future land for the subject property as Community Mixed-Use, which is defined as "Cluster of medium-density, walkable commercial and residential uses that provide neighborhood services to nearby residential communities and sometimes feature regional attractions."

"Intensity: Buildings generally ranging from two to six stories, based on street widths and depending on the historic context and stepping down in height adjacent to residential areas, as necessary. New buildings that are taller than historical buildings should step back from the build-to line after matching the height of the predominant cornice line of the block.

Primary Uses: Retail/office/ personal service, multi-family residential, cultural, and open space. Secondary Uses: Single-family houses, institutional, and government." (p. 58)

The current zoning for the property is B-2 Community Business District and is situated within the Westover Hills neighborhood node which is made up of B-2, UB-2, RO-2 and R-5 districts. The Westover Hills node includes a mix of commercial and institutional uses and is primarily surrounded by residential single-family uses. The node is intersected Forest Hill Ave and Westover Hills Blvd, which are identified as major mixed-use streets.

COMMUNITY ENGAGEMENT: The Forest View Civic Association was notified of the application; additional community notification will take place after introduction.

STRATEGIC INITATIVES AND OTHER GOVERNMENTAL: Richmond 300 Master Plan; Will be considered by Planning Commission on December 4, 2023 (tentative).

FISCAL IMPACT: \$2,400 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: November 13, 2023

CITY COUNCIL PUBLIC HEARING DATE: December 11, 2023

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

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

STAFF: Matthew J. Ebinger, Planning Supervisor - Land Use Administration 804-646-6308 James Dealaman, Planner Associate - Land Use Administration 804-646-0455

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: 1210 Westover Hills Blvd. Richmond Date: June 24, 2023 Parcel I.D. #: \$00 603 430 25 Fee: \$24 00 Total area of affected site in acres: 26902.15
(See page 6 for fee schedule, please make check payable to the "City of Richmond")
Zoning Current Zoning: 3 · 2
Richmond 300 Land Use Designation: Comm-mu (Community Mixed Use)
Proposed Use (Please include a detailed description of the proposed use in the required applicant's report) Vocational (Beauty) School-Training - 5-7 cm planes - Existing Use: vacant commercial building - was a church
Is this property subject to any previous land use cases? Yes No If Yes, please list the Ordinance Number:
Applicant/Contact Person: Stephanie T. Smith Company: LB Beauth Academy Mailing Address: 3412 Rosewood Ave. City: Rich mond State: VA Zip Code: 23 221 Telephone: (804) 305.0550 Fax: () Email: 10 beauth academy & gmail. wm
Property Owner: Oxbridge Properties LLC Marion Cabell Cheracelf-owner If Business Entity, name and title of authorized signee: Marion Cabell Cheracelf-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: 1600 West brook Ave #216 City: Dichmond State: VA Zip Code: 23327 Telephone: (804) 5-16-59-72 Fax: () Email: Meyon: Chence: (+@ hotmail conv
Property Owner Signature: Y December 12 and all the same of the sa

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

Stephanie J. Smith
Owner/Director – LB Beauty Academy
June 24, 2023

RE: 1210 Westover Hills Blvd

I am seeking assistance in receiving a Special Use Permit. The request is being asked because of the ordinance; Sec. 30-436.1

(30)Professional, business and vocational schools when located above the ground floor of buildings, and provided that no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

LB Beauty Academy is a vocational school, which has approximately 7 employees and approximately 30 students between the day and evening classes.

LB Beauty Academy, the vocational school, would be an asset to the community, where we accept our veterans and their families, and we are vendors with Richmond City Social Services. We are also, active in the community.

Having said that, a vocational school that is unable to be on a ground level facility would be quite difficult to service, those with special needs and/or those that are handicap. Also, this would not be within the regulations of the State Department of Professional and Occupational Regulation. The property, 1210 Westover Hills Blvd, is already handicap accessible, but with ordinance Sec. 30-436.1 hinders LB Beauty Academy to operate.

LB Beauty Academy, Inc. was established in 2000 and is now located in Scott's Addition. LB Beauty Academy does not cause any harm to its students nor neighboring businesses and/or homes. It would not adversely affect or interfere with private schools, public schools, parks and/or playgrounds. I would like to think that we would be able to work together in the community.

I would appreciate your approval of the Special Use Permit for 1210 Westover Hills Blvd.

Respectfully submitted

June 7, 2023

Re: 1210 Westover Hills Blvd

Koren Lew

Forest View Civic Association

To Whom It May Concern:

I am writing in regards to property 1210 Westover Hills Blvd.

My name is Stephanie Smith, and I am the owner of LB Beauty Academy, Inc. established in 2000. This is a vocational Academy that teaches and/or assist young adults who are not attending college, middle age adults who seek to change professions, veterans and their families; and we are a vendor for social services in Richmond City.

For the past 20 years, we are/were located in the Scott's Addition area. So we have seen the transformation and building up of that area. The Academy has grown over the years where we are in need of a larger space and access to parking. I found the ideal property, 1210 Westover Hills Blvd; a larger space, ample amount of parking and is the correct zone (B2).

So I have signed the lease, started renovations on the building and while that is in the process, I started to transfer the Academy's business license with the City. On May 31, 2023, I received an email from a planning associate in the zoning department of Richmond City, stating that my permit has been denied for the following ordinance:

Sec 30-436.1

(30) Professional, business and vocational schools when located above the ground floor of buildings, and provided no heavy machinery, welding equipment or internal combustion engine shall be used in conjunction therewith;

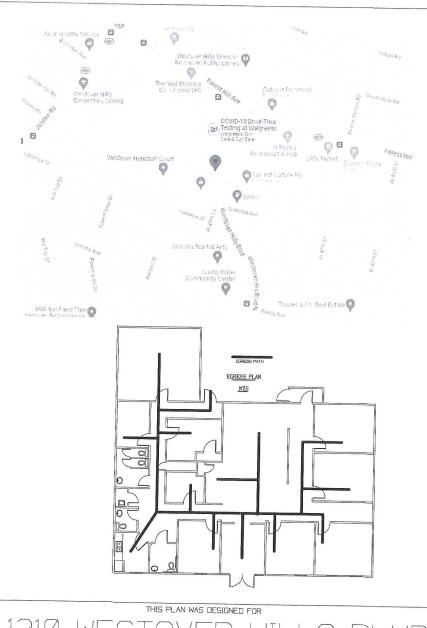
As I followed up with the associate, I was told to apply for a 'Special Use Permit', which will allow the Academy to operate at a building that is ground level.

This is the reason for my letter. I would like to continue the process of applying for a 'Special Use Permit'. Being licensed by the State of Virginia, to hold a vocational school, it must be handicap accessible. So not being on ground level may cause some difficulties.

I am requesting your assistance to update the ordinance (Sec. 30-436.1) for property (1210 Westover Hills Blvd), which is already accessible to those with disabilities. If you could be so kind to write a letter stating your position in regards to the request. Forward the letter to myself, so I may submit with my application.

Email: |bbeautyacademy@gmail.com | Mailing Address: 3114 W. Marshall Street - Richmond 23230

Thanking you in advance, Stephanie J. Smith



LB BEAUTY ACADEMY

THE VIRGINIA LEGISLATURE INCORPORATED "TITLE 28 000E OF FEDERAL REGUALTIONS PART 35 - NOVINEERINIMATION ON THE BASIS OF DISABILITY BY PUBLIC ACCOMMODATIONS AND IN COMPRENIAL FACILITIES, SUPPART 5 - CENERAL PARAGRAPH 58182 DETINITIONS DESCRIPTIONS DESCRIPTIONS OF STATEMENT OF ST

24° MAX CLEAR FLOOR SPACE SPOUT HEIGHT & KNEE CLEARANCE

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NO MECHANICAL CHANGES TO EXISTING BUILDING
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ADDITION OUTLET'S & LIGHTS AS PER NEC 2018
NO SUSPENDED CELLING TO BE ADDED BATHROOMS UNCHANGED EXCEPT BAR ADDITION AS SHOWN

12" MIN TOILET PAPER 14.-19. BACK WALL SIDE WALL

GRAB BARS & WATER CLOSETS

NEW DOOR SCHEDULE ALL NEW= 36" 6 PANEL INTERIOR DOOR w/ ADA HARDWARE

PLANS DRAWN BY BRAD PRICE NETCAD DRAFTING, INC. 563 RIVERVIEW RD COLONIAL HEIGHTS, VA 25834

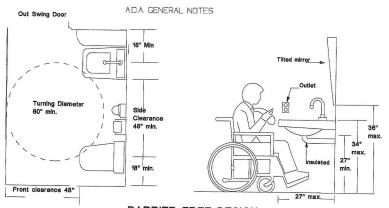
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OCCUPANCY CLASS E (CHANGED FROM A-5)
OCCUPANT LOAD CLASSROOMS 20 NET 100 NET ALL OTHER AREAS

OCCUPANT LOAD 49 USING SIGN SO CLASS B AS PER CODE

CONSTRUCTION TYPE III-B PLUMBING REQUIREMENTS



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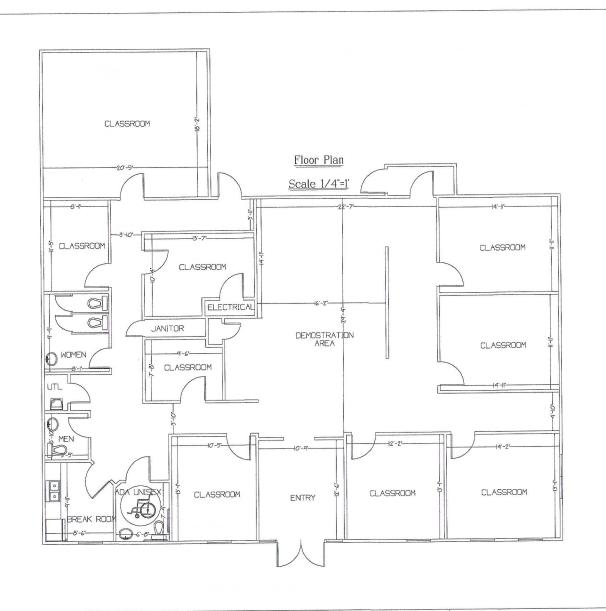
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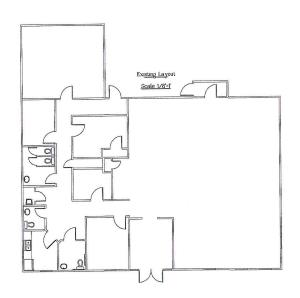
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LAVATORY CLEARANCE

BUILD-OUT COVER SHEET

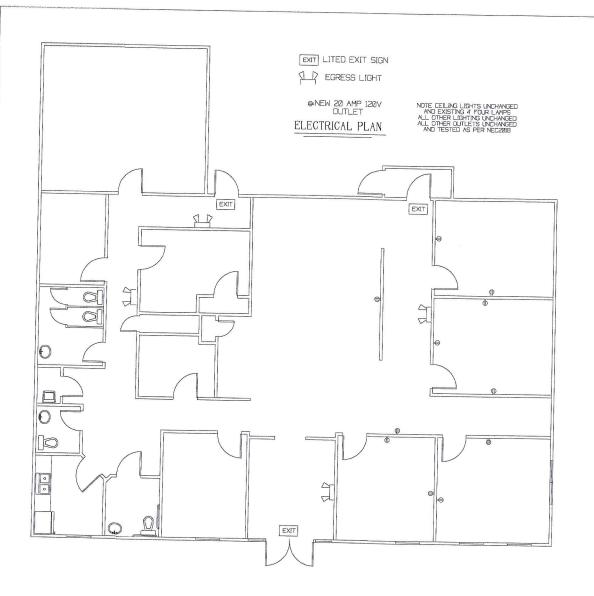
DATE OF PLANS 6/22/23 PLANS DRAWN BY BRAD PRICE

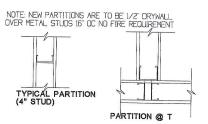




THIS PLAN WAS DESIGNED FOR

BUILD-OUT FLOOR PLAN DATE OF PLANS 6/22/23 PLANS DRAWN BY BRAD PRICE





ELECTRICAL NOTES:

- l. WORK TO BE PERFORMED AS PER IBC 2018 & NEC 2. Total Computed Load 17338 Volt-Amps Computed Amperage 17358 divided by 240 = 72Amps 3. Total Neutral Load = 3653VA Total Neutral Amperage = 37Amps

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13	RECEPTACLE RECEPTACLE	12	20A 20A	30A	10	OUTSIDE UNIT	12
15	RECEPTACLE	12	20A	20A	12	NEW OUTLET	16
17 19 21	OUTSIDE UNIT	10	301	20A 20A	12	NEW OUTLET NEW OUTLET	18 20
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ALL OTHER CIRCUTS EXISTING AND UNCHNAGED

THIS PLAN WAS DESIGNED FOR

1210 WESTOVER

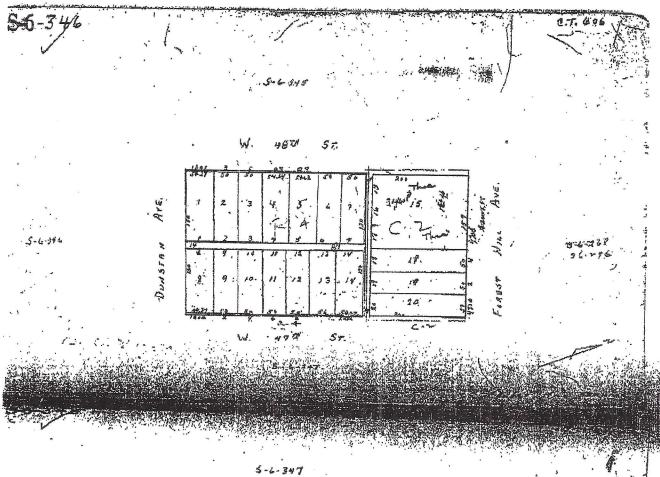
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BUILD-OUT ELECTRICAL

DATE OF PLANS 6/22/23 PLANS DRAWN BY BRAD PRICE

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City of Richmond Department of Planning & Development Review

Special Use Permit

LOCATION: 1210 Westover Hills Blvd.

APPLICANT: LB Beauty Academy

COUNCIL DISTRICT: 4

PROPOSAL: To authorize the special use of the property known as 5204 Campbell Avenue for the purpose of two single-family detached dwellings, upon certain terms and conditions.

For questions, please contact Matthew Ebinger at 804-646-5789 or matthew.ebinger@rva.gov

