

LAW OFFICES
KANE, JEFFRIES, COOPER & CAROLLO, LLP
1700 BAYBERRY COURT AT FOREST AVENUE
SUITE 103
HENRICO VIRGINIA 23226-3762

KANE & JEFFRIES, P.C.
WILLIAM L. JEFFRIES, JR.
ROBERT E. KANE, JR.
PATRICK D. CAROLLO
ANNIE L. STEPHENS MALO

AREA CODE 804
288-1672
FAX 285-7365

THOMAS A. COOPER, P.C.
THOMAS A. COOPER

May 4, 2015

Department of Planning and Development Review
Land Use Administration Division
City Hall, Room 511
900 E. Broad Street
Richmond, VA 23219

Re: Request for an Amendment to Special Use Ordinance 84-311-280


Dear Department of Planning and Development Review:

Attached is my application for an Amendment to Special Use Ordinance 84-311-280 on behalf of the current owners, James R. Watkins and David M. Watkins. The original Special Use Permit was approved in 1984 for the property located at 19 S. Belmont Ave, Richmond, VA 23221 (Tax ID W0001358037) (hereinafter "Property").

Overall, the goal of these changes is to keep the property in compliance with its Special Use Ordinance as a commercial space while allowing the owner more flexibility with finding a new, hopefully long term, tenant for the space.

Thank you, and should you have any questions, please do not hesitate to call. With kindest regards, I remain.

Very Truly Yours,



Annie L. Stephens Malo

Enclosures



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

Project Name: Belmont Special Use Permit Amendment Date: March 23, 2015

Property Address: 19 S. Belmont Ave, Richmond, VA 23221 Tax Map #: W0001358037

Fee: \$1,800.00 Total area of affected site in acres: 0.138 (6,000 sq ft)
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: RO-2

Proposed Use

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

Existing Use: Commercial Retail Space

Is this property subject to any previous land use cases? Yes

Yes No

If Yes, please list the Ordinance Number:

Special Use Permit Ordinance 84-311-280

Applicant/Contact Person: Annie L. Stephens Malo

Company: Kane Jeffries Cooper & Carollo, LLP

Mailing Address: 1700 Bayberry Court, Suite 103

City: Henrico State: VA Zip Code: 23226

Telephone: (804) 288-1672 Fax: (804) 288-7365

Email: asm@kanejeffries.com

Property Owner: David M. Watkins

If Business Entity, name and title of authorized signee: _____

(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: 121 John Smith Trail

City: Lanexa State: VA Zip Code: 23089

Telephone: (804) 366-3512 Fax: ()

Email: ~~asm@kanejeffries.com~~ mkwatkins77@gmail.com

Property Owner Signature: David M Watkins

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)



Application for SPECIAL USE PERMIT

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Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
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Proposed Use

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

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If Yes, please list the Ordinance Number:

Special Use Permit Ordinance 84-311-280

Applicant/Contact Person: Annie L. Stephens Malo

Company: Kane Jeffries Cooper & Carollo, LLP

Mailing Address: 1700 Bayberry Court, Suite 103

City: Henrico State: VA Zip Code: 23226

Telephone: (804) 288-1672 Fax: (804) 288-7365

Email: asm@kanejeffries.com

Property Owner: James R. Watkins

If Business Entity, name and title of authorized signee: _____

(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: 121 John Smith Trail

City: Lanexa State: VA Zip Code: 23089

Telephone: (804) 432-9446 Fax: ()

Email: _____

Property Owner Signature: James R. Watkins

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.

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THOMAS A. COOPER, P.C.
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May 1, 2015

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Land Use Administration Division
City Hall, Room 511
900 E. Broad Street
Richmond, VA 23219

Re: Request for an Amendment to Special Use Ordinance 84-311-280

Dear Department of Planning and Development Review:

I am requesting an Amendment to Special Use Ordinance 84-311-280 on behalf of the current owners, James R. Watkins and David M. Watkins. The original Special Use Permit was approved in 1984 for the property located at 19 S. Belmont Ave, Richmond, VA 23221 (Tax ID W0001358037) (hereinafter "Property"). The Property is located in an RO-2 district. The Property's current Special Use Permit strictly limits it to use as a frame shop. My clients are expecting the current tenant to depart at the end of the year, and they would like to have the current Special Use Ordinance amended in order to allow for a broader range of potential new tenants.

My clients respectfully request the following changes to Special Use Ordinance 84-311-280:

- 1) Section 1 currently limits use to an "art and frame shop." We request that this be broadened to allow for commercial use more closely related to all the buildings on West Cary Street that are directly adjacent to the Property that are zoned UB-PO2 for Urban Business. More specifically, my clients request approval for the property to be potentially used for:
 - a. Art galleries;
 - b. Grocery stores, convenience stores and specialty food and beverage stores, including bakeries where products are sold principally at retail on the premises;
 - c. Office supply, business and office service, photocopy and custom printing establishments;

- d. Offices, including business, professional and administrative offices, medical and dental offices and clinics, and studios of writers, designers and artists engaged in the arts;
 - e. Personal service businesses that provide services directly to persons or services for personal items, including barber shops, beauty salons, health spas, fitness centers, dance studios, photography studios, travel agencies, shoe repair shops, tailor and garment alteration and repair shops, clothing rental stores, watch and jewelry repair shops and similar establishments and excluding tattoo parlors;
 - f. Retail stores and shops;
 - g. Service businesses that service, repair or rent audio or video equipment, home appliances, furniture, personal recreational equipment, home yard and garden equipment, tools, bicycles, locks, computers, office machines and similar household or business items; provided that no products shall be serviced, repaired, stored or displayed outside a completely enclosed building and no internal combustion engine shall be repaired or serviced;
 - h. Showrooms and display areas for goods which are sold at both wholesale and retail on the premises, including the storage and distribution of such goods in conjunction therewith;
- 2) Section 2(d) currently limits the number of employees on the property to a maximum of four. Considering the property is adjacent to an Urban Business District and has approximately 6,000 sq ft of operating space. A maximum of four employees is very limiting. We request that this limit be removed altogether.
 - 3) Section 2(h) currently limits the signage on the building to "identification of the premises shall be limited to one sign, not exceeding six square feet in area, mounted flat on a vertical surface of the building." Since the property is located down a street adjacent to a busy business district, signage posted flat on the building is not visible to pedestrian traffic. Since we expect that a large portion of a tenant's business will be due to pedestrian or bicycle traffic, we request that this limitation be edited to remove the word "flat" from the description. A limitation may be added limiting the distance extended from the building to twenty-three inches in order to avoid encroachment on the property of others.

We believe the above proposed changes should be allowed by the Planning Commission and City Counsel. While they are amendments to the original Special Use Permit, they are still in line with allowing a continuing commercial use of the Property that is already adjacent to a commercial business district. In accordance with City of Richmond Code of Ordinances, Division 6, Section 114-1050.1, none of the above changes will be detrimental to the safety, health, morals, or general welfare of the community. They will not create any more congestion in the streets, roads, or other public ways than the current use already creates. They do not create hazards from fire, panic or other dangers. These changes will not create more crowding of the space than already exists because the space is already a commercial retail establishment. They 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 they don't interfere with adequate light and air in the area.

Overall, the goal of these changes is to keep the property in compliance with its Special Use Ordinance as a commercial space while allowing the owner more flexibility with finding a new, hopefully long term, tenant for the space.

Thank you, and should you have any questions, please do not hesitate to call. With kindest regards, I remain.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Annie L. Stephens Malo". The signature is fluid and cursive, with a large initial "A" and "S".

Annie L. Stephens Malo

Enclosures