

INTRODUCED: January 11, 2021

AN ORDINANCE No. 2021-012

To authorize the special use of the property known as 821 Albemarle Street for the purpose of a personal service business, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: FEB 8 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 821 Albemarle Street, which is situated in a R-7 Single- and Two-Family Urban Residential District, desires to use such property for the purpose of a personal service business occupying the first level of the existing structure, which use, among other things, is not currently allowed by section 30-413.2 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

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: FEB 8 2021 REJECTED: _____ STRICKEN: _____

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 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 821 Albemarle Street and identified as Tax Parcel No. W000-0167/001 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Improvements on #821 Albemarle Street in the City of Richmond, Virginia.,” prepared by Harvey L. Parks, Inc., and dated September 11, 2019, hereinafter referred to as “the Property,” is hereby permitted to be used for the purpose of a personal service business occupying the first level of the existing structure, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “Neon Studio, Marisa Freeman, 821 Albemarle St., Unit B, Richmond, VA 23220,” prepared by Laura Miller, CID, and dated August 18, 2019, 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 personal service business occupying the first level of the existing structure, substantially as shown on the Plans.

(b) The second floor of the existing structure on the Property shall remain as a residential use.

(c) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.

(d) No off-street parking shall be required for the Special Use.

(e) Signs for the Special Use shall be regulated by the sign requirements for the R-63 Multifamily Urban Residential District set forth in subsections (2) and (3) of section 30-507.1 of the Code of the City of Richmond (2020), as amended.

§ 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 law, 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.

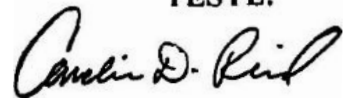
(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute 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 Zoning Administrator is authorized to issue a certificate of zoning compliance for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the certificate of zoning compliance shall be made within 730 calendar days following the date on which this ordinance becomes effective. If the application for the certificate of zoning compliance is not made with the time period stated in the previous sentence, 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.

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.2020.428

O & R Request

DATE: December 14, 2020

EDITION: 1

TO: The Honorable Members of City Council

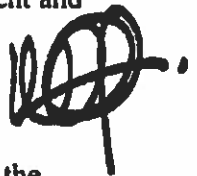
THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)



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

JELS 

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 authorize the special use of the property known as 821 Albemarle Street, for the purpose of a personal service uses, upon certain terms and conditions.

ORD. OR RES. No. ____

PURPOSE: To authorize the special use of the property known as 821 Albemarle Street, for the purpose of a personal service uses, upon certain terms and conditions.

REASON: The request is to authorize personal service uses in a two-family attached. The personal service will occupy the first floor and the second floor will remain residential. Personal services are not permitted uses in the R-7 Single and Two-Family Urban Residential Zoning District where it is located. Therefore a special use permit 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 February 1, 2021, meeting.

BACKGROUND: The subject property is 22 feet in width and contains 2,438 square feet (.056 acres). Improvements to the property are a two-story building located on the corner of Albemarle and South Cherry Street. The structure was built in 1890 as a mixed-use building with retail on the first floor and a residence on the second floor. The ground floor contained a legally nonconforming grocery store

until the early sixties when the use was abandoned. The building remained vacant until 2005 when the Board of Zoning Appeals granted a special use to allow the renovation and conversion of the property into a two-family attached dwelling. The proposal calls for the first floor area to return to commercial uses in the form of a beauty salon. From the street, the first floor retains the original appearance of a storefront with a residence on the second floor.

The City of Richmond's Master Plan designates the subject property for Downtown General Urban Area. *The General Urban Area is characterized by medium-density, mixed-use development, distributed along medium-sized blocks. Old Manchester is an example of the general urban condition in Richmond. This district is characterized by single-family homes, side yard houses, row houses, and small multifamily buildings, such as duplexes, triplexes, and quads. These buildings have variable setbacks and landscaping, and a limited mix of commercial and civic uses.*

The land to the north, south and east of the subject property is located within the same R-7 Single and Two-Family Urban Residential Zoning District and contain residential uses. To the west, across South Cherry Street, is the Hollywood Cemetery on land located in the R-5 Single-Family Residential zoning district.

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: \$300 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: January 11, 2021

CITY COUNCIL PUBLIC HEARING DATE: February 8, 2021

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
February 1, 2021

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

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Property and Plans, Application and Narrative, Map

STAFF: David Watson, Senior Planner, Land Use Administration, 804-646-1036
David.Watson@Richmondgov.com

DATE IS TO CERTIFY THAT BY 88-84-2019
 MADE AND ACCURATE FIELD SURVEY BY THE ABOVE
 SHOWN HEREIN AND THAT THERE ARE NO EASEMENTS
 OR ENCROACHMENTS HEREON OR THE DRAWING OTHER
 THAN THOSE SHOWN HEREON.

THE PROPERTY IS IN FULL OPEN FLOOD
 HAZARD AREA, ZONING IS AS SHOWN ON THE
 COMMUNITY PLAN, 2017-2020, DATED 04-04-2018

10' ALLEY

22.06 FM
 22.16 DEED
 22.02 PLAT IN DB 584A PG 50

NAL/S

FNC/
 0.30'
 OFF

RETAINING
 WALL
 0.20'
 ON

ASPHALT



SUBJECT PARCEL:
 #821
 PAR ID: W000167001
 DEED ID 2017-02159
 2425 SQ FT
 THERE ARE NO WETLANDS
 ON SUBJECT PARCEL
 AND IT DOES NOT APPEAR
 TO BE IMPACTED BY AN RPA.

110.00'

CONC
 WALL &
 FNC

0.06'
 IN
 R/W

DECK

110.00'
 CHERRY STREET
 VARIABLE WIDTH R/W

BLDG
 0.30'
 ON

BLDG
 0.08'
 ON

P/L ALONG
 PARTY WALL

#821
 2 STORY
 BRICK
 W/
 BASEMENT

#819
 W0080167002
 DB 739 PG 1135
 N/F FLOYD

FACE
 BLDG
 ONLINE

BLDG
 COR 0.24'
 IN R/W

BLDG
 COR 0.28'
 IN R/W

CORNICE
 OVER
 ±0.8'

BLDG
 ON
 LINE

89°42'30"

BLDG
 COR 0.15'
 IN R/W

22.06 FM
 22.16 DEED
 22.02 PLAT IN DB 594A PG 47

BLDG
 COR 0.30'
 IN R/W

CORNICE
 OVER
 ±1'

SUBJECT PAR:
 C/O FREEMAN
 W0000167001
 DEED ID 2017-02169

THIS SURVEY IS SUBJECT TO ANY EASEMENTS
 OF RECORD AND OTHER PERTINENT FACTS
 WHICH A TITLE SEARCH MIGHT DISCLOSE.

HARVEY L. PARKS, INC.
 4508 W. HUNDRED ROAD
 CHESTER, VA
 PHONE: 804-748-8641
 EMAIL: SURVEYS@HARVEYL.PARKS.COM

DATE: SEPTEMBER 11, 2019 SCALE: 1"=10'
 DRAWN BY: H.T.J.
 CHECKED BY: R.L.D.
 F.S.#: 622, PG. 88 62268.dwg

ALBEMARLE STREET
 66' R/W

PLAT SHOWING IMPROVEMENTS ON
 #821 ALBEMARLE STREET
 IN THE CITY OF
 RICHMOND, VIRGINIA.



GENERAL NOTES

 Hatched area indicates adjacent to owner

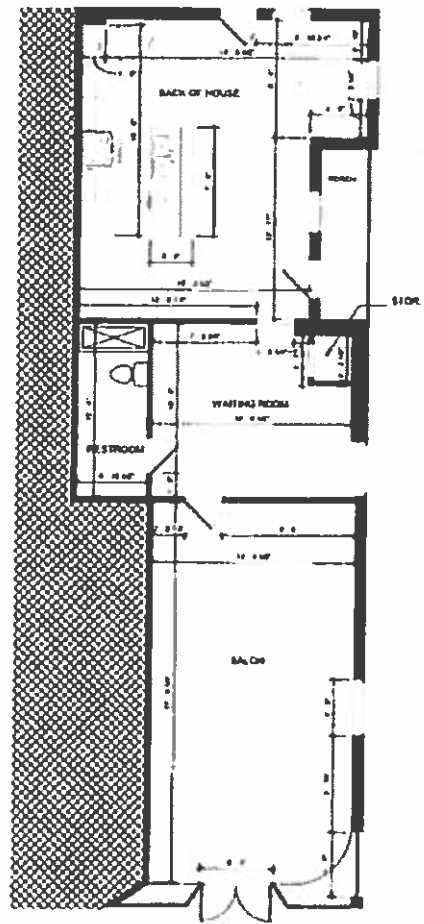
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE LOCAL ORDINANCES.

LARBA MILLER, LLC
10700 STATE ROAD 1000 ON
PROVIDENCE FORCE, VA 21140
PHONE 757 656 2611
EMAIL info@larbamiller.com

NEON STUDIO

Marissa Freeman

821 Albemarle St.
Unit B
Richmond, VA 23220



1.01 FIRST FLOOR - EXISTING

NOT TO SCALE
DIMENSIONS SHOWN FOR SPECIFIC USE ONLY



1.02 OVERALL FLOOR PLAN - EXISTING FIRST FLOOR

A101



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) 645-6304
<http://www.richmond.gov/>

SUP-078733-2020

- 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: 821 Albemarle St.
 Tax Map #: _____ Fee: _____
 Total area of affected site in acres: .056 acres

Date: 5/30/20
 Parcel ID W0000167001
9/11/2020

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

Zoning

Current Zoning: R-7

Existing Use: Two family converted

Proposed Use

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

Existing Use: Residential. Renting out upstairs and living in downstairs

Is this property subject to any previous land use cases?

- Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Robert and Marissa Freeman

Company: _____

Mailing Address: 121 Saw Mill Rd and 821 B Albemarle St.

City: W'ham State: VA Zip Code: 23188

Telephone: (787) 271-0030 Fax: _____

Email: freemanimal@yahoo.com

Property Owner: Robert and Marissa Freeman

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

(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: same as above

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Email: freemanimal@yahoo.com

Property Owner Signature: [Signature]

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)



Please allow me to introduce myself. My name is Marissa Freeman and I am a trained and licensed cosmetologist. I have advanced training and do extensive continuing education in coloring, cuts, and extensions. My creations can be seen on Instagram under the handle @Marissa_Tames_Manes.

I am seeking a special use permit to open a small salon at 821 Albemarle Street right across from the Hollywood cemetery. This address is in the Oregon Hill part of Richmond. Those familiar with Oregon Hill know that it has a close working class and college student population. There are many buildings that have a store front lower level which were used for small businesses many years ago. My home has one of these store fronts and I would like to turn it into a small neighborhood salon.

After 10 years of working as a professional hair artist in multiple very different salons, I've learned what kind of environment I want for myself. I want to create a beautiful, cozy, relaxing environment where I can provide bespoke services to my clients. I have no interest in a big bustling salon, but instead prefer a small quiet space where my clients can get the relaxation they deserve while they receive their hair services.

I have thought out this plan so as to avoid any negative affects to the neighborhood I so adore. Since my salon will be so small scale, parking will not be an issue. I even have a private parking space to use if needed.

I believe Oregon Hill would benefit from adding another small business such as mine. I am aware that the neighborhood has changed a lot with the influx of VCJ rentals and I would like to use this opportunity to take Oregon Hill back to its roots and convert my storefront back to a business that I feel the neighborhood could enjoy.