

**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: 1410 W 43rd Street Date: \_\_\_\_\_  
Tax Map #: S0002794006 Fee: \$1,200  
Total area of affected site in acres: 0.09

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

**Zoning**

Current Zoning: R-4

Existing Use: Office, Studio, and/or Gallery

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)  
Amend existing SUP to allow certain uses on the Property.

Existing Use: Office, Studio, and/or Gallery

Is this property subject to any previous land use cases?

Yes

No



If Yes, please list the Ordinance Number: SUP 95-281-275

**Applicant/Contact Person:** Will Gillette

Company: Baker Development Resources

Mailing Address: 530 East Main Street, Suite 730

City: Richmond State: VA Zip Code: 23219

Telephone: (864) 3779140

Fax: ( )

Email: will@bakerdevelopmentresources.com

**Property Owner:** BARNSTAR PROPERTIES LLC

If Business Entity, name and title of authorized signee: Nery Nordheim, CEO

(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: 619 W 26TH ST

City: RICHMOND State: VA Zip Code: 23225

Telephone: ( ) 804-677-9474

Fax: ( )

Email: nordheim@barnstar.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)

# APPLICANT'S NARRATIVE

*January 30<sup>th</sup>, 2023*

*Special Use Permit Amendment Request  
Ord. 95-281-275 (Adopted November 13<sup>th</sup>, 1995)  
1410 W 43<sup>rd</sup> Street, Richmond, Virginia  
Map Reference Number: S000-2794/006*

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Submitted to:

**City of Richmond**

Department of Planning and Development Review  
Land Use Administration  
900 East Broad Street, Suite 511  
Richmond, Virginia 23219

Submitted by:

Mark Baker

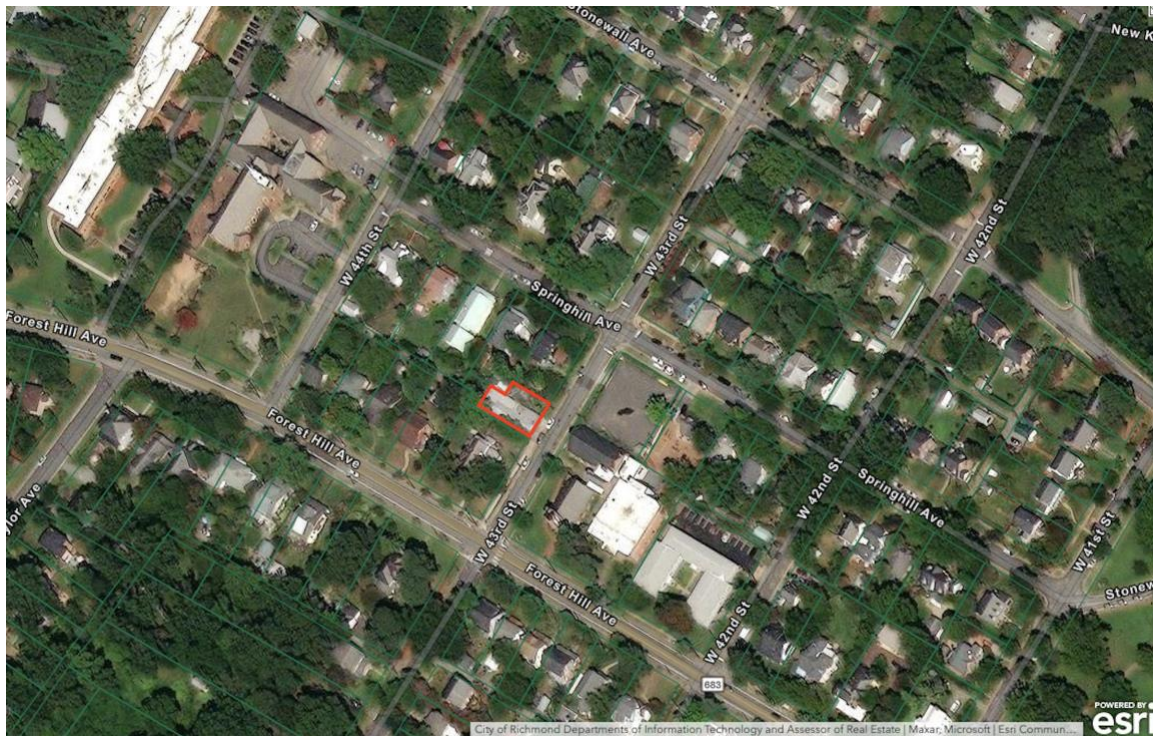
Baker Development Resources  
530 East Main Street, Suite 730  
Richmond, VA 23230

## Introduction

The applicant is requesting a special use permit amendment (the “SUPA”) for the property known as 1410 W 43<sup>rd</sup> Street (the “Property”). The use of the Property “for the continued occupancy of the existing building for artists and craftsman [sic] studio and art and craft gallery purposes or for the conversion for office purposes” was authorized by a Ord. 95-281-275 (the “SUP”) which was approved by City Council on November 13<sup>th</sup>, 1995. The proposed SUPA would modify some of the existing conditions relating to the original SUP and authorize the use of the existing building as a retail and/or art store. All other aspects of the previous special use permit would be retained.

## Existing Conditions

The Property is located on the west side of W 43<sup>rd</sup> Street between Forest Hill and Springhill Avenues. The irregularly shaped parcel has 55 feet of frontage along W 43<sup>rd</sup> Street, is 83 feet deep along its southern property line and contains roughly 3,920 square feet of area. The Property was previously occupied with a small structure, constructed c. 1950, which housed the 43<sup>rd</sup> Street Gallery as authorized by the original SUP.



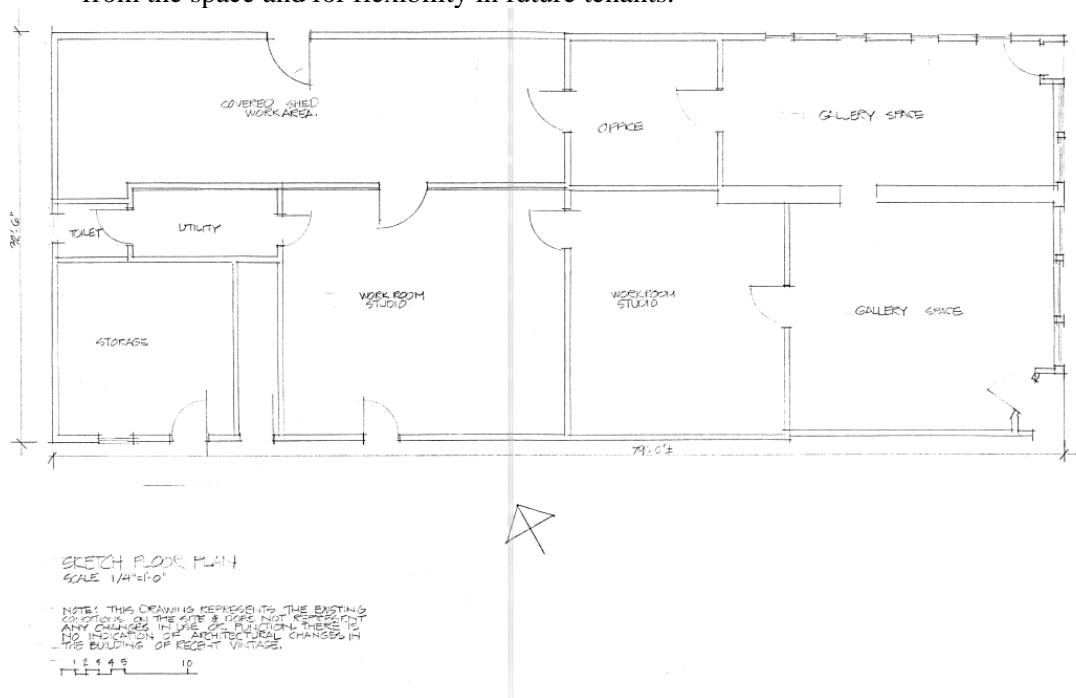
## Proposal

The previously approved SUP permitted the use of the Property for “the continued occupancy of the existing building for artist and craftsman studio and art and craft galley purposes or for conversion for office purposes, upon certain terms and conditions.” The proposed SUPA:

1. Would utilize the same general floor plan and layout of the structure with the option to separate the two gallery spaces which front W 43<sup>rd</sup> Street to allow for two individual



- uses, as permitted by the SUPA, to be leased out separately. And for the sign regulations which are applicable to the R-63 Multifamily Urban Residential District to be applicable to the Property.
2. Proposes to modify the existing hours restrictions for a gallery or retail use to be open to the public which are currently limited to 8a.m. to 6 p.m., Monday through Saturday. The applicant is proposing to change the hours available to be open to the public to 8 a.m. to 9 p.m., seven days a week.
  3. Remove the condition which allows no more than four (4) "employees, artists, or craftsman" on the Property at one time. It should be noted that this provision does not limit the overall number of patrons in on the Property, only the employees and artists.
  4. Finally, the proposed SUPA would allow for retail uses along with the already permitted gallery, studio, and office uses. The existing SUP currently allows gallery, office, and art studio uses, and the addition of the retail use would allow for items/supplies to be sold from the space and for flexibility in future tenants.



## Findings of Fact

The following are factors included in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance relative to the approval of special use permits by City Council. The proposed special use permit will not:

- ***Be detrimental to the safety, health, morals and general welfare of the community involved.***

The proposed SUPA will not impact the safety, health, morals and general welfare of the nearby neighborhoods. The existing site improvements and proposed uses are compatible with the existing development in the vicinity. This request would simply permit the efficient utilization of the Property by allowing for new development to occur. The improvement of the Property in conjunction with the high quality/benefits provided by the

SUPA will provide positive impacts in terms of health, welfare, etc., and furthermore will add to the vibrancy of the neighborhood.

- ***Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.***

The proposed SUPA will not result in significant traffic impacts to nearby residential neighborhoods. The traffic generation for the proposed uses will be negligible, especially compared to the previously authorized uses of the Property and within the context of a walkable neighborhood. As such, the SUPA will not create congestion on streets, roads, alleys or any other public right of way.

- ***Create hazards from fire, panic or other dangers.***

The Property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

- ***Tend to overcrowding of land and cause an undue concentration of population.***

The SUPA will not tend to overcrowd the land or create an undue concentration of population.

- ***Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.***

The SUPA would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties will not be affected. No changes are currently proposed to the size or siting of the existing structure.

## Summary

In summary we are seeking approval for a SUPA which would allow for a modification of the existing conditions and uses on the Property to meet the needs of today's commercial market while retaining the general uses which have contributed to the neighborhood since 1995. No changes are proposed to the existing structure and absent the described changes, all other aspects of the previously approved SUP will remain unchanged. The proposed SUPA represents an ideal, small-scale urban commercial development for this location that is tailored to the needs of the market while continuing to contribute to the overall vibrancy of the neighborhood through the provision of an appropriate use that is consistent with the existing use on the parcel and development pattern of the surrounding neighborhood.