THE CITY OF NORFOLK

**To the Honorable Council**
**City of Norfolk, Virginia**

**February 22, 2022**

**From:** George M. Homewood
Director of Planning

**Subject:** Conditional Use Permit - Richmond Wholesale Deals, LLC

**Reviewed:**

Patrick Roberts, Deputy City Manager

**Ward/Superward:** 5/6

**Approved:**

Dr. Larry H. Filer II, City Manager

**Item Number:** R-2

I. **Planning Commission Recommendation:** By a vote of **6 to 1**, the Planning Commission recommends **Approval.** The dissenting vote was due to concerns about replacing affordable housing for Short-Term Rentals.

II. **Request:** Conditional Use Permit to allow the existing apartment complex to operate as Short-Term Rental Units (Vacation Rentals).

III. **Applicant:** **Richmond Wholesale Deals, LLC**

IV. **Description:**

- The property is a six-unit apartment on an 8,100 square foot lot.
- Under R-C zoning, apartment buildings with four or more dwelling units are required to obtain a Conditional Use Permit (CUP) to operate as Short-Term Rentals.
- All six apartments are two-bedroom units.
- With a total of 12 bedrooms, the maximum number of overnight guests that would be allowed is 24, or two to a bedroom.

| | |
|---|---|
| Number of apartments | 6 |
| Number of bedrooms | 12 |
| Max overnight guests (max 2 per bedroom) | 24 |

- While there is an emerging pattern of new single-family homes being built, there is no indication that these smaller multi-family structures are being redeveloped into single-family homes.
- The use of this property as a STR will not result in a change in the developed form (multi-family) for this property and will be in line with the predominant development pattern.
- At the December 16th public hearing, the applicant agreed to continue the item for a month to allow further discussion with an adjacent neighbor who had concerns.
    - On January 7th a virtual meeting was held with the applicant and neighbor. The applicant's business model was discussed and the meeting ended amicably.

**V. Historic Resources Impacts:**

The site is not located with a local, state, or federal historic district.

**VI. Public Schools Impacts:**

N/A

*Staff contact: Joy Kelling at (757) 664-4756, joy.kirch-kelling@norfolk.gov*

Attachments:

- Proponents and Opponents
- Staff Report to CPC dated January 27, 2022 with attachments
- Ordinance

**Proponents and Opponents**

**Proponents**
Juri Miller
3429 West Cary Street (applicant)
Richmond VA, 23221

Carrie Copenhaver (authorized agent)
603 16th Street
Virginia Beach, VA 23451

**Opponent**
(None)

**Supporting Material:**

- Ordinance Exhibit A (PDF)
- Conditional Use Permit Review Standards (PDF)
- Overview Map (PDF)
- Location Map (PDF)
- Zoning Map (PDF)
- STR Map (PDF)
- Application (PDF)
- Property Owners_300ft (PDF)
- Email to East Ocean View Civic League (PDF)
- Exhibit A Landscaping 14th Bay (PDF)
- Ltr of conern frm Mr. Babcock (PDF)

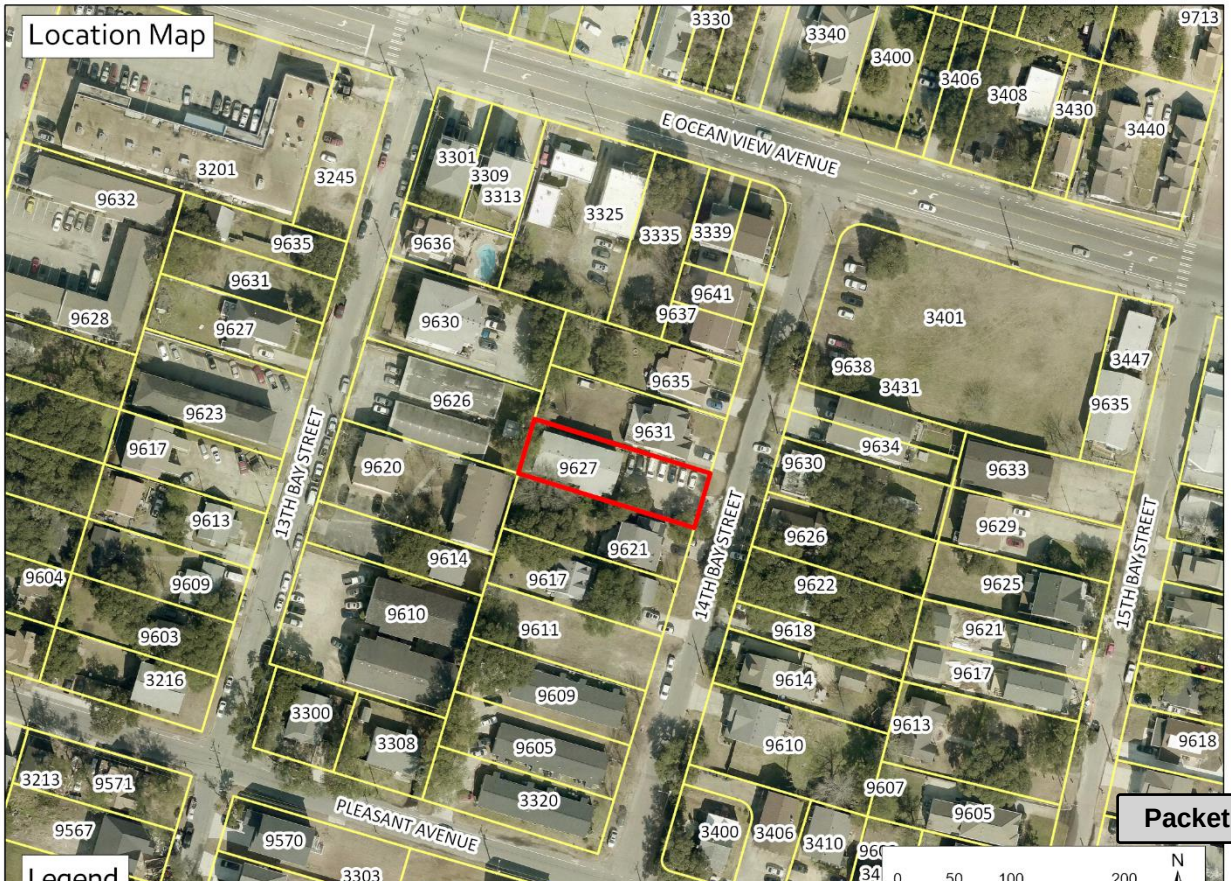
THE CITY OF NORFOLK
CITY PLANNING

## City Planning Commission Public Hearing: January 27, 2022

Executive Secretary: George M. Homewood, FAICP, CFM

Staff Planner: Joy Kirch-Kelling

| Staff Report | Item No. 3 | |
|---|---|---|
| **Address** | **9627 14th Bay Street** | |
| **Applicant** | **Richmond Wholesale Deals, LLC** | |
| **Request** | **Conditional Use Permit** | Short-Term Rental (Vacation Rental) |
| **Zoning** | R-C (Residential Coastal), CRO (Coastal Resilience Overlay) | |
| **Neighborhood** | East Ocean View | |
| **Surrounding Area** | North | R-C: Multi-family and single-family homes |
| | East | R-C: Multi-family and single-family homes |
| | South | R-C: Multi-family and single-family homes |
| | West | R-C: Multi-family and single-family homes |
| **Staff Recommendation** | **Approval subject to conditions** | |



**A. Executive Summary**

- The site is located on the west side of 14th Bay Street between E. Ocean View Avenue and Pleasant Avenue in the East Ocean View neighborhood.
- The request is for a Conditional Use Permit that would allow all six units in this existing multi-family building to operate as Short-Term Rentals (STRs).
- Given that this application does not conflict with the objectives of *plaNorfolk2030* or the R-C zoning district and is subject to the two-year term of approval, staff recommends **approval subject to conditions.**
- At the December 16th public hearing, the applicant agreed to continue the item for a month to allow further discussion with an adjacent neighbor who had concerns.
  a. On January 7th a virtual meeting was held with the applicant and neighbor. A discussion of the applicant's business model was discussed, and the meeting ended amicably.

**B. Plan Consistency**

- The site lies in the Coastal Character District, which is described by *plaNorfolk2030* as an eclectic mix of housing types interspersed with neighborhood-scale commercial uses. Short-Term Rentals do not conflict with this description.
- Nor does the request conflict with the objectives of *Vision 2100* which places this site within the flood prone "Yellow Area" and recommends supporting proposals that will reduce density or allow property owners to recoup economic value that could be lost due to rising waters. Short-Term Rentals do not increase neighborhood density and are one way to recoup value.

**C. Zoning Analysis**

i. General

- The property is a six-unit apartment building on an 8,100 square foot lot.
- Under R-C zoning, apartment buildings with four or more dwelling units are required to obtain a Conditional Use Permit (CUP) to operate as Short-Term Rentals.
- All six apartments are two-bedroom units.
- With a total of 12 bedrooms, the maximum number of overnight guests that would be allowed is 24, or two to a bedroom.

| | |
|---|---|
| Number of apartments | 6 |
| Number of bedrooms | 12 |
| Max overnight guests (max 2 per bedroom) | 24 |

ii. Impact to Neighborhood

- Trash, noise, and parking are the most frequent complaints staff receives regarding STRs. To address these issues, the following are standard CUP conditions:
  - *Trash*: The property owner will be required to hire a private waste removal service to remove trash generated by guests during short-term rental stays promptly and never more than 36 hours after the last guest has checked out. All trash containers will be concealed from public view when stored.
  - *Parking*: Six parking spaces are required and seven are provided on site.
  - *Noise*: Interior decibel meters shall be installed in the common areas of each unit.
  - *Security: A*n exterior security camera shall be installed facing the parking area.
  - *Management*: The property owner will be immediately available to address any issues occurring on the site. The operator must conspicuously post a sign on the interior of each rental unit and the exterior of the property informing guests and neighbors of the name and phone number of an emergency contact person as well as the phone number of the City's 24-hour call center.
- All STRs carry an expiration of two years. If approved, the applicant will need to reapply to continue to operate as a STR.

iii. Lotting Analysis

- East Ocean View is a revitalizing neighborhood, and it is important to ensure that the renovation of existing apartment buildings does not impede this revitalization. An analysis of 44 properties was conducted to determine the predominant housing pattern for the neighborhood and history of nearby development.
  - Out of the 44, 24 (54%) were found to be single-family homes, of which 14 were built after 2000. The remaining 20 properties were duplexes, multi-family housing or vacant.

| Block | Vacant | Single-Family | Duplex | Multi-family | Commercial |
|---|---|---|---|---|---|
| 9600 14th Bay St | 2 | 15 | 0 | 7 | 0 |
| Block Face to the west | 2 | 2 | 2 | 4 | 0 |
| Block Face to the East | 1 | 7 | 0 | 2 | 0 |

  - While there is an emerging pattern of new single-family homes being built, there is no indication that these smaller multi-family structures are being redeveloped into single-family homes.

- The use of this property as a STR will not result in a change in the developed form (multi-family) for this property and will be in line with the predominant development pattern.

- There are approximately 40 legally operating STRs within a one-mile radius of 9627 14th Bay Street. Three of these properties obtained conditional use permits, the remainder registered by-right.
- Based on information provided by the applicant, the apartments are currently leased at below market rate rents. The applicant intends to purchase this building, renovate the units and convert them to STRs.

iv. Performance Standards

**Short-Term Rental Unit, Vacation Rental** – The provision of a dwelling unit, or any portion thereof, for rent to a guest for a minimum of one night but fewer than 30 consecutive nights when in the Coastal Character District and all owners of the property have their primary residence elsewhere.

- A Conditional Use Permit is required when the use:
  - Is not registered in accordance with Section 4.2.3.F(10)(e).
  - Is located in an R-C district and is in a single-family dwelling containing four or more bedrooms.

- No rental activity may commence unless the operator has obtained a Zoning Certificate (see Zoning Ordinance Section 2.4.14) and a business license.
- The use shall only be conducted in spaces constructed in compliance with the Virginia Uniform Statewide Building Code requirements for residential occupancy in place at the time of construction.
- The maximum term of any zoning certificate issued for the use shall be two years unless a shorter period is established as part of the Conditional Use Permit process.
- The maximum guest occupancy is two (2) persons to a bedroom; a total of no more than twenty-four (24) guests staying in no more than six (6) bedrooms at any one time.
- The operator of the vacation rental remains liable for all taxes that may be owed.
- Every STR unit (vacation rental) shall be made available to guests exclusively through one or more online booking platforms that provide, at minimum, listing services throughout all of the United States. If the operator elects to list the property on more than one such platform, then the listing on each platform shall be identical with respect to the type of short-term rental being offered, the number of rooms available, the number of guests that may be hosted, and the areas of the property available to guests.

- The operator shall conspicuously post a sign on the interior of each rental unit and the exterior of the property informing guests and neighbors of the name and phone number of an emergency contact person as well as the phone number of the City's 24-hour call center.

v. Development Standards

a) Parking:

- Short-Term Rentals in the Coastal Character District are required to provide one off-street parking space for each unit with three or less bedrooms.
    - This site has six, two-bedroom apartments; Six parking spaces are required and eight are provided on-site.

b) Site Improvements:

The applicant will be required to make the following improvements to the site:

- A landscaped buffer yard installed along the front and sides of the parking area and along the foundation of the building as shown on the conceptual site plan.
- The drive apron be replaced to reduce ponding.
- The trash receptacles be shielded from public view with a four-foot-high opaque enclosure.

c) Tree Canopy:

With current trees and recommend improvements, this site will have a tree canopy coverage of approximately 20% which complies with the new Tree Canopy requirements of the *Zoning Ordinance*.

vi. Flood Zone

The site is located in the AE (High Risk) flood zone. All mechanical and electrical equipment shall be located at least 16" above the highest adjacent grade.

**D. Mobility Analysis**

- The property lies within one quarter mile of an HRT transit line on East Ocean View Avenue.

**E. Historic Resources Impacts**

The site is not located within a federal, state, or local historic district.

**F. Public Schools Impacts**

N/A

**G. Payment of Taxes**

The owner of the property is current on all taxes.

**H. Civic League**

- The applicant hosted their own neighborhood meeting on October 15.

- Two neighbors attended, meeting minutes record that one was in support, the other was not.
- An email of support was received from the Ocean View Business Association on October 24.

**I. Communication Outreach/Notification**

- Legal notice was posted on the property on November 18.
- Letters were mailed to all property owners within 300 feet of the property on December 1.
- Legal notification was placed in The Virginian-Pilot on December 2 and 9.

**J. Recommendation**

The proposed use complies with the standards required by the *Zoning Ordinance* and does not conflict with *plaNorfolk2030.* Staff recommends **approval** subject to the conditions listed below:

(a) The operation of the principal use of Short-Term Rental Unit (Vacation Rental) must be conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the Norfolk Zoning Ordinance.

(b) No use of the property as a Short-Term Rental Unit (Vacation Rental) shall be permitted until a business license has been issued for the property. No business license shall be issued until all of the following information and documentation has been provided to the City for the subject property and the physical improvements required have been made:

(1) The name and phone number of a person to be contacted at any time to address emergencies or complaints about activity at each unit.

(2) Proof that a fire inspection of the property has been completed and any recommended safety improvements or restrictions have been implemented for all units.

(3) Inspection of the property by the City in order to verify any aspect of the application for this Conditional Use Permit.

(4) Proof of liability insurance covering accidental injury to a guest on the property up to a maximum cost not less than $300,000.

(5) A copy of a standard lease agreement in place for the duration of the lease term of all extant residents that indicates that individual dwelling units on the property may be operated as vacation rentals, if an such residents exist.

(6) The applicant shall maintain an exterior security camera facing the parking area in working condition at all times the property is rented. Recordings shall be stored for 30 days after a stay and be made available to city staff upon request.

(7) The applicant shall use remote entry for all guests and shall change the access code between stays.

(8) Interior decibel meters shall be installed in the property's main congregation rooms.

(9) The designated emergency contact person must appear on site within 20 minutes to address reported violations or complaints.

(10) Trash receptacles shall be concealed with an opaque enclosure at least four (4) feet heigh and located alongside the building.

(11) A buffer yard shall be installed between the parking area and the 14th Bay Street right of way, planted with at least one Coast Live Oak or Loblolly Pine and eight Inkberry Holly, as shown on the site plan marked as "Exhibit A."

(12) A buffer yard shall be installed between the parking area and the front side, western side, and eastern side of the property, planted with a continuous row of Wax Myrtle as shown on the site plan marked as "Exhibit A."

(13) A bed of Dwarf Yaupon Holly shall be planted along the foundation of the building as shown on the site plan marked as "Exhibit A."

(14) The existing driveway apron shall be replaced to minimize ponding.

(15) All mechanical and electrical equipment shall be located at least 16" above the highest adjacent grade.

(c) No fewer than eight (8) off-street parking spaces shall be provided.

(d) The property owner shall ensure that the site is always free of debris and trash and shall hire a private solid waste removal service to promptly remove trash generated by guests during short-term rental stays and never more than 36 hours after the last guest has checked out.

(e) The operator shall make the property available for inspection upon reasonable advance notice given to the named emergency contact person by any law enforcement officer at any time between 7:00 a.m. and 11:00 p.m., seven days a week.

(f) The operator shall maintain records of all stays, including names of each guest, dates of stays, and lengths of stays for each short-term rental of the property.

(g) Each unit must be rented by only one party at a time. No more than 12 bedrooms shall be made available for guests and no more than 24 sleeping guests are permitted to stay on the property at any one time.

(h) The operator shall not allow boarders.

(i) The operator and owner shall remain current on all transient occupancy taxes, business personal property taxes, and other local taxes which may become due while each property is being offered for short-term rentals.

(j) There shall be no parking on any unimproved surface.

(k) This Conditional Use Permit shall automatically expire two (2) years from the effective date of this ordinance. Prior to the expiration date, but no sooner than 18 months from the effective date of this ordinance, the property owner or manager may begin the application process for a new conditional use permit.

**Supporting Material:**

- Ordinance Exhibit A (PDF)
- Conditional Use Permit Review Standards (PDF)
- Overview Map (PDF)
- Location Map (PDF)
- Zoning Map (PDF)
- STR Map (PDF)
- Application (PDF)
- Property Owners_300ft (PDF)
- Email to East Ocean View Civic League (PDF)
- Exhibit A Landscaping 14th Bay (PDF)
- Ltr of conern frm Mr. Babcock (PDF)

Form and Correctness Approved: BAP

By: _____
Office of the City Attorney

Contents Approved:

By: _____
DEPT. Planning

NORFOLK, VIRGINIA

# Ordinance No.

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE SHORT-TERM RENTAL UNITS (VACATION RENTAL) ON PROPERTY LOCATED AT 9627 14TH BAY STREET.

- - -

Section 1:- That a conditional use permit is hereby granted authorizing the operation of Short-term Rental Units (Vacation Rental) in a multi-family dwelling unit located at 9627 14th Bay Street.

Section 2:- That the full extent of the property or properties where the permit or permits described above are hereby made effective, upon the date set forth below, is described as follows:

Property fronts 50 feet, more or less, along the western line of 14th Bay Street beginning 245 feet, more or less, from the southern line of East Ocean View Avenue and extending southwardly; premises numbered 9627 14th Bay Street.

Section 3:- That the conditional use permit or permits granted herein shall be subject to all of the general conditions set forth in section 2.4.8.D of the Norfolk Zoning Ordinance and all of the following additional conditions, requirements, and limitations:

(a) The operation of the principal use of Short-Term Rental Units (Vacation Rental) must be conducted in accordance with the applicable performance standards that are set forth in section 4.2 of the Norfolk Zoning Ordinance.

(b) No use of the property as Short-Term Rental Units (Vacation Rental) shall be permitted until a business license has been issued for the

property. No business license shall be issued until all of the following information and documentation has been provided to the City for the subject property and the following improvements are fully implemented on the site:

(1) The name and phone number of a person able to be on site within 20 minutes to be contacted at any time to address emergencies or complaints about activity at the property.

(2) Proof that a fire inspection of the property has been completed and any recommended safety improvements or restrictions have been implemented for all units.

(3) Inspection of the property by the City in order to verify any aspect of the application for this Conditional Use Permit.

(4) Proof of liability insurance covering accidental injury to a guest on the property up to a maximum cost not less than $300,000.

(5) A copy of a standard lease agreement in place for the duration of the lease term of all extant residents that indicates that individual dwelling units on the property may be operated as vacation rentals, if an such residents exist.

(6) Interior decibel meters shall be installed in the property's main congregation rooms.

(7) A buffer yard shall be installed between the parking area and the right of way of 15th Bay Street, planted with (i) at least one Coast Live Oak or Loblolly Pine and (ii) eight Inkberry Holly plants, as shown on the plan attached hereto and marked as "Exhibit A."

(8) A buffer yard shall be installed between the parking area and the front side, western side, and eastern side of the property, planted with a continuous row of Wax Myrtles, as shown on the plan attached hereto and marked as "Exhibit A."

(9) A bed of Dwarf Yaupon Holly shall be planted along the foundation of the building, as shown on the plan attached hereto and marked as "Exhibit A."

(10) The existing driveway apron shall be replaced in order to reduce the likelihood of ponding water.

(11) All mechanical and electrical equipment shall be located or relocated to be at least 16" above the highest adjacent grade.

(c) The property owner shall provide an opaque enclosure at least four (4) feet in height alongside the building to conceal all trash receptacles from the public right-of-way.

(d) The applicant shall maintain an exterior security camera facing the parking area in working condition at all times the property is rented. Recordings shall be stored for 30 days after a stay and be made available to city staff upon request.

(e) The applicant shall use remote entry for all guests and shall change the access code between stays.

(f) No fewer than eight (8) off-street parking spaces shall be provided.

(g) The property owner shall ensure that the site is always free of debris and trash and shall hire a private solid waste removal service to promptly remove trash generated by guests during short-term rental stays and never more than 36 hours after the last guest has checked out.

(h) The operator shall make the property available for inspection upon reasonable advance notice given to the named emergency contact person by any law enforcement officer at any time between 7:00 a.m. and 11:00 p.m., seven days a week.

(i) The operator shall maintain records of all stays, including names of each guest, dates of stays, and lengths of stays for each short-term rental of the property.

(j) Each unit must be rented by only one party at a time. No more than 12 bedrooms shall be made available for guests and no more than 24 sleeping guests are permitted to stay on the property at any one time.

(k) The operator shall not allow boarders.

(l) The operator and owner shall remain current on all transient occupancy taxes, business personal property taxes, and other local taxes which may become due while each property is being offered for short-term rentals.

(m) The operator shall obtain and maintain a current, active business licenses for the property or properties authorized by this Conditional Use Permit at all times while in operation.

(n) There shall be no parking on any unimproved surface.

(o) The operator shall maintain the building and grounds in a safe and serviceable condition at all times. All landscaped areas shall be kept free of litter and debris at all times and the vegetative materials shall be tended in a healthy growing condition and replaced as necessary.

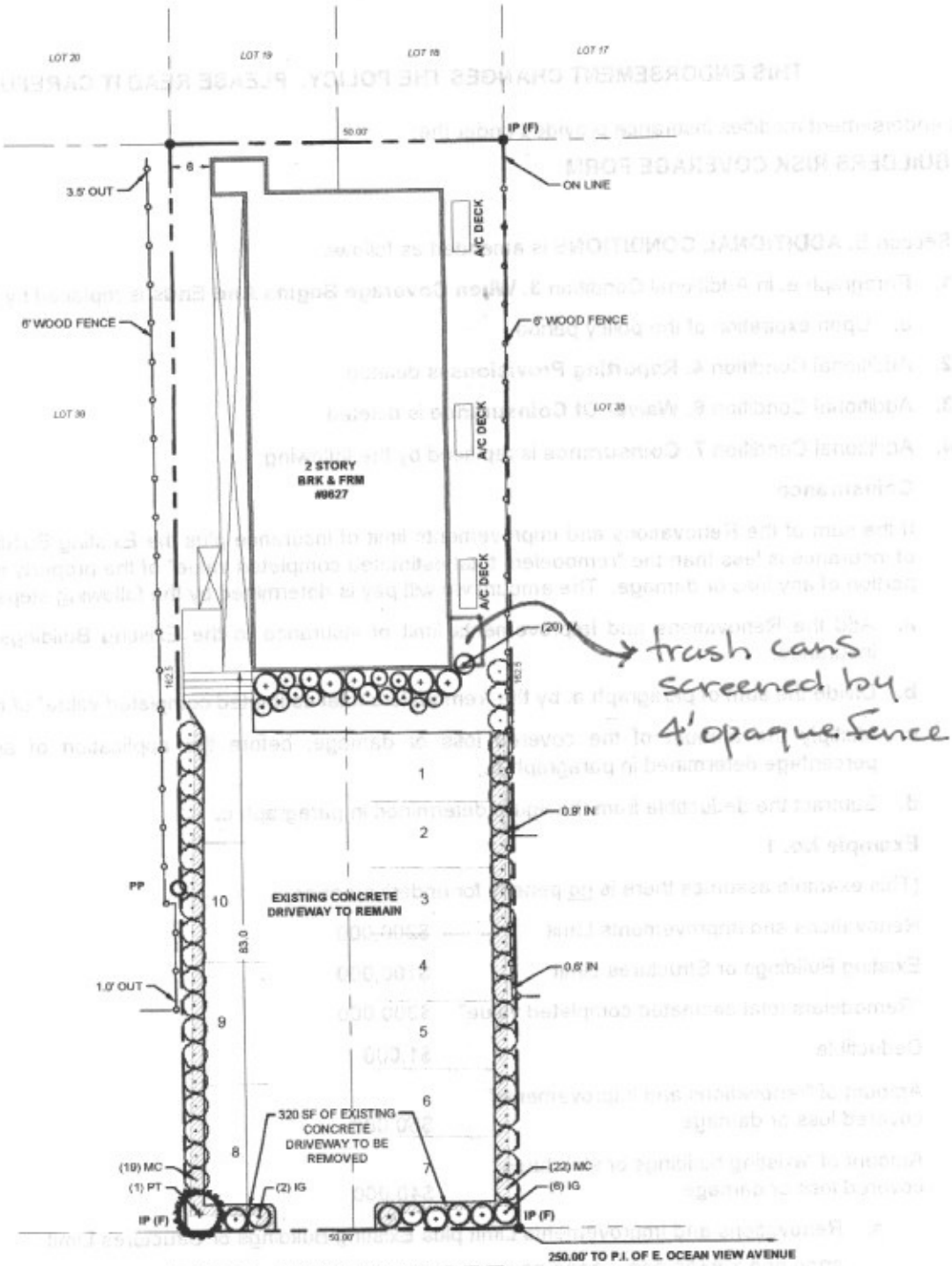
(p) This Conditional Use Permit shall automatically expire two (2) years from the effective date of this ordinance. Prior to the expiration date, but no sooner than 18 months from the effective date of this ordinance, the property owner or manager may begin the application process for a new conditional use permit.

Section 4:- That the City Council hereby determines that the conditional use permit or permits granted herein comply with each of the standards set forth in section 2.4.8.C of the Norfolk Zoning Ordinance.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

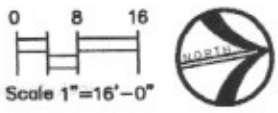
ATTACHMENT:
Exhibit A (1 page)

Exhibit A




14TH BAY STREET
(50 R/W)

| PLANT SCHEDULE | | | |
|---|---|---|---|
| Qty | Symbol | Botanical name | Common name |
| 8 | IG | Ilex glabra | Inkberry holly |
| 20 | IV | Ilex vomitoria 'Nana' | Dwarf Yaupon holly |
| 41 | MC | Myrica cerifera | Wax Myrtle |
| 1 | PT | Pinus taeda | Loblolly Pine |




Attachment: Ordinance Exhibit A (Conditional Use Permit - Richmond Wholesale Deals, LLC)

## 2.4.8.C. CONDITIONAL USE PERMIT REVIEW STANDARDS

A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

**1)** Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable city-adopted plans;

**2)** Complies with all applicable zoning district-specific standards in Article 3. Zoning Districts;

**3)** Complies with all applicable use-specific standards in Article 4. Performance Standards;

**4)** Complies with all applicable development and design standards in Article 5. Development Standards;

**5)** Complies with all relevant subdivision and infrastructure standards in Chapter 42.5 of City Code;

**6)** Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed;

**7)** Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;

**8)** Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, night-time activity, and other site elements;

**9)** Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

**10)** Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;

**11)** Is served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

**12)** Maintains adequate parking, loading and other necessary facilities to serve the proposed use;

**13)** Will not substantially diminish or impair the value of the land within the neighborhood in which it is located.

**14)** Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various Conditional Use Permits of all types on the immediate neighborhood and the effect of the proposed type of Conditional Use Permit on the city as a whole;

**15)** Complies with all other relevant city, state and federal laws and standards; and

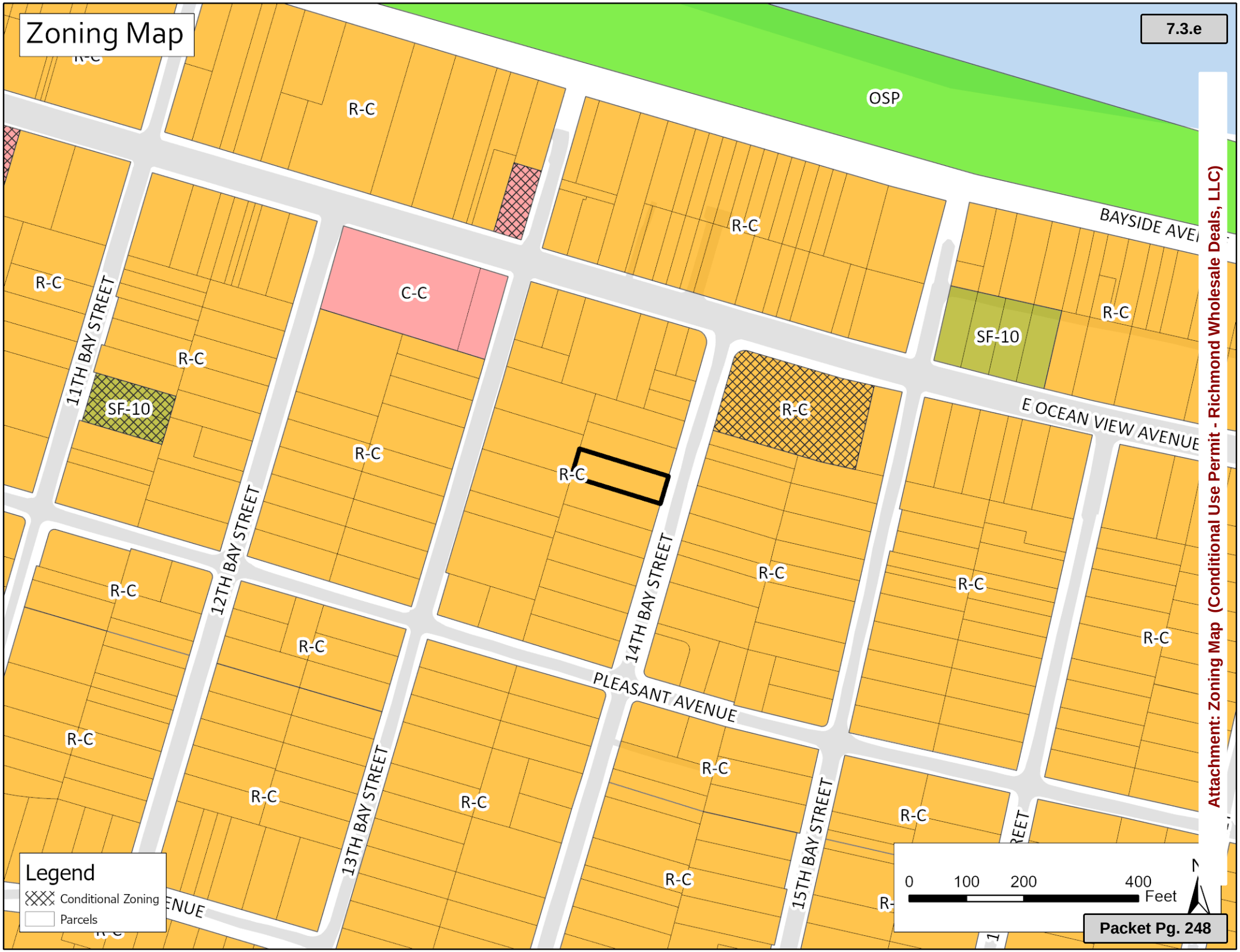
**16)** Is required by the public necessity, convenience, general welfare, or good zoning practice.

# Overview Map

# Location Map

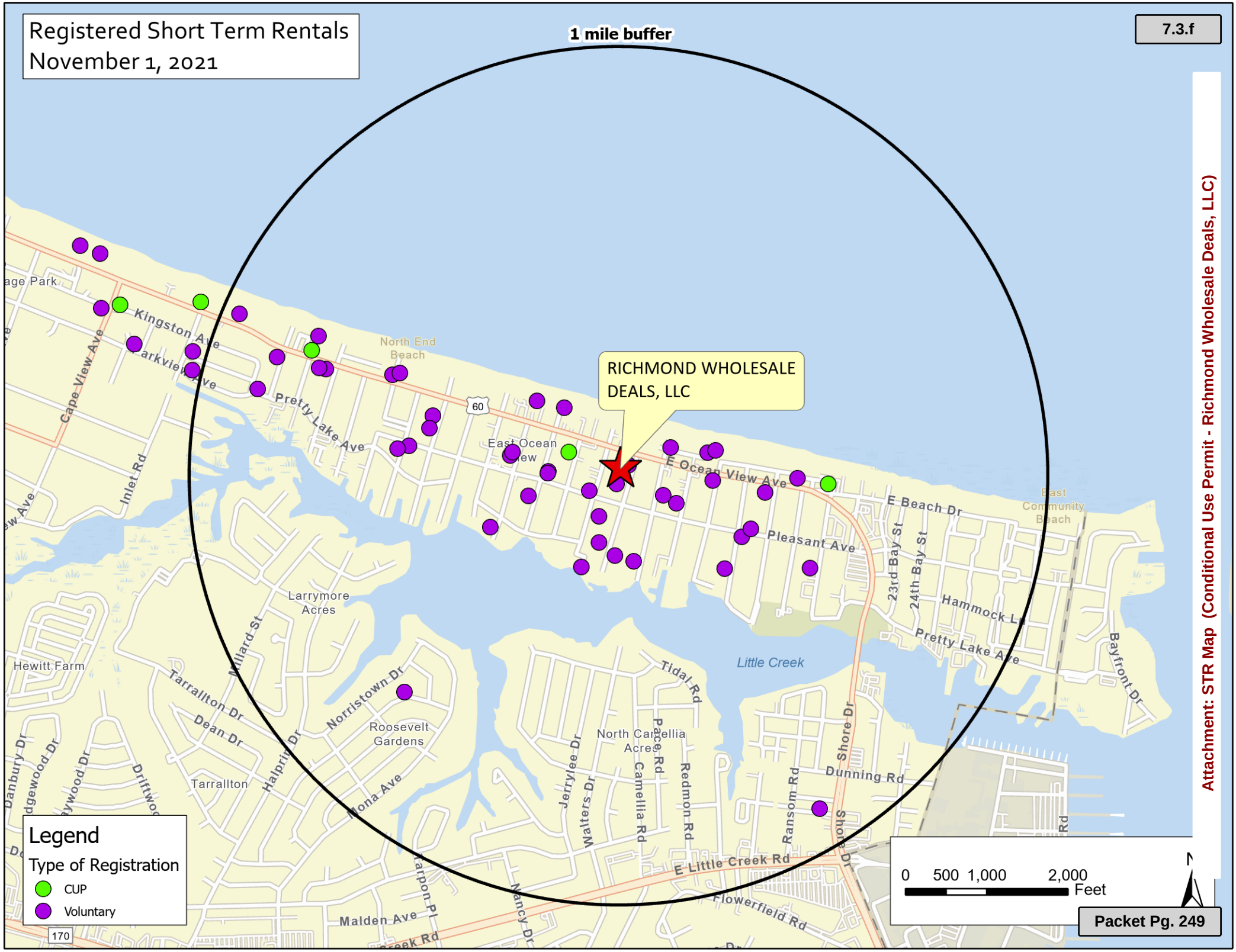
Attachment: Location Map (Conditional Use Permit - Richmond Wholesale Deals, LLC)

# Zoning Map




Attachment: Zoning Map (Conditional Use Permit - Richmond Wholesale Deals, LLC)

# Registered Short Term Rentals
November 1, 2021




Attachment: STR Map (Conditional Use Permit - Richmond Wholesale Deals, LLC)

# APPLICATION
# CONDITIONAL USE PERMIT
## Short Term Rental
## (Please print)

Date OCTOBER 23 2021

**DESCRIPTION OF PROPERTY**

Address: 9627 14TH BAY ST NORFOLK VA 23518

Single Family Home or Multi-Family Building: 6 UNIT MULTIFAMILY

Proposed Use: SHORT TERM RENTAL

Number of Dwelling Units: 6 Total Number of Bedrooms/Bedrooms per Unit: 2

Zoning: R-C OVERLAY COASTAL RESILIENCE

Trade Name of Business (if applicable): _____

**APPLICANT***

1. Name of applicant: (Last) RICHMOND WHOLESALE DEAL LLC TODD MILLER (First) MANAGING MEMBER (MI) ____

Mailing address of applicant (Street/P.O. Box): 3429 W CARY ST

(City): RICHMOND (State): VA (Zip Code): 23221

Daytime telephone number of applicant: ( ) 804-405-0901

E-mail address: TODD@USA-HOMEBUYERS.COM

**AUTHORIZED AGENT* (if applicable)**

2. Name of applicant: (Last) COPENHAVER (First) CARRIE (MI) ____

Mailing address of applicant (Street/P.O. Box): 603 16TH ST

(City): VA BEACH (State): VA (Zip Code): 23451

Daytime telephone number of applicant: ( ) 7576151764 Fax ( ) _____

E-mail address: CARRIECOPENHAVER@GMAIL.COM

**DEPARTMENT OF CITY PLANNING**
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised July, 2018)

Attachment: Application (Conditional Use Permit - Richmond Wholesale Deals, LLC)

**Application**
**Conditional Use Permit**
**Page 2**

**PROPERTY OWNER***

RICHMOND WHOLESALE DEALS LLC

**3.** Name of property owner: (Last) TODD MILLER (First) _____ (MI) ____

Mailing address of property owner (Street/P.O. box): 3429 W CARY ST

(City): RICHMOND (State): VA (Zip Code): 23221

Daytime telephone number of owner: ( ) 804-405-0901

E-mail address: TODD@USA-HOMEBUYERS.COM

***(If applicant/agent/property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)**

**CIVIC LEAGUE - BUSINESS ASSOCIATION - HOA INFORMATION**

Civic League contact: _____

Date meeting attended/held: _____

Local Business Association (if applicable) contact: OCEAN VIEW BUSINESS ASSOCIATION OVBABIZ@gmail.com

Date meeting attended/held: _____

Home/Property/Condominium Owners Association (if applicable) contact: _____

Date meeting attended/held: _____

Ward/Super Ward information: _____

**CERTIFICATION**

**I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:**

**Print name:** RICHMOND WHOLESALE DEALS LLC TODD MILLER **Sign:** Todd Miller 10/23/2021
(Property Owner) (Date)

**Print name:** RICHMOND WHOLESALE DEALS LLC TODD MILLER **Sign:** Todd Miller 10/23/2021
(Applicant) (Date)

(If Applicable)

**Print name:** CARRIE COPENHAVER **Sign:** Carrie Copenhaver 10/23/2021
(Authorized Agent Signature) (Date)

**DEPARTMENT OF CITY PLANNING**
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised July, 2018)

Attachment: Application (Conditional Use Permit - Richmond Wholesale Deals, LLC)

## Description of Operations
## Conditional Use Permit

Date: OCTOBER 23 2021

Trade name of business: RICHMOND WHOLESALE DEALS LLC

Address of business: 3429 W CARY ST RICHMOND VA 23221

Name(s) of business owner(s)*: TODD MILLER

Name(s) of property owner(s)*: RICHMOND WHOLESALE DEALS LLC / TODD MILLER

Daytime telephone number ( ) 804-405-0901

*If business or property owner is partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

Standard Conditions for Short Term Rentals:

1. The property being rented for use as a Short-Term Rental is not be the owner's primary residence.
2. No rental activity may commence until the operator has received a Zoning Permit and a Business License.
3. This permit is valid for two (2) years.
4. The maximum occupancy of all guests is two (2) for each bedroom being provided.
5. Must provide off-street, paved parking spaces for guests. Parking on unimproved surfaces or City property is prohibited.
6. You are responsible for reporting and paying local transient occupancy and room taxes via your Business License. Business Licenses are renewed annually through the Commissioner of the Revenue.
7. If you are found to be non-compliant with one or more of the items necessary for registration, the following penalties apply:
    a. First Instance: The City will issue a written notice warning of the violation, requiring corrective action within 14 days. If uncorrected at the end of this period, the violation will constitute a second instance of noncompliance.
    b. For the second instance during any two-year period, your property will be suspended from the City STR Registry for four (4) months, during which time your property shall be considered unregistered.

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c. For the third instance during any two-year period, the property shall be removed from the City STR Registry and shall be ineligible to be re-registered or otherwise authorized for use as a short-term rental unit for one (1) year.

8. Nothing in this permit shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (Va. Code § 55-79.39 et seq.), the declaration of a common interest community as defined in Va. Code § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Va. Code § 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (Va. Code § 55-508 et seq.).
9. The short-term rental unit shall be made available to guests exclusively through the use of one or more online booking platforms that provide, at minimum, listing services throughout all of the United States. If the operator elects to list the property on more than one such platform, then the listing on each platform shall be identical with respect to the type of short-term rental being offered, the number of rooms available, the number of guests that may be hosted, and the areas of the property available to guests.
10. The operator shall conspicuously post on the interior of each rental unit and the exterior of the property a sign informing guests and neighbors of the name and phone number of an emergency contact person as well as the phone number of the City's 24-hour call center.

Todd Green

**Signature of Applicant**

Attachment: Application (Conditional Use Permit - Richmond Wholesale Deals, LLC)

**From:** **Sarah Wood** sarahwoodbigler@gmail.com
**Subject:** Short term rentals
**Date:** October 24, 2021 at 10:27 AM
**To:** carrlecopenhaver@gmail.com

To whom it may concern.

The Ocean View Business Association is in support of all short term rentals in Ocean View. We believe that it continues to revitalize the area, brings in tax dollars to benefit the community as a whole & creates the opportunity for new restaurants & businesses to flourish given the increase in consumers.

Thank you,

Sarah Wood Bigler
Sea Glass Realty by Creed
President of the Ocean View Business Association
757-748-1354
Sarahwoodbigler@gmail.com

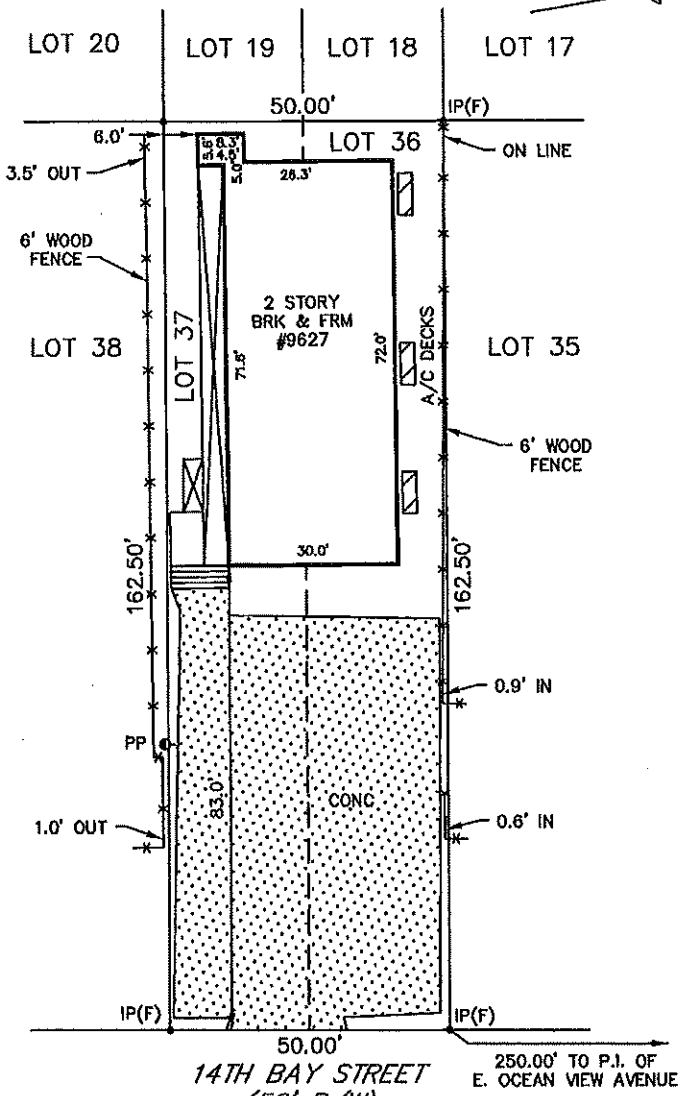
Attachment: Application (Conditional Use Permit - Richmond Wholesale Deals, LLC)

THIS IS TO CERTIFY THAT I, ON AUG. 27, 2021, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

SIGNED:

**NOTES:**

1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "AE" (7.0) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 510104-0037H REVISED FEB. 17, 2017.
2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.
3) THIS DRAWING IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY, AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.




*14TH BAY STREET*
*(50' R/W)*

PHYSICAL SURVEY
OF
LOTS 36 & 37, BLOCK 8
EAST OCEAN VIEW
PLAT A, SECTION NO. 2
NORFOLK, VIRGINIA
FOR
RICHMOND WHOLESALE DEALS, LLC

DATE: AUG. 27, 2021
SCALE: 1" = 25'
NOTE: FOR PLAT SEE M.B. 4 PG. 79 VIRGINIA BEACH, VA

**WARD M. HOLMES**
**LAND SURVEYOR, P.C.**
9225 GRANBY STREET
NORFOLK, VA 23503
PHONE: 757-480-1230
FAX: 757-583-7390

COMMONWEALTH OF VIRGINIA
DANIEL H. HOLMES
LIC. No.2974
8/27/21
LAND SURVEYOR

DRAWN BY: WTL

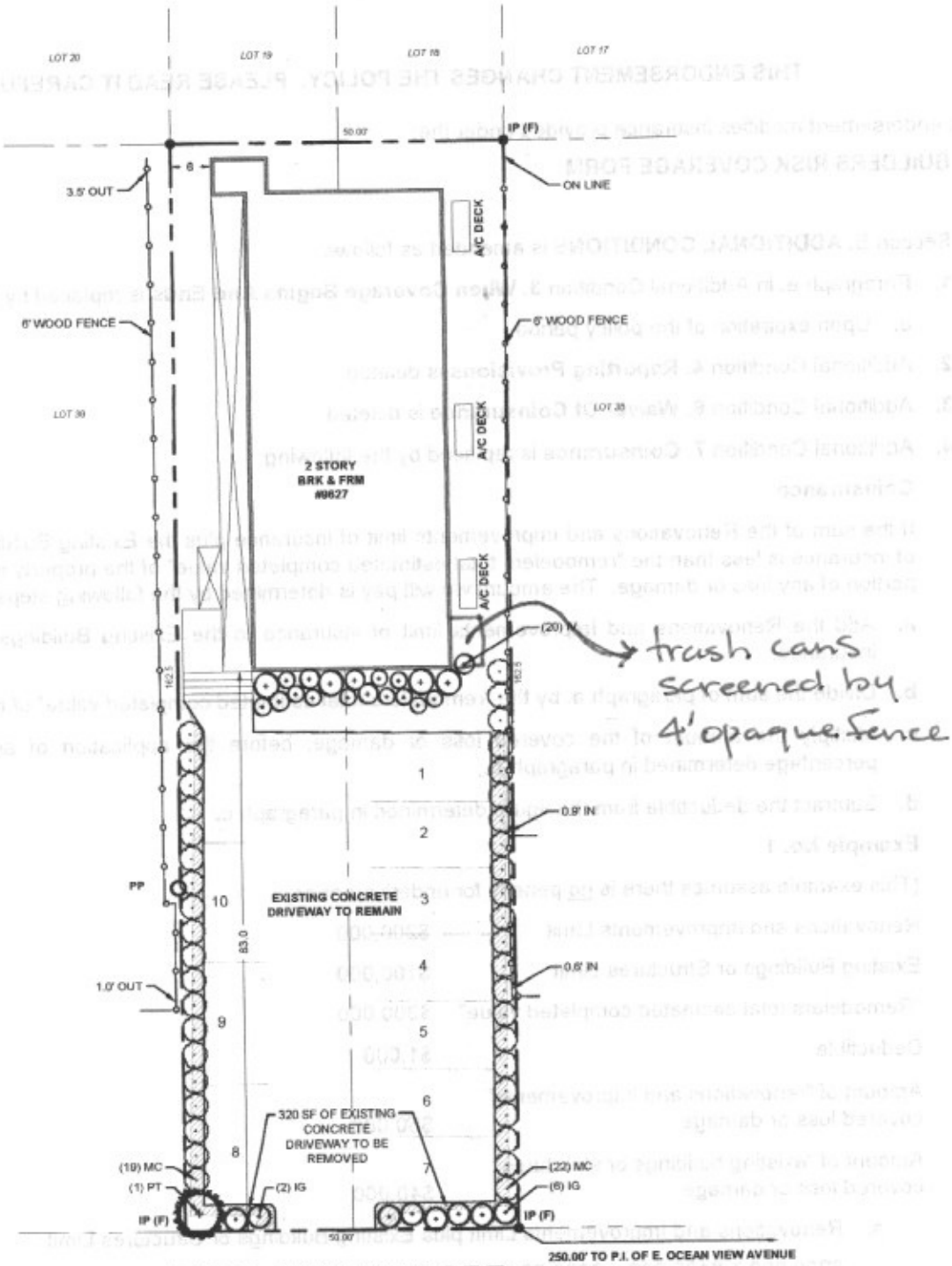
PROJECT NO. 21-613

1053/113

(13)

Attachment: Application (Conditional Use Permit - Richmond Wholesale Deals, LLC)

Exhibit A




14TH BAY STREET
(50 R/W)

| PLANT SCHEDULE | | | |
|---|---|---|---|
| Qty | Symbol | Botanical name | Common name |
| 8 | IG | Ilex glabra | Inkberry holly |
| 20 | IV | Ilex vomitoria 'Nana' | Dwarf Yaupon holly |
| 41 | MC | Myrica cerifera | Wax Myrtle |
| 1 | PT | Pinus taeda | Loblolly Pine |

0 8 16
Scale 1"=16'-0"

Attachment: Application (Conditional Use Permit - Richmond Wholesale Deals, LLC)

10:22

+1 (803) 832-0040 ›

For Details:
http://mybill.mobi/v/n3xHB8Fd

Reply H for payment history.
Reply STOP to stop all future texts.
Reply ? for help.

City of Norfolk - VA
Payment Submitted
---
Total: $1,245.82
Transaction ID:
AAAD5A729EBF
For Details:
http://mybill.mobi/v/L1GCGeAs

Reply H for payment history.
Reply STOP to stop all future texts.
Reply ? for help.

Text Message

Attachment: Application (Conditional Use Permit - Richmond Wholesale Deals, LLC)

Virtual Neighborhood Meeting Minutes

Letters mailed on October 4, 2021

Meeting held October 15, 2021 5pm

People in attendance: Todd Miller, Owner,
Carrie Copenhaver, Authorized Agent
Phil, Neighbor
Khoi, Neighbor

Todd shared slide presentation. Shared who the company is, own several short term rentals, very stringent guidelines for guests including must have previous reviews etc.

Phil stated he was in support of the proposed conversion.
Khoi is not in support of proposed conversion.

Attachment: Application (Conditional Use Permit - Richmond Wholesale Deals, LLC)

Tran, Khanh M & Khoi H
9605 Chapel Hill Dr
Burke VA 22015-4200

Smith, Shaleetha T
9639 14th Bay St
Norfolk VA 23518-1403

Mcfie, Laura E
Po Box 14069
Norfolk VA 23518-0069

Edmunds Partners, Inc
1917 Charla Lee Ln
Virginia Beach VA 23455-2634

Corter, Lindsey & Mcclain
9634 14th Bay St
Norfolk VA 23518-1404

Buck, Jeannette
9636 14th Bay St
Norfolk VA 23518-1404

Sandoval, Valerie B Revocable Trust
5160 Stratford Chase Dr
Virginia Beach VA 23464-5536

Hasco Properties Inc
3325 E Ocean View Ave
Norfolk VA 23518-1421

Partin, Matthew Bennett
9625 15th Bay St
Norfolk VA 23518-1407

Bowen, William S
9630 13th Bay St Unit A
Norfolk VA 23518-1314

Dettore, Gene Edward & Elizabeth Ann
9630 13th Bay St Unit B
Norfolk VA 23518-1311

Greenwald, Rachel Shaw
9530 13th Bay St # C
Norfolk VA 23518

Nunes, Richard & Catherine Cassidy
9630 13th Bay St Unit D
Norfolk VA 23518-1314

Harris, Jena Nicole & David Jr
9630 13th Bay St Unit E
Norfolk VA 23518-1314

Dang Properties Llc 9630 13th Bay
198 Hall Rd
Hampton VA 23664-1912

Odum, Thomas Daniel
3308 Pleasant Ave
Norfolk VA 23518-1430

Dodoan, Uy Thi Et Al
3300 Pleasant Ave
Norfolk VA 23518-1430

15th Bay Harbor Apartments, Llc
9633 15th Bay St
Norfolk VA 23518-1407

Jabez Enterprises, Llc
Po Box 14069
Norfolk VA 23518-0069

Baymasters Properties Llc
5600 Coliss Ave
Virginia Beach VA 23462-1704

Willey, Deborah L & Scott B
3400 Pleasant Ave
Norfolk VA 23518-1432

Collins, Rebecca
1204 Chateau Cir
Chesapeake VA 23322-8876

Hart, Levi
9627 14th Bay St # 9631
Norfolk VA 23518-1441

Winter, Eric Robert
9635 14th Bay St
Norfolk VA 23518-1403

Espiritu, Wilfredo S & Preciosa O
837 Whispering Woods Ct
Virginia Beach VA 23456-6303

East Beach Shoppes, Llc
2808 Forest Hills Ct
Virginia Beach VA 23454-1236

Dodge, Jacob E
9617 15th Bay St
Norfolk VA 23518

Ricks, Robert & Victoria
9621 15th Bay Street
Norfolk VA 23518

Patterson, Barbara J
9621 14th Bay St
Norfolk VA 23518-1403

Bashara, Charles L
8110 Shore Dr
Norfolk VA 23518-2431

Vasseghi, Sheda Et Al
25257 Oribi Pl
Aldie VA 20105

Mccaskill, Nokomis Alex Et Al
9503 Stoney Ridge Court
Springdale MD 20774

Hasco Properties, Inc
3325 E Ocean View Ave
Norfolk VA 23518-1421

Samaha, Brody P & Jordan A
9610 14th Bay St
Norfolk VA 23518-1452

Mcfie Enterprises Llc
Po Box 7262
Norfolk VA 23509-0262

Barringer, Jenny W
9627 13th Bay St
Norfolk VA 23518-1310

Mcfie Enterprises Llc
Po Box 7262
Norfolk VA 23509-0262

Mcfie Enterprises Llc
Po Box 7262
Norfolk VA 23509-0262

Brown, Nathaniel P & Dawn L
9630 14th Bay St
Norfolk VA 23518-1404

Circle Six Corp
6070 Newport Pt
Norfolk VA 23505-4731

Babcock, Christopher M
9617 14th Bay St
Norfolk VA 23518-1403

Jones, James T & Kelsey P
9614 14th Bay St
Norfolk VA 23518-1404

Dodge, Ben
3301 E Ocean View Ave
Norfolk VA 23518-1421

Rymal, Eric & Yolanda
909 Hassett Ct
Virginia Beach VA 23464

Bedford, Daniel A
9636 13th Bay St
Norfolk VA 23518-1311

Thagard, Robert L Jr
9629 15th Bay St
Norfolk VA 23518-1407

Smith, Robert H Iii
2009 Lone Pine Rd
Virginia Beach VA 23451

Joy Lovelace Properties, Llc
2808 Forest Hills Ct
Virginia Beach VA 23454-1236

East Beach Apartments, Llc
2808 Forest Hills Ct
Virginia Beach VA 23454-1236

Jabez Enterprises, Llc
Po Box 14069
Norfolk VA 23518-0069

Westman, Glen R & Rebecca A
613 Raff Rd
Virginia Beach VA 23462

Rieke, David D & Teresa J
504 Baden Ave
Virginia Beach VA 23464-2312

Mcfie Enterprises Llc
Po Box 7262
Norfolk VA 23509-0262

## Williams, Sherri

**From:** Williams, Sherri
**Sent:** Wednesday, October 27, 2021 1:01 PM
**To:** Ortiz, Reynald; Smigiel, Thomas; McClellan, Andria; eovcl.president@gmail.com
**Cc:** Kirch-Kelling, Joy M
**Subject:** New Planning Commission Items- 9627 14th Bay Street
**Attachments:** Application.pdf

Attached please find the following information tentatively scheduled to be heard at the December 18, 2021 Planning Commission public hearing:

**RICHMOND WHOLESALE DEALS, LLC** for a Conditional Use Permit to operate a Short-Term Rental Unit (Vacation Rental) at 9627 14th Bay Street.

The purpose of this request is to allow the existing apartment complex to operate as Short-Term Rental Units.

*Staff contact: Joy Kirch-Kelling at (757) 664-4756,* joy.kirch-kelling@norfolk.gov

Thank You

Sherri Williams
City Planner I – City Clerk
THE CITY OF NORFOLK
Planning Department
810 Union Street | Suite 508
Norfolk, VA 23510
(757) 664-6771 office | (757) 618-5720 cell

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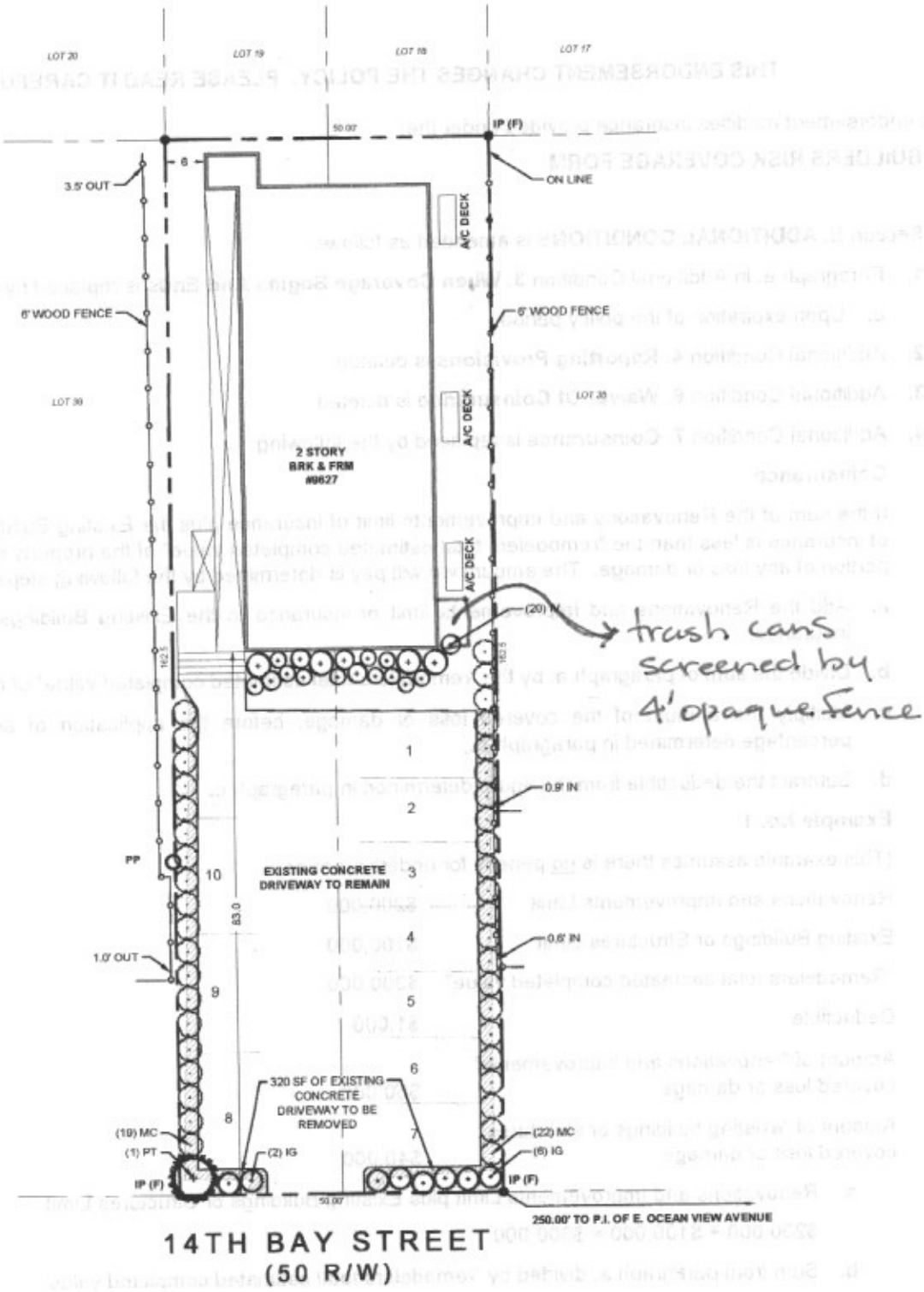
www.norfolk.gov

Attachment: Email to East Ocean View Civic League (Conditional Use Permit - Richmond Wholesale Deals, LLC)

Exhibit A




| PLANT SCHEDULE | | | |
|---|---|---|---|
| Qty | Symbol | Botanical name | Common name |
| 8 | IG | Ilex glabra | Inkberry holly |
| 20 | IV | Ilex vomitoria 'Nana' | Dwarf Yaupon holly |
| 41 | MC | Myrica cerifera | Wax Myrtle |
| 1 | PT | Pinus taeda | Loblolly Pine |

0 8 16
Scale 1"=16'-0"

Attachment: Exhibit A Landscaping 14th Bay (Conditional Use Permit - Richmond Wholesale Deals, LLC)

## Kirch-Kelling, Joy M

**From:** Christopher Babcock <cbabcock1@gmail.com>
**Sent:** Thursday, January 27, 2022 12:04 PM
**To:** Kirch-Kelling, Joy M
**Cc:** Ashley
**Subject:** Re: 9627 14th Bay St STR
**Attachments:** Miller Response.pdf; Text.JPG; Notice.JPG

*** This is an EXTERNAL email. Please exercise caution. ***

---

Joy,

Understand there is a meeting today, one of the topics is regarding short-term rental applications. My wife attended the last virtual meeting where Todd Miller had his application up for approval for 9627 14th Bay St and 9608 15th Bay St. One of the 15th Bay neighbors spoke last time about his reluctance for a short-term rental on 15th Bay, as the property has been a haven for illegal activities and is in disrepair. There are similar problems with our neighbors on 14th Bay.

We understand Mr. Miller has purchased the properties and has investment plans to run short-term rentals out of them. We are not strictly opposed to this but do have concerns with the properties' renovation attention, upkeep over time, and owner reachability if there is an issue.

Mr. Miller hosted a neighborhood meeting on October 15, 2021, at 10 am regarding this plan. We received the notice of the meeting in the mail either the same day or the following day, making it impossible to attend the meeting that had already taken place. The notice, attached, displays a dash for every place a “ti” should have been used and seems unprofessional. Mr. Miller left his contact number. After receiving the notice, I called Mr. Miller twice over the next two weeks and left a voicemail with at least one of my calls. I then sent him a text that I was trying to reach him, which he read, but also did not respond to (see attached). I finally was able to reach him by reaching out to the Norfolk city planning office which compelled him to follow up. He was “able to squeeze me in” during his busy weekend for a quick 5-minute chat.

We understand that the properties in question are not in good states currently. But, given the unprofessional nature of the notice, presentation during the previous meeting, and the high effort it took to get a response from the owner, we are concerned that the promised renovation and subsequent management from afar in Richmond will not lead to a property that adds value to the neighborhood or will not be much of a change over the status quo. We are unable to attend the meeting today, but we would appreciate it if you could please voice our concerns or at least take our considerations into account. Good luck to everyone in their applications.

Best,
Chris & Ashley

On Fri, Dec 10, 2021 at 8:04 PM Christopher Babcock <cbabcock1@gmail.com> wrote:

> Thanks, Joy for following up. I believe my wife, Ashley, will attend.
>
> Have a good weekend,
>
> Chris
>
> On Fri, Dec 10, 2021 at 3:55 PM Kirch-Kelling, Joy M <Joy.Kirch-Kelling@norfolk.gov> wrote:



Attachment: Ltr of conern frm Mr. Babcock (Conditional Use Permit - Richmond Wholesale Deals, LLC)

Good I'm glad to hear that.

Just a reminder the public hearing is next week Thursday;

https://norfolkcityva.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1923

Joy Kelling

Planner I

THE CITY OF NORFOLK

Planning Department

810 Union Street | Suite 508

Norfolk, VA 23510

(757) 664-4756

Connect with us:

www.norfolk.gov

**From:** Christopher Babcock <cbabcock1@gmail.com>
**Sent:** Thursday, December 9, 2021 2:14 PM
**To:** Kirch-Kelling, Joy M <Joy.Kirch-Kelling@norfolk.gov>
**Cc:** carriecopenhaver@gmail.com
**Subject:** Re: 9627 14th Bay St STR

*** This is an EXTERNAL email. Please exercise caution. ***

Joy,

Thanks for your follow-up.

Todd contacted me this past weekend. He addressed my two biggest concerns - 1 that the property be renovated so not rented cheaply to partiers 2 the lot had the required parking per Norfolk's guidelines.

Best,

Chris

On Wed, Dec 8, 2021 at 11:19 AM Kirch-Kelling, Joy M <Joy.Kirch-Kelling@norfolk.gov> wrote:

Mr. Babcock,

I wanted to give it some more time before I followed up. Did you ever hear back from either the applicant or the agent?

Sincerely

Joy Kelling

Planner I

THE CITY OF NORFOLK

Planning Department

810 Union Street | Suite 508

Norfolk, VA 23510

(757) 664-4756

Connect with us:

www.norfolk.gov

Attachment: Ltr of conern frm Mr. Babcock (Conditional Use Permit - Richmond Wholesale Deals, LLC)

**From:** Christopher Babcock <cbabcock1@gmail.com>
**Sent:** Thursday, December 2, 2021 11:14 AM
**To:** Kirch-Kelling, Joy M <Joy.Kirch-Kelling@norfolk.gov>
**Cc:** carriecopenhaver@gmail.com
**Subject:** Re: 9627 14th Bay St STR

*** This is an EXTERNAL email. Please exercise caution. ***

---

Joy,

Thanks for the info. I still have not heard anything from Todd or Carrie. The meeting I was referencing was the neighborhood meeting on October 15th. I am going to try to attend the zoom meeting on December 16, but I am in a graduate program with a final that day and another one the next day, so I may be unable.

I appreciate the packet. The parking plan, assuming the lines get painted to ensure max occupancy in the lot looks good - I understand with the 6 x 2-bedroom units requires 6 parking spots per Norfolk vacation rental regulations and this property would have 9 spots as presented. The current setup with long-term renters with 6 2-bedroom apartments has sometimes caused an overflow out of the lot, but maybe the str will usually have fewer vehicles. Besides parking, my other concern would be if the units would be rented as they are without any updates. This is due to the units being very low income, which would rent for a low amount per unit, enticing gatherings like parties, spring-breakers, etc overloading the units for beach getaway parties. Renovation and pricing the units higher per night will deter this partying and loud/disruptive behavior for the neighbors. I'm happy that the company says they have strict consideration for their guests - that is promising.

Thank you.

Best,

Chris

513.833.5564

On Mon, Nov 29, 2021 at 1:09 PM Kirch-Kelling, Joy M <Joy.Kirch-Kelling@norfolk.gov> wrote:

Mr. Babcock,

First let me say that I am troubled to hear that Mr. Miller has not responded to your emails or calls.

I'm copying his authorized agent Ms. Copenhaver who I'm sure will be happy to email you and address any questions/concerns you may have. Do let me know if she or Mr. Miller have not reached out to you by the end of the week.

Second, I'm not entirely sure which meeting you are referring to. Are you referring to the neighborhood meeting that the applicant hosted or the City's public hearing?

The applicant did host a neighborhood meeting on October 15, at 5pm, according to his application packet. You can find his meeting minuets on the last page of the attached PDF. Also included in the packet ( 7th page ) is the proposed parking plan- I know you had questions about that too.

There will also be the Planning Commission hearing open to the public on December 16th at 2:30 pm. Provided below is a link to the virtual meeting, which I encourage you to attend if you can.

https://norfolkcityva.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1923

Did I adequately address your questions? Was there anything else I can assist you with?

Sincerely,

Joy Kelling

Planner I

THE CITY OF NORFOLK

Planning Department

810 Union Street | Suite 508

Norfolk, VA 23510

(757) 664-4756

Attachment: Ltr of conern frm Mr. Babcock (Conditional Use Permit - Richmond Wholesale Deals, LLC)

Connect with us:

www.norfolk.gov

**From:** Christopher Babcock <cbabcock1@gmail.com>
**Sent:** Wednesday, November 24, 2021 12:38 AM
**To:** Kirch-Kelling, Joy M <Joy.Kirch-Kelling@norfolk.gov>
**Subject:** Fwd: 9627 14th Bay St STR

*** This is an EXTERNAL email. Please exercise caution. ***

---

Joy,

I received your contact from Austin Peters and wanted to inquire qabout a notice in the mail regarding a virtual neighborhood meeting on zoom for a pending application for short-term rental for 9627 14th Bay Street. I was hoping to attend the meeting as the property is only 2 houses from my own, but the meeting was at 10am on a weekday and the mailing was received after the meeting had taken place. I have reached out to the meeting organizer, Todd Miller, multiple times over the past month through voicemail and texts but haven't been followed up with. Is there a forum to hear the concerns of other neighbors? I wanted to hear what other neighbors thought regarding turning the multi-family unit into a STR. I was curious as to the parking plan as the lot is usually full and sometimes people park in my yard. Appreciate your help and happy thanksgiving!

Best,

Chris Babcock