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PERMANENT-MAKEUP ARTIST ARGUES SHADES OF MEANING IN ZONING LAW

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CHESAPEAKE - Denise Humphries says city officials have her business pegged wrong.

Humphries considers herself an expert in permanent makeup, meaning she specializes in micropigmentation. City officials say she is a **tattoo** artist.

At issue is whether Humphries will be able to keep her shop, Lasting Beauty, open on Battlefield Boulevard in Great Bridge or be forced to move to an industrialized area where **tattoo** shops are allowed.

"I have several clients who would not feel safe going into an industrial area," Humphries said. Her clients include women in their 40s or older who come to her to implant permanent color under their skin as eyeliner, eyebrows or lip color.

She also works with people who have medical conditions that prevent them from applying their own makeup or who have accident-related scars or uneven skin pigmentation. She sometimes



works with a plastic surgeon in Virginia Beach.

"It's giving back something to people that's been taken away," Humphries said of her work with medical patients and accident victims.

Chesapeake zoning enforcement officials say it doesn't matter who is on her client list. City ordinances refer only to **tattoo parlors**, which can be opened only in areas zoned for industrial use, such as portions of South Military Highway.

Humphries hopes to persuade the City Council to change the ordinance to differentiate her from traditional **tattoo** artists.

"It's true they use very similar technology, but for land-use purposes they are very different," said Kevin E. Martingayle, Humphries' attorney. "The kinds of people who go to permanent makeup salons is very different than a **tattoo parlor**. You're not going to see 21-year-old kids walking in with multiple piercings and **tattoos** of anchors."

Micropigmentation also differs from traditional tattooing, Humphries said, because she can use local anesthesia. Pigments are used instead of **tattoo** inks. One of her techniques is to inject pigments that cover **tattoos**.

Humphries first became interested in the process after having permanent makeup applied to her own face several years ago. She attended school in Florida to learn the procedure, and she is certified by the American Academy of Micropigmentation.

But the owner of two **tattoo** businesses in **Chesapeake** said Humphries shouldn't be treated differently from other **tattoo** artists.

"I don't think it would be fair," said Matt Hutchinson, who owns two Urban Exchange **tattoo** businesses on Juniper Crescent and South Military Highway. What she does is permanent tattooing as well."

City Attorney Ronald S. Hallman agrees.

"Really, when you look at it, it's kind of the same thing. It's basically ink under the skin," Hallman said. "She does have different types of clients. I don't know if that's enough, legally, to base an exemption on."

After being notified by the city that she is violating the zoning ordinance, Humphries will plead her

case to the city's board of zoning appeals Thursday.

She and Martingayle are also trying to lobby City Council members.

Martingayle sent them information packets, and Humphries has called them. Neither has received a response.

Martingayle is handling a similar case in Virginia Beach, where zoning ordinances treat **tattoo** artists and permanent-makeup experts the same. In that case, zoning board members turned down a request to change an ordinance, and Martingayle has filed an appeal in Circuit Court. While Martingayle is arguing for Humphries to be granted a legal exception, he also thinks that **tattoo** artists and permanent-makeup experts should be treated equally. Neither business should be "pigeonholed into one area of the city," he said.

"They are regulated to death on the health front, so that ought to satisfy everybody," Martingayle said. "The whole notion of the dimly lit, seedy **tattoo parlor** from the World War II era is - well, those places don't exist anymore."

Hallman said he didn't know why city officials decided to restrict **tattoo** businesses to industrial areas.

"Certainly, that's something the council could look at," he said.

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Color Photo

Denise Humphries...

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