

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	April 7, 2025
Action Required:	Consideration of an application for a Special Exception Permit
Presenter:	Benjamin Koby, Planner II
Staff Contacts:	Benjamin Koby, Planner II
Title:	<b>Resolution considering 1114 E High Street Special Exception Permit for Build-To Requirements</b>

### **Background**

Mike Ball ("Ball"), applicant, has requested a Special Exception Permit ("SEP") pursuant to City Code Sections 34-2.4.3.A.5 (Build-to) and 34-5.2.15, which states a SEP may be granted for physical dimensional standards. Ball has requested to install a studio workshop space behind the existing office space on site. The CX-5 Corridor Mixed Use 5 district requires the front setback requirement to be 0' to 10' (Ch. 34 Sec. 2.4.3.A.4.) and a required primary street build-to width of 75% minimum (Ch. 34 Sec. 2.4.3.A.5.). The property is currently nonconforming to these standards, and per City Code Section 34-5.3.3.C.3, all new buildings must occupy the build-to zone, until the required width percentages are met.

### **Discussion**

The Planning Commission ("PC") held a hybrid virtual and in-person Regular Meeting on March 11, 2025, on this matter. The PC had no concerns with the request, and recommended approval of the Special Exception with no recommended conditions.

A recording of the Meeting can be found at the following link. Discussion starts at the 2:19:45 mark.

[Link to Recording of Regular Meeting](#)

The full Application for this Project can be found at the following link. Materials start on page 14.

[Link to Staff Report and Application Materials](#)

### **Alignment with City Council's Vision and Strategic Plan**

The intent of the build-to zone requirements of the Development Code, born out of the goals of the Comprehensive Plan, speaks to the desire to create attractive and harmonious streets with a consistent pattern of development. The build-to zone aim is to bring consistency by requiring new developments be placed forward on a property close to the primary street lot lines. It is also clear that the Comprehensive Plan does have aims to ultimately reduce setbacks in Urban Mixed Use Corridor areas and bring structures forward to create a cohesive and pedestrian-friendly streetscape. The

build-to requirements of the Code support a built environment along this corridor as envisioned by the Comprehensive Plan.

However, the majority of properties along this section of E High St are consistent with the setback range of the Subject Property and are nonconforming under the current code. Most other structures on the block are set back considerably behind the build-to zone and would not meet the build-to width requirement either. The built environment near the subject property on the southern side of E High Street has a distinct residential look and feel with large front yards and a residential built form. A strict application of the code would alter the existing pattern of development that may not be consistent with the goals of the Comprehensive Plan. The built form guidance of the Urban Mixed Use Corridor is intended to consider the existing residential, environmental, and historic contexts of an area. While the neighboring uses adjacent to the subject property are not residential currently, the buildings themselves were residences in the past and still maintain the same form. Considering the proposed use of the proposed structure and the existing use of the property, it is more appropriate for the proposed workshop to be located behind the existing building. The proposed use of Light Industrial, while allowed by right in the district, would not lend itself to a strong activation of a pedestrian-friendly streetscape. Keeping the Light Industrial use behind the existing structure will maintain the existing, relatively coherent, building pattern in this section of E High Street.

Also, considering the topography of the south side of High Street near the subject property, the slope of the land would present challenges to building a workshop at the scale the applicant is requesting. The building envelope for the front of the property would likely not meet the needs of the applicant.

### **Community Engagement**

Under the City's Development Code, a Special Exception Permit does not require a Public Hearing or community engagement meeting.

Staff have received no emails or phone calls expressing concerns with the development.

On March 11, 2025 the Planning Commission held a Regular Meeting to consider this application. The Regular Meeting was a hybrid meeting with the public able to join online and in person. No public comments or concerns were expressed related to this special exception request.

### **Budgetary Impact**

This Item has no budgetary impact.

### **Recommendation**

Staff recommends approval of the SEP to allow the installation of an accessory shed on the subject Property. Staff did not recommend any conditions for this SEP. Any proposed modifications to the shed will be reviewed by Staff for consistency with Entrance Corridor guidelines.

The Planning Commission voted 7-0 to recommend the application be approved.

### **Alternatives**

City Council may deny or indefinitely defer the requested Special Exception Permit:

- (1) Denial: "I move to deny the Special Exception Permit requested with application PL-25-0038"
- (2) Deferral: "I move to defer Council action on Special Exception Permit PL-25-0038"

**Attachments**

1. 1114 E High St Studio Workshop 1.29.25 (2)
2. Resolution\_1114 E High St SEP