



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: _____ Date: _____

Tax Map #: _____ Fee: _____

Total area of affected site in acres: _____

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

Zoning

Current Zoning: _____

Existing Use: _____

Proposed Use

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

Existing Use: _____

Is this property subject to any previous land use cases?

Yes

No

☐☐

If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: _____

Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner: _____

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

(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: _____

City: _____ State: _____ Zip Code: _____

Telephone: _(_____) _____ Fax: _(_____) _____

Email: _____

Property Owner 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 REPORT

June 23rd, 2023

*Special Use Permit Request
5114 Salem Street, Richmond, Virginia
Map Reference Number: E000-2914/015*

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:	Baker Development Resources 530 East Main Street, Suite 730 Richmond, Virginia 23219

Introduction

The property owner is requesting a special use permit (the "SUP") for 5114 Salem Street (the "Property"). The SUP would authorize the construction of three new single-family detached dwellings on the Property. While the single-family detached use is permitted by the underlying R-5 Single-Family Residential zoning district, some of the underlying feature requirements cannot be met, and therefore, a SUP is required.

Existing Conditions

SITE DESCRIPTION AND EXISTING LAND USE

The Property is located on the eastern line of Salem Street between Williamsburg Road and Nelson Street. The Property is referenced by the City Assessor as tax parcels E000-2914/015 and is currently vacant. The parcel is roughly 105' wide, 150' deep, and consists of approximately 15,750 square feet of lot area. Access is provided at the rear of the Property by means of a north-south alley.



The properties in the immediate vicinity are developed with a wide range of uses and building forms. While one-story and two-story single-family detached dwellings are the most common uses found in the area; institutional and commercial uses are also found in the vicinity. While many of the properties in the area have been developed, there are still several small, vacant lots in the vicinity.

EXISTING ZONING

The Property is zoned R-5 Single-Family Residential, which generally permits the proposed single-family detached dwelling use. Parcels in the area differ in size and frontage with a large number of parcels in the vicinity, including the adjacent property at 5110 Salem, unable to conform to the underlying R-5 feature requirements. The surrounding properties to the west, south, and east are also zoned R-5. Immediately to the north, along Williamsburg Road can be found a B-2 Community Business district. Finally, further northeast are properties zoned RO-2 Residential Office and R-48 Multifamily Residential.

MASTER PLAN DESIGNATION

The Richmond 300 Master Plan (the “Master Plan”) suggests “Residential” use for the Property. The Master Plan suggests this future land use designation allow for a variety of housing types that are consistent with the scale, density, and design of what exists in the vicinity. This designation also encourages that developments reinforce a gridded street pattern to increase connectivity. Single-family dwellings are the contemplated primary use in the Residential future land use designation (p. 54). Furthermore, the Property is located within the Fulton Neighborhood Node which encourages growth that preserves the character of the surrounding single-family neighborhoods.

In addition to the Property-specific guidance offered by the Vision and Core Concepts chapter, there are a number of other goals elsewhere within the Master Plan that support this request:

- Page 109 (Equitable Transportation Chapter), Objective 6.1 to “Increase the number of residents and jobs at Nodes and along enhanced transit corridors in a land development pattern that prioritizes multi-modal transportation options.”
 - b. Develop housing at all income levels in and near Nodes and along major corridors (see strategies Goal 14).
- Page 136 (Diverse Economy Chapter), Objective 11.1 to “Increase the areas of appropriately zoned land near various transportation modes and housing to retain, create, and attract employers.”
 - d. Encourage the development of a variety of quality housing types to house employees across the economic spectrum (see Goal 14).
- Page 150 (Inclusive Housing Chapter), Objective 14.1 to “Increase city-wide awareness of the importance of integrating housing at all income levels into every residential neighborhood so every household has housing choice throughout the city.”
- Page 152 (Inclusive Housing Chapter) (see map on p. 153), Objective 14.5 to “Encourage more housing types throughout the city and greater density along enhanced transit corridors and at Nodes (shown in Figure 38 [p.153]) by amending the Zoning Ordinance.”
- Page 155 (Inclusive Housing Chapter), Objective 14.8 to “Develop inclusionary and equitable housing options for our gentrifying neighborhoods to prevent involuntary displacement.”
- Page 159 (Thriving Environment Chapter) Objective 15.1 to “Reduce air pollution related to transportation.”
 - a. Increase the number of Richmonders living in a development pattern that encourages density and reduces dependency on single-occupancy vehicles (see Goal 1, Goal 8, Goal 14).

- Page 86 (High-Quality Places Chapter), Objective 1.4, to “maintain and improve primarily residential areas by increasing their linkages to...corridors...and maintaining high-quality design standards.”
- Page 100 (High Quality Places Chapter), Objective 4.1, to “create and preserve high-quality, distinctive, and well-designed neighborhoods and nodes throughout the City,” as the request introduces thoughtfully designed new construction in a manner not otherwise assured by-right.

TRANSPORTATION

The Property is located near Darbytown and Williamsburg Roads which are serviced by the 56 and 4B lines respectively and provide connection to the west toward Downtown and on to the VCU Medical Center and to the southeast toward Darbytown and into Henrico.

Proposal

PROJECT SUMMARY

The applicant is proposing to divide the Property into three lots and construct a new single-family detached dwelling on each of the newly created lots.

PURPOSE OF REQUEST

The Property consists of a single lot of record which is described as Lot 15-17 from the original Powhatan Place subdivision. The lot is exceptionally large for the area and is approximately 105' wide, consisting of 15,750 square feet of lot area. The owner is proposing to divide the lot and build three new single-family detached dwellings on the Property. The three new detached dwellings would each be located on new parcels which would be roughly 35' in width containing approximately 5,250 square feet of lot area. While the proposed lots are consistent with the character of the neighborhood, the R-5 District lot area and width requirements would not be met for the new dwellings, requiring the SUP. All other aspects of the underlying zoning requirements would be met.

In exchange for the SUP, the intent of this request is to ensure the development of high-quality infill dwellings. The overall project will be appropriately dense and efficient as contemplated by the Richmond 300 Master Plan. It will also be consistent with the uses permitted by-right by the underlying zoning. At the same time, it will remain respectful to the historic development pattern in the vicinity thereby remaining consistent with the predominant character of the area. Finally, the quality assurances conditioned through the SUP will guarantee a higher quality development and better neighborhood compatibility than might otherwise be guaranteed with a by right development.

PROJECT DETAILS

When complete, the new single-family detached dwellings would be two stories in height and are intended to be consistent with the historic development pattern found throughout the neighborhood. The three proposed dwellings would each be 22' in width and 40' in depth. They would each include approximately 1,760 square feet of finished floor area. Two of the dwellings have been designed with a gabled roof while the central dwelling would have a false mansard roof to provide a variety of facades. The dwellings would each contain four bedrooms and three bathrooms. The

proposed floor plans are modern and efficient, and designed to meet the needs of the market. The first floor would contain an open kitchen and living area and the second-floor plans include a primary bedroom with en-suite primary bathroom and walk-in closet. The buildings would be of frame construction and would be clad in cementitious siding. A covered front porch would provide usable outdoor space for the future owners and address the street. Two off-street parking spaces, accessible from the rear alley, are proposed for each dwelling. The proposed dwellings massing and architectural styles are designed to be compatible with nearby dwellings and are consistent with the historical homes found in the neighborhood.

Findings of Fact

The following are factors indicated in Section 17.11 of the Charter and Section 114-1050.1 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 special use permit for high-quality infill construction will not impact the safety, health, morals and general welfare of the nearby neighborhoods.

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

The proposed special use permit will not result in significant traffic impacts to nearby residential neighborhoods. The negligible traffic generation on the existing street will create no 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 proposed special use permit will not tend to over crowd 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 special use permit will not adversely affect the above referenced City services. To the contrary, the proposal will provide positive fiscal (tax) benefits that will enhance the City's ability to provide these services to the proposed development.

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

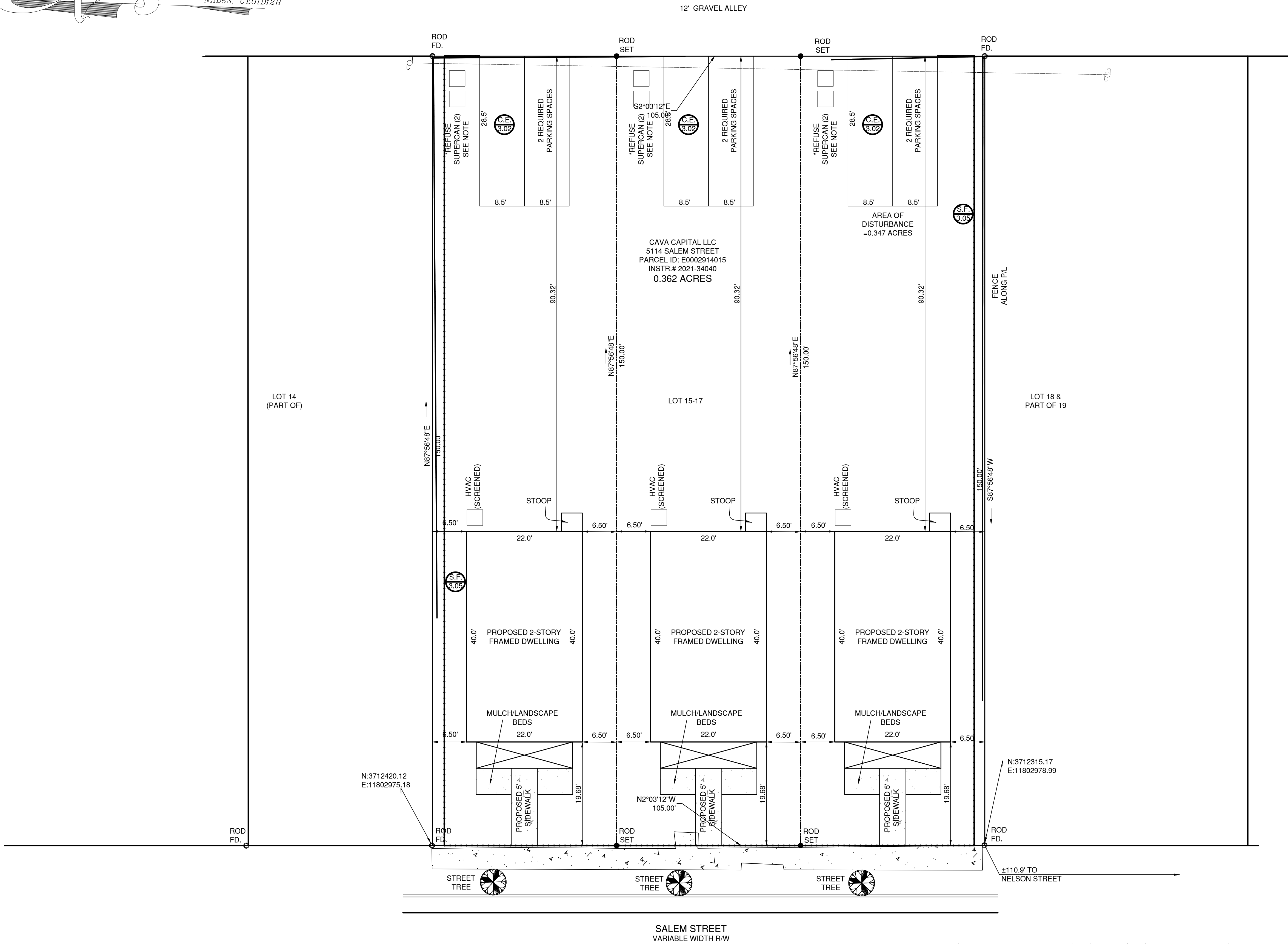
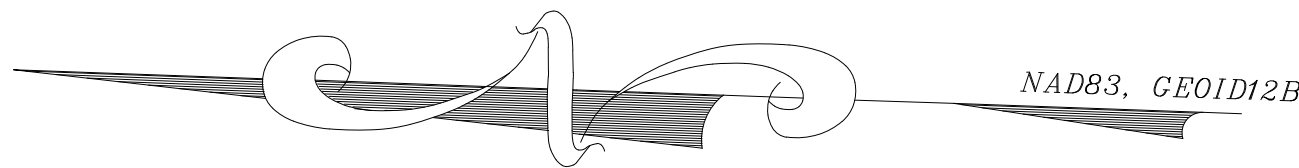
The light and air available to the subject and adjacent properties will not be affected. The proposed buildings are of compatible massing and spacing to the existing in the vicinity. As a result, this request will not interfere with the provision of adequate light and air to the adjacent buildings.

Summary

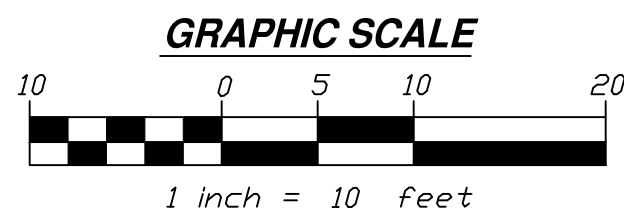
In summary we are enthusiastically seeking approval for the construction of the proposed single-family dwellings. The buildings have been thoughtfully designed in order to provide appropriate, high-quality, infill residential development. The request offers compatibility with the City's Master Plan in terms of use. The request would upgrade the Property while maintaining a desirable variation in housing style and density in the vicinity.

The proposed development would respectfully help restore an appropriate urban fabric in a block face and would help encourage a pedestrian friendly traditional streetscape and contribute to the vibrancy of the block through the addition of street life in the form of street-oriented full width front porches. The traditional building forms would provide the much-desired traditional neighborhood design which is appropriate to this area of the City. Finally, the quality assurances conditioned through the SUP would guarantee a higher quality development than might otherwise be developed by right.

*NOTE: OPAQUE SCREENING TO BE PROVIDED UNLESS REAR YARD AND REFUSE AREA IS ENCLOSED WITH OPAQUE PRIVACY FENCE



*Note: Proposed Street Trees are to be large shade trees per Urban Forestry Approved Species List



2463 boulevard
colonial heights, va 23834
telephone: 804.520.9015
facsimile: 804.520.9016
email: cctownes@townespc.com

townes
consulting engineers, planners, land surveyors



5114 SALEM STREET
PLAN OF DEVELOPMENT
CITY OF RICHMOND, VIRGINIA

SITE LAYOUT

DATE:
FEBRUARY 9, 2022

SCALE:
1" = 10'

PROJECT NUMBER:
20210598

DESIGN TEAM:
CHARLES C. TOWNES, II, P.E., L.S.
PROJECT MANAGER
T.S.G.
DRAWN BY:

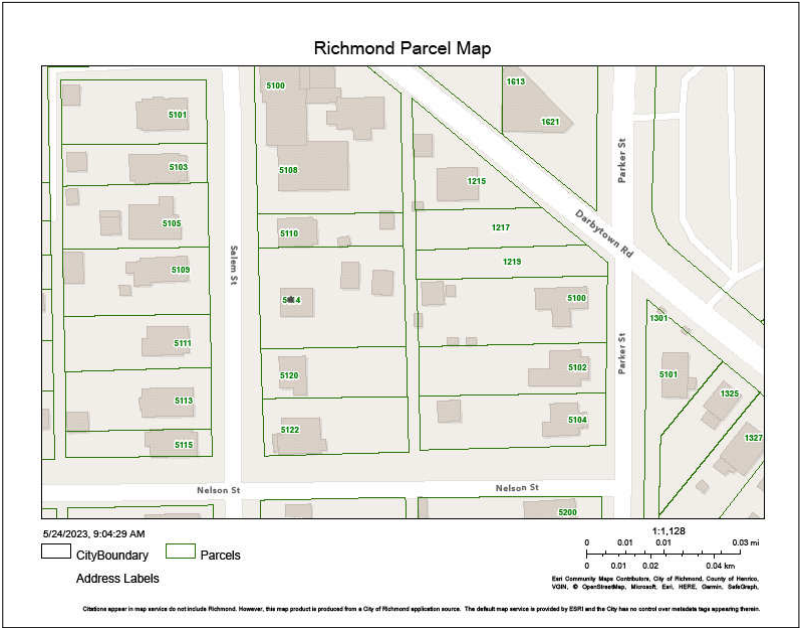
CHECKED BY:		
REVISIONS:		
REV.	DATE:	ITEM:
1	3/3/2022	CLIENT COMMENTS
2	7/27/2023	CITY COMMENTS
3	8/14/2023	CITY COMMENTS

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CAVA COMPANIES



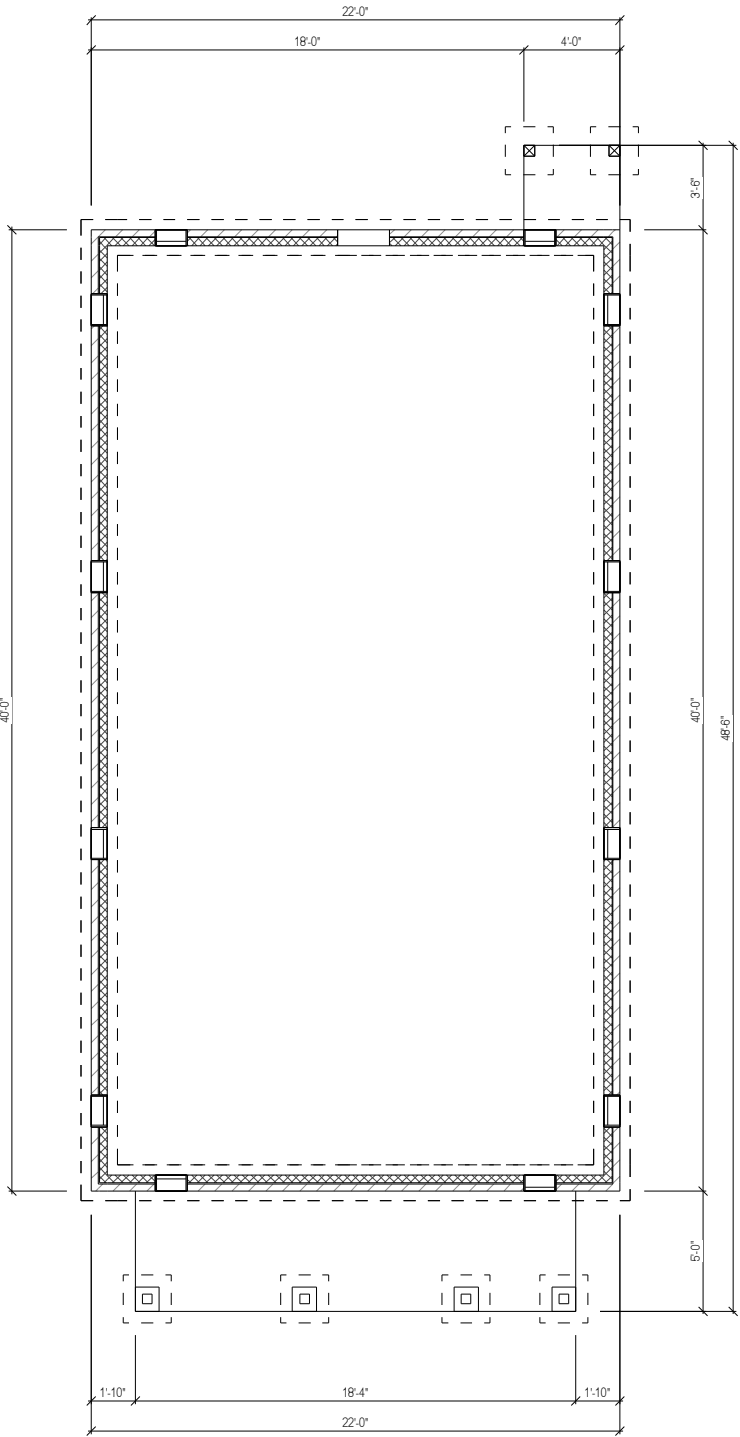
5114 SALEM ST



COPYRIGHT NOTICE



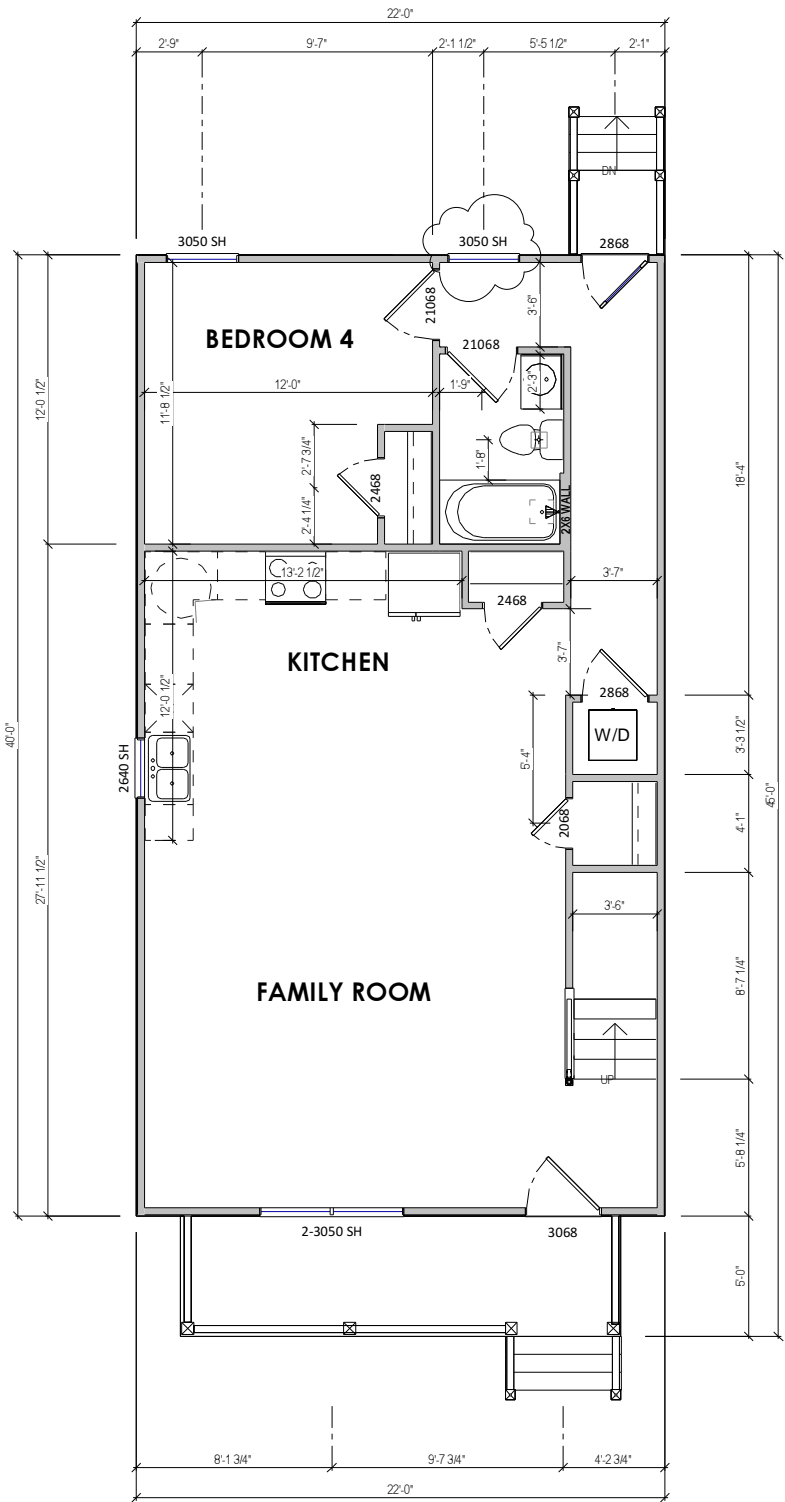
APPROVAL SET
NOT FOR CONSTRUCTION



1 CRAWL SPACE PLAN - ELEVATION A
A1.00-A 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE



PROJECT	CAVA COMPANIES	
	CLIENT	5114 SALEM ST
NEW CONSTRUCTION	ADDRESS	5114 SALEM ST
	SHEET	Foundation Plan
ISSUE DATE		
7/28/23		
DRAWN BY		
PINNACLE		
DESIGN		
SHEET NUMBER		
A1.00-A		

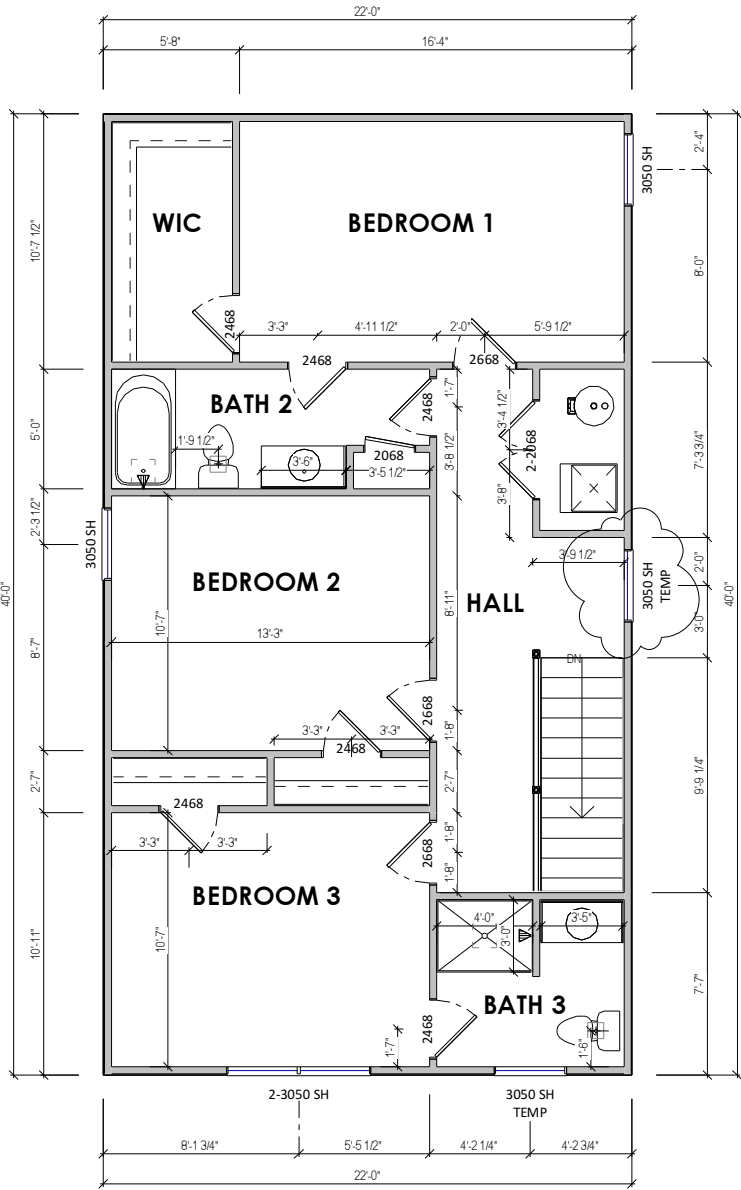


1 1ST FLOOR PLAN - ELEVATION A
A2.10-A 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE

Revision Schedule		
Revision Number	Revision Description	Revision Date
1	ADDED WINDOW	7/28/23



PROJECT	NEW CONSTRUCTION		CLIENT	CAVA COMPANIES
	1st Floor Plan		ADDRESS	5114 SALEM ST
ISSUE DATE		7/28/23		
DRAWN BY		PINNACLE DESIGN		
SHEET NUMBER		A2.10-A		



Revision Schedule		
Revision Number	Revision Description	Revision Date
2	ADDED WINDOW	7/28/23

PROJECT

NEW CONSTRUCTION

CLIENT

CAVA COMPANIES

ISSUE DATE

7/28/23

DRAWN BY

PINNACLE DESIGN

SHEET

2nd Floor Plan

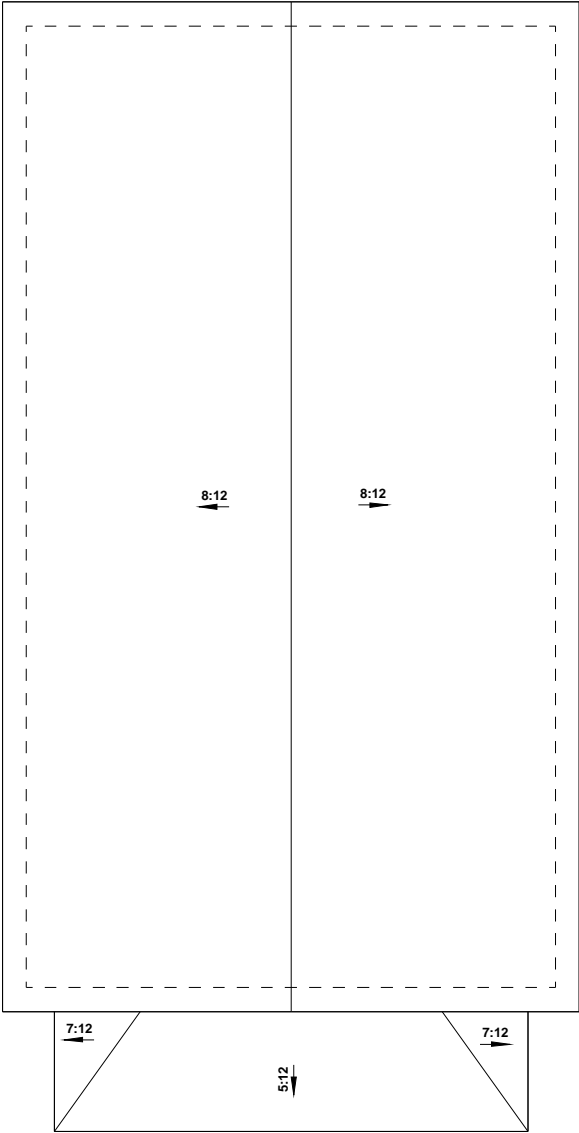
ADDRESS

5114 SALEM ST

SHEET NUMBER

A2.20-A





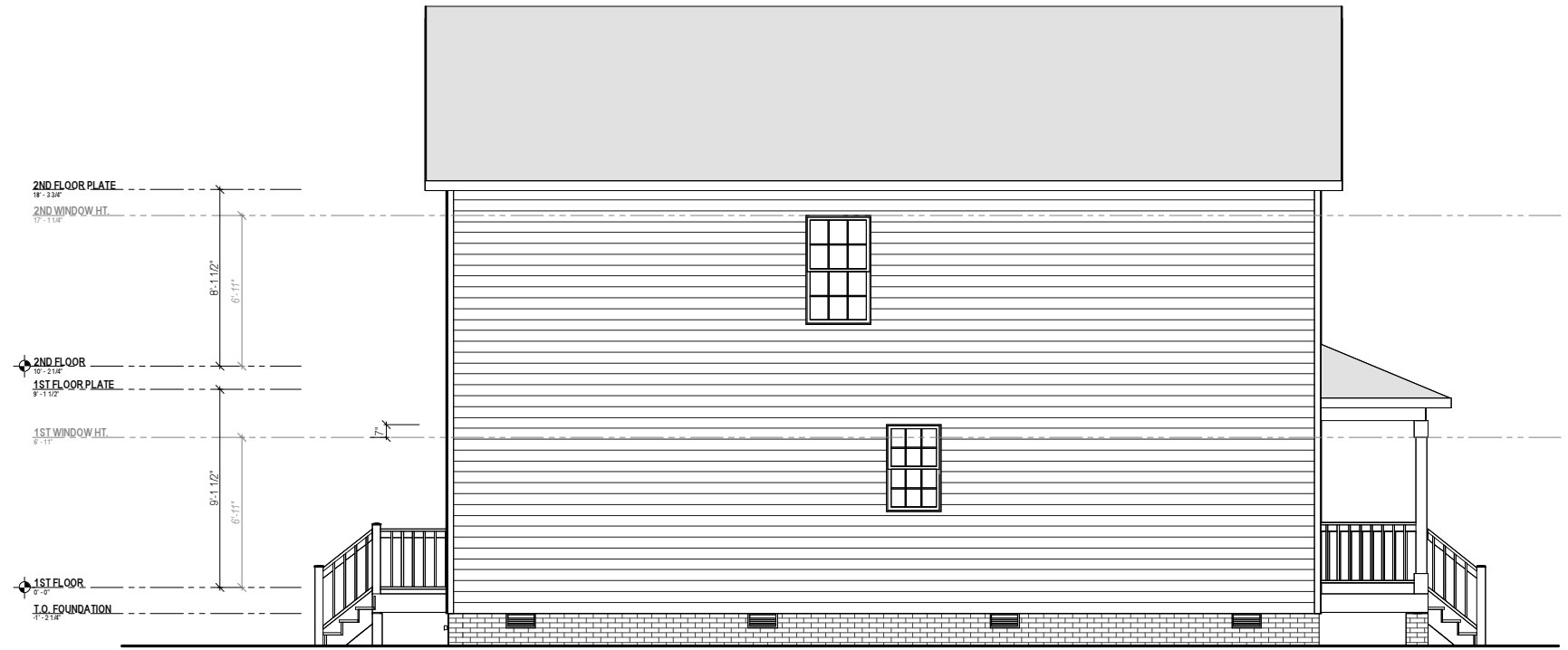
PROJECT	NEW CONSTRUCTION		CLIENT	CAVA COMPANIES	
	SHEET		ADDRESS	5114 SALEM ST	
SHEET		Roof Plan		ISSUE DATE	
SHEET		Roof Plan		DRAWN BY	
SHEET		Roof Plan		PINNACLE DESIGN	
SHEET		Roof Plan		SHEET NUMBER	
SHEET		Roof Plan		A2.30-A	



PROJECT NEW CONSTRUCTION		CLIENT CAVA COMPANIES
SHEET Elevations		ADDRESS 5114 SALEM ST
ISSUE DATE 7/28/23		
DRAWN BY PINNACLE DESIGN		
SHEET NUMBER A3.00-A		



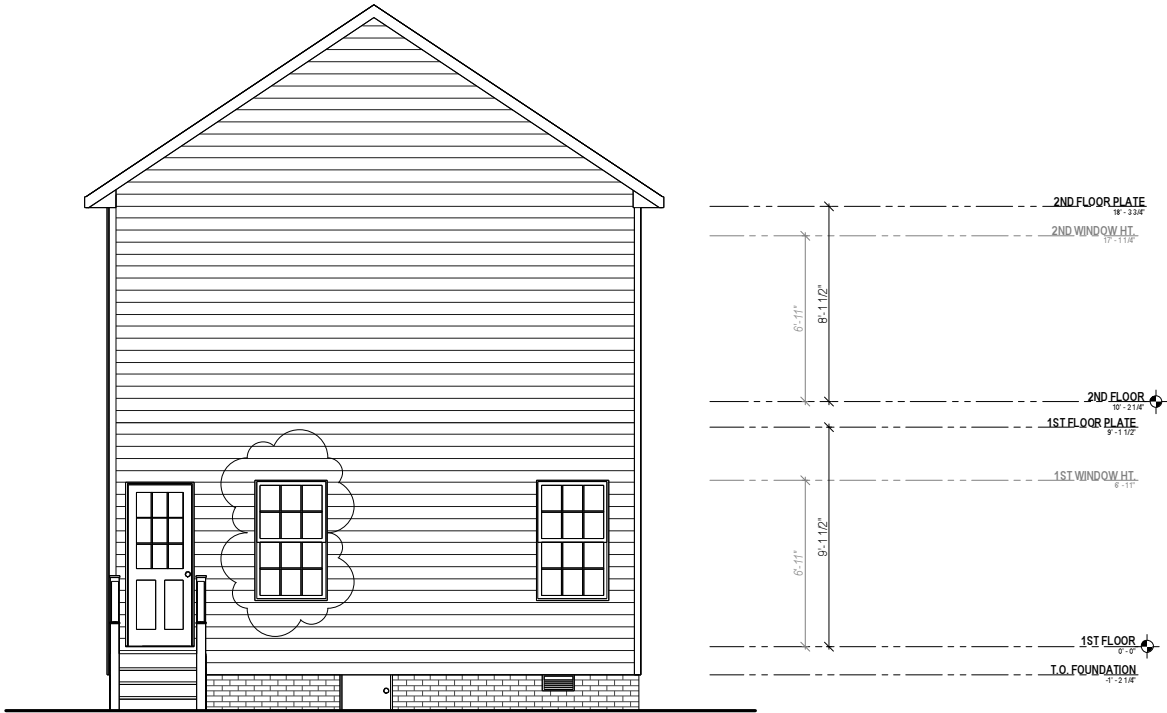
1 FRONT VIEW - ELEVATION A
A3.00-A 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE



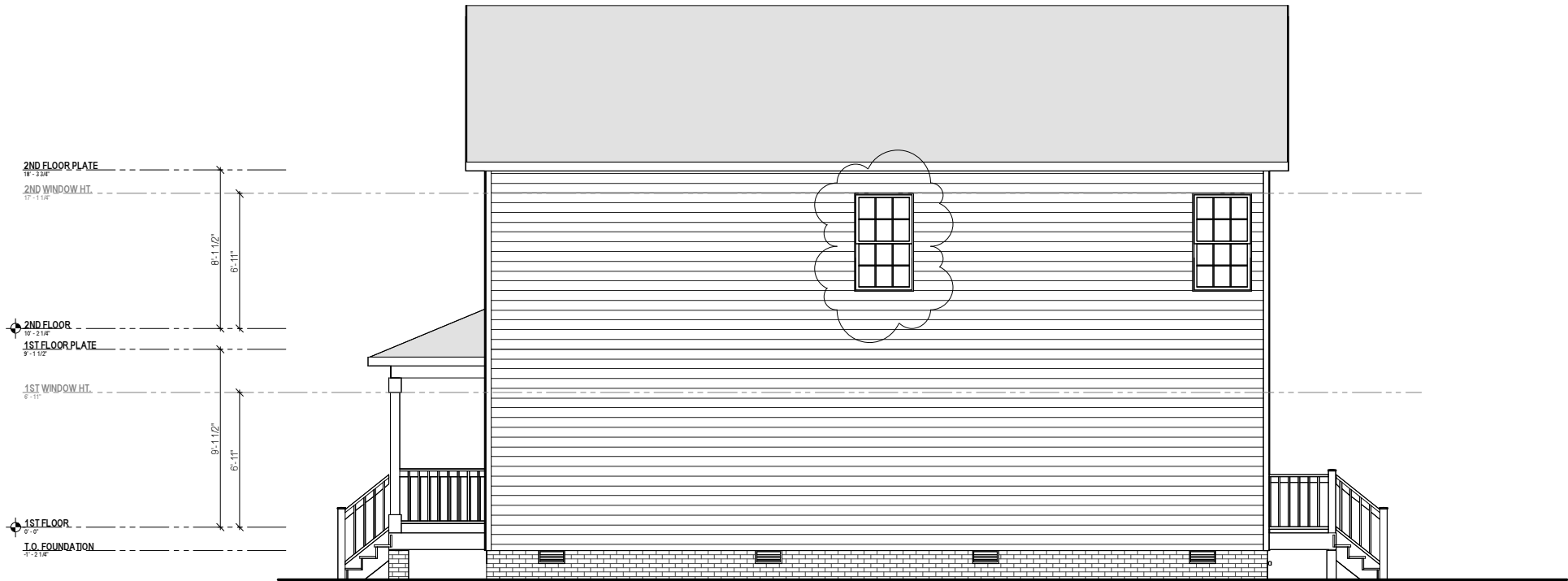
2 LEFT VIEW - ELEVATION A
A3.00-A 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE

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Revision Schedule		
Revision Number	Revision Description	Revision Date
1	ADDED WINDOW	7/28/23
2	ADDED WINDOW	7/28/23



1 REAR VIEW - ELEVATION A
A3.10-A 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE

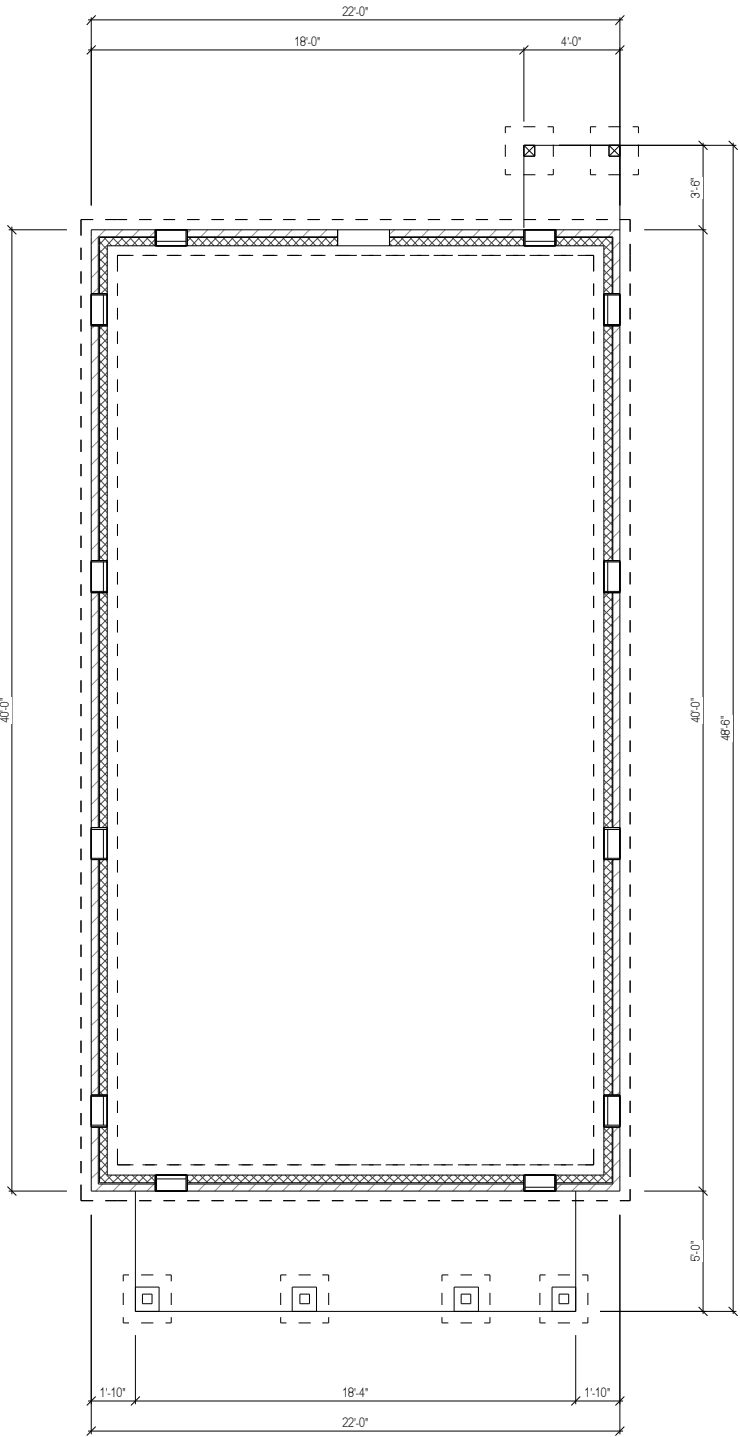


2 RIGHT VIEW - ELEVATION A
A3.10-A 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE

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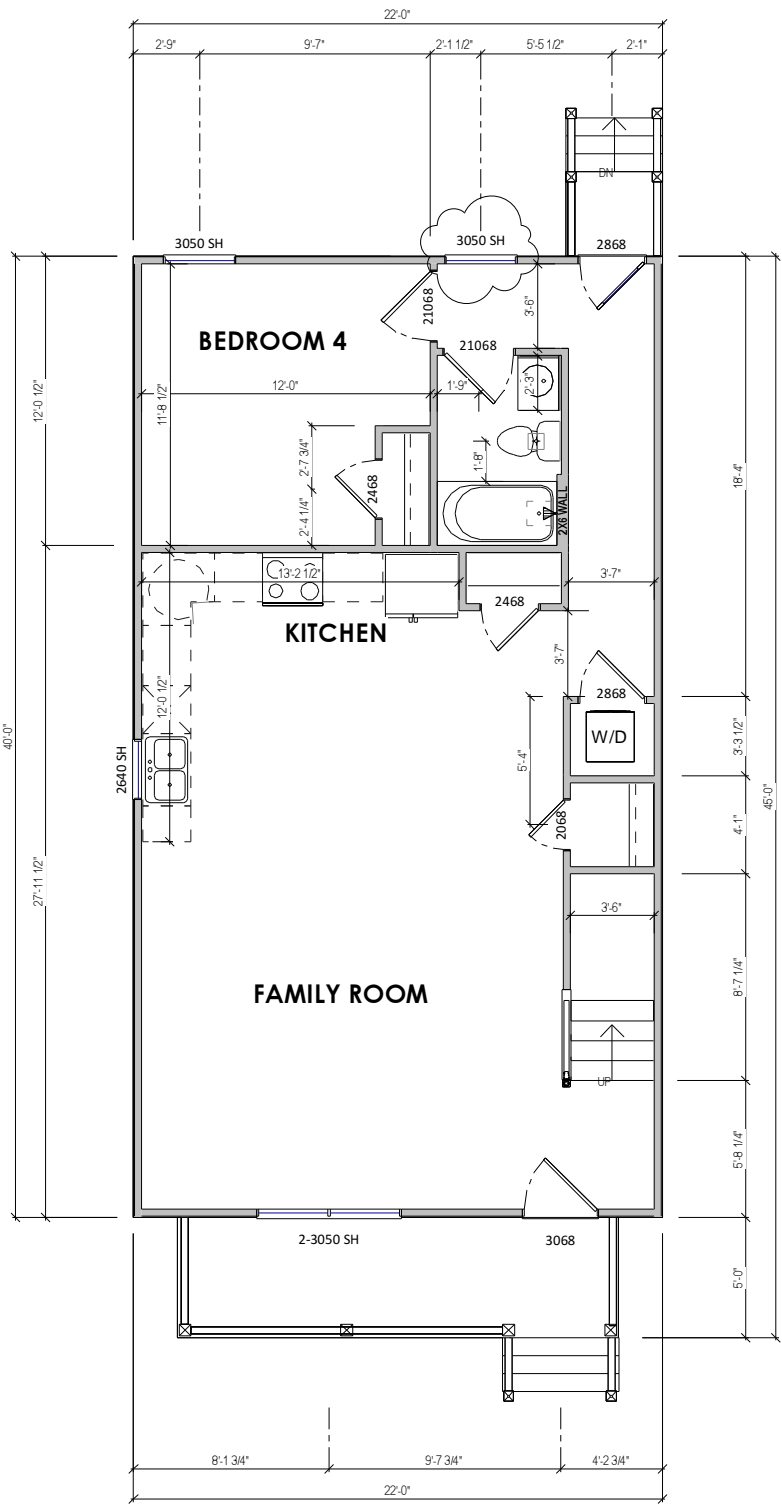
CLIENT	CAVA COMPANIES	
	ADDRESS	5114 SALEM ST
PROJECT	NEW CONSTRUCTION	
	SHEET	Elevations
ISSUE DATE		
7/28/23		
DRAWN BY		
PINNACLE		
DESIGN		
SHEET NUMBER		
A3.10-A		



1 CRAWL SPACE PLAN - ELEVATION B
A1.00-B 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE



PROJECT	CAVA COMPANIES	
	CLIENT	5114 SALEM ST
NEW CONSTRUCTION	ADDRESS	5114 SALEM ST
	SHEET	Foundation Plan
ISSUE DATE		
7/28/23		
DRAWN BY		
PINNACLE DESIGN		
SHEET NUMBER		
A1.00-B		

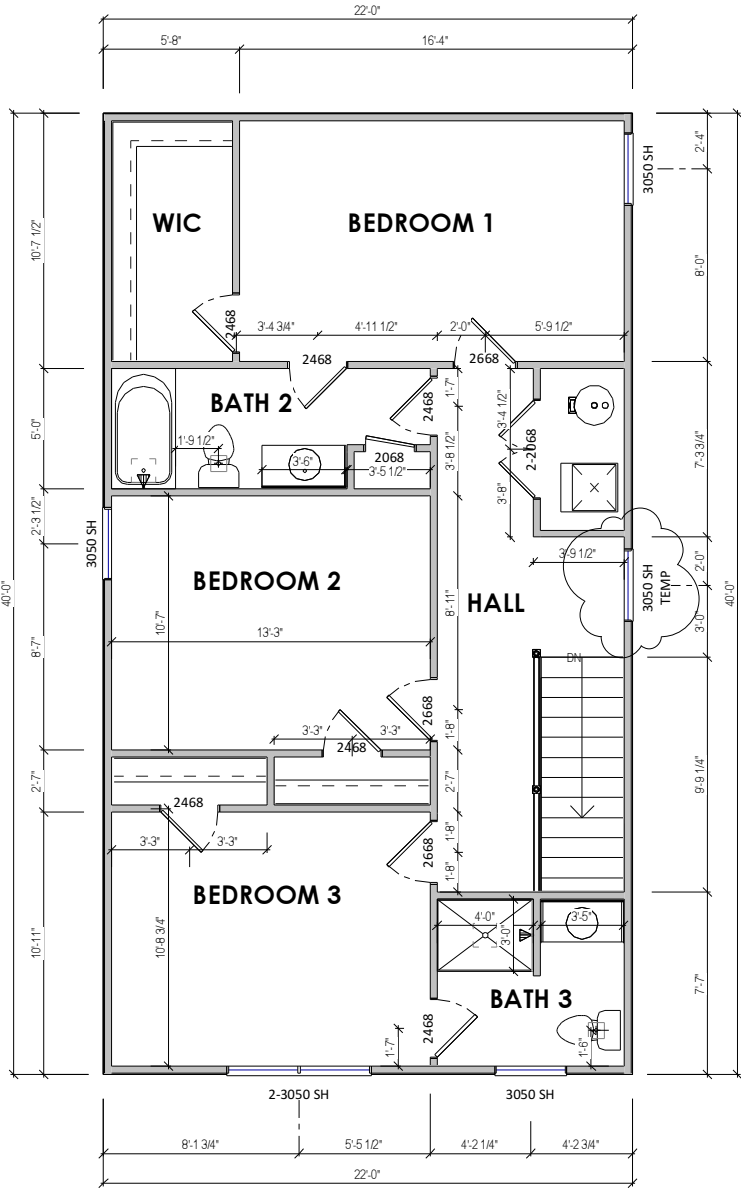


Revision Schedule		
Revision Number	Revision Description	Revision Date
1	ADDED WINDOW	7/28/23

1 1ST FLOOR PLAN - ELEVATION B
A2.01-B 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE



PROJECT	NEW CONSTRUCTION	
	1st Floor Plan	
CLIENT	CAVA COMPANIES	
	ADDRESS	5114 SALEM ST
ISSUE DATE		
7/28/23		
DRAWN BY		
PINNACLE DESIGN		
SHEET NUMBER		
A2.01-B		



Revision Schedule		
Revision Number	Revision Description	Revision Date
2	ADDED WINDOW	7/28/23

PROJECT

NEW CONSTRUCTION

CLIENT

CAVA COMPANIES

ISSUE DATE

7/28/23

DRAWN BY

PINNACLE DESIGN

SHEET

2nd Floor Plan

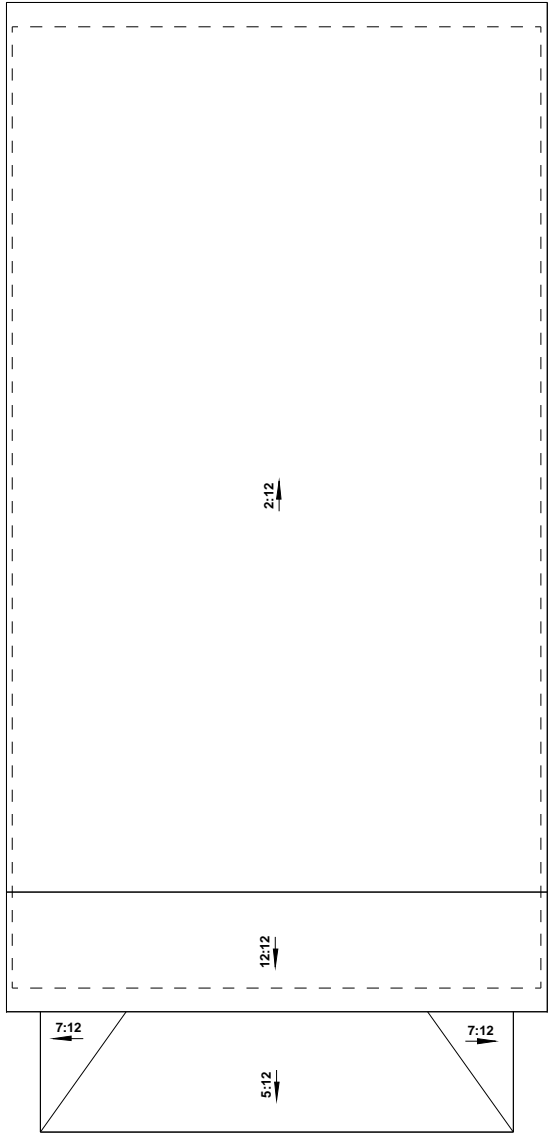
ADDRESS

5114 SALEM ST

SHEET NUMBER

A2.20-B





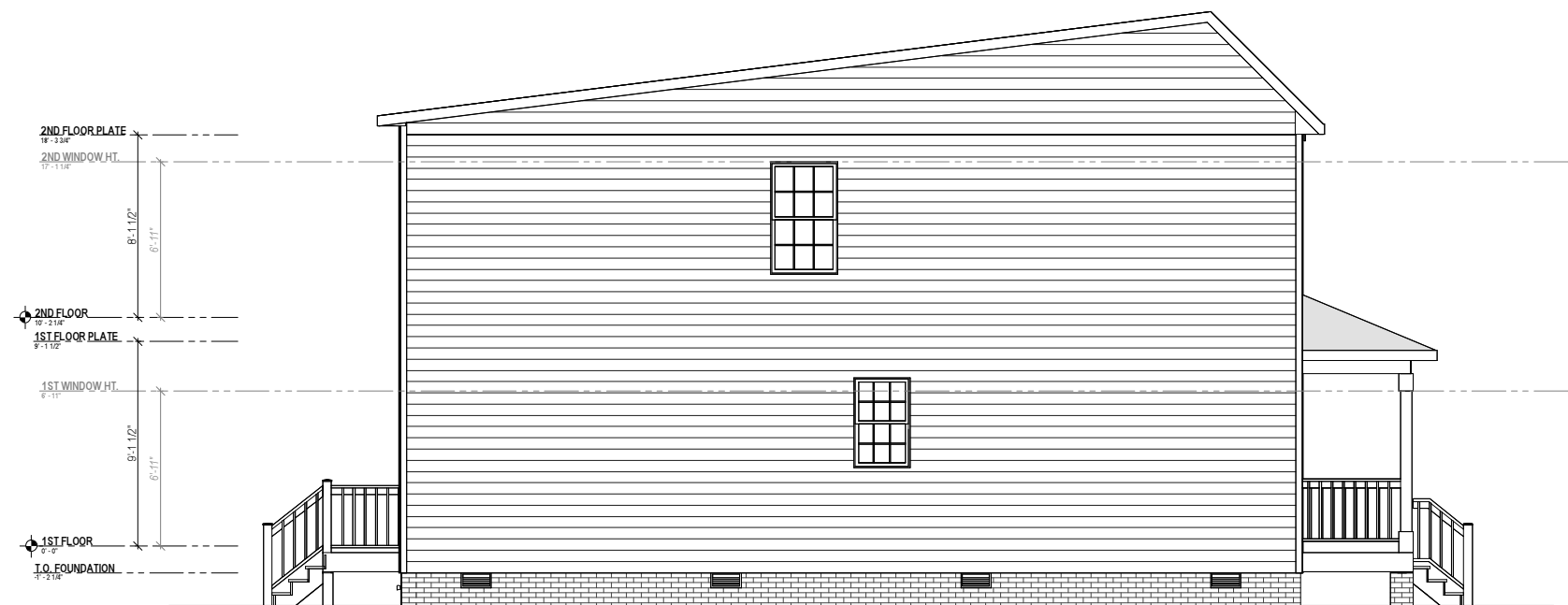
1 **ROOF PLAN - ELEVATION B**
A2.30-B 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE



PROJECT	NEW CONSTRUCTION		CLIENT	CAVA COMPANIES
	SHEET		ADDRESS	
ISSUE DATE		7/28/23		
DRAWN BY		PINNACLE DESIGN		
SHEET NUMBER		A2.30-B		
		Roof Plan		5114 SALEM ST



1 FRONT VIEW - ELEVATION B
A3.00-B 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE



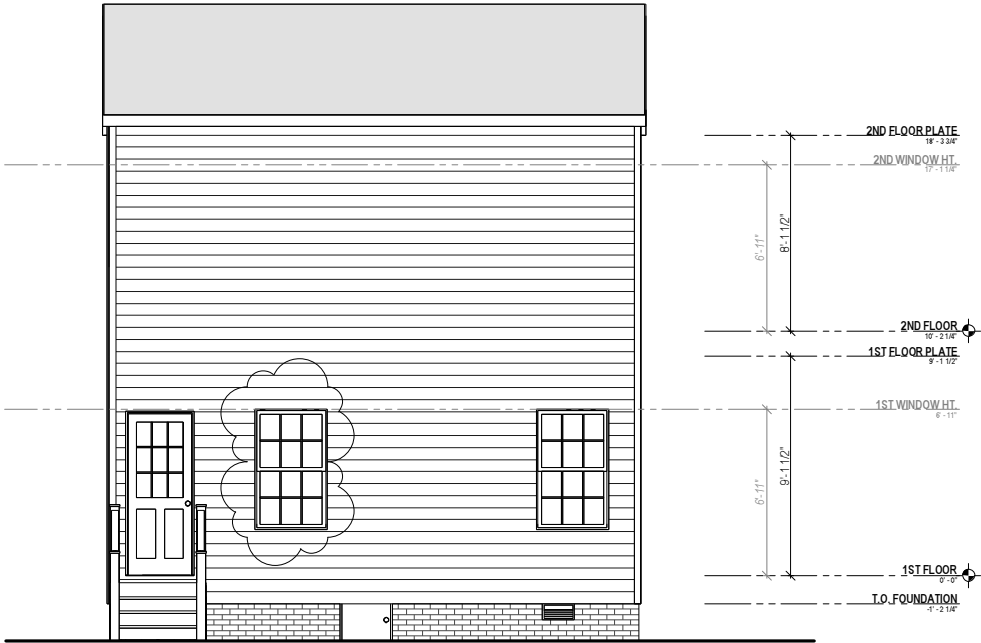
2 LEFT VIEW - ELEVATION B
A3.00-B 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE

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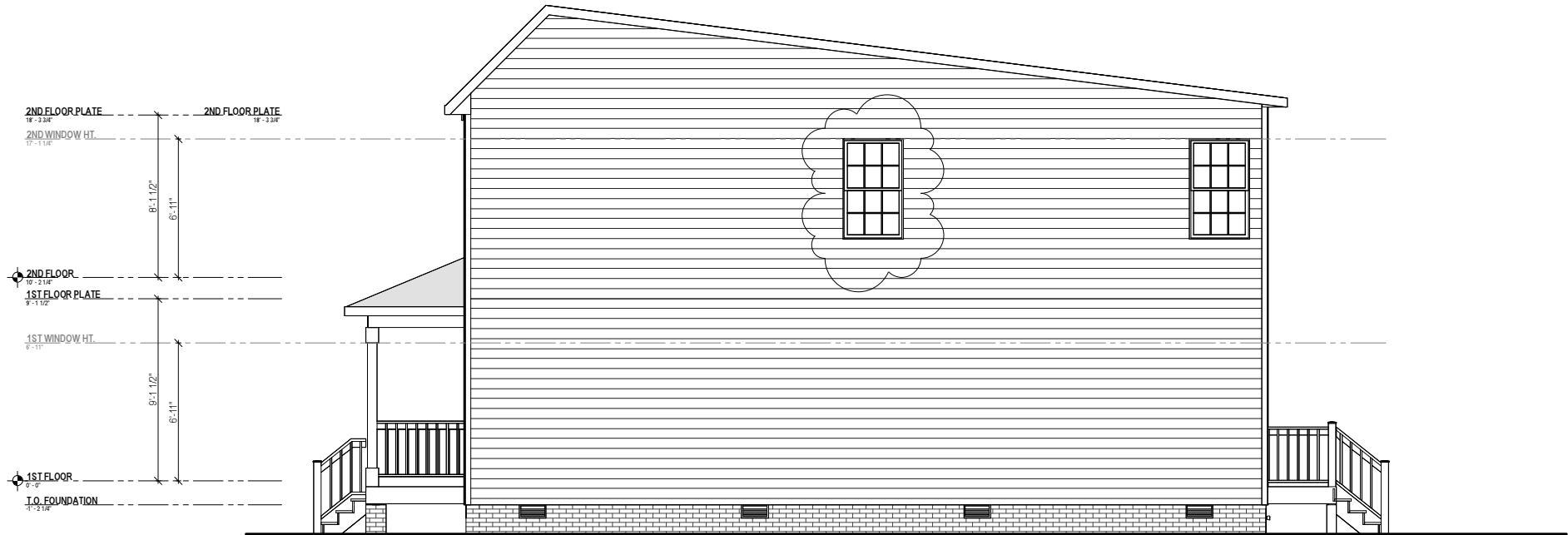


CLIENT	CAVA COMPANIES	
	ADDRESS	5114 SALEM ST
PROJECT	NEW CONSTRUCTION	
	SHEET	Elevations
ISSUE DATE		
7/28/23		
DRAWN BY		
PINNACLE		
DESIGN		
SHEET NUMBER		
A3.00-B		

Revision Schedule		
Revision Number	Revision Description	Revision Date
1	ADDED WINDOW	7/28/23
2	ADDED WINDOW	7/28/23



1 REAR VIEW - ELEVATION B
A3.10-B 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE



2 RIGHT VIEW - ELEVATION B
A3.10-B 1/8" = 1'-0" WHEN PRINTED ON 11"x17" / ANSI B PAPER SIZE

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CLIENT	CAVA COMPANIES	
	ADDRESS	5114 SALEM ST
PROJECT	NEW CONSTRUCTION	
	SHEET	Elevations
ISSUE DATE		
7/28/23		
DRAWN BY		
PINNACLE DESIGN		
SHEET NUMBER		
A3.10-B		

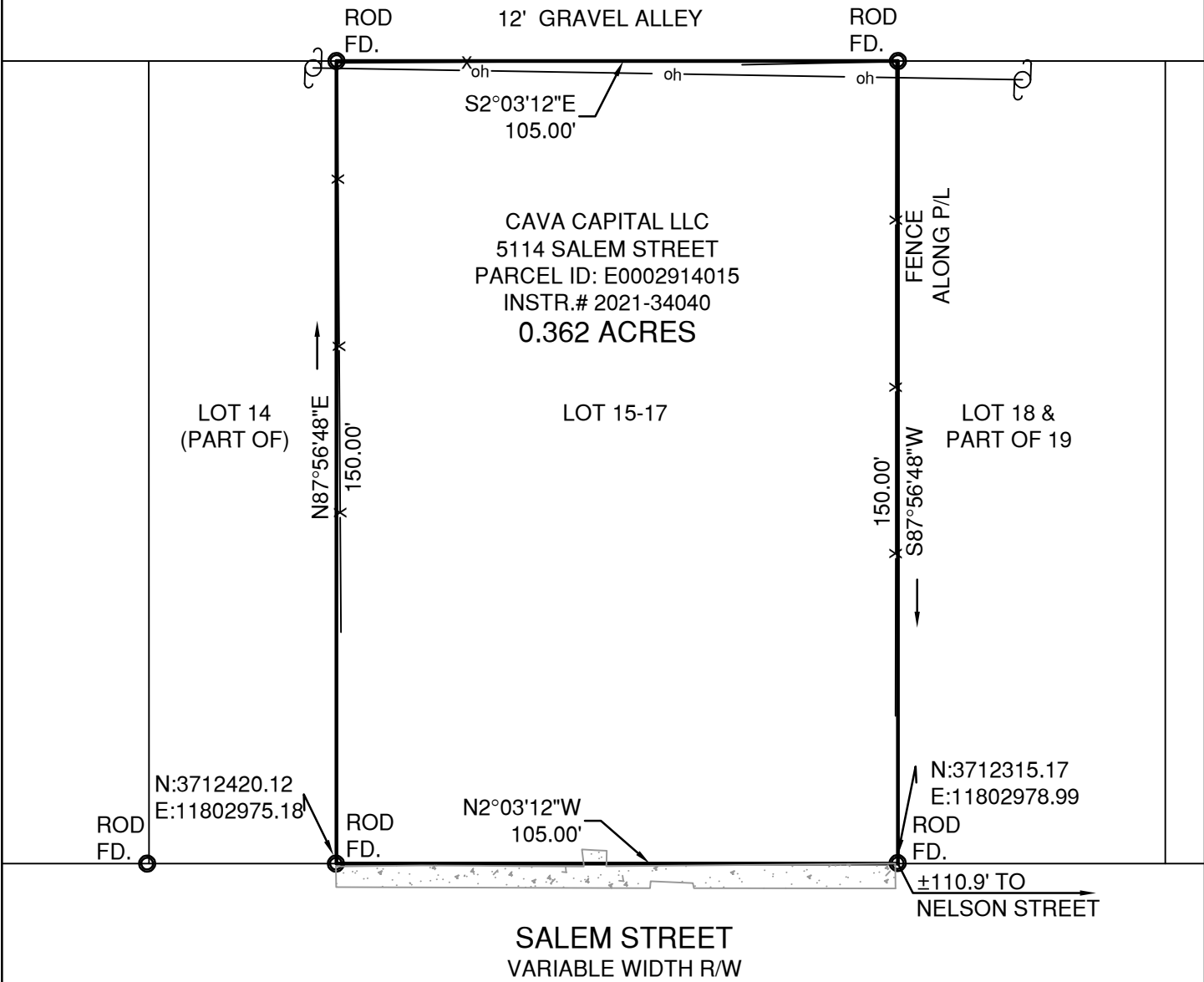
THIS PROPERTY IS LOCATED IN ZONE X AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM), COMMUNITY PANEL # 5101290044D, EFFECTIVE DATE APRIL 2, 2009.

THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD OR OTHER PERTINENT FACTS THAT A CURRENT TITLE REPORT MIGHT IDENTIFY. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

NOTE: ALL DISTANCES SHOWN ARE IN U.S. SURVEY FEET

THIS SURVEY WAS MADE FOR THE PURPOSE OF IDENTIFYING LEGAL BOUNDARIES AND DOES NOT PURPORT TO IDENTIFY ENVIRONMENTAL FEATURES THAT AN ENVIRONMENTAL ASSESSMENT MIGHT IDENTIFY.

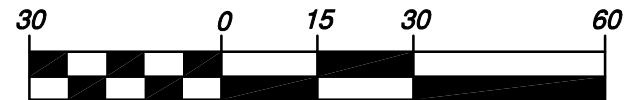
REFERENCE PLAT: PLAT OF LOTS 9, 10, 11, 12, & 13, BLOCK 1, POWHATAN PLACE. DATED JUNE 15, 1989 BY GEORGE STEPHENS ASSOCIATES, A BRANCH OF PACIULTI, SIMMONS & ASSOCIATES, LTD.



THIS IS TO CERTIFY THAT I MADE AN ACCURATE FIELD SURVEY ON JUNE 23, 2022. ALL VISIBLE IMPROVEMENTS ARE AS SHOWN HEREON AND THAT THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN SHOWN.



GRAPHIC SCALE



**PLAT SHOWING
PHYSICAL IMPROVEMENTS OF
LOTS 15-17, BLOCK 1,
POWHATAN PLACE
SUBDIVISION**

**FOR
CAVA CAPITAL, LLC**

CITY OF RICHMOND, VIRGINIA

DATE: JUNE 23, 2023 SCALE: 1"=30'



townes

consulting engineers, planners, and land surveyors

DRAWN BY: CCT, II

CHECKED BY:

2463 boulevard
colonial heights, va 23834
telephone: 804.520.9015
facsimile: 804.520.9016
email: cctownes@townespc.com

ATTN: AMANDA SCHWARTZ

INTRODUCED:

AN ORDINANCE No. 2023-

To authorize the special use of the property known as 5114 Salem Street, for the purpose of three single-family detached dwellings, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING:

AT 6 P.M.

WHEREAS, the owner of the property known as 5114 Salem Street, which is situated in a R-5 Single-Family Residential District, desires to use such properties for the purpose of three single-family detached dwellings, which use, among other things, is not currently allowed by section 30-410.4, regarding lot area and width, 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 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

AYES:_____ NOES:_____ ABSTAIN:_____

ADOPTED:_____ REJECTED:_____ STRICKEN:_____

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 5114 Salem Street and identified as Tax Parcel No. E0002914/015 in the 2023 records of the City Assessor, being more particularly shown on a survey entitled “Plat Showing Physical Improvements of Lots 15-17, Block 1, Powhatan Place Subdivision for Cava Capital, LLC” prepared by townes, and dated June 23, 2023, copies of which are attached to and made a part of this ordinance, hereinafter referred to as “the Properties,” is hereby permitted to be used for the purpose of three single-family detached dwellings, hereinafter referred to as “the Special Use,” substantially as shown on the plans entitled “New Construction” prepared by Pinnacle Design and dated July 28, 2023, as well as the plans entitled “5114 Salem Street Plan of Development City of Richmond, Virginia Site Layout” dated February 9, 2022, drawn by townes, 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 three single-family detached dwellings, substantially as shown on the Plans. (all sheets)

(b) Six off-street parking spaces shall be required for the Special Use, substantially as shown on the Plans. (sheet C-2)

(c) The height of the Special Use shall not exceed two stories, substantially as shown on the Plans. (sheets A3.00-A, A3.10-A, A3.00-B, A3.10-B)

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

(e) All elevations and site improvements, including landscaping, shall be substantially as shown on the Plans. (all sheets)

(f) Prior to the issuance of any building permit for the Special Use, the establishment of up to ten residential lots, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats and deeds among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 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) All improvements and work within the public right-of-way shall be (i) completed in

accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) 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 Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, 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.



**City of Richmond
Department of Planning
& Development Review**

Special Use Permit

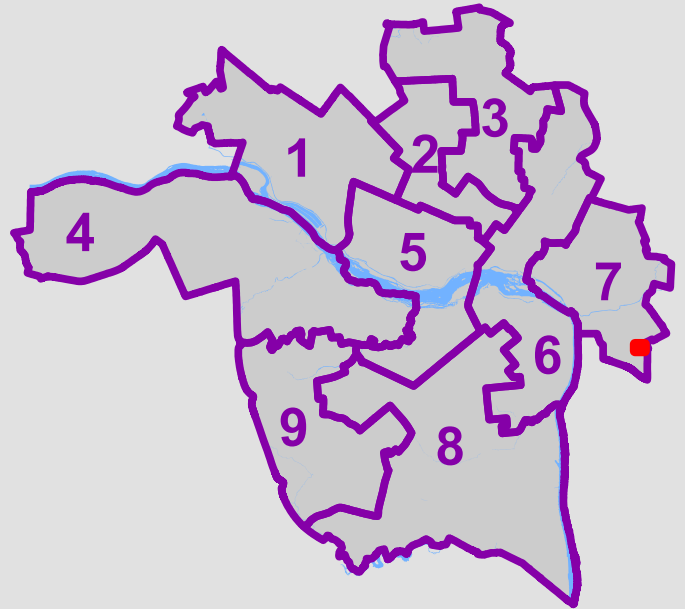
LOCATION: 5114 Salem Street

APPLICANT: Baker Development Resources

COUNCIL DISTRICT: 7

PROPOSAL: To authorize the special use of the property known as 5114 Salem Street, for the purpose of three single-family detached dwellings, upon certain terms and conditions.

*For questions, please contact Alyson Oliver
at 804-646-5789 or alyson.oliver@rva.gov*



From: Chuck D'Aprix <chuckdaprix@gmail.com>
Sent: Sunday, August 13, 2023 7:17 PM
To: Brown, Jonathan W. - PDR
Cc: Cortney Cornwall
Subject: Re: 5114 Salem Street
Attachments: [image003.png](#)

CAUTION: This message is from an external sender - Do not open attachments or click links unless you recognize the sender's address and know the content is safe.

Hi, just following up on the Salem Street project proposed in Fulton Hill. The Civic Association met on Saturday and no significant concerns were raised.

So consider that an approval. There were concerns about a proposed project on National Street with respect to parking. We asked the development consultant for information on that as parking on National Street is difficult.

THANKS

Chuck D'Aprix
President
Greater Fulton Civic Association

On Fri, Jul 7, 2023, 7:58 PM Richard Halenda <richard@richardhalenda.com> wrote:

Hi Johnathan

I am no longer president so I forwarded and copied this to appropriate Board Members

All my best!

Richard Halenda, REALTOR®, ABR, SRS, SRES, VA certified

Proud supporter of R.A.C.C.

The Wilson Group | Residential Real Estate Services

p: 804-502-0488 Cell

w: www.richardhalenda.com

e: richard@richardhalenda.com

a: 9200 Forest Hill Avenue, Suite C4 Richmond, VA 23235

From: Brown, Jonathan W. - PDR <Jonathan.Brown@rva.gov>
Sent: Friday, July 7, 2023 1:44:26 PM
To: Richard Halenda <richard@richardhalenda.com>
Cc: Mark Baker <markbaker@bakerdevelopmentresources.com>
Subject: 5114 Salem Street

July 7, 2023

Greater Fulton Civic Association
Richard Halenda, President
P.O. Box 38112
Richmond, VA 23221-0912
richard@richardhalenda.com
(804) 502-0488

RE: Special Use (New)
5114 Salem Street
E0002914/015
SUP-132634-2023

Dear Richard Halenda,

We have received a Special Use Permit application for the above referenced property, which is located in an R-5 Single- Family Residential District. The applicant has requested a permit which would authorize three new single-family detached dwellings. The proposed units do not meet all feature requirements within the R-5 zone. A Special Use Permit is therefore required. Please find enclosed a copy of the Applicant's Report for your review. The petitioner should contact you regarding this proposal, if they have not done so already. The petitioner is:

Mark Baker
Baker Development Resources
530 East Main Street, Suite 730
Richmond, VA 23219
804-874-6275
markbaker@bakerdevelopmentresources.com

If you have any questions about this proposal or about the Special Use permit process, please do not hesitate to contact me at 804-646-5734 or Jonathan.Brown@rva.gov

Sincerely,

Jonathan Brown
Senior Planner

Attached: Applicant's Report
Development Proposal Response Form

cc: Mark Baker



Jonathan W. Brown

Senior Planner

804-646-5734

jonathan.brown@rva.gov

rva.gov/planning-development-review

900 E. Broad St., Room 511, Richmond, Va. 23219-1907

How am I doing? Please contact my supervisor matthew.ebinger@rva.gov