



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: 5312 Wingfield Street Date: 6/10/2020
Tax Map #: E0002039007 Fee: \$300
Total area of affected site in acres: 0.149

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

Zoning

Current Zoning: R-5

Existing Use: Single-family detached dwelling

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)
The applicant is requesting a Special Use Permit to vary the front yard setback.

Existing Use: Single-family detached dwelling

Is this property subject to any previous land use cases?

Yes No If Yes, please list the Ordinance Number: _____

Applicant/Contact Person: Mark Baker

Company: Baker Development Resources
Mailing Address: 1519 Summit Ave., Suite 102
City: Richmond State: VA Zip Code: 23230
Telephone: (804) 874-6275 Fax: ()
Email: MarkBaker@bakerdevelopmentresources.com

Property Owner: Cava Capital, LLC

If Business Entity, name and title of authorized signee: Frank Cava

(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: 5310 Markel Rd, Suite 104
City: Richmond State: VA Zip Code: 23230
Telephone: (804) 516-6742 Fax: ()
Email: fcava@becava.com

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)



June 12, 2020

REVISED June 26, 2020

Mr. Matthew Ebinger
City of Richmond
Department of Planning and Development Review
Land Use Administration Division, Room 511
City Hall, 900 E Broad Street
Richmond, Virginia 23219

Re: Special Use Permit: 5312 Wingfield Street

Dear Matthew,

I am representing the property owner in an application for a special use permit (SUP) for the property known as 5312 Wingfield Street, identified as Tax Parcel E000-2039/007 (the "Property"). The Property is located on the eastern side of Wingfield Street, south of Potomac Street. The Property consists of a lot which is 50 feet in width and 130 feet in depth and contains approximately 6,500 square feet of lot area. A single-family dwelling was constructed on the Property in good faith pursuant to a building permit (BLDR-055348-2019) issued on June 28, 2019 and is substantially complete.

The Property is zoned R-5 Single-Family Residential, which requires a front yard with a depth of not less than 25 feet subject to the exceptions outlined in Section 30-630.2 in instances where adjacent main buildings exist. According to that section, the front yard requirement for the Property is a minimum depth of not less than the average depth of the front yards of the adjacent buildings, resulting in a required setback of 17.55 feet.

The developer followed the appropriate steps and showed good faith throughout the pursuit of the needed approvals for the construction of the dwelling. The developer was aware of the applicable zoning requirements and the design and building placement reflected on the plans attached to the approved building permit demonstrated compliance. Unfortunately, the entire dwelling was unintentionally constructed approximately 0.35 feet (4.2 inches) closer to Wingfield Street than intended and as shown on the building permit plans. Furthermore, the error was not identified until the as-built survey was completed – after the dwelling had been constructed and was substantially complete. Based on the resulting setback of 17.2 feet, a special use permit is necessary in order to authorize the existing encroachment into the front yard of 0.35 feet.

This SUP would legitimize a newly constructed, infill dwelling that was built in good faith. The error is not perceptible as viewed from the street and the overall project is consistent with the development pattern in the area. The dwelling design works well in the existing development context. By providing relief for the front yard requirement, the SUP would allow for the occupancy of this quality single-family dwelling, thereby addressing objectives of the Master Plan, including:

- The desire for new and better-quality housing that is targeted to homeowners
- The desire for increased opportunities for residential development
- The recognition that the vast majority of opportunities for new development are located in the context of existing neighborhoods
- The recognition of the difficulty that an older/aging housing stock represents in the market where new convenience/easy maintenance is desired.

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

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

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby community. The site improvements and density are consistent or compatible with the lot pattern existing in the vicinity. The development and its quality/benefits provided by the SUP provide positive impacts in terms of health, welfare, etc.

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

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. This dwelling does not impact density as it replaced a previously existing home on the same lot. Ample off-street parking is provided on site. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

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

The property has been 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 SUP will not tend to over crowd the land or create an undue concentration of population. The dwelling replaced a previously existing home on the same lot and is consistent and compatible based on the existing varied lot pattern in the vicinity.

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

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

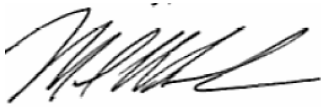
- ***Interfere with adequate light and air.***

The light and air available to the subject and adjacent properties is not be affected.

In summary, the applicant is seeking approval for the existing quality single-family dwelling on the Property. The improvements to the Property represent an ideal, contemporary, urban infill development for this location. The SUP would not represent a substantial variation from the approved building plans while the dwelling is respectful to the existing development pattern in the vicinity and addresses multiple objectives contained within the Master Plan.

Thank you for your time and consideration of this request. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark R. Baker', written in a cursive style.

Mark R. Baker
Baker Development Resources, LLC

cc: The Honorable Cynthia Newbille