

**RESOLUTION APPROVING A SPECIAL EXCEPTION PERMIT
FOR PROPERTY LOCATED AT 113 WEST MAIN STREET**

WHEREAS, landowner West Mall, LLC is the current owner of a lot identified on 2024 City Tax Map 33 as Parcel 259 (City Parcel Identification No. 330259000), having an area of approximately 0.19 acres (8,276 square feet) (the "Subject Property"), and

WHEREAS, the landowner proposes to install fences on the Subject Property in the West Market Street front yard ("Project"); and

WHEREAS, the Subject Property is located within the Downtown Architectural Design Control District established by City Development Code Section 34-2.9.2.B and the City's Board of Architectural Review (BAR) has reviewed the application and granted a Certificate of Appropriateness on May 21, 2024 confirming the Project will not have an adverse impact to the Downtown Architectural Design Control District per City Development Code Section 34-5.2.15.C.1.c; and

WHEREAS, the Project is described in more detail within the Applicant's application materials dated April 4, 2024 submitted in connection with Application PL-24-0074, as required by City Development Code Section 34-5.2.15.B.2 (collectively, the "Application Materials"); and

WHEREAS, the Planning Commission made a recommendation of approval at their September 10, 2024 public meeting per City Development Code Section 34-5.2.15.C.2; and

WHEREAS, upon consideration of the Planning Commission's recommendation and the Staff Reports discussing this application, as well as the factors set forth within City Development Code Section 34-5.2.15.D, this Council finds and determines that granting the proposed Special Exception Permit would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code Development Sections 34-2.5.6.B.6, 34-4.8.1, and 34-5.2.15, a Special Exception Permit is hereby approved and granted to authorize the Project and permit installation of fences on the Subject Property within the West Market Street front yard. Such fences shall be consistent with the Certificate of Appropriateness granted on May 21, 2024 or any subsequent Certificate of Appropriateness granted by the BAR.