SPECIAL EXCEPTION REQUEST

Westhaven Mixed-Use Development

City of Charlottesville — Department of Neighborhood Development Services

Submitted: October 2026

Project	Westhaven Development	**Jurisdiction**	City of Charlottesville, VA
Applicant	Ashley Davies, AHG LLC	**Reviewing Body**	Planning Commission and City Council
Architect of Record	Arnold Design Studio	**Relief Procedure**	Division 34-5.2 / DRM § 3.4
Tax Map / Parcel(s)	310145000	**Zoning District**	RX-5

I. Overview and Procedural Basis

This document constitutes a formal request for special exception relief pursuant to Charlottesville City Code Division 34-5.2 and Development Review Procedures Manual (DRM) Section 3.4. The applicant respectfully requests relief from eight (8) identified non-conformances affecting the Westhaven development. Each request is presented below with the specific code citation, a description of the non-conformance, the proposed design condition, and the basis for granting relief.

The subject properties encompass multiple proposed lots (Lots A, B, C, D and E) together with two proposed multifamily residential buildings in Phase 1 of construction (Building 2 on Lot D & Building 3 on Lot E). The development program includes a mix of residential uses, including a senior housing component, arranged across multiple lots with varying street frontage conditions.

All eight requests for relief are governed by the same procedural pathway: Division 34-5.2 of the Charlottesville City Code (Special Exceptions and Variances) and Section 3.4 of the Development Review Procedures Manual. The applicant will demonstrate for each request that the relief sought is consistent with the intent of the underlying code provisions and that strict compliance would produce a result inconsistent with the purpose of the zoning regulations as applied to this site.

II. Summary of Applicable Code Provisions

The following sections of the Charlottesville City Code, Chapter 34 (Zoning), are directly implicated by this application:

Code Section	Subject
§ 34-2.10.5.A.5.a	Build-To Requirement Reduction— applicability for SPOT 2
§ 34-2.10.5.A.5.a	Build-To Requirement Reduction — applicability for SPOT 1
§ 34-2.3.3.B.2	Active Depth Requirement Reduction – applicability for LOT D (Buiding 2)
§ 34-2.3.3.B.2	Active Depth Requirement Reduction — applicability for LOT E (Building 3) frontage
§ 34-2.3.3.B.5.a	Street-Facing Entry Spacing — applicability for Lot D (Building 2)
§ 34-2.3.3.B.5.a	Street-Facing Entry Spacing — applicability for Lot E (Building 3)
§ 34-4.5.2.c.2.a	Bicycle Facilities — applicability for Lot D (Building 2)
§ 34-4.5.2.c.2.a	Bicycle Facilities — applicability for Lot E (Building 3)
Division 34-5.2	Special Exceptions and Variances — procedural authority for relief
DRM § 3.4	Development Review Procedures Manual — submittal and review requirements for exception/variance requests

III. Individual Exception Requests

Special Exception Request 1: Build-To Requirement — Lot C, Southernmost Side Street Lot Line (SPOT 2)

Code Requirements

Section 34-2.10.6 requires that the build-to width along a Primary street be a minimum of 75%. The southernmost side street lot line of Lot C (designated as SPOT 2 in the submitted plan set) constitutes an applicable frontage for which compliance has not been demonstrated.

Non-Conformance Identified

The proposed layout of townhouse units on Lot C does not demonstrate compliance with the build-to width requirement along the southernmost side street lot line (SPOT 2). This may be attributable to building orientation, internal program configuration, or the geometric relationship between the lot line and the proposed structure. The precise conditions of non-compliance will be documented by the engineer of record in supporting drawings.

Basis for Relief

Relief Sought	100 percent reduction in the RX5 Minimum Build-To width requirement per § 34-2.10.5.A.5.a along the southernmost side street lot line (SPOT 2) of Lot C (see attached exhibits).
Procedural Authority	Division 34-5.2 (Special Exceptions and Variances); DRM § 3.4.
Hardship / Justification	This frontage does not meet build-to width requirement because it must be left empty for phase two's eastward extension of the paved travel way.

Design Response	Spot 2 will become a paved travel way connecting all Lots to 8th street beyond. Lots C, D, and E will provide areas of active depth and ample public amenity space to promote healthy community connections.
Code Intent Satisfied	The Build-To standard promotes a consistent street wall and pedestrian-scaled frontage. The reduction to 0% along SPOT 2 is necessitated by the functionality and accessibility of the future planned streets to connect each area of the neighborhood master plan.

Special Exception Request 2: Build-To Requirement — Lot D (Building 2), Side Street Lot Line (SPOT 1)

Code Requirements

Section 34-2.10.6 requires that the build-to width along a Primary street be a minimum of 75%. The side street lot line of Lot D (designated as SPOT 1 in the submitted plan set) constitutes an applicable frontage for which compliance has not been demonstrated.

Non-Conformance Identified

The proposed layout for Building 2 on Lot D does not demonstrate compliance with the build-to width requirement along the side street lot line (SPOT 1). This may be attributable to building orientation, internal program configuration, or the geometric relationship between the lot line and the proposed structure. The precise conditions of non-compliance will be documented by the engineer of record in supporting drawings.

Basis for Relief

Relief Sought	100 percent reduction in the RX5 Minimum Build-To width requirement per § 34-2.10.5.A.5.a along the side street lot line (SPOT 1) of Lot D / Building 2.
Procedural Authority	Division 34-5.2 (Special Exceptions and Variances); DRM § 3.4.
Hardship / Justification	This frontage does not meet build-to width requirement because it must be left empty for phase two's westward extension of the paved travel way.
Design Response	Spot 1 will become a paved travel way connecting all Lots to Holly drive and 10th street beyond. Lots C, D, and E will provide areas of active depth and ample public amenity space to promote healthy community connections.
Code Intent Satisfied	The Build-To standard promotes a consistent street wall and pedestrian-scaled frontage. The SPOT 1 frontage is a side street condition where build-to frontage would undermine phase 1 of the Westhaven masterplan by blocking access, and active depth frontages and pedestrian infrastructure are plentiful in the immediate surroundings. There is no building in this location. Relief is appropriate given these conditions.

Special Exception Request 3: Active Depth Reduction — Lot D (Building 2)

Code Requirements

Section 34-2.3.3.B.2 requires 9 feet of active depth along all stories at the primary street lot line.

Non-Conformance Identified

The layout provided for Building 2 on Lot D proposes to reduce the active depth requirement from 9'-0" minimum to 0'-0" at the ground level garage. The proposed site plan and building configuration cannot achieve the minimum 9'-0" of active depth across the entire ground floor without design modifications that create functional access or safety deficiencies.

Basis for Relief

Relief Sought	Exception from the 9-ft. active depth requirement per § 34-2.3.3.B.2 along 85 feet of the building frontage along the ground floor garage of Building 2 on Lot D.
Procedural Authority	Division 34-5.2 (Special Exceptions and Variances); DRM § 3.4.
Quantified Deviation	Reduction from 9'-0" of active depth to 0'-0" at ground floor garage along primary street for 85 feet of the building frontage.
Hardship / Justification	The building plan as designed balances covered parking, community space, and number of units in a way that maximizes each function for the Westhaven community, as designed by existing residents. Adjusting the proportion of these functions to exactly meet the active depth requirement would significantly reduce the functionality of the parking area, the community spaces, and the outdoor amenity spaces intended to connect the community and the greater city infrastructure.
Design Response	The ground floor common area and all upper floors will meet the requirements for 9 feet minimum of active depth with glazing into the public community areas. The parking area, which does not meet the definition of active depth, will remain as designed and prioritize safety and ease of access for residents.
Code Intent Satisfied	The active depth standard for primary street frontages is interpreted to ensure vibrant, pedestrian-scaled environments. The reduction from 9'-0" to 0'-0" at the garage is necessitated by optimizing the functionality and accessibility of the parking garage on the ground floor of the building and the design decision to emphasize the pedestrian pathway from the community to main street by orienting all community spaces toward this path.

Special Exception Request 4: Active Depth Reduction — Lot E (Building 3)

Code Requirements

Section 34-2.3.3.B.2 requires 9 feet of active depth along all stories at the primary street lot line.

Non-Conformance Identified

The layout provided for Building 3 on Lot E proposes to reduce the active depth requirement from 9’-0” minimum to 0’-0” at the ground level garage. The proposed site plan and building configuration cannot achieve the minimum 9’-0” of active depth across the entire ground floor without design modifications that create functional access or safety deficiencies.

Basis for Relief

Relief Sought	Exception from the 9-ft. active depth requirement per § 34-2.3.3.B.2 along 77 feet of the building frontage along the ground level garage of Building 3, Lot E.
Procedural Authority	Division 34-5.2 (Special Exceptions and Variances); DRM § 3.4.
Quantified Deviation	Reduction from 9’-0” of active depth to 0’-0” at ground floor garage along primary street for 77 feet of the building frontage.
Hardship / Justification	The building plan as designed balances covered parking, community space, and number of units in a way that maximizes each function for the Westhaven community, as designed by existing residents. Adjusting the proportion of these functions to exactly meet the active depth requirement would significantly reduce the functionality of the parking area, the community spaces, and the outdoor amenity spaces intended to connect the community and the greater city infrastructure.
Design Response	The ground floor common area and all upper floors will meet the requirements for 9 feet minimum of active depth with glazing into the public community areas. The parking area, which does not meet the definition of active depth, will remain as designed and prioritize safety and ease of access for residents.
Code Intent Satisfied	The active depth standard for primary street frontages is interpreted to ensure vibrant, pedestrian-scaled environments. The reduction from 9’-0” to 0’-0” at the garage is necessitated by optimizing the functionality and accessibility of the parking garage on the ground floor of the building and the design decision to emphasize the pedestrian pathway from the community to main street by orienting all community spaces toward this path.

Special Exception Request 5: Street-Facing Entry Spacing — Lot D (Building 2), Primary Street Lot Line

Code Requirements

Section 34-2.3.3.B.5 requires street-facing building entries to be spaced no more than forty (40) feet apart along the primary street lot line. This standard is intended to ensure that buildings present an active, entry-rich frontage to the street, supporting pedestrian access, visual interest, and a walkable environment. Buildings with long unbroken frontages that lack frequent entry points are inconsistent with the purposes of this provision.

Non-Conformance Identified

The proposed entry configuration for Building 2 on Lot D does not meet the 40-foot maximum entry spacing requirement along the primary street lot line. The specific spacing dimensions and entry locations will be documented by the architect of record. The non-conformance is a result of portions of the building façade facing the primary street having entrances into occupiable exterior space in the covered parking which does not strictly adhere to the requirement that entrances be into interior occupiable space.

Basis for Relief

Relief Sought	An exemption from the 40-ft. maximum street-facing entry spacing requirement per § 34-2.3.3.B.5 along the primary street lot line of Lot D (Building 2) for 41% of the façade (85 feet) facing the primary street which enters the exterior occupiable area of the covered parking.
Procedural Authority	Division 34-5.2 (Special Exceptions and Variances); DRM § 2.4.
Actual Entry Spacing	See attached zoning exhibits.
Hardship / Justification	Entrances along the build-to façade width at the primary street meet the maximum 40-ft. spacing. For building accessibility and improved circulation, these building entrances are consolidated at the community spaces. Pedestrian entrances along 85 ft of building frontage along the primary street enter the parking garage, making it ineligible as a passageway to occupiable space. By placing parking under building, more space is available for pedestrian, civic, and green infrastructure elsewhere on site.
Design Response	Along the 85-ft of building frontage that is not in compliance, two pedestrian entrances to the parking area follow the maximum 40’ spacing, one connects directly to another entrance to the interior common area, the other provides an accessible connection from the handicap parking spaces to the pedestrian promenade beyond. These additional entrances contribute positively to an active, pedestrian friendly circulation path for the full length of the primary street facing façade. A pedestrian ‘promenade’ with plantings and stone pavers will activate the sidewalk immediately bordering the building frontage and connect residents throughout the community to each other and up to West Main Street.
Code Intent Satisfied	The purpose of § 34-2.3.3.B.5 is to prevent blank, inactive frontages. The proposed design achieves this intent through multiple pedestrian entrances along the primary street facade and an active pedestrian-oriented landscape bordering the frontage. The building does not present an inactive or visually monotonous frontage notwithstanding the entry spacing deviation into interior occupiable space.

Special Exception Request 6: Street-Facing Entry Spacing — Lot E (Building 3), Primary Street Lot Line

Code Requirements

Section 34-2.3.3.B.5 requires street-facing entries to be spaced no more than forty (40) feet apart along the primary street lot line, for the same pedestrian activation and walkability purposes described under Request 5 above.

Non-Conformance Identified

The proposed entry configuration for Building 3 on Lot E does not meet the 40-foot maximum entry spacing requirement along the primary street lot line. The specific spacing dimensions and entry locations will be documented by the architect of record. The non-conformance is a result of portions of the building façade facing the primary street having entrances into occupiable exterior space in the covered parking which does not strictly adhere to the requirement that entrances be into interior occupiable space.

Basis for Relief

Relief Sought	An exemption from the 40-ft. maximum street-facing entry spacing requirement per § 34-2.3.3.B.5 along the primary street lot line of Lot D (Building 3) for 48% of the façade (77 feet) facing the primary street which enters the covered parking.
Procedural Authority	Division 34-5.2 (Special Exceptions and Variances); DRM § 2.4.
Actual Entry Spacing	See attached zoning exhibits.
Hardship / Justification	Entrances along the build-to façade width at the primary street meet the maximum 40-ft. spacing. For building accessibility and improved circulation, these building entrances are consolidated at the community spaces. Pedestrian entrances along 76-ft 6-in of building frontage along the primary street enter the parking garage, making it ineligible as a passageway to occupiable space. By placing parking under building, more space is available for pedestrian, civic, and green infrastructure elsewhere on site.
Design Response	Along the 76-ft 6-in of building frontage that is not in compliance, two pedestrian entrances to the parking area follow the maximum 40’ spacing, one connects directly to another entrance to the interior common area, the other provides an accessible connection from the handicap parking spaces to the pedestrian promenade beyond. These additional entrances contribute positively to an active, pedestrian friendly circulation path for the full length of the primary street facing façade. A pedestrian ‘promenade’ with plantings and stone pavers will activate the sidewalk immediately bordering the building frontage and connect residents throughout the community to each other and up to West Main Street.
Code Intent Satisfied	The purpose of § 34-2.3.3.B.5 is to prevent blank, inactive frontages. The proposed design achieves this intent through multiple pedestrian entrances along the primary street facade and an active pedestrian-oriented landscape bordering the frontage. The building does not present an inactive or visually monotonous frontage notwithstanding the entry spacing deviation into interior occupiable space.

Special Exception Request 7: Bicycle Facilities — Lot D (Building 2)

Code Requirements

Section 34-4.5.2.c.2.a requires bicycle parking spaces to be a minimum of 2.5 feet wide and to provide a minimum of 3 feet of clearance from obstacles such as walls.

Non-Conformance Identified

The proposed bicycle facilities for Building 2 on Lot D does not meet the 2.5 feet wide and 3 feet from obstacles inside the bike storage room provided for the required 82 bike parking spaces (1 per unit). The specific spacing dimensions will be documented by the architect of record. The non-conformance is a result of balancing the covered parking available for vehicles that may want to access the apartment building, offices, or amenities, the steep site grading constraints, and the desire for outdoor walking, play and amenity areas that focus on pedestrian access to the community and West Main street above.

Basis for Relief

Relief Sought	A reduction in the required bicycle parking space minimum size requirement per § 34-4.5.2.c.2.a for Lot D (Building 2) from 2.5 feet wide and 3 feet minimum from obstacles to minimum 1 foot 1 inch wide offset vertical storage spaces and 1 foot minimum from obstacles.
Procedural Authority	Division 34-5.2 (Special Exceptions and Variances); DRM § 2.4.
Actual Bike Facilities	See attached zoning exhibits.
Hardship / Justification	Both vehicle and bicycle parking is provided under the building to allow more space for pedestrian, civic, and green infrastructure elsewhere on site. However, providing 82 bicycle parking spaces, one per apartment, at 2.5 feet wide and with 3 feet of clearance from all obstacles would greatly reduce the amount of covered parking the property is able to provide for the community. A lack of vehicular parking has been identified by current residents as having a major negative impact on their community. The current layout adequately addresses the parking needs for Westhaven and keeps the issue from overflowing to the surrounding neighborhood.
Design Response	The design team proposes to provide the number of bicycle parking spaces required while reducing the footprint of these spaces in the building by using high density vertical racks that can be secured in a locked room in the garage and are available to all residents of the building. These vertical storage racks provide approximately 1 foot 4 inches of width for each vertically stored bicycle and each row of storage racks will be located 1 foot minimum from all obstacles, providing an efficient but user-friendly storage configuration.
Code Intent Satisfied	The purpose of § 34-4.5.2.c.2.a is to facilitate transportation and to provide for safe and convenient vehicular travel by promoting bicycling as an alternative to motor vehicle transportation and help ensure safe secure, accessible, and convenient storage of bicycles for all users. By providing a vertical storage method instead of a horizontal storage method and reducing the clearance from obstacles, space can provided for a bicycle for every unit without reducing the amount of space for other amenities

	that have been specifically requested by the residents to meet their current and future needs as a community.

Special Exception Request 8: Bicycle Facilities — Lot E (Building 3)

Code Requirements

Section 34-4.5.2.c.2.a requires bicycle parking spaces to be a minimum of 2.5 feet wide and to provide a minimum of 3 feet of clearance from obstacles such as walls.

Non-Conformance Identified

The proposed bicycle facilities for Building 3 on Lot E does not meet the 2.5 feet wide and 3 feet from obstacles inside the bike storage room provided for the required 68 bike parking spaces (1 per unit).The specific spacing dimensions will be documented by the architect of record. The non-conformance is a result of balancing the covered parking available for vehicles that may want to access the apartment building, offices, or amenities, the steep site grading constraints, and the desire for outdoor walking, play and amenity areas that focus on pedestrian access to the community and West Main street above.

Basis for Relief

Relief Sought	A reduction in the required bicycle parking space minimum size requirement per § 34-4.5.2.c.2.a for Lot E (Building 3) from 2.5 feet wide and 3 feet minimum from obstacles to minimum 1 foot 1 inch wide offset vertical bike storage spaces and 1 foot minimum from obstacles.
Procedural Authority	Division 34-5.2 (Special Exceptions and Variances); DRM § 2.4.
Actual Bike Facilities	See attached zoning exhibits.
Hardship / Justification	Both vehicle and bicycle parking is provided under the building to allow more space for pedestrian, civic, and green infrastructure elsewhere on site. However, providing 68 bicycle parking spaces, one per apartment, at 2.5 feet wide and with 3 feet of clearance from all obstacles would greatly reduce the amount of covered parking the property is able to provide to the community. A lack of vehicular parking has been identified by current residents as having a major negative impact on their community. The current layout adequately addresses the parking needs for Westhaven and keeps the issue from overflowing to the surrounding neighborhood.
Design Response	The design team proposes to provide the number of bicycle parking spaces required while reducing the footprint of these spaces in the building by using high density vertical racks that can be secured in a locked room in the garage and are available to all residents of the building. These vertical storage racks provide approximately 1 foot 4 inches of width for each vertically stored bicycle and each row of storage racks will be located 1 foot minimum from all obstacles, providing an efficient but user-friendly storage configuration.
Code Intent Satisfied	The purpose of § 34-4.5.2.c.2.a is to facilitate transportation and to provide for safe and convenient vehicular travel by promoting bicycling as an alternative to motor vehicle transportation and help ensure safe secure,

	accessible, and convenient storage of bicycles for all users. By providing a vertical storage method instead of a horizontal storage method, space can provided for a bicycle for every unit without reducing the amount of space for other amenities that have been specifically requested by the residents to meet their current and future needs as a community.

IV. Certification and Representations

The applicant and architect of record certify that:

- All information provided in this application is accurate and complete to the best of the applicant's knowledge.
- The applicant acknowledges that relief granted under Division 34-5.2 runs with the land and is subject to any conditions imposed by the reviewing body.
- The applicant agrees to provide any additional documentation, drawings, or studies requested by the City of Charlottesville NDS or the Board of Zoning Appeals in connection with this application.
- The architect of record will supplement this application with dimensioned floor plans, site plans, and elevations for each lot and building referenced herein prior to the scheduled review date.





Ashley Davies, Manager, AHG LLC

Applicant Signature
[Name / Title / Organization]
Date: _10/27/2026_____

Colin Arnold, 11337, Arnold Design Studio

Architect of Record Signature
[Name / License No. / Firm]
Date: __10/28/2026_____