



# City of Harrisonburg, Virginia

Department of Planning & Community Development  
409 South Main Street  
Harrisonburg, Virginia 22801  
[www.harrisonburgva.gov/community-development](http://www.harrisonburgva.gov/community-development)

Building Inspections: (540) 432-7700  
Engineering: (540) 432-7700

Planning and Zoning: (540) 432-7700  
Department Fax: (540) 432-7777

To: Kurt Hodgen, City Manager  
From: Department of Planning and Community Development  
Planning Commission  
Date: May 2, 2016  
Re: Special Use Permit – 1911 South High Street (Section 10-3-91 (9) Reduction in the required side yard setback to zero feet)

## **Summary:**

Public hearing to consider a request from Erickson Road Investments, LLC with representative Edmond Blackwell for a special use permit per section 10-3-91 (9) of the Zoning Ordinance to allow for the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1. The 26,572 +/- square feet parcel is zoned B-2, General Business District, is addressed as 1911 South High Street, and is identified as tax map parcel number 112-A-5.

## **Background:**

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors and in the Central Business District of the City.

The following land uses are located on and adjacent to the property:

- Site:** Convenience store and gas pumps, zoned B-2  
**North:** Across Erickson Avenue, Lumber and Building Material sales, zoned M-1  
**East:** Across South High Street, Financial Institutions, zoned B-2  
**South:** Commercial Businesses, zoned B-2  
**West:** Automotive repair business, zoned B-2

## **Key Issues:**

The applicant is requesting a special use permit (SUP) per Section 10-3-91 (9) of the Zoning Ordinance to allow for a reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1. The property is located on the southwest corner of South High Street and Erickson Avenue. Currently on the site is a convenience store with four gas pumps, which are covered by a canopy that is attached to the convenience store. If approved, the applicant desires to redevelop the property and construct a new structure within 0.83 feet of its southern property line.

In 2009, the property was granted a variance of 10.1 feet from the required 30-foot setback along Erickson Avenue after right-of-way was purchased for the Erickson Avenue/Stone Spring Road improvement project. Thus, the existing structure sits only 19.9 feet from the Erickson Avenue right-of-

way. As shown on the attached site plan for the proposed redevelopment, the applicant does not intend to take advantage of the front setback reduction when redeveloping the parcel.

Within the area where the new building is proposed, there is a 30% grade change. The southern property line is at an elevation of about 1,280 feet while the parking area for the site is at about 1,298 feet. Any building constructed in this area would require a foundation wall of approximately 18-feet and may require some encroachment onto the adjacent property. There is also a storm drainage pipe and sanitary sewer located within this area of the subject parcel, which crosses onto the adjacent property to the south. When redeveloping the subject property, the applicant will need to work closely with the adjacent property owner in order to construct the foundation wall and to ensure relocation of the sanitary sewer and the stormwater infrastructure, and any necessary easements, can be properly located. These issues would be worked out during the Comprehensive Site Plan review.

The Fire Chief has expressed that should the adjacent property to the south be redeveloped to accommodate a multi-story building with no setback requirement, there would be serious concerns about the ability of a fire to pass from one structure to the other. There are also specific Building Code regulations regarding fire rating and wall openings for structures with a zero to less than three foot setback. The applicant has been made aware of these issues and will need to work closely with the Building Inspections Division when designing the proposed new building.

Staff has no concerns with the requested SUP and supports the application.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

N/A

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing for the special use permit. The advertisement was published as shown below:

“Public hearing to consider a request from Erickson Road Investments, LLC with representative Edmond Blackwell for a special use permit per section 10-3-91 (9) of the Zoning Ordinance to allow for the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1. The 26,572 +/- square feet parcel is zoned B-2, General Business District, is addressed as 1911 South High Street, and is identified as tax map parcel number 112-A-5.”

In addition, adjoining property owners were notified of Planning Commission's public hearing and the property was also posted with signage advertising the request.

**Recommendation:**

Staff supports the applicant's request for a special use permit per section 10-3-91 (9) of the Zoning Ordinance to allow for the reduction in the required side yard setback to zero feet.

**Attachments:**

1. Extract (4 pages)
2. Site maps (2 pages)
3. Application (1 page)
4. Site plan for proposed redevelopment (1 page)

**Review:**

Planning Commission unanimously (7-0) recommended approval of the special use permit as presented by staff.