

Date Application Received: 03-08-16

Total Paid: 405⁰⁰ P.D.B.

Application for Change of Zoning District City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: Wharton Aldhizer & Weaver, PLC
Street Address: 100 South Mason St. Email: _____
City/State/Zip: Harrisonburg, VA 22801
Telephone (work): 540-434-0316 (home or cellular): _____ (fax): 540-434-5502

Section 2: Owner's Representative Information

Name: James L. Johnson and Gregory T. St. Ours
Street Address: 100 South Mason St. Email: jjohnson@wawlaw.com or gstours@wawlaw.com
City/State/Zip: Harrisonburg, VA 22801
Telephone (work): 540-434-0316 (home or cellular): _____ (fax): 540-434-5502

Section 3: Description of Property

Location (street address): 245 E Water St., Harrisonburg, VA 22801
Tax Map Number: Sheet: 026 Block: E Lot: 5 & 6 Total Land Area (acres or square feet): Approx. 2,368 sq. ft
Existing Zoning District: B2 Proposed Zoning District * : B1
Existing Comprehensive Plan Designation: _____

**If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

Section 4: Application Fee

\$375.00 plus \$30.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?
Yes _____ No X

If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?
Yes _____ No X

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: _____
East: _____
South: _____
West: _____

Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: _____
Property Owner

See Back for Items Required for Submission

Donald E. Showalter
Glenn M. Hodge
Gregory T. St. Ours
Charles F. Hilton
Daniel L. Fitch
Thomas E. Ullrich
Stephan W. Milo
Humes J. Franklin, III
Jeffrey R. Adams

WHARTON ALDHIZER & WEAVER^{PLC}
ATTORNEYS AT LAW

100 SOUTH MASON STREET
P.O. BOX 20028
HARRISONBURG, VIRGINIA 22801-7528
WWW.WAWLAW.COM

TELEPHONE
HARRISONBURG (540) 434-0316
STAUNTON (540) 885-0199
LEXINGTON (540) 463-3691

FAX (540) 434-5502

WRITER'S DIRECT DIAL: (540) 438-5302
WRITER'S E-MAIL: JJOHNSON@WAWLAW.COM

Lauren R. Darden
Matthew Von Schuch
George H. Roberts, Jr.
P. Marshall Yoder
Derek J. Brostek
Trisha A. Culp
James L. Johnson
Ashley H. Waterbury

Reply to the Harrisonburg office

April 4, 2016

Via Email

Adam Fletcher
City of Harrisonburg, Virginia
Department of Community Development
409 South Main Street
Harrisonburg, VA 22801

Re: Wharton Aldhizer & Weaver, PLC ("WAW")
Minor Subdivision and proposed Rezoning of 245 E. Water Street
A Portion of Tax Map Nos. 026-E- 5 and 6 (the "Application")

Dear Adam:

Per Comment #3 of the Staff Comments received from Alison Banks on March 24, WAW amends its parking proffer in the Application as follows: Two parking spaces shall be provided on site if the subject property ("245 E. Water St.") is used for commercial/business purposes, and if used residentially, one parking space per tenant will be provided on site.

Per Comment #2, prior to 1986 when WAW purchased the property, we understand that 245 E. Water St. was used for residential and professional office purposes. Since 1986, WAW leased the building for professional office purposes to a drafting company until 1997, a video and graphics company from June 1, 1997 to February 28, 2006, and another law firm from June 1, 2007 to November 30, 2008. WAW used the building thereafter until Alethia Church leased it from February 1, 2012 until February 28, 2014 for church offices. Currently, the space is vacant.

To our understanding, Comment #1 and #4 do not require WAW's response or action. Please let us know if you have any comments or questions.

Sincerely yours,


James L. Johnson

cc: Alison Banks
16003943

Donald E. Showalter
Glenn M. Hodge
Gregory T. St. Ours
Charles F. Hilton
Daniel L. Fitch
Thomas E. Ullrich
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FAX (540) 434-5502

WRITER'S DIRECT DIAL: (540) 438-5334
WRITER'S E-MAIL: GSTOURS@WAWLAW.COM

March 8, 2016

Lauren R. Darden
Matthew Von Schuch
George H. Roberts, Jr.
P. Marshall Yoder
Derek J. Brostek
Trisha A. Culp
James L. Johnson
Ashley H. Waterbury

Reply to the Harrisonburg office

Via Hand Delivery and Email

Adam Fletcher
City of Harrisonburg, Virginia
Department of Community Development
P.O. Box 20031
409 South Main Street
Harrisonburg, VA 22801

Re: Minor Subdivision and Rezoning of 245 E. Water Street
A Portion of Tax Map Nos. 026-E- 5 and 6

Dear Adam:

This letter is submitted with the enclosed Application for Change of Zoning District (the "Application") for the above-referenced parcels (the "Existing Parcels"). Currently, the zoning classification for the Existing Parcels is "B-2". Wharton Aldhizer & Weaver, PLC (the "Applicant") is requesting that a portion of the Existing Parcels' zoning classification be amended to "B-1". In conjunction with and as a condition to the Application, the Applicant will also be requesting that a new parcel be created from the Existing Parcels, with the boundary lines of said new parcel to closely surround an existing improvement (the "Carriage House") and an adjoining 20 ft. by 27 ft. parking lot (collectively, the "Proposed Carriage House Parcel"). A rough sketch of the Proposed Carriage House Parcel is affixed as Exhibit A to the enclosed Application. The Proposed Carriage House Parcel is the only portion of the Applicant's property that is affected by the Application.

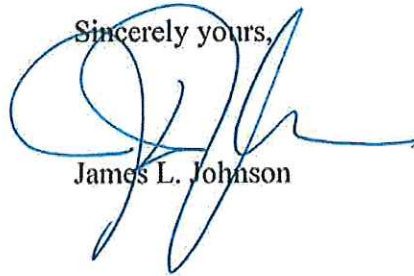
The Applicant hereby proffers that the Proposed Carriage House Parcel, which is the subject of the Application, shall be in strict accordance with the conditions set forth in this submission. The Proposed Carriage House Parcel shall be subdivided through the "Minor Subdivision" application process. It shall retain the 20 ft. x 27 ft. existing parking lot area shown on Exhibit A. The Applicant intends to continue to use, lease, or market for sale the Proposed Carriage House Parcel for office use for the foreseeable future, but desires to open the property up for additional uses provided for under zoning classification "B-1".

Adam Fletcher
City of Harrisonburg, Virginia
Department of Community Development
March 8, 2016
Page 2 of 2

The lot size of the Proposed Carriage House Parcel shall be roughly 2,368 sq. feet, with the exact lot location and lot size to later be determined by a licensed surveyor and plat.

Your time and consideration is appreciated.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'JLJ', with a long horizontal flourish extending to the right.

James L. Johnson

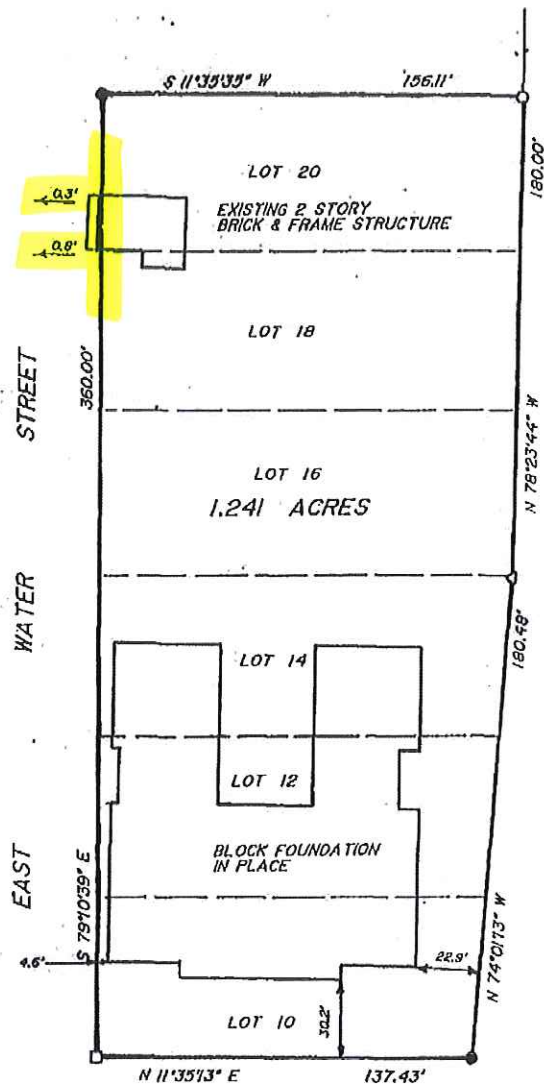
JLJ/GTS/kr

Enclosures

16002951

BK867 P60301

LOT 22
MICHAEL L. LAYMAN, TRUSTEE
D.B. 693, P. 209



MAGNETIC

LEGEND

- IRON PIN FOUND
- △ CHISELED HOLE IN SIDEWALK
- IRON PIN SET
- CHISELED NOTCH IN BACK OF SIDEWALK

NOTES:

- 1) DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND A CURRENT FIELD SURVEY.
- 2) THIS PROPERTY IS SHOWN ON TAX MAP 26 (E1 1,2,3, 4,5,6).
- 3) FOR A. M. NEWMAN ADDITION TO HARRISONBURG SEE D.B. 87, P. 126.

SOUTH MASON STREET

PLAT OF
 LOTS 10, 12, 14, 16, 18, & 20,
 A. M. NEWMAN ADDITION TO HARRISONBURG
 PRESENTLY IN THE NAME OF

WHARTON, ALDHIZER & WEAVER

CITY OF HARRISONBURG, VIRGINIA

SCALE 1" = 50' AUGUST 14, 1986, REVISED JULY 30, 1987
REVISED AUGUST 7, 1987

COPPER & SMITH P.C.
SURVEYORS ENGINEERS PLANNERS
1041 SOUTH HIGH STREET
HARRISONBURG, VIRGINIA 22801



THIS BOUNDARY LINE AGREEMENT made and entered into this 1st day of June, 1987, by and between the City of Harrisonburg, Virginia, a municipal corporation (City of Harrisonburg) and Wharton, Aldhizer & Weaver, a Virginia partnership (Wharton, Aldhizer & Weaver),

RECITALS:

1. Wharton, Aldhizer & Weaver acquired Lots 10, 12, 14, 16, 18 & 20 of the A. M. Newman Addition to Harrisonburg bounded on three sides by streets of City of Harrisonburg being Newman Avenue, South Mason Street and East Water Street.

2. There exists a controversy between Wharton, Aldhizer & Weaver and the City of Harrisonburg, as to the location of the southern line of East Water Street. Wharton Aldhizer & Weaver relies on the survey of the property by Copper & Smith, P.C., C.L.S. dated August 14, 1986, performed for Wharton, Aldhizer & Weaver prior to its acquisition of real estate by deed dated August 25, 1986 from Richard L. Chew and wife, which deed and survey plat are recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia in Deed Book 805 at Page 312, and further relies on the dedication of the subdivision plat of A. M. Newman Addition to the Town of Harrisonburg recorded October 17, 1908 in Deed Book 84, at Pages 125 - 126. The City of Harrisonburg relies on a 1916 survey dated by William G. Myers, subsequent

EXHIBIT

C

to the recordation of the subdivision plat of the A. M. Newman Addition to the Town of Harrisonburg, of record in the papers of ended Chancery cause: City of Harrisonburg v. J. C. Staples, et al.; and further relies on recent field work of its own engineers.

3. The parties have agreed to establish the location of East Water Street and desire to enter into this Boundary Line Agreement for the purpose of establishing the limits of Water Street and the property of Wharton, Aldhizer & Weaver and to provide a license for the continued maintenance of a certain structure now on the property owned by Wharton, Aldhizer & Weaver.

NOW, THEREFORE, the parties hereto agree as follows:

1. Establishment of Boundary Line. Wharton, Aldhizer & Weaver and City of Harrisonburg hereby agree that the property line for East Water Street shall be as indicated on the plat which is attached hereto as Exhibit A and Wharton, Aldhizer & Weaver hereby quit claims unto City of Harrisonburg any right, title and interest it may have in such property located North of that property line and lying within what shall now be the designated boundary of East Water Street.

2. License. City of Harrisonburg hereby grants to Wharton, Aldhizer & Weaver, its successors and assigns forever, a perpetual license to permit it to maintain, repair and replace the building and structure which encroaches over

the boundary line and located in the Northeastern corner of Wharton, Aldhizer & Weaver's property. Wharton, Aldhizer & Weaver shall be entitled to repair and replace such property at its present location so long as any repair or replacement does not increase the encroachment upon the lands of City of Harrisonburg. This license shall run in favor of Wharton, Aldhizer & Weaver and its successors and assigns.

IN WITNESS WHEREOF, City of Harrisonburg and Wharton, Aldhizer & Weaver have caused this Agreement to be duly executed on their behalves as thereunto duly authorized.

CITY OF HARRISONBURG

By Walter L. Green III
Mayor

WHARTON, ALDHIZER & WEAVER

By Walter L. Green III
Partner

STATE OF VIRGINIA
CITY/COUNTY OF Harrisonburg, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 8th day of September, 1987, by WALTER L. GREEN, III, who is Mayor of the City of Harrisonburg, a municipal corporation, on behalf of the City.

My commission expires: August 9, 1991

Mary Lee Harrison
Notary Public

BK867 P60300

STATE OF VIRGINIA
CITY/COUNTY OF Hamrook, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 12th day of August, 1987, by Joseph H. Roberts Jr., who is a partner of Wharton, Aldhizer & Weaver, a Virginia partnership, on behalf of the partnership.

My commission expires: January 15, 1989

I WAS COMMISSIONED AS DEBBIE L. PIRKEY

Debbie L. Pirkey
Notary Public

GHR/C999999/AA4

Not to be recorded until the day of the month of _____ 19____ at _____

11 Sept 1987 at 11:45 on Tuesday that

_____ State _____ County _____ City _____ Transfer _____
_____ State _____ County _____ City _____ Transfer _____
_____ State _____ County _____ City _____ Transfer _____

_____ \$11.00 _____
TESTE
L. WAYNE HARPER
CLERK

Deed Book No. 867 Page 297

RECORDED
Circuit Clerk's Office
11:45 AM
SEP 11 1987