



CITY OF HARRISONBURG CITY MANAGER

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801
OFFICE (540) 432-7701 • FAX (540) 432-7778

TO: Eric Campbell, City Manager
FROM: Wesley Russ, Assistant City Attorney
DATE: September 20, 2021
RE: Encroachment License Agreement at 80 E Market St

Summary: Consider approving an encroachment license agreement for 80 E Market St.

Background: In 2012, an awning/canopy was constructed at 80 E Market St. It recently came to the property owner and city's attention that there is no building permit or encroachment agreement on file for the awning. In order ensure the entirety of the structure is in compliance with all relevant codes, the property owner has requested an encroachment agreement to authorize the existing awning/canopy.

Key Issues: Section 15.2-2010 of the Code of Virginia allows localities to authorize canopies and other building improvements to encroach into municipal property.

The awning/canopy has been in place for nearly a decade without issue. Staff recommends approval of the encroachment license agreement, with a condition that the property owner receive a building permit.

Environmental Impact:

Fiscal Impact:

Prior Actions:

Alternatives:

- (a) Authorize the City Manager to enter into the Encroachment License Agreement as presented, conditioned on the issuance of any necessary building permits
- (b) Deny the request for an Encroachment License Agreement

Community Engagement: None

Recommendation: Staff recommends option (a).



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- Attachments:**
- 1) Proposed Encroachment License Agreement
 - 2) Photo of the canopy/awning

Review:

The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

