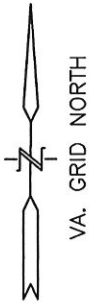


SEPTEMBER 21, 2016
SCALE: 1"=30'

PRELIMINARY

● = FOUND OR SET IRON PIN
-s-s- = SANITARY SEWER LINE



**DANA JOY
HARSHBERGER**
TM 36 (R) 1
DB 2031/332

WEST BRUCE STREET
(48.6' +/- WIDE)

**L & L
INVESTMENTS, L.L.C.**
TM 24 (D) 47
DB 1546/786

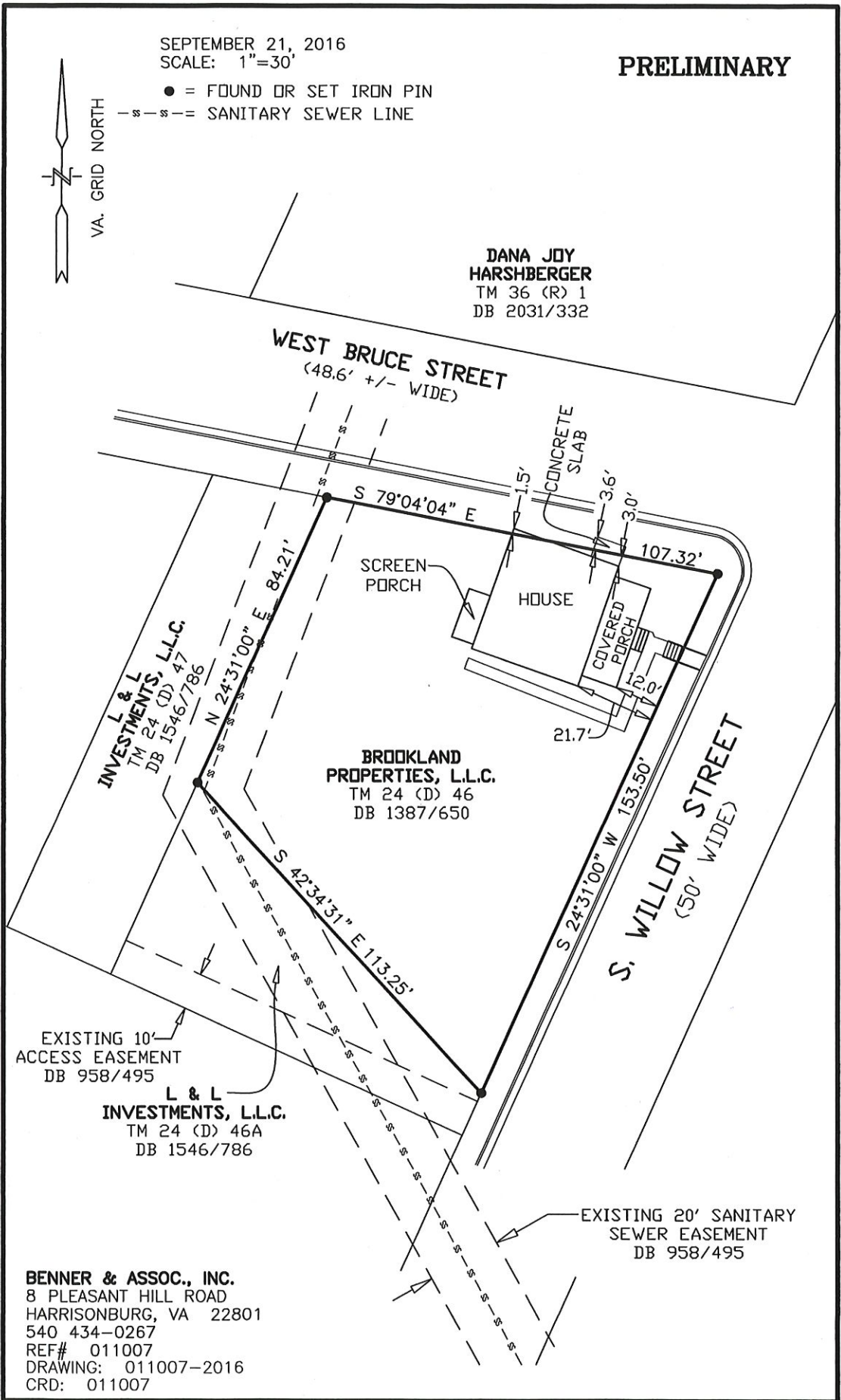
**BROOKLAND
PROPERTIES, L.L.C.**
TM 24 (D) 46
DB 1387/650

**L & L
INVESTMENTS, L.L.C.**
TM 24 (D) 46A
DB 1546/786

EXISTING 10'
ACCESS EASEMENT
DB 958/495

EXISTING 20' SANITARY
SEWER EASEMENT
DB 958/495

BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267
REF# 011007
DRAWING: 011007-2016
CRD: 011007



Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 20. Streets and Alleys

§ 15.2-2011. Localities may permit existing encroachments.


Notwithstanding the provisions of subsection A of § 15.2-2000, localities may authorize owners of buildings or structures encroaching under, upon and over any public rights-of-way therein, within such limitations as the localities may prescribe, to maintain such encroachments as they exist, until such buildings or structures are destroyed or removed; however, nothing contained in this section shall be construed to relieve the owners of negligence on their part on account of any such encroachment.

Code 1950, § 15-776; 1962, c. 623, § 15.1-377; 1966, c. 190; 1986, c. 96; 1997, c. 587.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

4/19/2018

Virginia Law Library

The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are now available in both EPub and MOBI eBook formats. 

Helpful Resources

[Virginia Code Commission](#)
[Virginia Register of Regulations](#)
[U.S. Constitution](#)

For Developers

The Virginia Law website data is available via a web service. 

Follow us on Twitter



April 27, 1993

Council received the following extract from the Planning Commission meeting held on April 21, 1993!

"...The Planning Director explained that this was a request from Fred Dooley to allow encroachment on a public right-of-way on Logan Lane. She explained that Mr. Dooley had purchased the property located at the corner of High Street and Logan Lane and when he applied for a building permit it was discovered that the house was located on a portion of the Logan Lane right-of-way. She said that not only was it not set back from the property line, it actually encroached onto the street right-of-way. After investigation, it was found that in 1980, the Homeplace Subdivision townhouses were approved to be built in this area and there was an agreement to remove this structure after the completion of the townhouses. Ms. Turner read from the minutes of the Planning Commission meeting on May 21, 1980. "...Discussion regarding removal of a row of trees and posting "no parking" signs followed. Mr. Logan agreed to remove the trees but said he probably won't demolish the old Logan house until most or all of the proposed townhouse structures are constructed..." She said that it then went to City Council and the subdivision was approved. Since that time, ownership of the property has transpired from Mr. Logan to others. At this time it does present site distance problems when turning from Logan Lane onto High Street. Staff recommendation is not to allow encroachment. She added that the only way an encroachment is allowed is by approval of City Council.

Mr. Dooley presented material for review by the Planning Commission.

Mr. John Krall, representing Mr. Dooley, said that Mr. Dooley purchased this house in December of 1992 with the intent of creating a residence for his family and a photography business for his wife. Mr. Krall explained that Mr. Dooley had inquired about a building permit before the purchase of the property and was told that there were no problems. After the purchase, he tried to obtain a building permit for renovations and found that there are two encroachments, one being 2 feet 7 inches and the other 1 foot 7 inches. Because of these encroachments the permit was denied and City staff informed Mr. Dooley that he would have to go before City Council to get a variance before a permit could be issued. Mr. Krall said that there was a precedent set on

005

Water Street at the Valley Players Building, where the entire front encroaches on City right-of-way. Mr. Krall read from the May 27, 1980, City Council minutes, "...that Mr. Logan remove the trees and/or shrubs along South High Street in front of the old Logan home, and "no parking" be posted by the City." He said that this appears to be what was agreed upon and he felt that based on those minutes it was not determined to demolish the structure and even if that was the agreement, the City has had 13 years to enforce it. He said the issue is not whether the house will be torn down but whether a variance will be approved and the property be allowed to become a positive force in the neighborhood. He then referred to a letter written by neighborhood residents approving of the interest being taken by Mr. Dooley. Mr. Krall addressed the site distance problems by saying the house would not be the cause of this type of problem and that this had been confirmed by the City Engineer. He concluded by asking that Planning Commission approve the request.

Mr. Neff said that the development was never completed and his understanding was that the City Council's approval was not based on the removal of the house, it was based on the perimeters of removing trees and shrubs. There was discussion regarding the time period of 13 years passing since the subdivision approval. Ms. Turner stated that the issue was whether or not to grant the encroachment on

a right-of-way. If the encroachment was not granted it would mean that Mr. Dooley would not be able to get the building permit, not that the structure would have to be torn down. It would continue to exist as it is unless he chooses to pursue legal action and relinquish ownership

Ms. Whitten asked if it were possible to approve encroachment with the stipulation that if the property falls into disrepair it would be torn down. Mr. Dooley stated that it was his understanding that if it were destroyed, it could not be replaced.

Chairman Wassum said the chair would entertain a motion. Mr. Homan moved to approve the encroachment as presented. Ms. Whitten seconded. All voted aye..."

Planning Director Turner reiterated many of the points in the above Planning Commission extract and noted that even though it was staff's recommendation not to approve the encroachment; it is Planning Commission's recommendation to approve the request. City Attorney Thumma stated that if City Council wishes to approve this request, it will have to be done by ordinance with two readings. Council Member Weaver offered a motion that the recommendation of the Planning Commission to approve this request be approved and that the ordinance allowing this encroachment be approved for a

OOT

first reading. Ms. Weaver also recommended that the City take measures to assure that what happened to Mr. Dooley never happens again. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

J

May 1993

City Manager Stewart presented for Council's consideration of a second and final reading an ordinance granting a nonexclusive easement to encroach upon City property on the south side of Logan Lane near its intersection with South High Street. Council Member Green offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Feb 2010

Mayor Degner presented the following resolution for Council's consideration of approval:
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA, PERMITTING AN ENCROACHMENT ONTO A TWELVE (12) FOOT WIDE ALLEY ON THE NORTHWEST SIDE OF NORTH MAIN STREET IN THE CITY

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (HRHA) is the contract purchaser of real estate located at 715 North Main Street in the City of Harrisonburg, Virginia also shown on the City Block Maps as parcel number 40-T-10; and

WHEREAS, the house on said property encroaches onto the adjoining twelve foot alley owned by the City by a total of 28 square feet, more or less; and

WHEREAS, pursuant to Section 15.2-2011 of the Code of Virginia, 1950, as amended, the City Council may allow the encroachment of the existing house to remain within the alley until the said building is destroyed or removed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That the existing encroachment (totaling 28 square feet, more or less) of the house onto the twelve (12) foot wide alley at 715 North Main Street in the City of Harrisonburg, Virginia can be maintained by the Harrisonburg Redevelopment and Housing Authority (HRHA), its successors and/or assigns, until such house is destroyed or removed, however, nothing in this authorization to maintain the encroachment shall be construed to relieve the HRHA or its successors and/or assigns of negligence on their part on account of said encroachment.

Approved: February 9, 2010

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Michael Wong, Executive Director for the Harrisonburg Redevelopment and Housing Authority (HRHA), said that HRHA is the contract purchaser of retail estate located at 715 North Main Street. The house on this property has a slight encroachment onto an adjoining alley dedicated to the City. Following further discussion and comments, Council Member Wiens offered a motion to approve the request by HRHA authorizing the Mayor to execute a resolution and grant a license for the encroachment onto City owned property to HRHA and future owners of the structure until such time as it is demolished. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank Council Member Wiens Council Member Byrd Vice-Mayor Baugh Mayor Degner

Absent - None

2/9/10

Vote: Yes - Council Member Frank
Council Member Wiens
Council Member Byrd
Vice-Mayor Baugh
Mayor Degner

Absent – None

The request to amend Sections 10-3-92 and 10-3-98 of the Zoning Ordinance was removed and will be considered after a public hearing has been held.

Mayor Degner presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, PERMITTING AN ENCROACHMENT ONTO A
TWELVE (12) FOOT WIDE ALLEY ON THE NORTHWEST SIDE
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MAYOR

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Vote: Yes - Council Member Frank
Council Member Wiens
Council Member Byrd
Vice-Mayor Baugh
Mayor Degner

Absent – None

A presentation by Blue Ridge Community College was postponed due to the weather.

A presentation by Big Brothers Big Sisters was postponed due to the weather.

The next item of business was a presentation by Shenandoah Valley Bicycle Coalition (SVBC). Charlie Chenault representing the group requested that City Council authorize staff to draft design plans and cost estimates for two multi user off road paths to be included in the 2010 Bicycle Plan. Path number one is the Hillandale Park Connector path which would connect Circle Drive to Hillandale Park and then to Garbers Church Road. Path number two is the Bluestone Trail which would connect Stone Spring Road to Port Republic Road paralleling Interstate 81 with a side connector to the apartment complexes on the east side of South Main Street. City Manager Hodgen suggested that City staff review and outline a timeframe to allow the City to undertake all of the steps available for a shovel ready project.

The next item of business was a presentation by the Department of Public Works and Shenandoah Valley Bicycle Coalition. Public Works Department Planner Thanh Dang reviewed the application for a "Bicycle Friendly Community" (BFC) Award presented by the League of American Bicyclists to localities across the nation. The BFC application audits the City of Harrisonburg and its community's efforts on engineering, education, encouragement, evaluation and planning, and enforcement. Some benefits of this program include recognition, promotion, bench marking, and technical help from the League of American Bicyclists.

City Manager Hodgen presented a request for a supplemental appropriation for the Police Department. These funds will replace funds reimbursed by a Justice Assistance Grant (ARRA). Council Member Byrd offered a motion to approve this request for a first reading, and that:

The City of Harrisonburg, Virginia

DEPARTMENT OF PUBLIC WORKS
BUREAU OF BUILDINGS

PERMIT No. 7836

APPLICATION FOR A BUILDING PERMIT

To Erect, Alter, Add To, Improve, Repair, Move or Demolish a Building or Structure

Read carefully and write plainly or print all necessary information. Permits may be issued only when sufficient information is given to show that the proposed work will comply with all Building and Zoning Laws. Consult this office for additional information. Fill out applicable blanks on both sides of this form.

OWNER

NAME Saylor, Nell
MAILING ADDRESS 2555 Willow St
CITY Harrisonburg TEL. No. _____

WORK TO BE CONTRACTED OR SUPERINTENDED BY:
NAME Nelson Const
ADDRESS Johnson St
CITY Harrisonburg, Va

LICENSE No. _____ TELEPHONE No. _____

OR IF OWNER IS TO SUPERINTEND WORK PLEASE SIGN THE FOLLOWING STATEMENT:

The undersigned owner states that he is to superintend this work on the job and that he will personally purchase materials, and personally hire and pay the individual workmen.

Signature of Owner _____

PLANS FILED WITH THIS APPLICATION

Application for a permit shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, and other information that the Building Inspector may require. Specifications may also be required. Plans and specifications are not required for repairs and other minor work. Plans and Specifications must be approved by the Building Inspector before construction is started. Changes in plans and specifications are not permitted unless approved by the Building Inspector.

INDICATE NUMBER OF PLANS FILED WITH THIS APPLICATION.

-PLOT PLAN (showing dimensions of lot, size and location of proposed and existing buildings. Required for all new buildings and additions.)
-FOUNDATION PLANS,FLOOR PLANS,ELEVATIONS,STRUCTURAL PLANS,MECHANICAL PLANS,SPECIFICATIONS

PLANS PREPARED BY:

NAME _____
ADDRESS _____
CITY _____

Indicate whether Virginia Certified Architect or Engineer
 Neither.

Have plans been approved by State Fire Marshall Yes No
Date Approved _____

DESCRIPTION AND LOCATION OF LOT

House No. 205 5 Willow St
Street
Between Bruce St and Brook St
Street Street
Sheet 29 Block D Lot 42 Part of 43
Side of Street South Act No. _____
Subdivision _____
Block D Lot 42 Part of 43
Front Feet _____ Depth _____ Area _____
Fire District _____ Zoning District _____
No. of Bldgs. _____
Now on Lot _____ Area _____

Is the lot described above recorded in the Clerks Office? _____

Has a curb grade been obtained? _____

PRESENT USE OF BUILDING OR PREMISES—
(Dwelling, Apartment, Store, Factory, etc.)

AFTER COMPLETION OF WORK BUILDING WILL BE OCCUPIED BY—

FOR USE AS A—
(Dwelling, Apartment, etc.)

DESCRIPTION OF BUILDING

No. of Stories _____, No. of Rooms _____, Building Area _____

CHECK TYPE OF CONSTRUCTION

-Wood Frame,Brick Cased,Brick,Metal Covered,
-Steel Frame,Reinforced Concrete,Wood Joists,
-Concrete Floors,Fireproof,

TYPE OF WORK TO BE DONE—(Check one or more.)

-New, Alteration,Addition, Repair,Improve,Move,
-Demolish.

GENERAL DESCRIPTION OF PROPOSED WORK—stating kind of work and materials and extent of work.

Changing ext. elev. to finish
apts.

ESTIMATED TOTAL VALUE OF CONSTRUCTION INCLUDING VALUE OF MATERIALS & LABOR \$ 6000.00

I hereby submit this application for a Building Permit, and acknowledge that the plans, specifications, and other information attached hereto, together with the statements made hereon, are all a part of this application, and acknowledge that I have read these statements and agree, that when the permit herein applied for is issued, that the work will be done as stated and as shown on the attached plans and specifications and as required by City Ordinances and State Laws and Regulations. Failure to comply with any part or terms of this application shall be sufficient cause to revoke the permit so issued. On completion of this work I will report the final cost in detail and pay such additional fee as required by law. *Permit void if construction not started in six months.*

Owner Jordan M.H.P.

I hereby certify that this proposed work will be done with the Owner's consent and I acknowledge that I have read this application and the statements printed hereon and agree that the work will be done as stated.

Agent _____
Address _____

DO NOT WRITE IN THIS SPACE

APPLICATION: APPROVED, DISAPPROVED

By Harry J. Vance
Building Inspector



Date: 6-5-69 Fee: 10.00

Remarks: _____

205 S Willow

Write a description for your map.

Legend

-  205 S Willow St
-  55 Hampton Park Blvd



Google Earth

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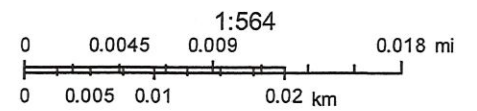
100 ft



ArcGIS Web Map



3/16/2018, 9:04:55 AM



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

City of Harrisonburg
Commonwealth of Virginia, Microsoft I