



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

January 14, 2015

SPECIAL USE PERMIT – 1854 EAST MARKET STREET (SECTION 10-3-91 (9))

GENERAL INFORMATION

Applicant: TAP Investments, LLC and DCW, LLC

Tax Map: 73-C-1 and 4

Acreage: 1.61+/- acres

Location: 1854 East Market Street

Request: Public hearing to consider a request for a special use permit per Section 10-3-91 (9) of the B-2, General Business District, which allows for the reduction in the required 10-foot side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1.

LAND USE, ZONING, AND SITE CHARACTERISTICS

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: Commercial building and parking lot, zoned B-2

North: Across Terri Drive, commercial buildings and shopping center, zoned B-2

East: Financial institution, zoned B-2

South: Restaurant and shopping center, zoned B-2

West: Across East Market Street, shopping center, zoned B-2

EVALUATION

The applicant is requesting a special use permit per Section 10-3-91 (9) of the Zoning Ordinance to allow a reduction in the required 10-foot side yard setback to zero feet along a property line adjoining a parcel zoned B-2. The property, which is comprised of two parcels, is located at the southeast corner of the East Market Street/Terri Drive intersection. Currently located on the property is a multi-tenant commercial building and a parking lot, which serves the commercial uses. If a special use permit is granted, the applicant intends to construct an uncovered loading dock and dumpster enclosure within five feet of the southeastern property line.

The existing building was constructed prior to annexation in 1983 and is situated approximately one foot from the southeastern property line. Within the B-2, General Business District a 10-foot building setback is required from side and rear lot lines; therefore, this structure is considered

non-conforming to setback requirements and cannot be enlarged or structurally altered in any manner that would compound the setback encroachment. The property owners desire to build a loading dock on the rear of the building to serve a proposed tenant and to enclose their dumpsters, but zoning regulations require that both the dock and the enclosure meet the 10-foot setback. After discussion with staff regarding how they could accomplish constructing the addition and still be in compliance with zoning regulations, the applicants decided to apply for a special use permit for a zero setback along the southeastern property line. If approved, the proposed dock and dumpster enclosure and the existing building would all be in conformance with setback regulations to the southeastern property boundary.

The owners must also apply for a minor subdivision because the new dock and enclosure would cross the existing property line between their two parcels; this can be done as a property line adjustment or a property line vacation. The minor subdivision would need to be approved and recorded prior to the release of any building permits for construction of the addition. This proposal has been discussed with the Building Official and, based upon the Virginia Construction Code, an unenclosed loading dock structure, constructed of the same material as the existing building, would be able to be built at the intended location.

Because the parking lot and travel area are rather tight, staff had concern with delivery truck movement to the proposed loading dock area. Section 10-3-30 of the Zoning Ordinance requires that loading and unloading of vehicles is provided on private property and shall not depend on public streets for the maneuvering of such vehicles. The applicant provided an engineered schematic illustrating a 32-foot delivery truck movement to the dock location. Should concerns arise regarding delivery vehicles using the public street for maneuvering; staff can approach it as a zoning violation.

Staff does not have concerns with the requested special use permit and recommends approval of the reduced setback as requested.