



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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November 17, 2023

RE: Zoning Administrator Determination on How Building Height is Calculated for Proposed Development Plan for 865 Port Republic Road

This constitutes an Official Determination of the Zoning Administrator for the City of Harrisonburg, Virginia. For this determination, the following Zoning Ordinance Sections are relevant:

Section 10-3-24 (Definitions) of the Zoning Ordinance defines “Building, height of” as follows: “The vertical distance measured from the floor closest to curb grade to the level of the highest point of the roof surface, if the roof is flat or inclines not more than one (1) inch vertical to one (1) foot horizontal, or the mean level between the eaves and the highest point of the roof if the roof is [sic] of any other type.”

Section 10-3-24 (Definitions) of the Zoning Ordinance also defines “curb grade” as “The elevation of the established curb in front of the building measured at the midpoint of such frontage. Where no curb exists, the city engineer shall establish such curb grade for the existing or proposed street in accordance with the existing street grading plans of the city.”

Section 10-3-23 (4) states: “The word ‘building’ or ‘structure’ includes any part thereof, and the word ‘building’ includes the word structure.”

Given the above code sections, in the City of Harrisonburg, building height is determined by:

- Identifying the curb in front of the building. This curb may either be the curb of the public street or the curb grade of the travelway or private street in front of the building, or where no curb exists, the Zoning Administrator shall establish a location, with assistance from the City Engineer, in accordance with grading plans of the city.
- Identifying the midpoint of the width of the front of the building. (Note: Typically, the front is from the street from which the building is addressed. There may be unusual situations requiring the Zoning Administrator to use an alternative method to determine the front of the building.)
- Identifying the building floor located closest to the curb grade, and then determining the elevation of that floor.
- Determining the elevation of the highest point of the building, or as described in the “Building, height of” definition if the roof inclines.

- Calculating the building height by subtracting the elevation of the highest point of the building from the grade of the building floor located closest to the curb grade.

This Official Determination was requested by 865 East LLC and AES Consulting Engineers and is being provided in connection with their pending rezoning and special use permit applications for the project known as 865 Port Republic Rd. Addition, City of Harrisonburg [RZ 092 00F 001 000 023 and SUP 092 00F 001 000 023, respectively], on City of Harrisonburg tax parcel 92-F-1.

The submitted Development Plan illustrates the existing building that was constructed in 2008 and a proposed building addition connected by an elevated breezeway. The existing building and addition are considered for zoning purposes as one building, not two separate buildings. Given the Development Plan and proposed layout of the site, the property would continue to be addressed to Port Republic Road. Therefore, the height of the building for zoning purposes would be determined by reference to the building floor closest to the curb grade on the Port Republic Road side of the building, at the midpoint of such building frontage. Changes to the design of this project could change this determination.

Note that this Official Determination does not consider whether the proposed addition to 865 Port Republic Rd. complies with the height requirements of the ZO. Compliance for that project will be reviewed during the engineered comprehensive site plan and building permit phases of the project.

If anyone is aggrieved by this determination, they shall have a right to appeal it within thirty (30) days of this notice, in accordance with Virginia Code § 15.2-2311. If they do not file a timely appeal, this determination shall be final and unappealable. The application charge for the appeal is \$300.00. Additional information regarding the filing of an appeal can be obtained by visiting the office of the Department of Community Development located on the 2nd floor of City Hall at 409 South Main Street, Harrisonburg, Virginia 22801, by calling our office at 540-432-7700, or by reviewing the following webpage from the City's website:  
<https://www.harrisonburgva.gov/zoning>.



Evan Winkler  
Zoning Administrator