



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Board of Zoning Appeals (BZA)
From: Rachel Drescher, Zoning Administrator
Date: December 2, 2019
Re: Variance Request – Holly Court

Summary:

A request by Holly Court Enterprises LLC for a variance from Section 10-3-114(d) to allow an accessory structure to be constructed within the front yard and a variance of 30 feet from the required 30-foot front setback per Section 10-3-47, Area and dimensional regulations of the R-3, Multiple Family Residential District. If granted, a covered mailbox kiosk may be built zero feet from the property line adjoining Holly Court. The property is located at 12 Holly Court and identified as tax map parcel 14-O-1.

Relevant Sections and Definitions:

Section 10-3-47, Area and dimensional regulations for R-3, Multiple-Dwelling Residential District

MINIMUM FEET						MAXIMUM
Lot Area Sq. Ft.	*Lot Width	Lot Depth	Front Yard	Side Yard	Rear Yard	Stories
Multifamily: 3,000/unit	60	100	30	10	25	3

*Measured at point of required front setback line.

Section 10-3-114(d) *Location in setbacks in residential districts prohibited.* No accessory building in a residential district shall be located within the existing setback between a principal building and public street; except on through lots where an accessory building may be located within the established rear yard between the principal building and a public street and meet principal building setbacks.

Staff Report:

The property at Holly Court is an apartment complex composed of 84 residential units. The applicant plans to locate mailboxes for the entire complex in one location and would like to build a shelter to cover the mailboxes. While mailboxes are permitted by right within the front yard setback, the shelter to cover the mailboxes would be an accessory building. Per Harrisonburg Zoning Ordinance Section 10-3-114(d), *no accessory building in a residential district shall be*

located within the existing setback between a principal building and public street. The applicant is requesting a variance from this regulation to locate the shelter in the front yard and an additional 30-foot variance from the required 30-foot front yard setback from Holly Court to locate the structure along the existing sidewalk.

Alternatives:

- (a) **Approve the request:** Approving the request means that the BZA finds a restriction on the reasonable utilization of the property which would be alleviated by a variance to allow structures in the front yard and a variance of 30 feet from the required front yard setback. The new front yard setback for principal and accessory structures from the property line along Holly Court would be zero feet.
 - **Reminder:** The Board has the power to condition the variance to only apply to accessory structures or only apply to a single shelter to cover mailboxes.
- (b) **Deny the request:** Denying the request means that the BZA finds no restriction on the reasonable utilization of the property. Principal and accessory structures would continue to be only permissible in the rear yard and the required front yard setback would remain at 30 feet.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for the Board of Zoning Appeals's public hearing. The advertisement was published as shown below:

"A request by Holly Court Enterprises LLC for a variance from Section 10-3-114(a) to allow an accessory structure to be constructed within the front yard and a variance of 30 feet from the required 30-foot front setback per Section 10-3-47, Area and dimensional regulations of the R-3, Multiple Family Residential District. If granted, a covered mailbox kiosk may be built zero feet from the property line adjoining Holly Court. The property is located at 12 Holly Court and identified as tax map parcel 14-O-1."

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Attachments:

1. Site map
2. Application and other application documents
3. Notification of adjoining property owners