



**CITY OF HARRISONBURG**  
**COMMUNITY**  
**DEVELOPMENT**

**Zoning Ordinance Amendment Application**

[www.harrisonburgva.gov/zoning](http://www.harrisonburgva.gov/zoning)

**DESCRIPTION OF AMENDMENT**

Zoning Ordinance Section:

**Sec. 10-3-59.4 (11) Uses permitted only by special use permit.**

Proposed Text (Attach separate sheet, if needed.)

**APPLICANT'S INFORMATION**

A M Yoder & Co

540-810-7437

Applicant's Name

Telephone

947 N. Main St.

aaron.yoder@amyoder.com

Street Address

E-Mail

Harrisonburg

Va

22801

City

State

Zip

**APPLICANT'S REPRESENTATIVE INFORMATION (if applicable)**

Nicholas Nesaw

540-820-3735

Applicant's Representative

Telephone

947 N. Main St.

nick.nesaw@amyoder.com

Street Address

E-Mail

Harrisonburg

Va

22801

City

State

Zip

**CERTIFICATION**

*I certify that the information supplied on this application and on the attachments provided is accurate and true to the best of my knowledge.*

APPLICANT

DATE

10-2-25

**REQUIRED ATTACHMENTS**

☒ Letter explaining the reasons for seeking Ordinance amendment.

**TO BE COMPLETED BY PLANNING & ZONING DIVISION**

10-2-2025  
Date Application and Fee Received

Total Fees Due: \$ 450 (Paid)  
Application Fee: \$450.00

Received By

Letter for proposed amendment

*The purpose of seeking the ordinance amendment in question is to rectify the conflict between the current ordinance and the particular circumstances of the proposed project, specifically the unusual and undue burden of distinguishing between "openings (particularly windows)" and the rest of a fire rated wall assembly. The purpose of the proposed amendment is to allow all components (including windows) to be allowed in the design of a wall assembly that must meet fire code, so long as all components of the assembly (including windows) meet the criteria.*

Many thanks,

**Sec. 10-3-59.4. (11):**

Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached dwellings, duplex dwellings, or townhomes when:

- a) National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings, or
- b) Any exterior wall(s) adjacent to facing the property line with a reduced side yard setback is constructed ~~without openings and has~~ with a minimum 1-hour fire ~~resistance rating in accordance with testing standards described in the Virginia Residential Code.~~ resistant assembly documented by a nationally recognized testing agency. Any openings shall have a minimum 1-hour fire-rating and be fixed and inoperable. Openings shall only be located on the first floor of the dwelling and the bottom of openings shall be equal to or less than 10 feet above the exterior finished grade. Walls meeting the standard setback requirements of Sec. 10-3-59.5 are exempt from these fire resistance requirements.

Where the Virginia Residential Code sets more restrictive standards, compliance with its provisions is mandatory.