

DETERMINATION OF FRONT YARD

Hannaford Proposal:

The majority of the Hannaford parking spaces are located in the side yard. The proposed plan shows 17% (25 out of 144 spaces) of the parking in the front yard. These spaces are located over 250 feet from the public right of way for Commerce Street and substantial landscaping has been included to provide further screening. The south portion of the property along Mechanicsville Road is the property's rear yard and therefore, parking and loading are allowed there. Nonetheless, no parking or loading are being proposed between Mechanicsville Road and the line of the building extending to the side lines of the lot.

Relevant Regulation:

Section 5.6 Design Standards for Commercial and Industrial Uses

5.6.3 Parking and loading areas: Parking and loading areas for any new structures shall be located in the side or rear yards of the structure. Where sufficient screening is provided, and with Development Review Board approval, up to 20% of the total number of parking spaces may be located in the front yard of the structure.....

Background:

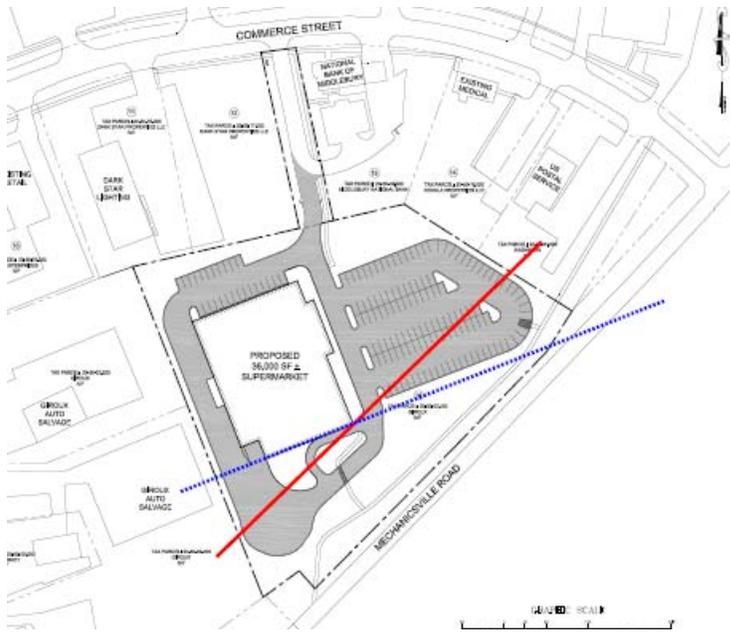
The Hannaford Site Plan includes 30 parking spaces completely within, and 12 partially within, the front yard which exists on the Mechanicsville side of the property. None are allowed without your approval, and this is clearly beyond the 20% allowed even with your approval. The applicant, however, claims that a sentence included in the definition of rear yard: “A yard on the same lot with a principal building between the rear line of the building and the rear line of the lot extending the full length of the lot. No lot shall have more than 1 rear yard with regard to setback requirements. **For lots with multiple front yards, the rear yard shall be opposite the front yard that provides the primary access to the lot**”, converts this front yard into a rear yard and thus this parking is allowed. They further conclude that “Nonetheless, no parking or loading are being proposed between Mechanicsville Road and the line of the building extending to the side lines of the lot.” which is an erroneous interpretation of the term building line.

Issues:

The intent of the design standard for commercial uses clearly is to limit parking to the less visible portions the side and rear yards of property. In this particular instance one corner of the parking area is within ten feet of a recreational path and as well becomes the dominant feature when viewed from Mechanicsville Road. This parking should either be brought into compliance with the regulations, or at minimum limited to no more than 20% and reconfigured so the parking so that it is farther from the path, and as well, not the dominant feature of the Mechanicsville front yard.

Our regulations utilize the concept of yards for several reasons. One, which is the issue here, is to control the location of parking in yard areas. Another is to establish setback distances for structures- parking lots are not structures but the use of a yard area. My contention is that the parking proposed by the application is subject to DRB review for the following reasons:

- The definition cited by the applicant to buttress their claim follows and clarifies the preceding sentence which addresses setbacks for structures, not the location of parking areas and thus is not relevant.
- There is actually only one front yard on this property. While it appears that there is a front yard at the end of the Commerce Street Extension, none exists. The centerline of Commerce Street Extension terminates at a point on the boundary of lot #15 - there is no centerline, only a point. The definition of front yard: “A yard on the same lot with a principal building, extending the full width of the lot and situated between the centerline of the street or right-of-way and the front line of the building extending to the side lines of the lot. By definition, and common practice, a building line is not actually an actual side of a structure, but a line determined by the relationship between a lot or street line and the closest point of the building to it. In other words the building line passes through a **point** of the building and has to be parallel to some other line. Since the definition of front yard depends on the existence of a center **line**, and none exists, only the point at the end of the centerline, it is impossible to establish the location of a yard which consists of two separate parallel lines, each passing through a point on that line, with no reference to a line to be parallel to. While the definition of **Setback** includes the sentence: A “centerline” of a right-of-way serving a property at the terminus of a dead-end road shall be at the point where the centerline of the right-of-way and the property line intersect, it is still actually a **point** which only allows me to construct a setback distance to the closest point of a building.
- Furthermore our regulations include two types of property boundary lines, Street lines and lot lines. Lot Line: any boundary of a lot other than a street line. The definition of rear yard specifically refers to “the rear line of the lot” which is a “lot” line and by definition it cannot be a street line. This is further buttressed by the definition of rear lot line: The **lot line** generally opposite to the **street line**..... which again clearly differentiates between the two. As well, the inclusion of “generally opposite” recognizes that there are situations where the rear line cannot be opposite the street line, i.e. when there are two opposite street lines and in that case the rear line is established in the next best area. A rear yard cannot exist in a portion of a lot bounded by a street line, specifically the Mechanicsville front yard.
- Their contention that in any case no parking will occur between the line of the building extending to the side lines of the lot and Mechanicsville road (the dotted line) has no bearing. The “line of the building” according to common practice and definition is not a line extended and parallel to the actual building line, but rather a line created by taking the point of the building nearest Mechanicsville Road and creating a line the “building line” parallel to Mechanicsville road, and distance to the closest point of the building from it. This is the solid line.



Review Process:

If you disagree with the applicants claim that the Mechanicsville front yard is actually a rear yard which can have basically unregulated parking in it, then they should be encouraged to reconfigure their proposal. If that is the case some clear guidelines should be formulated to let them know the percent of the parking would be allowed in that front yard, and what would constitute sufficient screening.

Peter Erb, Zoning Administrator.