

TO: Planning Commission

FROM: Paul Patterson, Zoning Administrator 

RE: Zoning Ordinance Amendment #40/Ordinance No. 1883 – Amendment to the Zoning Ordinance to change the development standards in the R-4 Low Density Residential zoning district

DATE: November 16, 2018

Amendments Proposed

Zoning Ordinance Amendment #40/Ordinance No. 1883 – An ordinance regarding changes to the R-4 Low Density Residential Zoning District to address the R-4 site development standards, specifically to allow:

1. Averaging of existing front yard setbacks in infill areas to allow homes to be built closer to the front property line in conformance with the location of front yards of existing homes on the same side of the block;
2. Limit the size of new driveways or driveway expansions in the district in order to provide better protections of neighborhood; and
3. Provide for a better interpretation of how Floor Area Ratios are calculated by increasing the allowed Floor Area Ratio (FAR) for single family homes and by including rather than excluding the attic and basement floor spaces within the FAR calculation.

Zoning Ordinance Amendment Process

Town Council adopted a referring resolution to send potential changes to the Town's Zoning Ordinance to the Planning Commission for review. The Town Council referred this amendment to the Planning Commission through resolution 11-A-18, (see Attachment A).

The Zoning Ordinance Review Committee (ZORC), a sub-committee of the Planning Commission reviews proposed Zoning Ordinance Amendments and makes recommendations to the full Planning Commission. The ZORC held several meetings earlier in 2018 to review and discuss the proposed amendment and its recommendations are included in the amendment wording.

Public Information and NRVHBA Meeting

A public input meeting is held for all amendments to the Zoning Ordinance prior to public hearings. The meeting for ZOA #40 was held on Wednesday, November 7, 2018. A second meeting will be held on Thursday, November 29, 2018. Notes and the sign-in sheet are

attached to this report. The text of the proposed modifications to the Zoning Ordinance have been posted on the Town's website. Given the impact of these specific changes on the construction of single family homes, a meeting on the proposed ordinance was held with representatives of the New River Valley Home Builder Association. The meeting was held on November 5, 2018 and the NRVHBA representatives indicated they will be submitting written comments after an upcoming Board meeting. The comments will be forwarded to the Commission when received.

Criteria for Amendments

The Planning Commission is tasked to study the zoning amendment proposal and hold a public meeting to determine:

- Whether the proposed amendment conforms to the general guidelines and policies contained in the Town's Comprehensive Plan.
- The relationship of the proposed amendment to the purposes of the general planning program of the Town, with appropriate consideration as to whether the change will further the purposes of the zoning ordinance and the general welfare of the entire community.
- The need and justification for the change.

The Planning Commission will hold a public hearing and make a recommendation on the proposed zoning ordinance amendment to the Town Council, which will take final action on the proposed amendment.

Amendment Text

A draft copy of the proposed zoning ordinance is attached (Attachment B). The remaining portion of this staff report, outlines some of the considerations and reasoning on the zoning ordinance amendment wording.

1. AVERAGING OF EXISTING FRONT YARD SETBACKS IN R-4 DISTRICT FOR INFILL LOTS

Background: The desire is to facilitate construction of new homes on vacant lots within existing subdivisions and to allow additions within previously developed R-4 neighborhoods. The current 35' front yard setback is suburban in nature and can force construction of a new home further back on to the lot than other homes in the neighborhood. This creates an uneven look on the block face and limits the area available for home construction. The Town has older neighborhoods where homes are closer to the street than 25'. The amendment would allow homes to have the same front yard setbacks of the existing homes.

Language in the Ordinance: “For infill lots where more than 50% of the lots on a block-face are developed, the front yard setback may be reduced to not less than the average of the front yard setbacks of the existing developed lots on the block-face.”

What this means: In existing developed areas of the town where more than half of the homes on the same side of the block are already built, this would allow new homes or front porch additions to have the same front yard setback as homes that were built years ago.

Example. If the average of the existing homes on the same side of the block have 20 feet front yard setbacks (where the front of the house is 20 feet away from the front property line, rather than the standard R-4 front yard setback of 30 feet), then a new house or front porch addition built on that side of the street is allowed to also be 20 feet from the front property line.



New house could be built closer to the street to match the other existing houses



Example of a block-face
(houses on the same side of the street)

2. LIMIT THE WIDTH OF NEW OR EXPANSION OF DRIVEWAYS IN R-4 NEIGHBORHOODS

Background: There are neighborhoods in Town which have been negatively impacted by the addition of substantial amounts of paving in front yards. At present there is no limitation on the amount of paving provided the overall lot coverage standard is met. Often the driveway expansions are to accommodate the fact that the single family home is rented and occupied by unrelated individuals, each of whom has a car. Each person wants to be able to come and go from the residence without having to move other cars. This is primarily a problem in student rentals in the Bennet Hill/Progress and McBryde Village neighborhoods.

Many homes in the Town’s Historic District were built when everyone did not have a car or had only one car. The front yards and driveways are not adequate to the number of cars. Driveway expansion in front yards have a negative effect on the character of the Historic District. Another issue with student rentals in areas close to campus is tenants allowing friends to park in the driveway of the single family home to go to class or to store a vehicle. Driveways have been widened out of scale for an R-4 single family zoned neighborhood. In some cases, the

driveway has been widened and striped with angled parking spaces similar to a parking lot in a multi-family development.

The issue of how best to regulate driveways to keep proportionality to the lot and the character of a single family neighborhood was researched by a planning intern several years ago. The intern compiled regulations from other localities and looked at best practices. The regulations proposed are drawn from that research. Several examples of regulations from other communities are included as Attachment D.

Language in the ordinance: “Paved driveways and off street parking areas located between the front face of the structure and the property line shall have at any point a maximum width of 18 feet if the lot width is less than 50 feet and a maximum width of 20 feet if the lot width is 50 feet or greater. No sidewalk or walkway shall be allowed immediately adjacent (parallel) to the driveway that has the effect of widening the driveway in excess of the maximum allowed. There shall be no diagonal parking allowed in the driveway and no driving of a vehicle outside of the driveway.

Any such driveways or off street parking areas existing as of January 8, 2019 that are greater than 20 feet in width may be retained and maintained but may not be expanded in any way.”

What this means: Residential new or expansion of driveways located in the R-4 Low Density Residential district will only have a maximum width of 20 feet (or width of 18 feet if the lot width is less than 50 feet). This will assist in protecting the neighborhood feel of the R-4 Low Density Residential Zoning District, rather than allowing larger driveways on which additional vehicles can be parked or stored. Additional vehicles parked at a house may also be an indication of potential over occupancy of the house.



Over parked and parking in the grass



Diagonal/sideways parking



Diagonal parking would not be allowed



Another example of over parking

3. MODIFICATION TO THE FLOOR AREA RATIO

Background: The Floor Area Ratio (FAR) is the ratio of the gross floor area of all the structures on a lot to the total lot area. Basically, it identifies the relationship of the mass of the buildings on a lot to the size of the lot. The intent of having a FAR is that the building size does not overwhelm the lot size and the appearances of other similar structures in the neighborhood. The minimum lot size in the R-4 district is 10,000 square feet. There has been a trend toward building larger homes on lots due to the cost of the lot and the desire for larger single family homes. A review of building permits filed with the Town indicates that if all of the usable square footage in a home is included, the size of a new home is 4,000+ square feet.

The R-4 district contains a Floor Area Ratio standard of .25. Prospective buyers and builders have been trying to find the best way to meet client desires for a larger home within the current definitions of what is included in the calculation of the .25 FAR limitation. The current definition of gross floor area excludes both attic and basement spaces and can lead to unusual designs specifically to create space that is usable for the homeowner but still included in the FAR calculation.

The goal of the amendment is to make the Floor Area Ratio easier to understand and comply with by increasing the Floor Area Ratio to better reflect market demands. Much of the increase from .25 to .5 is offset by including the living areas of both the attic and basements in the calculation of the FAR. This will be much easier for the applicants to show on building plans and for staff to review for compliance. Staff does not recommend eliminating the FAR standard or increasing it to levels that would result in homes vastly out of scale with the R-4 lot size.

Language in the ordinance: Floor Area Ratio for R-4 (Single Family Homes) would change from the current 0.25 FAR to a proposed 0.50 FAR. The calculation of the Gross Floor Area would be changed to include both the attic and basement living areas. Currently the attic and basement areas are excluded from the calculation of Gross Floor Area.

What this means: Planning has seen a number of architecturally peculiar looking new homes in the R-4 district which have steep elongated roof lines that increase the livable square footage

of the home by placing additional living space in dormers and what constitutes as an attic or by bringing the grade up to enclose at least half of a lower area, which would then be considered a basement. This tends to necessitate atypical structures and increases the cost to build the home (additional roof structured area and space beyond knee walls) making it less affordable than what it normally would cost for the same amount of square feet.



Currently both attic space and basement space are excluded as being counted in the gross floor area. With the increase in the Floor Area Ratio, the living areas of the attic and basement would then be included, rather than excluded, from the Gross Floor Area ratio.



The modification to the zoning ordinance should result in a similar amount of livable square foot at a lower cost to build, and a structure with a more normal appearance of a typical house.

Please note: the ordinance is not proposing any changes to the existing R-4 district regulations of:

- Height – 30 feet (up to 40 feet with additional 1 foot allowed per additional 1 foot of setbacks)

- Lot Size – 10,000 square feet minimum
- Lot Frontage – 40 feet minimum
- Maximum Lot Coverage – up to 45 % of lot area can be covered with impervious materials
- Occupancy Allowed – family plus 2 unrelated, or not more than 3 unrelated person

ARTICLE II, SECTION 2103 – DEFINITION OF TERMS AND USE TYPES

Current Definitions

ATTIC – The part of a structure which is immediately below and wholly or partly within the roof framing. Where there are dormers greater than fifty (50) percent of the length of the roof, then this area is not an attic.

BASEMENT – Any floor at least half of which is subgrade (below ground level).

DRIVEWAY—A private roadway providing access for vehicles to a parking area, parking space, garage, dwelling, or other structure.

FLOOR AREA, GROSS—The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics. The surface area of tennis courts, swimming pools, driveways, surface parking spaces, decks, patios, and porches, is not included in the total gross floor area.

FLOOR AREA RATIO—The ratio of gross floor area of all structures on a lot to total lot area.

LOT, FRONT—The side of a lot which abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the buildings, or of the principal entrance, if building orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, the Administrator shall select one frontage on the basis of: the adjacent street with the greatest traffic.

Proposed Changes to Definitions (additions are underlined, deletions are struck through)

ATTIC – The unfinished space between the ceiling assembly of the top story and the roof assembly. ~~The part of a structure which is immediately below and wholly or partly within the roof framing. Where there are dormers greater than fifty (50) percent of the length of the roof, then this area is not an attic.~~

ATTIC, HABITABLE – A finished or unfinished area, not considered a story, complying with all of the following requirements: 1. The occupiable floor area is not less than 70 square feet, in accordance with Virginia Residential Code Section R304, 2. The occupiable floor area has a

ceiling height in accordance with Virginia Residential Code Section R305, 3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

FLOOR AREA, GROSS—The sum of the horizontal areas of the several stories of a building, as measured from the exterior faces of exterior walls, or as measured from the face of the sheathing of the exterior wall, and ~~or~~ in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall ~~exclude~~ include basements, and habitable attics, and porches with a roof and walls (whether solid or screened). The surface area of tennis courts, swimming pools, driveways, surface parking spaces, decks, patios, and non-enclosed porches, is not included in the total gross floor area.

LOT, FRONT—The side of a lot which abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the buildings, or of the principal entrance, if building orientation does not clearly indicate lot frontage. Where no other method determines conclusively the front of a lot, due to the shape of the lot, the Administrator shall select one frontage on the basis of: the adjacent street with the greatest traffic flow; context of the surrounding development, topography of the area, and retention of mature trees.

ARTICLE III, DISTRICT STANDARDS, R-4 Low Density Residential District - CHANGES (additions are underlined, deletions are struck through, a draft of the proposed ordinance #1843 can be found in Attachment B)

The R-4 Low Density Residential Zoning District is the only zoning district proposed to be included in this zoning ordinance amendment.

R-4 Low Density Residential minimum setback requirements:

Front yard thirty (30) feet:

- The front yard setback may be reduced to twenty-five (25) feet for uses with parking in rear, fully behind the structure.
- For infill lots where more than 50% of the lots on a block-face are developed, the front yard setback may be reduced to not less than the average of the front yard setbacks of the existing developed lots on the block-face.

R-4 Low Density Residential maximum coverage:

Lot coverage forty-five (45) percent.

- Floor area ratio ~~0.25 FAR.~~ 0.50 FAR.
- Paved driveways and off street parking areas located between the front face of the structure and the property line shall have at any point a maximum width of 18 feet if the

lot width is less than 50 feet and a maximum width of 20 feet if the lot width is 50 feet or greater. No sidewalk or walkway shall be allowed immediately adjacent (parallel) to the driveway that has the effect of widening the driveway in excess of the maximum allowed. There shall be no diagonal parking allowed in the driveway and no driving of a vehicle outside of the driveway.

- Any such driveways or off-street parking areas existing as of January 8, 2019 that are greater than 20 feet in width may be retained and maintained but may not be expanded in any way.

ARTICLE IV, USE AND DESIGN STANDARDS

There are no use and design standards for single family, detached residential in Article IV.

ARTICLE V – DEVELOPMENT STANDARDS (Site Plans)

A site development plan is not required for individually developed single-family detached dwelling units.

New single-family dwellings do require 2 off-street parking spaces, which may either be in the driveway or in a garage.

Attachments:

Attachment A – Town Council referral resolution 11-A-18

Attachment B – Draft of proposed Ordinance #1843

Attachment C - Public information meeting sign in sheet and summary

Attachment D – Parking regulation examples from other communities

Attachment E - Correspondence

RESOLUTION 11-A-18

**A RESOLUTION REFERRING A PROPOSED ZONING ORDINANCE
AMENDMENT TO THE PLANNING COMMISSION REGARDING SINGLE
FAMILY RESIDENTIAL SITE DEVELOPMENT STANDARDS**

WHEREAS, the Town of Blacksburg supports and encourages the development of new single family residential dwellings within the Blacksburg community;

WHEREAS, infill development with the use of existing infrastructure is encouraged;

WHEREAS, builders have requested modification to the site development standards for single family residential development in the town to allow more flexibility to meet current market demands;

WHEREAS, staff has identified problems with implementation of existing standards and definitions that need to be reviewed (for example, extensive paving or parking in front yards, which can have a negative effect on the residential character of a neighborhood);

WHEREAS, for all of these reasons, the Town Council has determined that single family residential site development standards should be reviewed; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Blacksburg:

- 1. That the Planning Commission is hereby requested to review the Zoning Ordinance to consider the proposed changes regarding the regulation of single family residential development occurring in the R-4 zoning district. Specifically, the Planning Commission is requested to consider and, if appropriate, develop text amendments for Articles II, III, IV and V of the Zoning Ordinance.**
- 2. That the following changes to the Zoning Ordinance are proposed:**
 - a. Amendments to Article II, to update the definitions of Floor Area, Gross and of Lot, Front.**

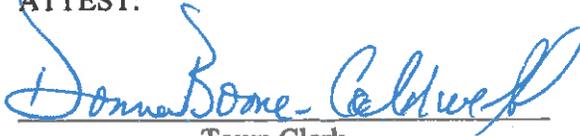
- b. Amendments to Article III to address the site development standards of R-4 residential district, specifically to allow (i) averaging of front yard setbacks in infill areas, (ii) change the floor area ratio, and (iii) provide maximum dimension requirements and restrictions for driveways.

3. That the Planning Commission is further requested to propose other amendments to related sections of the Zoning Ordinance, the Subdivision Ordinance or The Town Code as necessary for consistency with the amendments described in the preceding paragraphs.



Mayor

ATTEST:



Town Clerk

Date of Adoption: November 13, 2018

<Draft of proposed ZOA #40/Ordinance #1843 with changes, as of November 15, 2018>

<Note: Wording to be added to the R-4 Low Density Residential Zoning District are underlined, deletions are ~~struck through~~.>

DIVISION 4. - R-4 LOW DENSITY RESIDENTIAL DISTRICT

Sec. 3040 - Purpose.

The R-4 Low Density Residential District is provided in recognition of sections of the Town with low density residential development and land which appears appropriate for such development. Among these sections is land where the established use, character or density of development would be best protected by these regulations. The low density residential district is intended to define and protect residential areas of low density from the intrusion of uses not performing a function appropriate to the residential environment. Attractiveness, order and efficiency shall be encouraged by the requirement of adequate space for individual homes with adequate light, air and space, and maintaining an appropriate density of residential development. This district shall be intended to add to the physical variety of the overall residential area while promoting balance and stability.

Sec. 3041 – Permitted uses.

Sec. 3042 - Site development regulations.

(a) Minimum lot requirements:

- (1) Lot area ten thousand (10,000) square feet.
- (2) Lot frontage forty (40) feet.

(b) Minimum setback requirements:

Front yard thirty (30) feet:

- (1) The front yard setback may be reduced to twenty-five (25) feet for uses with parking in rear, fully behind the structure.
- (2) For infill lots where more than 50% of the lots on a block-face are developed, the front yard setback may be reduced to not less than the average of the front yard setbacks of the existing developed lots on the block-face.

Side yard ten (10) feet, except on corner lots, a side yard facing the street shall be twenty (20) feet.

Rear yard twenty-five (25) feet.

(c) Maximum height of structures, except church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt: Thirty (30) feet; or forty (40) feet with an additional one (1) foot setback per foot of additional height. Utility poles may have a maximum height of forty-five (45) feet.

(d) Maximum coverage:

1) Lot coverage forty-five (45) percent.

2) Floor area ratio ~~0.25 FAR.~~ 0.50 FAR.

3) Paved driveways and off street parking areas located between the front face of the structure and the property line shall have at any point a maximum width of 18 feet if the lot width is less than 50 feet and a maximum width of 20 feet if the lot width is 50 feet or greater. No sidewalk or walkway shall be allowed immediately adjacent (parallel) to the driveway that has the effect of widening the driveway in excess of the maximum allowed. There shall be no diagonal parking allowed in the driveway and no driving of a vehicle outside of the driveway.

4) Any such driveways or off-street parking areas existing as of January 8, 2019 that are greater than 20 feet in width may be retained and maintained but may not be expanded in any way.

(e) The maximum dwelling unit occupancy shall be a family plus two (2) persons unrelated to the family; or no more than three (3) unrelated persons. For a detached single-family dwelling with a nonconforming accessory apartment, or an accessory apartment as allowed through the accessory apartment permit program, occupancy shall be figured cumulatively including both the single-family dwelling and the accessory apartment for a total not to exceed three (3) unrelated persons.

(f) All utility lines, electric, telephone, cable television lines, etc., and shall be placed underground.

Section 2103- Definitions of terms and use types

ATTIC – The unfinished space between the ceiling assembly of the top story and the roof assembly. ~~The part of a structure which is immediately below and wholly or partly within the roof framing. Where there are dormers greater than fifty (50) percent of the length of the roof, then this area is not an attic.~~

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FLOOR AREA, GROSS—The sum of the horizontal areas of the several stories of a building, as measured from the exterior faces of exterior walls, or as measured from the face of the sheathing of the exterior wall, and ~~or~~ in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall ~~exclude~~ include basements, ~~and~~ habitable attics, and porches with a roof and walls (whether solid or screened). The surface area of tennis courts, swimming pools, driveways, surface parking spaces, decks, patios, and non-enclosed porches, is not included in the total gross floor area.

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**Zoning Ordinance Amendments #39 & #40 Public Information Meeting
Wednesday, November 7, 2018
6:30 PM
Blacksburg Motor Company Large Conference Room**

Zoning Ordinance Amendment (ZOA) #39/Ordinance No. 1884 – The proposed amendment to the Zoning Ordinance is to change the General Commercial zoning district to:

1. clarify the allowed location of support facilities, such as parking, for upper story residential development in the district;
2. add an allowance for residential on the ground floor with criteria through the Conditional Use Permit process; and
3. modify the Use and Design Standards for the hotel/motel use.

Zoning Ordinance Amendment #40/Ordinance No. 1883 -The proposed amendment to the Zoning Ordinance is to change the development standards in the R-4 Low Density Residential zoning district to allow for:

1. Averaging of existing front yard setbacks in infill areas to allow homes to be built closer to the front property line in conformance with the location of front yards of existing homes on the same side of the block face.
2. Limit the size of new driveways or driveway expansions in the R-4 zoning District.
3. Increase the allowed Floor Area Ratio (FAR) for single family homes and to include basement and finished attic spaces.

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The meeting began at 6:30 pm. Town Staff in attendance were Paul Patterson, Kinsey O'Shea and Kasey Thomsen.

Mr. Patterson opened the meeting by giving an overview of the two zoning ordinance amendments and instructions on how to find more information and updates about the amendments on the Town of Blacksburg website.

The meeting was divided into discussion and question and answer about ZOA #40 and then discussion and question and answer about ZOA #39.

Paul Patterson led the discussion of items 1 & 2 of ZOA #40. Kinsey O'Shea led the discussion for item #3.

TOWN OF Blacksburg

a special place

Public Input Meeting/ZOA #39 & #40

November 7, 2018

Site Development Standards in the R-4 and R-5

Zoning Districts. Sign-In Sheet

Name - Printed	Email Address
DAWN E. GIETZEN	dgietze1@peoplepc.com
KATHY HUSER	HUSERK@INTELLOS.NET
David Lehn	dilehn.org

Please Print Legibly

Examples of Acceptable and Unacceptable Parking (San Luis Obispo, CA)

Single Car Garage

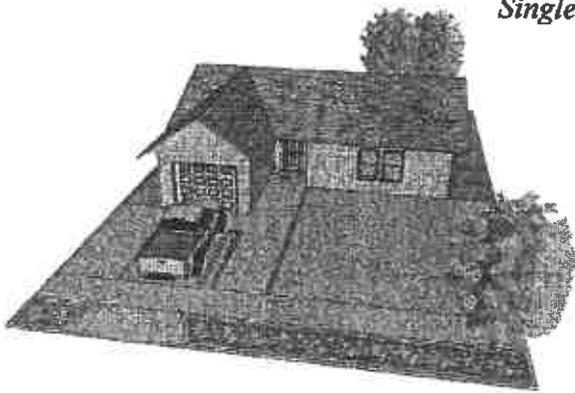


Figure 12a. Allowed front yard parking. Vehicle is parked in driveway leading to approved parking in garage

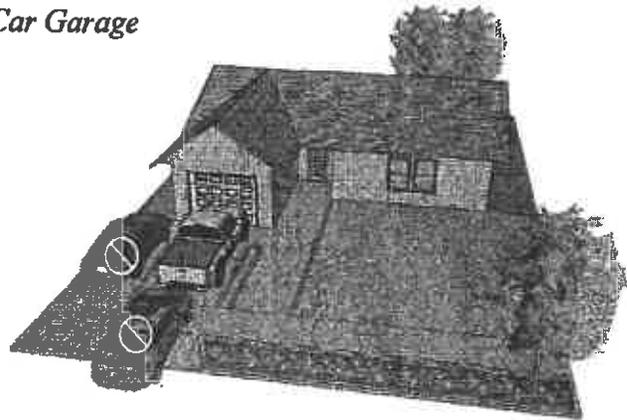


Figure 12b. Prohibited front yard parking. Vehicle next to driveway and over sidewalk are illegally parked

Two Car Garage



Figure 10a. Allowed front yard parking. Vehicles are parked in driveway within area leading to

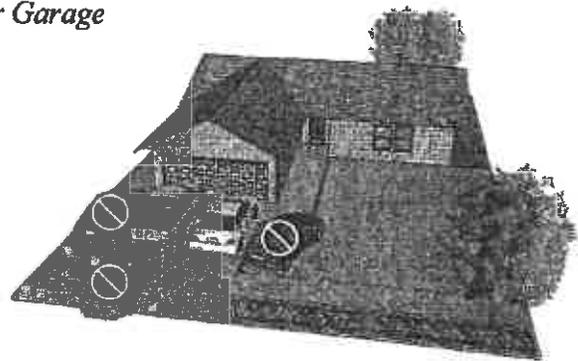


Figure 10b. Prohibited front yard parking. Vehicles next to driveway and over sidewalk are illegally parked.

Side Loaded Garage



Figure 11a. Allowed front yard parking. Vehicles are parked in driveway leading to approved



Figure 11b. Prohibited front yard parking. Vehicles next to driveway and over sidewalk are illegally parked

Paul Patterson

From: kmh <huserkm@lumos.net>
Sent: Thursday, November 8, 2018 1:25 PM
To: Paul Patterson; Kinsey O'Shea
Subject: #39 Ordinance -- Maybe (just maybe) I've answered my own question ?

I asked what happens under the proposed change if a homeowner, sometime in the future, decides to finish-out/make habitable an attic (e.g., add a dormer window).

Perhaps the answer is "Nothing." because the space will have already been included in the FAR ?

FWIW -- Another thought which occurred overnight is that most attics (even mine with the pulldown stair hatch) will already have electric service and, any thinking builder or person having a house built will have electric and heat at least stubbed-in and the walls and ceiling insulated -- even if the space is not "finished."

re: setbacks -- Still think the "average" thing buys nothing.

As I recall, the current TOB infill guidelines "encourage" front porches.

Adding a useable front porch or modifying an existing porch to make it useable (deeper) is not normally possible under existing setback code.

re: driveways --

? diagonal parking prohibition -- Why ? It seems to me that there are definite advantages to diagonal parking.

Thinking of 2 (R-4) single-family residences with diagonal parking which I pass frequently -- one on the south side of Broce between Tom's Creek & Patrick Henry & the other on the west side of Airport Road, 2nd house south of Country Club.

Advantage 1: eliminates need for "Chinese fire drills" when an early arriver needs to leave and is blocked in by late arrivals parked behind

Advantage 2: safety -- depending on width of driveway (wider is better) and distance between cars parked diagonally (more is better for "swing room") -- may support entering roadway frontways -- eliminate backing out of driveway onto roadway. Think of backing onto Hubbard, Airport, Broce...unsafe.

Thanks very much for your presentation last night.

Kathy Huser

BTW, Kinsey -- I do NOT WANT a bigger house ! You said there is no minimum size house. What makes at least as much sense to me would be to have no minimum size lot !

Paul Patterson

From: Steve Semones <ssemones@balzer.cc>
Sent: Friday, November 16, 2018 1:43 PM
To: Paul Patterson
Cc: Anne McClung; Cathy Cook; Sean Beliveau; Melanie
Subject: RE: Ordinance Updates

Paul,

The NRVHBA discussed this yesterday at our Board meeting. Our Board was in agreement on the following items:

- 1) The Attic definitions and how they are determined should match the building code.
- 2) A similar concern, as you pointed out below, in regard to basements needs to be further clarified. This is certainly easy to determine in newer homes, however, as pointed out in our meeting with you, there are older existing homes that may have basements that would likely not be considered habitable based on the building code and thus should not count towards the FAR. Our members who specialize in renovations/remodels have expressed that this could drastically affect homeowners in town being able to renovate their homes for more usable square footage if unusable/unconditioned basements are counted against them. We would like to see some additional language on this if possible.
- 3) The other R4 revisions and the GC revision were supported.

We look forward to continuing this discussion.

Thanks,
Steve

Steven Semones, LA
Senior Vice President

Balzer & Associates

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Roanoke / Richmond / New River Valley / Staunton / Harrisonburg / Lynchburg
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From: Paul Patterson <PPatterson@blacksburg.gov>
Sent: Thursday, November 15, 2018 11:12 AM
To: Steve Semones <ssemones@balzer.cc>
Cc: Anne McClung <amclung@blacksburg.gov>; Cathy Cook <CCook@blacksburg.gov>
Subject: RE: Ordinance Updates

Hello Steve,

Thank you for the e-mail concerning the definition of Attic and how to apply it to the FAR. We will discuss this and make sure what we ultimately come up with and apply makes sense and can be readily understood without have different interpretations.

This is one of the reasons that we requested the NRVHBA to take a look at the proposed wording of the ordinance. We may also want to look further into the definition of basement in the Virginia Residential Code.

Paul Patterson
443-1305

From: Steve Semones [mailto:ssemones@balzer.cc]
Sent: Wednesday, November 14, 2018 2:50 PM
To: Paul Patterson <PPatterson@blacksburg.gov>; Anne McClung <amcclung@blacksburg.gov>
Cc: Cathy Cook <CCook@blacksburg.gov>
Subject: RE: Ordinance Updates

Ok, so what is the definition of that space in a building if it is not finished or habitable? Who determines if it's habitable or not and by what means?

I'm really not trying to be argumentative but why not stay true to the IRC/VRC definitions so it's consistent? We have all seen examples in the past where the zoning code and building code don't necessarily line up which always causes confusion. Seems like this would be creating a potential conflict based on interpretation unnecessarily when there is clear definition of these items in the building code.

2015 IRC Definitions

ATTIC. The unfinished space between the ceiling assembly and the roof assembly.

ATTIC, HABITABLE. A finished or unfinished area, not considered a story, complying with all of the following requirements:

1. The occupiable floor area is not less than 70 square feet (17 m²), in accordance with Section R304,
2. The occupiable floor area has a ceiling height in accordance with Section R305.
3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

If you use those, an Attic would not count towards FAR but an Attic, Habitable would count towards FAR. It would be the architect or designers responsibility to clearly designate on their plans with a note and/or dimensions and calculations which definition they would be permitted under.

Steven Semones, LA
Senior Vice President

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From: Paul Patterson <PPatterson@blacksburg.gov>
Sent: Wednesday, November 14, 2018 2:24 PM
To: Steve Semones <ssemones@balzer.cc>; Anne McClung <amcclung@blacksburg.gov>
Cc: Cathy Cook <CCook@blacksburg.gov>
Subject: RE: Ordinance Updates

Steve,

The proposed new definition in the zoning ordinance for attic in the would be:

"ATTIC – the finished or habitable space between the ceiling assembly of the top story and the roof assembly."

Paul

Paul Patterson, Zoning Administrator
540-443-1305

From: Steve Semones [mailto:ssemones@balzer.cc]
Sent: Wednesday, November 14, 2018 11:17 AM
To: Paul Patterson <PPatterson@blacksburg.gov>; Anne McClung <amcclung@blacksburg.gov>
Subject: Ordinance Updates

Paul,
Our NRVHBA board is meeting tomorrow and we plan to discuss the proposed ordinance changes at that time. Have you and Cathy reconciled the concern we had about the habitable vs non-habitable attic space? I'd like to mention that tomorrow if you have.

Thanks,
Steve

Steven Semones, LA
Senior Vice President

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