



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, Interim City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: October 25, 2022 (Regular Meeting)
Re: Special Use Permit – 922 Jefferson Street (To allow a Major Family Day Home in R-2)

Summary:

Public hearing to consider a request from Katerin Mejia-Centeno for a special use permit per Section 10-3-40 (6) to allow a major family day home in the R-2, Residential District. A major family day home can have up to 12 children under the age of 13, exclusive of any children who reside in the home. The +/- 8,904 sq. ft. property is addressed as 922 Jefferson Street and is identified as tax map parcel 41-D-6.

Staff and Planning Commission recommended approval (7-0) of the special use permit.

Background:

The Comprehensive Plan designates this site as Neighborhood Residential. These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

The following land uses are located on and adjacent to the property:

Site: Single-family dwelling, zoned R-2
North: Single-family dwelling, zoned R-2
East: Duplex, zoned R-2
South: Single-family dwelling, zoned R-2
West: Across Jefferson Street, single-family dwelling, zoned R-2

Key Issues:

The applicant is requesting a special use permit (SUP) per Section 10-3-40 (6) of the Zoning Ordinance to allow a “major family day home” (MFDH) within the R-2, Residential District. The property is situated along Jefferson Street south of the intersection with Suter Street. MFDH’s are defined in the Zoning Ordinance as: “A child day care program offered in the residence of the provider or the home of

any of the children in care for five (5) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.” MFDHs are permitted only by SUP in all residential districts, except the R-5 district, where they are not permitted.

When considering a MFDH it is helpful to know how they differ from minor family day homes. Minor family day homes are allowed by right within all residential districts and are defined as: “A child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through four (4) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. A minor family day home shall be considered a home occupation and therefore requires that a home occupation permit be granted by the zoning administrator; however, no conditions more restrictive than those imposed on residences occupied by a single family shall be imposed on the day home.”

In a letter submitted by the applicant, they describe that they plan to care for a maximum of 10 children and would operate Monday through Friday from 6am to 6pm. At this time, they do not plan to hire employees. Staff is not recommending conditions on the hours of operation or facility schedule, and therefore, if the request is approved as submitted, the hours of operation and facility schedule may change at times. Furthermore, their letter describes that families would “park on the side of the street or on the driveway so they may enter through the main door of the house.” The property has a single lane driveway with a parking area to the rear of the principal building.

The applicant has been advised by staff to work with the Virginia Department of Education (VDOE) for licensure requirements. The VDOE regulates licensing standards of family day homes and ensures that the facility and the operation of the MFDH are favorable to the welfare of the children in care. Approval and licensing from the VDOE require an applicant to maintain compliance with local ordinances and laws. VDOE requires applicants to submit a form signed by the locality’s Zoning Administrator to verify that the use is allowed at the requested location. Approval of the SUP would allow for the applicant to operate as a MFDH at the subject location with the proper licensing from the VDOE.

Staff has no concerns with the operation of the Major Family Day Home at this location, and also believes more childcare facilities are needed in the community. Staff recommends approval of the SUP request with no conditions.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the special use permit request as submitted by the applicant;
- (b) Approve the special use permit request with suggested conditions;
- (c) Approve of the special use permit with other conditions(s); or
- (d) Deny the special use permit request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing. The advertisement was published as shown below:

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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>.

Recommendation:

Staff recommends alternative (a) to approve the special use permit as submitted by the applicant.

Attachments:

1. Extract from Planning Commission
2. Site map
3. Application and supporting documents

Review:

Planning Commission recommended approval (7-0) of the special use permit.