



City of Harrisonburg, Virginia

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September 2, 2016

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Consider a request from Ikram U. & Shehnaz P. Khan to preliminarily subdivide two parcels totaling 0.721 +/- acres into three parcels with variance from the Subdivision Ordinance Section 10-2-42(c) to allow one lot to not have public street frontage. The properties, zoned R-2, Residential District, are addressed as 150 & 160 Ashby Avenue and identified as tax map parcels 41-C-50 and 41-D-15.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: August 10, 2016

Chair Fitzgerald read the request and asked staff for comment.

Ms. Dang said the Comprehensive Plan designates this area as Neighborhood Residential. This designation states that 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 existing character of the neighborhood. These are older neighborhoods, which can be characterized by large housing units on small lots.

The following land uses, as well as the properties' existing zoning, are located on and adjacent to the property:

- Site: Both properties are zoned R-2. 160 Ashby Avenue is undeveloped and 150 Ashby Avenue consists of a single-family dwelling.
- North: Single-family dwellings, duplexes, and apartments, zoned R-2
- East: Single-family dwellings, zoned R-2
- South: Across Ashby Avenue, single-family dwellings, vacant lots, and the Salvation Army, zoned R-2
- West: Single-family dwellings, zoned R-2

The applicant desires to preliminarily subdivide two existing parcels, which together total 0.721 +/- acres, into three parcels in order to construct two additional single family dwellings. There is an existing single family dwelling on TM-41-C-50 (150 Ashby Avenue). The two proposed single family dwellings are proposed to be constructed in the rear halves of the two existing lots. The proposed subdivision requires Planning Commission's review and City Council approval for a variance to the Subdivision Ordinance Section 10-2-42(c) to allow proposed Lot #3 to not have public street frontage. If not for the variance, a similar proposal with street frontage available for all parcels could be handled administratively through the minor subdivision process.

The applicant's original application proposed subdividing the two subject parcels into four parcels. The intent was to subdivide TM 41-C-50 into a front and rear half similar to what is shown in the attached plat, and to subdivide TM 41-D-15 into a front and rear half as well. The applicant originally planned to construct a total of three additional single family dwellings and to keep the existing single family dwelling. However, there are significant flooding and drainage issues in this area. The parcels lay at the confluence of two drainage channels coming from the north and the east, and the drainage channels overflow during significant storm events. Given concerns that creating the originally proposed four lots would have forced someone to build a home in the buildable area where flooding often occurs, staff encouraged the applicant and his engineer to conduct a preliminary engineering review of the site, specifically to review base flood elevations. After the review, the applicant decided not to propose building a single family home in the front half of TM 41-D-15, and finalized his proposal for three lots as shown in the preliminary plat. It should be acknowledged that the applicant could demolish the existing single family dwelling and construct 1 duplex (2 units) on each property (for a total of 4 duplex units) as permitted within the R-2, Residential District.

As required by Section 10-2-43 of the Subdivision Ordinance, the applicant will dedicate public general utility easements along the frontage of Proposed Lots #1 and #2, and along the side lot line between proposed Lot #1 and proposed Lots #2 & #3. The public general utility easement can be used for general utility services (electric, cable, phone, etc.) to service any building including Proposed Lot #3.

There is an existing 10-ft public sanitary sewer easement that travels through the property. Staff requested for the 10-ft public sewer easement be increased to the current 20-ft standard. The applicant has granted staff's request.

Public water is available in the right-of-way of Ashby Avenue and public sanitary sewer runs through the existing lots. As required by Section 10-2-23 of the Subdivision Ordinance, the plat demonstrates the locations of private easements for Lot #3 to receive public water and public sanitary sewer connections.

The plat shows dedication of public street right-of-way along the frontages to accommodate a future 5-foot sidewalk and 2-foot grass strip between the back of curb and sidewalk, plus 1-foot of right-of-way behind the future sidewalk.

The City's Design & Construction Standards Manual Section 1.3.2.13, requires a comprehensive site plan for projects involving "[c]onstruction, reconstruction, grading or other work proposed in any floodplain zoning district; regardless of project scope." Although the drainage channels within these parcels are not mapped as part of the regulated flood plain, the City's Design & Construction Standards Manual Section 1.3.1.15 authorizes staff to require a comprehensive site plan when "[a]ny combination of site, building, and/or utility improvements deemed by the City Engineer, Zoning Administrator, Public Works Director or Public Utilities Director to be significant enough to warrant comprehensive review." Given the potential for flooding and damage to the driveway, and the possibility of impacting other properties, staff recommends that the preliminary plat be approved with a condition that the final plat not be approved until the City Engineer approves a comprehensive site plan or other acceptable plan.

The applicant initiated a request and met on August 9th with the City Engineer, Planning & Zoning, Building Inspections, Public Works, Public Utilities, Fire, and Harrisonburg Electric Commission to discuss the comprehensive site plan and how the applicant plans to address the crossing, existing eroded ditch, and drainage.

Access to Lot #3 will be achieved via the proposed private access easement shown on the preliminary plat. Specifics of dimensions and design of how the driveway will cross the drainage channel will be determined during comprehensive site plan review. The applicant is aware that the Fire Department will need adequate access and should refer to Section 2.11 Emergency Access/ Site Protection of the City's Design & Construction Standards Manual.

The applicant has stated that future dwellings will not have basements. The Building Official has recommended that the future buildings be 6” or higher than adjacent grade, that the grade slopes for an additional 6” away from the house, and that drainage on the lot discharges to an approved location to be determined with the comprehensive site plan.

Staff recommends approval of the preliminary plat and variance request with the condition that the final plat not be approved until the City Engineer approves a comprehensive site plan or other acceptable plan.

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she said we are not required to hold a public hearing for this; however, if the applicant would like to speak they may do so at this time. Hearing no one, she asked Planning Commission for a motion.

Mrs. Whitten moved to approve the preliminary plat and variance at 150 & 160 Ashby Avenue with the one condition that the final plat not be approved until the City Engineer approves a comprehensive site plan or other acceptable plan.

Mr. Finks seconded the motion.

Chair Fitzgerald asked for further discussion on the request. Hearing none, she called for a voice vote on the motion.

All voted in favor (5-0) to recommend approval of the preliminary plat and variance at 150 & 160 Ashby Avenue with the one condition.

Respectfully Submitted,

Alison Banks

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