



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
Engineering  
Planning & Zoning

To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Planning and Community Development; and  
Harrisonburg Planning Commission  
Date: April 24, 2018  
Re: Special Use Permit (Increased Occupancy) 352 Old South High Street

### **Summary:**

Public hearing to consider a request from 4G Properties LLC for a special use permit per Section 10-3-40 (7) of the R-2, Residential District to allow occupancy of not more than four (4) persons provided one (1) off-street parking space per tenant is provided on site. The 7,875 +/- square foot property is located at 352 Old South High Street and is identified as tax map parcel 25-H-4.

### **Background:**

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 are located on and adjacent to the property:

**Site:** Unoccupied single-family dwelling; zoned R-2

**North:** Multiple tenant residential uses; zoned R-2

**East:** Chesapeake Western Railroad; zoned M-1

**South:** Across Martin Luther King, Jr. Way, facilities owned by James Madison University; zoned B-2

**West:** Across Old South High Street, vacant parcel owned by City of Harrisonburg; zoned R-2

### **Key Issues:**

The applicant is requesting a special use permit (SUP) per Section 10-3-40 (7) of the Zoning Ordinance to allow occupancy of up to four persons within a single-family detached dwelling, zoned R-2, Residential District. The 7,875 +/- square foot property is located on the east side of Old South High Street, at the end of the cul-de-sac, directly adjacent to Martin Luther King, Jr. Way. The property is conforming to lot size for a single-family dwelling in the R-2 district; however, it appears to be non-conforming to building setback requirements.

The R-2 zoning district shares the same occupancy restrictions as the R-1, Single-Family Residential District. Owner-occupied single-family dwellings may include rental of space for occupancy by not more than two persons. Non-owner occupied single-family dwellings may include rental space for occupancy by not more than one person. In other words, when a dwelling is non-owner occupied, by

right, property owners can rent to a family (regardless of the number of individuals in the family) plus one other person or they may rent to two tenants.

This section of Old South High Street is a mix of residential housing types – single-family detached dwellings, duplexes, and apartments. Most of the dwellings are rental properties, with many of the units appearing to be occupied by James Madison University (JMU) students. Although the neighborhood is zoned R-2, given the number of students often seen in the area, it appears that many of the properties have occupancy levels that exceed the two-person limit; however, it is not known if all these properties are nonconforming or illegally occupied.

In the past year, Planning Commission has reviewed two requests for increased occupancy along Old South High Street. In February 2017, both staff and Planning Commission recommended in favor of a request for 257 Old South High Street, which was eventually denied by City Council, and in January 2018, City Council approved a SUP for 333 Old South High Street after favorable recommendations from both staff and Planning Commission.

It should be recognized that recent rezonings to the B-1, Central Business District along South Liberty Street, West Bruce Street, and Chesapeake Avenue, have brought the City’s “downtown” closer to this area, making it convenient for residents of Old South High Street to walk to shops and restaurants. The expansion of the B-1 district combined with the easy access to JMU facilities across Martin Luther King, Jr. Way and South High Street, have made this area desirable for JMU student housing and higher occupancies.

The subject property lies within an area designated by the Comprehensive Plan as Neighborhood Residential; a designation more associated with larger, older homes on smaller lots, and is often coupled with the R-2 district as is the zoning of the subject property. Currently, there is a proposal within the draft Comprehensive Plan’s Land Use Guide to expand the downtown Mixed Use land use designation further west from Liberty Street to South High Street, and extending from Grace Street to West Wolfe Street; if approved, this would include all of Old South High Street. The Mixed Use land use designation is often associated with the B-1, Central Business District, where occupancy is allowed to be up to four individuals per unit.

The proposed use will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district. Because we are envisioning this area for mixed use development, staff recommends in favor of the requested SUP.

As part of the SUP request for increased occupancy, the applicant is required to provide one parking space per tenant. The subject parcel is an irregular shaped lot; however, the applicant has demonstrated that four parking spaces, along with area to maneuver, can be provided on-site in the rear of the property.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the special use request as submitted by the applicant;
- (b) Approve the special use request with conditions;
- (c) Deny the special use permit request.

**Community Engagement:**

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

*Special Use Permit – 352 Old South High Street (10-3-40 (7), Increased Occupancy)*

Public hearing to consider a request from 4G Properties LLC for a special use permit per Section 10-3-40 (7) of the R-2, Residential District to allow occupancy of not more than four (4) persons provided one (1) off-street parking space per tenant is provided on site. The 7,875 +/- square foot property is located at 352 Old South High Street and is identified as tax map parcel 25-H-4.

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. Site maps (2 pages)
- 2. Application, applicant letter, and supporting documents (4 pages)
- 3. Proposed site development layout (1 page)

**Review:**

Planning Commission moved to recommend approval (6-0) of the special use permit as submitted by the applicant.