



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: September 12, 2023 (Regular Meeting)
Re: Rezoning - 1205 Hillcrest Drive (R-1 to R-8C)

Summary:

Project name	N/A
Address/Location	1205 Hillcrest Drive
Tax Map Parcels	18-Q-1
Total Land Area	+/- 8,712 square feet
Property Owner	Mark and Andrea Williams
Owner's Representative	N/A
Present Zoning	R-1, Single-Family Residential
Proposed Zoning	R-8C, Small Lot Residential Conditional
Staff Recommendation	Approval
Planning Commission Recommendation	August 9, 2023 (Public Hearing) Approval (6-0)
City Council	September 12, 2023 (First Reading/Public Hearing) Anticipated September 26, 2023 (Second Reading)

Background:

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

Site: Single family detached dwelling, zoned R-1

North: Single family detached dwelling and vacant lot, zoned R-1

East: Single family detached dwellings, zoned R-1

South: Single family detached dwellings, zoned R-1

West: Single family detached dwellings, zoned R-1

Key Issues:

The applicant is requesting to rezone a +/- 8,712-square foot parcel from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional. The lot has a single-family detached dwelling and is addressed as 1205 Hillcrest Drive and is on the corner of Hillcrest Drive and East

Fairview Avenue. The parcel is nonconforming to the R-1 district's area and dimensional regulations because the parcel is less than the required 10,000 square feet of lot area and the lot's width is less than 80 feet wide.

The applicant is proposing to build a porch that will wrap around portions of the dwelling. In a letter submitted by the applicant, the applicant explains the benefits of the new porch, including improved ingress and egress into the home, the ability to fix a drainage issue in the front yard with the porch addition, and to improve the aesthetic of the home and "allow for improved community and socialization between neighbors." To achieve this, the porch requires a footprint that encroaches into the front yard setback of the R-1 district.

Proffers

The applicant has offered the following proffers (written verbatim):

1. More than one dwelling is prohibited.
2. The minimum front yard setback along Hillcrest Drive shall be 20 feet.

Note that the submitted conceptual layout is not proffered.

Regarding proffer #1, in the R-8 district, duplexes are allowed by right and given the lot area and dimensions of the property, a duplex (two dwelling units) could be constructed. If the rezoning is approved, although the R-8 district dimensional regulations would allow the property to be further subdivided, since the applicant has proffered to prohibit more than one dwelling on the property, subdividing the property would not grant permission to build another dwelling on any newly created parcel. The submitted proffer essentially limits the subject area to only contain one dwelling unit.

Regarding proffer #2, the R-8 dimensional regulations allows for a 10-foot minimum front yard setback. Because the parcel is a corner parcel, that same setback is permissible for both public street frontages. Given the established, built environment, and the orientation of the existing structures along this side of Hillcrest Drive, staff was concerned that a 10-foot setback allowed by the R-8 district along Hillcrest Drive would allow the single-family structure to be too close to the street. In response, the applicant has proffered that the minimum setback along Hillcrest Drive shall be 20-feet. The minimum setback along East Fairview Avenue would be 10-ft. as allowed by the R-8 district.

Note that any special use permit approved by City Council would still be permissible.

Land Use

The Comprehensive Plan designates this site as Low Density Residential and states:

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

With the submitted proffers, both the allowed dwelling type (single-family detached dwelling) and density (at about 4 dwelling units per acre) conforms with the Low Density Residential designation.

Know also that the R-8 district's occupancy regulations are the same as the R-1 district's occupancy regulations. When the R-8 district was drafted, the proposed occupancy regulations were intentionally designed to mimic the R-1 and R-2 districts because the R-8 district was intended to promote family occupancy with higher unit density abilities. The occupancy regulations allow owner-occupied dwellings to be occupied by a family plus two individuals or a maximum of three individuals and nonowner-occupied dwellings can be occupied by a family plus one individual or a maximum of two individuals.

The existing property meets the lot depth requirements but is nonconforming to R-1 lot area requirements and is about 20 feet less in width than the minimum required 80-foot lot width. Recently, staff discussed whether it is appropriate and best practice to rezone an R-1-zoned, buildable property to the R-8 district to alleviate setbacks to construct a larger building. The R-8 district was created in 2019 to provide more flexibility for developers to create more housing opportunities by establishing smaller lots for more dwelling units. Ultimately, staff concluded that on a case-by-case basis and with appropriate proffers, rezoning a lot in an established neighborhood to R-8 should not have major adverse effects on the surrounding properties nor defeat the overall purpose and intent of the R-8 district. While not exactly the same, this request is similar to last month's rezoning request at 361 Franklin Street, where the R-8 district was requested to assist with the buildable area and setbacks on an undeveloped R-1 parcel.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning request.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

Public Schools

Rezoning this property to R-8 will not change the estimated student generation because the property currently has one single-family detached dwelling, and the proffers restrict the property to have only one single-family detached dwelling.

Recommendation

Staff recommends approval of the rezoning.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the rezoning request; or
- (b) Deny the rezoning 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:

Rezoning – 1205 Hillcrest Drive (R-1 to R-8C)

Public hearing to consider a request from Mark Daniel Williams and Andrea Jane Williams to rezone a +/- 8,600 square foot property from R-1, Single Family Residential to R-8C, Small Lot Residential Conditional. The parcel is addressed as 1205 Hillcrest Drive and is identified as tax map parcel 18-Q-1.

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) approval of the rezoning request.

Attachments:

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

Review:

Planning Commission recommended approval (6-0) of the rezoning request. Commissioner Washington was absent.