



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: March 26, 2024 (Regular Meeting)
Re: Special Use Permit – 1451 College Avenue (To Allow a Major Family Day Home)

Summary:

Project name	N/A
Address/Location	1451 College Avenue
Tax Map Parcels	51-I-21
Total Land Area	+/- 7,167 square feet
Property Owner	Flor Asuzena Bautista
Owner's Representative	N/A
Present Zoning	R-2, Residential District
Special Use Permit Request	Section 10-3-40 (6) to allow a major family day home
Staff Recommendation	Approval
Planning Commission Recommendation	February 14, 2024 (Public Hearing) Approval (6-0)
City Council	March 26, 2024 (Public Hearing)

Background:

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

- Site: Single-family detached dwelling, zoned R-2
North: Single-family detached dwelling, zoned R-2
East: Across College Avenue, single-family detached dwelling, zoned R-2
South: Single-family detached dwelling, zoned R-2
West: Single-family detached dwelling, zoned R-2

Major family day homes (MFDH) 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.”*

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.

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 +/- 7,167-square foot property is addressed as 1451 College Avenue and is identified as tax map parcel 51-I-21.

The applicant describes that they plan to care for a maximum of 12 children and would operate Monday through Friday from 7:30 am to 4:30 pm. 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.

Land Use

The Comprehensive Plan designates this site as Neighborhood Residential and states:

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.

Transportation and Traffic

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

The applicant’s letter describes that families would “park on the side of the street or on the driveway to drop off their children through the basement entrance.” Staff does not have concerns with this arrangement.

Public Water and Sanitary Sewer

Staff has no concerns with the special use permit as it relates to water and sewer matters.

Recommendation

Staff has no concerns with the operation of the MFDH at this location. Staff recommends approval of the SUP request with no conditions.

Environnemental 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 the special use permit with other conditions(s); or
- (d) Deny the special use permit.

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:

Special Use Permit – 1451 College Avenue (To Allow a Major Family Day Home)

Public hearing to consider a request from Flor Asuzena Bautista for a special use permit per Section 10-3-40 (6) of the Zoning Ordinance to allow a major family day home in the R-2, Residential District. The +/- 7,167-square foot property is addressed as 1451 College Avenue and is identified as tax map parcel 51-I-21.

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 special use permit request as submitted by the applicant.

Attachments:

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

Review:

Planning Commission recommended approval (6-0) of the special use permit as submitted by the applicant. (Chair Finnegan was absent.)