



City of Harrisonburg, Virginia
Department of Planning & Community Development

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Building Inspections
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April 2, 2018

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: 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.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING
HELD ON: March 14, 2018**

Chair Way read the request and asked staff to review.

Mr. Baugh stated he needed to recuse himself from the special use permit request for 352 Old South High Street.

Mrs. Banks 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 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

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

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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 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.

Chair Way asked if there were any questions for staff.

Mr. Finks said regarding the parking lot, has the applicant specified if it will be pavement or gravel?

Mrs. Banks said I do not know if it will be gravel, but there is not a requirement for pavement.

Mr. Colman said do the parking lot requirements apply to this parking?

Mrs. Banks said no. It is still considered a single-family home and landscaping requirements do not apply to single-family dwellings or duplexes.

Chair Way asked if there were any more questions for staff. Hearing none, he opened the public hearing and asked if the applicant would like to speak.

John Monger, 4G Properties, said thank you all for hearing this application for a special use permit. The other dwelling Mrs. Banks was speaking of, 333 Old South High Street, is a special use permit as well. We feel that this property, 352 Old South High Street, is very much in line with what we want to do at 333 Old South High Street. It is surrounded by multi-family, it is walking distance to JMU Memorial Hall, and it is a very good fit for students being able to walk to class.

I think JMU is planning on doing their main entrance right there on Grace Street so they will have other dormitories, dining facilities, and classrooms that are walking distance to this site. We just feel like it is a very good fit for that neighborhood. The house was in disarray. We had to put in new plumbing, new electric, new HVAC and bring it up to code; make it something that is going to last for the long term and not necessarily be an eye sore right there on Martin Luther King Jr. Way. If there are any more questions I would be happy to answer them.

Mr. Finks said regarding the parking, my only area of concern is that the property line backs right up to Blacks Run. If you are planning on paving all that area back there that would concern me in terms of runoff. Have you decided whether it will be pavement or gravel?

Mr. Monger said we have and it will be gravel for a couple of reasons. One, we do not want to pay extra taxes for nonpermeable area. Number two, pavement is a lot more expensive than gravel. There is currently an old dilapidated shed that we will have to tear down and remove. We would have to regrade, but it is pretty level back there, so I do not think it will be very hard for us to be able to scrape a little bit of top soil off and put some gravel down. We will line it with railroad ties to give it a good barrier so these kids are not pulling further down into Blacks Run. That is our plan, and a lot of it is based on cost and economics.

Mr. Fletcher said if I can just clarify something for the applicant, it has nothing to do with the special use permit, but you said something that caught my attention about the permeable area. Whether it is gravel or black top, it is the same for stormwater fees.

Mr. Monger said what if you put down a permeable pavers type thing?

Mr. Fletcher said I cannot answer that question. You can call Kelly Junco at Public Works, there might be possibilities for credits.

Chair Way asked if anyone else would like to speak on this request. Hearing none, he closed the public hearing and asked Planning Commission for a motion on the request for discussion.

Mrs. Whitten moved to approve the special use permit at 352 Old South High Street, (10-3-40 (7), Increased Occupancy), as presented by staff.

Mr. Finnegan seconded the motion.

Chair Way said we have a motion and a second for approval. He called for a voice vote on the motion.

All voted in favor (7-0) to approve the special use permit at 352 Old South High Street (10-3-40 (7), Increased Occupancy) as presented by staff.

Chair Way said this will go forward to City Council on April 10, 2018.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner