



# City of Harrisonburg, Virginia

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February 1, 2016

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

**SUBJECT:** Public hearing to consider a request from Astroverto Arellano and Juan J. Arellano 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 6,200+/- square feet property is located at 680 North Liberty Street and is identified as tax map parcel 40-W-10.

## **EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: January 13, 2016**

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 units per acre, and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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

Site: Single-family dwelling, zoned R-2

North: Single-family dwellings, zoned R-2

East: Single-family dwelling and industrial uses (George’s Food LLC), zoned M-1

South: Vacant lots and multi-tenant dwelling, zoned R-2

West: Across North Liberty Street, single-family and multi-family dwellings, zoned R-2

The applicants are 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, located in the 600 block of North Liberty Street. The property is located on the east side of North Liberty Street between Kratzer Avenue and West Washington Street. If approved, one off-street parking space per tenant must be provided.

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. Nonowner-occupied single-family dwellings may include rental of space for occupancy by not more than one person. In other words, when a unit is nonowner-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 boarders.

This block of North Liberty Street is a mix of single-family and multi-tenant residential uses, both, owner occupied and non-owner occupied; as well, there are commercial parking lots and parking lot entrances along this section of the street. The rear of the property is adjacent to M-1, General Industrial District zoning and currently serves as parking and storage for George's Food. The Comprehensive Plan designates the subject parcel as Mixed Use Development. This designation most closely aligns with the B-1, Central Business District which allows by right occupancy of four persons.

The applicants stated the property was purchased as an investment and do not reside in the dwelling. If approved, they intend to rent the four bedroom house, on a per bedroom basis, as affordable housing for single residents. Four off-street parking spaces, one per tenant, would be required if the SUP is approved. The parcel has an existing large parking area in the rear, which can accommodate the required four parking spaces.

Staff does not believe approving the request will have negative impacts to the surrounding neighborhood and supports the applicant's request.

Mrs. Banks continued saying the neighbor directly next door to the site visited with staff this week to discuss parking along North Liberty Street. The neighbor does not have any off-street parking and has to rely on the on-street parking in front of her home. Although she is not opposed to the request of additional tenants, she would just like to be assured that the tenants would park on their site and not in front of her home. She has written a letter and a copy has been provided for each of you this evening.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Colman said one of the things we discussed during the site visit yesterday was the issue of parking and if the tenants or guests were to park on the street. If they were to park right in front of their house there would not be an issue; but, if they are parking in front of the neighbor it would be an issue for me.

Dr. Dilts said we had talked about putting a condition in here that the persons that would live in the home be required to park in the rear and it would be cause for revoking the SUP if there was a complaint about the loss of a parking spaces in other areas. I do not know if we want to entertain that idea.

Mr. Way said a condition that the tenants park in the on-site parking only.

Mr. Colman said they should have a right to park in front of their own house as long as they are not taking on-street parking away from others. It would be hard to enforce that.

Mr. Heatwole said because it is hard to enforce would it be good then to have some type of a mention of the concern within the SUP?

Mr. Da'Mes said I do not think it is an obligation of this body to guarantee a parking space in front of your house along a public street. As long as adequate parking is provided off-site we are not creating a situation whereby parking becomes an issue or makes a dangerous situation. Sometimes a homeowner

has to park a little further down than from the normal spot. I would not be in favor of a parking condition like that.

Mr. Colman said do you feel we should just leave it alone?

Mr. Da'Mes replied yes, I would.

Chair Fitzgerald asked if there was anything further. Hearing none, she opened the public hearing and asked if there was anyone desiring to speak in favor of the request. Hearing none, she asked if there was anyone desiring to speak in opposition of the request. Hearing none, she closed the public hearing and asked Planning Commission for more discussion or a motion.

Mr. Baugh said the thing I am wondering is how is this request materially different from the same type of request that we had for a property on Broad Street? We absolutely did not approve that request.

Mrs. Banks said that particular house, which we received via an occupancy complaint from a neighbor, was within a Neighborhood Residential land use designation. As well it was along a neighborhood street.

Mr. Baugh said I am not saying I am not capable of distinguishing between the two, but essentially the arguments made by the two applicants were the same. There is a sense that the Broad Street neighborhood is really on the "up-swing" to some extent, in a way that this one is not.

Mr. Colman said that this one fits within the Comprehensive Plan.

Mr. Fletcher replied that the land use designations are quite different with the two locations. There was a discussion that you may not have heard when Mrs. Banks commented about the street network. Broad Street is an internal local street; whereas this one is a collector street that is acting very differently. Staff does not take this type of use lightly at all and if you notice we do not recommend in favor of this type SUP very often. This one seemed to fit for us, which is why we gave it a favorable recommendation.

Mr. Baugh said I do not have a problem with this, but I wanted to get this out on the table. Among other things, it would not surprise me if this did not come up at City Council.

Mr. Way said I agree with Mr. Da'Mes in the fact that you can ensure that off-street parking is provided; however, you cannot force people to park there.

Mr. Colman said but we have the ability through this process to require that the parking be in the back.

Mr. Fletcher said the requirement is that the parking be off-street, not that it has to be in the back specifically. To obtain the SUP they have to have the area to provide four off-street parking spaces. If you start to designate the parking spaces you start to take away the feel of the single-family home with four occupants.

Mr. Da'Mes said I believe that human nature would be to park your car in a safe place off the street as opposed to along the street. There is the idea of creating permit parking in the area.

Mrs. Banks said the neighbor was not interested in having permit parking for the neighborhood.

Chair Fitzgerald asked if there was a motion

Dr. Dilts moved to recommend approval of the SUP for 680 North Liberty Street, Increased Occupancy, as presented.

Mr. Da'Mes seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor (7-0) of the motion to recommend approval.

Chair Fitzgerald said this will go before City Council on February 9<sup>th</sup>, 2016.

Respectfully Submitted,

*Alison Banks*

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