



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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January 29, 2026

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

**SUBJECT: *Consider a request from Jason Burch for a special use permit at 380 Sunrise Avenue***

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING  
COMMISSION MEETING HELD ON: January 14, 2026**

Chair Baugh recused himself and read the following statement: The Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the City records, in any matter in which I am prohibited by law from participating. Therefore, I make the following disclosures:

1. The transaction involved is the item taken up on the January 14, 2026 Planning Commission Agenda as, a request for a SUP for a property located at 380 Sunrise Avenue.
2. My personal interest in this transaction relates to the ethical requirements to which I must adhere as a licensed member of the Virginia Bar.
3. I affirmatively state that I will not vote or in any manner act on behalf of the Planning Commission in this matter.

Chair Baugh left Council Chambers.

Vice Chair Porter read the request and asked staff to review.

Ms. Rupkey said on May 27, 2025, the property owner rezoned the property from R-1, Single-Family Residential District, to R-8C, Small Lot Residential District Conditional, so that the current structure would conform to Zoning Ordinance (ZO) requirements. In the R-8 district, two-story structures in the R-8 district are required to have a minimum 7-foot side yard setback, while three-story structures are required to have a minimum 10-foot side yard setback. The applicant would like to add a third story to the structure while maintaining the current footprint, but the existing two-story structure is 7.8 feet from the shared property line with 370 Sunrise Avenue. The applicant was aware of this at the time of the rezoning and anticipated that they would return to request a special use permit (SUP) to allow the reduced side yard setback along the shared property

line to allow for the addition of a third floor. In the applicant's letter they state that they would like to include a condition that if the SUP were approved that the side yard setback along the shared property line with 370 Sunrise Avenue shall not be less than five (5) feet.

At the December 10, 2025, Planning Commission meeting, AM Yoder & CO, who represents the applicant, proposed an ordinance amendment to Section 10-3-59.4(11) of the ZO. If the amendment is approved by City Council, the ordinance would then allow reduced side yard setbacks with appropriate fire-rated assemblies and that would allow inoperable windows to be permitted only on the first floor. Currently, the Zoning Ordinance allows reduced side yard setbacks for residential uses provided certain fire protection measures are met, including the installation of fire sprinklers or the construction of exterior walls without openings and with a minimum one-hour fire-resistance rating. The Planning Commission recommended approval of the amendment by a vote of 6-0. City Council is scheduled to consider the ordinance amendment at its January 13, 2026, meeting.

During the presentation, Ms. Rupkey stated that the previous evening, City Council voted to approve the ordinance amendment and that the amendment is expected to become effective after City Council's second reading on February 24.

#### *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.

Allowing the third story with a reduced side yard setback does not negatively impact the neighborhood.

#### *Transportation and Traffic*

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

#### *Public Water and Sanitary Sewer*

Staff has no concerns with the requested SUP regarding water and sewer matters.

#### *Public Schools*

If the SUP is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero.

#### *Conclusion*

The request maintains the existing single-family detached dwelling use, addresses the pre-existing side yard setback that is less than 10-feet, and allows reasonable vertical expansion without increasing land use impacts. The SUP would allow the property owner to build up to the property

line if they meet the requirements of the SUP. Staff recommends approval of the requested SUP with the following condition that was submitted by the applicant:

The side yard setback along the shared property line with 370 Sunrise Avenue shall not be less than five (5) feet.

Vice Chair Porter asked if there any questions for staff.

Councilmember Dent said I think you said the second reading [for the Zoning Ordinance Amendment] would be February 24, why is it not 10? Is there a minimum number of days between requirements?

Ms. Dang said it is January 27.

Ms. Rupkey said after the next City Council meeting in two weeks.

Vice Chair Porter asked if there were any more questions for staff.

Commissioner Jezior said was there outreach to the owner of property 370 [Sunrise Avenue]?

Ms. Rupkey said the applicant is here today and they will be able to answer that, but I believe they have spoken with them.

Vice Chair Porter asked if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Jason Burch, the applicant, came forward to speak to the request. He said if I may go ahead and address your question [referring to Commissioner Jezior's question about outreach] yes, we have spoken with the neighbors several times on the matter. I am here to address any questions or concerns you all have.

Chair Baugh asked if there were any more questions for the applicant. Hearing none, he opened the public hearing and invited anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Councilmember Dent said I guess I have been here long enough I keep getting déjà vu. Did we not see this thing before? On May 27, 2025 it was rezoned but I guess the next step depended on our approving that windows thing last night at Council and that is why it comes back?

Vice Chair Porter said I live in the neighborhood so I will speak to it. I think this is a very well-maintained home and I do not think that this change is going to disrupt the character of the neighborhood. I have even less concerns because of the fact that it is along Chestnut [Drive]. It is not impinging on two sides just simply one. I think if the neighbor is fine with it, we should probably be fine with it as well. I do not see any issues here that might give me any great concern at all.

Commissioner Kettler said I basically agree with that. Additions onto the existing housing or in this case another level on existing housing I think is often a good option to add more housing in a way that is disruptive.

Commissioner Seitz said I move to approve the special use permit at 380 Sunrise Avenue per staff recommendations.

Commissioner Jezior seconded the motion.

Vice Chair Porter called for a roll call vote.

Commissioner Seitz	Aye
Commissioner Jezior	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Kettler	Aye
Vice Chair Porter	Aye

The motion to recommend approval of the special use permit request passed (6-0). The recommendation will move forward to City Council on February 10, 2026.

At this time, Chair Baugh returned to the meeting.