



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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September 1, 2021

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

SUBJECT: *Consider a request from George and Betty Heavner to preliminarily subdivide a +/- 5.3-acre parcel at 1270 Smithland Road*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: August 11, 2021**

Chair Finnegan read the request and asked staff to review.

Ms. Banks said that the Comprehensive Plan designates this area as Low Density Mixed Residential. These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas should be around 7 dwelling 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, as well as the properties' existing zoning, are located on and adjacent to the property:

Site: Single family detached dwelling and undeveloped acreage, zoned R-1
North: Single family detached dwellings, zoned R-1
East: Single family detached dwellings and undeveloped acreage, zoned R-1
South: Single family detached dwellings and undeveloped acreage, zoned R-1

West: Harrisonburg City Public Elementary and Middle School, zoned R-1

The applicant is requesting to preliminarily subdivide one parcel into two lots consisting of one +/- 3.78-acre lot with frontage on Smithland Road, and one +/- 1.49-acre parcel with frontage on an unnamed 50-foot wide private right-of-way. As described in the applicant's letter, the subdivision will create a residential parcel for the existing single family detached dwelling and a second parcel for the remaining undeveloped acreage.

As noted above, the applicant is requesting a variance to Section 10-2-42(c) of the Subdivision Ordinance. Section 10-2-42(c) requires that all lots front on a public street. The original +/-5.3-acre tract is a pipe stem lot and has 50-feet of public street frontage along Smithland Road. The single family dwelling on the site, which was constructed while still part of Rockingham County, has always been accessed from Smithland Road through a 50-foot wide private right-of-way. If the subdivision is approved, the proposed +/- 1.49-acre single family residential parcel would no longer have any public street frontage because the pipe stem frontage would be part of the +/- 3.78-acre lot. (Note: For some time, the area now known as "private right-of-way," was believed to be undeveloped public street right-of-way. The review of the subject application brought this matter to the City's attention. Staff will work with others to determine next steps on how to rectify this property and mapping issue.)

Regarding public utilities to the parcels, the proposed +/- 3.78-acre undeveloped parcel will be served by a 12-inch City water line and an 8-inch public sanitary sewer line, both located within the Smithland Road public street right-of-way. The +/- 1.49-acre single family residential parcel is connected to water through an 8-inch water line that is located within the private right-of-way and connects into the 12-inch City water line located within Smithland Road. Currently, the single family detached dwelling located on the proposed +/- 1.49-acre parcel is not served by public sanitary sewer; but is served by a septic system and drainfield. The preliminary plat includes a 10-foot private sanitary sewer easement, from Smithland Road, through the proposed +/-3.78-acre parcel, to the proposed single family residential parcel. This easement would serve the single family residential parcel with public sewer if needed in the future.

Staff has informed the applicant that the location of the septic and drainfield needs to be determined to ensure that the system is located entirely on the proposed single family residential parcel or that appropriate easements be established for the septic and drainfield. The location will need to be shown on the final plat prior to administrative staff approval.

The preliminary plat provides public general utility easements along the front and sides, or rear, of the proposed parcels as per the requirements of Section 10-2-43 of the Subdivision Regulations. Easements are also provided for existing overhead power and phone utilities which are located on the parcels. These are indicated as 10-foot easements centered on the existing utilities.

Staff recommends approval of the preliminary plat and variance as requested.

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

Todd Rhea, Clark & Bradshaw, came forward on behalf of the applicant. The family constructed the house 40 years ago and lived there the entire time and raised their family. Unfortunately, last fall, Mr. Heavner passed away and his wife moved out west to live with one of their daughters due to care. Looking at this property, it was more appropriately sellable, and there were some estate taxes and estate planning also involved, to divide off the house parcel for sale. There is a contract of sale for the house on one and a half acres, subject to preliminary plat approval. Those funds would then be used for the care of Mrs. Heavner and her family. It is a beautiful house, well maintained. The driveway is a multi-user driveway that comes off of Smithland Road. It is within a 50-foot privately created easement, so it is legal. It is just not a public street, hence the variance request, to just memorialize what has been the access for the last 40 years since the house was constructed. We would appreciate approval of the plat so that we may move forward with the transaction.

Chair Finnegan asked if there were any questions for the applicant. Hearing none, he asked staff if there were any comments received regarding the request. Staff indicated that no comments were received.

Commissioner Baugh moved to recommend approval of the preliminary plat and variance, as presented.

Commissioner Orndoff seconded the motion.

Chair Finnegan noted that there are a lot of pipestem lots in the neighborhood off of College Avenue in the Park View area. Sometimes to make these properties work, you need to make them shaped differently.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the preliminary plat, as presented, passed (5-0). The recommendation will move forward to City Council on September 14, 2021.