



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801
OFFICE (540) 432-7700 • FAX (540) 432-7777

May 14, 2021

Glen Turner
PO Box 719
New Market, VA 22844

**Re: Use Violation at 1110 N Liberty Street
Tax Parcel(s): 45-A-1, M-1, General Industrial District**

To whom it may concern:

A similar letter dated April 28, 2021 was sent to you and has been updated below with the highlighted yellow text.

The home located at 1110 N Liberty Street is nonconforming to the uses permitted by right in the M-1 General Industrial District as outlined in City of Harrisonburg Ordinance Section 10-3-96. Upon investigation into construction work on the property, it came to our attention that the single-family home on the parcel had been converted into two units without the approval of City staff. This is a violation of Section 10-3-21(a) of the zoning ordinance.

City of Harrisonburg Zoning Ordinance, Section 10-3-21 Nonconforming Uses states:

(a) Whenever a nonconforming use is enlarged or extended beyond the size, character, or intensity of the use as it existed at the time that it became nonconforming, the nonconforming status of such use shall terminate and become unlawful. Any subsequent use shall conform to the regulations applicable in the district in which it is located. When a use is regulated by this chapter in a quantifiable manner, including but not limited to regulations limiting the number of unrelated occupants permitted in a dwelling unit and limiting the density of dwelling units, any quantifiable increase shall constitute an enlargement or extension beyond the size, character, or intensity of the use.

In view of these facts, you are hereby notified you are in violation of the City of Harrisonburg's City Code Section 10-3-21(a). **You have thirty (30) days from receipt of this letter to bring your property into compliance by having the tenants vacate the premises and ceasing the use of the structure as a dwelling unit.** If you would like to contest this decision by City staff, you will need to provide documentation showing that two dwelling units have existed on this

property since the time of annexation from Rockingham County. Alternatively, you could apply to rezone the property to a district that would permit dwelling units but note that this process typically takes around three months to complete.

In accordance with Section 15.2-2286(4) of the Code of Virginia and City Code Section 10-3-138(b), **you have thirty (30) days from receipt of this letter to appeal this decision, or it is final.** The application charge for the appeal is \$300.00. Additional information regarding the filing of an appeal can be obtained by visiting the office of the Department of Community Development located on the 2nd floor of City Hall at 409 South Main Street, Harrisonburg, Virginia 22801, by calling our office at 540-432-7700, or by reviewing the following webpage from the City's website: <https://www.harrisonburgva.gov/variances-appeals>. Note that appealing this decision to the Board of Zoning Appeals does not negate the requirement to obtain the applicable building permits for work that has already been done on the property.

Sincerely,
The City of Harrisonburg

Christopher Perez-Leon
Zoning Technician