

Date Application Received: \_\_\_\_\_

Total Paid: 405.00 *AK*

## Application for Change of Zoning District City of Harrisonburg, Virginia

### Section 1: Property Owner's Information

Name: 137 WATER LLC (Barry Kelley)  
Street Address: 1531 Hillcrest Drive Email: barry@matchboxreality.com  
City/State/Zip: Harrisonburg VA. 22802  
Telephone (work): \_\_\_\_\_ (home or cellular): 540.421.2878 (fax): \_\_\_\_\_

### Section 2: Owner's Representative Information

Name: Same  
Street Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone (work): \_\_\_\_\_ (home or cellular): \_\_\_\_\_ (fax): \_\_\_\_\_

### Section 3: Description of Property

Location (street address): 137 W. WATER STREET  
Tax Map Number: Sheet: 025 Block: C Lot: 7 Total Land Area (acres or square feet): 2460 sq/ft  
Existing Zoning District: M1 Proposed Zoning District \* : B1  
Existing Comprehensive Plan Designation: B1

*\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

### Section 4: Application Fee

\$375.00 plus \$30.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

**PLEASE NOTE** – *If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

**PLEASE NOTE** – *If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: \_\_\_\_\_  
East: \_\_\_\_\_  
South: \_\_\_\_\_  
West: \_\_\_\_\_

### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: *[Signature]*  
Property Owner

**See Back for Items Required for Submission**

To: City of Harrisonburg  
From: Barry K. Kelley  
Manager – 137 Water LLC

11/5/15

To Whom it may concern,

I am the manager of the entity that owns 137 W. Water Street. It has been used as a Duplex until January 2015. I would like to request a zoning change from M-1 to B-1 in order to bring the property into compliance. The use will remain Residential. The property is surrounded by B-1 zoning. Changing the zoning will allow future appropriate development for the area.

I hereby proffer that the development of the subject property on this application shall be in strict accordance with the conditions set forth in this submission. The subject property shall be permitted to utilize all abilities granted by the B-1 zoning district, except that residential use of the existing single family structure shall be limited to two, one-bedroom units, where occupancy shall be restricted to a family or not more than two (2) persons.

Sincerely,



Barry Kelley



VE&Z

Doc Bk Vol Ps #ofPgs  
00010291 OR 4561 596 4  
APR 29, 2015

*The existence of title insurance is unknown to the preparer.*

Tax Map No. 025-(C)-L7

THIS DEED, exempt from recording taxes pursuant to Virginia Code Section 58.1-811(A)(10), made this 27th day of April, 2015, by and between BARRY K. KELLEY, Grantor, and 137WATER, LLC, a Virginia limited liability company, Grantee,

WITNESSETH:

As a capital contribution to 137Water, LLC, a Virginia limited liability company, upon its formation, the Grantor, as the initial member of 137Water, LLC, does hereby grant and convey with General Warranty and English Covenants of Title, unto 137Water, LLC, a Virginia limited liability company, Grantee, all that certain tract or parcel of land, together with all improvements thereon, and all rights, privileges, easements, appurtenances, and rights of way, thereunto belonging or in anywise appertaining, situate on the south side of West Water Street in the City of Harrisonburg, Virginia, and being shown and described on a plat recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 81, page 256, and further described in prior deeds as adjoining Life on the west and the right of way of the Southern Railway on the east, and further described in prior deeds by the following metes and bounds:

Beginning at W. C. Whitmore's corner on the South side of Water Street; thence with the same, S. 77 degrees E. 30 ½ feet, to the West side of the R. R. limits, thence, with the same, S. 20 ¾ degrees W. 83.2 feet, to a stake; thence N. 77 degrees, W. 19.3 feet, to said Whitmore's line and with the same, N. 13 degrees E. 82 ½ feet to the beginning.

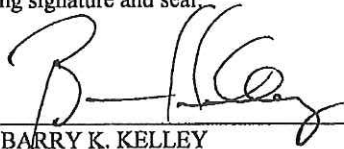
The real estate herein conveyed is the same property acquired by the Grantor herein by deed dated April 27, 2015, from ONE39, LLC, a Virginia limited liability company, which said deed is intended to be recorded immediately prior hereto.

This conveyance is made subject to all recorded easements, conditions, restrictions and agreements as they may lawfully apply to the real estate hereby conveyed or any part thereof.

Reference is hereby made to the aforesaid deed and survey plat for further description and derivation of title to the property described herein.

This deed is prepared without benefit of a title search.

WITNESS the following signature and seal:

  
BARRY K. KELLEY (SEAL)

COMMONWEALTH OF VIRGINIA,  
CITY/COUNTY OF Harrisonburg, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 28<sup>th</sup> day of April, 2015, by BARRY K. KELLEY.

My commission expires: 1/31/2018

Notary Registration Number: 71607138

Heather Renee Boas  
Notary Public

