



May 13, 2025, City Council Meeting

Title

Consider Rezoning at 380 Sunrise Avenue — Adam Fletcher, Community Development

Summary

Project name	N/A
Address/Location	380 Sunrise Avenue
Tax Map Parcels	23-A-1 and 2
Total Land Area	+/- 13,315 square feet
Property Owner	Jason Burch
Owner's Representative	Nick Nesaw
Present Zoning	R-1, Single-Family Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Planning Commission	April 9, 2025 (Public Hearing)
City Council	May 13, 2025 (First Reading/Public Hearing) Anticipated May 27, 2025 (Second Reading)

Recommendation

Option 1. Staff and Planning Commission (5-0) recommend approval of the rezoning request.

Fiscal Impact

N/A

Context & Analysis

The applicant is requesting to rezone a +/- 13,315-square foot property from R-1, Single-Family Residential District, to R-8C, Small Lot Residential District Conditional. The property is addressed as 380 Sunrise Avenue and is identified as tax map parcels 23-A-1 and 2. The applicant's letter states that they want to rezone the property so that the current structure and proposed addition and renovations would conform to the Zoning Ordinance (ZO). As it stands today, the property is nonconforming to setbacks along Chestnut Drive and an internal property line. The existing structure is considered legal to setbacks along the shared eastern property line since Section 10-3-110 (f) of the ZO states, "[e]xcept in the R-8 Small Lot Residential District, where a lot of record is less than sixty (60) feet in width as measured at the point of required front setback, each required side setback for internal lot lines may be reduced to not less than five (5) feet". In order for an addition to be built, the internal property line would likely need to be vacated and Section 10-3-110 (f) would no longer apply to the property. The following land uses are located on and adjacent to the property:

Site: Single-family detached residential dwelling, zoned R-1

North: Across Chestnut Drive, single-family detached residential dwellings, zoned R-1

East: Single-family detached residential dwellings, zoned R-1

South: Single-family detached residential dwellings, zoned R-1

West: Across Sunrise Avenue, single-family detached residential dwellings, zoned R-1

Planned renovations are to build an additional story on the structure. The applicant has submitted a plat that shows the existing two-story structure is 7.8-feet from the neighboring property line. In the R-8 district, two story-structures must have a minimum 7-foot side yard setback and three-story structures must have a minimum 10-ft side yard setback.

The applicant has been made aware that the addition illustrated in their submittals would not be permitted. A third-story addition would require that the whole structure meets the 10-foot side yard setback, even if the third story does not occupy the entire footprint of the story below. Staff and the applicant will continue to discuss options for a future addition. This may include requesting a special use permit for reduced side yard setback up to 0-feet if certain fire protection requirements are met. The illustrations submitted were created prior to a survey and plat having been completed and do not reflect compliance with R-8 district setbacks.

Proffers

The applicant has offered the following proffer (written verbatim):

- More than one dwelling is prohibited.

Regarding the proffer, in the R-8 district, single-family detached homes and duplexes are allowed by right so long as, among other things, lot area and dimensional requirements are met. The submitted proffer prevents more than a single unit on the property.

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.

With the submitted proffer, use and density conform with the Low Density Residential designation. Know also that the R-8 district's occupancy regulations are the same as the existing R-1 district's occupancy regulations, which allow owner-occupied dwellings to be occupied by a family plus two individuals or a maximum of three individuals while nonowner-occupied dwellings may be occupied by a family plus one individual or a maximum of two individuals.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing Study

Rezoning this property to R-8 will not impact housing because the property currently has one single-family detached dwelling, and the proffer restricts the property to having only one dwelling unit.

Public Schools

If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero. Based on the School Board's current adopted attendance boundaries, Keister Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

Recommendation

Staff recommends approval of the request.

Options

1. Approve the rezoning request.
2. Deny the rezoning request.

Attachments

- Extract from Planning Commission
- Site maps
- Application and supporting documents