



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

December 4, 2023

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

**SUBJECT:** *Consider a request from Mohammed Hewa to rezone 1149 Clay Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING  
COMMISSION MEETING HELD ON:** November 8, 2023

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said in June 2023, the applicant submitted a request for a minor subdivision of the property located at 1149 Clay Street aiming to create two separate lots—one parcel containing the existing single family detached home and a new undeveloped parcel. During review, staff determined the proposed subdivision would have met all requirements except that the undeveloped parcel would not have met the R-1 district’s lot depth requirements. In the R-1 district, new parcels must have a minimum of 80 feet in width, a minimum of 100 feet in depth, and a minimum of 10,000 square feet in lot area. Because the parcel cannot be subdivided within the R-1 district, the applicant is now requesting to rezone the property to the R-8 district, which allows parcels to have a minimum of 35 feet in width, 60 feet in depth, and 2,800 square feet in lot area.

The applicant is requesting to rezone a +/- 27,434-square foot property from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The property is located at the corner of Clay Street and Country Club Road, is addressed as 1149 Clay Street, and is identified as tax map parcel 29-G-28.

### *Proffers*

The applicant has proffered the following (written verbatim):

1. No duplexes will be allowed.
2. More than two dwellings are prohibited.
3. The minimum setback for principal structures along Clay Street shall be 30 feet and along Country Club Road shall be 30 feet.
4. The driveway entrance will be located away from the intersection of Clay Street and Country Club Road as generally illustrated on the attached work sheet labeled Exhibit A.
5. At the time of future subdivision, the property owner shall dedicate public street right-of-way as described below:

- a. A triangular area, beginning at the northern property corner and measuring a distance of ten feet along the bearing of the existing, two property boundaries along Clay Street and Country Club Road, where a straight line connects the two end points; and
- b. From the new property corner along Country Club Road, as described above, for a distance of 190 feet along Country Club Road, the area needed to ensure 30 feet of right-of-way from the centerline of the existing developed street and tapering to the end point the area needed to ensure not less than 22 feet from the centerline of the existing developed street; and
- c. For the remainder of parcel, a length along a curve for a distance of about 123 feet, the area needed to ensure at least 22 feet from the centerline of the existing developed street.

The conceptual site layout (“Proposed Rezoning Plat”) is not proffered.

Regarding proffers #1 and #2, in the R-8 district, single-family detached homes and duplexes are allowed by right if the lot area and dimensions of the property are met and so long as each unit is on its own parcel. If the rezoning is approved, although the R-8 district dimensional regulations would allow each new parcel to be further subdivided into more lots, the submitted proffers prohibit more than two total dwellings on the subject property.

The R-8 district typically allows for 10-foot front yard setbacks, however, proffer #3 is further restricting front yard setbacks for principal structures to 30 feet, which is the same existing setback regulation for R-1 zoned properties. Note that because the proffer does not address accessory structures, the accessory structure setback would be 10-feet from either public street as allowed by the R-8 district.

Proffers #4 and #5 are addressed in the Transportation and Traffic portion of this report.

#### *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 proffers, use and density conforms 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.

Proffer #4 requires the driveway for the proposed corner lot to be located further than the required 50 feet from the Clay Street and Country Club Road intersection.

Proffer #5 has three parts addressing dedication of land for public right-of-way. Proffer 5.a commits to dedicating a triangular shaped area for forthcoming improvements by the City at the intersection of Clay Street and Country Club Road, including an ADA-compliant sidewalk ramp for future sidewalk installations. Proffer 5.b and 5.c requires the applicant to dedicate public right-of-way along Country Club Road to allow for future sidewalk and improvements associated with the intersection of Country Club Road and Blue Ridge Drive, which involves a channelizing island to improve the flow of traffic with the geometry that is currently present at that intersection. The Comprehensive Plan's Street Improvement Plan recommends that Country Club Road be improved to a three-lane facility—one travel lane in each direction with a center turn lane. Staff is appreciative of the applicant's willingness to dedicate public street right-of-way to assist with future street improvements.

#### *Public Water and Sanitary Sewer*

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

#### *Housing Study*

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has "above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." The study also notes that "policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing."

#### *Public Schools*

Rezoning this property to R-8 with the submitted proffers will not change the estimated student generation for the property.

#### *Recommendation*

Staff recommends approval of the rezoning request.

Vice Chair Byrd said I just wanted to make sure that I was understanding the drawing, there is a triangle around where would be the new existing house...so there are two houses in the drawing and there is a triangle around one, those are given the footprint of...

Chair Finnegan asked Ms. Rupkey if she could go back to the drawing.

Vice Chair Byrd said so where it says SBL 30?

Ms. Rupkey said that is the setback line. So, 30 feet from Country Club Road is that setback line. Country Club is 30 feet and then additionally Clay Street is 30 feet. Within the smaller triangle is the buildable area.

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

Hemen Rosul, applicant's representative, along with the applicant, Hewa Mohammed, came forward regarding this request. Mr. Rosul said Mr. Mohammed would like to rezone a portion of this property so he could build a smaller house. Currently the house that is on the lot is about 1,000 square feet. He is looking to build a similar house which would benefit the City and also his family because he has kids and he wants to have something for them for the future. Currently he is saying the lot is basically in that corner and he mows the lawn and people just walk on it and he does not want to put a fence around it. He would like to rezone it so he can build another small house for himself and his family.

Chair Finnegan asked if there were any questions for the applicant. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request.

At this time, the Commission was made aware that the livestreaming on cable TV had not been working properly (livestreaming online was working), the issues were able to be resolved, and the meeting continued.

Chair Finnegan closed the public hearing and opened the matter for discussion.

Vice Mayor Dent said I think once again this is a creative use of space to fit in infill housing especially with the intention that it would be for a family. Although, for the future it would just be two houses that become available. I am in favor of this.

Chair Finnegan said this is a little different than the porch R-8.

Vice Mayor Dent said right, this is actually more houses.

Chair Finnegan said we need another designation of R-8P for porch. I would agree with that this is creating another house where there currently is none.

Vice Chair Byrd said as a person that use to mow grass before, I can see why someone was like "uh, if we can reduce the amount of grass that needs to be cut..." so I would be in favor of this, and I will make a motion to approve.

Vice Mayor Dent seconded the motion.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye

Chair Finnegan

Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on December 12, 2023.