



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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May 6, 2024

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

SUBJECT: *Consider a request from Elba A. Herrer De Dildy and Jose Martir Guterrez Hernandez to rezone 35 Monroe Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: April 10, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 6,780 square-foot property from R-2, Residential District to R-8, Small Lot Residential District. The parcel is addressed as 35 Monroe Street, 35 Monroe Street Apt. A, and 35 Monroe St Apt. B (while there are three addresses, there are only two dwelling units) and is identified as tax map parcel 41-M-8. The property is located within the short block between North Main Street and Madison Street. If the rezoning request is approved the applicant would like to add an addition to the structure that would provide space for their daughter.

Under the R-2 district regulations, a duplex is required to have a 30-foot front yard setback, a 10-foot side yard setback, and a 25-foot rear yard setback. The parcel must have a total of 5,500 square feet of lot area for each unit (a total of 11,000 square feet). If the property is rezoned to R-8, a duplex is required to have a 10-foot front yard setback, a 10-foot side yard setback, and a 15-foot rear yard setback. Each unit only requires 1,800 square feet of lot area. If the rezoning is approved, the lot would become conforming to lot area requirements for a duplex and they would gain more flexibility in design for their planned addition.

Land Use

The Comprehensive Plan designates this site as Neighborhood Residential and states:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

The R-8 district is intended for medium- to high-density residential development including, single-family detached and duplex dwellings, and, in special circumstances, by special use permit townhouse units. Staff believes the flexibility offered by the R-8 district's minimum area and dimensional requirements can at times work well within areas designated as Neighborhood Residential.

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

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.

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, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

Recommendation

Considering the size of the existing parcel and the alignment with R-8 district requirements, staff finds no significant adverse effects on surrounding properties and believes the request is consistent with the Comprehensive Plan's Land Use Guide. Staff recommends approval of the rezoning as submitted by the applicant.

Chair Finnegan asked if there were any more questions for staff.

Vice Mayor Dent said I noticed just looking at this aerial photography with the outline that there is an alley adjacent. Whatever that might do to help with parking or passing through, if there were an egress in the back or something.

Ms. Rupkey said they would not be able to park in the public alley but they could access, say there was a driveway in the rear, they could access it from that alley.

Commissioner Washington said we talk about addition, is addition just like a room or are we talking about a whole floor?

Ms. Rupkey said with it being an existing duplex at this time, they would not be able to gain another unit so they can build on there to have a bedroom and additional space but they could not add an additional kitchen with the fact that it is a duplex already.

Mr. Fletcher said it would enlarge the existing unit.

Vice Chair Byrd said I noticed there was an accessory building with the change of the setbacks in R-8 would that building become a problem or is that something that is meant for later?

Ms. Rupkey said the accessory setback will stay the same for all of the residential districts that it is, which is five feet from the side and the rear.

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.

Elba Herrer De Dildy and Jose Martir Guterrez Hernandez, the applicants, came forward regarding the request. Ms. Elba Herrer De Dildy through an interpreter, Maria Cardosa, said no [questions], everything is good.

Chair Finnegan asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Chair Byrd said well, if you are going to want to change the footprint of your building in a R-1 situation for this one is starting to expand... Looking at this one, I see no issue. No mention of the community thinking it changes the nature of how the community looks. I would be in favor of this rezoning request.

Vice Mayor Dent said I like this as a model for multigenerational family housing.

Vice Chair Byrd said I would like to make a motion to approve the rezoning request.

Commissioner Washington seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (5-0). The recommendation will move forward to City Council on May 14, 2024.