



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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June 28, 2024

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

**SUBJECT: *Consider a request from Yanahina Montoya Centeno to rezone 448 Kelley Street.***

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING  
COMMISSION MEETING HELD ON: June 12, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 9,171-square foot parcel from R-2, Residential District to R-8C, Small Lot Residential District Conditional. In the applicant's letter they explain that they want to rezone the property to R-8 to be able to add a porch to the front of the home. The required front yard setback of 30-feet in the R-2 district prohibits the property owner from building on the front of the home.

### *Proffers*

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

1. The minimum setback for principal structures along Kelley Street shall be 20 feet.

While the R-8 district allows for 10-foot front yard setbacks, the applicant's submitted proffer would restrict the front yard setback to 20 feet, which would provide the flexibility the applicant needs to build a porch on the front of their home. Structures along Kelley Street have varied, established front yard setbacks, and thus staff does not believe the reduced setback for this property would be inconsistent with this established neighborhood.

### *Land Use*

The Comprehensive Plan designates this parcel as Neighborhood Residential and states that:

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.

Additionally, while the R-2 district allows duplexes by right, the lot does not meet lot area and dimensional requirements to allow construction of a duplex. However, if the property is rezoned to R-8, the existing structure could be modified to become a duplex or the property could be redeveloped with a duplex. Staff has no concerns with this possibility.

#### *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. Water service size will be reviewed during building design.

#### *Housing Study*

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities.

#### *Public Schools*

If the rezoning is approved, at this time, since no additional dwelling units would be added to the property, the student generation is zero. Based on the School Board's current adopted attendance boundaries, Spotswood Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing on this property.

#### *Recommendation*

Staff believes that this request does not have any major adverse effects on the surrounding properties and is consistent with the Comprehensive Plan's Land Use Guide. Staff recommends approval of the rezoning request.

Chair Finnegan asked if there were any questions for staff.

Vice Chair Byrd said I was looking along the entire street, would 20 feet as a setback apply to even those houses that are the closest to the street?

Ms. Rupkey said this proffer would only be for this property.

Vice Chair Byrd said I know it is only for this property, but this is a rezoning to a R-8 and these tend to pop up more when people hear "oh, I can actually add on a porch" and they start doing

more of the...I am just thinking about the future of that neighborhood. Is 20-feet a reasonable distance as a setback as opposed to if that was not added as a proffer? You said it would be 10 [feet]?

Ms. Rupkey said the houses kind of vary around this area. They are setback between generally about 20 and 30 feet from Kelley Street. With this proffer it would remain consistent with the surrounding neighborhood and the surrounding structures.

Chair Finnegan said I do not know the setback on some of the other houses along the street but there may be some nonconforming properties that were closer to the curb than...

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

Yanahina Montoya Centeno, the applicant via Andrew Klausen interpreting, came forward to speak to the request. Ms. Centeno said I want to do a regular porch and I want to do everything to conform to the law.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he 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.

Amy Washington, an adjacent property owner, called in to speak to the request. She said just like the gentleman staff was mentioning, with the porch being built my concern is how that will impact the look of the neighborhood moving forward if others would want to do the same? I do understand that it is just for that specific property to be zoned to R-8, but that could also be a potential for others that want to do the same.

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 I was thinking about the proffered 20-foot setback and it got me thinking about if I should mention that during this rezoning and I want to remember in the future if this neighborhood comes up again what I thought about the 20-feet. That was my main reason of bringing it up. As I was driving down the road there were houses that appeared to be closer and I was going "well, if we allow those will we let the houses that are much closer have it as well if they wanted it?" In my mind I was going "no" because at a certain point it would change the neighborhood too much for front yards, but I feel as though the 20-feet as opposed to if the proffer was not there, it would end up being 10-feet. 10-feet felt to me like a very significant change if that caught on. Especially since they are very long pieces of property anyway. My thing was extending the back as opposed to the front in that case. At a certain point, I was thinking 20 [feet] sounds like a good number for me to go... I will go with this arbitrary number as a line to be drawn in the sand for the front and then try to encourage people in the future to consider their back being where they can extend instead. I would be in favor of this application.

Chair Finnegan said I would caution against...each neighborhood is different. To your comment about what about houses that are already sitting nonconforming closer to the street, the setback is still the setback. If we draw a line, they might be able to add a porch. It might be a six-foot porch instead of a 10-foot porch. The setback is the setback. Your point is well taken.

Vice Chair Byrd said seeing that, I make a motion to approve the rezoning request.

Commissioner Alsindi seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (4-0). The recommendation will move forward to City Council on July 9, 2024.