

Date Application Received: 1/6/17

Total Fees Due: \$ 405.00 B.
Date Paid: 1/6/17

Application for Special Use Permit City of Harrisonburg, Virginia

www.harrisonburgva.gov/zoning-applications

Application Fee: \$375.00 plus \$30.00 per acre

Section 1: Property Owner's Information

Property Owner's Name: Ilex LLC
Street Address: 206 South Ave Email: glenn@castleproperty.com
City: Harrisonburg State: VA Zip: 22801
Telephone: Work: 540-564-2659 Fax: _____ Mobile/Home: 540-908-8757

Section 2: Owner's Representative Information


Owner's Representative: Glenn Louck
Street Address: 206 South Ave Email: glenn@castleproperty.com
City: Harrisonburg State: VA Zip: 22801
Telephone: Work: 540-908-8757 Fax: _____ Mobile/Home: _____

Section 3: Description of Property

Location (Street Address): 257 old south High St.
Tax Map Number Sheet: 025 Block: G Lot: 16 Lot Area: 1/2-5908 #
Existing Zoning Classification: R-2
Special Use being requested: 4-unrelated tenants
10-3-40(7)

Provide a detailed description of the proposed (attach additional pages or separate lett if necessary):
Requesting a special use permit to allow for 4 unrelate tenants to
occupy 257 old south High Street.

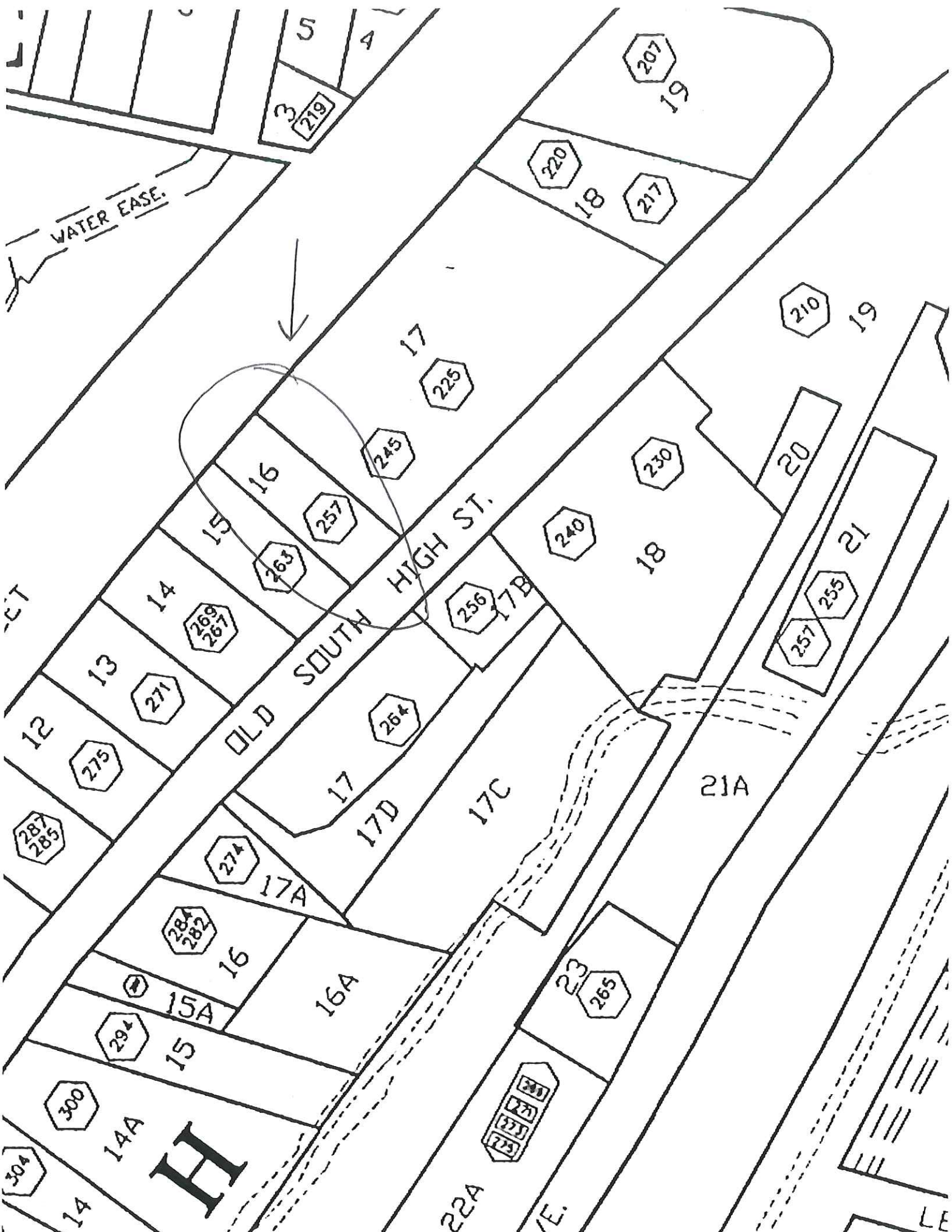
Section 4: Certification

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

Section 5: Required Attachments

Survey of Property or Site Map

NOTE: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.



206 South Avenue
Harrisonburg, VA 22801
6 Jan 2017

RE: 257 Old South High Street, Special Use Permit

Harrisonburg City Planning Commission,

Dear Planning Commission,

I am applying for a Special use permit for 257 Old South High Street. I would like receive a permit to allow for 4 unrelated Tenants to occupy this property. After speaking with Rachel Drescher, the Harrisonburg Zoning Inspector, I now have new information about the zoning and use of this property. At the time of signing leases with our Tenants, I felt we were in compliance with non-conforming use of this property and almost every other property on the street. The property was purchased as a previous rental and we continued this use after cleaning up the property both inside and outside. We also added off street parking to relieve any parking issues on the street.

I am asking that you approve the Special Use Permit for this property. A Special use permit for 4 unrelated tenants is an allowable use of the property under the current R-2 Zoning.

For many decades, Old South High Street has been and continues to be a street where the majority of the properties are occupied by unrelated people, primarily by JMU students. An excerpt of the 2 May 2005 presentation to City Council by the Harrisonburg Department of Planning and Community development describes the area as follows:

“ Old South High Street is an eclectic neighborhood with many large homes on small lots. The vast majority of these homes are rental properties. A staff survey of this street found only 6 of the 35 homes on the street were owner occupied. Many of the rental units are occupied by James Madison University students. Even though the neighborhood is zoned R-2, many of the properties have non-conforming occupancy levels that exceed the two-person limit. “

Since the time this statement was made in 2005, the City approved a special use permit to allow 4 unrelated tenants to occupy 264 Old South High Street. This street abuts a commercial Lumber yard, a converted railway station, a commercial parking area, a commercial paper products distributor and a four lane divided Route 42. The trend continues as a housing area for unrelated JMU off campus students. In the last 30 years, there have not been any conversions from unrelated tenant use to single family use. All conversions have been the direction of single family to unrelated tenant use.

Although the great majority of the properties on the street are used for unrelated Tenants for many decades, few have formal recognition by the city. When I enquired about the formal status of the

various properties in the street after receiving the zoning violation notice, Rachael Drescher, zoning inspector was able to provide the following information about the 35 properties that make up Old South High Street. In addition to the one Special Use permit granted for 264 Old South High Street. There is no information about the remaining 30+ properties where the vast majority are used for housing of unrelated JMU student Tenants.

“As far as our records, these addresses have nonconforming occupancy on the block:

336 Old South High St: Nonconforming duplex with 4 people in each dwelling

323 Old South High St: Nonconforming duplex with 3 people in one dwelling and 2 people in the other dwelling

275 Old South High St: Nonconforming duplex with 4 people in each dwelling

There are a number of student rentals on the block.” , --- Rachael Drescher

The purpose for zoning should be to encourage the neighboring uses to be compatible. Over time the historic uses of properties naturally change. New roads, expanding schools and changing demographics will cause the best uses of properties to change over the decades. A healthy zoning code allows properties to have a mechanism to adjust their use to become more harmonious with the surrounding uses.

I believe that granting the 4-unrelated tenant special use permit for this property would make it MORE harmonious with the neighboring uses and would allow the City to perform annual inspection to verify the property is well kept and not a nuisance to the neighborhood and guarantee 4 off street parking spaces.

I recognize that the Planning Commission is designed to enforce zoning codes and to follow the letter of the law regarding the current code. I hope that you will thoughtfully consider this request and spend time evaluating how this property fits within the neighborhood. I hope you will agree that converting this property to a documented special use will be in everyone’s best interest.

Thank you for your consideration.

Sincerely,



C. Glenn Loucks
Ilex LLC