



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

Mr. Turner,

After further investigation into the potential zoning violations at 1110 N Liberty Street, staff stands by the determination that a nonconforming single-family home was converted into two units. This is a violation of Section 10-3-21(a) *Nonconforming Uses* and results in the termination of the nonconforming residential use on the property. The reasoning that led to this determination can be found in the bulleted list below.

- The Real Estate Department spoke with a tenant on the property who confirmed that there is a second unit on the second floor of the home.
- This tenant also confirmed the existence of a second kitchen in this separate unit.
- The property manager, Nathan Beall, confirmed that work was done without a permit to internally separate the two units.
- An existing garage was converted into a residential cottage. This was confirmed during the 2021 real estate assessment of the property.
- Records in the Real Estate Department's database suggest that an existing deck was enclosed at some point in the last few years. If this is found to be the case, it would be considered an expansion of the nonconforming residential use as well.
- Google Earth images show two mailboxes at this property, suggesting the presence of two dwelling units.

When we spoke over the phone, it was my understanding that you confirmed the presence of a second dwelling unit at 1110 N Liberty Street, but that you believed it was permitted since the use was residential. You also mentioned that you had applied for building permits and had received approval from City staff. There are no records of these permits in our system, though, we understand that you may have been referring to another structure on the property. We would like to receive some clarification on these statements, as they appear to conflict with what you told us at our meeting on Monday, May 17, 2021.

We understand that there was some confusion with terminology during our meeting. When we said that the use was "expanded," we were not referring exclusively to an increase in the square footage of the structure. The addition of a second unit is considered an expansion, given that this increases the occupancy and density of dwellings on the property.

Note that given the above evidence an affidavit from Mr. Sampson attesting to the prior existence of a second dwelling would not be sufficient to overturn our decision. It also appears

that Mr. Sampson has never been an owner of the property. Deed records show that his wife, Betty Lou Sampson, inherited the property in 2017 along with three other individuals.

If you have any questions related to this matter, please let us know.

Sincerely,

The City of Harrisonburg

A handwritten signature in black ink, appearing to read 'C. Perez-Leon', written in a cursive style.

Christopher Perez-Leon
Zoning Technician