



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: January 10, 2023 (Regular Meeting)
Re: Rezoning – 793 North Liberty Street (M-1 to R-8)

Summary:

Public hearing to consider a request from Maria Sonia Trejo to rezone a +/- 5,975 square foot parcel from M-1, General Industrial District to R-8, Small Lot Residential District. The property is addressed as 793 North Liberty Street and is identified as tax map parcel 40-J-6.

Staff and Planning Commission (7-0) recommended approval of the rezoning.

Background:

The Comprehensive Plan designates this area as Neighborhood Residential. 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 following land uses are located on and adjacent to the property:

- Site:** Nonconforming single-family detached dwelling, zoned M-1
- North:** Nonconforming single-family detached dwelling, zoned M-1
- East:** Across North Liberty Street, industrial uses, zoned M-1
- South:** Nonconforming single-family detached dwelling, zoned M-1
- West:** Across an undeveloped alley, industrial uses, zoned M-1

On August 17, 2022, staff from the Building Inspections Division noticed work being completed on a covered deck on the subject property without permits and verbally informed the contractor they must stop the work and get appropriate permits. On September 2, 2022, a permit was submitted and upon review, Zoning staff informed the applicant's contractor that the property is zoned M-1, General Industrial District and that the residential use on the property is nonconforming. It was explained that the Zoning Ordinance (ZO) prohibits the expansion of the nonconforming use, which includes prohibiting the expansion or construction of a new covered deck.

The applicant's contractor and city staff met on October 14, 2022, to discuss options for complying with the ZO, which includes entirely removing the uncompleted covered deck, returning the deck to its original size and footprint, or to rezone the property to the R-8 district.

Key Issues:

The applicant is requesting to rezone a +/- 5,975 square foot property from M-1, General Industrial District to R-8, Small Lot Residential District. The property currently contains a single-family detached dwelling and is considered nonconforming since the property is zoned M-1.. Without reviewing a physical survey of the site, the existing single family structure could also be nonconforming setback regulations. The reason the applicant is requesting the rezoning is to bring nonconformities with the property, including use and, potentially, setbacks, into conformity. If the rezoning to R-8 is approved, the property owner could have a building permit issued to complete construction of the covered deck. If the rezoning is denied, then the property owner must remove the deck or return the deck to its original size and footprint.

The R-8 district is intended for medium- to high-density residential development including single-family detached, duplex, and, in special circumstances, by special use permit, townhouse development. As previously described, the Comprehensive Plan's Land Use Guide designates this area as Neighborhood Residential. 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. The Comprehensive Plan goes on to say that 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. It depends on the exact dimensions of the parcel, but if the request is approved, the property owner might also gain the ability to somehow redevelop the site to contain a duplex. If the parcel is at least 50 feet wide, the site would meet the R-8's dimensional requirements to allow for a subdivision and to construct a duplex (one unit on each parcel). Staff does not believe such a scenario is inconsistent with the Comprehensive Plan.

Staff believes that this request does not have any major adverse effects to the surrounding properties and is consistent with the Comprehensive Plan and recommends approval of the request as submitted by the applicant.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the rezoning request as submitted by the applicant; or
- (b) Deny the rezoning request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing and twice advertising for City Council's public hearing. The advertisement was published as shown below:

Rezoning – 793 North Liberty Street (M-1 to R-8)

Public hearing to consider a request from Maria Sonia Trejo to rezone a +/- 5,975 square foot parcel from M-1, General Industrial District to R-8, Small Lot Residential District. The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. The R-8, Small Lot Residential District is intended for medium- to high-density residential development that includes single-family detached, duplex, and in special circumstances townhouse development. The residential density ranges for R-8 are single-family, 2,800 sq. ft. minimum; duplex, 1,800 sq. ft. minimum/unit; townhouses, 1,800 sq. ft. minimum/unit; and other uses, 6,000 sq. ft. minimum. The Comprehensive Plan designates this site as Neighborhood Residential. 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 property is addressed as 793 North Liberty Street and is identified as tax map parcel 40-J-6.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff recommends alternative (a) approval of the rezoning request as submitted by the applicant.

Attachments:

1. Extract from Planning Commission (forthcoming)
2. Site map
3. Application and supporting documents

Review:

Planning Commission (7-0) recommended approval of the rezoning.