

Thanh Dang

From: Nora <nora.anderson341@gmail.com>
Sent: Sunday, July 2, 2023 4:46 PM
To: Meghan T. Rupkey; Thanh Dang
Subject: 361 Franklin

WARNING: This email was sent from outside of your organization.

Hi

I have a house on 356 Franklin. I purchased the house in a R1 zoned area. Our area is a lovely residential area. I strongly object to changing the zoning of 361 Franklin to R8 High Density Residential District.

Also, Changing the zoning to R8 would set a precedent that we would accept this zoning for future developments in our area.

This would affect our property value and the quality of the neighborhood.

Furthermore, the owners of 361f Franklin should have performed due diligence on building before purchasing the property. Why should we suffer because they want to build something not in R1 compliance?

As we have found out the city sewer system needs updating per conversations with Dennis Lambert, Waterworks Manager. More discussions with Doug, field manager, and two city engineers, Zack and McCalia revealed that the 4 inch waste main under Franklin Street was supposed to be upgraded to 8 inch main more than 10 years ago. Currently, the existing system is overburdened and an addition of high density housing would exasperate the problem.

Nora Anderson
517-256-2063

Thanh Dang

From: Joan Anderson <joanandersondds@gmail.com>
Sent: Monday, July 10, 2023 10:00 PM
To: Thanh Dang
Subject: Rezoning 361 Franklin St

WARNING: This email was sent from outside of your organization.

Good Evening,

I saw a posting about changing the designation of 361 Franklin to R8. R8 would allow for any number of non single family development no matter what the current owner is claiming to do with the land. I am very opposed to this. I live on 408 Ott St around the corner and we are currently remodeling our house with the belief that Old Town is a neighborhood of single family homes with a few grandfathered in apartments that are turning over to single family homes. I do not want this neighborhood to start becoming a fraternity/sorority as neighborhood or an Airbnb neighborhood or having a Church or daycare next door to me. Once allowed there will be more who seek the designation. There is a very good chance the recently purchased lots around my house on Ott would be wanting to do R8 housing if this is allowed. I know that Airbnb rentals are infiltrating the area and I don't want our wonderful town to be taken over by people that only visit and don't live here.

From the city website which I have copied below-I am concerned that no matter what the current lot owner says or what they have drawn up or shown you, once they are given this designation they and other people that change to this designation can do any number of things with the designation that is not single family housing.

If this is only about "allowing reduced setbacks" then we need to have another way to change the setbacks outside of eliminating all other R1 restrictions. R8 is the least restrictive designation and I don't want to live next to a non single family home. The owners of this lot knew the restrictions when they bought the land and if they needed different setbacks then they should sell the land and buy another property. This sets a dangerous precedent for our neighborhood. I would note that I had to have plans approved showing I was complying with the neighborhood setbacks. Everyone should follow the same rules.

I am not able to be at the meeting Wednesday, but feel free to share my comment with city planners and staff and also as a public comment. Thank you.

Best,
Joan Anderson

- **Sec. 10-3-59.2. - Purpose of district.**

This district is intended for medium- to high-density residential together with certain governmental, educational, religious, recreational, and utility uses subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. Residential development includes single-family detached, duplex, and in special circumstances townhouse development. Vehicular, pedestrian, and bicycle transportation is facilitated through a connected system of roads, sidewalks, and shared use paths, so as to provide many choices with regard to mode and route, and to provide a safe and comfortable pedestrian environment that promotes walkability for residents and visitors.

(Ord. of 6-25-19(4))

• **Sec. 10-3-59.3. - Uses permitted by right.**

The following uses are permitted by right:

- (1) Single-family detached dwellings.
- (2) Duplex dwellings.
- (3) Owner-occupied single-family dwellings, which may include rental of space for occupancy by not more than two (2) persons, providing such rental space does not include new kitchen facilities.
- (4) Nonowner-occupied single-family dwellings, which may include rental of space for occupancy by not more than one (1) person, providing such rental space does not include new kitchen facilities.
- (5) Home occupations.
- (6) Churches and other places of worship.
- (7) Public schools or private school having a function substantially the same as a public school.
- (8) Public uses.
- (9) Parks.
- (10) Small cell facilities. Wireless telecommunications facilities are further regulated by Article CC.

(11)

Accessory buildings and uses clearly incidental to other permitted uses. (Refer to [Section 10-3-114](#), Accessory Buildings.)

(12)

Homestays, as further regulated by Article DD.

(Ord. of 6-25-19(4); Ord. of 9-8-20(2))

• **Sec. 10-3-59.4. - Uses permitted only by special use permit.**

(1)

Attached townhouses of not more than eight (8) units.

(2)

Community buildings.

(3)

Major family day home.

(4)

Child day care.

(5)

Adult day care.

(6)

Short-term rentals as further regulated by Article DD.

(7)

Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are not permitted, except towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center up to two hundred (200) feet in height. Wireless telecommunications facilities are further regulated by Article CC.

(8)

Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the city council.

(9)

Reducing required parking areas to permit fewer than the required number of vehicle parking spaces for any use, provided that an amount of open space equal to the amount of space that would have been used for the required number of vehicle parking spaces is left available for parking in the event that, at the discretion of the city council, it is needed at some time in the future. Open space used for this purpose shall be so noted in the deed and shall not be used to meet any conflicting requirements of the zoning ordinance.

(10)

Public uses which deviate from the requirements of [Title 10](#), Chapter 3.

(11)

Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached or duplex dwellings when National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings or exterior wall(s) adjacent to reduced side yard setback is constructed without openings and has a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code.

(Ord. of 6-25-19(4))

Sent from my iPhone

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Thanh Dang

From: Nathan Horst <nathan.horst@gmail.com>
Sent: Tuesday, July 11, 2023 2:46 PM
To: Thanh Dang
Subject: 361 Franklin St. re-zoning | COMMENTS FROM ADJACENT PROPERTY OWNER: HORST

WARNING: This email was sent from outside of your organization.

Greetings Thanh,

I'm not sure if I will be able to attend the meeting tomorrow, so I am sending you my comments in advance.

My name is Nathan Horst; I am the owner of the adjacent property at 367 Franklin St. and respectfully submit the following comments as rationale for my opposition to the re-zoning of the parcel at 361 Franklin St. from R-1 to R-8.

Purpose of district – The purpose of the R-1 zoning is to maintain a low-density residential area, vs. a medium-to-high density area supported by R-8; re-zoning would be a big shift in the purpose. The design of the architect conflicts with R-1 zoning due to a failure to respect current zoning, not because of needs.

No demonstration of undue hardship - There is no demonstration of undue hardship (as distinguished from a special privilege or convenience) that would be experienced by the applicant under existing R-1 conditions. The owner's goal is to keep most spaces on the main level; this is not a need.

Inappropriate use of procedure - If there is no change in the purpose sought by the applicant, the correct procedure would be to apply for a zoning variance, not a re-zoning. This would more effectively ensure that the purpose of the existing zoning is respected. The applicant's proffer does not mitigate the 'slippery-slope' risk, where future requests for re-zoning could cite the existence of an R-8 parcel in this neighborhood as a precedent.

Best regards,

Nathan

540 246 1977

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Owner, 367 Franklin St.