

Eddie H Warner  
514 Powell Drive  
Annapolis, MD. 21401  
410 293 5545 [ehwarner@gmail.com](mailto:ehwarner@gmail.com)

Mr. Adam Fletcher, City Planner  
City of Harrisonburg, Virginia  
409 South Main Street  
Harrisonburg, Virginia 22801

Re: LETTER OF INTENT

- Rezoning R-3 to B-2
- Use of 2065 Reservoir St

Good day,

The present zoning of the property known as 2065 Reservoir Street and 475 Lucy Drive, tax map 80-A-3 is R-3. This property is best suited for a business commercial use when viewed in the Master Rezoning Plan and the Reservoir Street VDOT project. The adjoining properties are zoned B-2 and the church property will be rezoned to a B-2 use as well. This property will be best used as a commercial property with mixed retail and office space to serve the surrounding community. Many of the customers and clients will be able to walk and bicycle to this location due to the sidewalks and bike paths that have been scheduled for the Reservoir Street widening project.

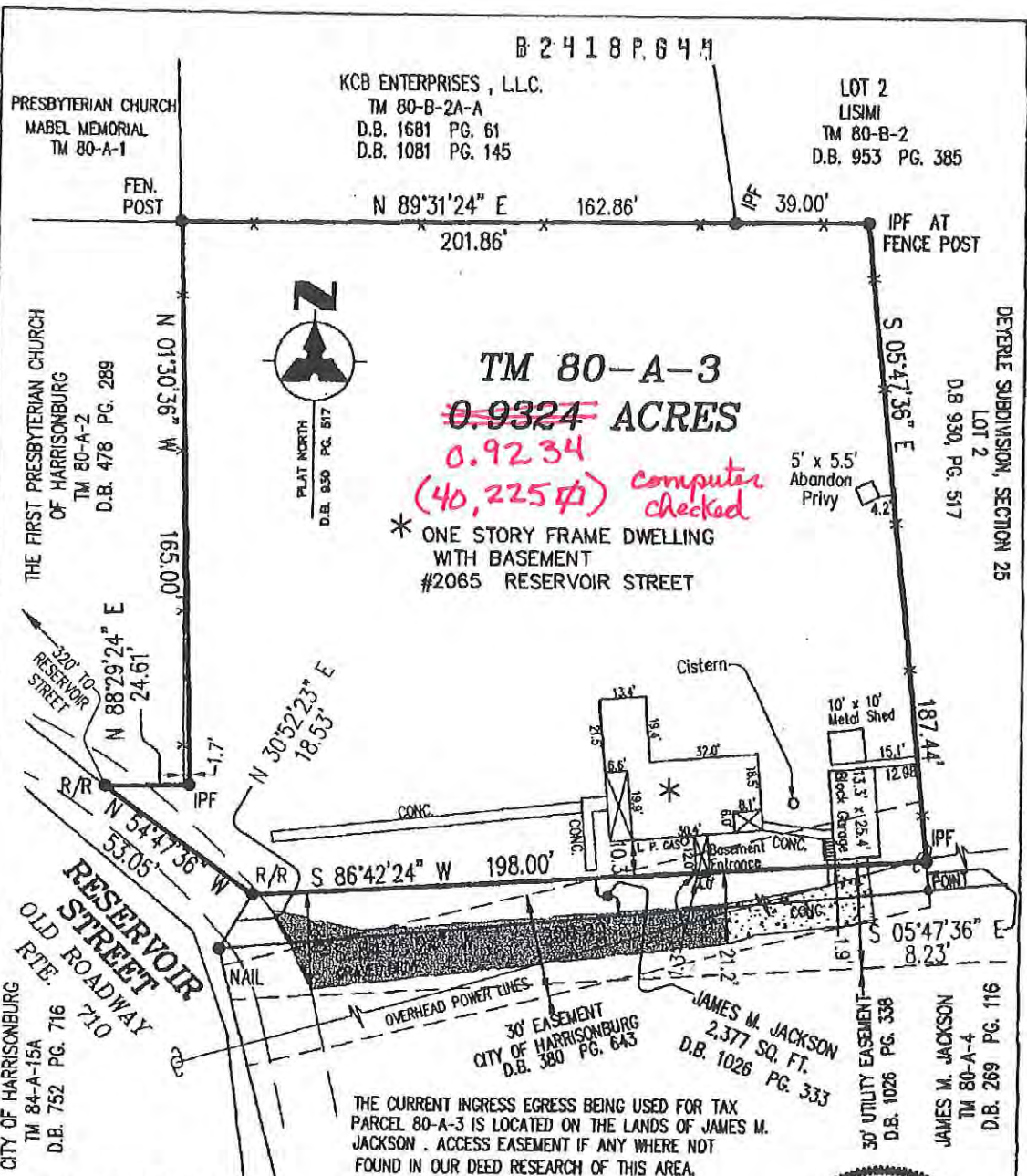
The existing zoning is R-3. This zoning allows more of what is not needed in this specific area. The density of the population in this immediate area requires near services from professionals as well as simple needs retail. This will keep traffic from traveling greater distances to obtain health, medical, legal and retail services in a convenient location. The City of Harrisonburg would be wise to hold to their plan of upgrading this area to B-2 to allow the needed commercial and retail space so the needs of the community can be met.

I feel the proposed rezoning of this property to B-2 will provide a good transition from the past use to an updated use that is needed and desired by the community. Bus stops are located there. The intersection to be built will accommodate the present residents and the anticipated increased traffic flow on Reservoir and the new hospital. The proposal to rezone 2065 to B-2 will allow the use that is needed and will render the tax revenue to help the City with future plans and improvements. If you have any questions or need any further information, please call me.

Sincerely,



Eddie H. Warner



**TM 80-A-3**  
~~0.9324~~ **0.9234** ACRES  
 (40,225 ft<sup>2</sup>) *computer checked*  
 \* ONE STORY FRAME DWELLING WITH BASEMENT  
 #2065 RESERVOIR STREET

THE CURRENT INGRESS EGRESS BEING USED FOR TAX PARCEL 80-A-3 IS LOCATED ON THE LANDS OF JAMES M. JACKSON. ACCESS EASEMENT IF ANY WHERE NOT FOUND IN OUR DEED RESEARCH OF THIS AREA.

1. OWNER: THE HEIRS OF S. THOMAS FOLEY & CARRIE M. FOLEY  
 TAX PARCEL 80-A-3  
 WILL FILE 03-413  
 DEED BOOK 592 PAGE 135  
 ZONED R3
2. OTHER EASEMENTS, IF ANY, NOT SHOWN.  
 NO TITLE REPORT FURNISHED.
3. THIS PARCEL IS NOT SHOWN TO BE IN A F.E.M.A. FLOOD HAZARD ZONE "A" OR "B"

4. BOUNDARY DERIVED FROM A FIELD SURVEY AND DEEDS AND PLATS OF RECORD AS FOUND AMONG THE LAND RECORDS OF ROCKINGHAM COUNTY, VIRGINIA.
- IPF - IRON PIN FOUND  
 R/R - RAILROAD SPIKE FOUND  
 \* \* \* WIRE FENCE



**BOUNDARY AND PHYSICAL SURVEY**

ON THE LAND OF THE HEIRS OF  
**S. THOMAS FOLEY & CARRIE M. FOLEY**

CITY OF HARRISONBURG  
 ROCKINGHAM COUNTY, VIRGINIA

SCALE: 1" = 40' DATE: NOVEMBER 3, 2003

Patton Harris Rust & Associates, pc  
 Engineers, Surveyors, Planners, Landscape Architects.



116 North Main Street,  
 PO Box 46  
 Bridgewater, VA. 22812  
 T 540.828.2616  
 F 540.828.6437

4219/705

- = FOUND IRON PIN (FIP)
- = IRON PIN SET
- EP = EDGE OF PAVEMENT
- POB = POINT OF BEGINNING OF METES AND BOUNDS DESCRIPTION

VA STATE GRID

**EDDIE WARNER**  
**DB 2418/641**  
**TM 80-A-3**  
 REMAINING LAND  
 AREA=37,643 SQ. FT.

THE TRUSTEES OF  
 FIRST PRESBYTERIAN  
 CHURCH OF  
 HARRISONBURG,  
 VIRGINIA

DB 478/289  
 TM 80-A-2

$\Delta = 09^{\circ}16'12''$   
 $R = 400.00'$   
 $ARC = 64.72'$   
 $BRG = N81^{\circ}07'12''E$   
 $CHORD = 64.65'$

10' TEMPORARY CONSTRUCTION EASEMENT  
 2,086 SQ. FT.

5' PUBLIC DRAINAGE EASEMENT  
 1,030 SQ. FT.

TO FIP AT  
 FENCE POST

$S 04^{\circ}47'42'' E 187.44'$

LOT 2  
 DEYERLE SUBDIVISION  
 SECTION 25

LISTINI  
 DB 953/385  
 TM 80-B-2

OLD RT. 710

$N 53^{\circ}47'42'' W 53.05'$

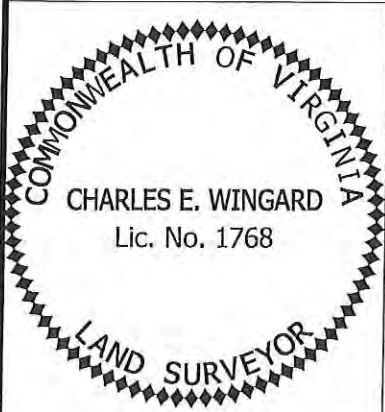
R/W DEDICATION **2,582 SQ. FT.**

$S 87^{\circ}42'18'' W 198.00'$

**LUCY DRIVE** (VARIABLE R/W)

CENTERLINE

TO  
 RESERVOIR  
 STREET



RIGHT OF WAY  
 DEDICATION  
 CONVEYED TO  
**CITY OF HARRISONBURG**  
 BY EDDIE WARNER  
 CITY OF HARRISONBURG, VA

SCALE: 1" = 40'

|          |       |              |  |
|----------|-------|--------------|--|
| DRAWN BY |       | DATE         |  |
| CEW      |       | FEB 28, 2013 |  |
| SHEET    | BLOCK | LOT          |  |
| 80       | A     | 3            |  |

DIVISION OF ENGINEERING  
 CITY OF HARRISONBURG  
 409 SOUTH MAIN STREET  
 HARRISONBURG, VA 22801

**LUCY DRIVE  
 EXTENDED**  
 PROJECT # 0907

Date Application Received: 08-06-15

Total Paid: 405.00  
~~#375.00~~ AF  
~~Need \$3000~~

## Application for Change of Zoning District City of Harrisonburg, Virginia

### Section 1: Property Owner's Information

Name: Eddie Warner  
Street Address: 514 Powell Drive Email: ehwarner@gmail.com  
City/State/Zip: Annapolis, MD. 21401  
Telephone (work): 410 293 5545 (home or cellular): 443 994 1553 (fax): \_\_\_\_\_

### Section 2: Owner's Representative Information

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone (work): \_\_\_\_\_ (home or cellular): \_\_\_\_\_ (fax): \_\_\_\_\_

### Section 3: Description of Property

Location (street address): 2065 Reservoir Street & newly assigned address: 475 Lucy Drive  
Tax Map Number: Sheet: 80 Block: A Lot: 3 Total Land Area (acres or square feet): 37643  
Existing Zoning District: R-3 Proposed Zoning District \* : B-2  
Existing Comprehensive Plan Designation: B-2

*\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

### Section 4: Application Fee

\$375.00 plus \$30.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a). Would the development from this rezoning require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No X

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

**PLEASE NOTE** – *If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

- (b). Would the development from this rezoning require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No X

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

**PLEASE NOTE** – *If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: First Presbyterian Church 17 Court Square Harrisonburg, VA 22802  
East: Litten & Sipe LISIMI 410 Neff Ave. Harrisonburg, VA. 22801  
South: Charleston Townes LLC 2312 Purple & Gold Way Harrisonburg, VA. 22801  
West: City of Harrisonburg 345 S. Main Harrisonburg, VA. 22801

### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: \_\_\_\_\_

Eddie Warner  
Property Owner

**See Back for Items Required for Submission**



9/15/2015

Dear Mr. Fletcher,

Thank you for your help and attention so I could make the re-zoning request for my property located at 2065 Reservoir St.

I want to thank all of the members of the Harrisburg Planning Commission as well for considering my application.

I hope to be able to use my property for something in the near future.

Thank you  
Very respect  
Eddie Warner

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9/15/2015

Adam ,

I decided to type this part of my note when I looked at my hand writing and realized it was not legible.

I do have the memory of being unfairly treated by some City of Harrisonburg Officials by the way my ownership rights were trampled. My rights to enjoy and use my property were taken when storm drains were placed onto my property, all of my utilities were stopped (water, sewer, electric and gas), I could not use my garage, and I was not able to collect any rent to help with the expenses of owning this property. The stream of rent has now been cut off nearly 8 years so I have lost \$1000.00 a month for that time.

I was informed 30 hours ahead by a Daily News Record Reporter that my property would be up for discussion of a taking by eminent domain by the City Council of Harrisonburg. The City of Harrisonburg Officials involved in this displayed a lack of respect for me as a property owner. In good faith I hired a local attorney, Dana Cornett, to negotiate with the City Attorney so the City could acquire the land needed for the Lucy Drive Extension. The officials decided to go the route they did and not even notify me my property was placed onto the agenda. Some years passed and my rights suffered more. That is where we are now.

The reality is that I have a property that does not produce any income, has no legal ingress, legal egress, no utility services, and needs regular mowing. Adjoining my property along Lucy Drive is property the City of Harrisonburg owns. It does have long weeds that need to be cut, debris from the road construction and a curb blocking entrance to my property. No citizen would be pleased with such an unreasonable arrangement as to pay taxes and mow property that cannot be used.

I have hope and faith that the current City of Harrisonburg Officials will fulfill the City's obligations to me by restoring my utility services in short order, creating a commercial entrance to my property as promised at the mediation and cleaning up the mess created by the construction and demolition around and on my property.

I do appreciate your help, consideration, kindness, patience and understanding with my application. I hope this explains why I feel the way I do.

I hope I can do something with this land or the City of Harrisonburg should begin by refunding the taxes I have paid for the past few years and not send me any more property tax bills for this property until I can use it for something that pays the way.

Thanks for having a look.

*Edith W. Arnold*