



# City of Harrisonburg

City Hall  
409 South Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final Planning Commission

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Wednesday, April 9, 2025

6:00 PM

Council Chambers

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### 1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, April 09, 2025, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

### 2. Roll Call/Determination of Quorum

Members present: Richard Baugh, Chair; Brent Finnegan, Vice Chair; Councilmember Laura Dent; Kate Nardi; Shannon Porter; and Valerie Washington. Heja Alsindi was absent.

Also present: Adam Fletcher, Director of Community Development; Thanh Dang, Deputy Director of Community Development; Wesley Russ, Deputy City Attorney; Meg Rupkey, Planner; Nyrma Soffel, Planner; and Anastasia Montigney, Development Support Specialist/Secretary.

Chair Baugh called the meeting to order.

**Present** 6 - Brent Finnegan, Valerie Washington, Richard Baugh, City Council Representative  
Laura Dent, Kate Nardi, and Shannon Porter

**Absent** 1 - Heja Alsindi

### 3. Approval of Minutes

#### 3.a. Minutes from the March 12, 2025 Planning Commission Meeting

Chair Baugh asked if there were any corrections, comments or a motion regarding the March 12, 2025, Planning Commission minutes.

Vice Chair Finnegan moved to approve the March 12, 2025, Planning Commission minutes.

Commissioner Nardi seconded the motion.

The motion to approve the March 12, 2025, Planning Commission meeting minutes passed by voice vote (5-0) with Councilmember Dent abstaining.

A motion was made by Finnegan, seconded by Nardi, that this Minutes be approved. The motion carried by a voice vote.

Yes: 0

No: 0

Absent: 1 - Alsindi

#### 4. New Business - Public Hearings

- 4.a. Consider a request from KP'S CARS LLC for a special use permit to allow multiple-family dwellings and/or mixed use buildings at 1812 Erickson Avenue

*Please refer to attachment 10 for the complete minutes extract.*

A motion was made by Porter, seconded by Washington, that this PH-Special Use Permit be recommended for approval to the City Council, due back on 5/13/2025. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Finnegan, Washington, Baugh, City Council Representative Dent, Nardi and Porter

No: 0

Absent: 1 - Alsindi

- 4.b. Consider a request from Jason Burch to rezone a property addressed as 380 Sunrise Avenue

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 13,315-square foot property from R-1, Single-Family Residential District, to R-8C, Small Lot Residential District Conditional. The property is addressed as 380 Sunrise Avenue and is identified as tax map parcels 23-A-1 and 2. The applicant's letter states that they want to rezone the property so that the current structure and proposed addition and renovations would conform to the Zoning Ordinance (ZO). As it stands today, the property is nonconforming to setbacks along Chestnut Drive and an internal property line. The existing structure is considered legal to setbacks along the shared eastern property line since Section 10-3-110 (f) of the ZO states, "[e]xcept in the R-8 Small Lot Residential District, where a lot of record is less than sixty (60) feet in width as measured at the point of required front setback, each required side setback for internal lot lines may be reduced to not less than five (5) feet". In order for an addition to be built, the internal property line would likely need to be vacated and Section 10-3-110 (f) would no longer apply to the property.

Planned renovations are to build an additional story on the structure. The applicant has submitted a plat that shows the existing two-story structure is 7.8-feet from the neighboring property line. In the R-8 district, two story-structures must have a minimum 7-foot side yard setback and three-story structures must have a minimum 10-ft side yard setback.

The applicant has been made aware that the addition illustrated in their submittals would not be

permitted. A third-story addition would require that the whole structure meets the 10-foot side yard setback, even if the third story does not occupy the entire footprint of the story below. Staff and the applicant will continue to discuss options for a future addition. This may include requesting a special use permit for reduced side yard setback up to 0-feet if certain fire protection requirements are met. The illustrations submitted were created prior to a survey and plat having been completed and do not reflect compliance with R-8 district setbacks.

#### *Proffers*

The applicant has offered the following proffer (written verbatim):

- More than one dwelling is prohibited.

Regarding the proffer, in the R-8 district, single-family detached homes and duplexes are allowed by right so long as, among other things, lot area and dimensional requirements are met. The submitted proffer prevents more than a single unit on the property.

#### *Land Use*

The Comprehensive Plan designates this site as Low Density Residential and states:

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

With the submitted proffer, use and density conform with the Low Density Residential designation. Know also that the R-8 district's occupancy regulations are the same as the existing R-1 district's occupancy regulations, which allow owner-occupied dwellings to be occupied by a family plus two individuals or a maximum of three individuals while nonowner-occupied dwellings may be occupied by a family plus one individual or a maximum of two individuals.

#### *Transportation and Traffic*

A traffic impact analysis (TIA) was not required for the rezoning request.

#### *Public Water and Sanitary Sewer*

Staff has no concerns with the requested rezoning regarding water and sewer matters.

#### *Housing Study*

Rezoning this property to R-8 will not impact housing because the property currently has one single-family detached dwelling, and the proffer restricts the property to having only one dwelling unit.

#### *Public Schools*

If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero. Based on the School Board's current adopted attendance boundaries, Keister Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

#### *Recommendation*

Staff recommends approval of the request.

Chair Baugh asked if there any questions for staff.

Councilmember Dent asked is part of this to vacate that central property line as you talked about?

Ms. Rupkey said they will at some point. It is not a part of their application at this time to do that. That would be a separate a minor subdivision that they could handle through us.

Councilmember Dent said I am trying to get the gist of the renovation they are talking about.

Ms. Rupkey said they are here, and they may be able to help answer some more questions about the addition.

Chair Baugh asked if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Jason Burch, the applicant, came forward to speak to the request. I need to declare something on the front end to prevent a potential conflict of interest. [To Chair Baugh] your law firm serves as general and special council for an organization which I am an officer of, and I did not know where that stood.

Chair Baugh said non-profit or for profit?

Mr. Burch said not for profit.

Chair Baugh said I will look over at Mr. Russ. If my firm does represent you, then that just takes care of it, then. Alright, with that there is already in the record a statement for recusing myself. Thank you very much for bringing that to my attention because I was not aware of this. With that, I am going to recuse myself on this matter and will submit an additional written statement to the clerk.

Chair Baugh left Council Chambers

Vice Chair Finnegan invited the applicant to speak.

Mr. Burch said I have nothing additional to add to the staff's comments. I have been represented well, position stated, and drawings confirmed. I am here to serve at the pleasure of the Commission and answer any questions that you have.

Councilmember Dent said I am just trying to get the gist of the renovation from your drawings here. Is it adding the story to what is now a first story dormer?

Mr. Burch said that is correct.

Vice Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request.

Vice Chair Finnegan said I do have a question that came up on the site tour yesterday. The applicant has been made aware that any new construction shall be a minimum of ten foot... although the proposed addition cannot be built as presented staff and the applicant will continue to discuss options. The proposed addition cannot be built as presented.

Ms. Rupkey said as it is presented a three-story structure would require a ten-foot side yard setback. If this were approved by City Council next month, they would not be able to build it there. They would have to come back and request a special use permit for a reduced side yard setback.

Vice Chair Finnegan said asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Mr. Fletcher said I would also add (to Ms. Rupkey's response) "or other solutions that we may be able to brainstorm." That (SUP for reduced side yard setbacks) is just one that is an option.

Vice Chair Finnegan said I think Councilmember Dent's comment about, this is the plan, this cannot be built. Correct me if I am wrong but this is to bring this into conformance with the setbacks. Like R-8, it would conform, if they do not raise it?

Ms. Rupkey said yes.

Councilmember Dent said now I am confused.

Vice Chair Finnegan said it is currently nonconforming. R-8 would bring this into conformance with R-8, the current setbacks.

Councilmember Dent said then their additional whatever takes another round.

Ms. Dang said or some other alternative that we will work with them on.

Vice Chair Finnegan said increasing the height is not what we are voting on tonight. I just wanted to make sure that we are all on the same page there. I will say, we talk about nonconforming properties a lot and then we talk about the character of the neighborhood. They get talked about interchangeably. I live in a nonconforming house in an R-2 neighborhood. We are not voting on this tonight. I will say that where there are neighborhoods where people can agree this is the character of the neighborhood and it does not meet the current setbacks, I would suggest that the setbacks are wrong.

Commissioner Washington asked are the other properties also nonconforming?

Ms. Rupkey said personally I have not gone out and measured, but it is presumed that they are

nonconforming. If you notice on the plat that was submitted a 30-foot setback is required to be on Sunrise [Avenue] and Chestnut [Drive]. They are 26 feet along the frontage right now and they are conforming due to a portion of our code where they can take averages of existing homes on the street and get an average to get a lesser setback in the front. With that number already being less and being conforming in the front, it is likely that there are a number of other nonconforming houses to setbacks.

Vice Chair Finnegan said diagonally across the street there is an apartment building.

Commissioner Washington said my question would be, is R-1 appropriate? If it is not appropriate for this particular space, would it be appropriate for the rest of the spaces depending on their nonconforming status?

Mr. Fletcher said I would say that it is possible that other lots are conforming. The subject site actually is a little bit wider than some of the other properties along the street. Our Zoning Ordinance allows for the reduction of side yard setbacks when lots are less than 60 feet in width, and you have a lot of 50 foot in width lots there. I am just roughly measuring that some of them are like 7 feet off of the property line. It could be that they are conforming to setbacks but without seeing a survey, I do not know. I am just eyeballing it and looking at how wide those lots are.

Vice Chair Finnegan said it looks like that apartment diagonally across the street is also pretty close to the street.

Commissioner Porter said I live a couple of blocks from here, and I walk down this street almost every day. This house does not stand out to me as being any different in character than anything else around it. It is an attractive and well-maintained home. At one time my family owned a property on the corner of Neyland [Drive] and Chestnut [Drive] a similar distance from the street and probably nonconforming.

Commissioner Nardi said I do not have any issue with it.

Commissioner Porter said I make a motion to accept the applicant's request for a rezoning.

Commissioner Nardi seconded the motion.

Vice Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Councilmember Dent	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Vice Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (5-0). The recommendation will move forward to City Council on May 13, 2025.

Chair Baugh returned to Council Chambers.

**A motion was made by Porter, seconded by Nardi, that this PH-Rezoning be recommended for approval to the City Council, due back on 5/13/2025. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 6 - Finnegan, Washington, Baugh, City Council Representative Dent, Nardi and Porter

**No:** 0

**Absent:** 1 - Alsindi

## 5. New Business - Other Items

### 5.a. Planning Commission Annual Report 2024

Ms. Dang said this item is the 2024 Planning Commission Annual Report, in front of you. This report includes a listing of all of the items that have been considered by Planning Commission last year, with staff and Planning Commission's recommendations, and then a summary of City Council's decisions on each of those items. This item does need you to make a motion and a vote to move this forward, so that the report can be shared with City Council. If you have any questions, I would be happy to answer them.

Vice Chair Finnegan said there are names on here that I have not heard in awhile. I did have a question about on page four the third one down says City Council action denied/approved with two different dates.

Ms. Dang said that was the Weston Park one where at the first reading they voted to deny it, but they changed the vote at the second meeting, and then it got approved.

Mr. Fletcher said was it not one of those situations where somebody moved to approve it and the motion failed, or was it the opposite?

Councilmember Dent said Planning Commission recommended approval 4-2.

Mr. Fletcher said no at City Council.

Councilmember Dent said it was two different meetings and we changed it some in between meetings and brought it back. There was much discussion with [City Attorney] Chris Brown about how to do that.

Vice Chair Finnegan said it looks like it happened again on page six. Oh that is Weston Park, that is special use permit and one is rezoning.

Councilmember Dent said I think the upshot of it was that we could not take back an approval because that means they are going ahead and building it. We can change our mind on a denial and just bring it back.

Ms. Dang said we can find out. We can look at it. I think it had to do with the failed motion.

Mr. Russ said it was denied. The motion passed but the motion was to deny, and then they revisited it again.

Commissioner Washington said for page four on Lucy Drive it says tabled for 5/2024 and 2/2025.

Ms. Dang said that is correct. What ended up happening with that one is that the first reading was presented in May in 2024, and then it was tabled for the applicant to continue doing some work. Then it was brought back in February of 2025. It looks weird, but those are the correct dates.

Councilmember Dent said what happened in February 2025? I do not remember that exactly. We approved it then?

Ms. Dang said correct, I see why you are asking now. We will correct this before it goes to City Council.

Commissioner Washington said then for the 2028 East Market Street, it said postponed by applicant. Did it ever come back?

Ms. Dang said that has continued to be postponed by the applicant.

Councilmember Dent said this is an interesting one. The South Main Street on the top of page six. Withdrawn by applicant, and it never came back.

Vice Chair Finnegan said I may be wrong about this, but that might have been the coffee drive-thru thing.

Ms. Rupkey said they were wanting to do a nail salon somewhere, and they ended up not wanting to locate in that location before it ended up coming to you all. It got reviewed by staff, but it never officially made it to you all.

Vice Chair Finnegan said where is the coffee one? Was that this past year?

Chair Baugh said that was in 2023.

Vice Chair Finnegan said I will move to approve it, to send it to City Council.



Ms. Dang said we will make the changes that were discussed.

Commissioner Washington seconded the motion.

Councilmember Dent said I see another one that rings a bell here, on page seven, the special use permit on 1680 Country Club Road. We just talked about that last night to allow religious uses in M-1. Withdrawn, but they came back last night.

Mr. Fletcher said they did a different option.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Councilmember Dent	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the Planning Commission Annual Report passed (6-0). The report will move forward to City Council on May 13, 2025.

**A motion was made by Finnegan, seconded by Washington, that this Report be recommended for approval to the City Council, due back on 5/13/2025. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 6 - Finnegan, Washington, Baugh, City Council Representative Dent, Nardi and Porter

**No:** 0

**Absent:** 1 - Alsindi

#### **5.b. Community Development Annual Report 2024**

Ms. Dang said similarly here this is the 2024 Community Development Annual Report. This report includes zoning activities, minor subdivisions and final plats that have been processed administratively by City staff. You did not receive these in your agendas presented to you all. This item is just for your review and will not be forwarded to City Council, so we do not need an action.

Vice Chair Finnegan said I am looking for occupancy permits.

Mr. Fletcher said you are talking about certificates of occupancy? This is not entirely all Community Development. This is Community Development's Planning and Zoning Division. CO's

come out of the Building Inspections Division. If you are interested in that, we can get you that information.

Vice Chair Finnegan said I would love to see, over time, how many permits of occupancy have been issued by the City over time. We have that pipeline document that is like oh we have got 3,000 and something units of housing coming down the pipeline. It might get built, it might not. Certificates of Occupancy, that is the real number that I am interested in.

Councilmember Dent said we talked about that in Council at some point where Vice Mayor Flemming was talking about how there was a different number, 216 or something. I wonder if that was the Certificates of Occupancy.

Mr. Fletcher said I am glad Nyrma came up because we were just looking at this not that long ago.

Councilmember Dent said the number that have actually been built and occupied. Now what I am confused about is the distinction between the home occupation permits and the certificates of occupancy. Does this mean they can move in?

Mr. Fletcher said a home occupation permit is not related to Certificates of Occupancy.

Chair Baugh said it [home occupation] is home businesses.

Ms. Soffel said I would like to offer that the Certificates of Occupancy monthly report is available online to anybody who wants to look at it. It is our permitting software at [permits.harrisonburgva.gov](https://permits.harrisonburgva.gov). There are a couple of links to get to the report and it is just three clicks, and it give you the certificates of occupancy for the previous month. Staff is also able to easily run that, if you wanted a year to show by month what was approved.

Councilmember Dent said I would like to see that, here and Council both. How many actual dwelling units do we have coming online?

Mr. Fletcher said Liz [Webb] presented very similar information two meetings ago, and it is similar to what you are referring to.

Ms. Dang said I can follow up with an email with a video link to Housing Coordinator Liz Webb's presentation at Council, and then we will also include instructions on how you can run the report through LAMA.

Vice Chair Finnegan said that was the pipeline presentation.

Commissioner Washington said about the proactive code enforcement violations, that is pretty low.

Ms. Dang said there is a note here at the bottom, proactive code enforcement has been suspended because of being understaffed. We do have a full team of staff now; however, three individuals started in the last few months, so they are getting trained up. The zoning part of our division is talking about how they can resume proactive code enforcement. They just have not done that, yet.

Commissioner Washington said that means there could be violations, but we just do not know about it.

Ms. Dang said proactive code enforcement is where our staff will drive along public streets and visually look for any visible zoning violations. What we have done historically, in the past, is divided the City into 36 sections or areas and each month over a three-year period we would drive through that section and say okay in this month this is how many violations we found.

Mr. Fletcher said it takes three years to cycle through the entire City.

Ms. Dang said whether we will continue to do it that exact way again, we are having those discussions now on how we are going to resume it. Or if, maybe, initially we start for example with sign violations.

Councilmember Dent said I have a correction here. Just about that, on page two Zoning Ordinance to allow and regulate honeybees adopted by City Council that should be 2024, not 2025.

Chair Baugh said anything further inquiries of staff or anything regarding the Planning and Zoning Division Report? Hearing none then we will move onto our next agenda item.

## **7. Public Comment**

None.

## **8. Report of Secretary & Committees**

### **8.a. Rockingham County Planning Commission Liaison Report**

Commissioner Washington said there was a rezoning request to rezone a 2.225-acre parcel from A-1, which is prime agriculture, to A-2C, general agricultural with conditions. That was for a behavioral health and substance use treatment residential center in Timberville. That was approved 5-0. There was also an ordinance amendment for minimum private street requirements to amend the private street requirements from 22 feet to 24 feet. With no parking it would be 24 feet. With parking on one side, 24 feet. With parking on both sides, 29 feet. Just to get it up to VDOT recommendations. That was approved 5-0.

**8.b. Board of Zoning Appeals Report**

None.

**8.c. City Council Report**

Councilmember Dent said I am looking at both the March 25 and April 8. On March 25, we approved the amended proffers for Mosby Road. That was using the formula instead of a specific number of elderly housing. We approved the Capital Improvement Program. A number of presentations about the neighborhood traffic calming program. Approved contract amendments for the Mount Clinton Pike shared use path project. Approved an ordinance for the private towing advisory board. That was to prevent predatory towing practices. I think some of the discussion was if they can tow 24/7, they need to be able to return the vehicles 24/7. A presentation on residential use approved development. That was the housing pipeline from Liz Webb. City Council Vision 2045 in which the most significant thing we did was move the phrase “City for All” up to the very top as our tagline. It was the “Capital of the Shenandoah Valley.” We were going, what does that mean? We made some revisions throughout to some of the wording. Most significantly, I think, we expanded the economic development section to include also financial empowerment of residents, not just about the businesses. I specifically put in renewable energy in the environmental section. I am looking at last night, now. We had a public hearing on the CDBG action plan. Cats’ Cradle was last night, and we approved that. That was from the time I was not here, March 12. It went to City Council last night. Smithland Road, big discussion, we tabled it, with staff saying that it is still not quite there. They wanted another couple of weeks, and we will bring it back at the next meeting in two weeks.

Mr. Fletcher said we were not sure that time would actually solve the problem because they were not necessarily going to be able to do all of the engineering to be able to give the answers. Time was not necessarily the matter.

Councilmember Dent said it will come back in two weeks after some discussion whatever that entails. 1680 Country Club Road, the Divine Unity Community Church wants to expand into their facility for other purposes. We had some discussion about what would initiate if those purposes became taxable, and the City Attorney assured us that we will find that out. That is not their intention. They want to have a boys’ wrestling club. We passed that. Hawkins Street, we passed. The Boulder Ridge multifamily buildings of more than 12 units, that is the one that is right on the County line, so we approved that. We had the CSPDC Regional Housing Study presentation.

**9. Other Matters****9.a. Review Summary of next month's applications**

Ms. Dang said next month we have these six items here. The 160 Carpenter Lane you saw a few months ago for a rezoning, they are coming in for a special use permit to reduce parking. Another rezoning on Bruce Street to R-8. There are some minor amendments with the 865 Port Republic Road one that is coming back. Then the Newtown Cemetery alley closing and then a new alley close request next to 295 Franklin Street. We recommend one meeting for next month.

Ms. Dang continued for the Rockingham County Planning Commission meetings, Vice Chair Finnegan has May 6. Chair Baugh has June 3. I will send this document to you, so that you have all the dates. At the next meeting, I would ask that we start filling out the rest of the calendar.

Chair Baugh said I have had a change of schedule, and I am not going to be able to do June 3. We need somebody to do that. As part of the change, I can volunteer for the July meeting.

Ms. Dang said that would be July 1. Does anyone know if they can do June 3? I will send this out, and we can figure it out next month.

## **10. Adjournment**

The meeting was adjourned at 7:50 p.m.

### **NOTE TO THE PUBLIC**

Staff will be available at 4:00 p.m. on the Tuesday before the next Planning Commission meeting for those interested in going on a field trip to view the sites on the next agenda.

### **INTERPRETATION SERVICES**

Language interpretation service in Spanish, Arabic and Kurdish is available for Planning Commission meetings. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least four (4) calendar days in advance of the meeting by contacting the City Clerk at (540) 432-7701 or by submitting a request online at: [www.harrisonburgva.gov/interpreter-request-form](http://www.harrisonburgva.gov/interpreter-request-form)

El servicio de intérpretes inglés-español está disponible para las reuniones públicas de la Comisión de Planificación. Para asegurar la disponibilidad de intérpretes, cualquier interesado deberá solicitar la presencia de un intérprete al menos cuatro (4) días calendarios antes de la reunión comunicándose con la Secretaría Municipal al (540) 432-7701 o por medio de la página por internet al:

<https://www.harrisonburgva.gov/interpreter-request-form>

### **NOTE TO THE PUBLIC**

Residents/Media will be able to attend the meeting.

The Public can also view the meeting live on:

- The City's website, <https://harrisonburg-va.legistar.com/Calendar.aspx>
- Public Education Government Channel 3 and Channel 1084

A phone line will also be live where residents will be allowed to call in and speak with Planning Commission during the Public Hearings and the Public Comments portion of the night's meeting. We ask those that wish to speak during the public comment period to not call in until after all the public hearings and public comment on those have been heard. This will avoid anyone calling on any other item from holding up the queue and then being asked to call back at a later time.

The telephone number to call in is: (540) 437-2687

Residents also may provide comment prior to the meeting by visiting this page:  
[www.harrisonburgva.gov/agenda-comments](http://www.harrisonburgva.gov/agenda-comments)