



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final Planning Commission

Wednesday, May 13, 2026

6:00 PM

Council Chambers

1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday May 13, 2026, 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; Shannon Porter, Vice Chair; Councilmember Laura Dent; KC Kettler; Rob Jezior; Heja Alsindi and Randy Seitz. Also present: Adam Fletcher, Director of Community Development; Thanh Dang, Deputy Director of Community Development; Nyrma Soffel, Planner; Meg Rupkey, Planner; Wesley Russ, Deputy City Attorney; and Anastasia Montigney, Development Support Specialist/Secretary.

Present 7 - Richard Baugh, City Council Representative Laura Dent, Heja Alsindi, Shannon Porter, Kenneth Kettler, Randall Seitz, and Stanley Jezior

3. Approval of Minutes

3.a. Minutes from the April 8, 2026 Planning Commission Meeting

Chair Baugh asked if there were any corrections, comments or a motion regarding the April 8, 2026, Planning Commission meeting minutes.

Commissioner Seitz said I would like to request one correction on page five, fourth paragraph from the bottom, change the word "like" to "unlike." It gives it a completely different meaning.

Commissioner Kettler said motion to approve minutes with the amendment indicated by Commissioner Seitz.

Vice Chair Porter seconded the motion.

The motion to approve the April 8, 2026, Planning Commission meeting minutes with the amendment passed by voice vote (7-0).

4. New Business - Public Hearings

4.a. Consider a request from Kevin T. and Denise F. Goertzen for a special use permit at 1315 Carrera Lane

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting a special use permit (SUP) per Section 10-3-34 (7) to allow a short-term rental (STR) in the R-1, Single-Family Residential District. The +/- 30,086-square foot property is addressed as 1315 Carrera Lane and is identified as tax map parcel 18-R-16. If approved, the applicant plans to operate a short-term rental on the property. The applicant is currently operating a homestay at this location.

In 2019, the City adopted regulations associated with short-term transient lodging, commonly referred to as Airbnbs. These regulations were amended in September 2020 to create the by right “homestay” use. To operate a homestay, the property must be the operator’s primary residence, may host up to four guests, and may operate up to 90 nights per calendar year. If the operator wants to operate outside of what is permitted through a homestay, they may apply for an SUP to operate an STR.

The applicants purchased the property in October 2025 and have been operating a registered homestay. The previous property owners had operated a registered homestay since 2021. The applicants want to operate the short-term transient lodging for more than 90 nights per calendar year, and thus need an SUP to operate an STR. The applicants have stated that they will have one accommodation space, and will limit the number of guests at one time to no more than four. There is one off-street parking space and a separate entrance to the STR.

In their letter, the applicants state that the space above the garage is a 438 square foot apartment including a kitchenette, eating area, couch, queen bed, and full bath. It was noted during staff’s review that the space above the garage contains a gas stove that was installed without a permit. The applicant has been informed of this and also informed that a second kitchen is not allowed in the space above the garage because the space is separated from and cannot be accessed from the dwelling. (Note that second kitchens are allowed in single-family detached dwellings in the R-1 district if there is “free flow” and full access throughout the unit and the living areas are not closed off to create a space that would function like a second dwelling.) A notice of violation for installing the gas stove without a permit and for having a second kitchen will be issued, and the property must be brought into compliance within the timeframe set forth in the notice of violation. While the applicant must remove the gas stove, they will be able to keep the sink, refrigerator, and have

small cooking appliances in the space.

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.

The proposed SUP does not add additional dwelling units or increase density.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

The proposed STR is located in a finished space above the attached garage. The property is zoned R-1, where only one single-family detached dwelling is allowed. The request does not remove a dwelling unit from the long-term rental housing inventory.

Public Schools

If the special use permit is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero.

Conclusion

After review of this request, staff believes it shares similar characteristics to other applications for

STRs that have received approval. Staff recommends approval of the SUP with the following conditions:

1. All STR accommodations shall be within the existing accessory dwelling above the detached garage described in the application.
2. There shall be no more than one (1) STR guest room or accommodation space.
3. The number of STR guests at one time shall be limited to four (4).
4. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
5. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form when short-term rental guests are present.
6. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Ms. Soffel asked if there were any questions.

Chair Baugh invited the applicant or applicant's representative to speak to their request.

Kevin and Denise Goertzen, the applicants, came forward to speak to their request. Ms. Goertzen said we are open for any questions you might have. We are in the process of closing up the gas line and adding a two-burner electric stove.

Mr. Goertzen said not an installed stove but have a hot plate.

Councilmember Dent said Thanh, is that okay?

Ms. Dang indicated yes.

Vice Chair Porter said you have operated this as a homestay previous to this point?

Ms. Goertzen said since October.

Vice Chair Porter said and no problems or issues? Any concerns from your neighbors?

Ms. Goertzen said we have issued letters to all of our neighbors. We have talked to most of them in person, and they are very supportive.

Vice Chair Porter said thank you for being proactive.

Chair Baugh asked if there were any more questions for the applicants. Hearing none, he opened the public hearing and invited anyone in the room or on the phone wishing to speak to the request.

Councilmember Dent said this is the most detail I have seen about the stove regulations.

Panayotis Giannakouros, a City resident, called in to speak to the request. He said Mister Chair, this is yet again a short-term rental which will almost surely be approved by City Council. Today, I would like to take the opportunity to look at the zoning that was described along with this short-term rental, R-1 residential, and to ask Planning Commission if we could start to rethink our zoning categories, what our zoning categories are for. Up to now, our zoning categories have focused on a desirable thing keeping harmful uses away from people, but it has also had a component of grouping certain types of living together which implicitly groups people together. What short-term rentals have tested in the several years that they have been brought one at a time before City Council... this zoning can also be used to keep people separated by their occupation and historically it has been by race. We need to have a thorough reconsideration of what our zoning is for. Our proposed zoning foundation for the Zoning [Ordinance] rewrite does not do that. It does not ask, "what is the goal of zoning?" I would hope that Planning Commission would initiate a thorough review of what the goals of our zoning are driven by a public input process. You are the body that initiates motions. Staff cannot do so. Please follow the spirit and the letter of that law to initiate a thorough review of our zoning so that issues like short-term rentals will not have to have us continually reinventing the wheel and saying Harrisonburg does not want to segregate people. It does not want to treat equally situated neighborhoods the same. It wants to recognize that there have been historic harms. Repair the historic harms and realize that we go into a new future of climate crisis and that takes stock of those resources and zones around sustainable and resilient life instead of continuing to carry forward the separating people from uses and separating people from each other. Thank you, Mister Chair.

Chair Baugh closed the public hearing and opened the matter for discussion.

Commissioner Jezior said the land is already being used. The house is already being used for this use, so it is just adding some more days. I do not think it is going to have any effect on the neighborhood or surrounding area.

Councilmember Dent said I have one question. I heard "registered homestay." I did not realize homestays had to be registered. What does that mean?

Ms. Soffel said it requires an annual registration with Community Development as well as the business license.

Councilmember Dent said I thought homestay was by right that you could do. You charge for it?

Ms. Soffel said it is by right, however, they have to register so that we know where it is occurring. They pay a \$25 fee to register it and that way they also ensure that they get their proper business license and taxes and so forth.

Commissioner Seitz said I move that we approve the request for special use permit at 1315 Carrera Lane with the stated conditions.

Commissioner Jezior seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Commissioner Jezior	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Kettler	Aye
Vice Chair Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the special use permit request passed (7-0). The recommendation will move forward to City Council on June 9, 2026.

A motion was made by Seitz, seconded by Jezior, that this PH-Special Use Permit be recommended for approval to the City Council, due back on 6/9/2026. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Baugh, City Council Representative Dent, Alsindi, Porter, Kettler, Seitz and Jezior

No: 0

4.b. Consider a request from Robin L. Lake to rezone 850 Canterbury Court

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting to rezone a +/- 12,692-square foot property from R-1,

Single-Family Residential District to R-8C, Small Lot Residential District Conditional. The property is addressed as 850 Canterbury Court and is identified as tax map parcel 23-V-14. If approved, the applicant intends to replace the existing covered front porch with a larger covered front porch that would encroach into the current R-1 district's minimum front yard setbacks. The applicant states in their letter that the new porch would be expanded from six feet to no further than 12 feet from the home to avoid the unstable, rocky ground affecting the footers of the existing porch.

Proffers

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

The property shall be limited to one (1) single-family detached dwelling and customary accessory uses.

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 within the R-8-zoned area.

While the R-8 district was created in 2019 to provide additional flexibility for housing opportunities by establishing smaller lots, the City has reviewed requests to rezone properties to R-8 in established neighborhoods on a case-by-case basis. Planning Commission and City Council have previously approved requests to rezone properties from R-1 and R-2 to R-8 for the purpose of reducing minimum setbacks. In reviewing those requests, staff noted that, in addition to proffering a maximum number of dwellings, applicants often also proffered minimum front yard setbacks to ensure that any construction or modifications on the property would remain generally consistent with the established surrounding properties.

Staff suggested for the applicant to consider proffering a minimum front yard setback of 20 feet. The applicant expressed concern that the covered front porch has not yet been designed and was reluctant to proffer a specific minimum setback at this time. Staff would have preferred such a proffer to provide greater certainty regarding the uniformity of the property frontage relative to the neighboring properties.

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.

The rezoning request, with the submitted proffer, retains the target density for the Low Density Residential designation, and the R-8 district's occupancy regulations are the same as the R-1 district's regulations. With the stated proffer to allow only one dwelling, rezoning to R-8 should not have major adverse effects on the surrounding properties.

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 sanitary sewer matters.

Housing

Rezoning this property to R-8 will not impact housing. The property currently has one single-family detached dwelling, and the proposed proffer would continue to restrict 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.

Conclusion

While staff would have preferred a proffer establishing a minimum front yard setback in order to ensure consistency with the neighboring properties, the request retains both the occupancy and density of the R-1, Single-Family Residential District, and is consistent with the Comprehensive Plan. Staff recommends approval of the rezoning.

Ms. Soffel asked if there were any questions for staff.

Commissioner Seitz said I just want to make sure I understand, and I apologize I was not able to be on the tour yesterday. The address of this is Canterbury Court. It shows a covered porch facing Canterbury Court and a deck facing the Maryland Avenue right-of-way in the back. We are talking about the porch that faces towards Canterbury Court, correct?

Ms. Soffel said correct.

Commissioner Seitz said what I wonder about that is this issue of proffering the 20-foot... I mean that is 31 feet... It would seem like some degree of proffering a setback, that still will allow flexibility for whatever design is made.

Ms. Soffel said that is why staff had suggested a voluntary proffer.

Vice Chair Porter said Ms. Soffel, do we know whether the rock that they are concerned about is in a place that might require them to possibly either amend or change that design?

Ms. Soffel said can you repeat that?

Vice Chair Porter said I understand that the rationale for changing the porch or building an extended porch because of where the footers are falling in relation to rock on the property, maybe this is for the applicant I should ask. The reality is it seems like having a little bit of latitude, especially when you are dealing with something like rock, it might be something you might want a little bit of room to work with.

Ms. Soffel said which is what the applicant had expressed to me.

Councilmember Dent said the fact that they said the porch should be no deeper than 12 feet, what would that make the setback be?

Ms. Soffel said the current porch is 6 feet deep and from the porch to their property line is approximately 31 feet. If the front porch were 12 feet deep that would be about a 25-foot setback.

Councilmember Dent said that is about what they will land with anyway since they have put a maximum on the size of the porch.

Mr. Fletcher said it did not put a maximum on the size.

Ms. Soffel said the size of the porch is not proffered.

Councilmember Dent said if it is as planned it is still a sufficient setback in any case.

Commissioner Seitz said in theory, when this gets submitted for building permit with that 10-foot

yard setback they can come back with a porch that is 20 feet deep and still be in compliance with this.

Ms. Soffel said theoretically.

Commissioner Seitz said I guess I would ask this of the applicant when they speak is, why not design the porch to figure out what it needs to be and then come in and specify that setback so that there is not a misunderstanding when it comes through for permitting.

Chair Baugh said I have my educated guess, but let's see if we can do better than that, what would staff say was its rationale for saying well we would like to see it but we are not sufficiently concerned about that issue to insist on it?

Ms. Soffel said it is located on a cul-de-sac and even though all of the neighboring properties do have at least a 30-foot setback, the positioning, the curvature does not necessarily give a sense of uniformity. Whether something is a little bit closer or not, I at least do not predict that would have a visual difference as it would if it was a straight street. In addition, the property has quite an incline in the front yard. The further they would bring a front porch towards the street, the taller it would have to be. That could limit their ability to expand the porch beyond a certain amount. It looks like it would be limiting.

Commissioner Kettler said my sense of expanding a porch like this and the front setback is, allowing a larger porch simply means that the applicant can make better use of their property in terms of being connected to the neighborhood and connected to the street. This is the definition of eyes on the street. That it has a marginally different appearance from adjacent homes in terms of the distance from the curb, it is just not a factor that is that significant for me.

Commissioner Seitz said this is the third R-8C special use permit (sic) I have seen recently. It was designed to utilize smaller lots, but I am seeing it used as a way to find work arounds for restrictions that are given by R-1. Is that a feature or a bug?

Ms. Soffel said it is a result.

Commissioner Seitz said in part of what I am saying is if there is an attitude that okay this is a loophole, but we are going to let it be used as a loophole, then I want to see a stipulated setback. If this is seen to be in alignment with the spirit of having a [R-]8C, then I am less concerned about that. Does that distinction make any sense?

Commissioner Kettler said I think what we are seeing, both in this request and in a previous request, is the unintended consequences of R-1 as it relates to what you can have there. Them not being able to have a stove in the upstairs room, is that really that significant to us? My suggestion is that it is... I do not know by the definition whether it is a bug or a feature, but that the more flexible residential option is a better one.

Ms. Soffel said I would say that what the request demonstrates to me is that there is a desire for those smaller setbacks.

Councilmember Dent said we can address that in the zoning update.

Chair Baugh said I guess to me it is still about where you draw the line. I am comfortable with the notion that while what we primarily thought of with R-8 was the small houses... But why did we like the small houses? Because it was reflective of giving people greater flexibility and getting more efficient use of the space. In that sense, it is consistent. Although the point is well-taken that we are on a run here where we are seeing more R-8s that are about these setback challenges than actually trying to get the additional unit on the property or those types of things.

Commissioner Seitz said I agree in spirit with Commissioner Kettler. I do not mind seeing this being used as a way to fine tune the irregularities that come up when you have a strict applying of R-1. I think that when you do that you have to be very precise about it. To me the difference between having a six -foot-deep deck that might be 10 to 12 or it might be 20 feet is imprecise. I get that we do not know where the rock is, we do not know what we are going to encounter and so on but design it, dig test holes and then come back and ask for exactly what you want.

Chair Baugh invited the applicant or applicant's representative to speak to their request.

Robin Lake, the applicant, came forward to speak to her request. She said ready for questions.

Commissioner Seitz said I guess I would be more comfortable having assurances. I get maybe +/- 1 foot because you are trying to navigate around rock. We are providing you the opportunity to build anywhere up to a deck that is 20 feet deep with only a written non-binding assurance that it is going to be more or less 12 feet. Is there any way we can get more specificity about that?

Ms. Lake said what would please the Commission for a setback? What we are dealing with is an ongoing issue that we have had with this porch to the point that we actually tried to have helical piers installed under it and they could not get under it. I do not know what it is going to look like in that space because not only are we on a slope we are also on a slope like this to the street.

Commissioner Seitz said again I would recommend designing the solution and find out exactly what you need. I understand that this is driven more by the technical issues of the rock and the failure. Putting those helical piers in I get is expensive, but all the more reason to figure out what works there because you have the flexibility. I think if we are using the [R-]8C rezoning as a way to deal with very particular and unique issues, then let's bring particular and unique solutions to it. What burden do we put on you by asking you to design it, test it, specify what you want prior to coming for the rezoning?

Ms. Lake said hiring a structural engineer to do the testing and design before I know that something is going to be approved.

Commissioner Seitz said you said "you think it is 12 feet."

Ms. Lake said right now we are at six feet if we go no more than 12 because then we start to really slope off. If we go no more than twelve, which is what was requested, we should be able to get somewhere between ten and twelve feet and find a spot that we should be able to do something. That is what I was looking for. I was also considering needing to move the stairs from the left of the house where it is at the end of the porch where it is settling over to need to move the stairs somewhere in the front. The consideration is if we were to decide to cover, which we are not, but I did not want to limit somebody else to have to come back and proffer that we want to cover the stairs if need be.

Commissioner Seitz said I think agreeing to a minimum twenty-foot setback gives you five-feet of latitude beyond the six feet that you say that you need.

Ms. Lake said the issue is actually the covered porch. I could bring the porch out now into the setback and it would be fine. It would be within the third of the setback that there is now. I cannot cover the entire porch. It would have to stay partially covered where it is. That is the issue that I am having is the enclosure of the porch. As it is I could just extend the porch with no cover but that does not make for a very useful or aesthetic front porch.

Vice Chair Porter said you stated in your letter that you probably needed no deeper than 12 feet, is that pretty much where you feel like you are at this point?

Ms. Lake agreed. She said if we try to go a foot we are probably going to hit some of the same thing. We may hit it at ten it may be 12 or 13. That is where I am shooting for is 12, so that we have that latitude to play with whatever might be under the ground.

Councilmember Dent said this is the first I have heard about a stair; meaning the stair might come out of the front of the porch. If that were at some point to be covered that would be even further into the setback?

Ms. Lake said that would be a new proffer. It is my understanding that the stairs themselves can egress into the setback. It would only be if they are covered, that would be the issue. Because that whole left side of the porch... we have structural supports in the crawlspace under that side of the house because of the issues. The stairs are there. When we originally replaced the railing, it was full of carpenter bees. When they took the support out on the short end, the whole corner, all the brick, just fell out. The only thing that was holding it there was the post that was on top of it. We replaced it with vinyl, no more carpenter bees, but now as the porch continues to settle my guess is that in the wintertime the vinyl gets very stiff and as the torque from the settling hits it in the cold it is cracking the railings. It is also causing more settling. We have a few cracks on top of the porch as well. We tried to do it mechanically and leave what is there and they withdrew their request for the permit because they could not do it.

Chair Baugh asked if there were any questions for the applicant.

Ms. Lake said when I originally brought in this request, this was the suggested route to go because you guys do not give variances.

Vice Chair Porter said I would say in this particular set of circumstances that based on some of the structural issues you are facing, this could almost rise to the level of something that could be considered for that just based on the fact that we would be giving you relief in this set of circumstances based on the topography of your property. Am I correct in that?

Mr. Fletcher said that can be a situation.

Vice Chair Porter said it is not unprecedented particularly the fact that you are dealing with these issues. I would be inclined, particularly because this is on a cul-de-sac, to give you a little more leeway than maybe some other circumstances and that is kind of where I sit on it. I do feel a little uncomfortable with giving you a complete hunting license just to be able to go out as far as you need to. Is there an amount at maybe 14 feet deep? Is there something in that area where you would be willing to say we are not going to go any further?

Chair Baugh said Mr. Russ, I hope you would caution us if we think we are getting too close to what sounds like directly negotiating proffers.

Ms. Lake said I am willing to proffer 15 feet which kind of cuts what we have in half.

Vice Chair Porter said to keep it from getting further into negotiation I will not respond to it. It does get to the heart of the issue here.

Commissioner Seitz said I agree, this would be a lot easier.

Commissioner Kettler said I think that this discussion gets to the question of, what is a front yard for? To me, if a front yard is good for something, it is good for a space to interact outside near where other people could be and activate a neighborhood. What is a larger front porch if not that?

Vice Chair Porter said it is also an existing part of her structure that is now failing. Again, I go back to the possibility that could almost put her in a position to be able to ask for a variance, but I think that in this particular case it is probably we deal with it while we are here.

Councilmember Dent said I think here is easier.

Chair Baugh asked if there were any more questions for the applicant. Hearing none, he opened the public hearing and invited anyone in the room or on the phone wishing to speak to the request.

Panayotis Giannakouros, a City resident, called in to speak to the request. He said I urge the applicant to ask for what they need. It will be approved at City Council especially if it appears before the primary election on August 4 when Nicki Gross and Kat Hendley are running to take two of the seats. Regarding R-8, it has shown up a compelling reason why we need to start from whole cloth in our Zoning [Ordinance] rewrite. The bug in R-8 is that it was a developer and realtor driven process that gave us lots that are too small for what people want. Again, door knocking with Nicki and Kat, I have heard this from realtors that people do not want the small lots. Developers do because they can sell more pieces. The side effect of R-8 is that it has shown what people actually do want. When we get homeowners, people who live in the homes coming forward they use this side effect of R-8 which is a feature that should be codified in our Zoning [Ordinance] rewrite. Which is, to make their lot usable. I find myself agreeing with Commission Kettler here. The purpose for a front yard setback is so that it can be landscaped as a lawn which can be used to harass people out of the neighborhood. If you do not think that happens, come to Sunset Heights where the Ku Klux Klan is circulating an anonymous letter targeting people who have been repeatedly targeted by the same organization under their brand name. Now they are not harassing under their brand name, they are harassing under a homeowner's association that does not exist to drive people out of the neighborhood. We need to do a whole cloth rewrite of the zoning. I am really unhappy that I am hearing nobody but Commissioner Kettler calling this

out. In Old Town recently, City Council approved a large house with large porches with very different kinds of setback in those lots which were created before segregation through zoning in a neighborhood that people would generally agree is a very functional neighborhood. We need to remove the exclusionary wasteful features. Now if we wanted to have a big setback because it is going to be landscaped in a way that is going to create a wildlife corridor, a stormwater resilience feature, that is great but that is not what we have right now. Again, I urge the applicant to ask for what they want, ignore Planning Commission. This is not a decision-making body, it is an advisory body. City Council will be with you because they face a contested primary. Thank you, Mister Chair.

Chair Baugh closed the public hearing and opened the matter for discussion.

Commissioner Seitz said I would simply say, Commissioner Kettler, the other role in something like this is front yards also connect you to a neighborhood. There is always a part of the discussion of how does it affect the relationship both physically and otherwise in a neighborhood. I am inclined to vote in approval of this. At the end of the day, Ms. Lake, I trust you to do the right thing. But I would ask please when we use R-8 as a work around, please ask for as much specificity about what we are approving as possible. I feel like the way that this structured, there is leeway here that in some circumstances could come back and bite the City. We are an advisory body. My advice is to be as specific as possible with these R-8 rezonings in the future.

Vice Chair Porter said I would only state that just like your situation and the situation that others have brought forward, it is not your fault that the situation is set up the way it is. I feel for your circumstance and again I would put myself in your place as having a property that is having structural and topographical issues that are threatening your home. I would want to give you as much latitude as possible to be able to correct that and get your life back the way you want it. That is how I view it, but it is a bit of a technical issue because this is really not how this should work. In terms of coming and having to ask for basically something that should be addressed probably as a variance, and we are having to go through a process of doing a rezoning. It defeats the purpose of what R-8 was designed to do. I do agree very much with Commissioner Seitz about that. At the end of the day I think it is about giving you the latitude that you need to be able to do what you need to do for your property. I would definitely support this.

Commissioner Jezior made a motion to approve the request as presented by staff.

Vice Chair Porter seconded the motion.

Chair Baugh said I understand the concept. It is hard for me to imagine something there that

would bother me. The law on variances, if applied properly, is to be extremely conservative and restrictive. It is a high bar, What jurisdictions in the state tend to do is drift over time to be more practical than setting a high bar, and then the Virginia Supreme Court will issue that same opinion that they have issued before and everybody cuts back on it. I also understand not going down that path.

Vice Chair Porter said I am sitting up here with two attorneys who probably appreciate a good loophole when they see it. Until we get a better system its kind of is what it is.

Chair Baugh said I would call it being reasonably flexible to work with folks in town.

Councilmember Dent said I have just been pretty baffled to amused at the R-8 loophole for just these kinds of setback issues. Again, it just prompts for more rigorous update of our Zoning [Ordinance] so that we can allow for these things by right and do not have to keep seeing them.

Commissioner Kettler said I think this is more onerous on the small homeowner who just wants to make a change to their porch and not go before Planning Commission to do it. Having some clear already established by right rules that already address the other concerns mentioned is helpful for that.

Chair Baugh said again, this one is not driven by aesthetics, this is my porch is falling into the ground and I would like to keep it.

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Commissioner Jezior	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Kettler	Aye
Vice Chair Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on June 9, 2026.

A motion was made by Jezior, seconded by Porter, that this PH-Rezoning be recommended for approval to the City Council, due back on 6/9/2026. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Baugh, City Council Representative Dent, Alsindi, Porter, Kettler, Seitz and Jezior

No: 0

- 4.c.** Consider a request from Skylar & Talli LLC and James Madison University Real Estate Foundation Inc to rezone 1351 & 1361 Peach Grove Avenue

Please refer to attachment 8 in Legistar for the full minutes extract.

A motion was made by Kettler, seconded by Jezior, that this PH-Rezoning be recommended for disapproval to the City Council, due back on 6/9/2026. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Baugh, City Council Representative Dent, Alsindi, Porter, Kettler, Seitz and Jezior

No: 0

- 4.d.** Consider a request from Skylar & Talli LLC and James Madison University Real Estate Foundation Inc for a special use permit at 1351 & 1361 Peach Grove Avenue

Please refer to attachment 8 in Legistar for the full minutes extract.

A motion was made by Kettler, seconded by Porter, that this PH-Special Use Permit be recommended for disapproval to the City Council, due back on 6/9/2026. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Baugh, City Council Representative Dent, Alsindi, Porter, Kettler, Seitz and Jezior

No: 0

- 4.e.** Consider a request from Marilyn S. Pendlebury to rezone 1340 South Main Street

Please refer to attachment 9 in Legistar for the full minutes extract.

A motion was made by Kettler, seconded by City Council Representative Dent, that this PH-Rezoning be recommended for disapproval to the City Council, due back on 6/9/2026. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Baugh, City Council Representative Dent, Alsindi, Porter, Kettler, Seitz and Jezior

No: 0

- 4.f.** Consider a request from Marilyn S. Pendlebury for a special use permit at 1340 South Main Street (to allow multifamily buildings with more than 12 units)

Please refer to attachment 9 in Legistar for the full minutes extract.

A motion was made by Kettler, seconded by City Council Representative Dent, that this PH-Special Use Permit be recommended for approval to the City Council, due back on 6/9/2026. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Baugh, City Council Representative Dent, Alsindi, Porter, Kettler, Seitz and Jezior

No: 0

- 4.g.** Consider a request from Marilyn S. Pendlebury for a special use permit at 1340 South Main Street (to allow retail, offices, restaurants, etc.)

Please refer to attachment 9 in Legistar for the full minutes extract.

A motion was made by Kettler, seconded by City Council Representative Dent, that this PH-Special Use Permit be recommended for approval to the City Council, due back on 6/9/2026. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Baugh, City Council Representative Dent, Alsindi, Porter, Kettler, Seitz and Jezior

No: 0

5. New Business - Other Items

At this time the Commission took a 10-minute recess.

- 5.a.** Presentation on Zoning Ordinance Update project

Please refer to attachment 3 in Legistar for the full minutes extract.

- 5.b.** Consider initiating Zoning Ordinance amendments related to the Zoning Ordinance Update project and Subdivision Ordinance amendments to comply with the Code of Virginia

Chair Baugh read the request and asked staff to review.

Staff request Planning Commission initiate consideration for Zoning and Subdivision Ordinance amendments related to:

Zoning Ordinance Update Project - The existing Zoning Ordinance (ZO) was last thoroughly evaluated and comprehensively re-written in 1997. In the ensuing time, many changes, both major and minor, have been made to the text of the ordinance, including the addition of districts and overlays. This has resulted in outdated requirements, internal inconsistencies, and an ordinance that can be difficult for community members to comprehend. Additionally, new ways of thinking about planning and zoning combined with new techniques and principles for implementing adopted plans offer ways to improve the efficiency and effectiveness of City planning and zoning. Work on the Zoning Ordinance Update Project began in July 2020 with the support of Planning Commission and City Council. However, Planning Commission has not previously taken formal action to initiate consideration of amendments associated with the project. This agenda item is intended to provide that formal initiation. A presentation on the Zoning Ordinance Update Project will be provided under the prior agenda item during this (May 13, 2026 Planning Commission) meeting.

Subdivision Ordinance - Last year, the Virginia General Assembly adopted amendments to

Article 6, Land Subdivision and Development, which became effective on July 1, 2025. As a result, the Subdivision Ordinance (SO) must be updated to ensure compliance with these changes to state law. Know that although the City's SO has not been updated, staff has been adhering to state law and following the updates to the Code of Virginia. In addition to the required updates, staff will take this opportunity to make several minor revisions throughout the ordinance. These changes generally include formatting, reorganization of sections, updates to and removal of select definitions, and revisions to improve clarity.

If Planning Commission agrees to direct staff to initiate consideration of the zoning and subdivision ordinance amendments, then the following motion is recommended:

I move that the Planning Commission initiate consideration of zoning and subdivision ordinance amendments to (1) the City of Harrisonburg Zoning Ordinance related to the Zoning Ordinance Update Project and (2) the City of Harrisonburg Subdivision Ordinance to comply with the Code of Virginia and to include minor revisions.

The Planning Commission finds that such amendments are required by the public necessity, convenience, general welfare, good zoning practice, and orderly subdivision of land and its development, and hereby directs staff to prepare appropriate draft ordinances for public hearings and recommendations in accordance with § 15.2-2286 and §15.2-2253 of the Code of Virginia.

Commissioner Kettler said I have to admit I do not know enough about the Subdivision Ordinance to know if there is something to be changed there and if there is a plan for that.

Ms. Dang said there will need to be updates to the Subdivision Ordinance. I appreciate you bringing up that you recognize our presentation prior was just about the Zoning Ordinance. Once we get that foundational piece of the Zoning Ordinance we have plans to work on Subdivision Ordinance updates concurrently. It is all intertwined and related to each other. Effectively the Subdivision Ordinance is regulating the creation of new lots but is also related to our Design and Construction Standards Manual also. Which is design standards for constructing entrances or when we talk about access management those things are embedded in the DCSM as well.

Chair Baugh said this came up earlier when we were starting out and trying to get things worked out that way. The Subdivision Ordinance right now makes a split based on large the property is. If it small enough, staff handles it administratively otherwise it comes to us for review and approval. One of the things we are looking at is does it even make sense to do that. We specifically talked about making sure we looked at that including the possibility of maybe Subdivision Ordinance

would be something handled administratively.

Ms. Dang said the changes in 2025 are forcing our hand to do more administrative review up to a certain number of lots.

Commissioner Seitz said I move that the Planning Commission initiate consideration of zoning and subdivision ordinance amendments to (1) the City of Harrisonburg Zoning Ordinance related to the Zoning Ordinance Update Project and (2) the City of Harrisonburg Subdivision Ordinance to comply with the Code of Virginia and to include minor revisions. The Planning Commission finds that such amendments are required by the public necessity, convenience, general welfare, good zoning practice, and orderly subdivision of land and its development, and hereby directs staff to prepare appropriate draft ordinances for public hearings and recommendations in accordance with § 15.2-2286 and §15.2-2253 of the Code of Virginia.

Vice Chair Porter seconded the motion.

The motion to consider initiating the Zoning Ordinance amendments and Subdivision Ordinance amendments passed by voice vote (7-0).

A motion was made by Seitz, seconded by Porter, that this Action Item be Passed. The motion carried by a voice vote.

7. Public Comment

None.

8. Report of Secretary & Committees

8.a. Rockingham County Planning Commission Liaison Report

Commissioner Alsindi reported on the May 5, 2026 Rockingham County Planning Commission meeting. The following items were on the agenda:

- Public hearing request from Rockingham County to rezone 4.11 acres at Tax Map #62 -A-65 and 62-A-65A from A-2 (General Agriculture) to RV (Rural Village)-Approve (4 -0)
- Public hearing request from Village of the Valley LLC to amend the proffers on two

parcels totaling 1.595 acres at Tax Map #129-6-2 and 129-6-3 - Approved (4-0)

- Ordinance amendment request generated by Rockingham County staff to Chapter 17 (Zoning Ordinance), section 17-702.03 and table 17-702.03, General Parking requirements and Section 17-702.04, Non-Standard Parking Requirements- Approved (4-0)

8.b. City Council Report

Councilmember Dent reported on items from Planning Commission that were presented to City Council.

At the April 14, 2026 City Council Meeting:

- Public hearing for a rezoning (proffer amendment) at 361 Franklin Street-Approved
- Public hearing for a special use permit and rezoning at 851 Madison Street-Approved

At the April 28, 2026 City Council Meeting:

- Public hearing to rezone 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294, & 298 South Liberty Street (The Link Apartments)-Tabled

At the May 12, 2026 City Council Meeting:

- Public hearing for a special use permit at 140 East Wolfe Street-Approved
- Public hearing for a special use permit at 165 South Main Street-Approved
- Public hearing to amend the approved master Development plan for various addresses on Collicello Street and Kates Lane-Approved

9. Other Matters

Ms. Dang said the Board of Zoning Appeals will be meeting next month. The Zoning Administrator sent out an email to the BZA members that they will meet June 1, 2026 at 4 PM here in Council Chambers. There are no variances or appeals on the agenda but they are going to use it as a business meeting to elect new officers, adopt the minutes from the last meeting they had and then review some of their bylaws, rules and procedures.

9.a. Review Summary of next month's applications

Ms. Dang reviewed the items anticipated for the June agenda:

- Special Use Permit - 453 West Water Street (To allow short-term rental in R-2)

- Special Use Permit - 256 Charles Street (To allow meat processing and storage facility in M-1)
- Rezoning - 2210 and 2230 East Market Street (R-1 to R-8C)
- Special Use Permit - 2210 and 2230 East Market Street (To allow attached townhomes of no more than eight units in R-8)
- Subdivision Ordinance Amendment
- Tuesday, June 16, 2026-Zoning Ordinance Update Work Session

10. Adjournment

The meeting was adjourned at 10:37 PM.

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

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 1072

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