



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
Engineering  
Planning & Zoning

To: Eric Campbell  
From: Adam Fletcher, Director – Department of Planning and Community Development; and  
Harrisonburg Planning Commission  
Date: May 14, 2019  
Re: Special Use Permit – 1447 Springside Drive (Major Family Day Home)

### **Summary:**

Public hearing to consider a request from Nereo G. Gomez with representative Paloma Saucedo for a special use permit per Section 10-3-34(6) of the Zoning Ordinance to allow a major family day home in the R-1, Single-Family Residential District. A major family day home can have up to 12 children under the age of 13, exclusive of any children who reside in the home. The 13,965 +/- sq. ft. property is addressed as 1447 Springside Drive and is identified as tax map number 114-D-5.

### **Background:**

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

- Site: Single-family dwelling, zoned R-1
- North: Across Springside Drive, single-family dwelling, zoned R-1
- East: Single-family dwelling, zoned R-1
- South: Church/Religious Use, zoned R-1
- West: Single-family dwelling, zoned R-1

### **Key Issues:**

The applicant is requesting a special use permit per Section 10-3-34(6) of the Zoning Ordinance to allow a “major family day home” (MFDH) within the R-1, Single Family Residential District. The property is situated along a cul-de-sac public street located in the western part of the City. MFDH’s are defined by the Zoning Ordinance as: *A child day care program offered in the residence of the provider or the home of any of the children in care for five (5) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.* MFDHs are permitted only by SUP in all residential districts, except the R-5 district, where they are not permitted.

When considering a MFDH it is helpful to know how they differ from minor family day homes. Minor family day homes are defined as: *A child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through four (4) children under the age of thirteen (13),*

*exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. A minor family day home shall be considered a home occupation and therefore requires that a home occupation permit be granted by the zoning administrator; however, no conditions more restrictive than those imposed on residences occupied by a single family shall be imposed on the day home.* Minor family day homes are allowed by right within all residential districts as a home occupation.

The applicant, Paloma Saucedo, states in a letter that the MFDH will be a full immersion Spanish program, in which children will be exposed to Spanish language and culture. The operating hours will be 7:00am until 5:30pm, Monday through Friday; and will follow Harrisonburg City Schools' calendar, with summer and winter breaks, and observing all scheduled holidays. The applicant further describes there will be three providers, the applicant plus two others, employed with the MFDH. Staff is not recommending conditions on the hours of operation or facility schedule, and therefore, if the request is approved as submitted, the hours of operation and facility schedule may change at times.

In addressing staff's questions regarding drop-off and pick-up procedures, the applicant has stated that parents will park along the street directly in front of the property where they will be met by an employee who will be receiving children to bring them inside the MFDH. This will help to minimize the amount of time a parent will need to be parked for drop-off. Children will be ready at pick-up times and parents will again park along the street in order to come in and pick-up children. The property currently has a single lane driveway, which can accommodate two vehicles; however, the applicant describes that the driveway is planned to be expanded to allow for three vehicles. The driveway will be used for employees and when space is available, parents can park there as well.

The applicant is working with the Virginia Department of Social Services (VDSS) towards licensure of the MFDH and is proposing to care for the maximum number of children, which would be twelve. The VDSS regulates licensing standards of family day homes and ensures that the facility and the operation of the MFDH are favorable to the welfare of the children in care. Approval and licensing from the VDSS requires an applicant to maintain compliance with local ordinances and laws. VDSS requires applicants to submit a form signed by the locality's zoning administrator to verify that the use is allowed at the requested location. Approval of the SUP would allow for the applicants to operate as a MFDH with the proper licensing from the VDSS.

Staff believes this type of child care facility is needed in our community. Staff has no concerns with the operation of the Major Family Day Home at this location and recommends approval of the special use permit request with no conditions.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the special use permit request as submitted by the applicant;
- (b) Recommend approval of the special use permit with conditions; or
- (c) Recommend denial of the special use permit request.

**Community Engagement:**

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

***Special Use Permit – 1447 Springside Drive (Section 10-3-34(6), Major Family Day Home)***

Public hearing to consider a request from Nereo G. Gomez with representative Paloma Saucedo for a special use permit per Section 10-3-34(6) of the Zoning Ordinance to allow a major family day home in the R-1, Single-Family Residential District. A major family day home can have up to 12 children under the age of 13, exclusive of any children who reside in the home. The 13,965 +/- sq. ft. property is addressed as 1447 Springside Drive and is identified as tax map number 114-D-5.

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

**Recommendation:**

Staff recommends alternative (a) approval of the special use permit request as submitted by the applicant.

**Attachments:**

1. Extract (3 pages)
2. Site maps (2 pages)
3. Application, applicant letter, and supporting documents (7 pages)
4. Letter(s) of support (1 page)

**Review:**

Planning Commission recommended (7-0) approval of the special use permit request as submitted by the applicant.