



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: January 9, 2024 (Regular Meeting)  
Re: Rezoning – 1182 Nelson Drive (R-1 to R-8C)

## **Summary:**

Project name	N/A
Address/Location	1182 Nelson Drive
Tax Map Parcels	83-B-6 and 16
Total Land Area	+/- 36,900 square foot portion of a +/- 37,962 square foot property
Property Owner	Richard Germroth and Alexandra Vilela
Owner's Representative	N/A
Present Zoning	R-1, Single Family Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Staff Recommendation	Approval
Planning Commission Recommendation	December 13, 2023 (Public Hearing) Approval (6-0)
City Council	January 9, 2024 (First Reading/Public Hearing) Anticipated January 23, 2024 (Second Reading)

## **Background:**

The following land uses are located on and adjacent to the property:

Site: Single family detached dwelling, zoned R-1

North: Across Nelson Drive, single family detached dwelling, zoned R-1

East: Single family detached dwelling, zoned R-1

South: Single family detached dwelling, zoned R-1

West: Single family detached dwelling, zoned R-1

On June 6, 2023, the applicant submitted a minor subdivision for a boundary line adjustment associated with tax map parcels 83-B-6 and 16 (1182 Nelson Drive) and tax map 83-B-5 (1184 Nelson Drive). The owner of 1184 Nelson Drive unknowingly built a section of their driveway over the property line and onto their neighbor's property. The intent of the minor subdivision was to enlarge tax map parcel

83-B-5 by adjusting the property boundary with tax map 83-B-16 so the driveway did not encroach the property line. However, the proposed subdivision did not comply with the R-1 dimensional lot width regulations, which requires new lots to have 80 feet of lot width. This is because tax map 83-B-16 is currently a nonconforming lot, where its width is 50 feet and the proposed subdivision intended to reduce that width to 37.5 feet measured at the required setback line. Staff cannot approve a subdivision that decreases the lot width of a parcel that is already nonconforming to the required lot width.

While staff proposed other solutions that would have allowed the minor subdivision to proceed, the proposed solutions did not meet the desired outcome of the two parties, thus they chose to move forward with the proposed rezoning.

**Key Issues:**

The applicant is requesting to rezone tax map parcel 83-B-16 and a +/- 7,438-square-foot portion of tax map 83-B-6 from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The residual +/- 1,062-square foot portion of tax map 83-B-6 would remain zoned R-1 as the intent is to subdivide this parcel by transferring that square footage to the adjacent neighbor's property identified as tax map 83-B-5 so that their driveway would not encroach property boundaries.

By rezoning the identified area to R-8, the aforementioned proposed minor subdivision can be approved because the R-8 district's minimum lot width requirement for single-family detached dwelling lots is only 35-feet.

*Proffers*

The applicant has offered the following proffers (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 within the R-8-zoned area.

*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 conforms 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 regarding water and sanitary sewer service availability for the proposed development.

*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*

Rezoning this property to R-8 with the submitted proffer will not change the estimated student generation for the property.

*Recommendation*

Staff recommends approval of the request.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the rezoning request; or
- (b) Deny the rezoning 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:

***Rezoning – 1182 Nelson Drive (R-1 to R-8)***

Public hearing to consider a request from Richard Germroth and Alexandra Vilela to rezone a +/- 36,900-square foot portion of a +/- 37,962-square foot property from R-1, Single Family Residential District to R-8, Small Lot Residential District. The property includes two parcels addressed as 1182 Nelson Drive and are identified as tax map parcels 83-B-6 & 16.

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 rezoning request.

**Attachments:**

1. Extract from Planning Commission
2. Site maps
3. Application and supporting documents

**Review:**

Planning Commission recommended approval (6-0) of the rezoning request. (Commissioner Washington joined the meeting after this item was voted on.)