



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: December 12, 2023 (Regular Meeting)
Re: Rezoning – 505 Northglen Lane (R-2 to R-8C)

Summary:

Project name	N/A
Address/Location	505 Northglen Lane
Tax Map Parcels	32-M-15
Total Land Area	+/- 10,525-square feet
Property Owner	Patricia Valle-Alvarez
Owner's Representative	Alto Alvarez
Present Zoning	R-2, Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Staff Recommendation	Approval
Planning Commission Recommendation	November 8, 2023 (Public Hearing) Approval (7-0)
City Council	December 12, 2023 (First Reading/Public Hearing) Anticipated January 9, 2024 (Second Reading)

Background:

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

Site: Single-family detached dwelling, zoned R-2

North: Across Northglen Lane, single family dwellings, zoned R-2

East: Single-family detached dwellings, zoned R-2

South: Single-family detached dwellings, zoned R-2

West: Across Hearthstone Lane, single-family detached dwellings, zoned R-2

The subject property is a corner parcel located on the southeastern corner of Northglen Lane and Hearthstone Lane. Corner lots are required to provide a principal building setback equal to the required front setback for all yards adjoining a public street. For the subject property, which is zoned R-2, such setbacks are 30-feet.

The existing dwelling was constructed in 1986 and included an uncovered rear deck. In October 2015, a permit was issued for the construction of a 5-foot by 18-foot uncovered deck to run along the length of the dwelling facing Hearthstone Lane and connected to the rear deck. On March 29, 2023, it was brought to the attention of the Department of Community Development that the deck was being replaced and covered but without an approved building permit. The property owner was notified, and then a building permit was submitted. During the building permit review, zoning staff flagged the permit for setback concerns as the covered porch would not meet setback requirements. Note that uncovered porches may project in to the front setback one-third the required distance. However, covered porches and decks must meet principal building setbacks.

In an effort to correct the violation, the applicant applied for a variance to the Zoning Ordinance through the Board of Zoning Appeals (BZA). In August 2023, the BZA denied the variance request.

The applicant is now requesting to rezone the property to the R-8 district, which offers reduced front yard setbacks. If approved, the structure would be in zoning compliance.

Key Issues:

The applicant is requesting to rezone a +/- 10,525-square foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional. The property is located at the southeastern corner of Northglen Lane and Hearthstone Lane and is addressed as 505 Northglen Lane.

Proffers

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

1. More than one dwelling is prohibited.
2. The setback off of Northglen Lane will be no closer than 30 feet.
3. The setback off of Hearthstone Lane will be no closer than 20 feet.

The conceptual site layout is not proffered.

Regarding proffer #1, in the R-8 district, single-family detached homes and duplexes are allowed by right if the lot area and dimensions of the property are met. If the rezoning is approved, although the R-8 district dimensional regulations would allow the property to be further subdivided, the submitted proffer prohibits more than one dwelling on the property, and thus they would be restricted to having only one dwelling unit on the property.

The R-8 district typically allows for 10-foot front yard setbacks, however, proffers #2 and #3 are further restricting front yard setbacks. Specifically, the applicant has proffered that the front yard setback along Northglen Lane shall be 30-feet, which is consistent with the property's existing R-2 setback requirements, but then allowing for a 20-foot setback along Hearthstone Lane, which would provide the flexibility needed to bring the existing illegally covered porch in to zoning compliance.

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 proffers, 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-2 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

Rezoning this property to R-8 will not impact housing as the site will essentially maintain its current density provisions.

Public Schools

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

Recommendation

Staff recommends approving the rezoning.

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 – 505 Northglen Lane (R-2 to R-8C)

Public hearing to consider a request from Patricia Valle-Alvarez to rezone a +/- 10,525-square foot property from R-1, Single Family Residential to R-8C, Small Lot Residential District Conditional. The property is addressed as 505 Northglen Lane and is identified as tax map parcel 32-M-15.

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 (7-0) of the rezoning request.