



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801
OFFICE (540) 432-7700 • FAX (540) 432-7777

Certified Mail - Return Receipt Requested

November 21, 2023

Craig & Sue Smith
594 S Main St
Harrisonburg, VA 22801

Re: Occupancy Violation at 660 Walnut Lane Tax Parcel: 25/L/8-A, R-3 Medium Density Residential District

To whom it may concern,

The Harrisonburg Police Department contacted the Department of Community Development, on August 6, 2023, about unsanitary conditions at 660 Walnut Lane. During the investigation for “Notice of Structure - Unfit for Occupancy”, Tom Hansen, the building inspector, spoke with one of the tenants over the phone and was told by the tenant that there were fifteen (15) individuals living on the property. City tax records indicate Craig and Sue Smith as the owners of the property. Communication with the owners and staff research, revealed a violation of occupancy.

Relevant Code Sections

Section 10-3-48.3(3) – Occupancy regulations for the R-3 Medium Density Residential District

- *Dwelling units may be occupied by a family or not more than four (4) persons, except that such occupancy may be superseded by building regulations.*

Evidence

- A current tenant informed Building Inspector Tom Hansen that there were fifteen (15) individuals residing on the property.
- The property owner, Craig Smith, spoke with Zoning staff and stated that there had only ever been ten (10) people on the lease but was aware that at times there may have been more people on the property, since there are sixteen (16) bedrooms in the dwelling.
- Mr. Smith stated that he believed he had nonconforming status for ten (10) residents in the dwelling.

- A review of past zoning ordinances revealed that up to ten (10) individuals may have been permitted to occupy 660 Walnut Ln. through designation as a ‘fraternity’ or ‘boardinghouse or rooming house’ as defined in the code. Both designations would have required a building permit and business license to operate. No evidence has been provided to show these designations were established and maintained.
- During a phone conversation with Zoning staff, Mr. Smith stated he does not have documentation to prove nonconformity and is aware that such status as a ‘fraternity’ or ‘boardinghouse or rooming house’ may have been lost.
- Mr. Smith informed Zoning staff that he spoke with one of his tenants, to inform him that anyone not on the lease would need to move out, acknowledging that additional people may have resided on the property, without his consent.
- During the Planning Commission meeting that took place on October 11, 2023, a former tenant spoke during the public comment period and stated that, at times, there were more than ten (10) people residing on the property.
- The 1995 Polk City Directory (phone book) lists 19 residents at 660 Walnut Ln.
- The expansion of occupancy to more than ten (10) people, voids any claim to nonconformity as a ‘fraternity’ or ‘boardinghouse or rooming house’, which may have allowed (10) occupants.

In view of these facts, you are hereby notified you are in violation of the City of Harrisonburg’s City Code Section 10-3-96. **You have thirty (30) days from receipt of this letter to bring your property into compliance by reducing the occupancy of the dwelling to a family or four (4) persons. The compliance period may be extended to sixty (60) days from receipt of this letter if you contact Community Development to schedule a building inspection within ten (10) days of receipt of the letter.** In accordance with Section 15.2-2286(4) of the Code of Virginia, you have thirty (30) days from receipt of this letter to appeal this decision or it is final. The application charge for the appeal is \$300.00. Additional information regarding the filing of an appeal can be obtained by visiting the office of the Department of Community Development located on the 2nd floor of City Hall at 409 South Main Street, Harrisonburg, Virginia 22801, by calling our office at 540-432-7700, or by reviewing the following webpage from the City’s website: <https://www.harrisonburgva.gov/zoning#variances-appeals>

Failure to bring the property into compliance will result in the City of Harrisonburg proceeding with appropriate legal action.

If you have any questions regarding this matter, please contact this office at **540-432-7700**.

Sincerely,

The City of Harrisonburg



Christopher Perez
Zoning Specialist