



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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March 1, 2022

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request from Arturo Mendez to preliminarily subdivide 723 North Liberty Street*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON:** February 9, 2022

The Comprehensive Plan designates this site as Neighborhood Residential. These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

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

Site: Single family detached dwelling, zoned R-2

North: Single family detached dwelling and duplex dwelling, zoned R-2

East: Across North Liberty Street, single family detached dwellings, zoned R-2

South: Residential use and duplex dwelling, zoned R-2

West: Across alley, single family detached dwelling, zoned R-2

The applicant is requesting to preliminarily subdivide one parcel into two lots consisting of one +/- 8,519 square foot parcel with frontage on North Liberty Street, and one +/- 8,341 square foot parcel with frontage on a 15-foot-wide alley. This alley is referred to as Jackson Street because further north of the subject property it is a public street; however, in this area it is an alley. As described in the applicant's letter, the subdivision will create a parcel for the existing single family detached dwelling located on the property and create a second parcel to allow for construction of a new single family detached dwelling. Because the proposed +/- 8,341 square foot parcel will front along the alley, the applicant is requesting a variance to Section 10-2-42(c) of the Subdivision

Ordinance. Section 10-2-42(c) requires that all lots front on a public street; otherwise, this subdivision could have been approved through the Minor Subdivision process, which is administratively reviewed and approved by staff.

Regarding utilities for the parcels, the existing single family detached dwelling is served by a 12-inch water line within North Liberty Street and a 6-inch sanitary sewer line within the alley. The plat indicates that a 10-foot-wide private water line easement will be provided along the southern side of the +/- 8,519 square foot parcel, which would contain the existing dwelling, to serve the proposed parcel that would front along the alley. With regard to sanitary sewer, the proposed +/- 8,341 square foot parcel will connect to sewer that is located within the alley. Because the existing dwelling's sewer is connected to the infrastructure in the alley, a 10-foot-wide private sanitary sewer easement will be provided on the southern boundary of the +/- 8,341 square foot parcel.

The applicant is aware that once it is determined how electric will be brought to the +/- 8,341 square foot parcel, either from 4th Street and the alley or from North Liberty Street, an easement may be necessary.

Staff recommends approval of the preliminary plat and variance as requested.

Chair Finnegan asked if there were any questions for staff.

Chair Finnegan said I remember that we were talking, in the last several years at one of these meetings, about accessory dwelling units off of alleys. I believe there was a concern from the Fire Department that they cannot get back in those alleys. Did the Fire Department have an opinion about this?

Ms. Banks said, as usual, the Fire Department reviews all of our applications as they come through. They did not have a concern with getting access to this parcel. There are some homes that already front on this portion of the alley.

Chair Finnegan said I am not raising that as a concern of mine, but it was a concern that I had heard it from the Fire Department before. I am glad to hear that they do not have objections to this.

Councilmember Dent said this strikes me as another chapter in the ongoing saga about alleys. Here is a case where an alley really is a street.

Ms. Banks said it is acting like a street. It is functioning as a street.

Commissioner Byrd asked if this becomes the frontage to a residence, this alley does become a street?

Ms. Banks said that by granting this variance, we are giving them permission to have their frontage on an alley. It will not change designation of the alley to a public street.

Chair Finnegan asked is this one of the few cases where the Planning Commission is the final word on this? Does this go to City Council?

Ms. Banks said because they are requesting a variance, it does have to go to City Council.

Commissioner Armstrong said I drove down this alley and it is narrow. Is there parking on it?

Ms. Banks said I do not believe that they allow parking on this alley. Portions of the alley are one way. I do not believe that they allow parking on either side of this area. Further up where it is a street, I think they do allow parking up there.

Ms. Dang said I do not recall seeing “No Parking” signs there, but if one were to park in the alley behind this parcel, you are effectively blocking the alley. It is one of those situations where there does not need to be a sign because you should not be parking there anyway. You would be blocking it.

Chair Finnegan said there are some alleys in my neighborhood where there is parking accessible by the alley, particularly behind Collicello Avenue and Virginia Avenue. This is not one of those. There are some alleys where they are heavily parked on or off of, keeping the alley open creating a parking lot off of the alley.

Commissioner Whitten moved to recommend approval of the request.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of request passed (7-0). The recommendation will move forward to City Council on March 8, 2022.