



# City of Harrisonburg, Virginia

Department of Planning & Community Development  
409 South Main Street  
Harrisonburg, Virginia 22801  
[www.harrisonburgva.gov/community-development](http://www.harrisonburgva.gov/community-development)

Building Inspections: (540) 432-7700  
Engineering: (540) 432-7700

Planning and Zoning: (540) 432-7700  
Department Fax: (540) 432-7777

March 6, 2017

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

**SUBJECT:** Public hearing to consider a request from Robin Lyttle with representative Karen Thomas for a special use permit per section 10-3-40 (5) of the Zoning Ordinance to allow for a community building, as amended in a separate application, within the R-2, Residential District. The 5,613 +/- square foot site is addressed as 192 Kelley Street and is identified as tax map parcel 33-C-10.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON:**  
February 8, 2017

Vice Mayor Baugh recused himself.

Chair Way read the request and asked staff to review.

Ms. Dang said the Comprehensive Plan designates this area as Neighborhood Residential. This designation states that 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 existing character of the neighborhood. These are older neighborhoods, which can be characterized by large housing units on small lots.

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

Site: Single-family dwelling, zoned R-2

North: Single-family dwelling, zoned R-2

East: Multiple-family dwellings operated by Harrisonburg Redevelopment & Housing Authority, zoned R-2

South: Multiple-family dwellings operated by Harrisonburg Redevelopment & Housing Authority and single-family dwellings, zoned R-2

West: Bethel African Methodist Episcopal Church and single-family dwelling, zoned R-2

The subject property is located on the northwest corner of the intersection of Kelley Street and Myrtle Street. Real Estate Office records indicate that the building was constructed in 1915, contains two stories, and has 1,440 square feet. The applicant is requesting a special use permit per Section 10-3-40 (5), as proposed for amendment in a separate application presented simultaneously with this application, to allow for the residential dwelling to be converted to a "community building" use. If the separate application for a Zoning Ordinance amendment is approved, the definition of community building in Section 10-3-24, Definitions would be as shown:

*Building, community:* A building for social, educational, cultural, and recreational activities for a neighborhood or community, provided any such use is not operated primarily for commercial gain.

Additionally, Zoning Ordinance Section 10-3-40 (5) within the R-2, Residential District's list of uses permitted only by special use permit would be as shown:

(5) Community buildings.

The Northeast Neighborhood Association (NENA) is a non-profit organization that serves the Northeast Neighborhood in Harrisonburg. NENA's website says its mission is "to ensure that our neighborhood is safe, attractive, and a strong community." NENA proposes to use 192 Kelley Street as a museum to collect and display artifacts, to have meeting space available for events and gatherings, and to serve as the association's administrative offices.

The applicant's letter states that overnight stays will not be permitted. The applicant also describes NENA's anticipated hours of operations as being part-time initially (example: 10am-2pm) and/or by appointment, and in the future they anticipate operating at typical 8:00am to 5:00pm business hours with occasional evening events. Since the property is located within a residential neighborhood, staff believes that it is important to limit hours operation to keep in character with the residential district, and that illumination for signs shall keep with the intent and purpose of the residential district.

The applicant is aware that before occupying the building, there are significant renovations required by the Building Code to the change the building from a residential use to a non-residential use. The applicant has met at least once with Building Inspections Division staff. The applicant is aware that advertising signage will be limited to 24 square feet and six feet in height. Parking spaces must be provided onsite at a rate of one parking space per 250 square feet of gross floor area and must meet parking lot landscaping regulations described in Zoning Ordinance Section 10-3-30.1. The building has 1,440 square feet of floor area and will require five parking spaces, one of which must be handicap accessible. The applicant plans to place parking spaces behind the building and to access the site via Myrtle Street.

Staff recommends approval of the special use permit request with the following conditions:

- Any community building shall operate substantially the same as the use proposed within this application.
- If the City receives concerns and/or complaints regarding parking, noise, or other nuisance issues associated with the community building use, Planning Commission or City Council may request to re-evaluate the permit, and if necessary, add conditions or revoke the permit.

Chair Way asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if anyone would like to speak in favor or against this request.

James Orndoff, 22 East Market Street, said I am actually a member of the Board of Directors at Northeast Neighborhood Association. I am here representing not only Ms. Thomas who is our President but also the association. Clarification on the age of the house, the house was built in 1885. It was built by a formerly enslaved carpenter for his daughter. It is one of the oldest, if not the oldest home in the Northeast Neighborhood. It was part of what became the Newtown area, it is where freed slaves located after the Civil War. Just a few things about the house that I can tell you, from the application it is one of the few African-American homes that survived R-4; as you know that neighborhood was practically obliterated during that particular time. The home will serve as a place of African-American history, foster pride in the community, and as a meeting place for the Northeast Neighborhood Association.

The preliminary application has already been made to the Virginia Department of Historic Resources for listing on both the state and national registry of historic places. We feel like it is a significant structure in the community, it can continue to serve the community based on its history there and with the Northeast

Neighborhood Association, being a strong entity there providing cohesion to that neighborhood and having a home for the Association. We generally meet at the Simms building, which is great, but it is nice to have an office space and a home for the Association itself. We feel like the ordinance amendment that has been tentatively approved based on City Council's final approval, will allow us to do what we would like to do there and we are very appreciative of staff's work on this to get us to this point.

Vice Chair Fitzgerald said this is a great use for the building.

Chair Way asked if anyone else would like to speak in favor or against this request.

Robyn Lyttle, President of the Shenandoah Valley Black Heritage Project, said this house is really amazing. It is a gift; it is a plus for the City. You look up historic African-American homes other than well known African-Americans and there are none. This home being built by a family who was enslaved in the Port Republic area but obviously made their home and their family still live here, it is really a wonderful thing and I thank you all very much for working with us on this.

Chair Way asked if there were any questions. Hearing none, he asked if anyone else would like to speak in favor or against the request. Hearing none, he closed the public hearing and asked Planning Commission for a motion on the request for the purpose of discussion.

Mr. Finks moved to approve the Special Use Permit – 192 Kelly Street (Section 10-3-40 (5) to Allow Community Buildings) as presented by staff.

Mr. Finnegan seconded the motion.

Chair Way asked if there was any other discussion. Hearing none, he called for a voice vote on the motion.

All voted in favor (6-0) to recommend approval of the Special Use Permit – 192 Kelly Street (Section 10-3-40 (5) to Allow Community Buildings) as presented by staff.

Chair Way said this will go forward to City Council on March 14, 2017.

Respectfully Submitted,

*Alison Banks*

Alison Banks  
Senior Planner