



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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March 17, 2025

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: *Consider a request from Miranda Ebersold to amend the Zoning Ordinance to reduce the minimum setback of accessory buildings on through lots in the UR, Urban Residential District*

EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: February 18, 2025

Chair Baugh read the request and asked staff to review.

Ms. Soffel said through lots are lots where both the front and rear yards face public streets. Zoning Ordinance (ZO) Section 10-3-112(1) requires that rear yard setbacks on through lots be subject to the minimum front yard setback regulations. In the UR district, the minimum front yard setback is 25 feet; therefore, the through lot minimum rear yard setback is 25 feet.

With regard to location and setback requirements for accessory buildings, ZO Section 10-3-114(a) requires that accessory buildings in residential districts be located in the rear yard, to not occupy more than 30 percent of the required rear yard, and be not less than five feet from the side and rear lot lines. In addition, ZO Section 10-3-114(d) prohibits accessory buildings in a residential district from being located between a principal building and a public street, except that for through lots the accessory building may be located “within the established rear yard between the principal building and a public street **and meet principal building setbacks**” (emphasis added). As noted above, the principal building minimum front yard setback in the UR district is 25 feet. Thus, an accessory building on a through lot in the UR district shall be located in the established rear yard, shall be no closer than five feet from side property lines, and no closer than 25 feet from the public street right-of-way line along the established rear yard.

If the ZO is amended as presented by the applicant, it would allow for accessory buildings on through lots in the UR district to be constructed five (5) feet from the public street right-of-way line along the established rear yard.

Board of Zoning Appeals

On August 7, 2023, the Board of Zoning Appeals (BZA) heard the applicant's request for four variances to deviate from the rear and side yard setbacks, and the requirement that accessory buildings not exceed 30 percent of the required rear yard. The applicant had proposed to construct a detached garage in the rear yard of the property addressed as 260 Franklin Street and identified as tax map parcel 26-I-7. The requested variances would have allowed the applicant to construct the garage one foot from the side and rear yard property lines.

A BZA is required to act in accordance with the standards of Virginia Code §15.2-2309(2) and may only grant the variance if the ZO would "unreasonably restrict the utilization of the property or that granting of the variance would alleviate a hardship due to the physical conditions relating to the property." The Code references specific criteria that must be met for an application to meet the standard for a variance as defined in §15.2-2201, and which are further explained in the staff memorandum available here:

<https://harrisonburgva.legistar.com/LegislationDetail.aspx?ID=6304071&GUID=8B0DBE65-7E50-42B0-B5C3-EC4D5FB5F044&Options=&Search=>.

Staff evaluated the BZA application through the variance standards and determined that the application did not meet the criteria, stating:

The owner already has reasonable use of the property without the proposed detached garage as the dwelling may still retain its use as a single-family dwelling. Additionally, based on the proposed garage dimensions provided, the garage could be constructed in the rear yard and meet all setback requirements, building area requirements, and be constructed by right. Failure to satisfy this condition, regardless of any other satisfied criteria referenced above, means the request does not meet the definition of a variance per Virginia State Code and should be denied.

The BZA denied a variance request.

While the BZA denied that request, it should be noted that that the BZA has granted three (3) similar setback requests. On May 5, 1991, a setback variance request was granted to the property located at 272 Franklin Street; on August 15, 2011, a setback variance request was granted to the property located at 254 Franklin Street; and, on January 7, 2019, a setback variance request was granted to the property located at 218 Franklin Street. In 2019, BZA Chair Mr. Phillippi who voted against the variance request, expressed that under case law the BZA does not have the authority to grant the variance unless all the conditions listed in the Virginia Code are met. He added that approving the variance may result in legal action against the BZA for overstepping their authority. The BZA voiced a decision of 3-2 to approve the variance.

Through Lots in the UR, Urban Residential District

Through lots exist in different zoning districts throughout the City. However, with regard only to the UR district, there are 10 through lot properties on Layman Avenue, 17 through lots on Ash Tree Lane, 16 through lots on East Bruce Street, and six through lots on East Water Street. The proposed ordinance amendment would apply to all 49 parcels.

Evaluation and Recommendation

Staff acknowledges that there are buildings that are nonconforming to setbacks, that property owners have received variances from the BZA approving reduced setbacks, and that there are structures that likely abut or encroach in the public street right-of-way on East Bruce Street; Nonetheless, staff does not believe that a five foot setback is appropriate for through lots in the UR district. Structures that abut or encroach on the public street right-of-way at times can impede sight distance for neighboring entrances and driveways. In some cases, residents might block the public street right-of-way while opening and closing a garage or by parking vehicles in front of their garages, creating obstructions and potentially hazardous situations for other users of the street.

If there is desire to reduce the setback for these types of properties, staff believes a more appropriate and uniform reduced setback would be no less than 10 feet. A 10-foot setback would mimic the existing permissible front yard setback in the R-5, High Density Residential and R-8, Small Lot Residential districts. A 10-foot setback would also be more reasonable given that it can accommodate more flexibility for the property owner while maintaining better lines of sight distance for these types of environments and, if the need arises, allows for future street improvements to occur without impacting more structures. Furthermore, the 10 feet directly behind public street right-of-way lines is at times a desirable location for positioning many different utilities.

If the Zoning Ordinance is amended as requested by the applicant, it would allow for accessory buildings to be constructed five (5) feet from rear yard property lines that front on public streets. As noted above, staff does not believe that a five-foot setback is appropriate. However, staff does support reducing the setback to allow accessory buildings to be constructed 10-feet from the rear yard property lines that front on public streets. This would provide a 15-foot reduction in setbacks for the applicant.

Chair Baugh asked if there were any questions for staff.

Vice Chair Finnegan said this is about the amendment not the actual building of the garage. Do we know where on that lot that would be built?

Ms. Soffel said they would like to build it five feet from the back property line. The residence that has the red star [referring to the screen] on it is the applicant's, and it fronts on Franklin Street. The rear yard fronts on East Bruce Street which is a substandard street. They want to put it towards Bruce Street.

Vice Chair Finnegan said the staff recommendation is for approval.

Ms. Soffel said for approval of a reduction in the setbacks to a minimum of ten feet as opposed to the five feet that is requested.

Vice Chair Finnegan said I think we were getting denial in our packet.

Ms. Soffel said there is an error. Denial of the five feet, approval of ten feet.

Ms. Dang said maybe not an error. It is denial of the applicant's request, but we have proposed an alternative.

Councilmember Dent said what do you mean East Bruce is a substandard street?

Ms. Soffel said it does not meet minimum widths that are currently used.

Mr. Fletcher said and it does not have sidewalk, curb or gutter.

Councilmember Dent said is it effectively one of these paved alleys.

Ms. Soffel said it is an actual street.

Councilmember Dent said that could bode well for it to be used essentially as a rear entrance.

Ms. Soffel said there are lots that front on Ashtree [Lane] so they are not all through lots.

Councilmember Dent said are there any that front on that Bruce Street block?

Ms. Soffel said [referring to the screen] this is not Bruce Street but the yellow ones here that are fronting on Ashtree Lane it is the same situation just not Bruce Street. The red ones are through lots but there are still a couple of lots that front only on Ashtree Lane. Which is another narrow street.

Councilmember Dent said Bruce Street is substandard but also has some frontage. I am just trying to see is it near where this rear setback would be.

Ms. Soffel said it is right across the street. The lots right across Bruce Street from 260 Franklin [Street], there are two lots there. 270 East Bruce Street fronts on Bruce Street.

Vice Chair Finnegan said that would fit with there are several structures already along Bruce Street that are existing nonconforming.

Ms. Soffel said either nonconforming or have received the variances that were granted by the BZA.

Chair Baugh asked if there were any additional questions for staff. Hearing none, he opened the public hearing and invited the applicant or the applicant's representative to speak.

Quinton Callahan, Clark & Bradshaw, applicant's representative, came forward to speak to the request. He said first there was a question asked to the location of the potential garage. There was a plat that was prepared as part of the BZA application but it was not included in this because this is only a Zoning [Ordinance] amendment but I would be happy to pass this up if you all want to take a look at it [referring to a handout]. Just so visually you can see what they are trying to do in terms of a garage on the back. Aside from that, I want to start by thanking staff. Staff has been great working with on this including the assistant City Attorney, Mr. Russ on trying to get this put together. Zoning amendments from the public are odd but we worked with the staff as best we could to try and get this BZA appeal resolved, so I want to thank them for their time. And I want to thank them for getting us almost all the way there. Originally with BZA it was a one-foot setback. We have changed it to five feet. They have come down to ten. We are really just fighting over five feet at this point. While I appreciate their support of a ten-foot setback, I do not believe that ten feet is sufficient. The prime reason for the requested five feet is due to the limitation of size for an accessory building. As you saw in the staff report, you can only occupy 30% of an established rear yard with an accessory unit. When we increase the setback, it decreases the amount of space within which you can put that accessory unit because you have less space because you cannot build within a setback. Effectively the difference between five feet and ten feet when you are looking at this lot...this is 60 feet wide. You have five-foot setbacks on either side, that is 50 feet. Five feet, it reduces a potential building by 250 square feet, which is pretty sizable. When you think about it, that is only on a one story. While the applicant is not seeking to construct an accessory dwelling at this unit, which is prohibited by current the Zoning Ordinance, I think it could be a potential option in the future. I think this Zoning [Ordinance] amendment would be the first step towards potential accessory dwelling units. At this point, we have an applicant who has City businesses. They have two young kids, and they both own and manage their own businesses, Black Sheep Coffee and The Yellow Button. They simply need more storage for each one of their businesses. They live and work in the Downtown corridor, and they need more storage for that. Limiting the square footage creates a material limitation on their use of the property. Furthermore, when we look at the 49 UR district lots that are affected by this, 24 of those lots are on Bruce Street

between Mason [Street] and Ott [Street]. Of those, roughly half have accessory units that are less than ten feet from the edge of the pavement. When we talk about the two recent BZA variances, the one from 2019, the BZA granted a variance of five feet. Back in 2011 it was two feet. Immediately next door to this applicant is a two-foot authorized setback. At this point, the Ebersold's are not looking for special treatment. They are simply asking for the same treatment as their neighbors have. Also, I think when we look at the future of zoning and this Planning Commission, newly seated, we should be looking towards the future development in the City. I know that one of the big factors with the Strong Towns Initiative is accessory dwelling units. I think this is the first step towards being able to achieve more accessory dwelling units by limiting these setbacks. While I do think ten feet goes a long way from the 25 feet that we currently have which makes it virtually impossible to construct these types of accessory units, I think five feet is more appropriate. I certainly understand staff's concern about sight lines, but we have sight line issues everywhere in the downtown corridor and in the UR corridor. Five feet is roughly the width of a normal sidewalk and that is why we are asking for five feet to be accepted. I also have Mr. Ebersold here with me. He can answer any questions, or I am happy to answer any questions that the commissioners may have.

Vice Chair Finnegan said when we are talking about the difference between five and ten feet...could you speak to that concern about things sticking out in the lane even temporarily that would clip a car or a truck going by?

Mr. Callahan said I think when speaking with staff they were worried about the sight lines especially if you were to back out a vehicle from a garage. With ten feet you should be able to have the vehicle completely clear of the building before you would be in the right of way. Five feet, it really depends on the length of the vehicle, but you are probably going to be in the roadway. That is one of the things that we always worry about. While I understand that it is a legitimate concern, we have the same thing with vehicles pulling out of parallel parking spots and what we really need to focus on is the buildings that are constructed there now. One of the other things that we talked about that we were able to resolve is potential utilities. Everywhere in the City now we want a ten-foot public utilities easement along all boundary lines. I think that is why ten feet does make a lot of sense based on the way the current zoning is written in the City, but we have a public street right there where a lot of the utilities would be located. We do not need that additional five feet. I think the only real reason why we are talking about the difference between five feet and ten feet is because of the sight line issue. The reality is when you look at the street now and the buildings that are there, those sight line issues are already somewhat of an issue. The other thing is that Bruce Street already has one-way indicators at the end of either street so there is not a lot of through traffic that comes up and down Bruce Street. It is usually only those residents that live on Campbell [Street] or Franklin [Street] that are accessing the rear of their property, they are going on Bruce Street. Bruce Street is not one of these through roads that you see traffic going up and down.

Councilmember Dent said you said as well as the sight line issue, the property has the issue with the additional setback of ten feet they may not be able to build on it for the 30% rule, what is that about?

Mr. Callahan said the concern there is you are limiting the amount of space within which you can build an accessory unit because you can only take up 30% of the rear yard with the building. If you have a 1,000 square foot rear yard, you can only have a 300 square foot building because you can only take up 30% of that. My interpretation of it is when you are talking about the setback, you cannot build within any of the setback anyway. You have effectively cut off that portion of the yard.

Mr. Fletcher said I would like to rephrase what he said because I am not quite sure I follow.

Mr. Callahan said [referring to the image on the screen] you have the property line here but once you have a setback, whether it is five feet, ten feet, or twenty five feet, you are reducing the buildable rear yard for construction because you cannot build within the setback area. You can only take up 30% of the buildable area for your accessory unit. That is a part of my argument, the issue that with the more setback you have, the less square footage you have available to construct an accessory unit.

Ms. Dang said I think you have misinterpreted the ordinance. It is an accessory structure cannot be greater than 30% of the required rear yard and that is the area between Bruce Street and 25 feet into the property.

Mr. Fletcher said typically accessory structures are permitted in required rear yards because they are typically five feet off of the property line. You are referring to the principal building setback which is irrelevant in this situation because it is a through lot.

Mr. Callahan said right, but what I am talking about is when you are going to do your 30% test if they show you a plat and you are going to see how much of the established rear yard can they actually build in. Right now, we are measuring that from 25 feet from the edge of pavement on Bruce Street in between the rear of the house.

Mr. Fletcher said in a typical lot you have a required rear yard setback which would be 25 feet. Typically, an accessory structure can be in that 25 feet because it is not a principal building. Within in that 25 feet, only 30% of that space. It does not apply in this scenario because it is a through lot. In fact, you are going to get more space to build an accessory building.

Councilmember Dent said are you saying the additional five feet will not cut into the 30%?

Mr. Fletcher said whether we are going to reduce it down to five or reduce it down to ten, if you are reducing it they are going to get more space to put an accessory unit.

Mr. Russ said he is talking about the size of the accessory unit, what number are you taking 30% from. The setbacks impact the area.

Ms. Dang said I thought it was 30% of that space between the rear yard and the 25 feet.

Mr. Fletcher said that is correct.

Mr. Callahan said when you take it from 25 feet to ten feet or five feet...

Ms. Dang said I do not think that distance makes any difference in this scenario.

Mr. Callahan said I think Mr. Russ understands my point.

Mr. Fletcher said an accessory building can sit in the required rear yard because it is typically it is five.

Mr. Russ said I do not care where the accessory building goes. We are only talking about the square footage of the accessory building.

Mr. Fletcher said [referring to an image immediately in front of him and Mr. Russ, but not visible to the Commissioners or audience] in this space only 30% of it can be used. In his scenario, he is not positioning a building between this line and this line. He cannot because this is a public street right of way. The 30% comes into play on a typical lot where principal building has this area to build in and this is the required rear yard. This space has an amount that accessory building that typically sets in here can be no larger than 30% of that space.

Ms. Dang said it could be larger beyond that space.

Mr. Fletcher said it could be much larger beyond that space, but it can be no bigger than 30% of the area where they are required to have open area. In this case, and we have played this out multiple times, the required rear yard in this particular case is not irrelevant because they cannot position an accessory building in between that space.

Ms. Dang said correct.

Councilmember Dent said between what space?

Ms. Dang said between whether it is five feet from the rear property line or ten feet from the rear property line. If the rear yard setback was five feet, then there would be 20 feet of distance times the width of the area where they cannot exceed the 30%.

Vice Chair Finnegan said this amendment is for UR and within UR through lots. This is the only place in the City where there is UR zoning, right?

Ms. Dang said yes this neighborhood.

Vice Chair Finnegan said I guess I am trying to understand staff's concern. Is the concern about the through lot? Where else this might apply on other through lots?

Mr. Fletcher said our position really came from the fact that you are separating that space from a public street right of way. It is very different from an internal boundary line or a rear line that is just sharing a backyard. You are just getting closer to that public area of activity. Our most flexible setback in the City is ten feet. That is in R-5 and it is in R-8, and we went through a lot of pros and cons creating those. We thought 10 feet is a really good marking space for us to be as close as we want to get to the public street right of way. I know it really does not come into play here, but we are looking at a lot of different things for our forthcoming Zoning Ordinance amendment where a ten-foot setback might be. If you do not like ten, you can absolutely can go with five which is what the applicant requested.

Chair Baugh asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Mr. Fletcher said can I ask a question of staff for just a quick moment? I am trying to remember back about two weeks ago when we were having the discussion, we were drawing on the board and Tyler was with us, and he was talking about still applying the 30% rule. We recognized through our suggestion of ten feet that it still would not, when you apply it solely to their lot and what they wanted to build, we still recognized that they could not build exactly what they wanted. Remind me of why we were still applying that 30% rule in that scenario. We recognized through our suggestion of ten feet that it still would not when you apply it solely to their lot and what they wanted to build.

Ms. Soffel said because it is a different section of the ordinance, and the ordinance amendment does not address the thirty percent rule.

Mr. Fletcher said I am not sure it is relevant for the argument, but something is not sitting right with me about how I am remembering what we were discussing and why we were still applying a thirty percent rule.

Ms. Dang said I think what Ms. Soffel said was what I recall is at 10-3-114 accessory buildings talks about the thirty percent, and this amendment is being done to 10-3-112 that talks about setbacks with through lots.

Councilmember Dent said wait this is 114?

Ms. Dang said oh wait, I am mistaken, I am sorry.

Councilmember Dent said you mean 112 is about the thirty percent.

Ms. Dang said I said the wrong numbers entirely, I apologize.

Ms. Soffel said 10-3-114(a) addresses the thirty percent rear yard, and we are amending 10-3-114(d) specifically, to where the accessory buildings in a residential district can be located between the principal building and the public street.

Councilmember Dent said it does not show the subsection B or whatever.

Ms. Dang said yeah, we will have to make that correction that was an error on our part.

Chair Baugh said I am looking at staff and I have surmised that the reason for silence is Commissioners are not clear that we have a definitive answer as to whether Mr. Callahan's point is correct. That this would have an effect on what they can do, or whether it does not.

Mr. Fletcher said even if you played out the scenario that Mr. Callahan was correct, they still have a great deal of space to put in an accessory structure, nonetheless.

Ms. Dang said yeah, I would agree.

Chair Baugh said but as far as it goes, his point was that he will have less, and I think we have been debating back and forth about whether he actually has less.

Mr. Fletcher said yeah, I am not sure this is the right space to do it. I would love to entertain the conversation so we can all be on consistent grounds, but I do not know that it is necessarily relevant for how close you can get to the public street.

Vice Chair Finnegan asked does the thirty percent rule just apply to UR?

Mr. Fletcher said that applies to all residential districts.

Vice Chair Finnegan said that is problematic in my mind.

Councilmember Dent said maybe we need to revisit that.

Vice Chair Finnegan said, back in April, we did have a discussion about accessory dwelling units and setbacks and all that.

Councilmember Dent said I had forgotten that thirty percent rule. If you wanted a full accessory dwelling unit once we allow that, thirty percent might be too constrained. That is more of a shed, depending on your yard.

Ms. Dang said I would love to draw this out and spend the next twenty, thirty minutes on this, but I do not think it is appropriate to do that. It is thirty percent of a sliver of area in the rear of the backyard. Somebody could still have quite a large accessory structure. I cannot explain well without pictures.

Mr. Fletcher said, well, it is so circumstantial based upon where the building sits in its principal building area. In their scenario, they have more rear yard than is required by the Zoning Ordinance.

Councilmember Dent said so since the house itself is sitting close to the front street, they have a large enough area in the back that thirty percent ought to be doable.

Mr. Fletcher said it is not thirty percent of that space. It is thirty percent of the required rear yard.

Ms. Dang said I do not know what it is to exact scale, but let us say [referring to the image on the screen] from here to here are twenty-five feet. The required rear yard is only this sliver, thirty percent of that area. That means that the accessory structure can occupy some of that rear area as well as all of this right here.

Vice Chair Finnegan said you cannot stick back and occupy more.

Ms. Dang said you cannot take up more than thirty percent of the rectangle.

Councilmember Dent said they can move it in from the back into the larger part of the yard. So, not an issue is what I am getting from that.

Ms. Soffel said but then it is not as close to the street as they were hoping to get it. They can move it in and resolve the thirty percent problem.

Councilmember Dent said they can build it as big as they wanted to, just closer in.

Ms. Soffel said right, but then it would not be as close to the public street as they would like it.

Mr. Fletcher said it would take up part of the yard they do not want to use.

Councilmember Dent said this is more complicated than I thought.

Mr. Fletcher said every scenario will be different based upon where the principal building sits on the parcel.

Ms. Soffel said with their designer they could strategize, you know, shifting the position, you know width versus length and stuff like that and find ways to try and still maximize their square footage.

Councilmember Dent said if they are looking at here, and they have to move it back, they can still do that? Well, I personally like ten feet since we are talking about an ordinance amendment. Somebody really wants to fight for five feet, go talk to the BZA again, or a special use or whatever it takes. A variance, I guess.

Mr. Russ said part of why they are here is that the variance is not the appropriate avenue because it is generally applicable. There is nothing that makes one lot particularly special of any of these. For why one should have a five-foot set back and the rest should have ten.

Chair Baugh said do not throw anything at me. Just tell me if I am saying something that is totally off base. Remember that one of the issues you have with BZA is their mandate of what they can do is very strict. It is governed by state law. What often happens with BZA is, because it is a human being taking a vote, they will approve whatever they approve or not approve. Then, I think the

argument that could be made is, if you ask the question, “Have variances been granted for situations that we will just call generally somewhat similar to this one?” It appears the answer is yes. If you follow the letter of what BZA is supposed to do, should they have ever been granted? The answer is probably no.

Councilmember Dent said that is what Mr. Phillippi was worried about.

Chair Baugh said that is kind of the bane of BZA’s existence. I joked that it has been a while, we are sort of overdue. The Virginia Supreme Court, every ten to twenty years, has to write the same opinion because literally what will happen is they will write this opinion that is very strict and will overturn something the locality is done because they say, golly, we do not care that it was a good idea, it is not what you are authorized to do. You have very specific criteria that you are supposed to follow. You have not done it. Then all the local governments get reminded of that and everything tightens down. Then it slowly starts to drift because human nature is such that people sitting on BZAs like to come up with common sense answers to things, even if their mandate says nothing about being able to use common sense to do it.

Mr. Russ said, yeah, that is about right.

Mr. Fletcher said having the rules to follow become stricter over the years as well. They have gotten even narrower. Did that change in like 2015?

Chair Baugh said I thought they actually put a couple of specific issues that they said, okay, you can approve it for this. I think they actually expanded it very narrowly.

Mr. Russ said they changed some words around and left it with that. It feels like it means the same thing. There are new words, so it needs to mean something different, and it is difficult.

Vice Chair Finnegan said this amendment is not about the thirty percent of the required yard set back. We are just talking about five feet or ten feet from the street, correct?

Chair Baugh said that is true, but I think in fairness to the applicant they have argued that it does have an impact on it, even though what you said is also true. We are not literally voting on the thirty. In fact, I think it has already been touched on it, we are probably pushing the limits of how much we ought to talk about it here because it was not something that was teed up for us to even talk about. As you say the proposed amendment does not address that, though.

Vice Chair Finnegan said we need to move on this one way or another.

Councilmember Dent said I move that we accept staff's recommendation of ten feet.

Vice Chair Finnegan said I will second it with the caveat of we do need to revisit the thirty percent piece further downstream.

Chair Baugh said motions made and seconded. My one observation of this, one of the arguments, and reasonable people can differ, but I confess the argument that because you have a whole lot of places with sight lines problems, one more will not hurt. I do not find that particularly persuasive. I have certainly been down there, and it was not specifically stated. I am going to say it was just a few years ago and it probably was ten or twelve now, but Bruce Street was not one way, it was two

ways. It went both and you had people going, you know, navigating through there. It was kind of a shortcut.

Mr. Fletcher said it actually still is two-way. You just cannot enter from one end.

Chair Baugh said that was the idea because you had people who were trying to get out of downtown that would use it as a cut through, and it was more heavily traveled. Yeah, there is pavement there, but that is about all you can say for it.

Vice Chair Finnegan said I would say I hear that point, and I would just say as a counterpoint, when you look at that image and look at the front setbacks on Franklin, they are all over the place. I think often times, when I go to a modern neighborhood with much larger setbacks, I would not say the neighborhood looks and feels better. I hear that point, and I would also say, you know when most of the neighborhood is non-conforming to begin with in terms of setbacks, is it changing the character of the neighborhood, to use a phrase that is often used in these meetings, to make it less? To make it greater? I will support it tonight, but I do think this needs more work on the thirty percent.

Councilmember Dent said well, I just wanted to say why I support the ten feet from staff's argument of having a full driveway in front of the garage so that a car could be there and not blocked, not having to back out of the garage into the street, those kinds of considerations.

Chair Baugh called for a roll call vote.

Vice Chair Finnegan	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Baugh	Aye

The motion to recommend approval of the Zoning Ordinance amendment passed (5-0). The recommendation will move forward to City Council on March 11, 2025.