



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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September 6, 2022

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

SUBJECT: *Consider a request from Stephen W. and Faith R. Hottle to close two sections of public alley located behind 267 Campbell Street*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: August 10, 2022**

Mr. Fletcher said the following land uses are located on and adjacent to the property:

- Site: Undeveloped public alleys, adjacent properties are zoned UR
- North: Single-family detached dwelling, zoned UR
- East: Undeveloped extensions of the public alleys, adjacent properties are zoned UR
- South: Undeveloped properties, zoned UR
- West: Undeveloped extensions of the public alleys, adjacent properties are zoned UR

The applicant is requesting to close portions of two separate, undeveloped alleys that are adjacent to two properties that they own. One of the properties they own includes their residence, which is located at 267 Campbell Street and identified as tax map parcel 26-P-45. The second property they own, which is an undeveloped, wooded parcel identified as tax map parcel 26-P-38, is located south of tax map parcel 26-P-45 across an undeveloped 15-foot-wide alley. Both parcels are approximately 89 feet in width.

The first undeveloped portion of the first alley they wish to close (from this point forward known as the “northern alley”) is the area of the alley that is located between the two parcels they own. The northern alley is +/- 1,359 square feet in size and is approximately 89 feet in length and 15 feet in width. The second undeveloped portion of the second alley they wish to close (from this point forward known as the “southern alley”) is south of their undeveloped, wooded parcel. The southern alley is also +/- 1,359 square feet in size and is approximately 89 feet in length and 15 feet in width. The “northern alley” is part of a larger alley that is parallel to Campbell Street and stretches the entire length of the block between South Mason Street and Ott Street. This alley also has two intersecting, perpendicular alleys that connect to Campbell Street, one of which continues

south to another undeveloped alley to which the “southern alley” is a part. The “southern alley,” as noted, is part of a larger public alley that is also parallel to Campbell Street and stretches almost the entire block between South Mason Street and Ott Street. This alley, on the eastern end, terminates at the property line of tax map parcel 26-P-40 (which includes a single-family dwelling at 445 Ott Street), and thus the alley does not extend to Ott Street.

As identified in their application materials, the applicants hope to close both portions of the undeveloped alleys and to add the areas to their properties.

Staff’s research indicates these alleys were likely created around 1905, and that the City likely does not own the underlying land but instead holds a public easement or right of passage across the alley. Approval of the applicant’s request would result in the City vacating all its interest in the alley; however, the City cannot guarantee that title to the alley would pass to the applicant. The applicant may wish to seek a court judgment to determine title to the alley in the event the City vacates its interest.

The Department of Public Utilities has noted that closure of the alleys would block the adjoining tax map parcel 26-P-39 access to public sewer by gravity and recommends maintaining the alley to retain gravity sewer options to the lots between the subject property and Ott Street.

Regardless of the complexity of this situation and the actions needed for the applicant to acquire the public alley areas, as has recently been discussed in other Planning Commission meetings, staff has begun evaluating public alleys in a new light and believes that maintaining ownership of these spaces is generally in the best interest of the community. While there will be times that there is a compelling reason to close an alley (as was recently done for the small alley between Port Republic Road and East Fairview Avenue), generally staff believes alleys offer the public a benefit. In this location, given the surrounding network of alleys and how they are laid out for this neighborhood, it seems most appropriate to retain the right of passage through the alleys for the public and to be able to provide access for property owners to the rear of their parcels in this block.

Furthermore, and with regard to the “southern alley” closing, if this section were closed, there would be an awkward scenario, where a portion of the alley to the east of the “southern alley” would be inaccessible to the public and unable to be used for the intended purpose.

Staff recommends denying closing both portions of the alleys.

Chair Finnegan asked if there were any questions for staff.

Commissioner Whitten said retaining ownership is really not the correct term because the City does not actually own them. Correct?

Mr. Fletcher said it appears that is the case. The more correct terminology is retaining its interest in the space.

Commissioner Whitten said if there is a problem in terms of ruts, holes, if they become impassable, and I know they are used quite a bit, who takes care of that.

Mr. Fletcher said unless the City improves it, and that can be a number of different things. Often times it is some type of pavement, gravelling, some type of impervious surface space and those spaces are easily identifiable and you would know that the City is maintaining them, then those spaces we will maintain. Spaces such as these that are undeveloped or someone at some point might have put down gravel, dirt or rocks created the space, the City does not go in and maintain those. If they want to keep them passable, then it would be the surrounding property owner's responsibility. They might collectively go together if there are multiple people using them. It is on whoever is interested in passing over that space to maintain it.

Commissioner Whitten said it would be like a private road or drive that has lots of houses on it. You get together and kick in for the cost of it, but you do not have to. It is a little bit complicated, but I understand.

Chair Finnegan said there are also shared driveways that are gravel driveways where two residences use the same driveways.

Commissioner Washington asked so it is not the City's responsibility to maintain it? But the City wants to stay public?

Mr. Fletcher said that we would like to maintain the City's interest in its ability to maintain the easement and right of passage for the public. We recognize that the original intent, back at the turn of the 20th century was to create this passable area for the public to be able to use. If it is vacated, if we release that interest, then the public then no longer has the right of passage.

Commissioner Washington said if the neighbors decide not to take care of it and it becomes impassable, then...?

Mr. Fletcher said in many spaces like this across the City, many of them are impassable with large trees, vegetation. There are a lot of spaces that unless you know that they exist, they look like side or rear yards. They exist on paper, which is why we call them paper street or paper alleys.

Commissioner Washington asked if someone gets hurt, who is liable for that?

Mr. Fletcher said I do not have an answer for that. There is a lot that has to do with when it was platted and what the ownership of the space is.

Mr. Russ said it would depend on what caused the injury, who knew about it, who should have done something about it. If someone had frequently been maintaining it and then stopped. Probably you are out of luck if you get hurt in an alley that has not been developed and maintained by the City. The City always has the right to go in, bulldoze whatever is in the way, pave it and start maintaining it, unless the City relinquishes its interest. That is something that the City could do at some point in the future. I do not know that we have any plan of doing that anywhere. There are probably a handful that sit along areas that are potentially useful for a shared use path.

Mr. Fletcher said there is, in our planning efforts, which you often do not get to see unless we get grants, we talk with Public Works and Public Utilities about how we want to use these spaces. We talk about traditional neighborhood development. We debate about the need from a planning and philosophical perspective of creating more alleys and maintaining more alleys. There is a lot of complexity that comes with that because there is the maintenance and the cost. As an independent City, we received funding from the state. We receive a certain amount of money per lane mile, that is a street lane mile that is in the City, to maintain our streets, but not to maintain the alleys.

Chair Finnegan said this comes up just about every time there is an alley closure request from a private property owner. I do think that there may have to be some outside organizations involved. I do think that there is opportunity to do something with these alleys. I also feel that there are streets that maybe used to be alley, like Ash Tree Lane, Federal Alley, and Jackson Street.

Mr. Fletcher said Layman Avenue has a similar scenario.

Chair Finnegan said these run the gamut from overgrown with trees, where you do not know there is an alley there, to those which are maintained.

Commissioner Whitten said those are maintained. They are plowed. The garbage is collected.

Commissioner Washington asked who does that?

Commissioner Whitten said the City. The City maintains those.

Mr. Fletcher said what Chair Finnegan is talking about is that there are certain spaces that look like alleys or have become streets, like Layman Avenue or Ash Tree Lane.

Chair Finnegan said they are extremely narrow streets where there is no place for parking. It looks like a paved alley. We have a few of those.

Councilmember Dent said people live on them.

Mr. Fletcher said there is a document that we did a study on back in 2013 that has been pushed away. It referred to how we can use these spaces from a perspective of pedestrian facilities. We looked at all different sections across the City, about 400 sticks in my mind, different sections of alleys. At that time, we thought that they could have been used for something. As we have continued to experience things, this document is not reliable anymore. It is irrelevant because so much has happened.

Commissioner Whitten asked how much undeveloped land exists? I realized that it is all chopped up and with different ownership. How much undeveloped land exists in that?

Chair Finnegan asked in the alleys?

Commissioner Whitten said the access is from those alleys, but all that...

Mr. Fletcher said I could not tell you. To give a perspective, these two parcels, the northern parcel where the residence is has 0.3 acres, a third of an acre. The next one has 0.4 acres. Then you look at the bigger picture.

Councilmember Dent said there are four or five of them that are landlocked in the middle.

Mr. Fletcher said some are in separate ownership. Some are owned by the same individuals that own the properties on Campbell Street or Paul Street. I am not sure how many in there are owned separately from a nearby parcel.

Councilmember Dent said I am interested in the potential for the paper alleys to become real streets for development back there. I think it would be valuable to reserve that right.

Mr. Fletcher said there is a lot that comes with that. Over the years, in other areas of the City we have answered questions. There are definitely things that come up because of infrastructure challenges, such as you would have to construct public water and sewer back there. You would have to design turning around movements for apparatus and garbage trucks. Do you widen the alley to be a public street? How wide does it need to be? If it is as wide as our minimum standards, then it is quite wide. There is going to be a lot grading necessary in some spaces back there. There is a lot that comes to it, but I would not discount it. We are moving in different directions as we move forward in needing more housing in the City.

Commissioner Whitten said right now it is this beautiful refuge with trees and grasses and animals.

Commissioner Washington said with all of this being said, and going back to this being of public interest to stay open, we are asking the property owner of these two parcels to maintain this out of the kindness of his heart?

Mr. Fletcher said no. What the request is that if they wish is to have the City vacate its interest. Purchase it from the City, so that they can officially own it, or attempt to own it, in this case. We cannot guarantee that they will receive title to the property because of the way that it was platted. In this specific case, these properties could still be in the ownership or the assigned heirs and successors of the original dedicator of the subdivision.

Chair Finnegan said I live on a corner lot. I do not have an alley, but there is a sidewalk on one side with grass. I need to mow that. There is grass on the other side. I need to mow that. I need to maintain it. It is a public right of way. It is kind of my property and kind of not.

Mr. Fletcher said the applicants are here this evening. They have maintained it. It is like an extension of their property. Many people do. Many people maintain these spaces. Some may have it grassed and they mow it. You can walk up this alley and see that some people just let the vegetation take over. We are not requiring them to do anything. They are requesting to have an opportunity to have it become part of their own property. It would prevent individuals from being able to walk or drive through those spaces if that were to happen.

Commissioner Washington said if he decides to stop maintaining it and it is no longer walkable... Yes, public space in terms of walking through, that would be great. Folks use this space all of the time, but it should it not be the responsibility of the City or shared folks to keep it available for everyone to continue to use it? At this point, it sounds like he has been doing this by himself, that is why he wants to enjoy this space for himself and his family rather than continuously spending money to maintain it for other people to use?

Commissioner Whitten said I would suspect that a lot of those property owners would have the same story. They would say, yes we maintain our part too. Everybody can do what they would like to. They do not have to. Nobody is forcing you to, but if you want to be able to use it, if you want to be able to bring mulch in...

Chair Finnegan said another analogy is that if you have a sidewalk in front of your house, the City is not going to come shovel it for you. You need to shovel your own sidewalks. I think that alleys always create these conversations where the not quite public, not quite private space...

Commissioner Whitten said it is confusing and complicated.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he noted that this is not a public hearing; however, he invited the applicant or applicant's representative to speak to their request.

Steven Hottle, 267 Campbell Street, came forward to speak to his request. Thank you for the opportunity to appear before you today to speak on behalf of my request and address the concerns of our neighbors and the City. It should be noted that we are seeking to vacate the easement to our backyard and referenced as the north alley parallel to 267 Campbell Street and the not the entire alley, as the City notification sign indicated at first glance. I would like to address the concerns of our neighbors as indicated by the letters received by the office of Community Development regarding this request. First, access to all properties will remain. Two existing north-south alleys from Campbell Street and will remain and allow access to all properties. If the concern is turn radius, be aware that all scenarios require 90 degree turns regardless of access entry, whether it is Mason Street or off of Campbell Street. Second, 445 Ott Street is not serviced by the north alley. The south alley would be the apparent design access for that property, although that would take extensive work. 451, 457 and 469 Ott Street are not served by the north alley and cannot be accessed without crossing private property. 441 Ott Street will not have access changed. 285 Campbell Street will not be changed. Service trucks have used the alley on the west side of this property to access properties east on the alley. Gravity service should not issue for two reasons, the owners of the property have given verbal assurances that they will never develop that property, and more importantly, it would be far more cost effective for a developer or the owner of the property to run a small, two-inch forced main from the property to Campbell Street, than to run 900 feet of sewer line all the way down the alley to Mason Street. In closing, I suggest that maintaining the Old Town area is our most important concern. If I may also address the City's concern about access to Ott Street for the northern alley. Right now, I do not think that the state guidelines would allow the grade that is required to access Ott Street. I believe that is also the reason that Campbell Street has the wall at the end. Physically, it is almost impossible.

Chair Finnegan asked if there were any questions for the applicant.

Commissioner Armstrong asked why is it important to you to close these two spaces?

Mr. Hottle said I do not think that anyone enjoys having traffic run through your back yard and vehicles run through the grass that you worked and tearing up the grass. As the City has noted, they do not maintain it. When we moved there, there were large gullies, almost impassable. At our expense, and the neighbors to the east did the same thing, we put in big stone and small stone on top of that. Over the years, it has just enough topsoil that the grass will stay there. If you drive over it once or twice, it goes back to just the stone and starts eroding again.

Commissioner Armstrong asked drive over with what kind of vehicle?

Mr. Hottle said any kind of motorized vehicle short of a bicycle.

Commissioner Armstrong asked what motorized vehicles drive through here?

Mr. Hottle said that is the whole point. It is now and all of these prior concerns were concerned with access.

Commissioner Armstrong said this is wide enough to drive. I did not realize that.

Councilmember Dent said I have heard you say a couple of times “through your back yard,” but the alley is not your backyard.

Mr. Hottle said that is correct. That is what I am trying to change.

Commissioner Whitten said they own both of those lots.

Councilmember Dent said it is between their lots.

Faith Hottle, 267 Hottle Street, came forward in support of the request. We would like to have quiet possession of it because we do have commercial trucks that go up and down that alley. When our children were quite young, a dump truck came up pulling a loader and parked there, unaware that there are four little kids running around. There was no concern. Not their problem. On two occasions, I called the City. I believe it was in 1998 and in 2006, to ask about having the alley graded and that we had quite large ditches. We were told that it was our responsibility to do that. We spent quite a bit of money trying to maintain that. It is grass. We do have folks that walk down there with pets. I spend quite a bit of time going through the lot and the alley picking up pet excrement so that we can mow and enjoy it without small children running into that.

Mr. Hottle said that occasionally people use the second lot behind the house thinking that it is a park. It is not a real problem, but it does happen.

Ms. Hottle said we have come home and found a large group of folks when we went on vacation. They built a fire in the middle the of that back lot. They thought it was a park.

Commissioner Armstrong asked have you thought of fencing? Fencing would make that clear.

Mr. Hottle said we have not and would prefer not to because indeed it is a park atmosphere that we would like to preserve. The City does have some concern about future development and they are absolutely right in that if we are granted this property back again, it will curb the potential for development back there.

Commissioner Armstrong said I think that one of the photos that you showed, showed the end.

Mr. Hottle said I already addressed that.

Chair Finnegan asked if there were any questions for the applicant. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request.

Kim Rutherford, 451 Ott Street, came forward to speak regarding the request. Our major concern is access to our backyards. As Mr. Hottle pointed out, and perhaps this is correct information, the wall at Campbell Street is very indicative of the slope from Ott Street to the back of at least three or four properties on Ott Street. Currently, my husband and I and the neighbors on both sides are at the mercy of the good graces of our neighbors to access our backyards. You can see from the picture, there is also the big structure, the big white rectangular structure, that sits right next to my house. I believe that house is 445 Ott Street. They are very interested in repair, remodeling, perhaps removing that structure and returning that to green space. As you can see my house next door. I have an inground pool. When I had to have that pool surfaced in the past, I did have to go through the neighbor's backyard. Removing that far alley, closing that section, is going to limit the access to our backyards. The neighbor on my other side is completely landlocked. I would ask that it is taken into consideration. We love Old Town. We want to maintain these properties. They are old properties. They need some care, but without that access, that is one less method for getting a heavier piece of equipment back there. I do not think that there has been much of that, but to remove that potential, if we would need it, is very concerning to me.

Kathy Schwartz, 457 Ott Street, came forward to speak regarding the request. I am the neighbor on the other side of Ms. Rutherford who just spoke. She mentioned that I am completely landlocked. What she means is that there is a retaining wall between my home and hers. If you look over that retaining wall, there is a 20-foot drop. There is no way that I have backyard access on that side. On the other side, there is not enough room on the edge of my house to put in a driveway or I certainly would. To get to my backyard, I currently either drive down my neighbor's driveway, over their yard and into my yard, or I have to drive completely through their yard which tears up their surface. I have been in my home for 20 years. The yard has been torn up at least two or three times, just for simple construction projects, like working on decks. We also had a clay sewage pipe that burst. The only way that the crew could get back there was going through the yards. Now, I have dead ash trees. I have beautiful trees in the back of the property. I want to salvage those ash trees. The only way to get to them is to bring the equipment in. Earlier in the meeting it was mentioned that the City could go in and have the right to maintain these rights of way. I would certainly ask that you do that. We do appreciate the greenspace back there. It is lovely. Without the access it is challenging to figure out how to get these projects done. It was also

mentioned that we clear our sidewalks when it snows. We are asked to do that by the City and that is public property. The people who have these alleys are asked to clean them, but they do not have to. And, really, should they have to? That is why I would ask the City to please take care of that property.

Mr. Hottle said I do understand the concerns of the speakers. Sadly, neither of those have access to the alleys that we are talking about. They would have to cross private property in any case, to access their property. The only access that they might have closest would be the southern alley. The northern alley has no relationship to their property at all.

Michael Boland, 469 Ott Street, came forward to regarding the request. I came to listen and support my neighbors who were not wanting to close the alleys for basic access to their property. I want to voice a concern that, if everyone that bordered this alley... If Mr. Hottle, who I have not met and am sure is fine man, if he got everybody who was going to be affected by that to come forward and say that they are okay with that and it would not affect them in the long run, that would be great. But I have only heard from him and a couple of other people. I know that Ms. Rutherford would be affected by access to that. I am sure other people without them speaking would potentially lose access to their back yard. I have lived here since I came to college, almost 50 years. People bought properties that zoned a certain way and bordered by alleyways and that is in the back of your mind that if you ever need access, it is there. You might not necessarily need it. Even if somebody did need it and there are some trees to be removed, I would assume that it would be cheaper to come from the back than to come over your house to get there, then you absorb that cost. I am concerned with losing the opportunities for people in the future. Not just the people here tonight, but the people who buy those homes, with an alley there. If the whole alley is vacated, that would be one thing. This is in the middle, and it makes it moot for anybody above the areas that would be vacated. It does not affect me so much. I am one of those neighbors that allows access through my backyard for my neighbors. I am sure any one of you would do the same thing for your neighbor. Having an alley is a cool thing. I wanted to go on record as in support of keeping the interest of the City and the interest of the other individuals who border these things. They do not own it and they have an interest in it. It is complicated, but it is still an interest. If it gets vacated, they lose that.

Donna Schwerts, 445 Ott Street, called in to speak regarding the request. My husband and I have recently purchased at 445 Ott Street. There is a significant amount of work to be done in the back yard of that property. Because of that, and the size of the project, access to our backyard is paramount. Our goal is to either repair, replace, and return some of that area to green space. Let me stress that due to the size of the building and the equipment needed to do the work it is of supreme importance that this alley be kept open. I appreciate being given the opportunity to speak in favor of keeping this alley open.

Bob Maphis, previous owner of 445 Ott Street and owner of 441 Ott Street, came forward to speak regarding the request. The people who were just on the telephone are the parties I sold the properties to. From Ott Street down there is a slope of 30 or 40 feet all the way through here, all the way down on all the properties. If you have been on Ott Street and looked down, it slopes off. To get any equipment in from Ott Street to do any work in these back yards, you cannot do it, or it would be economically not feasible. To get to this building... This is an enclosed tennis court

and an enclosed swimming pool. The buyers are interested in fixing this up or maybe putting it back to green space. To get to this, you cannot get down through Ott Street. You have to come up this way. I gave them an easement to get over here, but it is very difficult. It is going to ruin my backyard here. It is an option, but right now you cannot penalize this new property owner by limiting how they can work with this structure in the back. All the sewer lines from my properties went down and out Campbell Street. Also, there is Columbia Gas coming through there. There is no gas on Ott Street. It stops at Paul Street. I had to put natural gas lines into these properties coming through here. What I am afraid of is that if we start cutting pieces of these alleyways up, what would happen to the utilities that might be up here? This is a disaster for this building here for a new property owner.

Mr. Hottle said this is another quick reminder that there is access to all of the properties from the alleys that run north and south to the properties that they are concerned with.

Dan Newberry, representing Kimberly Durden, 295 Campbell Street, came forward to speak to the request. She sent in an email. She has a garage in the back, which is not in use, but the only access that she has to her backyard is through this alley. I know that there is an alley three lots down, but sometimes we cannot get a truck in and make that turn enough to get up in there. I have had to come from Mason Street. I have run into problems with the people who want to change it because they have it blocked. I have had to go talk to them. For whatever reason, he was not happy. I want to voice thought on her being able to get to the back of her house to get stuff done.

Chair Finnegan asked if there was anyone else wishing to speak. Hearing none, he opened the matter for discussion.

Commissioner Washington said I would like to see this stay accessible to those who need it, but also, I think the muddiness and lack of clarity around who is supposed to maintain it is a lot. If it is in the public interest to be used, it should be maintained by a specific someone, whether it is the owners or the City.

Chair Finnegan said as Mr. Fletcher was saying, there currently is not funding from VDOT to maintain this. To do that, we would have to... There are a lot of alleys in the City.

Commissioner Washington said we should fix that.

Chair Finnegan said this is something that comes up again and again. What we are voting on is not whether the City maintain this, but whether the City should vacate interest in this.

Commissioner Washington said that is part of the focus. In order to keep it of public interest, that is part of the situation. It is not black and white. We are talking about why it is of public interest. It is public access. If I tripped and fell or broke my ankle, who am I going to? I think that is part of the issue in terms of whether or not this should stay accessible. Who is responsible for it? I am all for access. I love back alleys. I grew up on a back alleyway. My family and a few people beside me used it. If someone said to me that it was my responsibility to maintain it and I spent a lot of money to keep it maintained, I would be upset. If it is a public interest to keep it open, it should be a public interest to pay to maintain it.

Chair Finnegan said I am not disagreeing with you. In terms of this particular item, we cannot vote for the City should maintain it. I am in agreement with you. One of the things that I have brought up before is that we do Blacks Run Cleanup Day in Harrisonburg. I would like to see some localized effort at the neighborhood level to clean up some of these alleys. I have some of them in my neighborhood. Some of them are overgrown. Some of them are used. The one on Collicello is used pretty heavily. I think that everyone that lives on the part of Virginia Avenue parks off the alley, which is not publicly maintained.

Commissioner Byrd said I have seen a lot of these alley closing requests in my short time on the board. It amazes me that it is what I have to think about the most. I was concerned with commercial properties. I tend to be more in favor of their closings because businesses do not think they need them, then they do not need them. With residential properties, I am more hesitant because resident's ownership changes over time, as we can tell the reference to who owns this property. All that was set in 1905. The foresight of maintaining the grid, if you look at the image, someone realized that we needed the grid regardless of the fact that they may not have built the roads at that time. Keeping the alleys, maintained as much as possible, in ownership is vital to me. As far as maintenance, I would like to remind property owners that you are residents of the City, therefore you are voters. You have elected officials you can talk to about concerns regarding what the City should or should not be focused on. As citizens of a neighborhood, people say that they are in a neighborhood, but then the neighborhood does not do anything together. If they think that they are neighbors, they might see a common thing that they need to focus on, together, as a people. There are all types of solutions available, but I, from the arguments presented, I would not feel comfortable voting to approve this request.

Commissioner Armstrong said I think that as a terminology... This keeps coming up over the months that I have been here. I am going to start calling it out. The idea that improvement that it is an impermeable surface that is paved or graveled... Like it or not, climate change is coming down our throat right now and it is not going to stop. It is going to get worse. These areas, even when they are overgrown, are beneficial to slowing down climate change. They are beneficial to ameliorating flooding. They are beneficial to cooling of the City. When we have treed areas and vegetated areas, they are cooling. This is stuff that has got to become a priority. If we do not make it a priority, then we are in a lot of trouble within a few years. The idea of "improvement" means that you build on it or pave it, we have to realize that may actual be the worst detriment to our future planning of our City. Even these areas that are overgrown or impassable, they can be made passable. You can always cut back vegetation. That works. You can do that if you need to. I want to challenge that unmaintained is somehow some terrible thing. It is not because unmaintained is still benefitting our future in trying to slow down climate change. I am all for unmaintained if that is what happens. My other comment about this is, the applicant realized when they bought both these pieces of property that there was an alley there that was occasionally used to access traffic. That is part of the purchase of these two properties. I did not realize that it was utilized as much as it seems to be. It does seem to be necessary and utilized for access with motorized traffic. For those two reasons, I would say, no we need to maintain these spaces. We need to get rid of this idea that undeveloped land is somehow a big negative. It is not. It is actually a big positive. We just have not got it in our heads that climate change is really a serious problem.

Commissioner Whitten said of course climate change is a big concern. Besides that, having green space is wonderful. It is wonderful for your peaceful enjoyment of your property. I do not think that this is a major thoroughfare. I do not want anyone to think that we are saying that it is a major thoroughfare because it is not. It seems to me, practically, if somebody needs to bring a truck and one portion of that alleyway was impassable, it would be on that person to improve it to the degree that they would have to so they can bring a truck over it. I do not think that any private property owner should necessarily have to maintain it so that vehicular travel could go over it. Let us not give the 1905 Harrisonburg thought process too much credit because the grid pattern was all about getting ice and coal delivered to the back of your house. They probably would never have imagined that being a street or an area where you would have a thoroughfare. There were carriage houses that were on Ash Tree Lane. It was a different time. Savannah, Georgia, where I grew up was designed in a grid because it was a convenience. It happens to be lovely, and there are parks there. They did a great job, but in 1905 they were not thinking about somebody's swimming pool or tennis court. It seems to me that there has been more than enough proof that there is a need for this to be passably impassable. I often can see the case for closing parts of alleys because it does make sense sometimes. I think Mr. Hottle is saying from either side you could access it. It is still going to be a barrier when you give the right to close that portion. I would love to see the neighbors work together, to get along, and to figure out how to keep dogs and kids on somebody else's property out of there. There could be a lot more conversation and some mediation.

Councilmember Dent said of all the discussions that we have had about alleys; this is the clearest case that it needs to be kept open for neighborhood access.

Commissioner Orndoff said I am of the opinion that these alleys serve a worthwhile purpose for the neighbors, for the neighborhood. They have been that way since 1910. People who bought the properties knew that there were alleys in the neighborhood that did not belong to them, nor belong to the City, but that is something that they have to live with. For that reason, I am inclined to leave them alone.

Chair Finnegan said I agree with your comment. I agree with Commissioner Washington that there needs to be a bigger plan to address this. I think that this has come up enough times. Maybe at some point there will be funding or that we can find a way to do this. I agree with staff that we should deny this request. I think, bigger picture, there needs to be an alleyway plan. I do not think that we are going to get to that tonight. I also do not think that the people in 1905 would ever think that people would sit around for an hour talking about this.

Commissioner Byrd moved to recommend denial of the alley closure request.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye

Commissioner Washington	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend denial of the alley closing request passed (7-0). The recommendation will move forward to City Council on September 13, 2022.