



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, Interim City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: September 13, 2022 (Regular Meeting)
Re: Alley Closings Behind 267 Campbell Street (Adjacent to Tax Map Parcels 26-P-10, 11, 38, & 45)

Summary:

Consider a request from Stephen W. and Faith R. Hottle to close a +/- 1,359 square feet portion of an undeveloped public alley located immediately behind 267 Campbell Street (tax map parcel 26-P-45) and to close a second +/- 1,359 square feet portion of an undeveloped public alley located adjacent to tax map parcels 26-P-38 and 26-P-10 & 11. Both portions of alleys are approximately 15-feet wide and run perpendicular to South Mason Street.

Staff and Planning Commission (7-0) recommend denial of the alley closing request.

Background:

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

Key Issues:

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.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the street/alley closing request as submitted by the applicant; or
- (b) Deny the street/alley closing request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising the City Council public hearing. The advertisement was published as shown below:

Alley Closings Behind 267 Campbell Street (Adjacent to Tax Map Parcels 26-P-10, 11, 38, & 45)

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The property was posted with signage advertising the request.

Recommendation:

Staff recommends alternative (b) to deny closing both portions of the alleys.

Attachments:

- 1. Planning Commission extract
- 2. Site map
- 3. Application and supporting documents
- 4. Public comments received as of August 5, 2022

Review:

Planning Commission (7-0) recommend denial of the alley closing request.