



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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March 15, 2024

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

SUBJECT: *Consider a request from Flor Asuzena Bautista for a special use permit to allow a major family day home at 1451 College Avenue*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON:** February 14, 2024

Vice Chair Byrd read the request and asked staff to review.

Ms. Rupkey said major family day homes (MFDH) are defined in the Zoning Ordinance as: *“A child day care program offered in the residence of the provider or the home of any of the children in care for five (5) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.”* MFDHs are permitted only by SUP in all residential districts, except the R-5 district, where they are not permitted.

When considering a MFDH it is helpful to know how they differ from minor family day homes. Minor family day homes are allowed by right within all residential districts and are defined as: *“A child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through four (4) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. A minor family day home shall be considered a home occupation and therefore requires that a home occupation permit be granted by the zoning administrator; however, no conditions more restrictive than those imposed on residences occupied by a single family shall be imposed on the day home.”*

The applicant has been advised by staff to work with the Virginia Department of Education (VDOE) for licensure requirements. The VDOE regulates licensing standards of family day homes and ensures that the facility and the operation of the MFDH are favorable to the welfare of the children in care. Approval and licensing from the VDOE require an applicant to maintain compliance with local ordinances and laws. VDOE requires applicants to submit a form signed by the locality’s Zoning Administrator to verify that the use is allowed at the requested location. Approval of the SUP would allow for the applicant to operate as a MFDH at the subject location with the proper licensing from the VDOE.

The applicant is requesting a special use permit (SUP) per Section 10-3-40 (6) of the Zoning Ordinance to allow a major family day home (MFDH) within the R-2, Residential District. The +/- 7,167-square foot property is addressed as 1451 College Avenue and is identified as tax map parcel 51-I-21.

The applicant describes that they plan to care for a maximum of 12 children and would operate Monday through Friday from 7:30 am to 4:30 pm. At this time, they do not plan to hire employees. Staff is not recommending conditions on the hours of operation or facility schedule, and therefore, if the request is approved as submitted, the hours of operation and facility schedule may change at times.

Land Use

The Comprehensive Plan designates this site as Neighborhood Residential and states:

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.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the SUP request.

The applicant's letter describes that families would "park on the side of the street or on the driveway to drop off their children through the basement entrance." Staff does not have concerns with this arrangement.

Public Water and Sanitary Sewer

Staff has no concerns with the special use permit as it relates to water and sewer matters.

Recommendation

Staff has no concerns with the operation of the MFDH at this location. Staff recommends approval of the SUP request with no conditions.

Vice Chair Byrd asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request

Flor Asuzena Bautista, the applicant, came forward regarding the request. She said I am currently a teacher at HeadStart and I am looking to do my own family daycare at home and provide the services that I can do. I love working with children and it is a great opportunity.

Vice Mayor Dent said I really appreciate what you are doing. I wonder if you are aware of one of the ARPA programs that we funded about education to help with the certification for a childcare program.

Ms. Dang said we can get information to her.

Vice Mayor Dent said if you need help, that can be beneficial to you.

Vice Chair Byrd 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. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Baugh said we are still at the point where we do not have a whole lot of these. If I remember correctly, the existing legal structure is about 35 years old. It creates three categories basically, if you are small enough, you are unregulated. If you are large enough, you are heavily regulated. There was this mid-tier major family day homes that for the longest time it sort of scared everybody off, it was slightly regulated. I think somewhere between time and the need we will see more of these. I did not want to say anything to jinx it, but I will just say the ones that we have as far, as I know, have been successful. I have voted for every one, that is what I am doing. With that, I will move approval of the special use permit as requested.

Vice Mayor Dent seconded the motion.

Vice Chair Byrd called for a roll call vote.

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| Commissioner Armstrong | Aye |
| Commissioner Baugh | Aye |
| Vice Mayor Dent | Aye |
| Commissioner Alsindi | Aye |
| Commissioner Washington | Aye |
| Vice Chair Byrd | Aye |

The motion to recommend approval of the special use permit passed (6-0). The recommendation will move forward to City Council on March 26, 2024.