



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Board of Zoning Appeals (BZA)
From: Rachel Drescher, Zoning Administrator
Date: November 2, 2020
Re: Variance Request – 561 Ott Street

Summary:

A request by Lester Mintzer & Deanna Frankel for a variance of 25 feet from the required 80-foot lot width and a variance of 1,200 square feet from the required 10,000 square foot lot area per the Zoning Ordinance Section 10-3-35, Area and dimensional regulations of the R-1, Single-Family Residential District. If granted, the lot could be 55 feet wide and 8,800 square feet in area by performing a property line adjustment with the adjacent parcel to the south. The property is located at 561 Ott Street and identified as tax map parcel 26-R-16.

Relevant Sections and Definitions:

Section 10-3-35, Area and dimensional regulations for R-1, Single-Family Residential District

	MINIMUM FEET					MAXIMUM
Lot Area Sq. Ft.	*Lot Width	Lot Depth	Front Yard	Side Yard	Rear Yard	Stories
Single-family: 10,000/unit	80	100	30	10	25	3

*Measured at point of required front setback line.

Staff Report:

The subject property at 561 Ott Street is a vacant lot, which is currently nonconforming to required lot area and lot width per Zoning Ordinance Section 10-3-35, Area and Dimensional regulations for the R-1, Single Family Residential District. The current lot width of the parcel is 60 feet and the current lot area of the parcel is 9,608 square feet.

The applicant is requesting two variances in order to make a lot line adjustment between 571 Ott Street (identified as tax map parcel 26-R-17) and the subject property, which would reduce the lot width and lot area of the subject property. The first request is a variance of 25 feet to the required 80-foot required lot width. The second request is a variance of 1,200 square feet to the required 10,000 square foot lot area.

While both 561 and 571 Ott Street are nonconforming to lot area and lot width within the R-1 district regulations, only the lot being reduced in width and area is required to have approved variances prior to an approved lot line adjustment.

Currently, the property line between the two parcels is about two inches from the existing wall on 571 Ott Street. The applicant presently owns both parcels and wishes to sell 561 Ott Street, which is a vacant lot. The applicant would like to own enough land on the north side of the existing wall on 571 Ott Street, so he can continue to have access on this side of the property. The applicant is not interested in a private access easement because the new buyers of the property would be paying taxes for the property that he would be using. The applicant states that he does not plan to sell the vacant lot if he is unable to relocate the property line.

Note that if the variances are approved, the subject property's side yard setbacks would be reduced to five feet per Zoning Ordinance Section 10-3-110(f), which states *Except in the R-8 Small Lot Residential District, where a lot of record is less than sixty (60) feet in width as measured at the point of required front setback, each required side setback for internal lot lines may be reduced to not less than five (5) feet unless otherwise superseded by building regulations.*

Alternatives:

- (a) **Approve the request:** Approving the requests means that the BZA finds there is a restriction on the reasonable utilization of the property which would be alleviated by a variance from the required lot width and lot area.
- (b) **Deny the request:** Denying the requests means that the BZA finds there is no restriction on the reasonable utilization of the property. No lot line adjustment can occur.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for the Board of Zoning Appeals's public hearing. The advertisement was published as shown below:

"A request by Lester Mintzer & Deanna Frankel for a variance of 25 feet from the required 80-foot lot width and a variance of 1,200 square feet from the required 10,000 square foot lot area per the Zoning Ordinance Section 10-3-35, Area and dimensional regulations of the R-1, Single-Family Residential District. If granted, the lot could be 55 feet wide and 8,800 square feet in area by performing a property line adjustment with the adjacent parcel to the south. The property is located at 561 Ott Street and identified as tax map parcel 26-R-16."

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Attachments:

- 1. Site map
- 2. Application and other application documents
- 3. Notification of adjoining property owners