



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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January 29, 2026

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

SUBJECT: *Consider a request from Todd B. Stone to rezone a portion of 2600 and 2580 South Main Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: January 14, 2026**

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting to rezone a +/- 3-acre portion of a +/- 13.14-acre parcel zoned M-1, General Industrial District to R-3C, Medium Density Residential District Conditional. The property is addressed as 2580 and 2600 South Main Street and is identified as tax map parcel 2-B-5. Today, the property has two non-conforming single-family detached dwellings. If the rezoning is approved, the applicant plans to construct an addition to the larger residential structure. The applicant does not intend to subdivide the parcel; therefore, it will be a split-zoned parcel.

Proffers

The applicant has offered the following proffers (written verbatim):

1. There shall be no more than three dwelling units.
2. The following uses shall be prohibited:
 - a. College and university buildings and functions, which are either owned or leased by such institutions, and which may include fraternities and sororities.
 - b. Cemeteries.
3. All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis approved by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City

Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

The conceptual site layout is not proffered.

Existing Structures

The larger residential structure, the “house,” was originally constructed around 1805. An addition was constructed in the early 1900s. The area containing the house was annexed from Rockingham County in 1962, while the remainder of the property was annexed in 1983. The house has been owned by the Stone family since 1976, and the applicant has provided evidence that it has been continuously used as a single-family residence. On December 3, 2024, the City issued a letter of nonconformance stating:

Zoning staff has determined that a continuance of nonconformity (Article E. Section 10-3-20) has occurred and the use of the principal structure as a single-family dwelling has been maintained. This use will, therefore, be allowed to continue pursuant to Article E. Nonconforming Structures and Uses.

On April 30, 2025, a building alteration permit was issued for the smaller residential structure, known as “the cottage.” The permit included the addition of a full kitchen, effectively making the cottage a dwelling unit. The permit was issued in error and granted a vested right. The cottage is now a nonconforming single-family detached dwelling.

If the rezoning is approved, the two nonconforming residential structures would become conforming uses.

A third structure on the property, the barn, is an accessory structure. The applicant has stated interest in possibly adding a kitchen to the barn in the future. Depending on how the barn would be used, it could become a third dwelling unit or another use, which is why the applicant has chosen to proffer no more than three dwelling units (Proffer #1).

The applicant included information regarding the history of the house. The Comprehensive Plan speaks to historical assets in the City, and while the house is not on the Virginia Landmarks Register or the National Register of the Historic Places, there is documentation relating to the ownership history of the house, and thus there is some relevancy to this property’s historical context in the City. While there is no proffer to maintain historic features of the house, staff believes that rezoning the property can help promote maintaining the structure and thus works toward Goal 10 in Chapter 9, Arts, Culture, and Historic Resources of the Comprehensive Plan, which states:

To recognize and promote the value of the City's diverse historic resources and the many benefits that come from protecting irreplaceable assets that embody Harrisonburg's history.

Nonconformances and Setbacks

As stated above, the house and the cottage are nonconforming uses in the M-1, General Industrial District. If the rezoning is approved, up to three dwelling units would be allowed on the property and the two residential units would be conforming uses.

Zoning Ordinance (ZO) Sec. 10-3-48.6(c) allows for more than one principal building to be constructed on a parcel in the R-3 district, but the "open space between each building as measured at the closest point between building walls shall not be less than twenty (20) feet." The cottage is located approximately 12 feet from the house measured at the closest point between the walls. If approved, the separation distance between the house and the cottage will be nonconforming. In addition, a survey would be needed to determine if the cottage meets setbacks.

If the rezoning is approved, it will have an impact on the adjacent M-1 zoned property addressed as 211 East Mosby Road and identified as tax map parcel 2-B-4, which is owned by the applicant and his family. ZO Sec. 10-3-98 requires M-1 zoned properties to have a minimum 30-foot setback when abutting a residentially zoned property. The self-storage buildings at 211 East Mosby Road are located within 30 feet from the property line; thus, if the rezoning is approved, the setbacks of the self-storage buildings will become nonconforming.

Land Use

The Comprehensive Plan designates this site as Commercial and states:

Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

While it may appear that a rezoning to a residential district at this location would not necessarily conform to the Land Use Guide (LUG) designation, the R-3, Medium Density Residential District, allows by-right uses that conform to the office and professional service functions outlined in the Commercial Land Use Guide description. The R-3 district allows for assisted living facilities, institutional care facilities, medical clinics, professional offices, charitable or benevolent institutions, child day cares, and adult daycares. Furthermore, personal service establishments such as barber shops and day spas are allowed by special use permit. Thus, rezoning to R-3 would be moving in the direction of the uses that would align with the surrounding area better than industrial uses. It is also worth mentioning that while the Land Use Guide designates the property

Commercial, the shape, size, and location of the parcel may make commercial development difficult. The parcel is accessed via a 50-foot-wide, +/- 570-foot-long driveway and thus the parcel is not easily visible from South Main Street.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The applicant has proffered to restrict the traffic generating uses to be limited to 100 vehicle trips during the peak hours or to perform a TIA if proposed future uses exceed 100 vehicle trips (Proffer #3). Therefore, a TIA was not required for the rezoning request.

Public Water and Sanitary Sewer

While staff has no concerns with the requested rezoning regarding water and sanitary sewer matters, the applicant has been advised that, if subdivided, each parcel must have access to water and sanitary sewer mains.

Housing Study

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has “neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth.” The Housing Study further notes that houses in these markets are quick to sell and that “[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities.”

Public Schools

The City contracted with the University of Virginia’s Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projects for the City of Harrisonburg" (April 2025). The report can be found at the following link: https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. This report provides overall student enrollment projections through 2034 as well as estimated student generation by housing type for each elementary school attendance zone.

Based on the Weldon Cooper Center report’s calculation, this development’s proffered maximum of three residential units are estimated to generate one K-12 student at full build-out. According to the School Board’s current attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

Conclusion

The rezoning request has both advantages and disadvantages. Rezoning to R-3 would make the residential use conforming but creates a nonconformance to the distance between principal buildings. While rezoning to R-3 does not conform to the Commercial LUG designation, it creates the opportunity for some commercial uses while removing the ability for intense M-1 uses that would be in opposition to the Commercial LUG designation.

Staff believes that the advantages outweigh the disadvantages of this request and recommends approval of the rezoning request.

Commissioner Kettler said why cemeteries as a prohibited part of the proffers?

Ms. Soffel said staff suggested it. Current good land planning practices do not encourage cemeteries. It is completely voluntary on the part of the applicant but he agreed not allowed cemeteries.

Commissioner Kettler said so this is not a specific concern that there is going to be a cemetery?

Ms. Soffel said right.

Ms. Dang said in a commercially designated area it did not seem like a good use there.

Vice Chair Porter said was it staff's suggestion that only the small portion of the lot be rezoned? Did we suggest the 3 acres or 2.5 acres or whatever it is that is currently being rezoned as opposed to the whole property?

Ms. Soffel said they did not want to rezone the whole property. In fact, they were looking at a slightly smaller portion still including all three buildings. However, if they were ever to want to subdivide the property, they would have to consider setbacks. Therefore, they expanded a little bit to the south of the barn in order to ensure they would have sufficient setbacks should they decide to subdivide in the future.

Commissioner Seitz said if the barn were to be used as an event center, is that permissible in the R-3?

Ms. Soffel said my understanding is yes.

Commissioner Seitz said with the M-1 property becoming noncompliant because it is too close to the property line what impact does that have on...it is nonconforming in a very specific area but what impact, if any, does that have on any changes, renovations or whatever to the rest of that storage property?

Ms. Soffel said any of the structures within the 30-foot setback can be renovated but they cannot be expanded. Any structures outside of that 30-foot setback it has no effect on them.

Commissioner Seitz said can you elaborate at all on how the permit for the renovation on April 30, 2025 was issued in error?

Ms. Soffel said my understanding is it was based on a definition of what attached means. [Referring to the picture on the screen] The beam that is between the two structures that connects them, in our definition if there is a roof line or if there is a breezeway, then that makes something one structure. There was a difference in interpretation, that after having discussed it further, once it became under scrutiny, we noticed this and discussed it further and do not think it should have been issued at that point. It should have remained as an accessory structure.

Mr. Fletcher said I think there was also a component of misunderstanding of what type of kitchen was in the building before. It was a kitchenette which we do allow. It starts to get into a gray area and a staff member just erroneously approved the permit to be a full kitchen.

Ms. Dang said I do not want to call anybody out but just know it was an individual who was new on staff who was doing their best and missed some questions that they should have. They know now to ask.

Mr. Fletcher said there was a question about whether or not the barn could be used for commercial use. First and foremost, the R-3 district does not allow for a barn to be used for commercial purposes in that manner. Secondly, there would have to be building improvements made changing the use of the accessory structure which is a barn to meet commercial code, accessibility standards. There would be quite a bit that would need to be done to that barn to allow it. Nonetheless it would also have to be scrutinized under the Zoning Code.

Chair Baugh asked if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Todd Stone, the applicant, came forward to speak to the request. He said we appreciate the opportunity to be here. To your point Commissioner Kettler about the cemetery, in the interest of full disclosure, there might be a couple of horses buried out there. This has been my home property where I grew up. I went away for 30 years and came back and we very much want to live here. I have two sons. That is the home that was built in 1805 and as I told Councilmember Dent earlier today Thomas Jefferson was President when the house was built. It is in a M-1 zone, a manufacturing zone. We would like to have the ability to expand the footprint at least on a small portion of the front corner of the house and that is why we are here. We love Harrisonburg. We

love our land there and I am happy to answer any questions that any of you have with respect to the property.

Councilmember Dent said what a beautiful property. The historic house and the barn is really a time capsule in this industrial zone.

Mr. Stone said thank you I appreciate it. We want to try to make it even more beautiful and more residential. As I told you earlier, we planted 32 trees right in the front portion to try and shield it some from the industry around. We voluntarily got on the City sewer. It was on a septic system and we eliminated it. We want to be good stewards of the property and good citizens of the City. I am pretty sure that when the house was built in 1805 the word manufacturing would not have meant anything to anybody at that point. We just want to keep it in the same flavor in which it was built and live there and focus on the remaining property there. Certainly I appreciate the City's Comprehensive Plan and designation of commercial use for that and so there is another ten acres that we certainly would like to see the City's plan with respect to that property and other property around there develop in a way that is beneficial to all the City residents and especially the south end of town which I think needs as much care as we can give it.

Vice Chair Porter said do you anticipate utilizing any of the other ten acres for any specific purpose in the near future?

Mr. Stone said not in the near future, no. We have some ideas but it is not...we would want to live there if we were going to develop it. We are sort of taking it a step at a time and we do not have any plans with respect to the property at this point. We appreciate the City's Comprehensive Plan and would also like to see that end of town developed into a nice business use. I know with the high school out there, students when they come out of the high school they are probably not so interested in car dealerships, as they are in coffee shops and restaurants and that sort of thing. We would like to see that as well, but we do not have any plans.

Councilmember Dent said come to think of it to follow up on that, if there were some development in the other chunk of your property the part that would stay M-1, what would the access be? The regular driveway that also goes to your house?

Mr. Stone said the driveway right now is I think 30 feet wide and that was the original deed. They expanded that to 50 feet. They purchased an extra 20 feet off of what is currently Suter's Furniture there. There is room to make that wider. We both would like to see our driveway kind of upgrade a bit. We have put in 32 trees but we would like to put in more trees down there and make a nice little roadway and it would provide a nice access to the portion that is directly behind Suter's Furniture, which is about three acres. Then there is also the hill next to the high school which would still be accessible from that same access road. That is potential development down the road

in the future if that is something that seems feasible. Obviously, we would be back here to talk to you folks if we were in a position to do something like that.

Councilmember Dent said the keeping of the M-1 looks like you worked out presumably with staff that the shape allows it to be further developed at some point in the future.

Mr. Stone said I think that it is not that we necessarily wanted to keep it as M-1, it is just that at this time what we wanted to do was try to get our residence so that we can live there and then focus on those things down the road. So, I would expect that we certainly do not envision putting warehouses out there or anything like that. We would not want that I can tell you. We would be back here if it is something that was not consistent with the M-1 zoning.

Commissioner Seitz said it was stated that the storage unit business is also owned by your family. When were those units built?

Mr. Stone said the first one I think was in 1976 give or take a year. My folks added onto that about every year up until probably three or four years ago and just kept expanding it. It has kind of grown around the house. It originally was not M-1 it just became M-1 after they grew the storage business back there I think.

Commissioner Seitz said was there family discussions about the proximity of these storage units to what is a significant historical artifact?

Mr. Stone said my father's opinion was nobody would ever want to live in that house. That is one way I disagree with him. I agree with him in a lot more ways than I disagree with him. We are back here and we do want to live in the house.

Chair Baugh asked if there were any more questions for the applicant. Hearing none, he opened the public hearing and 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.

Councilmember Dent said I was sort of musing on the historical stuff it is really fascinating. I will move to approve the request from Todd B. Stone to rezone a portion of 2600 and 2580 South Main Street as presented.

Commissioner Kettler seconded the motion.

Chair Baugh said I guess two concerns that I think some people could have could be I mean it is not really the way that textbook would ask you to design how you put your zoning map together. I guess what I would say is I am not concerned about the precedential value of this. We do not

have that many 1805 structures that are not only surrounded by industrial but [is industrial that] is the very same family that owns the dwelling. In some of these extreme cases, I can think of two other cases, not exactly the same but same in that South Main corridor we have that narrow strip of the City that kind of goes down... In those cases, they were both older residential dwellings. One of which had managed to keep a residential zoning through annexation. One was just no longer being used as residential and the other one had deteriorated to the point where it really could not be used as residential and [unintelligible] they literally ended up doing a boundary line adjustment with the County to bring it into the County because it is very close to the line. To allow them to tear down a house that there was no way to even bring back into habitation. We have a few of these odd ball spots down in that area. The other is, I actually talked to the City's Economic Development Director today and he confirmed to me and I was reminded that in terms of the Land Use Guide the decision for looking at future development here being commercial was not something that was brand new and was also something that he was fine with. I think because of the configuration of this property and one of the reasons I do not think it has precedential value is this is not the camel's nose under the tent because it is the development that is on the edge of a bunch of undeveloped property, you are wanting to set the tone, this is the exact opposite of that. He assured me that there are other parts of the City where he thought people were nibbling away at the M-1 he would object to rezoning. Anyway, I expect I will be supporting this.

Commissioner Seitz said I agree with your statements Chairman Baugh. I do think there is a little bit of a strange logic in fixing one situation of nonconformity by creating another one. Since it is all the same property owners I do feel this is a fairly unique...It does actually highlight some of the things that you have to think about in terms of why we do zoning versus how we establish Land Use Guides versus how do we accommodate these unique positions. I think staff has probably done this. I am ultimately persuaded by the desire and what I perceive to be the sincerity of the family to want to continue living here and to want to be able to adapt the house to continually suit your needs. I support it.

Chair Baugh said I guess I had the other thought, nobody said this out loud but it is sitting there for anybody to look at, for future development purposes they are in the not entirely unenviable position to have property zoned in a category and is planned for another one. Of right development they can do whatever they can get within the guidelines for an industrial property but if they ever wanted to come for a commercial rezoning, it is not an automatic that it would be yes. They start off a bit on the right side of the ledger because we have said that is the type of development we prefer to see out there. Again, which was a decision that has been made a while back and since somewhere in the not too distant future we are going to be working on the next iteration of the Comprehensive Plan. That would also be a time where it would be perfect for us to revisit that at that time if that is something we want to do.

Vice Chair Porter said this is one of the most unique cases I have seen. I sit there and I look at this house and where it located and a beautiful historic home that is unique in lots of ways. To be located where it is located, I would have said would have been a failure of previous zoning. Obviously, this house clearly is grandfathered in the trustiest sense of the word. In these sorts of circumstances, you are not bothering anybody where you are at and all these issues to me are somewhat academic. This is property that has clearly been in your family for a while. The commercial uses that are around, you have ownership of the largest commercial use near you. God bless you folks and enjoy your property out there and I hope that it goes well for you. I do not see any reason why we should even be making an issue out of this... its a unique set of circumstances.

Councilmember Dent said what you said about resolve one nonconformity by creating another one with the setbacks and all of that...

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Commissioner Jezior	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Kettler	Aye
Vice Chair Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on February 10, 2026.