CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT

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May 29, 2025

TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA

SUBJECT: ***A request from Paul C. Riner to rezone 302 West Bruce Street***

EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: May 14, 2025

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 5,397-square foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional. The property is addressed as 302 West Bruce Street and is identified as tax map parcels 25-A-1. The applicant's letter states that the existing unit is unoccupied and has received building permits for internal renovations to include an additional bedroom and bathroom. The applicant is unsure if they would like to sell or rent the home in the future.

The applicant's letter also explains that they would like to rezone the property to conform to zoning lot size regulations. Under the R-2 district regulations, a single-family detached dwelling is required to have a minimum of 7,000 square feet of lot area. In the R-8 district, the lot area requirement for a single family detached dwelling is a minimum of 2,800 square feet per unit. If rezoned, the property would become conforming to lot size requirements.

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

1. Upon request and upon the completion of necessary plats and deeds by the City, the property owner will dedicate a variable width public sidewalk easement along Academy Street for future sidewalk construction by the City. The easement will extend 7.5 feet from the existing back of curb into the property. The property owner has the option to dedicate public right-of-way in lieu of the public sidewalk easement. In addition, a variable width temporary grading

easement up to 5 feet beyond the 7.5 feet public sidewalk easement will be provided to the City for sidewalk installation.

2. Upon request and upon the completion of necessary plats and deeds by the City, the property owner will dedicate a variable width public sidewalk easement along West Bruce Street for future sidewalk construction by the City. The easement will extend 5.5 feet from the existing back of curb into the property. The property owner has the option to dedicate public right-of-way in lieu of the public sidewalk easement. In addition, a variable width temporary grading easement up to 3 feet beyond the public sidewalk easement will be provided to the City for sidewalk installation.

3. Permanent structures, landscaping features, fences, and walls are prohibited in the areas proffered for public sidewalk easement (or public right-of-way).

4. If the property is subdivided by the property owner before the City completes the necessary plats and deeds, then the property owner will be responsible for completing the necessary plats and deeds to dedicate public sidewalk easements (or public right-of-way) and temporary grading easements described above.

Along with proffer #4, which requires the property owner to dedicate the easement or right-of-way if they subdivide the property, the property owner/applicant has been made aware that future subdivision would require them to construct sidewalk along Academy Street in accordance with Subdivision Ordinance Section 10-2-61 (c) because sidewalk already extends along West Bruce Street to its intersection with Academy Street.

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.

Considering the size of the existing parcel and the alignment with R-8 district regulations, staff finds no significant adverse effects on surrounding properties and believes the request is consistent with the Comprehensive Plan's Land Use Guide. The R-8 district is intended for medium- to high-density residential development including, single-family detached and duplex dwellings, and, in special circumstances, townhouse units by special use permit. Staff believes the flexibility offered by the R-8 district's minimum area and dimensional requirements can work well within areas designated as Neighborhood Residential.

If the rezoning is approved, it appears that the parcel could contain a subdivided duplex structure if the existing single family detached dwelling was removed. The existing single family detached dwelling could not be converted to a duplex because the R-8 district requires all units to be positioned on their own lot.

Transportation and Traffic
A traffic impact analysis (TIA) was not required for the rezoning request.

Public Water and Sanitary Sewer
Staff has no concerns with the requested rezoning regarding water and sewer matters.

Housing Study
The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.

Public Schools
If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero. Based on the School Board's current adopted attendance boundaries, Keister Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

For total student population projections, the City of Harrisonburg and HCPS both use the University of Virginia's Weldon Cooper Center for Public Service's projections. These projections are updated annually and are available at: https://www.coopercenter.org/virginia-school-data.

Recommendation
Staff recommends approval of the rezoning request.

Chair Baugh asked if there any questions for staff.

Councilmember Dent said this final statement before the Transportation and Traffic portion of the report, "the R-8 district requires all units to be positioned on their own lot." That is weird I thought R-8 meant to include duplexes, which would be on the same lot.

Ms. Rupkey said with a duplex they would have to be on their own subdivided, individual lots so the property line would go through the building.

Mr. Fletcher said side-by-side duplexes rather than up and down duplexes.

Vice Chair Finnegan said townhouses have property lines running through the building.

Councilmember Dent said all of this is just easements in case we ever build a sidewalk.

Ms. Rupkey said at this time there would not be any plats or easements dedicated, but upon request and completion of the necessary plats by the City those easements, or rights-of-way, would be required..

Chair Baugh said going back to some of the stuff we had on the prior matter, what it amounts to is that it is very unlikely the City would ever put sidewalks there unless everybody in the affected area agreed to do it. They are giving their permission now. That is binding and it runs with the property. If we get enough requests at some point, and can fill it in because everybody on that part of the street wants it, it is already banked basically.

Ms. Rupkey said we would have the ability to request that the necessary space to do the easement as well as temporary construction [easements].

Chair Baugh said it has never come up, that I know of, but conceivably you could have a point where the neighborhood wanted to do it and you had one hold out and that might be that rare circumstance that we talked about earlier where maybe City Council would think about doing eminent domain if 95% of the neighborhood wants it and there is just one person doing it. For these purposes it just means they have already said yep, if it ever comes up, we are good. Just give us notice and we understand you are going to put a sidewalk in.

Councilmember Dent said or if they ever do a subdivision front to back then they would have construct it right?

Ms. Rupkey said correct, the Subdivision Ordinance would require that.

Chair Baugh asked if there were any questions for the applicant or the applicant's representative.

Paul Riner, the applicant, came forward to speak to the request. He said we have undertaken the renovation of the current dwelling unit there with the proper permits from the City and are essentially just requesting the change to the R-8 zoning [district] so that we come within conformity. We are essentially a nonconforming use in the current R-2 district.

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

Vice Chair Finnegan said how long has that building been unoccupied?

Mr. Riner said as far as we can tell the previous owner purchased it with plans to renovate and we purchased it from them when they did not proceed with the plans. I am not sure how long it has been vacant. I know at least the preceding six months to our purchase and that is a guess just based upon conversation with the previous owner.

Councilmember Dent said you are expanding it from a two to a three bedroom?

Mr. Riner said correct. Actually, a three bedroom and two bathroom. There will be a full bedroom and bathroom on the first level of the home just to make it more accessible.

Councilmember Dent said are you planning to sell it or rent it?

Mr. Riner said sell it is the plan now after the renovations are complete. Honestly, that is why, as far as the proffers for the sidewalks, we would love to see that neighborhood more walkable. We think it would add to this subject property in a single-family use.

Councilmember Dent said staff is not requiring the building of the sidewalk at this point. Just to leave the easement open.

Mr. Riner said yes.

Chair Baugh asked if there were any questions for the applicant. Hearing none, he opened the public hearing and invited anyone in the room or on the phone wishing to speak to the request.

Todd Rhea, a resident at 2322 Alston Circle, came forward to speak to the request. He said since we are killing a little time here as it is germane to Mr. Riner's request and he probably does not need me to speak. As an example of the utility of the R-8 zoning district versus some of your legacy R-1, R-2, and R-3 zoning districts, this, and many other examples coming before Planning Commission, should be a good example for you all and food for thought as staff and Planning Commission continue to evaluate Zoning and Subdivision Ordinance matters within the City. These modernized ordinances, R-7 and R-8 districts, are really much easier to work with and provide a lot of public benefit.

Chair Baugh closed the public hearing and opened the matter for discussion.

Councilmember Dent said I have become a fan of R-8. For awhile I was perplexed by why do we keep doing R-8 for porches. It has to do with the setbacks and so on. I think it fits well through older neighborhoods that do not have the more modern, expansive yard setbacks. It is more of an adaptation to the reality of how houses have been built to be on smaller lots and smaller setbacks, it works.

Chair Baugh said I am even going to take that a step further. Some people might think this is an overstatement, but my view has been for a good while that if you look at a residential zoning ordinance… When I first came on it went up to R-4 and that was it. We still have a handful of R-4 but it never became a functional category. We even talked about getting rid of it at one point and decided since you have already have some zoned that way, that would not be as easy of a lift as you would think. Basically, you had R-1 which was the modern residential from a 20th century perspective. R-3 which we called Medium Density because we did not have anything called high density. Anything with any density was in R-3. R-2 was sort of what was left over. What R-2 became was the older, developed residential areas that usually, because of lot size and setback, would not fit into that then kind of classic R-1 description. Which, to me, translated to it has never really been a meaningful planning category. It was when they zoned residential that just where they put the older residential neighborhoods that were fully developed because they did not meet R-1 standards. This idea of these R-2 properties that are nonconforming is quite common, it may be the majority of them. In many respects it is interesting how the R-8 has become…we have

added these various zoning categories over the years, starting with R-4, where you sort of are hoping that it would sort of catch on and spur some things and they kind of never really have except for this. This is the one that we found where suddenly not only does it allow people to do the things that you explicitly said you want to do with smaller lot sizes, but it is where you go the flexibility for the sidewalks. It is where we can take R-2 properties and make them conforming; pending the ultimate ordinance revision that we are going to get to. R-2 is just sort where...somebody who was around then might throw something at me for saying it but... I have seen some nodding heads from staff... that it is kind of where they threw the old residential property.

Vice Chair Finnegan said I will add to that. When you look at some of the streets that show up in these maps from the late 1800s like Academy [Street] and Bruce [Street], people were not parking cars on the street because there were no cars. This idea that public streets are used for private property storage that is something that has come about since the 1950s and you look at lot of the neighborhoods that were built in the 1950s do have the wider roads. Academy [Street] does not have a lot of space there and Bruce [Street] frankly as well. When we talk about setbacks we should also keep in mind what is the street being used for. In a lot of cases the streets are wide so that people can store their private property on it.

Councilmember Dent said I noticed, driving there today, that it became a one lane street because of the cars parked on one side. I move that we recommend approval of the rezoning request with the proffers.

Vice Chair Finnegan seconded the motion.

Chair Baugh called for a roll call vote.

Vice Chair Finnegan	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request with suggested proffers passed (6-0). The recommendation will move forward to City Council on June 10, 2025.