



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

June 1, 2026

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

**SUBJECT: *Consider a request from Robin L. Lake to rezone 850 Canterbury Court***

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING  
COMMISSION MEETING HELD ON: May 13, 2026**

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting to rezone a +/- 12,692-square foot property from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional. The property is addressed as 850 Canterbury Court and is identified as tax map parcel 23-V-14. If approved, the applicant intends to replace the existing covered front porch with a larger covered front porch that would encroach into the current R-1 district's minimum front yard setbacks. The applicant states in their letter that the new porch would be expanded from six feet to no further than 12 feet from the home to avoid the unstable, rocky ground affecting the footers of the existing porch.

### *Proffers*

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

The property shall be limited to one (1) single-family detached dwelling and customary accessory uses.

In the R-8 district, single-family detached homes and duplexes are allowed by right so long as, among other things, lot area and dimensional requirements are met. The submitted proffer prevents more than a single unit within the R-8-zoned area.

While the R-8 district was created in 2019 to provide additional flexibility for housing opportunities by establishing smaller lots, the City has reviewed requests to rezone properties to R-8 in established neighborhoods on a case-by-case basis. Planning Commission and City Council have previously approved requests to rezone properties from R-1 and R-2 to R-8 for the purpose of reducing minimum setbacks. In reviewing those requests, staff noted that, in addition to proffering a maximum number of dwellings, applicants often also proffered minimum front yard

setbacks to ensure that any construction or modifications on the property would remain generally consistent with the established surrounding properties.

Staff suggested for the applicant to consider proffering a minimum front yard setback of 20 feet. The applicant expressed concern that the covered front porch has not yet been designed and was reluctant to proffer a specific minimum setback at this time. Staff would have preferred such a proffer to provide greater certainty regarding the uniformity of the property frontage relative to the neighboring properties.

#### *Land Use*

The Comprehensive Plan designates this site as Low Density Residential and states:

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

The rezoning request, with the submitted proffer, retains the target density for the Low Density Residential designation, and the R-8 district's occupancy regulations are the same as the R-1 district's regulations. With the stated proffer to allow only one dwelling, rezoning to R-8 should not have major adverse effects on the surrounding properties.

#### *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 sanitary sewer matters.

#### *Housing*

Rezoning this property to R-8 will not impact housing. The property currently has one single-family detached dwelling, and the proposed proffer would continue to restrict the property to having only one dwelling unit.

#### *Public Schools*

If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero.

#### *Conclusion*

While staff would have preferred a proffer establishing a minimum front yard setback in order to ensure consistency with the neighboring properties, the request retains both the occupancy and density of the R-1, Single-Family Residential District, and is consistent with the Comprehensive Plan. Staff recommends approval of the rezoning.

Ms. Soffel asked if there were any questions for staff.

Commissioner Seitz said I just want to make sure I understand, and I apologize I was not able to be on the tour yesterday. The address of this is Canterbury Court. It shows a covered porch facing Canterbury Court and a deck facing the Maryland Avenue right-of-way in the back. We are talking about the porch that faces towards Canterbury Court, correct?

Ms. Soffel said correct.

Commissioner Seitz said what I wonder about that is this issue of proffering the 20-foot... I mean that is 31 feet... It would seem like some degree of proffering a setback, that still will allow flexibility for whatever design is made.

Ms. Soffel said that is why staff had suggested a voluntary proffer.

Vice Chair Porter said Ms. Soffel, do we know whether the rock that they are concerned about is in a place that might require them to possibly either amend or change that design?

Ms. Soffel said can you repeat that?

Vice Chair Porter said I understand that the rationale for changing the porch or building an extended porch because of where the footers are falling in relation to rock on the property, maybe this is for the applicant I should ask. The reality is it seems like having a little bit of latitude, especially when you are dealing with something like rock, it might be something you might want a little bit of room to work with.

Ms. Soffel said which is what the applicant had expressed to me.

Councilmember Dent said the fact that they said the porch should be no deeper than 12 feet, what would that make the setback be?

Ms. Soffel said the current porch is 6 feet deep and from the porch to their property line is approximately 31 feet. If the front porch were 12 feet deep that would be about a 25-foot setback.

Councilmember Dent said that is about what they will land with anyway since they have put a maximum on the size of the porch.

Mr. Fletcher said it did not put a maximum on the size.

Ms. Soffel said the size of the porch is not proffered.

Councilmember Dent said if it is as planned it is still a sufficient setback in any case.

Commissioner Seitz said in theory, when this gets submitted for building permit with that 10-foot yard setback they can come back with a porch that is 20 feet deep and still be in compliance with this.

Ms. Soffel said theoretically.

Commissioner Seitz said I guess I would ask this of the applicant when they speak is, why not design the porch to figure out what it needs to be and then come in and specify that setback so that there is not a misunderstanding when it comes through for permitting.

Chair Baugh said I have my educated guess, but let's see if we can do better than that, what would staff say was its rationale for saying well we would like to see it but we are not sufficiently concerned about that issue to insist on it?

Ms. Soffel said it is located on a cul-de-sac and even though all of the neighboring properties do have at least a 30-foot setback, the positioning, the curvature does not necessarily give a sense of uniformity. Whether something is a little bit closer or not, I at least do not predict that would have a visual difference as it would if it was a straight street. In addition, the property has quite an incline in the front yard. The further they would bring a front porch towards the street, the taller it would have to be. That could limit their ability to expand the porch beyond a certain amount. It looks like it would be limiting.

Commissioner Kettler said my sense of expanding a porch like this and the front setback is, allowing a larger porch simply means that the applicant can make better use of their property in terms of being connected to the neighborhood and connected to the street. This is the definition of eyes on the street. That it has a marginally different appearance from adjacent homes in terms of the distance from the curb, it is just not a factor that is that significant for me.

Commissioner Seitz said this is the third R-8C special use permit (sic) I have seen recently. It was designed to utilize smaller lots, but I am seeing it used as a way to find work arounds for restrictions that are given by R-1. Is that a feature or a bug?

Ms. Soffel said it is a result.

Commissioner Seitz said in part of what I am saying is if there is an attitude that okay this is a loophole, but we are going to let it be used as a loophole, then I want to see a stipulated setback. If this is seen to be in alignment with the spirit of having a [R-]8C, then I am less concerned about that. Does that distinction make any sense?

Commissioner Kettler said I think what we are seeing, both in this request and in a previous request, is the unintended consequences of R-1 as it relates to what you can have there. Them not being able to have a stove in the upstairs room, is that really that significant to us? My suggestion is that it is... I do not know by the definition whether it is a bug or a feature, but that the more flexible residential option is a better one.

Ms. Soffel said I would say that what the request demonstrates to me is that there is a desire for those smaller setbacks.

Councilmember Dent said we can address that in the zoning update.

Chair Baugh said I guess to me it is still about where you draw the line. I am comfortable with the notion that while what we primarily thought of with R-8 was the small houses... But why did we like the small houses? Because it was reflective of giving people greater flexibility and getting more efficient use of the space. In that sense, it is consistent. Although the point is well-taken that we are on a run here where we are seeing more R-8s that are about these setback challenges than actually trying to get the additional unit on the property or those types of things.

Commissioner Seitz said I agree in spirit with Commissioner Kettler. I do not mind seeing this being used as a way to fine tune the irregularities that come up when you have a strict applying of R-1. I think that when you do that you have to be very precise about it. To me the difference between having a six-foot-deep deck that might be 10 to 12 or it might be 20 feet is imprecise. I get that we do not know where the rock is, we do not know what we are going to encounter and so on but design it, dig test holes and then come back and ask for exactly what you want.

Chair Baugh invited the applicant or applicant's representative to speak to their request.

Robin Lake, the applicant, came forward to speak to her request. She said ready for questions.

Commissioner Seitz said I guess I would be more comfortable having assurances. I get maybe +/- 1 foot because you are trying to navigate around rock. We are providing you the opportunity to build anywhere up to a deck that is 20 feet deep with only a written non-binding assurance that it is going to be more or less 12 feet. Is there any way we can get more specificity about that?

Ms. Lake said what would please the Commission for a setback? What we are dealing with is an ongoing issue that we have had with this porch to the point that we actually tried to have helical piers installed under it and they could not get under it. I do not know what it is going to look like in that space because not only are we on a slope we are also on a slope like this to the street.

Commissioner Seitz said again I would recommend designing the solution and find out exactly what you need. I understand that this is driven more by the technical issues of the rock and the failure. Putting those helical piers in I get is expensive, but all the more reason to figure out what works there because you have the flexibility. I think if we are using the [R-]8C rezoning as a way to deal with very particular and unique issues, then let's bring particular and unique solutions to it. What burden do we put on you by asking you to design it, test it, specify what you want prior to coming for the rezoning?

Ms. Lake said hiring a structural engineer to do the testing and design before I know that something is going to be approved.

Commissioner Seitz said you said "you think it is 12 feet."

Ms. Lake said right now we are at six feet if we go no more than 12 because then we start to really slope off. If we go no more than twelve, which is what was requested, we should be able to get somewhere between ten and twelve feet and find a spot that we should be able to do something. That is what I was looking for. I was also considering needing to move the stairs from the left of the house where it is at the end of the porch where it is settling over to need to move the stairs somewhere in the front. The consideration is if we were to decide to cover, which we are not, but

I did not want to limit somebody else to have to come back and proffer that we want to cover the stairs if need be.

Commissioner Seitz said I think agreeing to a minimum twenty-foot setback gives you five-feet of latitude beyond the six feet that you say that you need.

Ms. Lake said the issue is actually the covered porch. I could bring the porch out now into the setback and it would be fine. It would be within the third of the setback that there is now. I cannot cover the entire porch. It would have to stay partially covered where it is. That is the issue that I am having is the enclosure of the porch. As it is I could just extend the porch with no cover but that does not make for a very useful or aesthetic front porch.

Vice Chair Porter said you stated in your letter that you probably needed no deeper than 12 feet, is that pretty much where you feel like you are at this point?

Ms. Lake agreed. She said if we try to go a foot we are probably going to hit some of the same thing. We may hit it at ten it may be 12 or 13. That is where I am shooting for is 12, so that we have that latitude to play with whatever might be under the ground.

Councilmember Dent said this is the first I have heard about a stair; meaning the stair might come out of the front of the porch. If that were at some point to be covered that would be even further into the setback?

Ms. Lake said that would be a new proffer. It is my understanding that the stairs themselves can egress into the setback. It would only be if they are covered, that would be the issue. Because that whole left side of the porch... we have structural supports in the crawlspace under that side of the house because of the issues. The stairs are there. When we originally replaced the railing, it was full of carpenter bees. When they took the support out on the short end, the whole corner, all the brick, just fell out. The only thing that was holding it there was the post that was on top of it. We replaced it with vinyl, no more carpenter bees, but now as the porch continues to settle my guess is that in the wintertime the vinyl gets very stiff and as the torque from the settling hits it in the cold it is cracking the railings. It is also causing more settling. We have a few cracks on top of the porch as well. We tried to do it mechanically and leave what is there and they withdrew their request for the permit because they could not do it.

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

Ms. Lake said when I originally brought in this request, this was the suggested route to go because you guys do not give variances.

Vice Chair Porter said I would say in this particular set of circumstances that based on some of the structural issues you are facing, this could almost rise to the level of something that could be considered for that just based on the fact that we would be giving you relief in this set of circumstances based on the topography of your property. Am I correct in that?

Mr. Fletcher said that can be a situation.

Vice Chair Porter said it is not unprecedented particularly the fact that you are dealing with these issues. I would be inclined, particularly because this is on a cul-de-sac, to give you a little more leeway than maybe some other circumstances and that is kind of where I sit on it. I do feel a little uncomfortable with giving you a complete hunting license just to be able to go out as far as you need to. Is there an amount at maybe 14 feet deep? Is there something in that area where you would be willing to say we are not going to go any further?

Chair Baugh said Mr. Russ, I hope you would caution us if we think we are getting too close to what sounds like directly negotiating proffers.

Ms. Lake said I am willing to proffer 15 feet which kind of cuts what we have in half.

Vice Chair Porter said to keep it from getting further into negotiation I will not respond to it. It does get to the heart of the issue here.

Commissioner Seitz said I agree, this would be a lot easier.

Commissioner Kettler said I think that this discussion gets to the question of, what is a front yard for? To me, if a front yard is good for something, it is good for a space to interact outside near where other people could be and activate a neighborhood. What is a larger front porch if not that?

Vice Chair Porter said it is also an existing part of her structure that is now failing. Again, I go back to the possibility that could almost put her in a position to be able to ask for a variance, but I think that in this particular case it is probably we deal with it while we are here.

Councilmember Dent said I think here is easier.

Chair Baugh asked if there were any more 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.

Panayotis Giannakouros, a City resident, called in to speak to the request. He said I urge the applicant to ask for what they need. It will be approved at City Council especially if it appears before the primary election on August 4 when Nicki Gross and Kat Hendley are running to take two of the seats. Regarding R-8, it has shown up a compelling reason why we need to start from whole cloth in our Zoning [Ordinance] rewrite. The bug in R-8 is that it was a developer and realtor driven process that gave us lots that are too small for what people want. Again, door knocking with Nicki and Kat, I have heard this from realtors that people do not want the small lots. Developers do because they can sell more pieces. The side effect of R-8 is that it has shown what people actually do want. When we get homeowners, people who live in the homes coming forward they use this side effect of R-8 which is a feature that should be codified in our Zoning [Ordinance] rewrite. Which is, to make their lot usable. I find myself agreeing with Commission Kettler here. The purpose for a front yard setback is so that it can be landscaped as a lawn which can be used to harass people out of the neighborhood. If you do not think that happens, come to Sunset Heights where the Ku Klux Klan is circulating an anonymous letter targeting people who have been repeatedly targeted by the same organization under their brand name. Now they are not harassing

under their brand name, they are harassing under a homeowner's association that does not exist to drive people out of the neighborhood. We need to do a whole cloth rewrite of the zoning. I am really unhappy that I am hearing nobody but Commissioner Kettler calling this out. In Old Town recently, City Council approved a large house with large porches with very different kinds of setback in those lots which were created before segregation through zoning in a neighborhood that people would generally agree is a very functional neighborhood. We need to remove the exclusionary wasteful features. Now if we wanted to have a big setback because it is going to be landscaped in a way that is going to create a wildlife corridor, a stormwater resilience feature, that is great but that is not what we have right now. Again, I urge the applicant to ask for what they want, ignore Planning Commission. This is not a decision-making body, it is an advisory body. City Council will be with you because they face a contested primary. Thank you, Mister Chair.

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

Commissioner Seitz said I would simply say, Commissioner Kettler, the other role in something like this is front yards also connect you to a neighborhood. There is always a part of the discussion of how does it affect the relationship both physically and otherwise in a neighborhood. I am inclined to vote in approval of this. At the end of the day, Ms. Lake, I trust you to do the right thing. But I would ask please when we use R-8 as a work around, please ask for as much specificity about what we are approving as possible. I feel like the way that this structured, there is leeway here that in some circumstances could come back and bite the City. We are an advisory body. My advice is to be as specific as possible with these R-8 rezonings in the future.

Vice Chair Porter said I would only state that just like your situation and the situation that others have brought forward, it is not your fault that the situation is set up the way it is. I feel for your circumstance and again I would put myself in your place as having a property that is having structural and topographical issues that are threatening your home. I would want to give you as much latitude as possible to be able to correct that and get your life back the way you want it. That is how I view it, but it is a bit of a technical issue because this is really not how this should work. In terms of coming and having to ask for basically something that should be addressed probably as a variance, and we are having to go through a process of doing a rezoning. It defeats the purpose of what R-8 was designed to do. I do agree very much with Commissioner Seitz about that. At the end of the day I think it is about giving you the latitude that you need to be able to do what you need to do for your property. I would definitely support this.

Commissioner Jezior made a motion to approve the request as presented by staff.

Vice Chair Porter seconded the motion.

Chair Baugh said I understand the concept. It is hard for me to imagine something there that would bother me. The law on variances, if applied properly, is to be extremely conservative and restrictive. It is a high bar, What jurisdictions in the state tend to do is drift over time to be more practical than setting a high bar, and then the Virginia Supreme Court will issue that same opinion that they have issued before and everybody cuts back on it. I also understand not going down that path.



Vice Chair Porter said I am sitting up here with two attorneys who probably appreciate a good loophole when they see it. Until we get a better system its kind of is what it is.

Chair Baugh said I would call it being reasonably flexible to work with folks in town.

Councilmember Dent said I have just been pretty baffled to amused at the R-8 loophole for just these kinds of setback issues. Again, it just prompts for more rigorous update of our Zoning [Ordinance] so that we can allow for these things by right and do not have to keep seeing them.

Commissioner Kettler said I think this is more onerous on the small homeowner who just wants to make a change to their porch and not go before Planning Commission to do it. Having some clear already established by right rules that already address the other concerns mentioned is helpful for that.

Chair Baugh said again, this one is not driven by aesthetics, this is my porch is falling into the ground and I would like to keep it.

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 June 9, 2026.