

August 4, 2026

Nyrma C Soffel
Planner, City of Harrisonburg
Department of Community Development
409 South Main Street
Harrisonburg, VA 22801

RE: Variance Request for 704 N Liberty St.

Nyrma,

The purpose of this letter is to request a variance, pursuant to Section 10-2-2 of the City of Harrisonburg Code of Ordinances, for the property located at 704 N. Liberty Street, identified as TM# 040-N-1-2, related to the sidewalk construction requirement set forth in Section 10-2-61(c). The property owner is currently in the process of rezoning and subdividing the property, to increase the number of homes from one to four (the existing single-family home, one additional single-family home, and a duplex containing two homes) each of which represents the type of modest, attainable housing identified as a priority in the City's Comprehensive Plan and Housing Study.

A sidewalk currently exists along the West Washington Street frontage of the property. This sidewalk was constructed by the City without an easement having first been obtained from the property owner. As a result of the sidewalk's presence, the property is now subject to the requirement of Section 10-2-61(c) that a connecting sidewalk be constructed along the North Liberty Street frontage as part of the subdivision process.

Requiring construction of the connecting sidewalk would create an unnecessary hardship. The condition triggering this requirement was created by the City's prior construction of sidewalk improvements on private property without the necessary easement having been obtained. For a subdivision of this modest size, the cost of the required improvement is substantial. Section 10-2-2 authorizes a variance where strict adherence to a provision of the chapter would cause an unnecessary hardship because of unusual conditions, and the circumstances described above present precisely such a condition.

A variance in these circumstances would not have the effect of nullifying the intent and purpose of the Comprehensive Plan. Goal 13 provides for a transportation system that is "safe and convenient," and Objective 13.1 provides for the movement of people "efficiently and safely." A sidewalk constructed at this time would terminate at the edge of the property and would encourage pedestrians to cross North Liberty Street at a point beyond the intersection, rather than at the intersection itself, creating an unsafe crossing. Deferral of the sidewalk until it can be extended to a location where a safe crossing is available is therefore consistent with, rather than contrary to, the safety purpose of Goal 13. The long-

term objective of Strategy 13.1.5—pedestrian accommodations on both sides of every street—is preserved through the right-of-way dedication described below.

The location of the property within the Housing Study’s Market Type D does not alter this conclusion. The strategy identified for Market Type D is the concurrent development of housing and economic opportunities through mixed-use development. A connecting sidewalk that reaches no amenity, and that directs pedestrians to an unsafe crossing, does not advance that strategy; the housing proposed by the property owner does, consistent with Goal 5, Objective 5.2, and Strategy 6.1.5 of the Comprehensive Plan. More broadly, requiring small-scale developers of affordable housing to construct public infrastructure increases the cost of housing and reduces its affordability. The Housing Study recommends that the City offset such costs, including through the waiver of certain fees (Recommendation 5) and the provision of infrastructure as an incentive (Recommendation 7). The present circumstances afford the City an opportunity to further those recommendations.

In lieu of requiring construction of the sidewalk by the property owner, a right-of-way is proposed to be granted for the existing sidewalk along West Washington Street, together with a right-of-way to be dedicated to the City for a future City sidewalk along the North Liberty Street frontage of the property. This approach would resolve the existing easement issue, preserve the ability to complete future pedestrian improvements at a time when a safe crossing can be provided, and avoid imposing an undue burden on the property owner.

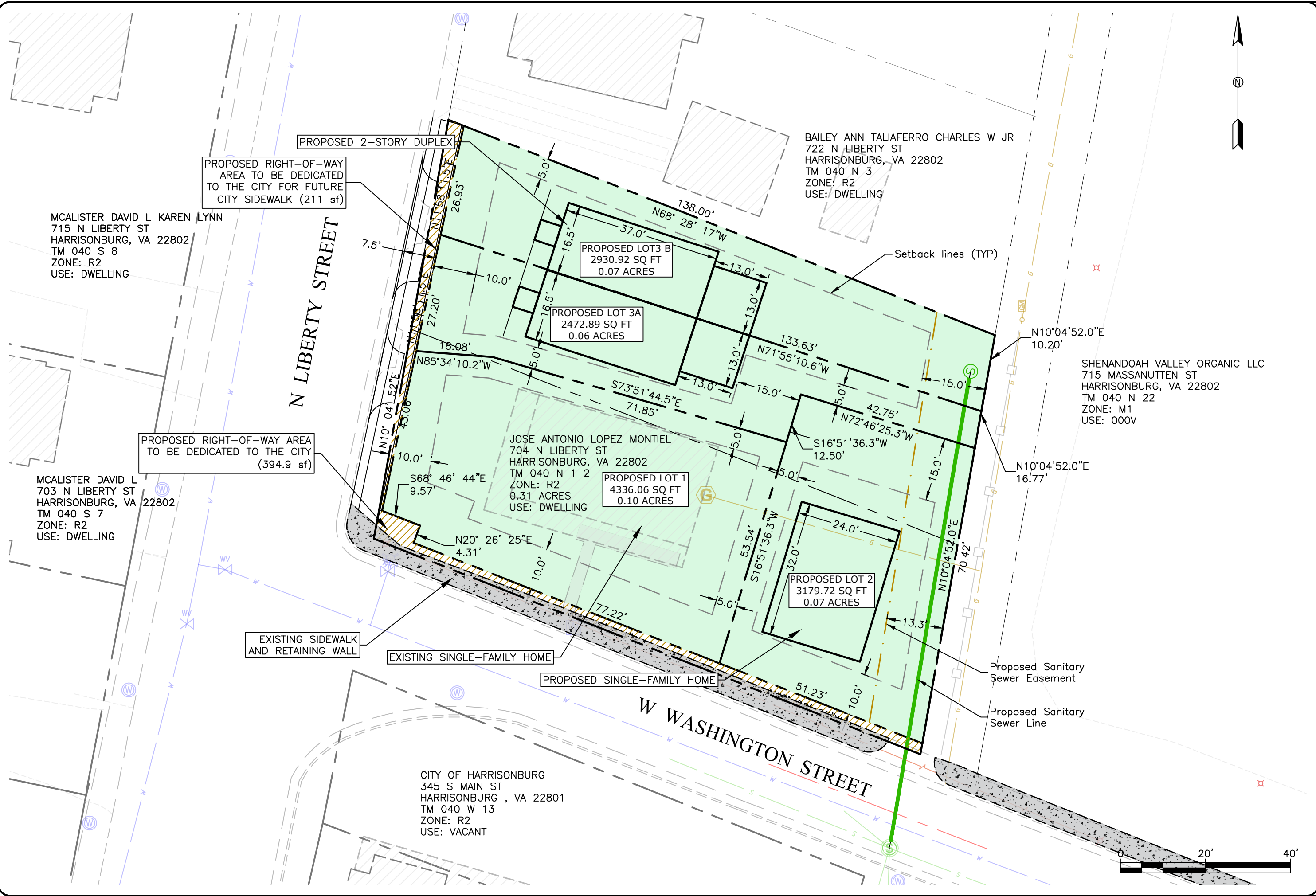
For these reasons, approval of a variance from the sidewalk construction requirement of Section 10-2-61(c) is respectfully requested. We would welcome the opportunity to discuss this request further and thank you for your consideration.

Best Regards,

A handwritten signature in black ink, appearing to read 'Jose Lopez', with a stylized, overlapping loop structure.

Jose Lopez
Property Owner

WORKING DRAWING.dwg Plotted: 8/4/2026 By: Gil Colman



Project: CE202631
Sheet: 1 of 1

Revisions

Date: 06/29/2026
Scale: 1" = 20'
Designer: GLC, PE
Drafter: ---
Reviewer: GLC, PE

VARIANCE REQUEST
704 N. Liberty St Property
3 Brothers Construction
704 Liberty Street
Harrisonburg, VA 22802

REZONING

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