**Zoning Dispute Puts Occupancy Limit In Spotlight**
Neighbor: Single-Family Subdivisions No Place For Multi-Tenant Rentals **By PRESTON KNIGHT** *Daily News-Record* **HARRISONBURG** — For David Driver, a public hearing at Monday’s Board of Zoning Appeals meeting is about more than a simple property-use violation.

To Driver, the character of the city’s single-fam­ily neighborhoods is at risk if one homeowner wins his appeal.

At the hearing, scheduled for 4 p.m. in City Council chambers, the board will take comments on the city’s ruling that occupancy at 33 Port Re­public Road violates Harrisonburg’s zoning code.

After Driver filed a complaint about the prop­erty with the Department of Planning and Com­munity Development, inspector Rosalyn Ray found on Aug. 2 that four college-age men were moving into the Port Republic Road house. The area is zoned R-1 single-family residential, mean­ing an owner not living on the premises can only rent to no more than two unrelated people or an­other family.

The home’s owner, Thomas Westberg-Croess­mann, lives in Warrenton. He is a 2011 graduate of James Madison University.

Westberg-Croessmann could not be reached for comment on Friday.

“If people want to [try to] change the regula­tions or rezone their property, that’s perfectly OK,” said Driver, who lives on Hillcrest Drive. Driver’s home is across and about a tenth of a mile down from the house in question. “In the meantime, we’re still a nation of laws.”

In his appeal letter, Westberg-Croessmann said that he believes student housing is an acceptable use of the property, claiming that multiple unre­lated people were allowed to live there before the city rezoned the area.

He adds that the current occupancy has “no detrimental impact on the community and imposes no greater impact than allowed by the existing zon­ing.”

Zoning officials say the property has always had the same classification, and they are confident they will win the appeal. The same house, under different ownership, was also found to be in violation in 1999, and the owners were given an extension to correct it.

A violation is a class 1 misdemeanor, which can have a maximum punishment of a year in jail and a $2,500 fine if not addressed.

The city investigates about two occupancy violations a month, each based on citizen complaints. However, they are often unfounded, officials say.

Driver said most residents are too afraid to speak out against their neighbors because they fear retaliation. He urges residents citywide to attend the public hearing for the sake of singlefamily neighborhoods.

Driver sums up his concerns with what he says he saw on a recent night at the Port Republic Road house — five or six cars parked in the driveway and yard, and “several dozen” people partying outside.

“Would you want to live next to that if you were in a single-family house?” he said.

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