



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections
Engineering
Planning & Zoning

To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Planning and Community Development; and
Harrisonburg Planning Commission
Date: August 13, 2019 (Regular Meeting)
Re: Special Use Permit – 111 Campbell Street (Short-Term Rental)

Summary:

Public hearing to consider a request from Glenn Loucks with representative David Sloop for a special use permit per Section 10-3-180(6) of the Zoning Ordinance to allow for a short-term rental within the UR, Urban Residential District. The +/- 12,800 sq. ft. property is addressed as 111 Campbell Street and is identified as tax map parcel 26-O-5.

Background:

The Comprehensive Plan designates this site as Neighborhood Residential. 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.

The following land uses are located on and adjacent to the property:

- Site: Single-family detached dwelling, zoned U-R
- North: Across Campbell Street, multi-family dwelling, zoned U-R and professional office, zoned B-2
- East: Single-family detached dwelling, zoned U-R
- South: Multi-family dwelling, zoned R-3
- West: Single-family detached dwelling, zoned R-3

In early 2018, staff discovered occupancy violations upon the subject parcel, where there were eight unrelated individuals residing within the single-family detached dwelling and one person residing in two separate dwelling spaces within the accessory structure that had been illegally converted from a non-conforming one-unit dwelling to a duplex. Zoning staff issued a Certified Notice of Violation to the property owner requiring that the property's uses and occupancy be brought into conformance with the existing U-R zoning regulations. This meant the property could contain only a single-family detached dwelling occupied by a family or two unrelated individuals and the accessory structure could no longer be used as dwelling units because the non-conforming dwelling had been illegally enlarged to two dwelling units.

The property owner appealed the decision of zoning staff to the Board of Zoning Appeals (BZA). On June 4, 2018, the BZA upheld Zoning staff's determination that there was an occupancy and use violation existing on the site and therefore, the property would need to be brought into compliance with the U-R zoning district. The property owner discontinued the uses within the main house and the carriage house and placed the property for sale. In December 2018, the City's Zoning/Planning Specialist issued a formal letter to the property owner listing the allowable uses for 111 Campbell Street (the letter is attached with this staff report.) Please note within the letter under Uses Permitted by Special Use Permit, that subsection (6) Bed and Breakfast Facilities is, as of March 26, 2019, now listed as Short-term rentals.

Key Issues:

The applicant is requesting approval of a short-term rental (STR) operation at 111 Campbell Street. The property is located mid-block, along the southern side of Campbell Street, across from the intersection of South Federal Street with Campbell Street. The property is also located about 300-feet from South Main Street and about 350-feet from City Hall. Situated on the property is a single-family detached dwelling and an accessory structure (often referred to as "the carriage house") which is non-conforming to required setbacks.

As stated in the applicant's letter, they desire to purchase the property for their personal residence and begin renovations on both the single-family dwelling and the accessory structure. Staff has discussed with the applicant the issue involving the illegal uses that previously existed on the property and informed them that building and trade permits will be required prior to beginning any renovations.

The applicants propose to renovate the existing accessory structure to be used as two accommodation spaces for short-term rental. ("Accommodation spaces" means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) Each space would accommodate three persons for a total of six guests within the accessory structure. The applicants must understand that any building improvements made to the accessory structure could in no way renovate the spaces to a point where the spaces would be considered dwelling units.

Renovations are also proposed for the detached single-family dwelling, converting it from seven bedrooms to five bedrooms, along with other necessary updates to make it their primary residence. Once the single-family dwelling is renovated, the applicants desire the ability to rent the single-family detached dwelling as a "whole home" STR with five accommodation spaces and up to 15 guests during football weekends or graduation. The operator would not be present during the whole home lodging period. They describe that the whole home rental would be to a family or a single group; they would not be renting individual rooms within the single-family detached dwelling.

The applicants further explain that in the future, if they were to move from the property, they would still want the ability to operate the property as a whole home STR, even though it would not be their primary residence.

If approved as requested, there could be a total of 21 guests on the subject property lodging within the single-family detached dwelling and accessory structure, and the operator/property owner would not be present during the lodging period.

This section of Campbell Street has residential Red Zone parking; therefore, a parking permit is required when parking on the street between the hours of 4:00 am to 6:00 pm, Monday through Friday. If approved as submitted, a total of eight off-street parking spaces would be required (one for the single

family detached dwelling and seven for the STR operations). This property has the ability to provide the required off-street parking within the driveway and parking areas on-site.

The subject site is in a transitional space between a major collector street (Mason Street) and a minor arterial street (South Main Street) and is within 200-feet of the Joshua Wilton House and other businesses fronting South Main Street. Additionally, it is walkable to James Madison University (JMU) and to the downtown central business district. Staff believes that a whole home STR could be appropriate at this location, but does not believe it is in the best interest of this neighborhood to allow such a high number of allowable lodgers (up to 21 persons as presented by the applicant) without the site being the property owner's primary residence. Such a situation could become a nuisance to neighboring properties with large groups temporarily renting the space. Therefore, as indicated below, staff is recommending the condition that if the site is the operator's primary residence, the STR can have up to 20 individuals. If, however, the site is not the operator's primary residence, the site shall only allow up to 10 lodgers.

Staff recommends approval of the STR only with the following conditions:

1. All STR accommodations shall be within either the principal dwelling or the accessory structure ("the carriage house").
2. There shall be no more than seven STR guest rooms or accommodation spaces.
3. If the STR is the primary residence of the operator, 20 individuals may be accommodated on the site. If the STR is not the primary residence of the operator, 10 individuals may be accommodated on site. Where lodgers reside within the seven accommodation spaces can be determined by the STR operator so long as all Building Code requirements are met.
4. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the Pre-Operation Form when short-term rental guests are present.
5. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
6. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Condition #1 prevents the ability for the STR operator to convert or construct any additional accessory buildings into space for STR that was not previously vetted for impacts to the surrounding properties. If the applicant later wishes to create living spaces within an accessory building for STR, they must return to Planning Commission (PC) and City Council (CC) with a new SUP request. Condition #2 limits the total number of guest rooms and accommodation spaces on the entire property to seven. Condition #3 limits the total number of STR guests to not more than 20 or not more than 10 depending upon whether the property is the operator's primary residence. Condition #4 requires that prior to beginning operations that the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form and shall maintain compliance with the form when STR guests are present. The form includes a checklist to guide STR operators through a self-inspection of guest rooms and accommodation spaces and means of egress.

Condition #5 provides flexibility for the property owner to maintain the residential appearance of their property by not requiring them to create and delineate additional off-street parking spaces. Section 10-3-25(28) of the Zoning Ordinance (ZO) requires STRs to "provide one parking space for each guest room or accommodation space, or as may be more or less restrictive as conditioned by a special use permit."

With a request to rent for STR seven accommodation spaces, the property should provide seven off-street parking spaces. It should be acknowledged that in addition to the off-street parking space required for the STR, the ZO requires off-street parking spaces for the non-transient dwelling unit. This property has the ability to provide the required off-street parking within the driveway and parking areas on-site. Staff believes the applicant should be provided the flexibility to meet the off-street parking requirements by allowing customers to park on the existing driveway or other area of the property without delineating parking spaces.

Condition #6 allows PC and CC to recall the SUP for further review if the STR becomes a nuisance.

It should be acknowledged that while the applicants have explained their plans for using this property, the SUP is not restricted to the applicant or operator and transfers to future property owners. If the applicant sold the property, future property owners could operate a STR so long as they meet the conditions for the SUP as approved. How the property could be used by any future property owner should be considered when deciding on SUP conditions.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the special use permit request as submitted;
- (b) Recommend approval of the special use permit request with suggested conditions;
- (c) Recommend approval of the special use permit with other conditions(s); or
- (d) Recommend denial.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing and twice advertising for City Council's public hearing. The advertisement was published as shown below:

Special Use Permits – Short-Term Rentals

Public hearings to consider requests for special use permits to allow short-term rentals. A short-term rental is defined in the Zoning Ordinance as “[t]he provision of a dwelling unit, a bedroom or accommodation space within the dwelling unit, or any accessory building that is suitable or intended for transient occupancy for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy.” Short-term rentals are further regulated by Article DD of the Zoning Ordinance.

- ***111 Campbell Street*** – Request from Glenn Loucks with representative David Sloop for a special use permit per Section 10-3-180(6) of the Zoning Ordinance to allow for a short-term rental within the UR, Urban Residential District. The +/- 12,800 sq. ft. property is addressed as 111 Campbell Street and is identified as tax map parcel 26-O-5.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff recommends alternative (b) recommend approval of the special use permit request with suggested conditions.

Attachments:

1. Planning Commission Extract
2. Site maps
3. Application, applicant letter, and supporting documents
4. Zoning Determination for 111 Campbell Street
5. Public comment received (letters, emails, phone calls)

Review:

During the public hearing at Planning Commission, the applicant amended the SUP application stating that the request for STR would only be for two accommodation spaces within the accessory building and not within the principal dwelling.

Planning Commission recommended (6-0) alternative (c) approval of the special use permit with other conditions as follows:

1. The site shall be the operator's primary residence.
2. If the operator is not the property owner, then the operator must be present during the lodging period.
3. All STR accommodations shall be within the accessory building ("the carriage house").
4. There shall be no more than two STR guest rooms or accommodation spaces.
5. The number of STR guests at one time shall be limited to six.
6. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the Pre-Operation Form when short-term rental guests are present.
7. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
8. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.