



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission  
Date: January 12, 2021 (Regular Meeting)  
Re: Special Use Permit – 817 Honeysuckle Lane (Short-Term Rental)

### **Summary:**

Request from David E. Berry, Jr. and Sharon Berry for a special use permit per Section 10-3-34(7) of the Zoning Ordinance to allow for a short-term rental (STR) within the R-1, Single-Family Residential District. The +/- 10,220 sq. ft. property is addressed as 817 Honeysuckle Lane and is identified as tax map parcel 28-O-4.

Staff and Planning Commission (6-0) recommended in favor of the SUP with conditions.

### **Background:**

The Comprehensive Plan designates this site as Low Density Residential. 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 following land uses are located on and adjacent to the property:

**Site:** Single-family detached dwellings, zoned R-1  
**North:** Across Honeysuckle Lane, single-family detached dwellings, zoned R-1  
**East:** Single-family detached dwellings, zoned R-1  
**South:** Single-family detached dwellings fronting Country Club Road, zoned R-1  
**West:** Single-family detached dwellings, zoned R-1

### **Key Issues:**

The applicant is requesting approval of a short-term rental (STR) operation at 817 Honeysuckle Lane, which is located approximately 275-feet east of the intersection of Vine Street and Honeysuckle Lane. The single-family detached dwelling is a three-bedroom home and the applicant desires to offer each bedroom as STR accommodation spaces. (“Accommodation spaces” means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) The applicant desires to rent for STR to a maximum of six STR guests during the lodging period.

The applicant has stated that this is their primary residence and because they are often out of town visiting their son, they would like the ability to rent out the home for short-term rental when they are away. Staff discussed with the applicants the option to operate a by right homestay. However, homestay uses are limited to four guests during a lodging period and are limited to operating for only 90 nights during a calendar year. The applicant desires to rent to six guests during a lodging period and for more than 90 nights during a calendar year.

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 three accommodation spaces, the property should provide three off-street parking spaces. In addition to the off-street parking spaces required for the STR, the ZO requires one off-street parking space for the non-transient dwelling unit. There is a two car garage, that the applicants state is available for parking, and a driveway that can accommodate two vehicles, for a total of four off-street parking spaces. Staff believes the applicants should be provided the flexibility to meet the off-street parking requirements by allowing customers to park on the existing driveway, or within the garage, without delineating parking spaces.

Staff recommended condition numbers 1 through 6 below. Planning Commission agreed with those conditions and added a seventh condition. The recommended conditions are as follows:

1. All STR accommodations shall be within the principal structure.
2. There shall be no more than three STR guest rooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to six.
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 items identified in 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 garage or driveway.
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.
7. The STR shall not exceed a lodging period of more than 90 nights during a calendar year.

Condition #1 prevents the ability for the STR operator to convert or construct an accessory building into space for a 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 a 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 three. Condition #3 limits the total number of STR guests to not more than six. 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 items identified in the form when STR guests are present. Condition #5 provides flexibility for the property owner to maintain the residential appearance of their property by not requiring them to delineate off-street parking spaces. Condition #6 allows PC and CC to recall the SUP for further review if the STR becomes a nuisance. As noted above, condition #7 was added by Planning Commission and limits the number of lodging nights to 90 per calendar year; this condition mimics the by-right homestay regulations, which allows only 90 lodging nights per calendar year.

It should be acknowledged that while the applicants have explained their plans for using this property, the SUP is not restricted to the applicants or operator, and transfers to future property owners. If the applicants were to sell the property, then 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.

Because the City has approved multiple STR SUP applications in similar locations throughout the City and with comparable operating situations, staff recommends approval of the request with the suggested conditions. Staff believes that the proposed use is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approval of the special use permit request as submitted;
- (b) Approval of the special use permit request with suggested conditions;
- (c) Approval of the special use permit with other conditions; or
- (d) Denial of the request.

**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 Permit – 817 Honeysuckle Ln (Short-Term Rental in R-1)***

Public hearing to consider a request from David E. Berry, Jr. and Sharon Berry for a special use permit per Section 10-3-34(7) of the Zoning Ordinance to allow for a short-term rental within the R-1, Single-Family Residential District. A short-term rental is defined in the Zoning Ordinance as “[t]he provision of a dwelling unit, a guest room 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. The +/- 10,220 sq. ft. property is addressed as 817 Honeysuckle Lane and is identified as tax map parcel 28-O-4.

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) approval of the special use permit request with suggested conditions.

**Attachments:**

1. Extract from Planning Commission
2. Site maps
3. Application, applicant letter, and supporting documents

**Review:**

Planning Commission recommended (6-0) approval of the SUP with the following conditions:

- All STR accommodations shall be within the principal structure.
- There shall be no more than three STR guest rooms or accommodation spaces.
- The number of STR guests at one time shall be limited to six.
- 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 items identified in the Pre-Operation Form when short-term rental guests are present.
- Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the garage or driveway.
- 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.
- The STR shall not exceed a lodging period of more than 90 nights during a calendar year.