



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: July 9, 2019 (Regular Meeting)
Re: 294 Franklin Street – Special Use Permit (Short Term Rental)

Summary:

Public hearing to consider a request from Sherwyn and Deirdre Smeltzer 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. 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. The +/- 7,700 sq. ft. property is addressed as 294 Franklin Street and is identified as tax map parcel 26-I-12.

Background:

The Comprehensive Plan designates this area 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: Non-conforming duplex dwelling; zoned U-R
East: Single-family detached dwelling; zoned U-R
South: Across Franklin Street, single-family detached dwellings; zoned U-R
West: Single-family detached dwelling; zoned U-R

Key Issues:

The applicants are requesting approval of a short-term (STR) operation in their home at 294 Franklin Street. The subject property is located along the northern side of Franklin Street, approximately 80-feet south from the intersection with Ott Street. The applicant has informed staff that the property is their primary residence and they will be present during the lodging period.

The applicants desire to rent for STR one accommodation space in their home that could accommodate two persons. (“Accommodation space” means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) The accommodation space is described as a third floor finished open attic space with a separate bathroom. The accommodation space has access through the home, as well as an exterior separate entrance via a staircase along the outside of the home.

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 one STR accommodation space, the property would be required to provide one off-street parking space. As well, the ZO requires one off-street parking space for the single-family detached dwelling.

This section of Franklin Street restricts parking along the northern side of the street. Additionally, there is red zone permit parking on the southern side; therefore, a parking pass is required for vehicles parking on the south side of Franklin Street Monday through Friday, 4am-6pm. The subject property has a driveway for off-street parking that is utilized for the single-family detached dwelling. The applicant states that the driveway can accommodate the additional required parking space for the STR operation.

If the request is approved, staff recommends the following conditions:

1. The site shall be the operator’s primary residence.
2. An operator shall be present during the lodging period.
3. All STR accommodations shall be within the principal structure.
4. There shall be no more than one STR guest room or accommodation space.
5. The number of STR guests at one time shall be limited to two.
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.

Condition #1 helps to prevent the City’s housing stock from being purchased by investors and then being reallocated from homeownership and long-term rentals to STRs. Condition #2 protects the neighbors by ensuring that there is on-site accountability with operators being present during the lodging period. Condition #3 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 STR, they must return to Planning Commission (PC) and City Council (CC) with a new SUP request. Condition #4 limits the total number of guest rooms and accommodation spaces to one. Condition #5 limits the total number of guests at one time to two. Condition #6 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 #7 provides flexibility for the property owner to maintain the residential appearance of the property by not requiring them to delineate additional off-street parking spaces. Condition #8 allows PC and CC to recall the SUP for further review if the STR becomes a nuisance.

Additionally, it appears that the attic was finished without obtaining building permits. The applicant is aware that a building permit and final inspection will be required by Building Code Officials prior to their inspection of guest rooms and accommodation spaces and means of egress.

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 applicants sold the property, future property owners could operate a STR so long as they meet the conditions for the SUP. How the property could be used by any future property owner should be considered when deciding on SUP conditions.

Franklin Street is a local residential street that is heavily travelled by both, vehicles and pedestrians. The subject property is walkable to the downtown area and James Madison University campus. It is situated approximately 740-feet from Mason Street, a major collector street and 1,250-feet from Main Street, an arterial street. The STR request is for one accommodation space of up to two guests, and the operator will be present during lodging periods.

Given the nature of the request, location of the property within the neighborhood, and staff's 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.

Staff recommends approval of the special use permit request with the suggested conditions.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the special use permit request as submitted; or
- (b) Approve the special use permit request with suggested conditions; or
- (c) Approve the special use permit with other conditions(s); or
- (d) Deny the special use permit.

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 – 294 Franklin Street (Short-Term Rental)

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offered in exchange for a charge for the occupancy.” Short-term rentals are further regulated by Article DD of the Zoning Ordinance. The +/- 7,700 sq. ft. property is addressed as 294 Franklin Street and is identified as tax map parcel 26-I-12.

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 (2 pages)
3. Application, applicant letter, and supporting documents (3 pages)
4. Written public comment received as of July 1, 2019 (3pages)

Review:

Planning Commission recommended to approve (5-1) the special use permit request with the suggested conditions.