



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Ande Banks, Interim City Manager
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission
Date: May 10, 2022 (Regular Meeting)
Re: Special Use Permit – 293 Newman Avenue (To Allow Short-Term Rental in the UR District)

Summary:

Public hearing to consider a request from Bradley M. Cohen 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 +/- 10,354 sq. ft. property is addressed as 293 Newman Avenue and is identified as tax map parcel 26-F-13.

Staff and Planning Commission recommended approval (4-3) of the special use permit with conditions.

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 UR
North: Across Newman Avenue, single-family detached dwellings, zoned UR
East: Across Ott Street, single-family detached dwellings, zoned R-1
South: Across Bruce Street, single family detached dwellings, zoned UR
West: Multi-family dwelling, zoned UR

Key Issues:

The applicant is requesting approval of a short-term rental (STR) operation at 293 Newman Avenue and describes the property as their primary residence. The property is located in the Old Town area of the City, at the intersection of Franklin Street and Ott Street. The property is a through lot, which means it

has public street frontages on the front and rear of the lot. In this case it has frontage along Newman Avenue to the front and Bruce Street to the rear.

As stated in the applicant's letter, they desire to convert a detached garage in the rear of their property into "living space with a kitchenette, without a stove, to use as a short-term rental." The applicant states that they would rent to a maximum of three individuals. While the proposed operation is similar in scale to a homestay, the requested operation is not classified as a homestay because the space in which the property owner wants to operate the transient use is not within the principal building.

The applicant has been informed that if the SUP is approved, they will need to work with the Building Code Division to ensure that all Building Code requirements are met to convert the detached garage into living space. This will require a building permit or other trade permits be issued for the space and inspected and approved prior to its use as a STR.

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 one accommodation space, the property should provide one off-street parking space. In addition to the off-street parking space required for the STR, the ZO requires one off-street parking space for the non-transient dwelling unit. Therefore, if approved, a total of two off-street parking spaces would be required. Currently, there is a driveway on the property that has a portion under a carport. Measured from the edge of sidewalk to the detached garage, the driveway is about 70 feet in length, which would be acceptable space to accommodate both of the required off-street parking spaces.

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

1. All STR accommodations shall be within the detached structure described in the application.
2. There shall be no more than one STR guest room or accommodation space.
3. The number of STR guests at one time shall be limited to three.
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 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.

It should be acknowledged that while the applicant has explained their operation plans for the STR, the SUP is not restricted to the applicant because the SUP transfers to future property owners. If the applicant was to sell the property, future property owners could operate a STR so long as they meet the conditions for the SUP as approved. How the STR could be operated 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) Approve the special use permit request as submitted by the applicant;
- (b) Approve the special use permit request with suggested conditions;
- (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 – 293 Newman Avenue (To Allow Short-Term Rental in the UR District)

Public hearing to consider a request from Bradley M. Cohen 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 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 +/- 10,354 sq. ft. property is addressed as 293 Newman Avenue and is identified as tax map parcel 26-F-13.

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 map
- 3. Application and supporting documents
- 4. Public comments received April 13, 2022

Review:

Planning Commission recommended approval (4-3) of the special use permit with suggested conditions.