



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

409 South Main Street  
Harrisonburg, Virginia 22801  
(540) 432-7700 / FAX (540) 432-7777  
[www.harrisonburgva.gov/community-development](http://www.harrisonburgva.gov/community-development)

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: October 8, 2019 (Regular Meeting)  
Re: Special Use Permit – 551 Myers Avenue (Short-Term Rental)

### **Summary:**

Request from Thomas W. and Taricia L. Pippert Trustees 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. The +/- 2.4-acre property is addressed as 551 Myers Avenue and is identified as tax map parcel 16-E-4.

### **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:** Detached single-family dwelling, zoned R-1  
**North:** Detached single-family dwelling, zoned R-1  
**East:** Detached single-family dwelling, zoned R-1  
**South:** Detached single-family dwelling, zoned R-1, and across Martin Luther King Jr. Way, James Madison University student housing owned by the University, zoned R-3  
**West:** Detached single-family dwelling, zoned R-1

### **Key Issues:**

The applicants are requesting approval of a short-term (STR) operation at 551 Myers Avenue, which is located on a street that ends in a cul-de-sac in the Preston Heights neighborhood. The applicants desire to rent for STR four accommodation spaces; three bedrooms on the second floor and one bedroom in the basement. (“Accommodation space” means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) The accommodation spaces can accommodate a total of up to eight guests. The applicants describe that the property is their primary residence and that they would be present during the lodging period.

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 four accommodation spaces, the property should

provide four off-street parking spaces. It should be acknowledged that in addition to the off-street parking spaces required for the STR, the ZO requires off-street parking spaces for the non-transient dwelling unit. The property has a large driveway and a three-car garage. The applicants have explained that lodgers will park their vehicles in the driveway. 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.

If the request is approved, staff recommends the following conditions be placed on the SUP:

1. The site shall be an operator's primary residence.
2. If an operator is not the property owner, then 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 four STR guest rooms or accommodation spaces.
5. The number of STR guests at one time shall be limited to eight people.
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 helps to protect neighbors from nuisances arising from absentee operators. Along with condition #1, for property owners operating the STR for whom this property is their primary residence (and to be consistent with Planning Commission's recommended conditions on other applications), they are not required to be present during the lodging period. However, long-term tenants operating a STR would be required to be present during the lodging period. Condition #3 prevents the ability for the STR operator to convert or construct an accessory building 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 #4 limits the total number of guest rooms and accommodation spaces on the entire property to four. Condition #5 limits the total number of STR guests to not more than eight. 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 their property by not requiring them to create and 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.

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.

As of the last City Council meeting on August 13, 2019, the City has approved multiple STR SUP applications in similar locations throughout the City and with comparable operating situations. On August 14, Planning Commission reviewed a STR SUP request for 511 Paul Street, which resulted in no action (in other words, no recommendation) due to a tie vote (3-3). There was one Commissioner absent from the meeting. The item has been tabled by the applicant and will not be received by City Council at their September 10, 2019 meeting.

The City has approved multiple STR SUP applications in similar locations throughout the City and with comparable operating situations. Considering those approvals and the suggested conditions, 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) 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.

- ***551 Myers Avenue*** – Request from Thomas W. and Taricia L. Pippert Trustees 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. The +/- 2.4-acre property is addressed as 551 Myers Avenue and is identified as tax map parcel 16-E-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. Planning Commission Extract
2. Site maps (2 pages)
3. Application, applicant letter, and supporting documents (3 pages)

**Review:**

Planning Commission recommended (4-2) approval of the special use permit request with suggested conditions.