



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission
From: Department of Community Development
Date: December 8, 2021 (Regular Meeting)
Re: Special Use Permit – 43 Maplehurst Avenue (To Allow Short-Term Rental in the R-1 District)

Summary:

Public hearing to consider a request from Frederick B. and Laurinda F. Peters 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 +/- 14,600 square foot property is addressed as 43 Maplehurst Drive and is identified as tax map parcel 18-M-7.

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 dwelling, zoned R-1
North: Single-family detached dwelling, zoned R-1
East: Nonconforming multiple-family dwelling, zoned R-1
South: Single-family detached dwelling, zoned R-1
West: Single-family detached dwelling, zoned R-1

Key Issues:

The applicant is requesting approval of a short-term rental (STR) operation at 43 Maplehurst Drive, which is located between South Main Street and Moffett Terrace. The applicant desires to rent the entire residence for STR, which includes five 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 is seeking approval for up to eight guests at a time, with the ability to host up to 12 guests during 12 nights each calendar year. The applicant describes that the property is their primary residence.

The applicant explains in their letter that their “initial request was for approval to host up to 12 guests at any time. Staff comments noted concern over the number of guests initially proposed and the proposal has been revised in response to those concerns while seeking to preserve the ability to capitalize on major event weekends (e.g. homecoming, parents’ weekend, graduation, etc.).”

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 five accommodation spaces, the property should provide five 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. Off-street parking is available in the rear of the property, accessed by an alley; two parking spaces are available within the detached garage and a third parking space is available on the east side of the garage. Rather than creating new off-street parking areas, staff recommends a condition to limit the number of guest vehicles during a rental period to no more than three. It should be known that Maplehurst Avenue and surrounding neighborhood streets are subject to Brown Zone permit parking restrictions.

With the following conditions, staff recommends approval:

1. All STR accommodations shall be within the principal structure.
2. There shall be no more than five STR guest rooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to eight.
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. There shall be no more than three guest vehicles during a rental period.
6. Only two off-street parking spaces are required; the spaces do not have to be delineated.
7. 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 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 five. Condition #3 limits the total number of STR guests to not more than eight at all times. 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 limits the number of guest vehicles during any rental period to three. Condition #6 requires the applicant to provide two off-street parking spaces for the STR use and provides flexibility for the property owner to maintain the residential appearance of their property by not requiring them to delineate off-street parking spaces. (NOTE: As a reminder, a third off-street parking space is required for the non-transient dwelling unit.) Finally, condition #7 allows PC or CC to recall the SUP for further review if the STR becomes a nuisance.

As noted above, staff is recommending approval only with the suggested conditions; the conditions would not allow the applicant to operate as they requested in their application. If PC disagrees with staff, it has the authority to recommend different conditions to CC, who may accept or reject any of staff's or PC's recommended conditions or, if they so choose, establish their own conditions for approval or deny the request.

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.

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) 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. The advertisement was published as shown below:

Special Use Permit – 43 Maplehurst Avenue (To Allow Short-Term Rental in the R-1 District)

Public hearing to consider a request from Frederick B. and Laurinda F. Peters 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. 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 +/- 14,600 sq. ft. property is addressed as 43 Maplehurst Drive and is identified as tax map parcel 18-M-7.

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. Site maps
2. Application, applicant letter, and supporting documents

Review:

N/A