



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: April 9, 2024 (Regular Meeting)
Re: Special Use Permit – 1088 & 1094 College Avenue (To Allow Short-Term Rental in R-2)

Summary:

Project name	N/A
Address/Location	1088 and 1094 College Avenue
Tax Map Parcels	48-D-2
Total Land Area	+/- 13,316-square feet
Property Owner	Joshua K. Defnall, Sarah T. Defnall, Jimmy E. Defnall, and Lynne W. Defnall
Owner's Representative	N/A
Present Zoning	R-2, Residential District
Special Use Permit Request	To allow short-term rental per Section 10-3-40 (8)
Staff Recommendation	Approval
Planning Commission Recommendation	March 13, 2024 (Public Hearing) Approval (4-0)
City Council	April 9, 2024 (Public Hearing)

Background:

The following land uses are located on and adjacent to the property:

- Site: Single-family detached dwelling; zoned R-2
- North: Eastern Mennonite University/Summer Peacebuilding Institute; zoned B-2
- East: Non-conforming residential uses; zoned B-2
- South: Single-family detached dwelling; zoned R-2
- West: Across College Avenue, single-family detached dwellings; zoned R-2

Key Issues:

The applicant is requesting a special use permit (SUP) per Section 10-3-40 (8) of the Zoning Ordinance (ZO) to allow for a short-term rental (STR) in the R-2, Residential District. The +/- 13,316-square foot property is addressed as 1088 and 1094 College Avenue and is identified as tax map parcel 48-D-2. The request is to have three accommodation spaces within the accessory structure (addressed as 1094 College Avenue) and to have no more than six people at the STR at one time.

The applicant's letter states that in the future they would like to have the option to utilize 1094 College Avenue as a long-term rental unit. Currently, while the property's size would allow a duplex structure (two units within one principal building), the R-2 district does not allow two single-family detached dwellings on the same lot. The applicant hopes the forthcoming updated ZO in some way will allow the accessory building to be converted to a principal dwelling. (NOTE: The applicant's letter incorrectly states that the setback for an accessory structure is 10-feet, however, accessory structures are permitted to be five feet from side and rear property lines).

While the applicant has explained their operation plans for the STR, the SUP is not restricted to only the current applicant/operator. All SUPs transfer to future property owners; thus, if the applicant sells the property, any future property owner could operate a STR so long as they meet the requirements of the ZO and any conditions placed on the SUP. How the STR could be operated by any future property owner should be considered and evaluated as part of this request.

As defined in the ZO, a STR is “[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.” STRs are further regulated by Article DD of the Zoning Ordinance. Among other things, a STR differs from the by right homestay use by allowing operators to exceed 90 lodging nights per year, in allowing more than four guests at one time, and in having the ability to use an accessory building as a transient lodging structure.

The ZO requires one off-street parking space for the existing single family detached dwelling. If the STR is approved as requested, the site must have three more off-street parking spaces—one for each approved accommodation space. Unless City Council allows for a reduction in off-street parking spaces as a condition of the SUP, the site must ultimately accommodate four off-street parking spaces—one for the dwelling and three for the STR.

Land Use

The Comprehensive Plan designates this site as Neighborhood Residential and states:

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.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the SUP request.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability for the proposed use.

Housing Study

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has “above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities.” The study also notes that “policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.”

The accessory structure in which the STR use is proposed cannot be used as a dwelling under current zoning laws, and therefore, the proposed STR use would not be removing a dwelling unit from the housing market.

Recommendation

The City has approved many STR SUP applications throughout the City and after review of this request, staff believes this request shares similar characteristics to other applications that have already received approval, and thus staff recommends approval of the request, but only with the following conditions:

1. All STR accommodations shall be within the detached structure described in the application.
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 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.

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) Approve 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 – 1088 & 1094 College Avenue (To Allow Short-Term Rental in R-2)

Public hearing to consider a request from Joshua K. Defnall, Sarah T. Defnall, Jimmy E. Defnall, and Lynne W. Defnall for a special use permit per Section 10-3-40 (8) of the Zoning Ordinance to short-term rentals in R-2, Residential District. The +/- 13,316-square foot property is addressed as 1088 and 1094 College Avenue and is identified as tax map parcel 48-D-2.

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 with suggested conditions.

Attachments:

- 1. Extract from Planning Commission
- 2. Site maps
- 3. Application and supporting documents

Review:

Planning Commission recommended approval (4-0) of the special use permit with the following conditions:

- 1. All STR accommodations shall be within the detached structure described in the application.
- 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 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.

(There was one vacancy and Vice Mayor Dent and Commissioner Alsindi were absent.)