



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-221

File ID: ID 19-221 Type: PH-Special Use Permit Status: Agenda Ready

Version: 1 Agenda Section: In Control: City Council

File Created: 06/28/2019

Subject: Final Action:

Title: Consider a request from Daryl and Carrie Bert for a special use permit to allow short-term rental at 1230 Alpine Drive.

Internal Notes:

Sponsors:

Enactment Date:

Attachments: Staff Report SUP 1230 Alpine Drive (Short-Term Rental) (4 pages), Site maps (2 pages), Application, applicant letter, and supporting documents (3 pages), Public Hearing notice, Surrounding property owners notice

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	07/10/2019	recommended to full council	City Council	08/13/2019		Pass
<p>Action Text: Commissioner Finks made a motion to recommend approval of the SUP with the suggested conditions. Commissioner Finnegan seconded the motion. All members voted to recommend approval of the SUP (6-0), with conditions, as stated. The recommendation will move forward to City Council on August 13, 2019.</p> <p>Notes: Chair Way read the request and asked staff to review. Ms. Dang said that 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: <u>Site:</u> Single-family detached dwelling, zoned R-2</p>							

- North: Single-family detached dwelling, zoned R-3
East: Single-family detached dwelling, zoned R-2
South: Single-family detached dwelling, zoned R-2
West: Single-family detached dwelling, zoned R-2

The applicants are requesting approval of a short-term (STR) operation at 1230 Alpine Drive. The property is located in the northwest section of the City about 0.5-miles from Buttonwood Court, where Harmony Square is located, which is a shopping center that fronts on Virginia Avenue. The property is also located less than 0.25-miles from Eastern Mennonite University's campus and about 250-feet from Park View Mennonite Church.

The applicant desires to rent one accommodation space. ("Accommodation spaces" means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) The accommodation space would accommodate up to three STR guests. The applicants describe that the property is their primary residence and that they would be present on the property during the lodging period.

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

1. The site shall be the operator's primary residence and the STR shall occur within the operator's dwelling unit.
2. If the operator is not the property owner, then the 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 on the property.
5. The number of STR guests at one time shall be limited to three 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. Additionally, the subject property is large enough to allow a duplex structure and this condition prevents any future second dwelling unit on the site from being rented as a "whole home" STR that was not previously vetted. Condition #3 helps to protect neighbors from nuisance arising from absentee operators. Along with condition #1, for property owners operating the STR for whom this property is their primary residence, 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 #4 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 #5 limits the total number of guest rooms and accommodation spaces on the entire property to one. Condition #6 limits the total number of STR guests to not more than three. Condition #7 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 #8 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. 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. It should be acknowledged that in addition to the off-street parking space required for the STR, the ZO requires off-street parking spaces for the non-transient dwelling unit. There are two driveways serving this property. It appears that all the required off-street parking could be provided on the site in the existing driveways. Staff believes the applicant should be provided the flexibility to meet the off-street parking requirements by allowing customers to park on the existing driveways or on other areas of the property without delineating parking spaces.

Condition #9 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.

Given the nature of the request, location of the property, 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.

Chair Way asked if there were any questions for staff. Hearing none, he opened the public hearing and invited the applicant to speak to the request.

Daryl Bert, 1230 Alpine Drive, came forward to speak to the request. I am the owner, primary resident and operator of the STR. There is one amendment that I will make to the letter that I submitted. It stipulated that we intend to be present at all times. We will be there most of the time, but there may be the occasional day that we are not there. We agree to the remaining conditions.

Chair Way asked that the applicant speak to the parking situation.

Mr. Bert said that there are two driveways. We use one for our primary residence. The other driveway is available for the STR.

Chair Way asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Colman said that this is down the street from another STR that we recommended for approval, last month. It is a block and a half away from it.

Commissioner Finnegan said there would be the possibility of the applicant not being present at all times. That is why condition #2 is written the way it is. It is understood that there might be times that the applicant is not there.

Commissioner Whitten said that the operator should be accessible.

Commissioner Finks made a motion to recommend approval of the SUP with the suggested conditions.

Commissioner Finnegan seconded the motion.

All members voted to recommend approval of the SUP (6-0), with conditions, as stated. The recommendation will move forward to City Council on August 13, 2019.
