



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission  
From: Department of Community Development  
Date: December 14, 2022 (Regular Meeting)  
Re: Special Use Permit - 965 Smith Ave (Short Term Rental in R-2)

### **Summary:**

Public hearing to consider a request from Scott D. Huston and Merridy M. Gnagey for a special use permit per Section 10-3-40 (8) of the Zoning Ordinance to allow for a short-term rental within the R-2, Residential District. The +/- 17,329 square foot property is addressed as 965 Smith Avenue and is identified as tax map parcel 48-I-10.

### **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 R-2  
**North:** Single-family detached dwelling, zoned R-2  
**East:** Across Smith Avenue, single-family detached dwelling and duplex unit, zoned R-2  
**South:** Single-family detached dwelling, zoned R-2  
**West:** Vacant land, zoned R-2

### **Key Issues:**

The applicant is requesting a special use permit (SUP) per Section 10-3-40 (8) to allow for a short-term rental (STR) within the R-2, Residential District. The parcel is +/- 17,329 square feet in size, is addressed as 965 Smith Avenue, and is located north of Greystone Street.

As defined in the Zoning Ordinance (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 ZO. Among other things, a STR differs from the by right homestay use by allowing operators to exceed 90 lodging nights per year and in allowing more than four guests at one time.

As explained in the applicant’s submitted letter, they will have two accommodation spaces located in the basement of the dwelling. The applicant explains that they would typically rent to no more than four adults at a time, but would like the ability to host families with three children, and therefore are requesting the ability to have up to five guests at a time.

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.

The ZO requires one off-street parking space for the single-family detached dwelling. If the STR is approved as requested, the property must have two 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 for the STR, the site must ultimately accommodate three off-street parking spaces—one for the dwelling unit and two for the STR.

The City has approved many STR SUP applications throughout the City including within this neighborhood. Staff believes this request is similar to other applications that have already received approval; thus, staff recommends approval of the request, but only with the following conditions:

1. All STR accommodations shall be within the principal building.
2. There shall be no more than two STR guest rooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to five.
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.

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 by the applicant;
- (b) Recommend approval of the special use permit request with staff’s suggested conditions;
- (c) Recommend approval of the special use permit with other conditions(s); or
- (d) Recommend denial of the special use permit.

**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 – 965 Smith Avenue (To Allow Short-Term Rental in the R-2 District)***

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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) recommend approval of the special use permit request with staff’s suggested conditions

**Attachments:**

- 1. Site map
- 2. Application and supporting documents

**Review:**

N/A