



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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December 5, 2022

## TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** *Consider a request form Sherrill K. Glanzer for a special use permit to allow for a short-term rental at 964 Smith Avenue*

## EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 9, 2022

Chair Finnegan read the request and asked staff to review.

Ms. Dang said 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: Duplex dwelling unit, zoned R-2
- North: Duplex dwelling unit, zoned R-2
- East: Single-family detached dwellings, zoned R-2
- South: Single-family detached dwelling, zoned R-2
- West: Across Smith Avenue, Single-family detached dwelling, zoned R-2

The applicant is requesting a special use permit (SUP) per Section 10-3-40 (8) to allow for a short-term rental within the R-2, Residential District. The parcel is +/- 7,819 square feet and addressed at 964 Smith Ave, which is located north of Graystone Street and west of Collage Avenue. The property has a driveway for two cars as well as a garage for one car.

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 Zoning Ordinance. 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, one bedroom and a pull-out couch with plans to allow up to four guests at one time. There is a private entrance in the rear to access the basement and the lower level will be separated by a locked door at the top of the basement stairs.

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 unit of the subdivided duplex structure. If the STR is approved as requested, the site 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 with a few of them being within the nearby 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 four.
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.

Chair Finnegan asked if there were any questions for staff.

Councilmember Dent said, to clarify, this is one half of a duplex, but within that dwelling unit they are looking to have a STR in the basement, not half of a duplex.

Ms. Dang said that it is different than the situation that we had on Broad Street where it was one duplex structure with two units on one parcel. Here, each duplex unit is on a separate parcel.

Commissioner Byrd asked if a homestay was considered.

Ms. Dang said that the applicant wanted the option to rent for more than 90 nights.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Sherrill Glanzer, 964 Smith Avenue, came forward in support of her request. I am on the northwest side, about a block and a half from Eastern Mennonite University (EMU). I live on the first floor, and I intend to remain there. There are no intentions of moving or selling it. That space gets used only once or twice a year when the family comes to town. I thought I would use it as a rental that I could manage myself. I am retiring in the spring, and I will be there most of the time.

Chair Finnegan asked if there were any questions for the applicant.

Commissioner Whitten asked did you consider using it as a rental, not a STR?

Ms. Glanzer said I did, but that means that my family cannot use it when they come on Thanksgiving and Christmas. That would be my preference. The less people the better. I am not looking to fill it up all the time. I am not looking to make huge amounts of money. I just do not want it to sit there unused for so many nights of the year. I would probably rent it more than 90 nights per year. I have talked with some other STR owners, and they say that 90 days goes very quickly.

Commissioner Washington asked does this space have a bathroom or a kitchen?

Ms. Glanzer said it has a bathroom, a clean bedroom and a large living space that walks out onto a patio. On one end of that large room, it has a kitchenette. It does not have a stovetop. It has a refrigerator, sink, microwave, coffee maker, and a toaster oven. Before I started this project, I spoke with the other duplex owners, Dennis and Sharon Showalter, and the house on the other side, Harold Shenk. I asked if they had any issues with me looking into this further and possibly doing it. Neither of them did. It would be fine with them. I wanted to let you know that because I am a responsible renter and owner.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Whitten reminded everyone that with STR SUP, the use goes with the property. It is not just the owner that you know currently. It conveys with the property.

Commissioner Byrd reminded citizens that homestays are available by right for 90 nights if you are the owner. It would be good to use those 90 days to determine whether you need more days. Other than that, I would be in favor of this.

Commissioner Byrd move to recommend approval the SUP with conditions as presented.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	No
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Commissioner Whitten	No
Chair Finnegan	Aye

The motion to recommend approval of the SUP passed (5-2). The recommendation will move forward to City Council on December 13, 2022.