



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections

Engineering

Planning & Zoning

To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Planning and Community Development and Harrisonburg Planning Commission
Date: October 8, 2019 (Regular Meeting)
Re: Special Use Permit – 231 West Grace Street

Summary:

Request from Christopher J. and Kirsten L. Moore 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 +/- 7,350 sq. ft. property is addressed as 231 West Grace Street and is identified as tax map parcel 24-L-9

Background:

The Comprehensive Plan designates this area 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: Detached single-family dwelling, zoned R-1
North: Across Beech Street, detached single-family dwellings, zoned R-1
East: Across West Grace Street, James Madison University Memorial Hall, zoned R-2
South: Detached single-family dwellings, zoned R-1
West: Detached single-family dwellings, zoned R-1

Key Issues:

The applicants are requesting approval of a short-term rental (STR) operation at 231 West Grace Street, which is located in the western portion of the City in the Sunset Heights neighborhood. The applicant desires to rent for STR one accommodation space within their home that could accommodate a total of five individuals. (“Accommodation spaces” means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) The applicant describes that the property is their primary residence and that the accommodation space would be in the studio-style basement of their home.

The surrounding streets have green zone permit parking and a parking pass is required for vehicles parking on-street Monday through Friday, 8:00 a.m. to 8:00 p.m. 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 spaces required for the STR, the ZO requires one off-street parking space for the non-transient dwelling unit.

The property has no off-street parking accommodations. The property is a corner parcel and the applicant explained that STR guests can park their vehicle(s) on Beech Street, along the side of the subject property, with a displayed green permit parking guest pass. The City issues up to two guests passes per household. This property has approximately 100-feet of road frontage along Beech Street that could accommodate about five vehicles along that street frontage. Parking with the permitted green permit is also available along West Grace Street in front of the residence. Staff does not believe there would be issues created with allowing STR guests to utilize on-street parking and is comfortable conditioning that off-street parking for the STR operation is not required.

If the request is approved, staff recommends the following conditions:

1. The site shall be an operator's primary residence.
2. If an operator is not the property owner, then an 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.
5. The number of STR guests at one time shall be limited to five 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. The STR has no minimum off-street parking requirements.
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. Condition #2 helps to protect neighbors from nuisances arising from absentee operators. Along with condition #1, for property owners operating the STR for whom this property is their primary residence (and to be consistent with Planning Commission's recommended conditions on other applications), 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 #3 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 #4 limits the total number of guest rooms and accommodation spaces on the entire property to one. Condition #5 limits the total number of STR guests to not more than five. Condition #6 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. Condition #7 provides flexibility for the property owner to maintain the residential appearance of their property by not requiring minimum off-street parking requirements. Condition #8 allows PC and CC to recall the SUP for further review if the STR becomes a nuisance.

It should be acknowledged that while the applicant has explained his 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.

The City has approved multiple STR SUP applications in similar locations throughout the City and with comparable operating situations. Considering those approvals and the suggested conditions, staff recommends approval of the special use permit request with the suggested conditions.

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);
- (d) Recommend denial.

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:

Public hearings to consider requests for special use permits to allow short-term rentals. A short-term rental is defined in the Zoning Ordinance as "[t]he provision of a dwelling unit, a bedroom 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.

- **231 West Grace Street** – Request from Christopher J. and Kirsten L. Moore 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 +/- 7,350 sq. ft. property is addressed as 231 West Grace Street and is identified as tax map parcel 24-L-9.

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. Planning Commission extract
2. Site maps (2 pages)
3. Application, applicant letter, and supporting documents (3 pages)

Review:

Planning Commission recommended (4-2) approval of the special use permit request with suggested conditions.