



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Ande Banks, Interim City Manager  
From: Adam Fletcher, Director - Department of Community Development and Harrisonburg Planning Commission  
Date: July 12, 2022 (Regular Meeting)  
Re: Special Use Permit – 41 Port Republic Road (To Allow for a Short-term Rental in R-1)

### **Summary:**

Public hearing to consider a request from Phone Phonelath 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 +/- 8,276 square foot property is addressed as 41 Port Republic Road and is identified as tax map parcel 18-R-12.

Staff and Planning Commission (6-0) recommended approval of the special use permit for short-term rental.

### **Background:**

The Comprehensive Plan designates this site 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:** Single family detached dwelling, zoned R-1  
**North:** Across Port Republic Road, single family detached dwellings, zoned R-1  
**East:** Single family detached dwellings, zoned R-1  
**South:** Single family detached dwellings, zoned R-1  
**West:** Single family detached dwellings, zoned R-1

### **Key Issues:**

The applicant is requesting a special use permit (SUP) per Section 10-3-34 (7) to allow for a short-term rental within the R-1, Single Family Residential District. The parcel is +/- 8,276 square feet and addressed at 41 Port Republic Road, which is located on the southwestern side of Port Republic Road between the intersections of South Main Street and Carrera Lane. The property is improved with a

“wraparound” driveway, where two entrances are located on each side of the property’s frontage along Port Republic Road with the driveway wrapping around the rear of single family detached dwelling.

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.

The applicant is the property owner, who will also be the operator of the STR with the site being their principal residence, the latter of which is required by the ZO. As explained in the applicant’s submitted letter they will have three accommodation spaces with plans to allow up to six guests at one time. While not necessary to operate a STR, the applicant plans to make improvements to the dwelling by adding a full bathroom on the first floor.

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 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 for the STR, the site must ultimately accommodate four off-street parking spaces—one for dwelling and three for the STR.

Typically, the ZO allows individuals at single family detached home parcels to utilize the public street right-of-way to maneuver in and out of the property (i.e. to back in and out of a driveway to and from a public street). In this particular case, since it is known that Port Republic Road has high traffic volumes, the City should do what it can to prevent individuals from backing in and out on to Port Republic Road, especially for individuals that would be staying at the short-term rental, who are not familiar with the property and the area. Since the site already has two entrances on Port Republic Road, where the driveway wraps around the house, staff believes a condition prohibiting lodgers from backing in and out of Port Republic Road is necessary. The existing wraparound driveway should allow for individuals to enter one driveway and exit the other or that there is sufficient area on site to turn the vehicle around on the property so that vehicle movements are always in a forward motion when entering and exiting the property.

Because the City has approved multiple STR SUP applications in similar locations throughout the City and with comparable operating situations, staff recommends approval of the request, but only with the following conditions:

- a. All STR accommodations shall be within the principal building.
- b. There shall be no more than three STR guest rooms or accommodation spaces.
- c. The number of STR guests at one time shall be limited to six.

- d. 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.
- e. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
- f. All vehicle movements entering and exiting the property shall do so in a forward motion.
- g. 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) Approve the special use permit request as submitted by the applicant;
- (b) Approve the special use permit request with Planning Commission’s suggested conditions;
- (c) Approve the special use permit with other conditions(s); or
- (d) Deny 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 – 41 Port Republic Road (To Allow for a Short-term Rental in R-1)***

Public hearing to consider a request from Phone Phonelath 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. A short-term rental is defined in the Zoning Ordinance as “[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.” Short-term rentals are further regulated by Article DD of the Zoning Ordinance. The +/- 8,276 sq. ft. property is addressed as 41 Port Republic Road and is identified as tax map parcel 18-R-12

In addition, adjoining property owners were notified of the public hearings; 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) to approve the request with Planning Commission's suggested conditions.

**Attachments:**

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

**Review:**

Planning Commission (6-0) recommended approval of the special use permit for short-term rental with the addition of new condition h below:

- a. All STR accommodations shall be within the principal building.
- b. There shall be no more than three STR guest rooms or accommodation spaces.
- c. The number of STR guests at one time shall be limited to six.
- d. 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.
- e. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
- f. All vehicle movements entering and exiting the property shall do so in a forward motion.
- g. 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.
- h. During any lodging period, there shall be no more than three vehicles on site.