



# City of Harrisonburg

City Hall  
409 South Main Street  
Harrisonburg, VA 22801

## Master

File Number: ID 19-217

File ID: ID 19-217      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 Rachel Whitmer for a special use permit to allow short-term rental at 519 Green Street.

### Internal Notes:

#### Sponsors:

#### Enactment Date:

**Attachments:** Staff Report SUP (519 Green Street) (4 pages), Site Maps (2 pages), Application, applicants letter and supporting documents (4 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

**Action Text:** Commissioner Ford-Byrd made a motion to recommend approval of the SUP, with conditions, as stated.  
Commissioner Whitten seconded the motion.  
All members voted in favor of recommending approval of the SUP, with conditions, as stated. The recommendation will move forward to City Council on August 13, 2019.

**Notes:** Chair Way read the request and asked staff to review.  
Ms. Banks 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:

Site: Detached single-family dwelling, zoned R-1

- North: Detached single-family dwelling, zoned R-1  
East: Detached single-family dwelling, zoned R-1  
South: Detached single-family dwelling, zoned R-1  
West: Detached single-family dwelling, zoned R-1

The applicant is requesting approval of a short-term rental (STR) operation at 519 Green Street, which is located approximately 0.2-miles from Chicago Avenue (a major collector street), approximately 0.25-miles from West Market Street and 0.28-miles from North High Street (both are principal arterial streets). The applicant desires to rent for STR two accommodation spaces within their home that could accommodate a total of three 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 they generally plan to be present during the lodging period.

The subject property has no off-street parking accommodations. The applicant explained to staff that during lodging periods guests could park on the street in front of the property. This property has approximately 52-feet of road frontage that could accommodate at least two vehicles in front of it. Staff does not believe there should be issues created with allowing lodgers 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 the operator's primary residence.
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 two STR guest rooms or accommodation spaces.
5. The number of STR guests at one time shall be limited to three.
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 two. Condition #5 limits the total number of STR guests to not more than three. 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 her 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 size and 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 communications from neighbors.

Ms. Banks said that when putting the sign up, she had a great conversation with neighbors who were on-board and pleased with the request.

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.

Rachel Whitmer, 519 Green Street, came forward to answer questions. There were no questions.

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 Ford-Byrd said that this request hits directly upon our intent for STRs.

Commissioner Ford-Byrd made a motion to recommend approval of the SUP, with conditions, as stated.

Commissioner Whitten seconded the motion.

Chair Way said that he is comfortable with the number of guests proposed in this requests. The arrangements seem to be solid and well spelled out.

All members voted in favor of recommending approval of the SUP, with conditions, as stated. The recommendation will move forward to City Council on August 13, 2019.