



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: December 13, 2022 (Regular Meeting)  
Re: Special Use Permit – 1335 Wine Drive (To Allow Short-Term Rental in the R-1 District)

### **Summary:**

Public hearing to consider a request from the William Allen Weech Revocable Trust 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 +/- 10,121 sq. ft. property is addressed as 1335 Wine Drive and is identified as tax map parcel 88-I-3.

Staff and Planning Commission (5-2) recommended approval of the special use permit with conditions.

### **Background:**

The Comprehensive Plan designates this site as Low Density Mixed Residential. These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas should be around 7 dwelling units per acre and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

The following land uses are located on and adjacent to the property:

Site: Single-family detached dwelling, zoned R-1

North: Across Wine Drive, Single-family detached dwelling, zoned R-1

East: Single-family detached dwellings, zoned R-1  
South: Multifamily Residential-Duplex dwellings, zoned R-5 (Rockingham County)  
West: Single-family detached dwelling, 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 +/- 10,121 square feet and addressed at 1335 Wine Drive, which is located north of the City/County boundary and west of Port Republic Road. The property has a two-car garage and a driveway that could park a few vehicles.

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 within the principal building and a space within the accessory structure. The applicant stated that no more than six people would stay at the property at one time, two in the guest bedroom and four in the accessory structure. At this time, the applicant has not improved the existing accessory structure to accommodate the transient lodging use, but would ultimately be required to obtain proper building and sub-trade permits to appropriately convert the structure.

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 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 and two for the STR.

The City has approved many STR SUP applications throughout the City and after review of this request, staff believes this request shares similar characteristics to other applications that have already received approval, and thus staff recommends approval of the request, but only with the following conditions:

1. All STR accommodations shall be within the principal building or one accessory structure.
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 six.

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) Approve the special use permit request as submitted by the applicant;
- (b) Approve the special use permit request with staff'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 – 1335 Wine Drive (To Allow Short-Term Rental in the R-1 District)***

Public hearing to consider a request from the William Allen Weech Revocable Trust 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 +/- 10,121 sq. ft. property is addressed as 1335 Wine Drive and is identified as tax map parcel 88-I-3.

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) to approve the request with staff's suggested conditions.

**Attachments:**

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

**Review:**

Planning Commission recommends approval (5-2) of the request, with modification to condition #1 as shown below:

1. All STR accommodations shall be within the principal building and/or one accessory structure.
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 six.
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.