



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-351

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Type: PH-Special Use Permit

Status: Agenda Ready

Version: 1

Agenda Section:

In Control: City Council

File Created: 11/27/2019

Subject:

Final Action:

Title: Consider a request from Jeanie Marie Turner for a special use permit to allow short-term rental at 1045 Carriage Drive

Internal Notes:

Sponsors:

Enactment Date:

Attachments: Surrounding Property Owners Notice, Public Hearing notice, PC Memorandum, PC Site Maps, PC Application, applicant letter, and supporting documents

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	12/11/2019	recommended to full council	City Council	01/14/2020		Pass

Action Text: A motion was made by Whitten, seconded by Finnegan, that this PH-Special Use Permit be recommended to full council to the City Council, due back by 1/14/2020. The motion carried by a voice vote.

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

Ms. Banks said that 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: Single-family detached dwelling, zoned R-1

North: Single-family detached dwellings, zoned R-1

East: Single-family detached dwellings, zoned R-1
South: County landfill, zoned M-1
West: Single family detached dwellings, zoned R-1

The applicant is requesting approval of a short-term rental (STR) operation at 1045 Carriage Drive, which is located in the southern portion of the City in the Greendale neighborhood. The applicant desires to rent one STR accommodation space for no more than two guests within the basement of their home. ("Accommodation space" 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 basement has a private entryway that guests would use for access to the accommodation space.

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 one accommodation space for STR, the property would need to 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 off-street parking spaces for the non-transient dwelling unit.

The applicant has explained that lodgers would park their vehicle in the driveway which can accommodate up to four off-street parking spaces. It appears that all the required off-street parking could be provided on the property in the existing driveway area. Staff believes the applicant should be provided the flexibility to meet the off-street parking requirements by allowing guests to park in the existing driveway or other area of the property without delineating parking spaces.

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 two 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. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
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 a 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 guests at one time to two people. 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. The form includes a checklist to guide STR operators through a self-inspection of guest rooms and accommodation spaces and means of egress. Condition #7 provides flexibility for the property owner to maintain the residential appearance of the property by not requiring them to create parking spaces. 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 their plans for using this property, the SUP is not restricted to the applicant or operator and transfers to future property owners. If the applicant were to sell the property, then 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.

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

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

Jeanie Marie Turner, 1045 Carriage Drive, came forward to speak to the request. This was originally for my mother. She has gotten extremely ill and

cannot move in with me. I came to the City to see what I could do to recoup some of the finance that it cost me to redo this. I do live alone. I have a small business in Harrisonburg that I have had for forty years. I am self-employed. I am trying to recoup the money that I had to spend on my mother. If there is an issue anywhere, then I would like to know. Most of my neighbors are very nice, and I think they would tell me.

Commissioner Colman asked if the applicant has used the property as a STR before.

Ms. Turner said no. I am just now fixing it up and I do not want to do anything that I should not do. I am going to wait until you say that it is okay.

Commissioner Whitten asked if Ms. Turner has spoken with her neighbors.

Ms. Turner said yes. It is very private. My home sits back, close to the woods. The neighbors are a good distance away. When my mom was there, and my sister stayed, they did not know they were there. I am not going to tolerate a lot of noise because I have to work.

Commissioner Romero said that he happens to live up the street from the site. I am very familiar with our neighborhood. I have been there for fifteen years. I know that this is a very quiet neighborhood. I noticed that you keep your house very well.

Commissioner Finks said that the Commissioners were at the property for a site tour. According to the statement that you submitted, there is a private access to the lower floor, or a separate entrance to the residence. We noticed that the hill has a steep grade. Is it easily accessible through the house?

Ms. Turner said that it can be accessed from the front door because it has a split foyer. You can go up three steps into my part or down steps in to their part. That being said, I cut a little pantry at the bottom, when I had it finished. We can open it so that it is connected to my upstairs. It can flow. I can shut it off if they need to. Do you think it is too steep for walking down the side of the house?

Commissioner Finks said that it is not too steep. I noticed that it has a bit of a grade.

Ms. Turner said that she could put something there. My mom has been there and my sisters, and there has never been an accident. I can take care of that.

Commissioner Finks said that he is not suggesting that she do anything. I was just wondering how easily accessible it was through your house and would that be part of the plan?

Ms. Turner said that there is a lot of pebble gravel under that grass. The only time that I have noticed that it has been a problem is when we have a lot of leaves. If there are leaves, it can be slick. I never have had any issues. I did put down gravel because grass does not grow very well there because of the lack of sun. Maybe I should look into having something to make it a bit safer, if you feel like that is a problem.

Commissioner Finks said that he is not suggesting that it is a problem. I wanted to know if it was accessible through the interior.

Ms. Turner said that they can come through the front. I am going to be there. I will ask. If it is an issue, I will take care of it.

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 Whitten said that this is R-1, but I think that the request is extremely reasonable. The STR is for two people and by right you can rent to two people. I will move to approve with the recommended conditions.

Commissioner Finnegan seconded the motion.

Commissioner Colman said that we will be looking at these types of situations tomorrow at our work session. I agree that two guests seems very reasonable and may end up being by right if we move in that direction. I agree that it is non-intrusive to the neighborhood, whether it is R-1 or R-2.

Chair Way said that there does not appear to be any neighborhood opposition.

All members voted in favor of recommending approval (7-0) of the SUP with conditions, as presented. The recommendation will move forward to City Council on January 14, 2020.
