



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: July 9, 2019 (Regular Meeting)
Re: SUP – 406 Collicello Street (Short Term Rental)

Summary:

Public hearing to consider a request from Becky Bartells for a special use permit per Section 10-3-40(8) of the Zoning Ordinance to allow for a short-term rental within the R-2, Residential District. 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. The +/- 4,740 sq. ft. property is addressed as 406 Collicello Street and is identified as tax map parcel 34-C-6.

Background:

The Comprehensive Plan designates this area 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:** Single-family detached dwelling, zoned R-2
North: Single-family detached dwelling, zoned R-2
East: Non-conforming, multi-family dwelling, zoned M-1
South: Across West Gay Street, non-conforming, multi-family dwelling, zoned R-2
West: Across Collicello Street, single-family detached dwelling, zoned R-2

Key Issues:

The applicant is requesting approval of a short-term rental (STR) operation at 406 Collicello Street, which is located on the northeast corner at the intersection of Collicello Street and West Gay Street. The applicant desires to rent for STR throughout the year one accommodation space in their home that could accommodate two persons and to rent for STR for one week in May every year the entire single-family dwelling, which has three accommodation spaces, to a family of up to five persons. (“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

will be present during the lodging period when only the one accommodation space is rented for STR. The applicant would not be present during the one week in May when the entire single-family dwelling is rented for STR. The applicant has explained to staff that they plan to remain in the City, close to downtown, during the one week in May.

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 three accommodation spaces during the one week in May, the property should provide three off-street parking spaces. 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 units.

The subject property is 4,737 square feet in size and has no accommodations for off-street parking. On-street parking is restricted along West Gay Street and within twenty-feet of the corner along Collicello Street. The applicant states in their letter that STR guests would park their vehicle on the street in front of the house. Collicello Street is not restricted by permit parking and given the suggested conditions that limits STR to one family at a time, staff is comfortable conditioning that the minimum off-street parking for the STR would not be required.

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

1. The site shall be the operator’s primary residence.
2. An operator shall be present during the lodging period, except for one week in May of each year.
3. All STR accommodations shall be within the principal structure.
4. There shall be no more than one STR guest room or accommodation space, except for one week in May when the operator may rent the entire home with up to three accommodation spaces.
5. The number of STR guests at one time shall be limited to two, except during one week in May when the operator may rent the entire house to a family of up to five persons.
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 protects the neighbors by ensuring that there is on-site accountability with operators being present during the lodging period. Staff does not believe the one week in May, where the operator will not be present during the lodging period, would cause a disruption to this neighborhood. 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, except for one week in May when the entire house could be rented with up to three accommodation spaces. Condition #5 limits the total number of guests at one time to two, except for one week in May when the entire house could be rented to a family of not more than five persons. 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. How the property could be used by any future property owner should be considered when deciding on SUP conditions.

As noted above, the property is located at the intersection of Collicello Street and West Gay Street and is within close proximity to the downtown area. This segment of West Gay Street is an arterial street and receives a high volume of traffic. It is clear that this section of this residential neighborhood experiences pedestrian and vehicular traffic that is not generated from the residents of the street or their relatives and friends. Staff believes that from a traffic perspective, allowing a STR at this location would have very limited impact. Given the nature of the request, location of the property within the neighborhood, 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.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the special use permit request as submitted; or
- (b) Approve the special use permit request with suggested conditions; or
- (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 – 406 Collicello Street (Short-Term Rental)

Public hearing to consider a request from Becky Bartells for a special use permit per Section 10-3-40(8) of the Zoning Ordinance to allow for a short-term rental within the R-2, Residential District. 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. The +/- 4,740 sq. ft. property is addressed as 406 Collicello Street and is identified as tax map parcel 34-C-6.

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) recommend 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 (2 pages)

Review:

Planning Commission recommended approval (6-0) of the special use permit request with 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 one STR guest room or accommodation space, except for one week in May when the operator may rent the entire home with up to three accommodation spaces.
5. The number of STR guests at one time shall be limited to two, except during one week in May when the operator may rent the entire house to a family of up to five persons.
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.