



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: August 13, 2019 (Regular Meeting)
Re: Special Use Permit – 168 Pleasant Hill Road (Short-Term Rental)

Summary:

Public hearing to consider a request from Hans Kline for a special use permit per Section 10-3-48.4(2) of the Zoning Ordinance to allow for a short-term rental within the R-3, Medium Density Residential District. The +/- 7,000 sq. ft. property is addressed as 168 Pleasant Hill Road and is identified as tax map parcel 8-A-4.

Background:

The Comprehensive Plan designates this site as Medium Density Residential. These areas have been developed or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multi-family dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.

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

- Site: Nonconforming duplex, zoned R-3
- North: Multi-family dwellings, zoned R-3
- East: Multi-family dwellings, zoned R-3
- South: Across Pleasant Hill Road, auction house, zoned B-2
- West: House of worship, zoned R-3

Key Issues:

The applicant is requesting approval of a short-term (STR) operation at 168 Pleasant Hill Road, between Pear Street and Colonial Drive. The applicant desires to rent one of the dwelling units for “whole home” rental.” The dwelling unit includes two accommodation spaces. (“Accommodation spaces” means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) The accommodation space could accommodate up to four STR guests. The applicant described in their original letter, which was reviewed by staff and Planning Commission, that the property is not their primary residence, however, they would have a long-term tenant in the second dwelling unit who is a co-operator and will be assisting with the STR operation. On July 29, 2019, the applicant submitted a new letter stating that since the Planning Commission meeting, the applicant has moved onto the property, the property is their primary residence, and they will be operating the STR.

Staff remains concerned that renting any dwelling unit as a “whole home” STR rental will decrease the availability of housing options for individuals seeking long-term rentals. However, to date, Planning Commission has recommended in favor of and City Council approved the STR SUP for 1451 Hillcrest Drive to allow a one-bedroom dwelling unit within a duplex structure to be operated as a STR, and Planning Commission has recommended in favor of 957 Summit Avenue to allow for a “whole home” STR rental of dwelling units on properties that contained two dwelling units. City Council took action on both 957 Summit Avenue’s STR SUP requests on July 9, 2019, the day before the subject request is being considered by Planning Commission.

With City Council’s approval of 957 Summit Avenue’s request on July 9, staff believes that a precedence is established that the allowance for “whole home” STR rental of dwelling units on properties containing duplexes is acceptable and that this use would not have undue impact on the surrounding properties. Therefore, staff recommends approving this request at 168 Pleasant Hill Road 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 on the site during the lodging period within any dwelling unit.
3. All STR accommodations shall be within the principal structure.
4. There shall be no more than two STR guest room or accommodation spaces on the property.
5. The number of STR guests at one time shall be limited to four 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. In this case, the applicant, who is also the property owner, has described that their long-term tenant is a co-operator and that this is not the property owner’s primary residence. Therefore, the long-term tenant must be present on the site during the lodging period within any dwelling unit. If in the future, this became the primary residence of the property owner who operates the STR, they would not be required to be present during the lodging period. The condition is consistent with Planning Commission’s recommended conditions on other applications. 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 four. 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 their property by not requiring them to create and delineate additional off-street parking spaces. 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 one accommodation spaces, the property should provide one off-street parking space. It should be acknowledged that in addition to the off-street parking space required for the STR, the ZO requires off-street parking spaces for the non-transient dwelling unit. There are two driveways areas serving this property, one on each side of the principal structure. It appears that all the required off-street parking could be provided on the site in the existing driveway areas. Staff believes the applicant should be provided the flexibility to meet the off-street parking requirements by allowing customers to park on the existing driveway or other area of the property without delineating 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 applicants have 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 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.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the special use permit request as submitted;
- (b) Recommend approval of the special use permit request with suggested conditions;
- (c) Recommend approval of the special use permit with other conditions(s); or
- (d) Recommend denial.

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 Permits – Short-Term Rentals

Public hearings to consider requests for special use permits to allow short-term rentals. 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.

- **168 Pleasant Hill Road** - Request from Hans Kline for a special use permit per Section 10-3-48.4(2) of the Zoning Ordinance to allow for a short-term rental within the R-3, Medium Density Residential District. The +/- 7,000 sq. ft. property is addressed as 168 Pleasant Hill Road and is identified as tax map parcel 8-A-4.

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:

Given City Council’s approval of the STR request at 957 Summit Avenue, staff recommends (b) approval of the special use permit request with suggested conditions.

Attachments:

1. Planning Commission Extract
2. Site maps
3. Application, applicant letter, and supporting documents

Review:

Planning Commission recommended (6-0) alternative (d) denial.

On July 29, 2019, the applicant submitted a new letter explaining that since the July 10 Planning Commission meeting, that they have moved onto the property, the property is their primary residence, and they will be operating the STR. The new letter is included as an attachment.