



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission  
Date: November 12, 2019 (Regular Meeting)  
Re: Special Use Permit – 165 New York Avenue (Short-Term Rental)

### **Summary:**

Request from Orange Sky Investments LLC 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. The +/- 11,250 sq. ft. property is addressed as 165 New York Avenue and is identified as tax map parcel 24-O-13.

### **Background:**

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:** Single-family detached dwelling, zoned R-2
- North:** Single-family detached dwellings and duplexes, zoned R-2
- East:** Single-family detached dwellings, zoned R-2
- South:** Single-family detached dwellings, zoned R-2
- West:** Single-family detached dwellings, zoned R-2

### **Key Issues:**

A request from the applicants to operate a short-term rental (STR) in a seven-bedroom, single-family detached dwelling located at 165 New York Avenue to a maximum of 14 STR guests during the lodging period was received by Planning Commission on August 14, 2019. Staff had recommended that the special use permit request be denied. The property was not the applicants' primary residence and there would be no STR operator present during the lodging period. Planning

Commission also recommended denial (6-0) of the special use permit request. The meeting minutes extract is attached.

On August 28, 2019, the applicants submitted an email explaining that since the August 14, 2019 Planning Commission meeting, one of the applicants/property owners would be moving to 165 New York Avenue and will make it his primary residence. The applicant does not intend to be present during the lodging period. The applicant had also reduced the requested number of STR guests at any one time from 14 to 12. The applicant's email is included as an attachment.

Staff presented the updated request to City Council on September 10, 2019. Given that the circumstances of the request had changed and made it similar to previously approved requests, staff's recommendation also changed. Because the City has approved multiple STR SUP applications in similar locations throughout the City and with comparable operating situations, staff recommended approval of the request with 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 seven STR guest rooms or accommodation spaces.
5. The number of STR guests at one time shall be limited to 12.
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.

Given the changes to the application since Planning Commission's first review, City Council did not take action on this item and referred it back to Planning Commission for review and recommendation. The City Council meeting minutes extract is attached.

**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:**

The property continued to be posted with signage advertising the request.

**Recommendation:**

Staff recommends (b) approval of the special use permit request with suggested conditions.

**Attachments:**

1. Planning Commission Extract of October 9, 2019
2. Site maps (2 pages)
3. Minutes Extracts of August 14, 2019 Planning Commission meeting and September 10, 2019 City Council meeting (12 pages)
4. Staff Report for August 14, 2019 Planning Commission meeting (4 pages)
5. Memorandum for September 10, 2019 City Council meeting (5 pages)
6. Applicant's updated email dated August 28, 2019 (1 page)
7. Application, applicant letter, and supporting documents (31 pages)
8. Written public comments received as of October 3, 2019 (2 pages)

**Review:**

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