



CITY OF HARRISONBURG
**COMMUNITY
DEVELOPMENT**

Special Use Permit Application
www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

165 NEW YORK AVENUE 024-0-13 11250 acres or sq.ft
Property Address Tax Map Total Land Area (circle)
Existing Zoning Classification: R-2
Special Use being requested: SHORT TERM RENTAL

PROPERTY OWNER INFORMATION

WESLEY W. SMALLWOOD 540.607.6226
Property Owner Name Telephone
165 NEW YORK AVENUE 4you2grow@gmail.com
Street Address E-Mail
HARRISONBURG, VA. 22801
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

HANTZES & ASSOCIATES 703.378.5000
Owner's Representative Telephone
1749 OLD MEADOW ROAD NHantzes@hantzeslaw.com
Street Address E-Mail
MCLEAN VA 22102
City State Zip

CERTIFICATION

I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

[Signature]
PROPERTY OWNER

JUNE 29, 2020
DATE

REQUIRED ATTACHMENTS

- ☒ Site or Property Map
☒ Letter explaining proposed use & reasons for seeking a Special Use Permit.
☒ Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis. This requirement is waived for the following SUPs: major family day homes, reducing required parking areas, reduction in required side yard setback, wireless telecommunication facilities, wall and fences, and short-term rentals. To prevent delays in reviewing your application, please consult with Planning staff to confirm your application does not require a TIA Determination Form or TIA Acceptance Letter.

Note: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

7/21/20
Date Application and Fee Received

Total Fees Due: \$ 455
Application Fee: \$425.00 + \$30.00 per acre

Received By [Signature]

HANTZES & ASSOCIATES
ATTORNEYS AT LAW
1749 OLD MEADOW ROAD, SUITE 308
MCLEAN, VIRGINIA 22102
WWW.HANTZESLAW.COM

DIRECT LINE (703) 817-4027
NHANTZES@HANTZESLAW.COM

703 378-5000
(703) 448-4434 (FAX)

July 6, 2020

Planning Commission
City of Harrisonburg, Virginia
409 S Main St
Harrisonburg, VA 22801

RE: Application for Special Use Permit
To Operate As a Short Term Rental Property
Property Address: 165 New York Avenue Harrisonburg, Virginia
Applicant: Wesley W. Smallwood, owner of Orange Sky LLC

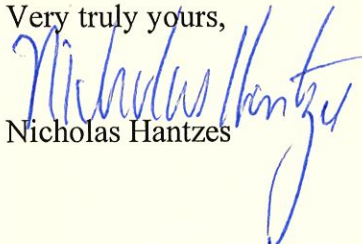
Dear Planning Commission & City Council:

Attached is the application and supporting materials of Wesley W. Smallwood as the owner of Orange Sky, LLC for Special Use Permit to operate the property located 165 New York Avenue as a short term rental property. This is Mr. Smallwood's second attempt to acquire a special use permit. In the initial application submitted on July 8, 2019, Mr. Smallwood indicated the property would not be his primary residence and that the property would be managed by third party vendor. Furthermore, he indicated the maximum number of lodgers would be 14. The City Council denied the initial request on November 12, 2019.

This new application provides that the Property will be Mr. Smallwood's primary residence and the maximum occupancy rate will be eight. The 2800 square foot property has five beds, three on the second floor and two on the first floor. Two bathrooms one located downstairs and one upstairs. There is off street parking to accommodate twelve cars. The Property is equipped with security cameras, smoke detectors, carbon detectors, and fire extinguishers on each floor. The property is 0.1 miles from the local fire department, walking distance to James Madison University and the downtown district.

If you have any questions regarding the application, please feel free to call me.

Very truly yours,


Nicholas Hantzes

CC: Chris Brown

HANTZES & ASSOCIATES

ATTORNEYS AT LAW

1749 OLD MEADOW ROAD, SUITE 308

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(703) 448-4434 (FAX)

August 31, 2020

Via Email & First Class Mail

Planning Commission
City of Harrisonburg, Virginia
409 S. Main Street
Harrisonburg, Virginia 22801

**RE: Updated/ Application for Special Use Permit to
Operate as a Short Term Rental Property**

Property Address: 165 New York Ave.

Applicant: Wesley Smallwood, owner of Orange Sky, LLC

Dear Planning Commission & City Council:

This letter is in response to city staff's comments dated August 25, 2020 requesting to update and clarify the application for 165 New York Ave. and Wesley Smallwood. Below I address the point in the August 25 letter requiring a response.

2. The home contains six bedrooms, not seven. Five of the bedrooms would be used for short term rental guests' accommodations. The 6th bedroom is used by the host/owner Mr. Smallwood as his private bedroom.

3. The parking map has been edited and the street parking spaces have been removed as parking spots for the home. The driveway now shows that there is parking for only 8 vehicles to match with the 8 guest limit. (See Attached)

4. a. All of the accommodations for guests are located within the principal structure of the property.

b. There are only 5 bedrooms with accommodations for guests.

c. There will only be 8 guests maximum allowed per night.

Planning Commission
August 31, 2020
Page 2

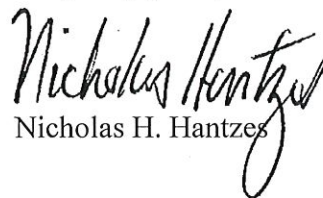
d. Applicant has attached a copy of the Short-Term Rental Pre-Operation form with this letter. (See attached)

e. Parking map has been updated and attached.

6. The home has always contained 7 total rooms. The home was listed as a 5 bedroom home for the purpose of the Short Term Rental only. The home will only have 5 bedrooms available to guests for accommodations. One of the rooms is an office and the other is Mr. Smallwood's private host bedroom. Mike Williams of the City Building Inspections Office confirmed that the current real estate records for the property show that it is listed as 7 bedrooms. Mr. Smallwood did make minor cosmetic renovations to the property. Prior to making those changes Mr. Smallwood contacted the Building Inspections Office and informed them he would be making no structural changes. The Office told him that he would not need a permit to make the changes. Additionally, there have been no changes or renovations made to the basement of the property which remains unfinished.

Should you have any further questions or please contact my office. Thank you for your consideration.

Very truly yours,


Nicholas H. Hantzes



Updated Home w/Porch - Steps From JMU & Old Town!

SUMMARY Discover the charm of Virginia's Shenandoah Valley from this beautiful and spacious Harrisonburg vacation rental home, just steps from James Madison University. The historic home boasts 5 bedrooms, 2 baths, 1 office, 1 private host room. Follow your adventure-loving spirit through the Shenandoah National Park, cast your line for trout at Mossy Creek, or enjoy scenic walks around Old Town Harrisonburg steps away.

THE PROPERTY Bedroom 1: Queen Bed, Bedroom 2: Queen Bed, Bedroom 3: Queen Bed, Bedroom 4: Queen Bed, Bedroom 5: Queen Bed. 1 Office, 1 Private Host Room.

Upon arrival, a charming covered front porch welcomes you to your relaxed Virginia retreat, with beautiful stone detailing, and a hanging porch swing. This will quickly become one of your favorite features of the home, offering the perfect place to enjoy your morning coffee or evening cocktail.

Traditional hardwood floors, original trim and wide windows run throughout this classic home, maintaining its original design elements and flooding the space with natural light. This 2,800 square-foot home is the perfect option for those visiting students at JMU.

After a day of exploring Old Town Harrisonburg, kick back and relax in the cozy living room. You'll have no issue staying entertained in your downtime, as the home features a flat-screen cable TV and free Wi-Fi to stay connected.

Just adjacent, the formal dining room offers seating for 6 and the ideal spot to share meals when you don't feel like eating out! If you prefer to cook, let the chef of the group work their magic in the fully equipped kitchen with stainless steel appliances and all the culinary essentials. As night falls, retreat to any of the comfortable 5 locking bedrooms, each furnished with plush queen beds and large closets.

THE LOCATION You're sure to love this home's ideal location, just a short walk from JMU campus and Old Town, with easy access to restaurants, shops, churches, local parks, cafes and more!

Those visiting students at James Madison University will love the close proximity to the campus, as it lies a mere half mile away from the home! Stroll through the stunning campus, admiring the historic buildings and rich Southern roots of this well-regarded university.

Continue your trip through time as you explore the Old Town Historic District, stretching through downtown with a vibrant and diverse selection of entertainment, restaurants, and boutiques in impressive old buildings. Downtown Harrisonburg offers a unique blend of delicious local food and cutting-edge arts culture events, sewn together by the strong cultural roots that anchor it to the storied Shenandoah Valley landscape.

This area is also an outdoor lover's dream, with easy access to hiking, biking, kayaking, skiing, fishing and many more recreational adventures! Cast your line in the nearby trout-stocked Mossy

Creek, or hit the trails in Shenandoah National Park to admire the Blue Ridge majesty up close! Other nearby attractions include the Forbes Theater, Civil War Orientation center, Explore More Discovery Museum, and the historic city of Staunton.

ADDITIONAL DETAILS Key Residence Features: *Amenities include a fully equipped kitchen with stainless steel appliances, free Wi-Fi, flat screen cable TV, private locking bedrooms, NEW picnic area, inviting furnished front porch with a swing and more! *Guests can use the Turo App for quick and easy vehicle rental services during their stay *Fantastic Harrisonburg location just minutes from Old Town, James Madison University and Forbes Theater. Enjoy easy access to Mossy Creek, recreational activities in Shenandoah National Park, historic Staunton VA, and surrounding cities! *Nearest Commercial Airport: Shenandoah Valley Regional Airport (~15 miles away from the home)

HOUSE RULES Policies: *No smoking *No pets allowed *No events, parties or large gatherings *Must be at least 25 years old to book *Additional fees and taxes may apply *Photo ID may be required upon check-in