

STAFF EVALUATION

Case No.: Use Permit No. 23-00001

Planning Commission Date: May 18, 2023

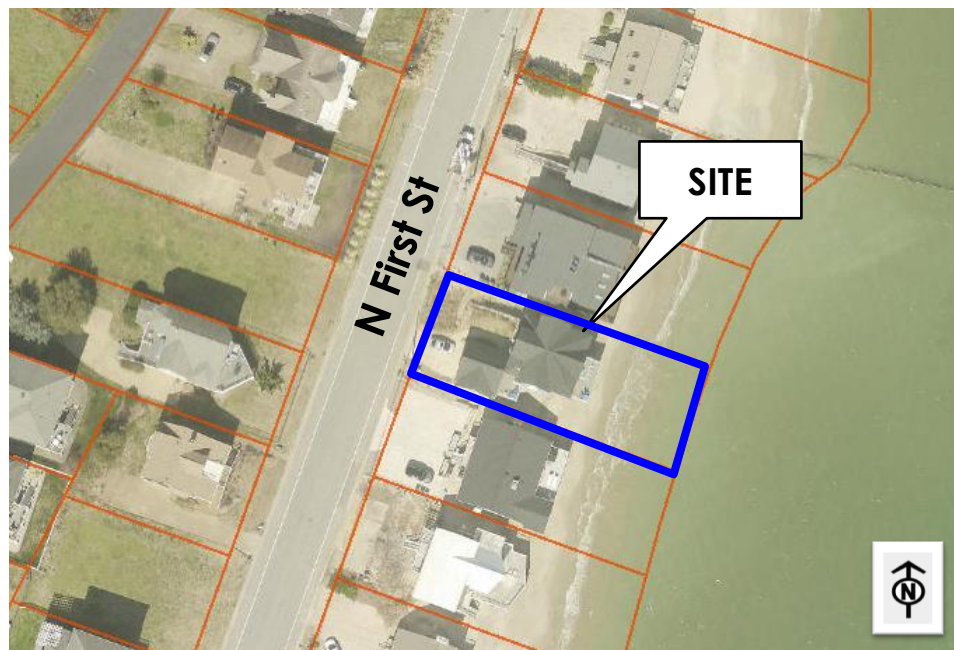
City Council Date: May 24, 2023

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Reviewed By: Mike Hayes, Planning and Zoning Division Manager 728-5244
Reviewed By: Bonnie Brown, Deputy City Attorney

General Information

Applicant & Property Owners Kevin & Yong Westby

Site Location 826 N First St [LRSN: 12007581]



Requested Action Use permit to allow for a *short-term rental*

Description of Proposal The applicant is proposing a short-term rental at 826 N First St. The property is ± 0.22 acres and features a three (3) bedroom, two and a half (2.5) bathroom main house that is approximately 2,062 square feet. There is also a one (1) bedroom, one and a half (1.5) bathroom guest house with a total living area of 533 square feet.

Existing Land Use One-Family Residential

Applicable Regulations As of December 14, 2022, City Council amended the Zoning Ordinance use table and additional standards for short-term rentals. This amendment created a definition and additional

standards for short-term rentals. Short-term rentals in the R-LL, R-43, R-R, R-33, R-22, R-15, R-13, R-11 , R-9, R-8, R-4, MD-1, MD-2, MD-3, MD-4, R-M, C-1 , C-2, LFA-5, RT-1, 88-1 , 88-2, 88-3, DT-1, DT-2, DT-3, PH-1 , PH-2, PH-3, FM-1, FM-2, and FM-3 zoning districts are subject to obtaining a use permit by city council.

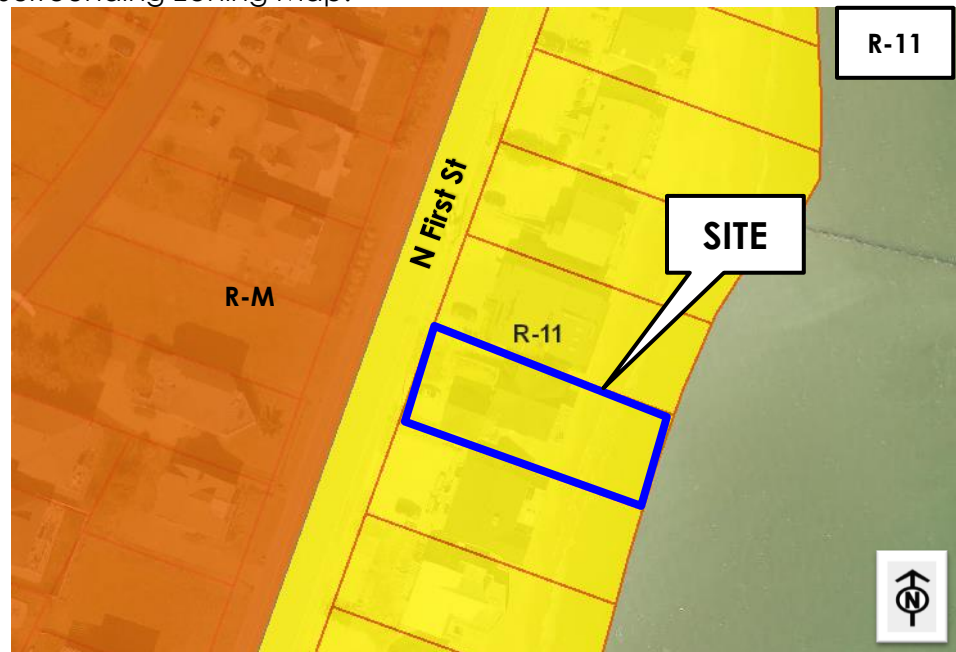
Short-term rentals for which a business license was issued and zoning compliance was confirmed pursuant to Sec. 18.1-12 of the city code prior to December 14, 2022 may operate continuously in the same location until December 31, 2024 provided that the short-term rental remains compliant with all applicable City Code and Zoning Ordinance provisions during that time.

After December 31, 2024, the short-term rental must obtain approval of a use permit by city council in order to continue operation.

Surrounding Land Use and Zoning

North: One-Family Residential (R-11) District, single-family residence
South: One-Family Residential (R-11) District, single-family residence
East: N/A
West: Multiple Residential (R-M) District, single-family residence

Surrounding Zoning Map:



Public Policy

Hampton Community Plan

The Hampton Community Plan (2006, as amended) recommends medium-density residential land-use for the subject property and adjacent and surrounding properties.

Listed below are policies related to this request:

LU-CD Policy 4: Evaluate land use proposals from a regional, city-wide, and neighborhood perspective.

LU-CD Policy 7: Safeguard the integrity of existing residential neighborhoods.

LU-CD Policy 31: Encourage a mix of land uses that is appropriate for each district. Promote the efficient use of land and high-quality urban design.

ED Policy 4: Nurture small and start-up businesses.

ED Policy 6: Expand tourism, entertainment, and cultural opportunities within the city.

Future Land Use

The Hampton Community Plan (2006, as amended) designates this area as medium-density residential.

Land Use Plan:



Buckroe Master Plan

The property falls within the area governed by the Buckroe Master Plan (2005, as amended). The master plan does not specifically address this property or the proposed short-term rental use but recognizes Buckroe's distinguished past as an evolving vacation destination and aims to maintain its present identity as a family-oriented community. It sets forth guiding principles that call for low-scaled beach-oriented housing and supporting the unique coastal character of the architecture in Buckroe. Short-

term rentals support these principles by maintaining the high-quality physical elements of the neighborhood and providing opportunities for visitors to experience and appreciate the coastal culture of the area.

Traffic/Parking

Staff does not anticipate that the requested use or operation would cause a significant or negative impact on traffic.

Community Meeting

A community meeting has not been scheduled at this time.

Analysis:

Use Permit Application No. 23-00001 is a request for a use permit for a short-term rental. The subject property is located at 826 N First ST [LRSN: 12007581]. The property is currently zoned One-Family Residential (R-11) District. R-11 allows for the desired use subject to an approved use permit.

The applicants and property owners, Kevin & Yong Westby, have owned the property since November 2016 when construction of the residence was completed. The property is ± 0.22 acres and features a three (3) bedroom, two and a half (2.5) bathroom principal dwelling unit that has approximately 2,062 square feet of living space. Also on the property is a one (1) bedroom, one and a half (1.5) bathroom accessory dwelling unit with a total living area of 533 square feet. Accessory dwelling units, such as a detached guest house, are not permitted in the R-11 Zoning District. However, the guest house on this property was granted approval for the construction of the unit erroneously and vesting the owners in the right to it.

The applicants are proposing to offer both the principal dwelling unit and accessory dwelling unit as part of the short-term rental. They intend to periodically occupy either dwelling themselves in which case only one structure would be available for the short-term rental use. The application indicates that the short-term rental may operate year-round dependent on demand, and no events will be allowed at any time.

The property is located within the Buckroe Master Plan (2005, as amended) area along the Buckroe waterfront. The master plan does not specifically address this property or the proposed short-term rental use, but recognizes Buckroe's distinguished past as an evolving vacation destination and aims to maintain its present identity as a family-oriented community. It sets forth guiding principles that call for low-scaled beach-oriented housing and supporting the unique coastal character of the architecture in Buckroe. Short-term rentals support these principles by maintaining the high-quality physical elements of the neighborhood and providing opportunities for visitors to experience and appreciate the coastal culture of the area.

The Hampton Community Plan (2006, as amended) calls for evaluating land use proposals from a regional, city-wide and neighborhood perspective. Land-use and economic development policies related to this land use application include safeguarding the integrity of existing residential neighborhoods, encouraging a mix of land uses that is appropriate and promoting the efficient use of land, and expanding tourism, entertainment, and cultural opportunities within the city.

In its analysis of the proposed short-term rental use, staff took into consideration the location of the property which is right on Buckroe Beach and is the kind of waterfront property that is attractive to both tourists and locals exploring Hampton. As such, this short-term rental would provide tourist accommodations in or around the Buckroe community. However, the owners intend to occupy the residence themselves during certain parts of the year.

The minimum parking requirement applicable to short-term rentals is one (1) parking space per two (2) bedrooms. An approved common space (e.g., living room, game room, family room) may be offered as an overnight sleeping area provided it is counted towards the parking requirement, although this application does not propose utilization of any such space as a sleeping area. In the case of a property such as this one, with multiple structures proposed for the short-term rental use, parking calculations are done on a structure-by-structure basis. With this, the 3-bedroom principal dwelling has a parking requirement of two (2) spaces while the one (1) bedroom accessory dwelling has a parking requirement of one (1) space, equating to a minimum parking requirement of three (3) spaces. Staff is recommending as part of the Use Permit conditions that all parking in conjunction with the STR be on an improved surface, as defined by the City of Hampton's Zoning Ordinance. The existing concrete driveway on the property is able to accommodate two (2) standard spaces, and the applicant is proposing to make the garage space available for guest parking, thereby meeting the minimum parking requirement.

Per §404.4 of the Virginia Property Maintenance Code (VPMC), for residential dwelling units, each bedroom shall contain at least 70 square feet of floor area, and each bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each additional occupant. Based on the bedroom square footage provided on the floor plans, the maximum guest occupancy for the principal dwelling is limited to no more than seven (7) guests while the accessory dwelling is able to accommodate a maximum of three (3) overnight guests. With this, the maximum guest occupancy for the property shall be limited to no more than ten (10) overnight guests, which is reflected in the staff recommended conditions.

In order to minimize the impacts of the STR on the neighborhood and ensure the safety of guests, staff is recommending conditions related to designating a Responsible Local Person (RLP) by the operator, limitations on events, posting safety information and city regulations within the dwelling, and requiring an initial inspection before operation can begin.

The Use Permit process requires each application be reviewed on a case-by-case basis to ensure that the proposed use is compatible with surrounding neighborhoods and land-uses. This property is zoned single-family residential, and given the location within the Buckroe area, the use of the property as a short-term rental is appropriate and reasonable. The property has adequate parking for guests, and the owner has provided evidence that they will require guests to park in designated areas to minimize impacts on the surrounding neighborhood.

Staff recommends **APPROVAL** of the Use Permit Application No. 23-00001 with fifteen (15) recommended conditions.